

Criminal Law (Amendment) (Protection of Property) Bill

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B I L L

TO

Amend section 3 of the Criminal Law Act 1967 and section 3 of the Criminal Law Act (Northern Ireland) 1967 in relation to the use of force in the prevention of crime or in the defence of persons or property.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Amendment of the Criminal Law Act 1967

- (1) The Criminal Law Act 1967 (c. 58) is amended as follows.
- (2) In section 3 (use of force in making arrest, etc.), after subsection (1), insert—
 - “(1A) Where a person uses force in the prevention of crime or in the defence of persons or property on another who is in any building or part of a building having entered as a trespasser or is attempting so to enter, that person shall not be guilty of any offence in respect of the use of that force unless—
 - (a) the degree of force used was grossly disproportionate, and
 - (b) this was or ought to have been apparent to the person using such force.
 - (1B) No prosecution shall be brought against a person subject to subsection (1A) without the leave of the Attorney General.
 - (1C) In this section “building or part of a building” shall have the same meaning as in section 9 of the Theft Act 1968 (c. 60) (burglary).”

2 Amendment of the Criminal Law Act (Northern Ireland) 1967

- (1) The Criminal Law Act (Northern Ireland) 1967 (c. 18 (NI)) is amended as follows.
- (2) In section 3 (use of force in making arrest, etc.), after subsection (1), insert—
 - “(1A) Where a person uses force in the prevention of crime or in the defence of persons or property on another who is in any building or part of a

building having entered as a trespasser or is attempting so to enter, that person shall not be guilty of any offence in respect of the use of that force unless –

- (a) the degree of force used was grossly disproportionate, and
- (b) this was or ought to have been apparent to the person using such force.

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(1B) No prosecution shall be brought against a person subject to subsection (1A) without the leave of the Attorney General.

(1C) In this section “building or part of a building” shall have the same meaning as in section 9 of the Theft Act (Northern Ireland) 1969 (c. 16 (NI)) (burglary).”

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3 Short title and extent

(1) This Act may be cited as the Criminal Law (Amendment) (Protection of Property) Act 2007.

(2) The amendments made by this Act have the same extent as the provisions thereby amended.

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Criminal Law (Amendment) (Protection of Property) Bill

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B I L L

To amend section 3 of the Criminal Law Act 1967 and section 3 of the Criminal Law Act (Northern Ireland) 1967 in relation to the use of force in the prevention of crime or in the defence of persons or property.

*Presented by Mr Shailesh Vara,
supported by
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Patrick Mercer, Mr Edward Garnier,
Mr Jonathan Djanogly, Mr Frank Field,
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*Ordered, by The House of Commons,
to be Printed, 13th December 2006.*

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LONDON – THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx