



Criminal Law Act 1977

1977 CHAPTER 45

PART II **E+W**

OFFENCES RELATING TO ENTERING AND REMAINING ON PROPERTY

[^{F17} **Adverse occupation of residential premises.** **E+W**

- (1) Subject to the following provisions of this section and to section 12A(9) below, any person who is on any premises as a trespasser after having entered as such is guilty of an offence if he fails to leave those premises on being required to do so by or on behalf of—
 - (a) a displaced residential occupier of the premises; or
 - (b) an individual who is a protected intending occupier of the premises.
- (2) In any proceedings for an offence under this section it shall be a defence for the accused to prove that he believed that the person requiring him to leave the premises was not a displaced residential occupier or protected intending occupier of the premises or a person acting on behalf of a displaced residential occupier or protected intending occupier.
- (3) In any proceedings for an offence under this section it shall be a defence for the accused to prove—
 - (a) that the premises in question are or form part of premises used mainly for non-residential purposes; and
 - (b) that he was not on any part of the premises used wholly or mainly for residential purposes.
- (4) Any reference in the preceding provisions of this section to any premises includes a reference to any access to them, whether or not any such access itself constitutes premises, within the meaning of this Part of this Act.
- (5) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.

Changes to legislation: Criminal Law Act 1977, Section 7 is up to date with all changes known to be in force on or before 04 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

^{F2}(6)

- (7) Section 12 below contains provisions which apply for determining when any person is to be regarded for the purposes of this Part of this Act as a displaced residential occupier of any premises or of any access to any premises and section 12A below contains provisions which apply for determining when any person is to be regarded for the purposes of this Part of this Act as a protected intending occupier of any premises or of any access to any premises.]

Textual Amendments

- F1** S. 7 substituted (3.5.1995) by 1994 c. 33, s.73; S.I. 1995/127, art. 2(1), **Sch.1**.
- F2** S. 7(6) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 7 para. 19(3), **Sch. 17 Pt. 2**; S.I. 2005/3495, art. 2(1)(m)(u)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 38A(5)(ia) by [2000 c. 43 Sch. 7 para. 55](#)
- s. 38B(5)(a) by [2000 c. 43 Sch. 7 para. 56](#)