



Criminal Law Act 1977

1977 CHAPTER 45

PART II

OFFENCES RELATING TO ENTERING AND REMAINING ON PROPERTY

7 Adverse occupation of residential premises

- (1) Subject to the following provisions of this section, 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 by virtue of subsection (2) or subsection (4) below.
- (2) For the purposes of this section an individual is a protected intending occupier of any premises at any time if at that time—
 - (a) he has in those premises a freehold interest or a leasehold interest with not less than 21 years still to run and he acquired that interest as a purchaser for money or money's worth ; and
 - (b) he requires the premises for his own occupation as a residence; and
 - (c) he is excluded from occupation of the premises by a person who entered them, or any access to them, as a trespasser ; and
 - (d) he or a person acting on his behalf holds a written statement—
 - (i) which specifies his interest in the premises ; and
 - (ii) which states that he requires the premises for occupation as a residence for himself; and
 - (iii) with respect to which the requirements in subsection (3) below are fulfilled.
- (3) The requirements referred to in subsection (2)(d)(iii) above are—
 - (a) that the statement is signed by the person whose interest is specified in it in the presence of a justice of the peace or commissioner for oaths ; and

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- (b) that the justice of the peace or commissioner for oaths has subscribed his name as a witness to the signature ;
- and a person is guilty of an offence if he makes a statement for the purposes of subsection (2)(d) above which he knows to be false in a material particular or if he recklessly makes such a statement which is false in a material particular.
- (4) For the purposes of this section an individual is also a protected intending occupier of any premises at any time if at that time—
- (a) he has been authorised to occupy the premises as a residence by an authority to which this subsection applies ; and
 - (b) he is excluded from occupation of the premises by a person who entered the premises, or any access to them, as a trespasser ; and
 - (c) there has been issued to him by or on behalf of the authority referred to in paragraph (a) above a certificate stating that the authority is one to which this subsection applies, being of a description specified in the certificate, and that he has been authorised by the authority to occupy the premises concerned as a residence.
- (5) Subsection (4) above applies to the following authorities:—
- (a) any body mentioned in section 14 of the Rent Act 1977 (landlord's interest belonging to local authority etc.);
 - (b) the Housing Corporation ; and
 - (c) a housing association, within the meaning of section 189(1) of the Housing Act 1957, which is for the time being either registered in the register of housing associations established under section 13 of the Housing Act 1974 or specified in an order made by the Secretary of State under paragraph 23 of Schedule 1 to the Housing Rents and Subsidies Act 1975.
- (6) In any proceedings for an offence under subsection (1) above 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.
- (7) In any proceedings for an offence under subsection (1) above 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.
- (8) In any proceedings for an offence under subsection (1) above where the accused was requested to leave the premises by a person claiming to be or to act on behalf of a protected intending occupier of the premises—
- (a) it shall be a defence for the accused to prove that, although asked to do so by the accused at the time the accused was requested to leave, that person failed at that time to produce to the accused such a statement as is referred to in subsection (2)(d) above or such a certificate as is referred to in subsection (4) (c) above; and
 - (b) any document purporting to be a certificate under subsection (4)(c) above shall be received in evidence and, unless the contrary is proved, shall be deemed to have been issued by or on behalf of the authority stated in the certificate.

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- (9) Any reference in the preceding provisions of this section other than subsections (2) to (4) above, 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; and a person who is a protected intending occupier of any premises shall be regarded for the purposes of this section as a protected intending occupier also of any access to those premises.
- (10) A person guilty of an offence under subsection (1) or (3) above shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £1,000 or to both.
- (11) A constable in uniform may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, guilty of an offence under subsection (1) above.