



Criminal Justice Act 2003

2003 CHAPTER 44

PART 13

MISCELLANEOUS

Civil proceedings brought by offenders

329 Civil proceedings for trespass to the person brought by offender

- (1) This section applies where—
 - (a) a person (“the claimant”) claims that another person (“the defendant”) did an act amounting to trespass to the claimant’s person, and
 - (b) the claimant has been convicted in the United Kingdom of an imprisonable offence committed on the same occasion as that on which the act is alleged to have been done.
- (2) Civil proceedings relating to the claim may be brought only with the permission of the court.
- (3) The court may give permission for the proceedings to be brought only if there is evidence that either—
 - (a) the condition in subsection (5) is not met, or
 - (b) in all the circumstances, the defendant’s act was grossly disproportionate.
- (4) If the court gives permission and the proceedings are brought, it is a defence for the defendant to prove both—
 - (a) that the condition in subsection (5) is met, and
 - (b) that, in all the circumstances, his act was not grossly disproportionate.
- (5) The condition referred to in subsection (3)(a) and (4)(a) is that the defendant did the act only because—
 - (a) he believed that the claimant—
 - (i) was about to commit an offence,

Status: Point in time view as at 22/04/2014.

Changes to legislation: Criminal Justice Act 2003, Section 329 is up to date with all changes known to be in force on or before 23 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)

- (ii) was in the course of committing an offence, or
- (iii) had committed an offence immediately beforehand; and
- (b) he believed that the act was necessary to—
 - (i) defend himself or another person,
 - (ii) protect or recover property,
 - (iii) prevent the commission or continuation of an offence, or
 - (iv) apprehend, or secure the conviction, of the claimant after he had committed an offence;
 or was necessary to assist in achieving any of those things.
- (6) Subsection (4) is without prejudice to any other defence.
- [^{F1}(7) Where—
 - (a) a person is convicted of an offence under section 42 of the Armed Forces Act 2006 (criminal conduct), and
 - (b) the corresponding offence under the law of England and Wales (within the meaning given by that section) is an imprisonable offence,
 he is to be treated for the purposes of this section as having been convicted in the United Kingdom of that corresponding offence; and in paragraph (a) the reference to conviction includes anything that under section 376(1) and (2) of that Act is to be treated as a conviction.]
- (8) In this section—
 - (a) the reference to trespass to the person is a reference to—
 - (i) assault,
 - (ii) battery, or
 - (iii) false imprisonment;
 - (b) references to a defendant’s belief are to his honest belief, whether or not the belief was also reasonable;
 - (c) “court” means the High Court or [^{F2}the county court] and
 - (d) “imprisonable offence” means an offence which, in the case of a person aged 18 or over, is punishable by imprisonment.

Textual Amendments

- F1** S. 329(7) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 232](#) (with savings (31.10.2009) in S.I. 2009/1059, arts. 1(3), 205, [Sch. 1 para. 53\(9\)\(10\)](#)); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F2** Words in s. 329(8)(c) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); S.I. 2014/954, [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Modifications etc. (not altering text)

- C1** S. 329(7) modified (31.10.2009) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), 205, [Sch. 1 para. 53\(11\)](#)

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