



# Crime and Courts Act 2013

## 2013 CHAPTER 22

### PART 2

#### COURTS AND JUSTICE

##### *Self-defence*

#### **43 Use of force in self-defence at place of residence**

(1) Section 76 of the Criminal Justice and Immigration Act 2008 (use of reasonable force for purposes of self-defence etc) is amended as follows.

(2) Before subsection (6) (force not regarded as reasonable if it was disproportionate) insert—

“(5A) In a householder case, the degree of force used by D is not to be regarded as having been reasonable in the circumstances as D believed them to be if it was grossly disproportionate in those circumstances.”

(3) In subsection (6) at the beginning insert “ In a case other than a householder case, ”.

(4) After subsection (8) insert—

“(8A) For the purposes of this section “a householder case” is a case where—

- (a) the defence concerned is the common law defence of self-defence,
- (b) the force concerned is force used by D while in or partly in a building, or part of a building, that is a dwelling or is force accommodation (or is both),
- (c) D is not a trespasser at the time the force is used, and
- (d) at that time D believed V to be in, or entering, the building or part as a trespasser.

(8B) Where—

- (a) a part of a building is a dwelling where D dwells,

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*Status: Point in time view as at 26/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Self-defence. (See end of Document for details)*

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- (b) another part of the building is a place of work for D or another person who dwells in the first part, and
  - (c) that other part is internally accessible from the first part,
- that other part, and any internal means of access between the two parts, are each treated for the purposes of subsection (8A) as a part of a building that is a dwelling.
- (8C) Where—
- (a) a part of a building is forces accommodation that is living or sleeping accommodation for D,
  - (b) another part of the building is a place of work for D or another person for whom the first part is living or sleeping accommodation, and
  - (c) that other part is internally accessible from the first part,
- that other part, and any internal means of access between the two parts, are each treated for the purposes of subsection (8A) as a part of a building that is forces accommodation.
- (8D) Subsections (4) and (5) apply for the purposes of subsection (8A)(d) as they apply for the purposes of subsection (3).
- (8E) The fact that a person derives title from a trespasser, or has the permission of a trespasser, does not prevent the person from being a trespasser for the purposes of subsection (8A).
- (8F) In subsections (8A) to (8C)—
- “building” includes a vehicle or vessel, and
  - “forces accommodation” means service living accommodation for the purposes of Part 3 of the Armed Forces Act 2006 by virtue of section 96(1)(a) or (b) of that Act.”
- (5) In subsection (9) (section intended to be clarificatory) after “This section” insert “, except so far as making different provision for householder cases, ”.
- (6) An amendment made by this section does not apply in respect of force used before the amendment comes into force.

**Status:**

Point in time view as at 26/04/2013.

**Changes to legislation:**

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