



# Criminal Law Act 1977

## 1977 CHAPTER 45

### PART II

#### OFFENCES RELATING TO ENTERING AND REMAINING ON PROPERTY

#### **10 Obstruction of [<sup>F1</sup>enforcement officers and court officers executing High Court or county court process] .**

[<sup>F2</sup>(A1) A person is guilty of an offence if he resists or intentionally obstructs any person who—

- (a) is an enforcement officer, or is acting under the authority of an enforcement officer; and
- (b) is engaged in executing a writ issued from the High Court.]

(1) Without prejudice to section 8(2) of the <sup>M1</sup>Sheriffs Act 1887 but subject to the following provisions of this section, a person is guilty of an offence if he resists or intentionally obstructs any person who is in fact an officer of a court engaged in executing any process issued by the High Court or [<sup>F3</sup>the] county court for the purpose of enforcing any judgment or order for the recovery of any premises or for the delivery of possession of any premises.

(2) Subsection (1) above does not apply unless the judgment or order in question was given or made in proceedings brought under any provisions of rules of court applicable only in circumstances where the person claiming possession of any premises alleges that the premises in question are occupied solely by a person or persons (not being a tenant or tenants holding over after the termination of the tenancy) who entered into or remained in occupation of the premises without the licence or consent of the person claiming possession or any predecessor in title of his.

(3) 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 he was resisting or obstructing was not [<sup>F4</sup>an enforcement officer, a person acting under the authority of an enforcement officer or an officer of a court (as the case may be)] .

*Changes to legislation: Criminal Law Act 1977, Section 10 is up to date with all changes known to be in force on or before 24 May 2023. 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*

- (4) 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 [<sup>F5</sup>level 5 on the standard scale] or to both.
- (5) <sup>F6</sup>...[<sup>F7</sup> an enforcement officer] or any officer of a court may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, guilty of an offence under this section.

[<sup>F8</sup>(6) In this section—

“enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003;

“officer of a court” means—

- (a) any sheriff, under sheriff, deputy sheriff, bailiff or officer of a sheriff; and
- (b) [<sup>F9</sup>any officer of the county court.]]

#### Textual Amendments

- F1** Words in s. 10 heading substituted (15.3.2004) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 189(6)**; S.I. 2004/401, art. 2(b)(iv) (with art. 3)
- F2** S. 10(A1) inserted (15.3.2004) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 189(2)**; S.I. 2004/401, art. 2(b)(iv) (with art. 3)
- F3** Word in s. 10(1) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 76**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** Words in s. 10(3) substituted (15.3.2004) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 189(3)**; S.I. 2004/401, art. 2(b)(iv) (with art. 3)
- F5** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46
- F6** Words in s. 10(5) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 7 para. 19(6), **Sch. 17 Pt. 2**; S.I. 2005/3495, art. 2(1)(m)(u)
- F7** Words in s. 10(5) inserted (15.3.2004) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 189(4)**; S.I. 2004/401, art. 2(b)(iv) (with art. 3)
- F8** S. 10(6) substituted (15.3.2004) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 189(5)**; S.I. 2004/401, art. 2(b)(iv) (with art. 3)
- F9** Words in s. 10(6) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 28**; 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. 6(6), 7(11), 8(4), 9(7), 10(5) saved by the Police and Criminal Evidence Act 1984 (c. 60), s. 26, **Sch. 2**

#### Marginal Citations

- M1** 1887 c. 55.

**Changes to legislation:**

Criminal Law Act 1977, Section 10 is up to date with all changes known to be in force on or before 24 May 2023. 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.

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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](#)