



Criminal Law Act 1977

1977 CHAPTER 45

PART II

OFFENCES RELATING TO ENTERING AND REMAINING ON PROPERTY

[^{F1}12A Protected intending occupiers: supplementary provisions.

- (1) For the purposes of this Part of this Act an individual is a protected intending occupier of any premises at any time if at that time he falls within subsection (2), (4) or (6) below.
- (2) An individual is a protected intending occupier of any premises if—
 - (a) he has in those premises a freehold interest or a leasehold interest with not less than two years still to run;
 - (b) he requires the premises for his own occupation as a residence;
 - (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;
 - (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
 - (b) that the justice of the peace or commissioner for oaths has subscribed his name as a witness to the signature.
- (4) An individual is also a protected intending occupier of any premises if—
 - (a) he has a tenancy of those premises (other than a tenancy falling within subsection (2)(a) above or (6)(a) below) or a licence to occupy those premises

Changes to legislation: Criminal Law Act 1977, Section 12A is up to date with all changes known to be in force on or before 28 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

- granted by a person with a freehold interest or a leasehold interest with not less than two years still to run in the premises;
- (b) he requires the premises for his own occupation as a residence;
- (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 states that he has been granted a tenancy of those premises or a licence to occupy those premises;
 - (ii) which specifies the interest in the premises of the person who granted that tenancy or licence to occupy (“the landlord”);
 - (iii) which states that he requires the premises for occupation as a residence for himself; and
 - (iv) with respect to which the requirements in subsection (5) below are fulfilled.
- (5) The requirements referred to in subsection (4)(d)(iv) above are—
- (a) that the statement is signed by the landlord and by the tenant or licensee in the presence of a justice of the peace or commissioner for oaths;
 - (b) that the justice of the peace or commissioner for oaths has subscribed his name as a witness to the signatures.
- (6) An individual is also a protected intending occupier of any premises if—
- (a) he has a tenancy of those premises (other than a tenancy falling within subsection (2)(a) or (4)(a) above) or a licence to occupy those premises granted by an authority to which this subsection applies;
 - (b) he requires the premises for his own occupation as a residence;
 - (c) he is excluded from occupation of the premises by a person who entered the premises, or any access to them, as a trespasser; and
 - (d) there has been issued to him by or on behalf of the authority referred to in paragraph (a) above a certificate stating that—
 - (i) he has been granted a tenancy of those premises or a licence to occupy those premises as a residence by the authority; and
 - (ii) the authority which granted that tenancy or licence to occupy is one to which this subsection applies, being of a description specified in the certificate.
- (7) Subsection (6) above applies to the following authorities—
- (a) any body mentioned in section 14 of the ^{M1}Rent Act 1977 (landlord’s interest belonging to local authority etc.);
 - (b) the [^{F2}Regulator of Social Housing] ;
 - ^{F3}(ba) [a non-profit registered provider of social housing;
 - (bb) a profit-making registered provider of social housing, but only in relation to premises which are social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008;]
- ^{F4} . . .and
- ^{F5}(d) [a registered social landlord within the meaning of the Housing Act 1985 (see section 5(4) and (5) of that Act).]

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[Subsection (6) also applies to the Secretary of State if the tenancy or licence is granted ^{F6}(7A) by him under Part III of the ^{M2}Housing Associations Act 1985.]

- (8) A person is guilty of an offence if he makes a statement for the purposes of subsection (2)(d) or (4)(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.
- (9) In any proceedings for an offence under section 7 of this Act 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) or (4)(d) above or such a certificate as is referred to in subsection (6)(d) above; and
- (b) any document purporting to be a certificate under subsection (6)(d) 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.
- (10) A person guilty of an offence under subsection (8) above 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.
- (11) A person who is a protected intending occupier of any premises shall be regarded for the purposes of this Part of this Act as a protected intending occupier also of any access to those premises.]

Textual Amendments

- F1** S. 12A inserted (3.2.1995) by 1994 c. 33, s. 74; S.I. 1995/127, art. 2(1), **Sch. 1**.
- F2** Words in s. 12A(7)(b) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 14(a)** (with art. 6, Sch. 3)
- F3** S. 12A(7)(ba)(bb) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 14(b)** (with art. 6, Sch. 3)
- F4** Words in s. 12A(7)(c) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 3(2), **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F5** S. 12A(7)(d) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 8**.
- F6** S. 12A(7A) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para.3(3)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**.

Modifications etc. (not altering text)

- C1** S. 12A(7)(b) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 1** (with art. 6)

Marginal Citations

- M1** 1977 c. 42.
M2 1985 c. 69.

Changes to legislation:

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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](#)