



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 3

SENTENCING AND PUNISHMENT OF OFFENDERS

CHAPTER 9

OFFENCES

148 Reasonable force for the purposes of self-defence etc

- (1) Section 76 of the Criminal Justice and Immigration Act 2008 (reasonable force for the purposes of self-defence etc) is amended as follows.
- (2) In subsection (2) after paragraph (a) omit “and” and insert—
“(aa) the common law defence of defence of property; and”.
- (3) After subsection (6) insert—
“(6A) In deciding the question mentioned in subsection (3), a possibility that D could have retreated is to be considered (so far as relevant) as a factor to be taken into account, rather than as giving rise to a duty to retreat.”
- (4) In subsection (8) for “Subsection (7) is” substitute “Subsections (6A) and (7) are”.
- (5) In subsection (10)(a) after sub-paragraph (i) omit “or” and insert—
“(ia) the purpose of defence of property under the common law, or”.
- (6) Paragraph 27 of Schedule 27 to the Criminal Justice and Immigration Act 2008 (which provides for section 76 of that Act to apply whenever the alleged offence took place, but not in relation to certain proceedings if they began, or the arraignment took place,

Status: This is the original version (as it was originally enacted).

before that section comes into force) applies to any amendment made by this section to section 76 of that Act as it applies to that section, but as if references to the date on which that section comes into force were references to the date on which the amendment comes into force.