



AN BILLE UM COSAINT BEATHA AGUS MAOINE 2006
DEFENCE OF LIFE AND PROPERTY BILL 2006

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

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AN BILLE UM COSAINT BEATHA AGUS MAOINE 2006
DEFENCE OF LIFE AND PROPERTY BILL 2006

BILL

entitled

5 AN ACT TO PROVIDE A FULL DEFENCE IN CRIMINAL
AND CIVIL LAW IN CASES WHERE FORCE IS REASON-
ABLY USED BY OCCUPIERS IN DWELLINGS TO
DEFEND LIFE OR PROPERTY AGAINST PERSONS
TRESPASSING WITH CRIMINAL INTENT.

10 BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Interpretation.

“the Act of 1997” means the Non-Fatal Offences Against the Person
Act, 1997;

15 “curtilage of a dwelling” includes any driveway, access path, garden,
yard, area, space, building, store, garage and passage in the close
vicinity of the dwelling and usually used in conjunction with it;

“dwelling” includes a mobile home, a floating home and any shelter
used as a dwelling;

20 “serious criminal offence” means an offence which when committed
by an adult is punishable on conviction on indictment by a term of
imprisonment of five years or more.

2.—(1) In any criminal prosecution to which this Act applies, it shall be a defence for the accused to show—

Defence in criminal
proceedings.

25 (a) that the act or acts alleged took place in or in the curtilage
of a dwelling in which the accused was residing or nor-
mally resided, and

30 (b) that the injured party was either alone or with others tres-
passing or attempting to trespass on the dwelling or on
the curtilage of the dwelling in circumstances giving rise
to the reasonable inference that such trespass or
attempted trespass was done for the purpose of commit-
ting a serious criminal offence, and

35 (c) that the act or acts alleged against the accused entailed the
justifiable use of force by the accused, within the meaning
of Section 18 of the Act of 1997.

(2) The provisions of Section 20(4) of the Act of 1997 shall not apply where in cases where the facts mentioned in *paragraphs (a) and (b) of subsection (1)* have been established by the accused.

Defence in civil proceedings.

3.—In any civil proceedings for damages, it shall be a defence for the defendant to establish the matters set out in *section 2(1)*, and the provisions of *section 2(2)* shall apply in like manner.

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Application of the Act to certain criminal offences.

4.—This Act applies to the following offences:

(a) murder and attempted murder;

(b) manslaughter;

(c) an offence under the Act of 1997.

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Short title.

5.—This Act may be cited as the Defence of Life and Property Act 2006.