



# **DÁIL ÉIREANN**

---

## **AN BILLE UM AN DLÍ COIRIÚIL (COSAINN AGUS AN TEAGHAIS) 2010 CRIMINAL LAW (DEFENCE AND THE DWELLING) BILL 2010**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

---



# DÁIL ÉIREANN

---

## AN BILLE UM AN DLÍ COIRIÚIL (COSAINN AGUS AN TEAGHAIS) 2010 —ROGHCHOISTE

### CRIMINAL LAW (DEFENCE AND THE DWELLING) BILL 2010 —SELECT COMMITTEE

---

#### *Leasuithe Amendments*

---

#### SECTION 1

1. In page 3, subsection (1), line 31, to delete “Law Reform” and substitute “Equality”.

—An tAire Dlí agus Cirt agus Comhionannais.

#### SECTION 2

2. In page 4, to delete lines 3 to 20 and substitute the following:

“2.—(1) Notwithstanding the generality of any other enactment or rule of law and subject to *subsections (2) and (3)*, it shall not be an offence for a person who is in his or her dwelling, or for a person who is a lawful occupant in a dwelling, to use force against another person or the property of another person where—

- (a) he or she believes the other person has entered or is entering the dwelling as a trespasser for the purpose of committing a criminal act, and
- (b) the force used is only such as is reasonable and proportional in the circumstances as he or she believes them to be—
  - (i) to protect himself or herself or another person present in the dwelling from imminent injury, assault, detention or death caused by a criminal act,
  - (ii) to protect his or her property or the property of another person from imminent appropriation, destruction or damage caused by a criminal act, or
  - (iii) was necessary to prevent the commission of a crime or to effect, or assist in effecting, a lawful arrest.”

—Jonathan O'Brien.

3. In page 5, lines 10 and 11, to delete subsection (7) and substitute the following:

“(7) Notwithstanding the provisions set out in *Section 2*, the use of force shall not exclude the use of force causing death except in circumstances where it is absolutely necessary.

(8) Notwithstanding the provisions set out in *Section 2*, the defence of private property shall not be a legitimate reason for the use of fatal force.”

—Jonathan O'Brien.

[ *SECTION 7* ]

SECTION 7

4. In page 7, line 7, to delete “Finance” and substitute “Public Expenditure and Reform”.

—An tAire Dlí agus Cirt agus Comhionannais.