

# RETAISING THE ENGLISH CASTLE

SELF-DEFENCE IN AN ERA OF ANARCHO-TYRANNY



RESTORE  
BRITAIN



# CONTENTS

Contents.....	I
About the Authors.....	2
Executive Summary.....	3
Introduction.....	6
The English Tradition of Ordered Freedom.....	8
The Onslaught of Anarcho-Tyranny.....	11
The Disarming of the Law-Abiding Englishman.....	13
The Weakening of the Integrity of the Home.....	19
The Scottish Situation.....	22
The Right to A Jury of One's Peers.....	24
The Attack On Self-Defence.....	28
Conclusion.....	35

# ABOUT THE AUTHORS

**Harrison Pitt** is an English writer and academic. He works as a Senior Policy Fellow at Restore Britain, a Contributing Editor at *The European Conservative* magazine, and a Fellow at the New Culture Forum.

**Rupert Lowe** is the Restore Britain MP for Great Yarmouth, businessman, and farmer. Rupert launched Restore Britain as a political party on the 13th of February in Great Yarmouth, leading to widespread consternation among the chattering classes.

The wider **Restore Britain** team, composed of policy experts from across a range of relevant and topical fields

# EXECUTIVE SUMMARY

Britain has fallen into anarcho-tyranny. Serious offenders walk free while the law-abiding are disarmed, sued by burglars, prosecuted for ‘hate speech’ voiced in their own homes, and threatened with prison time for defending others or themselves. A British state that refuses to defend its own people rushes to punish us if we dare to defend ourselves.

At Restore Britain, we take the view that this thoroughgoing inversion of the English ideal of justice is both recent and reversible. The principle that an Englishman’s home is his castle, established as a rule of common law in the 17th century and since lauded by figures as various as Sir William Blackstone and Sir Roger Scruton, may have been dismantled, but the five daring recommendations at the heart of our latest policy paper, *Retaking the English Castle*, should go a long way to reviving it.

They are as follows.

## **(I) LEGALISE PEPPER SPRAY FOR LAW-ABIDING ADULTS.**

The bans imposed by the Firearms Act (1968) and the Offensive Weapons Act (2019) must be repealed without delay. Pepper spray offers the vulnerable – women, the elderly, the slight of build – an effective, non-lethal means of defence. No civilised society should force its weakest members to face violent predators unarmed.

## **(II) ENACT THE STANLEY AMENDMENT TO THE OCCUPIERS’ LIABILITY ACT (1984).**

In 1984, Lord Stanley of Alderley proposed a single clarifying sentence to the Occupiers’ Liability Bill as it was making its way through the House of Lords. His amendment was designed to reassure householders that no duty of care on their part is ever owed to a felon who illegally enters their premises with intent

to commit a crime. Under the direction of Lord Hailsham, then the Conservative Lord Chancellor, the House of Lords rejected it. As a result, we are now forced to endure an absurd legal set-up whereby injured burglars feel emboldened to sue homeowners and councils order elderly citizens to remove security measures put up to deter hostile trespassers from their own houses. Stanley's far-sighted amendment must be passed in its original form.

### **(III) REPEAL SCOTLAND'S HATE CRIME AND PUBLIC ORDER ACT (2021) IN ITS ENTIRETY.**

Having abolished the traditional dwelling defence, this sinister statute empowers Scottish authorities to prosecute citizens for any form of speech believed to "stir up hatred" against certain groups – even if the speech in question is not voiced in public, but within the private home. Westminster possesses every right under the Scotland Act (1998) to strike this legislation from the statute book. That power must be used at once so that the home of the Scot as much as the Englishman remains a stronghold of privacy and freedom.

### **(IV) PRESERVE TRIAL BY JURY IN ALL CRIMINAL CASES, ESPECIALLY THOSE INVOLVING SELF-DEFENCE OR DEFENCE OF PROPERTY.**

The present Labour government's plan to replace juries with single judges in the vast majority of criminal cases will deliver trivial administrative savings at the cost of killing the fundamentals of English justice. Juries made up of ordinary citizens have a habit of acquitting men and women who are forced to use violence in defence of themselves or others. Meanwhile, those who belong to Britain's self-assertive class of professional judges, having increasingly been shaped by an ideology that recasts criminals as long-suffering victims entitled to special treatment, are a great deal more likely to send law-abiding defendants to prison. For this and no shortage of other reasons, the right to be judged by a jury of one's peers must be upheld.

## **(V) REQUIRE THE PERSONAL CONSENT OF THE ATTORNEY GENERAL BEFORE ANY PROSECUTION MAY PROCEED FOR ALLEGED EXCESSIVE FORCE IN SELF-DEFENCE, WHETHER IN THE HOME OR IN PUBLIC.**

The householder protections inserted into the coalition government's Crime and Courts Act (2013) have been somewhat weakened by subsequent judicial rulings. A short statutory safeguard, modelled on existing consent requirements, should be enough to prevent activist prosecutors from putting victims on trial. The Attorney General, being ultimately answerable to Parliament, is the optimal gatekeeper against prosecutorial abuse in such cases.

These five recommendations are precise, inexpensive, and would command formidable public support. They demand no new bureaucracy, no additional spending, and no treaty change. Our proposals require only the political will to place the civilised majority ahead of the lawless minority once again, the political will that a Restore Britain Government would possess.

Anarcho-tyranny must be forced to give way to ordered freedom. The English castle has been breached by stealth. It can be retaken within one Restore Britain Parliament.

# INTRODUCTION

Across Britain, there is a simultaneous sense that life is both more chaotic and more controlled than ever before. We have suffered a bewildering decline from ordered freedom into anarcho-tyranny.

The British state has abandoned its fundamental duty to deter violence and anti-social behaviour while taking an obsessive interest in the ‘thought crimes’ of the law-abiding.

This would be cause for concern even if, as the old saying goes, an Englishman’s home remained his castle. But this is less and less the case. Amid an epidemic of migrant crime and general insecurity, our long-standing self-defence rights, far from being strengthened, have in fact been undermined. The state fails to protect us, but stands ready to punish us if we dare to protect ourselves.

The American conservative commentator Heather Mac Donald has taken to calling this anti-civilisational phenomenon “the great inversion.” Many Western governments, she argues, now view it as their mission to cater to the alleged interests and needs of the dissolute, the dysfunctional, and the dangerous. At the same time, the concerns of those who obey the law, work hard, and do more or less everything right increasingly fail to register. If anything, the public-spirited taxpayer is treated as a cashpoint, convenient only for gathering funds to subsidise the ever-intensifying “rights revolution.”<sup>1</sup>

Nothing could be more contrary to the form of representative, high trust, pro-social government that we developed first in England and then in Britain over many centuries. The idea that an Englishman’s home is his castle has failed to survive contact with the degenerative process described by Mac Donald. So, too, have a good many of our other freedom-loving laws, customs, and institutions, none of which can any longer be taken for granted.

Today, we are forbidden from arming ourselves with pepper spray as a

---

<sup>1</sup> See Heather Mac Donald, *When Race Trumps Merit: How the Pursuit of Equity Sacrifices Excellence, Destroys Beauty, and Threatens Lives* (Nashville, TN: DW Books, 2023).

precaution against attack. We are exposed to civil penalties for making our homes more difficult for criminals to breach. We lack full freedom to speak in our own dwelling if we live in Scotland. We will soon be denied any right to a jury trial in the event that we suffer prosecution for defending ourselves or others. We feel in the dark about the law's dividing line between legitimate self-defence and disproportionate force.

None of this used to be true of Britain. Nor need any of it remain true. It is because our leaders have overthrown our best traditions that we are governed so poorly. Our social contract, so much of which depends upon the protection of self-defence rights and the integrity of the home, now lies in tatters.

At Restore Britain, we are committed to reversing our descent from ordered freedom into anarcho-tyranny. What follows is a detailed policy paper for beginning that process, complete with an overview of the main problems and five essential steps for retaking the English castle.

# THE ENGLISH TRADITION OF ORDERED FREEDOM

Sir John Fortescue was the Lord Chief Justice of England and Wales in the 15th century. He is best known for praising the way in which the English in particular had long aspired to set limits on the power of the king. This model he described as “political and royal government,” comparing it favourably against the absolutist alternative that prevailed in France.

Even prior to Magna Carta, throughout English history there has been an understanding that the Crown is not above the law, even if specific monarchs have been better (Henry VII) or worse (King John) at getting around this norm with Machiavellian tactics.

Today, it is not against any king but in the face of an arrogant managerial class that our tradition of representative government, together with our finest common law customs that gave order to the enjoyment of freedom, must be re-asserted and revived. After all, it was a common law ruling that first established the so-called castle doctrine: an Englishman’s home is his castle. The 17th century jurist Sir Edward Coke, reporting on the relevant case, pronounced that “the house of every one is to him as his castle and fortress, as well for his defence against injury and violence, as for his repose.”<sup>2</sup>

Those who have taken charge of Britain care nothing for such antique trifles. Their indifference to our heritage is not just philistine but harmful, particularly if we think of traditions, as the people of this country have tended to do, as successful experiments. Indeed, from Fortescue himself to Edmund Burke and John Adams, Anglo-American conservatives have long urged that it is wiser to trust in the historical success-stories we call traditions than run away with the conceit that central planners, with their limited intellects, can reorder society

---

<sup>2</sup> Sir Edward Coke, *Semayne’s Case*. (1604) Michaelmas Term, 2 James 1 In the Court of King’s Bench. First Published in the Reports, volume 5, page 91a, reprinted in *The Selected Writings and Speeches of Sir Edward Coke: Volume One*, ed. by Steve Sheppard (Indianapolis: Liberty Fund, 2003), p. 137.

from first principles. In Britain, we have generally lauded traditions for embodying practical knowledge and thus saving us the trouble of reinventing the wheel from scratch every generation.

The wisdom conferred by Britain's unique history was written into every aspect of our inheritance, from our common law to our organic constitution, until an unrooted ruling elite – well-represented by the Davos-loving Sir Keir Starmer – took it upon themselves to tear it to shreds. While not as bloody as the French Revolution or the Bolshevik coup, Britain in recent decades has nevertheless undergone a silent regime change.

Once an unquestioned given, the rights of the respectable subject against the anti-social felon have accordingly suffered in a way that would have baffled our forebears. Sir William Blackstone is one such figure. If alive today, he would no doubt fail to recognise modern Britain as the same country whose legal heritage he had sought to clarify and elevate in his *Commentaries on the Laws of England* (1765-69).

As Blackstone explains in Book III of that mighty work, it is a fact of life that “some injuries are of such a nature, that they furnish or require a more speedy remedy, than can be had in the ordinary forms of justice.”<sup>3</sup> There is allowed in such cases what Blackstone calls “an extrajudicial or eccentric kind of remedy”: the right to defend oneself, one's fellows, or one's home.

Unless the state upholds this most basic right to see off dangers to life, limb, and property, how are its officials to justify their monopoly on violence? Men and women who repel aggressors by force, not criminals who make an active choice to endanger others, should enjoy the legal benefit of the doubt.

Whenever such threats present themselves, the whole idea of a ‘heat of the moment’ defence begins from a charitable, realistic reading of human nature. Naturally enough, our passions are overpowering in any life or death situation. No threatened person can reasonably be expected by law to deliberate for very long, if much at all, before deciding upon a course of action that may ultimately

---

<sup>3</sup> Sir William Blackstone, *Commentaries on the Laws of England* (1765-69), Book Three, Chapter I.

prove lethal. Our habit is to be instinctive, not hyper-calculating, whenever we fear for our safety, and the law ought to respect that straightforward human norm.

This used to be understood nowhere better than in England. For the English, the imperative to defend oneself or one's kin was once respected to such an extent that it was deemed, as Blackstone elaborates, "an excuse for breaches of the peace, nay even for homicide itself."<sup>4</sup> It remains a worthy defence in principle, but as a matter of legal practice, as we shall soon see, it has been degraded.

We would do well to remember Burke's resounding defence, made with characteristic coltishness, of the ordered freedom that our leaders have done so much to undermine:

*"Men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetites,—in proportion as their love to justice is above their rapacity,—in proportion as their soundness and sobriety of understanding is above their vanity and presumption,—in proportion as they are more disposed to listen to the counsels of the wise and good, in preference to the flattery of knaves. Society cannot exist, unless a controlling power upon will and appetite be placed somewhere; and the less of it there is within, the more there must be without. It is ordained in the eternal constitution of things, that men of intemperate minds cannot be free. Their passions forge their fetters."*<sup>5</sup>

This tradition of ordered freedom has been subverted in a host of ways that threaten the Englishman in his castle, place the victims of crime in the dock, and force the virtuous to bow before the 'rights' of the wicked.

Again, it is no longer the might of the Crown or even the vices of our neighbours that we have to fear, but the insidious dynamics of an anarcho-tyrannous modern state.

---

<sup>4</sup> Sir William Blackstone, *Commentaries on the Laws of England* (1765-69), Book Three, Chapter I.

<sup>5</sup> Edmund Burke, *A Letter to a Member of the National Assembly* (1791).

# THE ONSLAUGHT OF ANARCHO-TYRANNY

‘Anarcho-tyranny’ describes a sinister state of affairs. It is best thought of as the inversion of ordered freedom. Under anarcho-tyranny, the most basic rules of cooperative social life are gleefully broken by unpunished delinquents, while at the same time their civilised betters are forcibly entangled in an ever-expanding web of dictates, constraints, and speech codes.

When the regime’s agents will behave like *anarchists* and when they will behave like *tyrants* is easily predictable in advance. If a member of an accredited victim group commits a crime, the approach will be plodding, permissive, and as pathetic as the law can be diluted to allow; if one of these same victim group’s claim to sanctity is felt to be threatened by some oppressor, the approach will be swift, despotic, and as severe as the law can be stretched to authorise.

It is impossible to reverse our descent into anarcho-tyranny unless we grasp the ideological motivations of those behind the new dynamic. In short, they subscribe to a blank-slate view of the human person.<sup>6</sup> Anything undesirable in social life, from armed heists to urine-caked alleyways, is not the mark of a fallen or uncultivated nature in individuals, but the result of ‘unjust systems’ that have been built to privilege certain groups and to dominate others. Consequently, any crime committed by a person who falls into one of the state’s accredited victim groups cannot be their fault. It serves only as further proof of their embattled oppression.

Once this power dynamic is racialised to make helpless victims of non-natives, as indeed it has been, it becomes unthinkable to punish the violent conduct of, say, an ethnic minority recidivist. To do so would only worsen the oppression that drove him to crime in the first place. By the same token, it becomes an active duty to punish anything that stands accused of perpetuating or reinforcing such injustice, up to and including the self-defence rights of the ordinary citizen. Unbalanced crime rates between different groups may be a regrettable *symptom* of our society’s ills, but ‘harmful’ opinions, the presumption

---

<sup>6</sup> See Steven Pinker, *The Blank Slate: The Modern Denial of Human Nature* (New York: Viking Press, 2002).

in favour of the ‘privileged’ to defend themselves, and the ‘unjust structures’ that these norms perpetuate are the intolerable *cause*. By the lights of a luxury belief class more interested in betting the nation’s happiness on a sentimental account of human nature than serving the civilised majority, they therefore warrant greater police attention.

It has long been the desire of left-wing ideologues like Sir Keir Starmer, Lord Hermer, and other card-carrying members of the subversive Fabian Society, committed to abolishing our inherited folkways and common law traditions through a campaign of stealth, to see ‘old-fashioned’ notions of law and order replaced by politicised social work. They have succeeded. We are increasingly governed by self-regarding revolutionaries who view the dynamics of anarcho-tyranny as the necessary, if somewhat eccentric, means by which their ideological aims can be achieved. As Peter Hitchens puts it in *A Brief History of Crime* (2003), “The more the police are required to treat individual offenders with care and consideration, the more the law-abiding population will have to be restrained by the authorities from taking action in their own defence.”<sup>7</sup>

Indeed, the sinister paradox of anarcho-tyranny is that, while the state is always arrogating to itself more powers, it is for the most part not using them to deter the most serious crimes against life, limb, and property. A very new ghost has infiltrated the reassuringly antique machinery of the British state. Our tradition of ordered liberty – based on the understanding that freedom requires civility, which in turn requires virtue – has thus been overthrown.

---

<sup>7</sup> Peter Hitchens, *A Brief History of Crime: The Decline of Order, Justice and Liberty in England* (London: Atlantic Books, 2003), p. 9.

# THE DISARMING OF THE LAW-ABIDING ENGLISHMAN

## POLICY: LEGALISE PEPPER SPRAY

There are occasions when, forced to defend ourselves, simply letting our arms go and hoping for the best is not enough. Even the strongest among us are not always trained martial artists and even the trained martial artists among us are not always guaranteed to prevail in combat with an armed criminal who cares nothing for the laws against prohibited weapons.

For obvious biological reasons, women, children, and the elderly suffer a particular disadvantage against larger men with higher levels of testosterone – the very profile of those most likely to commit violent crime. In the real world, a formal right to defend oneself is empty without the practical means to do so.

Our physical bodies alone are too often unreliable to provide such means. It is therefore vital that law-abiding citizens, particularly the most vulnerable, should enjoy recourse to at least some mechanical device if ever they find themselves threatened.

Short of a full revival of English gun rights, pepper spray is the next best weapon of self-defence. Data from the United States, where pepper spray remains as lawful as it used to be in Britain, suggests that it enables those victimised to defend themselves effectively in around 85% of cases.<sup>8</sup>

In Britain, however, it has for many decades been illegal under s. 5(b) of the Firearms Act (1968) for otherwise law-abiding citizens to carry “any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing.”<sup>9</sup> Pepper spray was thus classed as a prohibited weapon, before later being included among the list of offensive weapons under s.

---

<sup>8</sup> See National Institute of Justice, [The Effectiveness and Safety of Pepper Spray](#) (April 2003), p. 10.

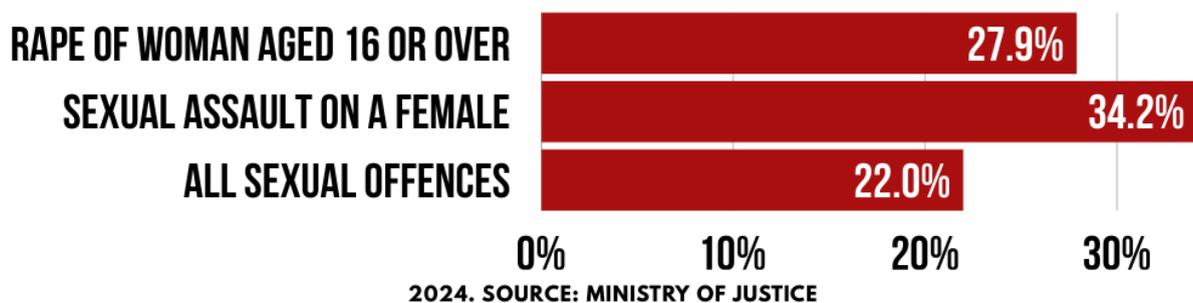
<sup>9</sup> See [Firearms Act \(1968\)](#).

6 of the Offensive Weapons Act (2019).<sup>10</sup> It is there stated in clear terms that a person “commits an offence if they have a corrosive substance with them in a public place.” Given that “corrosive substance” is later defined under s. 6(9) as one “capable of burning human skin” upon discharge, no exception is made for those who wish to arm themselves with pepper spray in public as a precaution against attack.

Even at the best of times, such a thoroughgoing erosion of our self-defence rights ought to trouble the English conscience.

But amid an epidemic of imported violent crime, much of it terrorising the lives of disarmed British women in particular, the law as written is especially outrageous. Recent data from the Ministry of Justice (MoJ), for instance, reveals that a quarter of sexual assaults on women in Britain are committed by foreign nationals, with a further 8% committed by criminals of “unknown” national origin.<sup>11</sup>

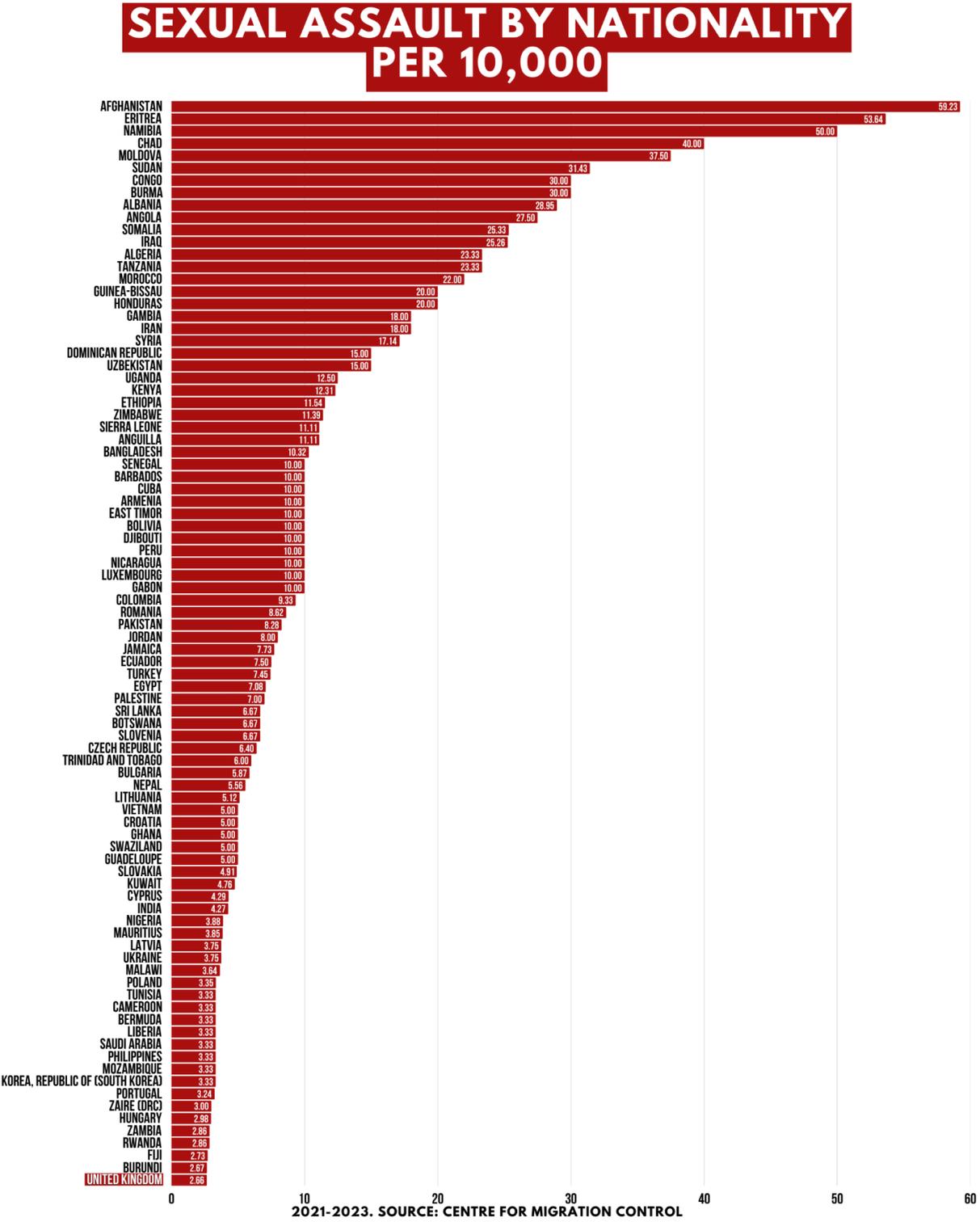
## SEXUAL OFFENCES WHERE PERPETRATOR'S NATIONALITY IS FOREIGN OR UNKNOWN



<sup>10</sup> See [Offensive Weapons Act \(2019\)](#).

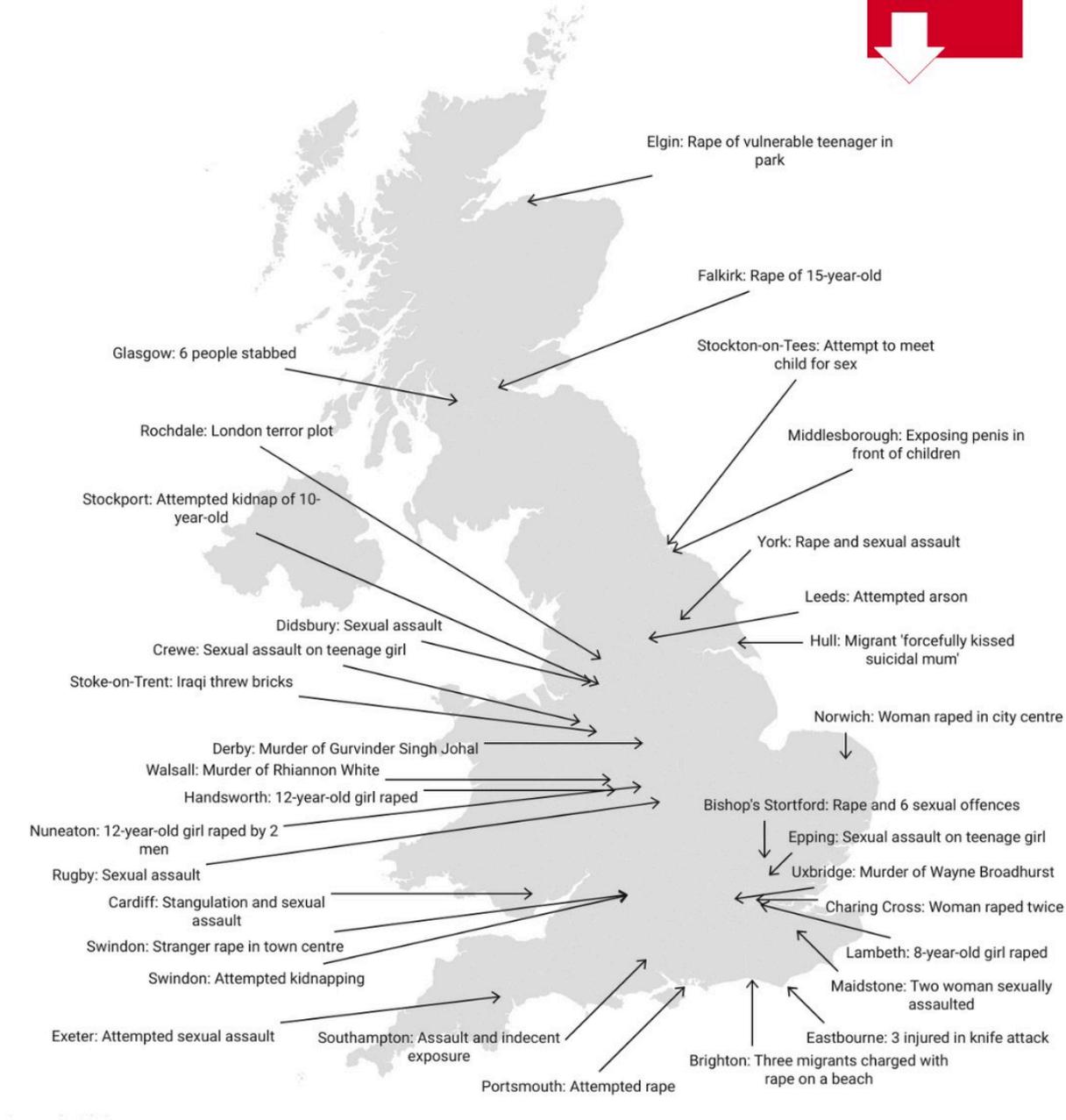
<sup>11</sup> Charles Hymas & Ben Riley-Smith, [Foreign nationals convicted of quarter of sex assaults on women](#), *The Telegraph*, 18 June, 2025.

When it comes to violent sex crime, the worst offending foreign nationals are as follows.



Of course, such figures fail to correct for the fact that many foreigners have been undeservedly showered by successive governments with citizenship papers and therefore stand to be included as “British” in official statistics. A sobering map produced by the Centre for Migration Control allows us to visualise just how frequent illegal<sup>12</sup> migrant crime became in Britain throughout 2025.

## Reported illegal migrant crimes, 2025



<sup>12</sup> Never mind *legal* migrant crime, which is yet another problem.

The fact that the law-abiding should fear punishment for taking reasonable steps to protect themselves is a disgrace. Indeed, the penalties for breaking the current laws around prohibited or offensive weapons – even without the slightest intention of engaging in unprovoked attacks oneself – can be severe. S. 1 of the Prevention of Crime Act (1953) provides that anyone in a public place carrying an article “made or adapted for use for causing injury to the person, or intended by the person having it with him for such use” deserves some form of punishment.<sup>13</sup>

This is not a dead letter, but a living reality. Between the year ending 2016 and the year ending 2025, 4,757 people were charged, 4,638 convicted, and 4,578 sentenced for possessing or distributing prohibited weapons designed to discharge noxious liquids. That yields a conviction rate of around 97%. When punished with prison, as occurs roughly 13% of the time, the average sentence handed down has been close to 9 months. When punished with a fixed penalty notice, the average fine levied has cost £257.<sup>14</sup>

Consider how much suffering could have been avoided if, to pick just a single example, one of the petrified passengers wounded in last year’s stabbing spree on a train from Doncaster to King’s Cross had been armed with pepper spray. According to reports, the only improvised substitute for an actual weapon aboard the train at the time was a bottle of whiskey.<sup>15</sup> If anyone had taken the risk of flouting the current laws, packed pepper spray as a precaution, and proceeded to incapacitate the knife-wielding maniac, they would have been celebrated for all of five minutes before suffering prosecution themselves alongside their murderous assailant.

As the writer Clarissa Hard concludes in an article calling for the legalisation of pepper spray, “It is the primary duty of the state to keep its people safe and respond to their legitimate concerns. On that score, it has completely failed. The least it could do is give us a fighting chance.”<sup>16</sup>

---

<sup>13</sup> See [Prevention of Crime Act \(1953\)](#).

<sup>14</sup> See Ministry of Justice Statistics, [Criminal Justice System statistics quarterly: June 2025](#), Outcomes by Offence data tool, 23 October, 2025.

<sup>15</sup> Anthony Blair, [UK train mass stabbing suspect screams ‘kill me, kill me’ as cops arrest him in dramatic video](#), *New York Post*, 2 November, 2025.

<sup>16</sup> Clarissa Hard, [It’s time to legalise pepper spray](#), *The Spectator*, 6 November, 2025.

This can and must be done. Restore Britain would therefore repeal s. 5(b) of the Firearms Act (1968) and s. 6 of the Offensive Weapons Act (2019) with immediate effect.

Those who care for the defence of innocent life and the state of the law deserve every possible advantage against criminals who care for neither.

A Restore Britain Government would legalise pepper spray.

# THE WEAKENING OF THE INTEGRITY OF THE HOME

## POLICY: REVIVE AND PASS THE REJECTED STANLEY AMENDMENT TO THE OCCUPIERS' LIABILITY ACT [1984]

William Pitt the Elder, 1st Earl of Chatham, once gave poetic expression to the idea that an Englishman's home is his castle. He admired the notion for giving freedoms even to society's weakest against the powerful:

*“The poorest man may, in his cottage, bid defiance to all the force of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter; but all his force dares not cross the threshold of the ruined tenement.”*

Nowadays, the Englishman in his castle is forced to justify himself before a new kind of power: the accredited class of burglars, trespassers, and other criminal wrongdoers whose ‘rights’ the British state increasingly works to uphold at the expense of the law-abiding homeowner.

Our problem is not just a Left-liberal culture among judges and prosecutors, but a great deal of recent legislation, much of it passed by Tory governments. A standout example is the Occupiers' Liability Act (1984), s. 1 of which requires that homeowners adopt a duty of care to non-visitors. It is easy enough to imagine examples where this makes sense. If my house boasts a public-facing lawn, I should not be allowed to lay booby traps on the grass capable of maiming or even killing a stray toddler who escapes its mother for a split second. The problem with the 1984 Act is that it fails to treat criminal trespassers as a special case. “An occupier of premises owes a duty to another (not being his visitor) in respect of any such risk,” it says, “*whether the other has lawful authority for being in that vicinity or not* [Italics ours].”<sup>17</sup> At the time, this was enacted under pressure from the progressive lobbying group, the Law Commission, and has led in the years since to several perversions of justice.

---

<sup>17</sup> See [Occupiers' Liability Act \(1984\)](#).

Take the case of Ted Newbery. In 1988, Newbery was terrorised by two burglars late at night, both of whom were reported as shouting ‘if you’re in there, we’re having you.’ Rather than waiting to find out if his tormentors had the will to make good on their threats, Newbery fired his shotgun through a hole in the door, wounding one of the burglars, Mark Revill, though not fatally.

In the main, the Occupiers’ Liability Act exposes homeowners more to the risk of financial than criminal penalties. This is because juries, still used for now in criminal trials, are inclined to sympathise with the likes of Newbery for acting swiftly under threat. Jurors are given to putting themselves in the shoes of such defendants. The 1984 Act, with its focus on liability, removes this safeguard. Newbery was acquitted of criminal charges for wounding Revill, but he was later sued for civil damages. The lawsuit was successful. Newbery was forced to pay £4,000 to his own home invader for using, as the judgment put it, “greater violence than was justified.”<sup>18</sup> The judges ruled that, under the 1984 Act, the ancient principle of *ex turpi causa non oritur actio* (no claim can arise out of an evil action) should not preclude Revill’s entitlement to compensation.

The 1984 Act also made life unbearable for an elderly woman named Ruby Barber, the victim of the so-called Northampton wire case. Barber had already been burgled on multiple occasions. Given that the police had shown next to no interest in her plight, she eventually enlisted the help of her son, who spent £450 erecting barbed wire around his mother’s otherwise defenceless property. Under the 1984 Act, Barber was ordered by the local council to take it down. The wire was said to pose an intolerable threat to the well-being of trespassers, including the very burglars whom the police had plainly been failing to deter or punish. She took her chances by refusing to comply, which led in the end to a sub-optimal compromise that still ultimately favoured the interests of the criminal elements in her neighbourhood: Barber was permitted to keep the barbed wire in place, so long as she agreed to accept liability for any injuries incurred by those breaking into her home.

The Occupiers’ Liability Act (1984) is not irredeemable. The law as written has

---

<sup>18</sup> Court of Appeal, *Revill v Newbery*, 2 November, 1995.

undoubted virtues. S. 1(6), for instance, makes it clear that “No duty is owed by virtue of this section to any person in respect of risks willingly accepted as his by that person.” In other words, a drunkard, say, who mistakes another house for his own before falling down the stairs and breaking his leg can make no claim against the rightful homeowner. Such provisions should of course be kept.

For this and other reasons, Restore Britain does not favour full repeal of the 1984 Act. What we mean to do is pass a clarifying amendment. The idea would be to give an overriding statutory footing to the common law concept of *ex turpi causa non oritur actio* – the very safeguard that was deemed null in the case of Newbery.

Better still, we need not invent it from scratch. As a matter of fact, it should be phrased in exactly the terms proposed by Lord Stanely of Alderley, a now dead peer who pushed for just such an amendment when the bill was making its way through the House of Lords in the 1980s. Alas, the Stanley amendment was rejected, most of all by Lord Hailsham, then the Conservative Lord Chancellor, who laughed off the notion that there was any need for it. Stanley’s far-sighted suggestion has proved a great deal more prescient than Hailsham’s complacency. The rejected amendment was worded as follows:

*“No duty is owed by virtue of this section by an occupier of premises to any person who is on those premises having committed or with the intention of committing there a criminal offence of which that person is capable of being convicted.”*

The failure to heed this warning made a mockery of the castle doctrine and should be rectified straightaway. Restore Britain would pursue the immediate passage of Stanely’s spurned amendment into British law, written as his was and named in his honour.

# THE SCOTTISH SITUATION

## POLICY: REPEAL SCOTLAND'S HATE CRIME AND PUBLIC ORDER ACT [2021]

When it comes to anti-free speech laws, the situation is direst in Scotland.

Holyrood's Hate Crime and Public Order Act (2021) came into force, appropriately enough, on April Fool's Day 2024. This expanded the list of "protected characteristics" that may be invoked as having been violated under the already existent "stirring up hatred" offence.

Crucially, Scots can even be prosecuted under the legislation for 'hate speech' committed in private, so long as the speech in question meets the vague thresholds set up by lawmakers. An amendment to insert a so-called "dwelling defence" that would have shielded conversations in the household from the new law's reach was rejected by the Scottish Parliament.<sup>19</sup>

The grounds for having stirred up hatred under s. 4 of the 2021 Act amount to "threatening, abusive or insulting" behaviour or communication intended to target someone on the basis of age, disability, religion, sexual orientation, transgender identity, or variations in sex characteristics.<sup>20</sup>

Threats possess an objective character, but what constitutes "abuse"? In a similar way, how are we supposed to distinguish "insults" from sincere convictions or impassioned opinions to which others take offence? Many outspoken citizens will have been accused of at least one, if not both, of these vices in their time. At the moment, there is nothing in the law to prevent activists from capitalising on its ambiguity. Nor is there anything to disincentivise those with personal grudges from wielding the contentious terms of the law as convenient clubs against their enemies.

The 2021 Act is a disgrace on free speech grounds alone, but as we have already

---

<sup>19</sup> See Chris Clements, [MSPs approve Scotland's controversial hate crime law](#), *BBC News*, 11 March, 2021.

<sup>20</sup> See [Hate Crime and Public Order \(Scotland\) Act 2021](#).

noted, the major concern in relation to the castle doctrine is that the new law, in full-blown Soviet style, no longer respects the privacy of the home as distinct from matters of public order. The household does not count as an exceptional dwelling, the new law having empowered even children to rat on their own parents for committing thought crimes believed to “stir up hatred” behind closed doors.

So far, according to the Scotland Prosecution Service’s response to a Restore Britain FOI request, as many as around 4,500 charges linked to the new legislation “remain ongoing or are awaiting a decision.” Gone are the days when, as A.J.P. Taylor once remarked, apart from exchanging pleasantries with the postman in the morning the law-abiding Briton never encountered the state. Under s. 5(1) of the 2021 Act, judges are authorised to grant warrants to enter and search a person’s private home if there are reasonable grounds for suspecting that “stirring up hatred” has occurred, or is occurring, on the premises.

Falling afoul of the law carries heavy penalties, outlined under s. 3(6):

*“(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both), or (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or a fine (or both).”*

Restore Britain would repeal the Scottish Hate Crime and Public Order Act (2021) in full. We plan to address the sorry state of free speech across modern Britain in a future paper, but for the purposes of retaking the English (and indeed the Scottish) castle, Parliament should exercise its powers under s. 35 of the Scotland Act (1998) to kill the legislation.<sup>21</sup> This may require an amendment to s. 35 clarifying the right to *repeal* existing laws alongside the more explicitly stated right to *block* pending ones. If so, that amendment will be made. Parliament must remain sovereign, particularly over matters as fundamental as free speech and the tranquillity of the non-violent Briton in his castle.

---

<sup>21</sup> See [Scotland Act \(1998\)](#).

# THE RIGHT TO A JURY OF ONE'S PEERS

## POLICY: REINSTITUTE JURY TRIALS IF, AS PLANNED, THEY ARE ABOLISHED BY THE PRESENT LABOUR GOVERNMENT

David Lammy, the present Justice Secretary, has unveiled plans to scrap jury trials. Given an existing backlog of around 80,000 untried cases, the pretext is efficiency. However, Robert Jenrick MP has drawn attention to the fact that the move away from juries for the vast bulk of criminal cases will save just 0.2% (£31 million) of the MoJ budget.<sup>22</sup> As for the point of principle, Lammy's sudden contempt for the jury system looks especially odd in the light of his previous insistence during the COVID-19 pandemic, dug up by persevering sleuths, that "Jury trials are fundamental to our democracy."<sup>23</sup>

In actual fact, our tradition of jury trials predates the rise of mass democracy by many centuries. Contrary to popular belief, the right to a trial by jury has little to do with Magna Carta either.

As of today, all of Magna Carta has been repealed with the exception of three clauses: (1) the clause protecting church privileges; (2) the clause protecting the city of London; and (3) a mixture of clauses 39 and 40. Admittedly, these last two clauses, 39 and 40, are celebrated for placing freedom and due process at the heart of English (and later British) law. In the 1225 version of Magna Carta that survived the fractious struggles of the early 13th century, clauses 39 and 40 of the abortive original version of 1215 were fused to become article 29. It has since acquired a legendary fame:

*"No free man shall be arrested or imprisoned, or dispossessed, or outlawed or exiled, or otherwise destroyed, nor will we proceed against him, or send others to do so, except by the lawful judgement of his peers or by the law of the land. To no one will we sell, or deny, or delay justice or right."*

---

<sup>22</sup> See [Trial by Jury: Proposed Restrictions](#), Volume 770, UK Parliament, 9 July, 2025.

<sup>23</sup> David Lammy, [Dispensing with jury trials in the Covid era will damage our democracy](#), *The Telegraph*, 23 June, 2020.

We should be on guard against reading fashionable modern attitudes into our interpretations of the past. This is as true of the medieval age as any other. In the 13th century, monarchs enjoyed the personal responsibility of administering justice in disputes between their immediate feudal subordinates. The barons behind Magna Carta objected to the way in which, under tyrannical sovereigns, this royal privilege had been abused. Clauses 39 and 40 were included to put an end to such mischief, given the Angevin habit – one that reached a newly preposterous level under King John – of selling or denying justice in cases brought by nobles against each other. The remit of clauses 39 and 40, then, was much narrower than the text alone is apt to suggest. They were inserted to guarantee fairness in the small minority of cases where the king himself, rather than a professional magistrate, presided as judge. This is why it refers only to “free” individuals: serfs, villeins, and other vassals were in no position to seek justice directly from the king. Any legal disputes involving such dependents would have been resolved by their immediate feudal overlord, if not by a local court.<sup>24</sup>

Still, whatever the messy origins of our belief in basic English freedoms, the spirit of Magna Carta should be kept secure as an historic myth, dwelling in the hearts of ordinary people. Radical overhauls of the kind proposed by Lammy risk undermining the cultural cohesion and popular sentiment that give laws their legitimacy. As Richard Hooker writes in *Of the Laws of Ecclesiastical Polity*, “When the people see things suddenly discarded, annulled, and rejected that long custom had made into matters of second nature, they are bewildered, and begin to doubt whether anything is in itself naturally good or evil ... Thus, whenever we change any law, in the eyes of the people it cannot help but impair and weaken the force that makes all laws effectual.”<sup>25</sup> In the interests of stability, therefore, legal changes should be made modestly and always with due regard for the preservation of the society in which they apply. It would be an outrage against our deepest intuitions as Englishmen to betray the fundamentals that Magna Carta has come to represent. Jury trials are one such fundamental.

As far as the remit of this paper is concerned, the measures to cut down on jury trials would do tremendous damage to our self-defence rights. Those accused of

---

<sup>24</sup> See Harrison Pitt, [The Abiding Myth of Magna Carta](#), *The European Conservative*, Fall 2022, pp. 80-85.

<sup>25</sup> Richard Hooker, *Of the Laws of Ecclesiastical Polity*, 4.14.1.

‘taking the law into their own hands’ when they have simply defended themselves or their loved ones face better odds before a jury of their peers than before a Left-liberal judge inclined to view criminals – especially criminals of foreign background – as beleaguered members of some oppressed class.

We got a strong taste of the prejudices of our judicial elite amid the British state’s harsh crackdown on the public backlash to the Southport slaughter. Many of the guilty verdicts read out by judges at the time, whether to online rage-posters or furious citizens holding provocative signs on protests, were laced with politically loaded language – much of it irrelevant to the actual charges – about the sort of views deemed welcome in a “civilised” society. This makes the prospect of anyone who pleads self-defence in court having to entrust their fate to a single judge even more frightful.

So, too, does the judiciary’s official instruction in the contentious dogmas of diversity, equity, and inclusion (DEI). In an unwise moment of candour, Sir Brian Leveson mentions at one point in the very report cited by Lammy as grounds for scrapping the vast bulk of jury trials that modern British judges receive special DEI training. “I note that all professional judges in the criminal courts,” he reveals, “have equality, diversity and inclusion (EDI) training, as well as training on unconscious biases.”<sup>26</sup> It is further telling that such “training” is then said by Leveson to make judges more qualified than juries to hand down fair verdicts: “where a trial is being conducted by a professional judge alone, there is far less risk of any prejudice or bias in the decision-making in the first place.”<sup>27</sup> Given Leveson’s passionate endorsement of DEI practices within the judiciary, there can be little doubt that by “less risk” of “prejudice” or “bias” he means to encourage the *unequal* treatment of different groups in order to make them *equal*.

Allison Pearson has speculated about how a more threadbare jury system would have destroyed the life of Jamie Michael. A former Royal Marine, Michael was acquitted of “stirring up racial hatred” after he had posted a video on Facebook excoriating illegal immigrant “scumbags” in response to the Southport slaughter. The jurors reached their ‘not guilty’ verdict within a mere 17 minutes, showing

---

<sup>26</sup> Sir Brian Leveson, [Independent Review of the Criminal Courts: Part I](#) (June 2025), p. 292.

<sup>27</sup> Sir Brian Leveson, [Independent Review of the Criminal Courts: Part I](#) (June 2025), p. 292.

heroic contempt for the prosecutors who had made a point of pursuing Michael in the first place.

Crucially, Pearson quotes Michaels as telling her, “I honestly think if I hadn’t had those normal people to basically say, ‘You gotta be joking, no way did this guy do anything wrong’, I’d be finished.”<sup>28</sup> By the same token, anyone charged with overstepping the lawful boundaries of self-defence would, under Lammy’s plans, stand a much greater chance of suffering prison time than being acquitted by the sympathetic fellow citizens likely to make it onto a jury.

Many lives will be wrecked if we fail to block or reverse the Labour government’s assault on jury trials. Sir Roger Scruton admired the jury system for ensuring that the law, as he put it, “remained responsive to the ordinary conscience.”<sup>29</sup> If it goes into effect, Lammy’s overhaul of our venerable justice system would replace the promptings of this ordinary conscience with the socio-engineering concerns of an increasingly political class of judges. This would erode our basic freedoms and give the virtuous citizen cause to doubt whether, when under attack, doing what it takes to defend himself is in fact the most prudent course of action.

Restore Britain would therefore reinstitute jury trials for all criminal cases, if indeed they are abolished as planned.

---

<sup>28</sup> Allison Pearson, [A jury took 17 minutes to find Jamie ‘not guilty’. I hate to think what a Left-wing judge would’ve done](#), *The Telegraph*, 2 December, 2025.

<sup>29</sup> See Daniel Pitt, [Despising an Ancient Liberty](#), *Law & Liberty*, 23 July, 2025.

# THE ATTACK ON SELF-DEFENCE

**POLICY: CLARIFY THE POWER OF THE ATTORNEY GENERAL TO VETO CASES BROUGHT BY THE CPS AGAINST CITIZENS SAID TO HAVE EXCEEDED THE BOUNDS OF LAWFUL DEFENCE, EITHER FOR THEMSELVES OR ON BEHALF OF OTHERS, BOTH IN PRIVATE AND IN PUBLIC.**

In advanced democracies, viral incidents sometimes prompt welcome changes to the law. The trial of Tony Martin, an English farmer sent to prison for shooting dead a teenage burglar and wounding his accomplice in 1999, is one such case. Initially found guilty of murder, Martin's charge was later downgraded to manslaughter, leading to his release in 2003.

Sir Henry Bellingham, now a Conservative peer in the House of Lords, recalls the incident and its political fallout:

*“The problem with the previous law was an objective test of what would a reasonable person have done in those circumstances. Of course you can't sit in an armchair and put yourself in the position of a householder who, in Tony Martin's case, was completely terrified, had been threatened before, had reported numerous incidents to the police and felt he was getting no response; so the test now is subjective.*

*What would someone in that case, his case, have done in the circumstances and was that reasonable? I would certainly suggest that had the new law, which I helped to frame, been in place when the original offence took place, he wouldn't have been charged and certainly wouldn't have been convicted.”<sup>30</sup>*

So, what were these changes? The two relevant statutes are the Criminal Justice and Immigration Act (2008) and the Crime and Courts Act (2013), the latter of

---

<sup>30</sup> Andrew Sinclair, [Martin never remorseful for shooting, says reporter](#), *BBC News*, 4 February, 2025.

which Billingham, as he reports, assisted the Cameron-Clegg coalition government in drafting and getting through Parliament.

S. 76 of the 2008 Act, though passed in the context of public concern over Martin's unpopular conviction, did no more than codify existing case law around self-defence. This was later amended in a more substantial way by s. 43 of the Crime and Courts Act, which inserted s. 76(5a) into the initial 2008 Act with an eye to so-called householder cases. "In a householder case," the amendment reads, "the degree of force used by D is not to be regarded as having been reasonable in the circumstances as D believed them to be if it was grossly disproportionate in those circumstances."<sup>31</sup> In other words, even disproportionate force by a homeowner acting in self-defence is not unlawful unless it is *grossly* disproportionate. For non-householder cases, meanwhile, the law was clarified to establish a less permissive, more exacting threshold. The word "grossly" was dropped: "In a case other than a householder case," it reads, "the degree of force used by D is not to be regarded as having been reasonable in the circumstances as D believed them to be if it was disproportionate in those circumstances."<sup>32</sup>

The coalition government presented this new law to the public as meaning that force need no longer be reasonable in any unrealistically objective sense, provided that it is not obscenely out of proportion. But in a 2016 court case, lawyers arguing on behalf of the government later claimed that this was not the true meaning of the 2013 Act. In an effort to satisfy our domestic judges under the Human Rights Act (HRA) that the new law was compatible with the European Convention on Human Rights (ECHR), these lawyers were successful in establishing that the all-important test that juries are forced to weigh would remain whether or not reasonable force had been deployed. David Cameron, then Prime Minister, was prompted into this action by the so-called Collins case, which he won, but at the expense of complicating the very virtues that he had earlier attributed to the 2013 Act and thus recreating some of the ambiguity around self-defence that he had hoped to dispel.

The main upshot of the Collins case, decided by the High Court, was and

---

<sup>31</sup> See [Criminal Justice and Immigration Act \(2008\)](#) & [Crime and Courts Act \(2013\)](#).

<sup>32</sup> See s. 43(3) of [Crime and Courts Act \(2013\)](#).

remains that the 2013 Act is not incompatible with ECHR laws.<sup>33</sup> Sir Brian Leveson, then President of the Queen’s Bench Division, concluded that “the criminal law of England and Wales on self-defence in householder cases, taken as a whole, fulfils the framework obligation under Article 2(1) [of the ECHR]. The headline message is and remains clear: a householder will only be able to avail himself of the defence if the degree of force he used was reasonable in the circumstances as he believed them to be.” That being said, the case also did a fair bit to weaken the guarantees that the coalition government had intended to provide through the s. 76(5A) amendment to the 2008 Act by means of s. 43 of the 2013 Act. Perhaps straining under his HRA duties to ensure maximal compatibility with ECtHR precedent, Leveson judged that s. 76(5A) “serves to exclude a householder’s grossly disproportionate use of force from being reasonable.” He then adds, however, that the effect of this change should not be interpreted as giving householders “carte blanche in the degree of force they use against intruders in self-defence. A jury must ultimately determine whether the householder’s action was reasonable in the circumstances as he believed them to be.”<sup>34</sup>

According to our courts, therefore, the 2013 Act appears in the end to have come to mean that “grossly disproportionate” force is never reasonable, not that merely “disproportionate” force will always count as reasonable. In 2018, the Crown Prosecution Service (CPS) offered a clarification of their own:

*“The force you use must always be reasonable in the circumstances as you believe them to be. Where you are defending yourself or others from intruders in your home it might still be reasonable in the circumstances for you to use a degree of force that is subsequently considered to be disproportionate, perhaps if you are acting in extreme circumstances in the heat of the moment and don’t have a chance to think about exactly how much force would be necessary to repel the intruder: it might seem reasonable to you at the time but with hindsight, your actions may seem disproportionate.”<sup>35</sup>*

All things considered, the legal situation around self-defence in the home

---

<sup>33</sup> Siobhan Fenton, [Homeowners can beat up burglars using ‘disproportionate force’, rules High Court](#), *Independent*, 16 January, 2016.

<sup>34</sup> The High Court of Justice, [R \(Collins\) v Secretary of State for Justice](#), 15 January, 2016 [61].

<sup>35</sup> See [Householders and the use of force against intruders](#), Joint Public Statement from the Crown Prosecution Service and the National Police Chiefs’ Council, 2018.

remains a little more ambiguous than it ought to be. First of all, then, Restore Britain believes that the Attorney General, tasked with overseeing the CPS under s. 3 of the Prosecution of Offences Act (1985), should be accorded a more specific role in prosecuting or indeed sparing those accused by CPS officials of exceeding the lawful bounds of self-defence under our existing framework.<sup>36</sup> There is already precedent on this score. The present Attorney General, Lord Hermer, is known to have personally signed off on the prosecution of Lucy Connolly for the ill-advised but non-violent rage rhetoric she posted online in the aftermath of the Southport slaughter.<sup>37</sup> She was charged under the Public Order Act (1986), s. 27 of which invites the Attorney General either to veto or permit particular prosecutions in connection with the 1986 Act on a case by case basis:

*“No proceedings for an offence under this Part [that is, not the whole law, but Part III dealing with “Racial Hatred”] may be instituted in England and Wales except by or with the consent of the Attorney General.”<sup>38</sup>*

This was inserted as a safeguard to prevent Britain’s new ‘hate speech’ laws from authorising censorship, but a figure like Lord Hermer, of course, was never going to exercise his powers under the 1986 Act in any other way besides giving the go-ahead to a mass crackdown. At the time of the Southport disorder, he described the imprisonment of Britons engaged in online rage-posting as “a stark warning that you cannot hide behind your keyboard.”<sup>39</sup>

Leaving aside Britain’s woeful free speech crisis, for now we propose that similar safeguards to those given under s. 27 of the Public Order Act (1986) must be added to our self-defence laws. The idea would be to shield respectable citizens who have defended themselves or others, but in a way looked down upon by those with administrative power, against overzealous or ideological prosecutors. The CPS, in considering the relationship between whatever self-defence-related incident gets added to their work pile and the latest 2013 Act upheld (albeit with

---

<sup>36</sup> See [Prosecution of Offences Act \(1985\)](#).

<sup>37</sup> Jacob Freedland & Laurie Wastell, [Calls for Lord Hermer to quit over role in Lucy Connolly prosecution](#), *The Telegraph*, 31 May, 2025.

<sup>38</sup> See [Public Order Act \(1986\)](#).

<sup>39</sup> Jacob Freedland & Laurie Wastell, [Calls for Lord Hermer to quit over role in Lucy Connolly prosecution](#), *The Telegraph*, 31 May, 2025.

some ambiguity) by the High Court in 2016, would under a Restore Britain government be forced to seek and secure the Attorney General's personal approval before initiating charges. This should be done by amending not every criminal statute against which someone may be tempted to plead self-defence, but simply the 2013 Act itself, thus altering the process by which a citizen comes to be charged either with "grossly disproportionate" or otherwise "unreasonable"<sup>40</sup> force in self-defence. This block on prosecutorial activism would stop short of incentivising a flood of implausible self-defence claims being lodged by genuine criminals while also building on recent efforts to strengthen Britain's self-defence laws amid perceived ambiguity. The amendment would read as follows and should be added to s. 43(2) of the 2013 Act for householder cases and s. 43(3) for non-householder cases:

*"No proceedings for criminal or civilly liable conduct said to have exceeded the bounds of lawful self-defence to become grossly disproportionate or illegally unreasonable may be instituted except by or with the consent of the Attorney General."*

It is easy to imagine the sort of complaints that this measure is bound to provoke. Every British Prime Minister since Tony Blair has made a cult of the concept of 'depoliticization.' If a Restore Britain government ever passed such a law, we would no doubt be condemned for 'politicising' or 'threatening the independence' of the CPS. In truth, it is just as 'political' to hand power to unaccountable bureaucracies as it is to return it, as we would, to officials appointed by elected representatives. Despite its anti-political pretence, the project of 'depoliticization' has not abolished, but merely hidden, the political nature of institutions like the CPS, making them less subject to democratic pressures and therefore less open to public scrutiny.

On its own, however, this proposal falls short of dealing with concerns over how and whether law-abiding citizens may act to handle public disturbances of an unpleasant but less existential kind. In August 2025, a mentally ill male exposed his genitals to a carriageful of London passengers in broad daylight. Many on board the train were children. When a handful of the able-bodied men in the vicinity confronted him and demanded that he pull up his trousers, he refused,

---

<sup>40</sup> To the point of illegality, that is.

before screaming abuse at those trying to protect the innocence of minors and uphold the laws against indecent exposure.

Given the man's defiance and his erratic, increasingly threatening behaviour, up to and including waving his belt with menace, five members of the public took it upon themselves to act in a more decisive fashion. They deployed force to get the man to the ground, before carrying him off the train and tying his hands behind his back at the next stop. As soon as the trouble-maker was detained under the Mental Health Act (1983), the British Transport Police (BTP), far from thanking these heroic men for doing what the authorities themselves had failed to do, instead launched an investigation into their conduct. The BTP even considered pressing charges against three of them for affray, despite the fact that they had not chosen to disturb the peace, but risked their own safety for the good of fellow passengers.<sup>41</sup>

In the end, the BTP's probe went no further than a handful of interviews under caution. However, the fact that three of these men were made subject to an investigation at all – despite clear video evidence showing their reasonable conduct throughout the incident – goes to show that prosecutors are too often more interested in punishing the pro-social initiative of the law-abiding than deterring the anti-social antics of the criminal. This is bound to have caused a chilling effect. A great many Britons will no longer trust the law to take their side if ever they find themselves in a situation where force may be required of them.

For the benefit of brave citizens willing to risk their own well-being for the sake of others, Restore Britain therefore believes that a further safeguard should be inserted into s. 3 of the Criminal Law Act (1967), which governs the rules of citizen's arrest. At present, the relevant section of the 1967 Act runs as follows: "A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large."<sup>42</sup> This is built upon by the Police and Criminal Evidence Act (1984), s. 24A(4) of which states that a

---

<sup>41</sup> See Michael Murphy, ['Assault' on Tube flasher under investigation, police confirm](#), *The Telegraph*, 11 August, 2025.

<sup>42</sup> See [Criminal Law Act \(1967\)](#).

person other than a constable may exercise powers of arrest without a warrant to prevent another person from causing injury to himself or others, damaging property, or making off before a constable can assume responsibility for him.<sup>43</sup>

The latter condition was of course met in the case of the man subdued by fellow passengers for exposing his genitals on a busy London train. Our policy would ensure that, in addition to conferring an ultimate power of decision-making on the Attorney General under s. 43 of the Crime and Courts Act, there exist similar guarantees against prosecutorial abuse in the form of an amendment to the 1967 Act. Once again, it would involve making the office of Attorney General, with its stronger lines of accountability to our elected Parliament than the CPS, a final and more transparent safeguard. “No proceedings for an offence said to have gone beyond the lawful bounds of reasonable force under s. 3,” the amendment to the 1967 Act should read, “may be instituted except by or with the consent of the Attorney General.”

It would of course be wrong for any public official to turn the CPS or the wider justice system into their own private fiefdom, but there is nothing at all fascistic about the Attorney General taking an interest in the workings of the institution for which they are ultimately responsible to Parliament. Let it not be forgotten that the 1997 New Labour manifesto itself promised voters that “the attorney general’s power to appeal unduly lenient sentences will be extended.”<sup>44</sup> Like anything else in our fallen world, the role of Attorney General is prone by nature to politics, both for good and for ill. That is to say, the purpose and reach of the office is a matter of political debate and judgement. As we have noted, the Attorney General already enjoys meaningful decision-making power in all kinds of areas, not least under the terms of the statute weaponised by Lord Hermer to target a peaceful mother distraught at the mass murder of young girls in Southport.

In other words, it is a question of *how*, not *whether*, those with power instruct the CPS to perform its prosecutorial work. The difference between our approach and that of our adversaries is that, whereas their politics has led to anarcho-tyranny, ours would restore ordered freedom.

---

<sup>43</sup> See [Police and Criminal Evidence Act \(1984\)](#).

<sup>44</sup> See [New Labour Manifesto \(1997\)](#).

# CONCLUSION

Britain's descent from ordered freedom into anarcho-tyranny is not a fluke of impersonal forces. It is the result of deliberate choices made by our Parliament, our ministers, and indeed our courts in recent decades. Taken together, these decisions have had the effect of putting gambles on human nature before public safety, bureaucratic convenience before basic freedoms, and the entitlement of criminals before the rights of victims.

More than anything else, the British state exists to protect those who keep the peace. It follows that it must allow the peaceful to protect themselves whenever, as is all too common nowadays, the state fails to make good on this fundamental duty. As our paper demonstrates, these principles have been inverted in a way that treats the law-abiding as the principal threat to order. Prosecuting bodies seem to devote greater resources to punishing victims than pursuing offenders. Those who act in defence of property or intervene to stop crimes in public now do so at some peril. Many understand that such conduct carries with it a serious risk of life-changing prosecution. Any consequent chilling effect is impossible to measure, but no doubt strong.

The five proposals at the heart of Restore Britain's latest policy paper are not innovations, but works of restoration. Legalising pepper spray, reviving the Stanley amendment, repealing the Scottish Hate Crime and Public Order Act (2021), preserving the ancient right to a jury trial, and demanding the Attorney General's consent for the initiation of self-defence-related charges – each one of our measures aims at the reversal of recent and harmful errors, all alien to the English way of life. None of them requires new institutions or large sums of money. All of them can be accomplished within a single Parliament.

In other words, the English castle is under occupation, but it is not an unsalvageable ruin. Our situation will only have declined beyond repair once the people of this country lose interest in the difference between a state that gives order to the life of a free people and a state that inflicts spiteful, ideological micro-management on a nation's civilised majority.

At Restore Britain, we recognise that the British appetite for scrapping anarcho-tyranny and returning to ordered freedom is growing. The question for now, then, is not whether the work of repair can be done, but whether anyone has the courage to do it.

We do.

In view of the widespread sense that our country is today more coddling to the wicked than it is safe for the virtuous, now is the time to retake the English (and indeed British) castle along the lines set out in this paper. We cannot afford to rest until every decent Briton can once again say, with full confidence and accuracy, 'My home is my castle, my soul is my own. The law stands with me.'