

**Para 11.2, n 4** *Hudson v Crown Prosecution Service* [2017] EWHC 841 (Admin) was concerned with what constitutes a 'dwelling' for the purposes referred to in the note. In *Hudson v Crown Prosecution Service*, the Divisional Court held that a Deputy District Judge (Magistrates' Courts) had been correct in ruling that a property which was normally let out to tenants and was fully furnished with all amenities connected, but which had been vacated two days before it was burgled, was a 'dwelling' for those purposes. The Divisional Court, having stated that the word 'dwelling' was an ordinary English word and its meaning was a question of fact for the jury, magistrates or District Judge, went on to hold that, although the typical instance of a dwelling was a building which was occupied by an owner or tenant and was thus someone's home, it did not follow that a building, otherwise obviously a dwelling, ceased to be one for those purposes at the moment it became unoccupied. Where a dwelling had become unoccupied, it was a question of fact and degree as to whether it had ceased to be a dwelling. For criticism of this decision, see Laird [2017] Crim LR 703.

**\*Paras 11.33, n 65 and 11.56** In relation to *Ghosh* [1982] QB 1053, CA, see the update to paras 10.74 -10.78.