

## Annex E

### Criminal Damage Act 1971

#### Section 1

##### **Destroying or damaging property.**

(1) A person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged shall be guilty of an offence.

(2) A person who without lawful excuse destroys or damages any property, whether belonging to himself or another—

(a) intending to destroy or damage any property or being reckless as to whether any property would be destroyed or damaged; and

(b) intending by the destruction or damage to endanger the life of another or being reckless as to whether the life of another would be thereby endangered;

shall be guilty of an offence.

(3) An offence committed under this section by destroying or damaging property by fire shall be charged as arson.

#### Section 2

##### **Threats to destroy or damage property.**

A person who without lawful excuse makes to another a threat, intending that that other would fear it would be carried out,

(a) to destroy or damage any property belonging to that other or a third person; or

(b) to destroy or damage his own property in a way which he knows is likely to endanger the life of that other or third person;

shall be guilty of an offence.

#### Section 3

##### **Possessing anything with intent to destroy or damage property.**

A person who has anything in his custody or under his control intending without lawful excuse to use it or cause or permit another to use it —

(a) to destroy or damage any property belonging to some other person; or

(b) to destroy or damage his own or the user's property in a way which he knows is likely to endanger the life of some other person;

shall be guilty of an offence.

#### Section 4

##### **Punishment of offences.**

(1) A person guilty of arson under section 1 above or of an offence under section 1(2) above (whether arson or not) shall on conviction on indictment be liable to imprisonment for life.

(2) A person guilty of any other offence under this Act shall on conviction on indictment be liable to imprisonment for a term not exceeding ten years.

## **Racially or religiously aggravated criminal damage**

Section 30 [Crime and Disorder Act 1998](#)

### **30.— [ Racially or religiously aggravated ] criminal damage.**

(1) A person is guilty of an offence under this section if he commits an offence under section 1(1) of the Criminal Damage Act 1971 (destroying or damaging property belonging to another) which is [ racially or religiously aggravated ] for the purposes of this section.

(2) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding fourteen years or to a fine, or to both.

(3) For the purposes of this section, section 28(1)(a) above shall have effect as if the person to whom the property belongs or is treated as belonging for the purposes of that Act were the victim of the offence

Under section 17 of the Magistrates' Courts Act 1980 the following are either way:  
Schedule 1 para 29:

Offences under the following provisions of the Criminal Damage Act 1971 —  
section 1(1) (destroying or damaging property);  
section 1(1) and (3) (arson);  
section 2 (threats to destroy or damage property);  
section 3 (possessing anything with intent to destroy or damage property).

Under sections 22, 33 and schedule 2 of the MCA 1980 offences of criminal damage where the value is £5000 or less are treated as summary only