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## STATUTORY INSTRUMENTS

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### 1977 No. 426

## Criminal Damage (Northern Ireland) Order 1977

### “Property”

**12.**—(1) In this Order “property” means property of a tangible nature, whether real or personal, including money and—

- (a) including wild creatures which have been tamed or are ordinarily kept in captivity, and any other wild creatures or their carcasses if, but only if, they have been reduced into possession which has not been lost or abandoned or are in the course of being reduced into possession; but
- (b) not including mushrooms growing wild on any land or flowers, fruit or foliage of a plant growing wild on any land,

and for the purposes of this paragraph “mushroom” includes any fungus and “plant” includes any shrub or tree.

(2) Property shall be treated for the purposes of this Order as belonging to any person—

- (a) having the custody or control of it;
- (b) having in it any proprietary right or interest (not being an equitable interest arising only from an agreement to transfer or grant an interest); or
- (c) having a charge on it.

(3) Where property is subject to a trust, the persons to whom it belongs shall be so treated as including any person having a right to enforce the trust.

(4) Property of a corporation sole shall be so treated as belonging to the corporation notwithstanding a vacancy in the corporation.

[<sup>F1</sup>(5) For the purposes of this Order a modification of the contents of a computer shall not be regarded as damaging any computer or computer storage medium unless its effect on that computer or computer storage medium impairs its physical condition.<sup>F1</sup>]

**F1** Art. 12(5) inserted (1.10.2008) by Police and Justice Act 2006 (c. 48), ss. 52, 53(1), Sch. 14 para. 6; S.I. 2008/2503, art. 2(c)

**Changes to legislation:**

Criminal Damage (Northern Ireland) Order 1977, Section 12 is up to date with all changes known to be in force on or before 25 October 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Instrument am. (prosp.) by [1998 c. 32 s.74\(1\)Sch.4 para.13](#)