



# Criminal Damage Act 1971

## 1971 CHAPTER 48

### 10 Interpretation.

- (1) In this Act “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.

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

- (2) Property shall be treated for the purposes of this Act 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 Act 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.]

#### Textual Amendments

- F1** S. 10(5) inserted (1.10.2008 for E.W.N.I.) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 14 para. 2; S.I. 2008/2503, art. 2\(c\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Damage Act 1971, Section 10.