



Criminal Damage Act 1971

1971 CHAPTER 48

11 Minor and consequential changes in existing law, and repeals

- (1) The common law offence of arson is hereby abolished.
- (2) The Dockyards, etc., Protection Act 1772 (under which it is a capital offence to set on fire, burn or otherwise destroy Her Majesty's ships, dockyards, stores, etc.) shall cease to have effect.
- (3) The following provisions of the Malicious Damage Act 1861, that is to say—
 - (a) section 28 (flooding mines and destroying, damaging, flooding or obstructing mine shafts, etc.); and
 - (b) section 29 (destroying, damaging or obstructing the working of mine equipment);shall cease to have effect.
- (4) In the Schedule to the Extradition Act 1873 (additional list of extradition crimes), for the words " Malicious Damage Act 1861 " there shall be substituted the words " Criminal Damage Act 1971 or the unrepealed provisions of the Malicious Damage Act 1861 " and for the words " the same " there shall be substituted the word " either ".
- (5) For section 9(2) of the Salmon and Freshwater Fisheries Act 1923, as amended by the Salmon and Freshwater Fisheries Act 1965 (unlawfully or maliciously destroying dams, etc. with intent to take or destroy fish), there shall be substituted the following subsection:—
 - (2) No person shall, without lawful excuse, destroy or damage any dam, flood-gate or sluice with intent thereby to take or destroy fish".
- (6) In paragraph 3 of the Schedule to the Visiting Forces Act 1952 (offences against property in the case of which a member of a visiting force is in certain circumstances not liable to be tried by a United Kingdom court) after paragraph (g) (which was inserted by the Theft Act 1968) there shall be added the following paragraph:—
 - (h) the Criminal Damage Act 1971".

Status: This is the original version (as it was originally enacted).

- (7) In Schedule 1 to the Firearms Act 1968 (which lists the offences to which section 17(2) (possession of firearms when committing or being arrested for specified offences) relates), for paragraph 1 there shall be substituted the following paragraph:—
- “1 Offences under section 1 of the Criminal Damage Act 1971”.
- (8) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in column 3 of that Schedule; and where any such enactment has been applied by or incorporated in any other Act the repeal shall extend so as to repeal that enactment as so applied or incorporated.
- (9) Where it appears to the Secretary of State that a local statutory provision is inconsistent with or has become unnecessary in consequence of this Act he may, after consultation with any person appearing to him to be concerned with that provision, by order amend that provision so as to bring it into conformity with this Act or repeal it. In this subsection " local statutory provision" means a provision of a local Act (including an Act confirming a provisional order) or a provision of a public general Act passed with respect only to a particular area or a particular undertaking or a provision of an instrument made under any such local or public general Act or of an instrument in the nature of a local enactment made under any other Act.
- (10) An order made under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) The repeal by this section or an order made thereunder of any enactment relating to procedure or to the jurisdictional powers of any court shall not affect the operation of that enactment in relation to offences committed before the repeal takes effect or to proceedings for any such offence.