



Offences against the Person Act 1861

1861 CHAPTER 100 24 and 25 Vict

Making Gunpowder to commit Offences, and searching for the same

[^{F1}64 Making or having gunpowder, &c., with intent to commit any felony against this Act.

Whosoever shall knowingly have in his possession, or make or manufacture, any gunpowder, explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument, or thing, with intent by means thereof to commit, or for the purpose of enabling any other person to commit, any of the felonies in this Act mentioned shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years,^{F2} . . .]

Textual Amendments

- F1** Ss. 64, 65, 68 repealed (N.I.) (in so far as it relates to offences mentioned in ss. 48–55) by [S.I. 1980/704 \(N.I. 6\)](#), [Sch. 2](#)
- F2** Words repealed by [Criminal Justice Act 1948 \(c. 58\)](#), [Sch. 10 Pt. I](#)

Modifications etc. (not altering text)

- C1** S. 64 amended by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 2 para. 8](#)

[^{F3}65 Justices may issue warrants for searching houses, &c. in which explosive substances are suspected to be made for the purpose of committing felonies against this Act.

[^{F4}Where] any such gunpowder, or other explosive, dangerous, or noxious substance or thing, or any such machine, engine, instrument or thing, is suspected to be made, kept, or carried for the purpose of being used in committing any of the felonies in this Act mentioned, [^{F5}a justice of the peace,] upon reasonable cause assigned upon oath by any person, may issue a warrant^{F6} . . . for searching,^{F7} . . . , any house, mill, magazine, storehouse, warehouse, shop, cellar, yard, wharf, or other place, or any carriage, waggon, cart, ship, boat, or vessel, in which the same is suspected to

Changes to legislation: There are currently no known outstanding effects for the Offences against the Person Act 1861, Cross Heading: Making Gunpowder to commit Offences, and searching for the same. (See end of Document for details)

be made, kept, or carried for such purpose as herein-before mentioned; and every person acting in the execution of any such warrant shall have, for seizing, removing to proper places, and detaining all such gunpowder, explosive, dangerous, or noxious substances, machines, engines, instruments, or things, found upon such search, which he shall have good cause to suspect to be intended to be used in committing any such offences, and the barrels, packages, cases and other receptacles in which the same shall be, the same powers and protections which are given to persons searching for unlawful quantities of gunpowder under the warrant of a justice by the ^{M1}Act passed in the session holden in the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and thirty-nine, intituled, “An Act to amend the law concerning the making, keeping, and carriage of gunpowder and compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks.”]

Textual Amendments

- F3** Ss. 64, 65, 68 repealed (N.I.) (in so far as it relates to offences mentioned in ss. 48–55) by S.I. 1980/704 (N.I. 6), **Sch. 2**
- F4** Words in s. 65 substituted (E.W.) (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 109(1), **Sch. 8 para. 42(a)**; S.I. 2005/910, **art. 3**
- F5** Words in s. 65 inserted (E.W.) (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 109(1), **Sch. 8 para. 42(b)**; S.I. 2005/910, **art. 3**
- F6** Words in s. 65 repealed (E.W.) (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 109(1)(3), **Sch. 8 para. 42(c)**, **Sch. 10**; S.I. 2005/910, **art. 3**
- F7** Words repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), **Sch. 7 Pt. I** and (N.I.) by [Police and Criminal Evidence \(Northern Ireland\) Order 1989 \(S.I. 1989/1341 \(N.I. 12\)\)](#), art. 90(2), **Sch. 7 Pt. I**
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Modifications etc. (not altering text)

- C2** S. 65 amended by [Criminal Law Act 1967 \(c. 58\)](#), **Sch. 2 para. 8**
- C3** References to provisions of the Act 23 & 24 Vict. c. 139 to be construed as references to provisions of [Explosives Act 1875 \(c. 17\)](#), **s. 86**
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Marginal Citations

- M1** 1860 c. 139.

Changes to legislation:

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