



# Explosive Substances Act 1883

1883 CHAPTER 3 46 and 47 Vict

## 4 Punishment for making or possession of explosive under suspicious circumstances.

(1) Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be [<sup>F1</sup>guilty of an offence].

[<sup>F2</sup>(1A) A person who is guilty of an offence under subsection (1) is liable, on conviction on indictment, to imprisonment for life.

(1B) Where a person is convicted of an offence under subsection (1) the explosive substance is to be forfeited.]

[<sup>F3</sup>(2) In any proceeding against any person for a crime under this section, such person and his wife, or husband, as the case may be, may, if such person thinks fit, be called, sworn, examined, and cross-examined as an ordinary witness in the case.]

### Textual Amendments

- F1** Words in s. 4(1) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 1\(1\)\(a\)](#), [95\(1\)](#) (with s. 1(4)); [S.I. 2015/778](#), art. 3, Sch. 1 para. 1
- F2** S. 4(1A)(1B) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 1\(1\)\(b\)](#), [95\(1\)](#) (with s. 1(4)); [S.I. 2015/778](#), art. 3, Sch. 1 para. 1
- F3** S. 4(2) repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), [Sch. 7 Pt. V](#)

### Modifications etc. (not altering text)

- C1** S. 4 extended (N.I.) with modifications by [Criminal Jurisdiction Act 1975 \(c. 59\)](#), s. 1, [Sch. 1 Pt. I para. 8](#), Pt. II para. 12(1)(3)
- C2** Reference to penal servitude to be construed as reference to imprisonment: (E.W.) [Criminal Justice Act 1948 \(c. 58\)](#), [s. 1\(1\)](#), (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [s. 221\(1\)](#) and (N.I.) [Criminal Justice Act \(Northern Ireland\) 1953 \(c. 14\)](#), [s. 1\(1\)](#)
- C3** S. 4 restricted (27.2.1997) by [1997 c. 7](#), s. 4(1), [Sch. para. 2](#) (with s. 11(2))

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**Changes to legislation:** There are currently no known outstanding effects for the Explosive Substances Act 1883, Section 4. (See end of Document for details)

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s. 4 modified (*prosp.*) by 2000 c. 11, **ss. 77(3), 128** (with s. 113(1))

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