

## Legal Guidance - Explosives - Annex A - Table for Offences and Sanctions

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| Offence   | Additional information   | Relevant Charging Legislation   | AG/DPP permission required? | Maximum sentence      | Information on Definitions (for full information see the legal guidance on Explosives)   |
|---|--|---|-----------------------------|-----------------------|--|
| Cause an explosion likely to endanger life or cause serious injury to property  | Whether or not such injury has actually been caused.<br><br>Specified violent offence within Schedule 15 to the Criminal Justice Act 2003. | Section 2 Explosives Substances Act (ESA) 1883<br><br>Seek advice from SCCTD – if the explosion is believed terrorist in nature | Yes - AG                    | Imprisonment for life | Defines ‘explosive substance’ which also includes a shot gun - R v Downey and a part of a vessel which itself is filled with an explosive substance in R v Charles |
| Do any act with intent to cause, or conspiring to cause, an explosion likely to endanger life or cause serious injury to property | Specified violent offence within Schedule 15 to the Criminal Justice Act 2003.   | Section 3(1) a ESA 1883<br><br>Seek advice from SCCTD - if the explosion is believed terrorist in nature                        | Yes - AG                    | Imprisonment for life |  |
| Makes, possesses or controls an explosive substance with intent to endanger life or cause serious injury to property              | Specified violent offence within Schedule 15 to the Criminal Justice Act 2003.   | Section 3(1) b ESA 1883<br><br>Seek advice from SCCTD - if the explosion is believed terrorist in nature                        | Yes - AG                    | Imprisonment for life | A petrol bomb is an explosive substance producing a pyrotechnic effect within the Explosives Act 1875<br>R v Bouch   |

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| <p>Makes, knowingly has in control or possession an explosive in suspicious circumstances</p>                         | <p>Proof lies with the defendant to show he has the objects for lawful purpose</p> <p>Specified violent offence within Schedule 15 to the Criminal Justice Act 2003.</p> | <p>Section 4 (1) ESA 1883<br/>Seek advice from SCCTD - if the explosion is believed terrorist in nature</p> | <p>Yes - AG</p>  | <p>Imprisonment for life and explosive substance forfeited</p> | <p>Should be construed in light of the Explosives Act 1875 definition of 'explosive'</p> <p>R v Wheatley</p> |
| <p>Bomb making documents and/or recipes for the production of explosives (including pyrotechnics- low explosives)</p> | <p>Possession for a purpose connected with the commission, preparation or instigation of an act of terrorism</p>   | <p>Sec 57 Terrorism Act 2000</p>  | <p>DPP consent required</p> <p>If the offence has been committed for a purpose wholly or partly connected with the affairs of another country permission of the Attorney General for the DPP to give consent is required</p> | <p>Imprisonment for 15 years, a fine, or both</p>              |  |

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| <p>Bomb making documents and/or recipes for the production of explosives (including pyrotechnics- low explosives)</p> | <p>Possess/Collect Information of a kind likely to be useful to a person committing or preparing an act of terrorism.</p>  | <p>Sec 58 Terrorism Act 2000</p>                                 | <p>DPP consent required<br/><br/>If the offence has been committed for a purpose wholly or partly connected with the affairs of another country permission of the Attorney General for the DPP to give consent is required</p> | <p>Imprisonment for 15 years, a fine, or both</p> |  |
| <p>Cause grievous bodily harm by the unlawful and malicious explosion of gunpowder or</p>                             | <p>Specified violent offences within Schedule 15 to the Criminal Justice Act 2003.</p>   | <p>Section 28 of Offences Against the Person Act (OAPA) 1861</p> | <p>No</p>  | <p>Imprisonment for life</p>                      |  |
| <p>Cause gunpowder or some other explosive substance to explode with the intent to cause grievous bodily harm</p>     | <p>It is not necessary for any bodily injury to have been caused; it is the intention to do so.<br/><br/>Specified violent offences within Schedule 15 to the Criminal Justice Act 2003.</p> | <p>Section 29 of OAPA 1861</p>                                   | <p>No</p>  | <p>Imprisonment for life</p>                      | <p>A petrol bomb was an explosive substance within s.29 OAPA<br/><br/>R v Howard</p> |

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| Placing explosives near buildings or ships with intent to do bodily injury  | Specified violent offences within Schedule 15 to the Criminal Justice Act 2003.  | Section 30 of OAPA 1861   | No | Imprisonment for 14 years |  |
| Make or have an explosive substance with intent to commit any felony against the Act  |  | Section 64 of the OAPA 1861                                       | No | Imprisonment for 2 years  |  |
| Causing or intending to cause damage or destroying property   | If damage or destruction are caused by fire than this should be charged as arson | Section 1(1) and (2) Criminal Damage Act 1971 (and (3) for arson) | No | Imprisonment for life     |  |
| Place or post any article with the intention of inducing someone to believe that it is likely to ignite or explode and cause injury or damage property.                     | Bomb hoaxes  | Criminal Law Act 1977 Sec 51 (1)                                  | No | 7 years                   |  |
| Communicate false information with the intention of inducing someone to believe that a bomb or other thing liable to explode or ignite is present in any place or location. | Bomb Hoaxes  | Criminal Law Act 1977 Sec 51 (2)                                  | No | 7 years                   |  |

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| Possession, of listed explosives precursors without a licence- after 3rd March 2016              |  | Section 3(1) Poisons Act 1972, as amended by the Deregulation Act 2015, Schedule 21 in relation to poisons and explosives precursors | No | 2 years   | s.2(3) defines 'regulated explosives precursor'         |
| Selling of listed explosives precursors to a person who does not hold a licence                  |  | Section 3A Poisons Act 1972, as amended by the Deregulation Act 2015, Schedule 21 in relation to poisons and explosives precursors   | No | 2 years   | s.2(3) defines 'regulated explosives precursor'         |
| Failing to report a suspicious transaction, loss or theft of a regulated or reportable precursor |  | Section 3C Poisons Act 1972, as amended by the Deregulation Act 2015, Schedule 21 in relation to poisons and explosives precursors   | No | 3 months and/or a fine  | s.2(4) defines 'regulated explosives precursor'         |
| Possession of an F2, F3 or F4 firework by a person under 18 in a public place                    | This does not include sparklers, toy caps, throw-downs | Fireworks Regulations, 2004 (SI 1836: 2004), Regulation 4<br><br>Fireworks Act 2003  | No | 6 months imprisonment, £5000 fine or both. £90 on the spot fine | SI 1836: 2004 defines 'fireworks' and 'adult fireworks' |

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| Any person to be in possession of category 4 fireworks                  | There are exemptions for professional use   | Fireworks Regulations, 2004 (SI 1836: 2004), Regulation 5<br><br>Fireworks Act 2003                 | No        | 6 months imprisonment, £5000 fine or both. £90 on the spot fine  | SI 1836: 2004 defines 'fireworks' and 'adult fireworks'                                       |
| Using a firework at night other than during a permitted fireworks night | 11pm – 7am most of the year – exceptions are New Year, Chinese New Year, Diwali and Bonfire Night           | Fireworks Regulations, 2004 (SI 1836: 2004), Regulation 7<br><br>Fireworks Act 2003                 | No        | 6 months imprisonment, £5000 fine or both. £90 on the spot fine  | SI 1836: 2004 defines 'fireworks' and 'adult fireworks'                                       |
| Throwing or discharging a firework in a public place                    |   | The Explosives Act 1875 section 80  | No        | Fine not exceeding the statutory maximum   | Defines 'explosive'<br><br>The term 'gunpowder' applies to all explosives covered by the Act. |
| Acquiring /keeping explosives without a valid certificate               | Licensee must adhere to conditions of that certificate (quantities, types etc). Some explosives are exempt. | Explosives Regulations 2014, Regulation 5 (1)and (2)<br><br>Health and Safety at Work etc Act 1974. | Yes - DPP | Breaches of the Health and Safety at Work etc Act 1974 are offences under section 33. Information on sanctions is available on the <a href="#">HSE website</a> . | Defines 'explosive', 'explosive substance' and 'fireworks'                                    |

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| Manufacturing more than 100g of explosives without a licence | Explosives can be manufactured for laboratory analysis, testing demonstration and experimentation but not for practical use or supply | Explosives Regulations 2014 Regulation 6 (1) and (2)<br><br>Health and Safety at Work etc Act 1974. | Yes - DPP | See above  | Defines 'explosive', 'explosive substance' and 'fireworks'   |
| Accidents in the work place involving explosives             | These are usually investigated by the <a href="#">HSE</a> .   | Health and Safety at Work etc Act 1974.   | Yes - DPP | See above  |  |
| Possession of pyrotechnic articles at musical events         | Pyrotechnic articles can a firework, flare or smoke bomb  | Policing and Crime Act 2017 section 134.  | No        | The maximum penalty for the offence is three months' imprisonment, a level 3 fine (currently £1,000), or both. | The Policing and Crime Act 2017 (Possession of Pyrotechnic Articles at Musical Events) Regulations 2017 (SI 2017/306) defines a qualifying musical event |