

Bomb Hoaxes – 1: s 321A(1)

Legislation

321A Bomb hoaxes

- (1) Any person who—
- (a) places an article or substance in any place; or
 - (b) sends an article or substance in any way;

with the intention of inducing in another person a belief that the article or substance is likely to explode, ignite, or discharge a dangerous or noxious substance, commits a crime.

Maximum penalty—7 years imprisonment.

Commentary

For notes on intention see **Benchbook No 59 – Intention**.

A substance which is itself is not noxious may be a noxious thing in sufficient quantity: *Hennah* (1877) 13 Cox CC 547, *R v Cramp* (1880) 5 QBD 307, *R v Barton* (1931) 25 QJPR 81. It is a question of fact and degree whether the thing is noxious: *R v Marcus* (1981) 73 Cr App R 49.

Suggested Direction

The prosecution must prove beyond reasonable doubt that:

1. **The defendant placed the article (or substance) in the place; OR sent the article (or substance) in any way;**
2. **The defendant intended to induce in another person a belief that the article (or substance) was likely to explode (or ignite or discharge a dangerous or noxious substance).**

It is not necessary that the prosecution prove that some particular person was intended to be induced to the belief. It is sufficient that the defendant intended any other person or persons to be induced to that belief.

It is immaterial that the article (or substance) was not in fact likely to explode (or ignite or discharge a dangerous or noxious substance).