

The common law offence of arson has been abolished (s. 11(1)) and been replaced by an offence of destroying or damaging property by fire (statutory arson) (s. 1(3)). A Law Commission proposal to abolish the offence was not adopted.<sup>3</sup>

The Act creates two additional offences: threatening to destroy or damage property (s. 2); and possessing anything with intent to destroy or damage property (s. 3).

The maximum punishment for arson is life imprisonment (s. 4(1)) and for any other offence is ten years' imprisonment (s. 4(2)). Section 5 retains all existing defences but also provides for certain special lawful excuses: where the owner consented to the destruction or damage, and where the accused had an honest belief that it was reasonable to destroy or damage the property. For the purpose of these defences it is immaterial whether a belief is justified or not, if it is honestly held.

Section 8 permits the court to award compensation in respect of the whole or part of the loss or damage to the property. The only limit to the amount that may be awarded is that it cannot exceed £400.

For the purposes of the Act, an offence may be committed against both real and personal property (s. 10).

#### CRIMINAL CODE AMENDMENT ACT 1969-70 (CANADA)

The Canadian Criminal Code has been amended by the addition of three new sections relating to Hate Propaganda. Section 267A makes it an offence to advocate or promote genocide. Section 267B makes it an offence to incite hatred against any identifiable group where such incitement is likely to lead to a breach of the peace. It is also an offence to promote hatred by communicating statements, other than in private conversation, against any identifiable group. The section provides for certain defences to such a charge which include good faith and the public interest. Section 267C enables a judge to authorize seizure of publications containing hate propaganda.

It is a sign of the times that apparently the traditional offences of sedition<sup>1</sup> and criminal libel<sup>2</sup> have been found inadequate.

<sup>3</sup> Law Commission Report no. 29.

<sup>1</sup> Sections 60-62, Criminal Code (Canada); cf. ss. 44-53, Criminal Code (W.A.).

<sup>2</sup> Sections 260-281, *idem*; cf. ss. 345-369, Criminal Code (W.A.).