# Prevention of Crimes Act 1871

**1871 CHAPTER 112 34 and 35 Vict**

An Act for the more effectual Prevention of Crime. [21st August 1871]

**Modifications etc. (not altering text)**

**C1** Preamble omitted under authority of Statute Law Revision (No. 2) Act 1893 (c. 54)

**C2** Except where otherwise stated, references to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2

**C3** This Act is not necessarily in the form in which it has effect in Northern Ireland

**Commencement Information**

**I1** Act wholly in force at Royal Assent.

*Preliminary*

**1 Short title.**

This Act may be cited as "The Prevention of Crimes Act 1871."

**2** . . . . . [F1]

**Textual Amendments**

**F1** S. 2 repealed by Statute Law Revision (No. 2) Act 1893 (c. 54)

**3–5** . . . . . [F2]

**Textual Amendments**

**F2** Ss. 3–5 repealed by Criminal Justice Act 1948 (c. 58), **Sch. 10 Pt. I** and Criminal Justice (Scotland) Act 1949 (c. 94), **Sch. 12**

*Register of Criminals.*

## [F3 6 Register and photographing of criminals.

The following enactments shall be made with a view to facilitate the identification of criminals:

(1) Registers of all persons convicted of crime in the United Kingdom shall be kept in such form and containing such particulars as may from time to time be prescribed, in Great Britain by one of Her Majesty's Principal Secretaries of State, and in Ireland by the Lord Lieutenant:

(2) The register for England shall be kept in London under the management of the commissioner of police of the metropolis, or such other person as the Secretary of State may appoint:

(3) The register for Scotland shall be kept in Edinburgh under the management of the secretary to the managers of the General Prison at Perth, or such other person as the Secretary of State may appoint:

(4) The register for Ireland shall be kept in Dublin under the management of the commissioners of police for the police district of Dublin metropolis, or such other person as the Lord Lieutenant may from time to time appoint:

(5) In every prison, the gaoler or other governor of the prison shall make returns of the persons convicted of crime and coming within his custody; and such returns shall be in such form or forms and contain such particulars in Great Britain as the Secretary of State, and in Ireland as the said Lord Lieutenant, may require; and every gaoler or other governor of a prison who refuses or neglects to transmit such returns, or wilfully transmits a return containing any false or imperfect statement, shall for every such offence forfeit a sum not exceeding twenty pounds, to be recovered summarily:

(6) In Great Britain the Secretary of State, and in Ireland the said Lord Lieutenant, may make regulations as to the photographing of all prisoners convicted of crime who may for the time being be confined in any prison in Great Britain or Ireland, and may in such regulations prescribe the time or times at which and the manner and dress in which such prisoners are to be taken, and the number of photographs of each prisoner to be printed, and the persons to whom such photographs are to be sent:

(7) Any regulations made by the Secretary of State as to the photographing of prisoners in any prison in England shall be deemed to be regulations for the government of that prison, and binding on all persons, in the same manner as if they were contained in the first schedule annexed to The Prison Act, 1865:

(8) Any regulations made by the Secretary of State as to the photographing of prisoners in any prison in Scotland shall be deemed to be rules for prisons in Scotland, and as such shall be binding on all whom they may concern, in the same manner as if the same were made under and in virtue of the powers contained in "The Prisons (Scotland) Administration Act, 1860:"

(9) Any regulations made by the Lord Lieutenant as to the photographing of prisoners in any prison in Ireland shall be deemed to be byelaws duly made by the Lord Lieutenant, and shall be binding on all persons, in the same manner as if the same were made under the authority of the Act passed in the session holden in the nineteenth and twentieth years of the reign of Her present Majesty, chapter sixty–eight:

(10) Any prisoner refusing to obey any regulation made in pursuance of this section shall be deemed guilty of an offence against prison discipline, in England within the meaning of the fifty–seventh regulation in the first schedule annexed to the said Prison Act, 1865, in Scotland within the meaning of the rules for prisons in Scotland, certified under the hand of one of Her Majesty's Principal Secretaries of State, under and by virtue of "The Prisons (Scotland) Administration Act, 1860", and in Ireland within the meaning of the fifteenth regulation contained in section one hundred and nine of the Act passed in the seventh year of the reign of His late Majesty King George the Fourth, chapter seventy–four:

(11) Any authority having power to make regulations in pursuance of this section may from time to time modify, repeal, or add to any regulations so made:

(12) Any expenses incurred in pursuance of this section shall be defrayed as follows: (that is to say,) The expense of keeping the register in London, Edinburgh, and Dublin shall, to such amount as may be sanctioned by the Treasury, be paid out of moneys provided by Parliament : The expenses incurred in photographing the prisoners in any prison shall be deemed to be part of the expenses incurred in the maintenance of the prison, and shall be defrayed accordingly. This section shall not apply to the prisons for convicts under the superintendance of the directors of convict prisons or to any military or naval prison.**]**

**Textual Amendments**

**F3** S. 6 repealed (S.) with saving by Criminal Justice (Scotland) Act 1963 (c. 39), s. 52(3), **Sch. 6** and (E.W.) by Criminal Law Act 1967 (c. 58), **Sch. 3 Pt. I** and repealed in part (N.I.) by Statute Law (Repeals) Act 1981 (c. 19), **Sch. 1 Pt. I**

**Modifications etc. (not altering text)**

**C4** The text of s. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Punishment of certain Offenders*

**[F4 7 Special offences by persons twice convicted of crime.**

Where any person is convicted on indictment of a crime, and a previous conviction of a crime is proved against him he shall, at any time within seven years immediately after the expiration of the sentence passed on him for the last of such crimes be guilty of an offence against this Act, and be liable to imprisonment, . . . F5, for a term not exceeding one year, under the following circumstances or any of them:

First. If on his being charged by a constable with getting his livelihood by dishonest means, and being brought before a court of summary jurisdiction, it appears to such court that there are reasonable grounds for believing that the person so charged is getting his livelihood by dishonest means: or,

Secondly. If, on being charged with any offence punishable on indictment or summary conviction, and on being required by a court of summary jurisdiction to give his name and address, he refuses to do so, or gives a false name or a false address: or,

Thirdly. If he is found in any place, whether public or private, under such circumstances as to satisfy the court before whom he is brought that he was about to commit or to aid in the commission of any offence punishable on indictment or summary conviction, or was waiting for an opportunity to commit or aid in the commission of any offence punishable on indictment or summary conviction: or,

Fourthly. If he is found in or upon any dwelling–house, or any building, yard, or premises, being parcel of or attached to such dwelling–house, or in or upon any shop, warehouse, counting–house, or other place of business, or in any garden, orchard, pleasure ground, or nursery ground, or in any building or erection in any garden, orchard, pleasure ground, or nursery ground, without being able to account to the satisfaction of the court before whom he is brought for his being found on such premises.

Any person charged with being guilty of any offence against this Act mentioned in this section may be taken into custody as follows; (that is to say),

In the case of any such offence against this Act as is first in this section mentioned, by any constable without warrant, if such constable is authorized so to do by the chief officer of police of his district;

In the case of any such offence against this Act as is thirdly in this section mentioned, by any constable without warrant, although such constable is not specially authorized to take him into custody;

Also, where any person is charged with being guilty of an offence against this Act fourthly in this section mentioned, he may, without warrant, be apprehended by any constable, or by the owner or occupier of the property on which he is found, or by the servants of the owner or occupier, or by any other person authorized by the owner or occupier, and may be detained until he can be delivered into the custody of a constable.**]**

**Textual Amendments**

**F4** S. 7 repealed (E.W.) by Criminal Law Act 1967 (c. 58), **Sch. 3 Pt. I** and repealed (S.) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), **Sch. 4**

**F5** Words omitted by virtue of (E.W.) Criminal Justice Act 1948 (c. 58), **s. 1(2)** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21), **s. 221(2)**

**8** . . . . . **F6**

**Textual Amendments**

**F6** S. 8 repealed by Criminal Justice Act 1948 (c. 58), **Sch. 10 Pt. I** and Criminal Justice (Scotland) Act 1949 (c. 94), **Sch. 12**

**9** . . . . . **F7**

**Textual Amendments**

**F7** S. 9 repealed by Statute Law (Repeals) Act 1981 (c. 19), **Sch. 1 Pt. I**

**10, 11.** . . . . . [F8]

**Textual Amendments**

**F8** Ss. 10, 11 repealed by Theft Act 1968 (c. 60), s. 33(3), **Sch. 3 Pt. II**

**12** . . . . . [F9]

**Textual Amendments**

**F9** S. 12 repealed by Police (Scotland) Act 1956 (c. 26), **Sch. 3** and Police Act 1964 (c. 48), **Sch. 10 Pt. I**

**[[F10]13 Penalty on dealers in old metals purchasing quantities less than stated in schedule.**

Any dealer in old metals who either personally or by any servant or agent purchases, receives, or bargains for any metal mentioned in the first column of the schedule annexed hereto, whether new or old, in any quantity at one time of less weight than the quantity set opposite each such metal in the second column of the schedule annexed hereto, shall be guilty of an offence against this Act, and be liable to a penalty not exceeding **[**[F11]level 1 on the standard scale**]**.

For the purpose of this section the term "dealer in old metals" shall mean any person dealing in, buying, and selling old metal, scrap metal, broken metal, or partly manufactured metal goods, or defaced or old metal goods, and whether such person deals in such articles only, or together with second–hand goods or marine stores.**]**

**Textual Amendments**

**F10** S. 13 repealed (E.W.) by Scrap Metal Dealers Act 1964 (c. 69), s. 10(1), **Sch. Pt. I** and repealed (S.) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), **Sch. 4**

**F11** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G, 457A

**14** . . . . . [F12]

**Textual Amendments**

**F12** S. 14 repealed by Children Act 1908 (c. 67), **Sch. 3**

*Amendment of Criminal Law in certain Cases*

### [[F13]15 Evidence of vagrancy and amendment of Vagrant Act.

Whereas by the fourth section of the [M1]Vagrancy Act 1824, it is, amongst other things, provided that every suspected person or reputed thief frequenting any river, canal, or navigable stream, dock, or basin, or any quay, wharf, or warehouse near or adjoining thereto, or any street, highway, or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit **[**[F14]an arrestable offence**]**, shall be deemed a rogue and vagabond, and may be apprehended and committed to prison . . . [F15] for any time not exceeding three calendar months: . . . [F16] firstly, the said section shall be construed as if instead of the words "highway or place adjacent" there were inserted the words "or any highway or any place adjacent to a street or highway;" and, secondly, in proving the intent to commit **[**[F14]an arrestable offence**]** it shall not be necessary to show that the person suspected was guilty of any particular act or acts tending to show his purpose or intent, and he may be convicted if from the circumstances of the case, and from his known character as proved to the justice of the peace or court before whom or which he is brought, it appears to such justice or court that this intent was to commit **[**[F14]an arrestable offence**]**; and the provisions of the said section, as amended by this section, shall be in force in Scotland and Ireland. For the purposes of this section, in Scotland the word **[**[F14]an arrestable offence**]** shall mean any of the pleas of the Crown, any theft, which in respect of aggravation, or of the amount in value of the money, goods, or thing stolen, may be punished with penal servitude, any forgery, and any uttering of any forged writing.**]**

**Textual Amendments**

**F13** S. 15 repealed (E.W.) by Criminal Attempts Act 1981 (c. 47, SIF 39:1), **Sch. 1 Pt. II** and (S.) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), **Sch. 4**

**F14** Words substituted (E.W.) (S.) by Criminal Law Act 1967 (c. 58), s. 11(3), **Sch. 2 para. 2(2)**

**F15** Words omitted by virtue of (E.W.) Criminal Justice Act 1948 (c. 58), **s. 1(2)** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21), **s. 221(2)**

**F16** Words repealed by Statute Law Revision (No. 2) Act 1893 (c. 54)

**Modifications etc. (not altering text)**

**C5** S. 15 excluded by Theatres Act 1968 (c. 54), **s. 2(4)**

**C6** Reference to penal servitude to be construed as reference to imprisonment: Criminal Procedure (Scotland) Act 1975 (c. 21), **s. 221(1)**

**Marginal Citations**

**M1** 1824 c. 83.

### 16 Power to search for stolen property.

Any constable may under the circumstances hereafter in this section mentioned be authorized in writing by a chief officer of police to enter, and if so authorized may enter, any house, shop, warehouse, yard, or other premises in search of stolen property, and search and seize and secure any property he may believe to have been stolen, in the same manner as he would be authorized to do if he had a search warrant, and the property seized, if any, corresponded to the property described in such search warrant.

In every case in which any property is seized in pursuance of this section the person on whose premises it was at the time of seizure, or the person from whom it was taken if other than the person on whose premises it was, shall, unless previously charged with receiving the same knowing it to have been stolen, be summoned before a court of summary jurisdiction to account for his possession of such property, and such court shall make such order respecting the disposal of such property, and may award suchcg costs as the justice of the case may require.

It shall be lawful for any chief officer of police to give such authority as aforesaid in the following cases, or either of them:—

First. When the premises to be searched are, or within the preceding twelve months have been, in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves: or

Second. When the premises to be searched are in the occupation of any person who has been convicted of any offence involving fraud or dishonesty, and punishable by penal servitude or imprisonment:

And it shall not be necessary for such chief officer of police on giving such authority to specify any particular property, but he may give such authority if he has reason to believe generally that such premises are being made a receptacle for stolen goods.

**Modifications etc. (not altering text)**

**C7** S. 16 repealed (E.W.) by Larceny Act 1916 (c. 50), **Sch.**

**C8** Reference to penal servitude to be construed as reference to imprisonment: Criminal Procedure (Scotland) Act 1975 (c.21), **s. 221(1)**

*Legal Proceedings*

**[F17][F18]17 . . . . . .**

**Textual Amendments**

**F17** S. 17 repealed (E.W.) by Statute Law (Repeals) Act 1981 (c. 19), **Sch. 1 Pt. I**

**F18** S. 17: Except the words "A previous conviction in any one part of the United Kingdom may be proved against a prisoner in any other part of the United Kingdom." expressed to be repealed (E.W.) (with effect only in relation to Criminal Proceedings) by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), **Sch. 7 Pt. IV**.
S. 17 repealed (S.) (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. I** Group 1.

## [[F19]18 Evidence of previous conviction.

A previous conviction may be proved in any legal proceeding whatever against any person by producing a record or extract of such conviction, and by giving proof of the identity of the person against whom the conviction is sought to be proved with the person appearing in the record or extract of conviction to have been convicted.

A record or extract of a conviction shall in the case of an indictable offence consist of a certificate containing the substance and effect only (omitting the formal part of the indictment and conviction), and purporting to be signed by the [[F20]proper officer of the

court by which such conviction was made;] and in the case of a summary conviction shall consist of a copy of such conviction purporting to be signed by any justice of the peace having jurisdiction over the offence in respect of which such conviction was made, or to be signed by the proper officer of the court by which such conviction was made, or by the [[F20]proper officer] of any court to which such conviction has been returned.

A record or extract of any conviction made in pursuance of this section shall be admissible in evidence without proof of the signature or official character of the person appearing to have signed the same.

[[F21]A previous conviction in any one part of the United Kingdom may be proved against a prisoner in any other part of the United Kingdom;][[F22]and a conviction before the passing of this Act shall be admissible in the same manner as if it had taken place after the passing thereof].

A fee not exceeding [[F23]25p] may be charged for a record of a conviction given in pursuance of this section.

The mode of proving a previous conviction authorized by this section shall be in addition to and not in exclusion of any other authorized mode of proving such conviction.]

[[F24] In this section "proper officer" means—

(a) in relation to a magistrates' court in England and Wales, the [[F25]designated officer] for the court; and

(b) in relation to any other court, the clerk of the court or other officer having the custody of the records of the court, or the deputy of such clerk or other officer.]

**Textual Amendments**

**F19** S. 18 repealed (S.) by Statute Law (Repeals) Act 1981 (c. 19), **Sch. 1 Pt. I**

**F20** Words in s. 18 substituted (1.4.2001 subject to Sch. 2 para. 2 of the commencing SI) by 1999 c. 22, s. 90, **Sch. 13 para. 4(1)-(3)** (with Sch. 14, para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

**F21** S. 18 except the words "A previous conviction in any one part of the United Kingdom may be proved against a prisoner in any other part of the United Kingdom." repealed (E.W.) (with effect only in relation to Criminal Proceedings) by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), **Sch. 7 Pt. IV**

**F22** Words repealed (E.W.N.I.) by Statute Law (Repeals) Act 1981 (c. 19), **Sch. 1 Pt. I**

**F23** Words substituted by virtue of Decimal Currency Act 1969 (c. 19), **s. 10(1)**

**F24** Definition of "proper officer" in s. 18 inserted (1.4.2001 subject to Sch. 2 para. 2 of the commencing SI) by 1999 c. 22, ss. 90, 108(1), **Sch. 13 para. 4(1)(4)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

**F25** Words in s. 18 substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 52**; S.I. 2005/910, art. 3(y)

**Modifications etc. (not altering text)**

**C9** Expression "United Kingdom", where first occurring, to be construed as including the Republic of Ireland: S. R. & O 1923/405 (Rev. X, p. 289: 1923, p. 400), art. 2. Sch.

## 19 Evidence in cases of receiving stolen property.

Where proceedings are taken against any person for having received goods knowing them to be stolen, or for having in his possession stolen property, evidence may be

given at any stage of the proceedings that there was found in the possession of such person other property stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the property to be stolen which forms the subject of the proceedings taken against him.

Where proceedings are taken against any person for having received goods knowing them to be stolen, or for having in his possession stolen property, and evidence has been given that the stolen property has been found in his possession, then if such person has within five years immediately preceding been convicted of any offence involving fraud or dishonesty, evidence of such previous conviction may be given at any stage of the proceedings, and may be taken into consideration for the purpose of proving that the person accused knew the property which was proved to be in his possession to have been stolen; provided that not less than seven days notice in writing shall have been given to the person accused that proof is intended to be given of such previous conviction; and it shall not be necessary for the purposes of this section to charge in the indictment the previous conviction of the person so accused.

**Modifications etc. (not altering text)**

**C10** S. 19 repealed (E.W.) by Larceny Act 1916 (c. 50), **Sch.**

*Definitions*

## 20 Interpretation. "Offence:" "Indictment:" "Police district:" "Chief officer of police:"

. . . [F26]

The expression "crime" means, in England and Ireland, any felony, or the offence of uttering false or counterfeit coin, or of possessing counterfeit gold or silver coin, or the offence of obtaining goods or money by false pretences, or the offence of conspiracy to defraud, or any misdemeanour under the fifty–eighth section of the [M2]Larceny Act 1861; and in Scotland, any of the pleas of the Crown, any theft which, in respect of any aggravation, or of the amount in value of the money, goods, or thing stolen, may be punished with penal servitude, any forgery, and any uttering of any forged writing, falsehood, fraud, and wilful imposition, uttering base coin, or the possession of such coin with intent to utter the same.

The expression "offence" means any act or omission which is not a crime as defined by this Act, and is punishable on indictment or summary conviction.

The expression "indictment" shall in Scotland include criminal letters and criminal libel.

The expression "police district" means—

. . . [F27]

In Ireland,—

(1) The police district of Dublin metropolis:

(2) Elsewhere in Ireland, any district, whether city, town, or country, over which is appointed a sub–inspector of the Royal Irish Constabulary.

The expression "chief officer of police" means—

. . . [F28]

In Ireland,—

(1) In the police district of Dublin metropolis, either of the commissioners of police for the said district:

(2) Elsewhere in Ireland, in any other police district, the sub–inspector of the Royal Irish Constabulary:

Any act or thing by this Act authorized to be done by the chief officer of police may be done by any person authorized by him in that behalf.

. . . [F26]

**Textual Amendments**

**F26** Definition repealed by Statute Law Revision (No. 2) Act 1893 (c. 54)

**F27** Definition repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I** and Police (Scotland) Act 1967 (c. 77), **Sch. 5 Pt. II**

**F28** Definition repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I** and Police (Scotland) Act 1967 (c. 77), **Sch. 5 Pt. I**

**Modifications etc. (not altering text)**

**C11** S. 20 repealed (E.W.) by Criminal Law Act 1967 (c. 58), **Sch. 3 Pt. I**

**C12** Reference to penal servitude to be construed as reference to imprisonment: Criminal Procedure (Scotland) Act 1975 (c. 21), **s. 221(1)**

**Marginal Citations**

**M2** 1861 c. 96.

*Repeal of Acts, and Saving Clause*

**21** . . . . . [F29]

**Textual Amendments**

**F29** S. 21 repealed by Statute Law Revision Act 1883 (c. 39)

**22** . . . . . [F30]

**Textual Amendments**

**F30** S. 22 repealed by Statute Law (Repeals) Act 1981 (c. 19), **Sch. 1 Pt. I**

# [F31SCHEDULE ABOVE REFERRED TO

**Textual Amendments**

**F31** Sch. repealed (S.) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), **Sch. 4**

**Modifications etc. (not altering text)**

**C13** Schedule repealed (E.W.) by Scrap Metal Dealers Act 1964 (c. 69), s. 10(1), **Sch. Pt. I**

| **Column 1** | **Column 2** |
|---|---|
| **List of Metals** | **Quantities of not less than** |
| Lead, or any composite the principal ingredient of which is lead | 112 lbs. |
| Copper, or any composite the principal ingredient of which is copper | 56 lbs. |
| Brass, or any composite the principal ingredient of which is brass | 56 lbs. |
| Tin, or any composite the principal ingredient of which is tin | 56 lbs. |
| Pewter, or any composite the principal ingredient of which is pewter | 56 lbs. |
| German silver or spelter, or any composite the principal ingredient of which is German silver or spelter | 56 lbs.] |

**Changes to legislation:**
There are currently no known outstanding effects for the Prevention of Crimes Act 1871.