



Offences against the Person Act 1861

1861 CHAPTER 100 24 and 25 Vict

x1

An Act to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person. [6th August 1861]

Editorial Information

X1 This Act is not necessarily in the form in which it has effect in Northern Ireland

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble omitted under authority of [Statute Law Revision Act 1892 \(c. 19\)](#)
- C3 References to Ireland to be construed as exclusive of the Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298; 1923, p. 400), art. 2
- C4 References to penal servitude to be construed as references to imprisonment and references to penal servitude for life to be construed as references to imprisonment for life or any shorter term: [Criminal Justice Act 1948 \(c. 58\), s. 1\(1\)](#)

Homicide

1 F1

Textual Amendments

F1 S. 1 repealed by [Murder \(Abolition of Death Penalty\) Act 1965 \(c. 71\)](#), [Sch.](#) and Northern Ireland ([Emergency Provisions\) Act 1973 \(c. 53\)](#), s. 31(6), [Sch. 5](#)

2, 3 F2

Status: Point in time view as at 01/04/2005.

Changes to legislation: There are currently no known outstanding effects for the Offences against the Person Act 1861. (See end of Document for details)

Textual Amendments

F2 Ss. 2, 3 repealed by [Homicide Act 1957 \(c. 11\)](#), [Sch. 2](#)

4 Conspiring or soliciting to commit murder.

^{F3} . . . Whosoever shall solicit, encourage, persuade, or endeavour to persuade, or shall propose to any person, to murder any other person, whether he be a subject of Her Majesty or not, and whether he be within the Queen’s dominions or not, shall be guilty of a misdemeanor, and being convicted thereof shall be liable ^{F4} . . . to [^{F5}imprisonment for life]^{F4} . . .

Textual Amendments

- F3** Words repealed by [Criminal Law Act 1977 \(c. 45\)](#), [Sch. 13](#)
- F4** Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)
- F5** Words substituted by [Criminal Law Act 1977 \(c. 45\)](#), [s. 5\(10\)\(b\)](#)

5 Manslaughter.

Whosoever shall be convicted of manslaughter shall be liable, at the discretion of the court, to be kept in penal servitude for life . . . ^{F6}

Textual Amendments

F6 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#) and [Criminal Justice Act 1948 \(c. 58\)](#), [Sch. 10 Pt. I](#)

6 ^{F7}

Textual Amendments

F7 S. 6 repealed by [Indictments Act 1915 \(c. 90\)](#), [Sch. 2](#)

7, 8 ^{F8}

Textual Amendments

F8 Ss. 7, 8 repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. I](#)

9 Murder or manslaughter abroad.

Where any murder or manslaughter shall be committed on land out of the United Kingdom, whether within the Queen’s dominions or without, and whether the person killed were a subject of Her Majesty or not, every offence committed by any subject

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of Her Majesty in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, . . . ^{F9}, may be dealt with, inquired of, tried, determined, and punished . . . ^{F9} in England or Ireland . . . ^{F9}: Provided, that nothing herein contained shall prevent any person from being tried in any place out of England or Ireland for any murder or manslaughter committed out of England or Ireland, in the same manner as such person might have been tried before the passing of this Act.

Textual Amendments

F9 Words repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)

10 Provision for the trial of murder and manslaughter where the death or cause of death only happens in England or Ireland.

Where any person being [^{F10}criminally] stricken, poisoned, or otherwise hurt upon the sea, or at any place out of England or Ireland, shall die of such stroke, poisoning, or hurt in England or Ireland, or, being [^{F10}criminally] stricken, poisoned, or otherwise hurt in any place in England or Ireland, shall die of such stroke, poisoning, or hurt upon the sea, or at any place out of England or Ireland, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, . . . ^{F11}, may be dealt with, inquired of, tried, determined, and punished . . . ^{F11} in England or Ireland . . . ^{F11}

Textual Amendments

F10 Word substituted by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 2 para. 6](#)

F11 Words repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)

11— ^{F12}
15.

Textual Amendments

F12 Ss. 11–15, 19 repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)

Letters threatening to murder

[^{F13}16 Threats to kill.

A person who without lawful excuse makes to another a threat, intending that that other would fear it would be carried out, to kill that other or a third person shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding ten years.]

Textual Amendments

F13 S. 16 substituted by [Criminal Law Act 1977 \(c. 45\)](#), [Sch. 12](#)

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Modifications etc. (not altering text)

- C5** Ss. 16, 20, 26, 27, 34, 36, 38, 47, 57, 60 amended as to mode of trial by [Magistrates' Courts Act 1980](#) (c. 43, SIF 82), [Sch. 1 para. 5](#)

Acts causing or tending to cause Danger to Life or Bodily Harm

17 Impeding a person endeavouring to save himself from shipwreck.

Whosoever shall unlawfully and maliciously prevent or impede any person, being on board of or having quitted any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, in his endeavour to save his life, or shall unlawfully and maliciously prevent or impede any person in his endeavour to save the life of any such person as in this section first aforesaid, shall be guilty of felony, and being convicted thereof shall be liable . . . ^{F14} to be kept in penal servitude for life . . . ^{F15}

Textual Amendments

- F14** Words repealed by [Statute Law Revision \(No. 2\) Act 1893](#) (c. 54)
F15 Words repealed by [Statute Law Revision Act 1892](#) (c. 19) and [Statute Law Revision \(No. 2\) Act 1893](#) (c. 54)

18 ^{X2}Shooting or attempting to shoot, or wounding with intent to do grievous bodily harm.

Whosoever shall unlawfully and maliciously by any means whatsoever wound or cause any grievous bodily harm to any person, . . . ^{F16} with intent, . . . ^{F16} to do some . . . ^{F16} grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof shall be liable . . . ^{F17} to be kept in penal servitude for life . . . ^{F18}

Editorial Information

- X2** Unreliable marginal note

Textual Amendments

- F16** Words repealed by [Criminal Law Act 1967](#) (c. 58), [Sch. 3 Pt. III](#)
F17 Words repealed by [Statute Law Revision \(No. 2\) Act 1893](#) (c. 54)
F18 Words repealed by [Statute Law Revision Act 1892](#) (c. 19) and [Statute Law Revision \(No. 2\) Act 1893](#) (c. 54)

Modifications etc. (not altering text)

- C6** Ss. 18, 20, 21, 22, 23, 24, 28, 29, 30 extended by [Internationally Protected Persons Act 1978](#) (c. 17, SIF 39:2), [s. 1](#)
C7 Ss. 18, 20, 21, 22, 23, 28, 29 extended by [Aviation Security Act 1982](#) (c. 36, SIF 9), [s. 6\(1\)](#)
C8 Ss. 18, 20 extended (2.10.1991) by [Nuclear Material \(Offences\) Act 1983](#) (c. 18, SIF 8), [ss. 1\(1\), 8\(2\); S.I. 1991/1716](#)
C9 Ss. 18, 20, 21, 22, 23, 24, 28, 29 applied by [Aviation and Maritime Security Act 1990](#) (c. 31, SIF 39:2), [ss. 11\(7\), 14\(2\), 18\(2\)](#)
C10 S. 18 extended (27.4.1997) by [1997 c. 13, ss. 1\(2\)\(b\), 10\(2\)](#)

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19 **F19**

Textual Amendments

F19 Ss. 11–15, 19 repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)

20 **Inflicting bodily injury, with or without weapon.** **E+W**

Whosoever shall unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person, either with or without any weapon or instrument, shall be guilty of a misdemeanor, and being convicted thereof shall be liable . . . ^{F20} to be kept in penal servitude . . . ^{F20}

Extent Information

E1 This version of this provision extends to England and Wales only; a separate version has been created for Northern Ireland only

Textual Amendments

F20 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

Modifications etc. (not altering text)

C11 Ss. 16, 20, 26, 27, 34, 36, 38, 47, 57, 60 amended as to mode of trial by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 1 para. 5](#)

C12 Ss. 18, 20, 21, 22, 23, 24, 28, 29, 30 extended by [Internationally Protected Persons Act 1978 \(c. 17, SIF 39:2\)](#), [s. 1](#)

C13 Ss. 18, 20, 21, 22, 23, 28, 29 extended by [Aviation Security Act 1982 \(c. 36, SIF 9\)](#), [s. 6\(1\)](#)

C14 Ss. 18, 20 extended (2.10.1991) by [Nuclear Material \(Offences\) Act 1983 \(c. 18, SIF 8\)](#), [ss. 1\(1\), 8\(2\)](#), [S.I. 1991/1716](#)

C15 Ss. 18, 20, 21, 22, 23, 24, 28, 29 applied by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), [ss. 11\(7\), 14\(2\), 18\(2\)](#)

C16 S. 20 extended (27.4.1997) by [1997 c. 13, ss. 1\(2\)\(b\), 10\(2\)](#)

20 **Inflicting bodily injury, with or without weapon.** **N.I.**

Whosoever shall unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person, either with or without any weapon or instrument, [^{F101}shall be guilty of an offence and liable, on conviction on indictment, to imprisonment for a term not exceeding 7 years.]

Extent Information

E3 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales only

Textual Amendments

F101 Words in s. 20 substituted (N.I.) (28.9.2004) by [The Criminal Justice \(No. 2\) \(Northern Ireland\) Order 2004 \(S.I.2004/1991\(N.I. 15\)\)](#), {art. 4 (1)}

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Modifications etc. (not altering text)

- C11** Ss. 16, 20, 26, 27, 34, 36, 38, 47, 57, 60 amended as to mode of trial by [Magistrates' Courts Act 1980](#) (c. 43, SIF 82), [Sch. 1 para. 5](#)
- C12** Ss. 18, 20, 21, 22, 23, 24, 28, 29, 30 extended by [Internationally Protected Persons Act 1978](#) (c. 17, SIF 39:2), [s. 1](#)
- C13** Ss. 18, 20, 21, 22, 23, 28, 29 extended by [Aviation Security Act 1982](#) (c. 36, SIF 9), [s. 6\(1\)](#)
- C14** Ss. 18, 20 extended (2.10.1991) by [Nuclear Material \(Offences\) Act 1983](#) (c. 18, SIF 8), [ss. 1\(1\), 8\(2\)](#); [S.I. 1991/1716](#)
- C15** Ss. 18, 20, 21, 22, 23, 24, 28, 29 applied by [Aviation and Maritime Security Act 1990](#) (c. 31, SIF 39:2), [ss. 11\(7\), 14\(2\), 18\(2\)](#)
- C16** S. 20 extended (27.4.1997) by [1997 c. 13, ss. 1\(2\)\(b\), 10\(2\)](#)

21 Attempting to choke, &c. in order to commit any indictable offence.

Whosoever shall, by any means whatsoever, attempt to choke, suffocate, or strangle any other person, or shall by any means calculated to choke, suffocate, or strangle, attempt to render any other person insensible, unconscious, or incapable of resistance, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing, any indictable offence, shall be guilty of felony, and being convicted thereof shall be liable . . . ^{F21} to be kept in penal servitude for life . . . ^{F21}

Textual Amendments

- F21** Words repealed by [Statute Law Revision Act 1892](#) (c. 19)

Modifications etc. (not altering text)

- C17** Ss. 18, 20, 21, 22, 23, 24, 28, 29, 30 extended by [Internationally Protected Persons Act 1978](#) (c. 17, SIF 39:2), [s. 1](#)
- C18** Ss. 18, 20, 21, 22, 23, 28, 29 extended by [Aviation Security Act 1982](#) (c. 36, SIF 9), [s. 6\(1\)](#)
- C19** Ss. 18, 20, 21, 22, 23, 24, 28, 29 applied by [Aviation and Maritime Security Act 1990](#) (c. 31, SIF 39:2), [ss. 11\(7\), 14\(2\), 18\(2\)](#)
- C20** S. 21 extended (27.4.1997) by [1997 c. 13, ss. 1\(2\)\(b\), 10\(2\)](#)

22 Using chloroform, &c. to commit any indictable offence.

Whosoever shall unlawfully apply or administer to or cause to be taken by, or attempt to apply or administer to or attempt to cause to be administered to or taken by, any person, any chloroform, laudanum, or other stupefying or overpowering drug, matter, or thing, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing, any indictable offence, shall be guilty of felony, and being convicted thereof shall be liable . . . ^{F22} to be kept in penal servitude for life . . . ^{F22}

Textual Amendments

- F22** Words repealed by [Statute Law Revision Act 1892](#) (c. 19)

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Modifications etc. (not altering text)

- C21** Ss. 18, 20, 21, 22, 23, 24, 28, 29, 30 extended by [Internationally Protected Persons Act 1978 \(c. 17, SIF 39:2\)](#), [s. 1](#)
- C22** Ss. 18, 20, 21, 22, 23, 28, 29 extended by [Aviation Security Act 1982 \(c. 36, SIF 9\)](#), [s. 6\(1\)](#)
- C23** Ss. 18, 20, 21, 22, 23, 24, 28, 29 applied by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), [ss. 11\(7\), 14\(2\), 18\(2\)](#)
- C24** S. 22 extended (27.4.1997) by [1997 c. 13, ss. 1\(2\)\(b\), 10\(2\)](#)

23 Maliciously administering poison, &c. so as to endanger life or inflict grievous bodily harm.

Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other person any poison or other destructive or noxious thing, so as thereby to endanger the life of such person, or so as thereby to inflict upon such person any grievous bodily harm, shall be guilty of felony, and being convicted thereof shall be liable . . . ^{F23} to be kept in penal servitude for any term not exceeding ten years . . . ^{F23}

Textual Amendments

- F23** Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

Modifications etc. (not altering text)

- C25** Ss. 18, 20, 21, 22, 23, 24, 28, 29, 30 extended by [Internationally Protected Persons Act 1978 \(c. 17, SIF 39:2\)](#), [s. 1](#)
- C26** Ss. 18, 20, 21, 22, 23, 28, 29 extended by [Aviation Security Act 1982 \(c. 36, SIF 9\)](#), [s. 6\(1\)](#)
- C27** Ss. 18, 20, 21, 22, 23, 24, 28, 29 applied by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), [ss. 11\(7\), 14\(2\), 18\(2\)](#)
- C28** S. 23 extended (27.4.1997) by [1997 c. 13, ss. 1\(2\)\(b\), 10\(2\)](#)

24 Maliciously administering poison, &c. with intent to injure, aggrieve, or annoy any other person.

Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other person any poison or other destructive or noxious thing, with intent to injure, aggrieve, or annoy such person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable . . . ^{F24} to be kept in penal servitude . . . ^{F25}

Textual Amendments

- F24** Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)
- F25** Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#) and [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

Modifications etc. (not altering text)

- C29** Ss. 18, 20, 21, 22, 23, 24, 28, 29, 30 extended by [Internationally Protected Persons Act 1978 \(c. 17, SIF 39:2\)](#), [s. 1](#)
- C30** Ss. 18, 20, 21, 22, 23, 24, 28, 29 applied by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), [ss. 11\(7\), 14\(2\), 18\(2\)](#)
- C31** S. 24 extended (27.4.1997) by [1997 c. 13, ss. 1\(2\)\(b\), 10\(2\)](#)

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25 If the jury be not satisfied that any person charged is guilty of felony, but guilty of misdemeanor they may find him guilty accordingly.

If, upon the trial of any person for any felony in the last but one preceding section mentioned, the jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of any misdemeanor in the last preceding section mentioned, then and in every such case the jury may acquit the accused of such felony, and find him guilty of such misdemeanor, and thereupon he shall be liable to be punished in the same manner as if convicted upon an indictment for such misdemeanor.

26 Not providing apprentices or servants with food, &c. whereby life is endangered.

Whosoever, being legally liable, either as a master or mistress, to provide for any apprentice or servant necessary food, clothing, or lodging, shall wilfully and without lawful excuse refuse or neglect to provide the same, or shall unlawfully and maliciously do or cause to be done any bodily harm to any such apprentice or servant, so that the life of such apprentice or servant shall be endangered, or the health of such apprentice or servant shall have been or shall be likely to be permanently injured, shall be guilty of a misdemeanor, and being convicted thereof shall be liable . . . ^{F26} to be kept in penal servitude . . . ^{F27}

Textual Amendments

F26 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

F27 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#) and [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

Modifications etc. (not altering text)

C32 Ss. 16, 20, 26, 27, 34, 36, 38, 47, 57, 60 amended as to mode of trial by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 1 para. 5](#)

27 Exposing children whereby life is endangered.

Whosoever shall unlawfully abandon or expose any child, being under the age of two years, whereby the life of such child shall be endangered, or the health of such child shall have been or shall be likely to be permanently injured, shall be guilty of a misdemeanor, and being convicted thereof shall be liable . . . ^{F28} to be kept in penal servitude . . . ^{F29}

Textual Amendments

F28 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

F29 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#) and [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

Modifications etc. (not altering text)

C33 Ss. 16, 20, 26, 27, 34, 36, 38, 47, 57, 60 amended as to mode of trial by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 1 para. 5](#)

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28 Causing bodily injury by gunpowder.

Whosoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, burn, maim, disfigure, disable, or do any grievous bodily harm to any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life . . . ^{F30} or to be imprisoned . . . ^{F31}

Textual Amendments

F30 Words repealed by Statute Law Revision Act 1892 (c. 19)

F31 Words repealed by Statute Law Revision Act 1892 (c. 19), Statute Law Revision (No. 2) Act 1893 (c. 54) and Criminal Justice Act 1948 (c. 58), **Sch. 10 Pt. I**

Modifications etc. (not altering text)

C34 Ss. 18, 20, 21, 22, 23, 24, 28, 29, 30 extended by Internationally Protected Persons Act 1978 (c. 17, SIF 39:2), **s. 1**

C35 Ss. 18, 20, 21, 22, 23, 28, 29 extended by Aviation Security Act 1982 (c. 36, SIF 9), **s. 6(1)**

C36 Ss. 18, 20, 21, 22, 23, 24, 28, 29 applied by Aviation and Maritime Security Act 1990 (c. 31, SIF 39:2), **ss. 11(7), 14(2), 18(2)**

C37 S. 28 extended (27.4.1997) by 1997 c. 13, **ss. 1(2)(b), 10(2)**

29 Causing gunpowder to explode, or sending to any person an explosive substance, or throwing corrosive fluid on a person, with intent to do grievous bodily harm.

Whosoever shall unlawfully and maliciously cause any gunpowder or other explosive substance to explode, or send or deliver to or cause to be taken or received by any person any explosive substance or any other dangerous or noxious thing, or put or lay at any place, or cast or throw at or upon or otherwise apply to any person, any corrosive fluid or any destructive or explosive substance, with intent in any of the cases aforesaid to burn, maim, disfigure, or disable any person, or to do some grievous bodily harm to any person, shall, whether any bodily injury be effected or not, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life . . . ^{F32} or to be imprisoned . . . ^{F33}

Textual Amendments

F32 Words repealed by Statute Law Revision Act 1893 (c. 14)

F33 Words repealed by Statute Law Revision Act 1893 (c. 14), Statute Law Revision (No. 2) Act 1893 (c. 54) and Criminal Justice Act 1948 (c. 58), **Sch. 10 Pt. I**

Modifications etc. (not altering text)

C38 Ss. 18, 20, 21, 22, 23, 24, 28, 29, 30 extended by Internationally Protected Persons Act 1978 (c. 17, SIF 39:2), **s. 1**

C39 Ss. 18, 20, 21, 22, 23, 28, 29 extended by Aviation Security Act 1982 (c. 36, SIF 9), **s. 6(1)**

C40 Ss. 18, 20, 21, 22, 23, 24, 28, 29 applied by Aviation and Maritime Security Act 1990 (c. 31, SIF 39:2), **ss. 11(7), 14(2), 18(2)**

C41 S. 29 extended (27.4.1997) by 1997 c. 13, **ss. 1(2)(b), 10(2)**

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30 **Placing gunpowder near a building, with intent to do bodily injury to any person.**

Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any building, ship, or vessel any gunpowder or other explosive substance, with intent to do any bodily injury to any person, shall, whether or not any explosion take place, and whether or not any bodily injury be effected, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years . . . ^{F34} or to be imprisoned . . . ^{F35}

Textual Amendments

F34 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

F35 Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#), [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#) and [Criminal Justice Act 1948 \(c. 58\)](#), **Sch. 10 Pt. I**

Modifications etc. (not altering text)

C42 Ss. 18, 20, 21, 22, 23, 24, 28, 29, 30 extended by [Internationally Protected Persons Act 1978 \(c. 17, SIF 39:2\)](#), **s. 1**

C43 S. 30 extended (27.4.1997) by [1997 c. 13, ss. 1\(2\)\(b\), 10\(2\)](#)

31 **Setting spring guns, &c., with intent to inflict grievous bodily harm.**

Whosoever shall set or place, or cause to be set or placed, any spring gun, man trap, or other engine calculated to destroy human life or inflict grievous bodily harm, with the intent that the same or whereby the same may destroy or inflict grievous bodily harm upon a trespasser or other person coming in contact therewith, shall be guilty of a misdemeanor, and being convicted thereof shall be liable . . . ^{F36} to be kept in penal servitude . . . ^{F36}; and whosoever shall knowingly and wilfully permit any such spring gun, man trap, or other engine which may have been set or placed in any place then being in or afterwards coming into his possession or occupation by some other person to continue so set or placed, shall be deemed to have set and placed such gun, trap, or engine with such intent as aforesaid: Provided, that nothing in this section contained shall extend to make it illegal to set or place any gin or trap such as may have been or may be usually set or placed with the intent of destroying vermin: Provided also, that nothing in this section shall be deemed to make it unlawful to set or place, or cause to be set or placed, or to be continued set or placed, from sunset to sunrise, any spring gun, man trap, or other engine which shall be set or placed, or caused or continued to be set or placed, in a dwelling house, for the protection thereof.

Textual Amendments

F36 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

32 **Placing wood, &c., on a railway, with intent to endanger passengers.**

Whosoever shall unlawfully and maliciously put or throw upon or across any railway any wood, stone, or other matter or thing, or shall unlawfully and maliciously take up, remove, or displace any rail, sleeper, or other matter or thing belonging to any railway, or shall unlawfully and maliciously turn, move, or divert any points or other machinery belonging to any railway, or shall unlawfully and maliciously make or show, hide

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or remove, any signal or light upon or near to any railway, or shall unlawfully and maliciously do or cause to be done any other matter or thing, with intent, in any of the cases aforesaid, to endanger the safety of any person travelling or being upon such railway, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life . . . ^{F37} or to be imprisoned . . . ^{F38}

Textual Amendments

F37 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

F38 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#) and [Criminal Justice Act 1948 \(c. 58\)](#), [Sch. 10 Pt. I](#)

Modifications etc. (not altering text)

C44 S. 32 excluded (27.8.1998) by [S.I. 1998/1936, art. 3\(7\)](#)

33 Casting stone, &c. upon a railway carriage, with intent to endanger the safety of any person therein.

Whosoever shall unlawfully and maliciously throw, or cause to fall or strike, at, against, into, or upon any engine, tender, carriage, or truck used upon any railway, any wood, stone, or other matter or thing, with intent to injure or endanger the safety of any person being in or upon such engine, tender, carriage, or truck, or in or upon any other engine, tender, carriage, or truck of any train of which such first-mentioned engine, tender, carriage, or truck shall form part, shall be guilty of felony, and being convicted thereof shall be liable . . . ^{F39} to be kept in penal servitude for life . . . ^{F39}

Textual Amendments

F39 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

Modifications etc. (not altering text)

C45 S. 33 excluded (27.8.1998) by [S.I. 1998/1936, art. 3\(7\)](#)

34 Doing or omitting anything to endanger passengers by railway.

Whosoever, by any unlawful act, or by any wilful omission or neglect, shall endanger or cause to be endangered the safety of any person conveyed or being in or upon a railway, or shall aid or assist therein, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, . . . ^{F40}

Textual Amendments

F40 Words omitted by virtue of [Criminal Justice Act 1948 \(c. 58\)](#), [s. 1\(2\)](#)

Modifications etc. (not altering text)

C46 Ss. 16, 20, 26, 27, 34, 36, 38, 47, 57, 60 amended as to mode of trial by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 1 para. 5](#)

C47 S. 34 excluded (27.8.1998) by [S.I. 1998/1936, art. 3\(7\)](#)

Status: Point in time view as at 01/04/2005.

Changes to legislation: There are currently no known outstanding effects for the Offences against the Person Act 1861. (See end of Document for details)

35 Drivers of carriages injuring persons by furious driving.

Whosoever, having the charge of any carriage or vehicle, shall by wanton or furious driving or racing, or other wilful misconduct, or by wilful neglect, do or cause to be done any bodily harm to any person whatsoever, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, . . . ^{F41}

Textual Amendments

F41 Words omitted by virtue of [Criminal Justice Act 1948 \(c. 58\), s. 1\(2\)](#)

Assaults

36 Obstructing or assaulting a clergyman or other minister in the discharge of his duties.

Whosoever shall, by threats or force, obstruct or prevent or endeavour to obstruct or prevent, any clergyman or other minister in or from celebrating divine service or otherwise officiating in any church, chapel, meeting house, or other place of divine worship, or in or from the performance of his duty in the lawful burial of the dead in any churchyard or other burial place, or shall strike or offer any violence to, or shall, upon any civil process, or under the pretence of executing any civil process, arrest any clergyman or other minister who is engaged in, or to the knowledge of the offender is about to engage in, any of the rites or duties in this section aforesaid, or who to the knowledge of the offender shall be going to perform the same or returning from the performance thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, . . . ^{F42}

Textual Amendments

F42 Words omitted by virtue of [Criminal Justice Act 1948 \(c. 58\), s. 1\(2\)](#)

Modifications etc. (not altering text)

C48 [Ss. 16, 20, 26, 27, 34, 36, 38, 47, 57, 60](#) amended as to mode of trial by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 1 para. 5](#)

37 Assaulting a magistrate, &c. on account of his preserving wreck.

Whosoever shall assault and strike or wound any magistrate, officer, or other person whatsoever lawfully authorized, in or on account of the exercise of his duty in or concerning the preservation of any vessel in distress, or of any vessel, goods, or effects wrecked, stranded, or cast on shore, or lying under water, shall be guilty of a misdemeanor, and being convicted thereof shall be liable . . . ^{F43} to be kept in penal servitude for any term not exceeding seven years . . . ^{F43}

Textual Amendments

F43 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

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Changes to legislation: There are currently no known outstanding effects for the Offences against the Person Act 1861. (See end of Document for details)

38 ^{X3} **Assault with intent to commit felony, or on peace officers, &c.**

Whosoever . . . ^{F44} shall assault any person with intent to resist or prevent the lawful apprehension or detainer of himself or of any other person for any offence, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, . . . ^{F45}

Editorial Information

X3 Unreliable marginal note

Textual Amendments

F44 Words repealed by [Police Act 1964 \(c. 48\)](#), [Sch. 10 Pt. I](#) and [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)

F45 Words omitted by virtue of [Criminal Justice Act 1948 \(c. 58\)](#), [s. 1\(2\)](#)

Modifications etc. (not altering text)

C49 [Ss. 16, 20, 26, 27, 34, 36, 38, 47, 57, 60](#) amended as to mode of trial by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 1 para. 5](#)

[^{F46}**39** **Assaults with intent to obstruct the sale of grain, or its free passage.**

Whosoever shall beat, or use any violence or threat of violence to any person, with intent to deter or hinder him from buying, selling, or otherwise disposing of, or to compel him to buy, sell, or otherwise dispose of, any wheat or other grain, flour, meal, malt, or potatoes, in any market or other place, or shall beat or use any such violence or threat to any person having the care or charge of any wheat or other grain, flour, meal, malt, or potatoes, whilst on the way to or from any city, market town, or other place, with intent to stop the conveyance of the same, shall on conviction thereof before two justices of the peace be liable to be imprisoned . . . ^{F47} in the common gaol or house of correction for any term not exceeding three months: Provided, that no person who shall be punished for any such offence by virtue of this section shall be punished for the same offence by virtue of any other law whatsoever.]

Textual Amendments

F46 [Ss. 39, 40, 76](#) repealed (E.W.) by [Statute Law \(Repeals\) Act 1989 \(c. 43, SIF 82\)](#), [s. 1\(1\)](#), [Sch. 1 Pt. I](#)

F47 Words omitted by virtue of [Criminal Justice Act 1948 \(c. 58\)](#), [s. 1\(2\)](#)

[^{F48}**40** **Assaults on seamen, &c.**

Whosoever shall unlawfully and with force hinder or prevent any seaman, keelman, or caster from working at or exercising his lawful trade, business, or occupation, or shall beat or use any violence to any such person with intent to hinder or prevent him from working at or exercising the same, shall on conviction thereof before two justices of the peace be liable to be imprisoned . . . ^{F49} in the common gaol or house of correction for any term not exceeding three months: Provided, that no person who shall be punished for any such offence by reason of this section shall be punished for the same offence by virtue of any other law whatsoever.]

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Textual Amendments

- F48** Ss. 39, 40, 76 repealed (E.W.) by Statute Law (Repeals) Act 1989 (c. 43, SIF 82), s. 1(1), **Sch. 1 Pt. I**
F49 Words omitted by virtue of Criminal Justice Act 1948 (c. 58), **s. 1(2)**

41 ^{F50}

Textual Amendments

- F50** S. 41 repealed by the Act 34 & 35 Vict. c. 32, Sch.

[^{F51}**42** ^{X4}**Persons committing any common assault or battery may be imprisoned or compelled by two magistrates to pay fine and costs not exceeding 5*l*.**

Where any person shall unlawfully assault or beat any other person, two justices of the peace, upon complaint by or on behalf of the party aggrieved, may hear and determine such offence, and the offender shall, upon conviction thereof before them, at the discretion of the justices, either be committed to the common gaol or house of correction, there to be imprisoned, . . . ^{F52} for any term not exceeding two months, or else shall forfeit and pay such fine as shall appear to them to be meet, not exceeding, together with costs (if ordered), the sum of [^{F53}£200]; and if such fine as shall be so awarded, together with the costs (if ordered), shall not be paid, either immediately after the conviction or within such period as the said justices shall at the time of the conviction appoint, they may commit the offender to the common gaol or house of correction, there to be imprisoned, . . . ^{F52} for any term not exceeding two months, unless such fine and costs be sooner paid.]

Editorial Information

- X4** Unreliable marginal note

Textual Amendments

- F51** Ss. 42, 43 repealed (E.W.) by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**
F52 Words omitted by virtue of Criminal Justice Act 1948 (c. 58), **s. 1(2)**
F53 Words substituted by Criminal Law Act 1977 (c. 45), **Sch. 6**

Modifications etc. (not altering text)

- C50** S. 42 amended by Criminal Justice Act 1925 (c. 86), **s. 39(1)**, (3)

[^{F54}**43** **Persons convicted of aggravated assaults on females and boys under fourteen years of age may be imprisoned or fined.**

When any person shall be charged before two justices of the peace with an assault or battery upon any male child whose age shall not in the opinion of such justices exceed fourteen years, or upon any female, either upon the complaint of the party aggrieved or otherwise, the said justices, if the assault or battery is of such an aggravated nature that it cannot in their opinion be sufficiently punished under the provisions herein before

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contained as to common assaults and batteries, may proceed to hear and determine the same in a summary way, and, if the same be proved, may convict the person accused; and every such offender shall be liable to be imprisoned in the common gaol or house of correction, . . . ^{F55} for any period not exceeding six months, or to pay a fine not exceeding (together with costs) the sum of [^{F56}£500] and in default of payment to be imprisoned in the common gaol or house of correction for any period not exceeding six months, unless such fine and costs be sooner paid . . . ^{F57}]

Textual Amendments

- F54** Ss. 42, 43 repealed (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, [Sch. 16](#)
- F55** Words omitted by virtue of [Criminal Justice Act 1948 \(c. 58\)](#), [s. 1\(2\)](#)
- F56** Words substituted by [Criminal Law Act 1977 \(c. 45\)](#), [Sch. 6](#)
- F57** Words repealed by [Criminal Justice Act 1925 \(c. 86\)](#), [Sch. 3](#)

Modifications etc. (not altering text)

- C51** [S. 43](#) amended by [Criminal Justice Act 1925 \(c. 86\)](#), [s. 39\(2\)](#), (3)

44 If the magistrates dismiss the complaint, they shall make out a certificate to that effect.

If the justices, upon the hearing of any [^{F58}such] case of assault or battery upon the merits, where the complaint was preferred by or on behalf of the party aggrieved, [^{F58}under either of the last two preceding sections], shall deem the offence not to be proved, or shall find the assault or battery to have been justified, or so trifling as not to merit any punishment, and shall accordingly dismiss the complaint, they shall forthwith make out a certificate ^{F59}. . . stating the fact of such dismissal, and shall deliver such certificate to the party against whom the complaint was preferred.

Textual Amendments

- F58** Words repealed (E.W.S.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 170, Sch. 8 para. 16, Sch. 15 para. 3, [Sch. 16](#)
- F59** Words in s. 44 repealed (E.W.) (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 109(1)(3), Sch. 8 para. 41, [Sch. 10](#); [S.I. 2005/910](#), [art. 3](#)

45 Certificate or conviction shall be a bar to any other proceedings.

If any person against whom any such complaint as [^{F60}in section 44 of this Act] shall have been preferred by or on the behalf of the party aggrieved shall have obtained such certificate, or, having been convicted, shall have paid the whole amount adjudged to be paid, or shall have suffered the imprisonment . . . ^{F61} awarded, in every such case he shall be released from all further or other proceedings, civil or criminal, for the same cause.

Textual Amendments

- F60** Words substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, [Sch. 15 para. 4](#)

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Changes to legislation: There are currently no known outstanding effects for the Offences against the Person Act 1861. (See end of Document for details)

F61 Words omitted by virtue of [Criminal Justice Act 1948 \(c. 58\), s. 1\(2\)](#)

Modifications etc. (not altering text)

C52 [S. 45](#) amended (4.7.1996 but with effect 15.4.1997 as mentioned in s. 54) by [1996 c. 25, ss. 54\(4\), 57\(1\)](#) (with [s. 78\(1\)](#)); [S.I. 1997/1019, art. 2](#)

46 **F62**

Textual Amendments

F62 [S. 46](#) repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, [Sch. 16](#)

47 **Assault occasioning bodily harm.** **E+W**

Whosoever shall be convicted upon an indictment of any assault occasioning actual bodily harm shall be liable ^{F63} . . . to be kept in penal servitude ^{F63} . . . ; ^{F64} . . . ^{F65} . . .

Extent Information

E2 This version of this provision extends to England and Wales only; a separate version has been created for Northern Ireland only

Textual Amendments

F63 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

F64 Words repealed (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 170, Sch. 8 para. 16, [Sch. 16](#)

F65 Words omitted (E.W.) by virtue of [Criminal Justice Act 1948 \(c. 58\), s. 1\(2\)](#) and repealed (N.I.) by [Criminal Justice Act \(Northern Ireland\) 1953 \(c. 14\), s. 1\(2\)](#)

Modifications etc. (not altering text)

C53 [Ss. 16, 20, 26, 27, 34, 36, 38, 47, 57, 60](#) amended as to mode of trial by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 1 para. 5](#)

C54 [S. 47](#) extended (27.4.1997) by [1997 c. 13, ss. 1\(2\)\(b\), 10\(2\)](#)

47 **Assault occasioning bodily harm.** **N.I.**

Whosoever shall be convicted upon an indictment of any assault occasioning actual bodily harm shall be liable ^{F63} . . . [^{F102}to imprisonment for a term not exceeding 7 years] . . . ^{F63}; and whosoever shall be convicted upon an indictment for a common assault shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding [^{F103}two years] . . . ^{F104}

Extent Information

E4 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales only

Textual Amendments

F63 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

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F102 Words in s. 47 substituted (N.I.) (28.9.2004) by The Criminal Justice (No. 2) (Northern Ireland) Order 2004 (S.I. 2004/1991 (N.I. 15)), **art. 4(2)(a)**

F103 Words in s. 47 substituted (N.I.) (28.9.2004) by The Criminal Justice (No. 2) (Northern Ireland) Order 2004 (S.I. 2004/1991 (N.I. 15)), **art. 4(2)(b)**

F104 Words omitted (E.W.) by virtue of Criminal Justice Act 1948 (c. 58), **s. 1(2)** and repealed (N.I.) by Criminal Justice Act (Northern Ireland) 1953 (c. 14), **s. 1(2)**

Modifications etc. (not altering text)

C53 Ss. 16, 20, 26, 27, 34, 36, 38, 47, 57, 60 amended as to mode of trial by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 1 para. 5**

C54 S. 47 extended (27.4.1997) by 1997 c. 13, **ss. 1(2)(b), 10(2)**

48 **F66**

Textual Amendments

F66 S. 48 omitted (E.W.) by virtue of Sexual Offences Act 1956 (c. 69), **Sch. 4** and (N.I.) (2.2.2009) by The Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769), art. 1(3), Sch. 1 para. 4(a), **Sch. 3**; S.R. 2008/510, art. 2

49 **F67**

Textual Amendments

F67 S. 49 repealed by Criminal Law Amendment Act 1885 (c. 69), **Sch.**

50, 51. **F68**

Textual Amendments

F68 Ss. 50, 51 repealed by Offences against the Person Act 1875 (c. 94), **s. 2**

52 **F69**

Textual Amendments

F69 Ss. 52–55, 61–63 repealed (E.W.) by Sexual Offences Act 1956 (c. 69), **Sch. 4**

[53] **F70**

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Textual Amendments

F70 Ss. 52-55, 61-63 repealed (E.W.) by [Sexual Offences Act 1956 \(c. 69\)](#), [Sch. 4](#)

54, 55. ^{F71}

Textual Amendments

F71 Ss. 52–55, 61–63 repealed (E.W.) by [Sexual Offences Act 1956 \(c. 69\)](#), [Sch. 4](#)

Child-stealing

^{F72}**56** **Child-stealing.**

.....

Textual Amendments

F72 S. 56 repealed (E.W.) by [Child Abduction Act 1984 \(c. 37, SIF 39:4\)](#), [s. 11\(5\)\(a\)](#) and (N.I.) by [Child Abduction \(Northern Ireland\) Order 1985 \(S.I. 1985/1638 \(N.I. 17\)\)](#), [art. 7\(4\)\(a\)](#)

Bigamy

57 **Bigamy. Offence may be dealt with where offender shall be apprehended. Not to extend to second marriages, &c. herein stated.**

Whosoever, being married, shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place in England or Ireland or elsewhere, shall be guilty of felony, and being convicted thereof shall be liable . . . ^{F73} to be kept in penal servitude for any term not exceeding seven years . . . ^{F74}.

Provided, that nothing in this section contained shall extend to any second marriage contracted elsewhere than in England and Ireland by any other than a subject of Her Majesty, or to any person marrying a second time whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, or shall extend to any person who, at the time of such second marriage, shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any court of competent jurisdiction.

Textual Amendments

F73 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

F74 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#) and [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)

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Modifications etc. (not altering text)

C55 Ss. 16, 20, 26, 27, 34, 36, 38, 47, 57, 60 amended as to mode of trial by [Magistrates' Courts Act 1980](#) (c. 43, SIF 82), [Sch. 1 para. 5](#)

Attempts to procure Abortion

58 Administering drugs or using instruments to procure abortion.

Every woman, being with child, who, with intent to procure her own miscarriage, shall unlawfully administer to herself any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, and whosoever, with intent to procure the miscarriage of any woman, whether she be or be not with child, shall unlawfully administer to her or cause to be taken by her any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof shall be liable . . .^{F75} to be kept in penal servitude for life . . .^{F76}

Textual Amendments

F75 Words repealed by [Statute Law Revision \(No. 2\) Act 1893](#) (c. 54)

F76 Words repealed by [Statute Law Revision Act 1892](#) (c. 19) and [Statute Law Revision \(No. 2\) Act 1893](#) (c. 54)

Modifications etc. (not altering text)

C56 [S. 58](#) explained by [Abortion Act 1967](#) (c. 87), [ss. 1, 5\(2\)](#)

59 Procuring drugs, &c. to cause abortion.

Whosoever shall unlawfully supply or procure any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she be or be not with child, shall be guilty of a misdemeanor, and being convicted thereof shall be liable . . .^{F77} to be kept in penal servitude . . .^{F77}

Textual Amendments

F77 Words repealed by [Statute Law Revision Act 1892](#) (c. 19)

Modifications etc. (not altering text)

C57 [S. 59](#) explained by [Abortion Act 1967](#) (c. 87), [ss. 1, 5\(2\)](#)

Concealing the Birth of a Child

60 Concealing the birth of a child.

If any woman shall be delivered of a child, every person who shall, by any secret disposition of the dead body of the said child, whether such child died before, at, or after its birth, endeavour to conceal the birth thereof, shall be guilty of a misdemeanor,

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and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, . . . ^{F78}

Textual Amendments

F78 Words omitted by virtue of [Criminal Justice Act 1948 \(c. 58\)](#), [s. 1\(2\)](#); and proviso repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 2 para. 13\(1\)\(a\)](#), [Sch. 13 Pt. III](#)

Modifications etc. (not altering text)

C58 Ss. 16, 20, 26, 27, 34, 36, 38, 47, 57, 60 amended as to mode of trial by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 1 para. 5](#)

61— ^{F79}
63.

Textual Amendments

F79 Ss. 52-55, 61-63 repealed (E.W.) by [Sexual Offences Act 1956 \(c. 69\)](#), [Sch. 4](#); and ss. 61, 62 repealed in so far as not already repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), [ss. 139, 140](#), [Sch. 6 para. 4](#), [Sch. 7](#); [S.I. 2004/874](#), [art. 2](#)

Making Gunpowder to commit Offences, and searching for the same

[^{F80}64 **Making or having gunpowder, &c., with intent to commit any felony against this Act.**

Whosoever shall knowingly have in his possession, or make or manufacture, any gunpowder, explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument, or thing, with intent by means thereof to commit, or for the purpose of enabling any other person to commit, any of the felonies in this Act mentioned shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, . . .]^{F81}

Textual Amendments

F80 Ss. 64, 65, 68 repealed (N.I.) (in so far as it relates to offences mentioned in ss. 48-55) by [S.I. 1980/704 \(N.I. 6\)](#), [Sch. 2](#)

F81 Words repealed by [Criminal Justice Act 1948 \(c. 58\)](#), [Sch. 10 Pt. I](#)

Modifications etc. (not altering text)

C59 S. 64 amended by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 2 para. 8](#)

[^{F82}65 **Justices may issue warrants for searching houses, &c. in which explosive substances are suspected to be made for the purpose of committing felonies against this Act.**

[^{F83}Where] any such gunpowder, or other explosive, dangerous, or noxious substance or thing, or any such machine, engine, instrument or thing, is suspected to be made, kept, or carried for the purpose of being used in committing any of the felonies in

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this Act mentioned, [^{F84}a justice of the peace,] upon reasonable cause assigned upon oath by any person, may issue a warrant ^{F85}. . . for searching, ^{F86}. . . , any house, mill, magazine, storehouse, warehouse, shop, cellar, yard, wharf, or other place, or any carriage, waggon, cart, ship, boat, or vessel, in which the same is suspected to be made, kept, or carried for such purpose as herein-before mentioned; and every person acting in the execution of any such warrant shall have, for seizing, removing to proper places, and detaining all such gunpowder, explosive, dangerous, or noxious substances, machines, engines, instruments, or things, found upon such search, which he shall have good cause to suspect to be intended to be used in committing any such offences, and the barrels, packages, cases and other receptacles in which the same shall be, the same powers and protections which are given to persons searching for unlawful quantities of gunpowder under the warrant of a justice by the ^{M1}Act passed in the session holden in the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and thirty-nine, intituled, “An Act to amend the law concerning the making, keeping, and carriage of gunpowder and compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks.”]

Textual Amendments

- F82** Ss. 64, 65, 68 repealed (N.I.) (in so far as it relates to offences mentioned in ss. 48–55) by S.I. 1980/704 (N.I. 6), **Sch. 2**
- F83** Words in s. 65 substituted (E.W.) (1.4.2005) by **Courts Act 2003 (c. 39)**, s. 109(1), **Sch. 8 para. 42(a)**; S.I. 2005/910, **art. 3**
- F84** Words in s. 65 inserted (E.W.) (1.4.2005) by **Courts Act 2003 (c. 39)**, s. 109(1), **Sch. 8 para. 42(b)**; S.I. 2005/910, **art. 3**
- F85** Words in s. 65 repealed (E.W.) (1.4.2005) by **Courts Act 2003 (c. 39)**, s. 109(1)(3), **Sch. 8 para. 42(c)**, **Sch. 10**; S.I. 2005/910, **art. 3**
- F86** Words repealed (E.W.) by **Police and Criminal Evidence Act 1984 (c. 60, SIF 95)**, s. 119(2), **Sch. 7 Pt. I** and (N.I.) by **Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))**, art. 90(2), **Sch. 7 Pt. I**

Modifications etc. (not altering text)

- C60** S. 65 amended by **Criminal Law Act 1967 (c. 58)**, **Sch. 2 para. 8**
- C61** References to provisions of the Act 23 & 24 Vict. c. 139 to be construed as references to provisions of **Explosives Act 1875 (c. 17)**, **s. 86**

Marginal Citations

- M1** 1860 c. 139.

Other Matters

66, 67. ^{F87}

Textual Amendments

- F87** Ss. 66, 67 repealed by **Criminal Law Act 1967 (c. 58)**, **Sch. 3 Pt. III**

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[^{F88}68 **Offences committed within the jurisdiction of the Admiralty.**

All indictable offences mentioned in this Act which shall be committed within the jurisdiction of the Admiralty of England or Ireland shall be ^{F89} . . . liable to the same punishments, as if they had been committed upon the land in England or Ireland, ^{F89} . . .]

Textual Amendments

F88 Ss. 64, 65, 68 repealed (N.I.) (in so far as it relates to offences mentioned in ss. 48–55) by [S.I. 1980/704 \(N.I. 6\)](#), [Sch. 2](#)

F89 Words repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)

69 ^{F90}

Textual Amendments

F90 S. 69 repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

70 ^{F91}

Textual Amendments

F91 S. 70 repealed by [Criminal Justice Act 1948 \(c. 58\)](#), [Sch. 10 Pt. I](#)

[71] ^{F92}

Textual Amendments

F92 S. 71 repealed (in so far as relating to offences mentioned in ss. 48–55) by [S.I. 1980/704 \(N.I. 6\)](#), [Sch. 2](#) and repealed (E.W.) by [Justices of the Peace Act 1968 \(c. 69\)](#), [Sch. 5 Pt. II](#)

72 ^{F93}

Textual Amendments

F93 S. 72 repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. XIX](#)

73 ^{F94}

Textual Amendments

F94 S. 73 repealed by [National Assistance Act 1948 \(c. 29\)](#), [Sch. 7 Pt. III](#)

Status: Point in time view as at 01/04/2005.

Changes to legislation: There are currently no known outstanding effects for the Offences against the Person Act 1861. (See end of Document for details)

74, 75. F95

Textual Amendments
F95 Ss. 74, 75, 77 repealed by Costs in Criminal Cases Act 1908 (c. 15), Sch.

[^{F96}76 **Summary proceedings in England may be under the 11 & 12 Vict. c. 43., and in Ireland under the 14 & 15 Vict. c. 93. Except in London and the Metropolitan Police District.**

Every offence hereby made punishable on summary conviction may be prosecuted in England in the manner directed by the [^{F97}M²Magistrates' Courts Act 1952] and may be prosecuted in Ireland before [^{F98}two or more justices of the peace, or] one metropolitan or stipendiary magistrate, in the manner directed by the M³Petty Sessions (Ireland) Act 1851, or in such other manner as may be directed by any Act that may be passed for like purposes; and all provisions contained in the said Acts shall be applicable to such prosecutions, in the same manner as if they were incorporated in this Act: Provided, that nothing in this Act contained shall in any manner alter or affect any enactment now in force relating to procedure in the case of any offence punishable on summary conviction within the City of London or the Metropolitan Police District, or the recovery or application of any penalty or forfeiture for any such offence.]

Textual Amendments
F96 Ss. 39, 40, 76 repealed (E.W.) by Statute Law (Repeals) Act 1989 (c. 43, SIF 82), s. 1(1), Sch. 1 Pt. I
F97 Words substituted by virtue of Interpretation Act 1889 (c. 63), s. 38(1)
F98 Words repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), Sch. Pt. I

Marginal Citations
M2 1952 c. 55.
M3 1851 c. 93.

77 F99

Textual Amendments
F99 Ss. 74, 75, 77 repealed by Costs in Criminal Cases Act 1908 (c. 15), Sch.

78 **Act not to extend to Scotland.**

Nothing in this Act contained shall extend to Scotland, except as herein-before otherwise expressly provided.

79 F100

Status: Point in time view as at 01/04/2005.

Changes to legislation: There are currently no known outstanding effects for the Offences against the Person Act 1861. (See end of Document for details)

Textual Amendments

F100 S. 79 repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

Status:

Point in time view as at 01/04/2005.

Changes to legislation:

There are currently no known outstanding effects for the Offences against the Person Act 1861.