



Forgery Act 1861

1861 CHAPTER 98 24 and 25 Vict

E+W+N.I.

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

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 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\(1\)](#)
- C4 This Act is not necessarily in the form in which it has effect in Northern Ireland
- C5 Act repealed (E.W.N.I.) so far as unrepealed, except sections 34, 36, 37 and 55 by [Forgery and Counterfeiting Act 1981 \(c. 45\), Sch. Pt. 1](#)

1^{F1} **E+W+N.I.**

Textual Amendments

- F1 [Ss. 1, 2](#) repealed by [Forgery Act 1913 \(c. 27\), Sch. Pt. I](#)

2^{F2} **E+W+N.I.**

Textual Amendments

- F2 [Ss. 1, 2](#) repealed by [Forgery Act 1913 \(c. 27\), Sch. Pt. I](#)

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

3^{F3} **E+W+N.I.**

Textual Amendments
F3 S. 3 repealed by [Theft Act 1968 \(c. 60\)](#), **Sch. 3 Pt. I**

4^{F4} **E+W+N.I.**

Textual Amendments
F4 S. 4 repealed by [Forgery Act 1913 \(c. 27\)](#), **Sch. Pt. I**

[5]^{F5} **E+W+N.I.**

Textual Amendments
F5 Act repealed (E.W.N.I.) so far as unrepealed, except ss. 34,36, 37 and 55 by [Forgery and Counterfeiting Act 1981 \(c. 45\)](#), **Sch. Pt. I**

[6] . **E+W+N.I.**^{F6}]

Textual Amendments
F6 Act repealed (E.W.N.I.) so far as unrepealed except ss. 34, 36, 37 and 55 by [Forgery and Counterfeiting Act 1981 \(c. 45\)](#), **Sch. Pt. I**

7—27.^{F7} **E+W+N.I.**

Textual Amendments
F7 Ss. 4, 7–27, 29–33, 35, 38–40, 41 repealed by [Forgery Act 1913 \(c. 27\)](#), **Sch. Pt. I**

[28]^{F8} **E+W+N.I.**

Textual Amendments
F8 Act repealed (E.W.N.I.) so far as unrepealed except ss. 34, 36, 37 and 55 by [Forgery and Counterfeiting Act 1981 \(c. 45\)](#), **Sch. Pt. I**

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29—^{F9} **E+W+N.I.**
33.

Textual Amendments

F9 Ss. 4, 7-27, 29-33, 35, 38-40, 41 repealed by [Forgery Act 1913 \(c. 27\)](#), [Sch. Pt. I](#)

As to falsely acknowledging recognizances, &c.:—

34 **Acknowledging recognizance, bail, cognovit, &c. in the name of another.** **E+W+N.I.**

Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall in the name of any other person acknowledge any recognizance or bail, or any cognovit, actionem, or judgment, or any deed or other instrument, before any court, judge, or other person lawfully authorized in that behalf, shall be guilty of felony, and being convicted thereof shall be liable . . . ^{F10} to be kept in penal servitude for any term not exceeding seven years . . . ^{F11}

Textual Amendments

F10 Words repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

F11 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#) and [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

35^{F12} **E+W+N.I.**

Textual Amendments

F12 Ss. 4, 7-27, 29-33, 35, 38-40, 41 repealed by [Forgery Act 1913 \(c. 27\)](#), [Sch. Pt. I](#)

As to forging registers of births, marriages, and deaths:—

36 **Forging registers of births, baptisms, marriages, deaths, or burials.** **E+W+N.I.**

Whosoever shall unlawfully, destroy, deface, or injure, or cause or permit to be destroyed, defaced, or injured, any register of births, baptisms, marriages, deaths, or burials which now is or hereafter shall be by law authorized or required to be kept in England or Ireland, or any part of any such register, or any certified copy of any such register, or any part thereof, . . . ^{F13} or shall knowingly and unlawfully insert or cause or permit to be inserted in any such register, or in any certified copy thereof, any false entry of any matter relating to any birth, baptism, marriage, death, or burial, or shall knowingly and unlawfully give any false certificate relating to any birth, baptism, marriage, death, or burial or shall certify any writing to be a copy or extract from any such register, knowing such writing, or the part of such register whereof such copy or extract shall be so given, to be false in any material particular, . . . ^{F13} or shall offer, utter, dispose of, or put off any such register, entry, certified copy, certificate, . . . ^{F13} knowing the same to be false, . . . ^{F13} or shall offer, utter, dispose of, or put off any

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copy of any entry in any such register, knowing such entry to be false, . . . ^{F13} shall be guilty of felony, and being convicted thereof, shall be liable . . . ^{F14} to be kept in penal servitude for life . . . ^{F14}

Textual Amendments

- F13** Words repealed by [Forgery Act 1913 \(c. 27\)](#), **Sch. Pt. I**
- F14** 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** 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

37 Making false entries in copies of register sent to registrar. E+W+N.I.

Whosoever shall knowingly and wilfully insert or cause or permit to be inserted in any copy of any register directed or required by law to be transmitted to any registrar or other officer any false entry of any matter relating to any baptism, marriage, or burial, . . . ^{F15} or shall knowingly and wilfully sign or verify any copy of any register so directed or required to be transmitted as aforesaid, which copy shall be false in any part thereof, knowing the same to be false, or shall unlawfully destroy, deface, or injure, or shall for any fraudulent purpose take from its place of deposit, or conceal, any such copy of any register, shall be guilty of felony, and being convicted thereof shall be liable . . . ^{F16} to be kept in penal servitude for life . . . ^{F16}

Textual Amendments

- F15** Words repealed by [Forgery Act 1913 \(c. 27\)](#), **Sch. Pt. I**
- F16** Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#) and [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

38— ^{F17} E+W+N.I.
41.

Textual Amendments

- F17** [Ss. 4, 7–27, 29–33, 35, 38–40, 41](#) repealed by [Forgery Act 1913 \(c. 27\)](#), **Sch. Pt. I**

42, 43. ^{F18} E+W+N.I.

Textual Amendments

- F18** [Ss. 42, 43](#) repealed by [Indictments Act 1915 \(c. 90\)](#), **Sch. 2**

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[44 . **E+W+N.I.**
.....^{F19}]

Textual Amendments

F19 Act repealed (E.W.N.I.) so far as unrepealed, except sections 34,36, 37 and 55 by [Forgery and Counterfeiting Act 1981 \(c. 45\)](#), [Sch. Pt. I](#)

45, 46.^{F20} **E+W+N.I.**

Textual Amendments

F20 [Ss. 45, 46](#) repealed by [Forgery Act 1913 \(c. 27\)](#), [Sch. Pt. I](#)

47, 48.^{F21} **E+W+N.I.**

Textual Amendments

F21 [Ss. 47, 48](#) repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. I](#)

49^{F22} **E+W+N.I.**

Textual Amendments

F22 [S. 49](#) repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)

[^{F23}50] **E+W+N.I.**

Textual Amendments

F23 Act repealed (E.W.N.I.) so far as unrepealed except ss. 34, 36, 37 and 55 by [Forgery and Counterfeiting Act 1981 \(c. 45\)](#), [Sch. Pt.I](#)

51^{F24} **E+W+N.I.**

Textual Amendments

F24 [S. 51](#) repealed by [Justices of the Peace Act 1968 \(c. 69\)](#), [Sch. 5 Pt. II](#)

52^{F25} **E+W+N.I.**

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Textual Amendments

F25 S. 52 repealed by Statute Law Revision (No. 2) Act 1893 (c. 54)

53 ^{F26} **E+W+N.I.**

Textual Amendments

F26 S. 53 repealed by Statute Law Revision Act 1892 (c. 19)

54 ^{F27} **E+W+N.I.**

Textual Amendments

F27 S. 54 repealed by Costs in Criminal Cases Act 1908 (c. 15), **Sch.**

55 **Act not to extend to Scotland.** **E+W+N.I.**

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

56 ^{F28} **E+W+N.I.**

Textual Amendments

F28 S. 56 repealed by Statute Law Revision Act 1892 (c. 19)

Changes to legislation:

There are currently no known outstanding effects for the Forgery Act 1861.