



Prevention of Crimes Act 1871

1871 CHAPTER 112 34 and 35 Vict

Punishment of certain Offenders

[^{F17} **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, . . . ^{F2}, 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),

Changes to legislation: There are currently no known outstanding effects for the Prevention of Crimes Act 1871, Cross Heading: Punishment of certain Offenders. (See end of Document for details)

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

- F1** 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](#)
- F2** 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 F3

Textual Amendments

- F3** 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 F4

Textual Amendments

- F4** S. 9 repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\)](#), [Sch. 1 Pt. I](#)

10, 11. F5

Textual Amendments

- F5** Ss. 10, 11 repealed by [Theft Act 1968 \(c. 60\)](#), [s. 33\(3\)](#), [Sch. 3 Pt. II](#)

12 F6

Changes to legislation: There are currently no known outstanding effects for the Prevention of Crimes Act 1871, Cross Heading: Punishment of certain Offenders. (See end of Document for details)

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Textual Amendments

F6 S. 12 repealed by [Police \(Scotland\) Act 1956 \(c. 26\)](#), [Sch. 3](#) and [Police Act 1964 \(c. 48\)](#), [Sch. 10 Pt. I](#)

[^{F7}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 [^{F8}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.]

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Textual Amendments

F7 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](#)

F8 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G, 457A](#)

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Textual Amendments

F9 S. 14 repealed by [Children Act 1908 \(c. 67\)](#), [Sch. 3](#)

Changes to legislation:

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