



Prevention of Crimes Act 1871

1871 CHAPTER 112

Punishment of certain Offenders

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 he guilty of an offence against this Act, and he liable to imprisonment, with or without hard labour, 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, 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 authorised 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 authorised to take turn 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 authorised by the owner or occupier, and may be detained until he can be delivered into the custody of a constable.

8 Person twice convicted may be subjected to police supervision.

Where any person is convicted' on indictment of a crime, and a previous conviction of a crime is proved against him, the court having cognizance of such indictment may, in addition to any other punishment which it may award to him, direct that he is to be subject to the supervision of the police for" a period of seven years, or such less" period as the court may direct, commencing immediately after the expiration of the sentence passed on him for the last of such crimes.

Every person subject to the supervision of the police, who is at large in Great Britain or Ireland, shall notify the place of his residence to the chief officer of police of the district in which his residence is situated, and shall, whenever he changes such residence within the same police district, notify such change to the chief officer of police of that district, and whenever he changes his residence from one police district to another, shall notify such change of residence to the chief officer of police of the police district which he is leaving, and to the chief officer of police of the police district into which he goes to reside; moreover every person subject to the supervision of the police, if a male, shall once in each month report himself, at such time as may be prescribed by the chief officer of police of the district in which such holder may be, either to such chief officer himself, or to such other person as that officer may direct, and such report may, according as such chief officer directs, be required to be made personally or by

If any person subject to the supervision of the police, who is at large in Great Britain or Ireland, remains in any place for forty-eight hours without notifying the place of his residence to the chief officer of police of the district in which such place is situated, or fails to comply with the requisitions of this section on the occasion of any change; of residence; or with the requisitions of this section as to reporting himself once in each month, he shall in every such case, unless he proves to, the satisfaction of the court before whom he is tried that he did his best to act in conformity with the law, be guilty of an offence against this Act, and upon conviction thereof he shall be subject to be imprisoned, with or without hard labour, for any period not exceeding one year.

9 Incorporation of certain rules of procedure on indictments.

The rules contained in the one hundred and sixteenth section of the Act of the session holden in the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six, intituled" An Act to consolidate and amend the Statute Law of "England and Ireland relating to Larceny and other similar " offences," in relation to the, form of and the proceedings upon an indictment for any offence punishable under

that Act committed after' previous 'conviction, shall; with the necessary variations, apply to any indictment for a crime as defined by this Act after previous conviction for a crime, whether the crime charged in such indictment or the crime to which such previous conviction relates be or be not punishable under the said Act of the session of the twenty-fourth and twenty-fifth years of the "reign of Her present Majesty, chapter ninety-six.

10 Penalty for harbouring thieves, &c

Every person who occupies or keeps any lodging-house, beerhouse, public house, or other house or place where intoxicating liquors are sold, or any place of public entertainment or public resort, and knowingly lodges or knowingly harbours thieves or reputed thieves, or knowingly permits or knowingly suffers them to meet or assemble therein, or knowingly allows the deposit of goods therein having reasonable cause for believing them to be stolen shall be guilty of an offence against this Act, and be liable to a penalty not exceeding ten pounds, and in default of payment to be imprisoned for a period not exceeding four months, with or without hard labour, and the court before which he is brought may, if it think fit, in addition to or in lieu of any penalty, require him to enter into recognizances, with or without sureties, and if in Scotland to find caution, for keeping the peace or being of good behaviour during twelve months: Provided that

- (1) No person shall be imprisoned for not finding sureties or cautioners in pursuance of this section for a longer period than three months; and
- (2) The security required from a surety or cautioner shall not' exceed twenty pounds:

And any license for the sale of any intoxicating, liquors, or for keeping any place of public entertainment or public resort, which as been granted to the occupier or keeper of any such house or place as aforesaid, may, in the discretion of the court, be forfeited on his first conviction of an offence under this section, and on his second conviction for such an offence his license shall be forfeited and he shall be disqualified for a period of two years from receiving any such license; moreover, where two convictions under this section have taken place within a period of three years in respect of the same premises, whether the persons convicted were or were not the same, the court shall direct that for a term not exceeding one year from the date of the last of such convictions no such license as aforesaid shall be granted to any person whatever in respect of such premises; and any license granted in contravention of this section shall be void.

Any licensed person brought before a court in pursuance of this section shall produce his license for examination, and if such license is forfeited shall deliver it up altogether, and if such person wilfully neglects or refuses to produce his license he shall, in addition to any other penalty under this section, be liable on summary conviction to a penalty not exceeding five pounds; provided that any person convicted under this section shall have a right to appeal against such conviction in the same manner in all respects as if the said conviction had been for an offence committed against the provisions of the Act of the ninth" George the Fourth, chapter sixty-one.

11 Penalty on brothel keepers harbouring thieves, &c.

Every person who occupies or keeps a brothel, and knowingly lodges or knowingly harbours thieves or reputed thieves, or knowingly permits or knowingly suffers them to meet or assemble therein, or knowingly allows the deposit of goods therein having

reasonable cause for believing them to be stolen, shall be guilty of an offence against this Act, and be liable to a penalty not exceeding ten pounds, and in default of payment to be imprisoned for a period not exceeding four months, with or without hard labour, and the court before which he is brought may, if it think fit, in addition to or in lieu of any penalty require him to enter into recognizances, with or without sureties, as in this Act described.

12 Penalty assaults police.

Where any person is convicted of an assault on any constable when in the execution of his duty, such person shall be guilty of an offence against this Act, and shall, in the discretion of the court, be liable either to pay a penalty not exceeding twenty pounds, and in default of payment to be imprisoned, with or without hard labour, for a term not exceeding six months, or to be imprisoned for any term not exceeding six, or in case such person has been convicted of a similar assault within J two years, nine months, with or without' hard labour.

13 Penalty to 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 meta mentioned in the first column of the schedule annexed hereto whether new or old, in any quantity at one time of less weigh 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 five pounds.

For the purposes 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.

14 As to care of children, of women convicted of crimes.

"Where any woman is convicted of a crime, and a previous conviction of a crime is proved against her, any children of such woman under the age of fourteen years who may he under her care and control at the time of her conviction for the last of such crimes, and who have no visible means of subsistence, or are without proper guardianship, shall be deemed to be children to whom in Great Britain the provisions of The Industrial Schools Act, 1866, and in Ireland the provisions' of The Industrial Schools (Ireland) Act, 1868 apply, and the court by whom such woman is convicted, or two justices or a magistrate, shall have the same power of ordering such children to be sent to a certified industrial school as is vested in two justices or a magistrate by the fourteenth section of The Industrial Schools Act, 1866, and by the eleventh section of The Industrial Schools (Ireland) Act, 1868, in respect of the children in the said sections described.