Offences against the Person Act 1861

1861 CHAPTER 100 24 and 25 Vict

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 . . . [F1] to be kept in penal servitude for life . . . [F2]

Textual Amendments

F1 Words repealed by Statute Law Revision (No. 2) Act 1893 (c. 54)

F2 Words repealed by Statute Law Revision Act 1892 (c. 19) and Statute Law Revision (No. 2) Act 1893 (c. 54)

18 [X1]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, . . . [F3] with intent, . . . [F3] to do some . . . [F3] 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 . . . [F4] to be kept in penal servitude for life . . . [F5]

Editorial Information

X1 Unreliable marginal note

Textual Amendments

F3 Words repealed by Criminal Law Act 1967 (c. 58), **Sch. 3 Pt. III**

F4 Words repealed by Statute Law Revision (No. 2) Act 1893 (c. 54)
F5 Words repealed by Statute Law Revision Act 1892 (c. 19) and Statute Law Revision (No. 2) Act 1893 (c. 54)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)
C1 Ss. 18, 20, 21, 22, 23, 24, 28, 29, 30 extended by Internationally Protected Persons Act 1978 (c. 17, SIF 39:2), **s. 1**
C2 Ss. 18, 20, 21, 22, 23, 28, 29 extended by Aviation Security Act 1982 (c. 36, SIF 9), **s. 6(1)**
C3 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
C4 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)
C5 S. 18 extended (27.4.1997) by 1997 c. 13, **ss. 1(2)(b)**, 10(2)

19 . . . . . [F6]

Textual Amendments
F6 Ss. 11–15, 19 repealed by Criminal Law Act 1967 (c. 58), **Sch. 3 Pt.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 . . . [F7] to be kept in penal servitude . . . [F7]

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
F7 Words repealed by Statute Law Revision Act 1892 (c. 19)

Modifications etc. (not altering text)
C6 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**
C7 Ss. 18, 20, 21, 22, 23, 24, 28, 29, 30 extended by Internationally Protected Persons Act 1978 (c. 17, SIF 39:2), **s. 1**
C8 Ss. 18, 20, 21, 22, 23, 28, 29 extended by Aviation Security Act 1982 (c. 36, SIF 9), **s. 6(1)**
C9 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
C10 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)
C11 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, **[**[F29]shall be guilty of an offence and liable, on conviction on indictment, to imprisonment for a term not exceeding 7 years.**]**

Extent Information

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

Textual Amendments

F29 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)}

Modifications etc. (not altering text)

C6 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**

C7 Ss. 18, 20, 21, 22, 23, 24, 28, 29, 30 extended by Internationally Protected Persons Act 1978 (c. 17, SIF 39:2), **s. 1**

C8 Ss. 18, 20, 21, 22, 23, 28, 29 extended by Aviation Security Act 1982 (c. 36, SIF 9), **s. 6(1)**

C9 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

C10 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)

C11 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 . . . [F8] to be kept in penal servitude for life . . . [F8]

Textual Amendments

F8 Words repealed by Statute Law Revision Act 1892 (c. 19)

Modifications etc. (not altering text)

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, 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)

C15 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 . . . [F9] to be kept in penal servitude for life . . . [F9]

Textual Amendments

F9 Words repealed by Statute Law Revision Act 1892 (c. 19)

Modifications etc. (not altering text)

C16 Ss. 18, 20, 21, 22, 23, 24, 28, 29, 30 extended by Internationally Protected Persons Act 1978 (c. 17, SIF 39:2), **s. 1**

C17 Ss. 18, 20, 21, 22, 23, 28, 29 extended by Aviation Security Act 1982 (c. 36, SIF 9), **s. 6(1)**

C18 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)

C19 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 . . . [F10] to be kept in penal servitude for any term not exceeding ten years . . . [F10]

Textual Amendments

F10 Words repealed by Statute Law Revision Act 1892 (c. 19)

Modifications etc. (not altering text)

C20 Ss. 18, 20, 21, 22, 23, 24, 28, 29, 30 extended by Internationally Protected Persons Act 1978 (c. 17, SIF 39:2), **s. 1**

C21 Ss. 18, 20, 21, 22, 23, 28, 29 extended by Aviation Security Act 1982 (c. 36, SIF 9), **s. 6(1)**

C22 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)

C23 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 . . . [F11] to be kept in penal servitude . . . [F12]

Textual Amendments

F11 Words repealed by Statute Law Revision Act 1892 (c. 19)

F12 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)

C24 Ss. 18, 20, 21, 22, 23, 24, 28, 29, 30 extended by Internationally Protected Persons Act 1978 (c. 17, SIF 39:2), **s. 1**

C25 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)

C26 S. 24 extended (27.4.1997) by 1997 c. 13, **ss. 1(2)(b)**, 10(2)

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 . . . [F13] to be kept in penal servitude . . . [F14]

Textual Amendments

F13 Words repealed by Statute Law Revision Act 1892 (c. 19)

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)

C27 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 . . . [F15] to be kept in penal servitude . . . [F16]

Textual Amendments

F15 Words repealed by Statute Law Revision Act 1892 (c. 19)

F16 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)

C28 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**

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 . . . [F17] or to be imprisoned . . . [F18]

Textual Amendments

F17 Words repealed by Statute Law Revision Act 1892 (c. 19)

F18 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)

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, 28, 29 extended by Aviation Security Act 1982 (c. 36, SIF 9), **s. 6(1)**

C31 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)

C32 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 . . . [F19] or to be imprisoned . . . [F20]

Textual Amendments

F19 Words repealed by Statute Law Revision Act 1893 (c. 14)

F20 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)

C33 Ss. 18, 20, 21, 22, 23, 24, 28, 29, 30 extended by Internationally Protected Persons Act 1978 (c. 17, SIF 39:2), **s. 1**

C34 Ss. 18, 20, 21, 22, 23, 28, 29 extended by Aviation Security Act 1982 (c. 36, SIF 9), **s. 6(1)**

C35 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)

C36 S. 29 extended (27.4.1997) by 1997 c. 13, **ss. 1(2)(b)**, 10(2)

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 . . . [F21] or to be imprisoned . . . [F22]

Textual Amendments

F21 Words repealed by Statute Law Revision Act 1892 (c. 19)

F22 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)

C37 Ss. 18, 20, 21, 22, 23, 24, 28, 29, 30 extended by Internationally Protected Persons Act 1978 (c. 17, SIF 39:2), **s. 1**

C38 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 . . . [F23] to be kept in penal servitude . . . [F23]; 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

F23 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 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 . . . [F24] or to be imprisoned . . . [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 Criminal Justice Act 1948 (c. 58), **Sch. 10 Pt. I**

Modifications etc. (not altering text)

C39 S. 32 excluded (27.8.1998) by S.I. 1998/1936, **art. 3(7)**

C40 Ss. 32-34 applied (with modifications) (E.W.S.) (18.5.2009) by Greater Manchester (Light Rapid Transit System) (Media City Extension) Order 2009 (S.I. 2009/1100), arts. 1, **3(3)**

C41 Ss. 32-34 applied (with modifications) (E.W.S.) (9.6.2009) by Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **3(3)** (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

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 . . . [F26] to be kept in penal servitude for life . . . [F26]

Textual Amendments

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

Modifications etc. (not altering text)

C40 Ss. 32-34 applied (with modifications) (E.W.S.) (18.5.2009) by Greater Manchester (Light Rapid Transit System) (Media City Extension) Order 2009 (S.I. 2009/1100), arts. 1, **3(3)**

C41 Ss. 32-34 applied (with modifications) (E.W.S.) (9.6.2009) by Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **3(3)** (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

C42 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, . . . [F27]

Textual Amendments

F27 Words omitted by virtue of Criminal Justice Act 1948 (c. 58), **s. 1(2)**

Modifications etc. (not altering text)

C40 Ss. 32-34 applied (with modifications) (E.W.S.) (18.5.2009) by Greater Manchester (Light Rapid Transit System) (Media City Extension) Order 2009 (S.I. 2009/1100), arts. 1, **3(3)**

C41 Ss. 32-34 applied (with modifications) (E.W.S.) (9.6.2009) by Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **3(3)** (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

C43 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**

C44 S. 34 excluded (27.8.1998) by S.I. 1998/1936, **art. 3(7)**

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, . . . [F28]

Textual Amendments

F28 Words omitted by virtue of Criminal Justice Act 1948 (c. 58), **s. 1(2)**

Status:
Point in time view as at 09/06/2009.

Changes to legislation:
There are currently no known outstanding effects for the Offences against the Person Act 1861, Cross Heading: Acts causing or tending to cause Danger to Life or Bodily Harm.