

C

i

e

AT 1 of 1872

THE CRIMINAL CODE 1872

The text of this Act is shown “as amended” by amendments found within the Justice Reform Act 2021, and any additional amendments set out within the Justice Reform (Amendment) Bill 2025 (JRAB) once these take effect.

Consultation copy – for reference purposes only

C i e

THE CRIMINAL CODE 1872

Index

Section	Page
1 [Repealed]	13
TREASON	13
2 Compassing death of Sovereign, etc	13
3 Violating female heir to Crown	14
4 Levying war or adhering to the King or Queen's enemies	14
5 Slaying Governor, etc	14
6 Overt act expressly laid Requirement to plead overt act in information	14
7 Punishment of treason	14
7 Punishment of treason	14
TREASON-FELONY, AND OFFENCES AGAINST THE QUEEN'S PERSON OR GOVERNMENT	15
8 Devising treason	15
9 Limitation of prosecutions under preceding section	15
10 [Repealed]	16
11 Inciting to mutiny	16
12 Discharging or aiming firearms, etc, at Sovereign	16
13 Acts tending to bring Sovereign or Government into contempt	16
14 Provisions as to treason not affected by ss 8, 11, 12 and 13-11 or 12	17
15 Persons not to be acquitted if the offence amount to treason	17
TRAINING AND DRILLING	17
16 Meetings for illegal training or drilling	17
17 Persons assembled may be dispersed	18
OFFENCES AGAINST THE PERSON	18
<i>Homicide</i>	18
18 Murder	18
19 Conspiring or soliciting to commit murder	18

20	Manslaughter	19
21	Constructive malice.....	19
21A	Provocation	19
21B	Suicide pacts.....	19
22	Excusable homicide.....	20
22A	Diminished responsibility	20
	<i>Attempts to murder</i>	20
23	Administering poison, or wounding with intent to murder.....	20
24	Destroying or damaging a building with explosive with intent to murder	21
25	Firing or casting away a ship with intent to murder	21
26	Attempting to poison, shoot, or drown, etc, with intent to murder	21
27	Otherwise attempting to murder	21
28	Punishment	21
29	and 30 [Repealed]	21
	<i>Letters threatening to murder Threats to kill</i>	21
31	Threats to kill or cause serious injury.....	21
	<i>Acts causing or tending to cause danger to life or bodily harm</i>	22
32	Impeding a person endeavouring to save himself from shipwreck	22
32	Impeding endeavours to save life of shipwreck victim.....	22
33	Shooting or wounding with intent to do grievous bodily harm	22
34	What shall constitute loaded arms.....	22
35	Inflicting bodily injury, with or without weapon.....	22
36	Attempting to choke, etc, in order to commit any indictable offence.....	23
36	Choking, suffocation and strangulation	23
36A	Consent to injury or risk of death for sexual gratification not a defence	23
36B	Interpretation and application of section 36A.....	25
36C	Procedure on applications under section 36A	26
37	Using chloroform, etc to commit any indictable offence Using chloroform to commit offence triable on information	27
38	Maliciously administering poison, etc, so as to endanger life, or inflict grievous bodily harm.....	27
39	Maliciously administering poison, etc, with intent to injure, aggrieve or annoy any other person.....	27
40	Jury may find person charged with felony, guilty of misdemeanour	27
40	Administering poisons — alternative verdict	27
41	Neglecting to provide wife, children, apprentices or servants with food, etc, whereby life is endangered	28
42	Exposing children whereby life is endangered Exposing infants so as to endanger life	28
43	Causing bodily injury by explosive	28
44	Causing gunpowder to explode, or sending explosive, or throwing corrosive fluid, with intent to do grievous bodily harm	29
45	Placing explosive near a building with intent to do bodily injury.....	29
46	Setting spring guns, etc, with intent to inflict grievous bodily harm	29

47	Doing or omitting anything to endanger passengers by railway	
	Endangering railway passengers	30
48	[Repealed]	30
	<i>Assaults</i>	30
49	Obstructing or assaulting a clergyman or other minister in the discharge of his duties	30
50	Assaulting a magistrate, etc, on account of his preserving wreck	30
51	Assault with intent to commit felony, or on peace officers, etc	30
51	Assault to resist arrest or with intent to commit offence	31
52	Assaulting coroner, etc when in the discharge of his duty	31
52	Assaulting coroner or other peace officer in execution of that officer's duty	31
53	and 54 [Repealed]	31
55	Assaults arising from combination	31
56	to 58 [Repealed]	31
59	Aggravated assaults	31
60	Assault occasioning bodily harm	32
60	Assault or battery occasioning actual bodily harm	32
	<i>Detention and kidnapping</i>	32
60A	Interpretation	32
60B	Unlawful detention	33
60C	Kidnapping	33
60D	Hostage-taking	33
60E	Penalties	33
	<i>Rape, abduction, and defilement of women</i>	34
61	[Repealed]	34
62	to 65 [Repealed]	34
66	to 68 [Repealed]	34
	<i>Child-stealing</i>	34
69	[Repealed]	34
	<i>Bigamy</i>	34
70	Bigamy	34
71	[Repealed]	35
72	[Repealed]	35
	<i>Concealing the birth of a child</i>	35
73	Concealing the birth of a child	35
	<i>Unnatural offences</i>	35
74	to 76 [Repealed]	35
	<i>Other offences against the person</i>	35
77	Challenging to fight a duel	35
78	[Repealed]	36
79	Maliciously defaming, libelling, etc	36
80	[Repealed]	36
81	[Repealed]	36

82	Party accused may be acquitted of felony and found guilty of wounding	36
82	Trial on information — alternative verdict of wounding.....	36
83	Persons acquitted of felony may be found guilty of assault	37
83	Trial on information — alternative verdict of assault.....	37

MALICIOUS INJURIES TO PROPERTY 38

84	to 115 [Repealed]	38
	<i>Injuries to railway carriages and telegraphs</i>	38
116	Placing wood, etc, on railway, with intent to obstruct or overthrow engine, etc.....	38
117	Casting wood, etc, upon any railway carriage.....	38
118	Endangering safety of travellers	38
119	Obstructing engines or carriages on railways.....	39
120	Obstructing telegraphic communication	39
121	Attempt to injure such telegraphs	39
122	to 124 [Repealed]	39
	<i>Injuries to ships, etc.</i>	39
125	to 129 [Repealed]	39
130	Exhibiting false signals, etc	39
131	Removing or concealing buoys and other sea marks.....	40
132	to 135 [Repealed]	40
	<i>Making gunpowder to commit offences</i>	40
136	Making or having gunpowder, etc, with intent to commit any felony against this Act	40
136	Making or possessing articles to commit offences	40

LARCENY AND OTHER SIMILAR OFFENCES 41

137	to 144 [Repealed]	41
	<i>As to larceny of cattle or other animals</i>	41
145	and 146 [Repealed]	41
147	[Repealed].....	41
148	[Repealed].....	41
149	[Repealed].....	41
150	Killing pigeons	41
151	[Repealed].....	41
152	[Repealed].....	41
153	Skins, wool, and ears of sheep to be conveyed with carcase	41
154	and 155 [Repealed]	42
156	Unlawfully clipping sheep, etc	42
157	to 160 [Repealed]	42
161	to 163 [Repealed]	42
164	[Repealed].....	42
165	to 175 [Repealed]	42
176	Extortion by publishing libel, etc	42
177	[Repealed].....	43

178	to 194 [Repealed].....	43
195	and 196 [Repealed]	43
197	to 208 [Repealed].....	43
209	[Repealed]	43
210	and 211 [Repealed]	43
212	and 213 [Repealed]	43
214	to 218 [Repealed].....	43
219	to 223 [Repealed].....	43
224	to 235 [Repealed].....	43
236	[Repealed]	43
237	Abettors in offences punishable on summary conviction.....	43
238	and 239 [Repealed]	44
238	[Repealed]	44
FORGERY		44
241	and 242 [Repealed]	44
243	and 244 [Repealed]	44
245	to 268 [Repealed].....	44
<i>As to forging records, process, instruments of evidence, etc.</i>		44
269	Forging copies of certificates of records, process of courts not of record, and using forged process.....	44
270	[Repealed]	44
271	Punishment.....	44
272	to 274 [Repealed].....	44
<i>As to falsely acknowledging recognizances, etc.</i>		44
275	Acknowledging recognizance, bail, judgment, etc, in the name of another without authority	44
276	[Repealed]	45
<i>As to forging registers of births, marriages and deaths</i>		45
277	Forging registers of births, baptisms, marriages, civil partnerships, deaths or burials	45
278	Making false entries in copies of register sent to registrar	45
279	to 281 [Repealed].....	46
282	and 283 [Repealed]	46
<i>As to other matters</i>		46
284	Intent to defraud particular persons need not be alleged or proved	46
285	and 286 [Repealed].....	46
OFFENCES RELATING TO THE COIN		46
287	to 302 [Repealed].....	46
303	to 308 [Repealed].....	46
309	to 313 [Repealed].....	46

OFFENCES AGAINST PUBLIC JUSTICE	46
314 [Repealed].....	46
315 Administering oath to commit treason or felony	46
316 Taking any such oath	46
317 Compounding offences, etc	47
<i>Making affray in any court of justice, etc.</i>	47
318 Obstructing any officer in the execution of his duty, etc.....	47
319 Neglecting to execute any writ, etc, or permitting any person to be at large who ought to be arrested	47
320 Breaking prison, etc	48
320 Escaping from an institution or other lawful custody	48
321 Punishment	48
321 Maximum penalties for offences under section 319 and 320	48
322 Rescuing or attempting to rescue any person imprisoned, or negligently suffering a person to escape	48
322 Rescuing person detained or negligently suffering such person to escape	48
323 [Repealed].....	49
324 [Repealed].....	49
325 to 327 [Repealed]	49
328 [Repealed].....	49
329 [Repealed].....	49
330 Conspiracy, etc	49
330 Conspiracy.....	49
330ZA Conspiracy to commit an offence outside the Island	50
330ZB Exemptions from liability for conspiracy.....	51
330ZC Penalties for conspiracy.....	52
330ZD Institution of proceedings for an offence of conspiracy	52
330A Computer security conspiracy.....	52
331 Falsely personating, etc	53
CERTAIN OFFENCES AGAINST THE PUBLIC PEACE	53
332 Riot	53
333 Forcible entry	53
334 Forcible detainer	53
334 Forcible detainer	53
335 Spreading false news	54
336 Attempt to commit a misdemeanour	54
337 Punishment under last five sections	54
OFFENCES AGAINST THE PUBLIC HEALTH AND THE PUBLIC POLICE OR ECONOMY	54
338 [Repealed].....	54
339 Removing dead bodies to sell, etc, the same	54
340 Purchasing dead bodies	54
340 Purchasing or receiving corpses unlawfully disinterred.....	54

341	Opening graves with intent to remove dead bodies for the purpose of selling or dissecting Opening graves to remove bodies for sale or dissection.....	55
342	Endangering public personal safety	55
342	Contamination of or interference with goods with intention of causing public alarm or anxiety	55
343	[Repealed]	56
344	[Repealed]	56
345	[Repealed]	56
346	[Repealed]	56
347	Other offences not specified	56
347A	Perverting the course of justice	56
347B	Outraging public decency	57
348	Punishment under ten preceding sections	57
CARD SHARPERS		57
349	[Repealed]	57
PRINCIPALS IN THE SECOND DEGREE: ACCESSORIES AND ABETTORS		57
<i>As to accessories before the fact</i>		<i>57</i>
350	Accessories before the fact to any felony may be punished in the same degree as the principal	57
351	Accessories before the fact may be tried as such, as substantive felons	57
<i>Accessories, aiders and abettors, etc.</i>		<i>58</i>
350	Accessories etc.....	58
352	and 353 [Repealed]	58
<i>As to accessories generally</i>		<i>58</i>
354	Accessories may be prosecuted though the principal is not attainted	58
355	Accessories of stolen property may be charged with several felonies in one indictment	58
<i>As to abettors in misdemeanours</i>		<i>59</i>
356	As to abettors in misdemeanours	59
PROCEDURE, ETC.		60
357	to 359 [Repealed]	60
360	to 363 [Repealed]	60
364	to 366 [Repealed]	60
367	[Repealed]	60
368	[Repealed]	60
369	[Repealed]	60
370	[Repealed]	60
371	to 373 [Repealed]	60
374	[Repealed]	60

375	and 376 [Repealed]	60
377	[Repealed]	60
378	and 379 [Repealed]	60
380	[Repealed]	60
381	[Repealed]	60
382	to 384 [Repealed]	60
385	to 387 [Repealed]	60
388	and 389 [Repealed]	60
390	[Repealed]	60
391	[Repealed]	60
	<i>And that the punishment of offenders may be less frequently intercepted in consequence of technical niceties</i>	61
392	What shall not be sufficient to stay judgment after verdict Insufficient grounds for staying judgment	61
	<i>And to prevent all doubts respecting the civil rights of persons convicted of felonies, who have undergone the punishment to which they were adjudged</i>	61
393	Every punishment for felony, after it has been endured, shall have the effect of a pardon	61
394	and 395 [Repealed]	61
396	and 397 [Repealed]	61
398	Act not to interfere with the prerogative of the Crown to pardon, etc	61
399	[Repealed]	62

AS TO APPREHENSION OF OFFENDERS AND OTHER PROCEEDINGS

62

400	Power of arrest for person offered property	62
401	[Repealed]	62
402	[Repealed]	62
403	A summary conviction shall be a bar to any other proceeding for the same cause Summary conviction a bar to any other criminal proceeding for same cause	62
404	Actions against persons acting under this Act	62
405	[Repealed]	63
406	and 407 [Repealed]	63
408	and 409 [Repealed]	63
410	Summary proceedings may be under the <i>Summary Jurisdiction Act 1989</i>	63
411	Costs of private prosecution for misdemeanours	63
412	Malice against owners of property need not be proved	63
413	Provisions of this Act shall apply to persons in possession of the property injured	64
414	Intent to injure or defraud particular persons need not be stated in any indictment any complaint or information	64
415	Abettors in offences punishable on summary conviction	64
416	and 417 [Repealed]	64

418	[Repealed]	64
419	to 421 [Repealed]	64
422	Interpretation of terms	64
423	Short title	66
SCHEDULE		67
ENDNOTES		69
TABLE OF LEGISLATION HISTORY		69
TABLE OF RENUMBERED PROVISIONS		69
TABLE OF ENDNOTE REFERENCES		69

C i e

THE CRIMINAL CODE 1872

Received Royal Assent: 28 May 1872
Promulgated: 5 July 1872
Commenced: 5 July 1872

AN ACT to consolidate and amend the Criminal Law of this Island.

GENERAL NOTES

1. Fine amounts in this Act are affected by the non-textual amendment in section 55(5) of the Interpretation Act 2015. Where a maximum fine amount is referred to in this Act the amount is to be construed as a referring to the first level in the standard scale that is higher than the specified amount or maximum which was in force immediately before 01/01/2018.
2. References to penal servitude are to be construed in accordance with the *Custody Act 1995* Sch 3 para 1.
3. As to offences under ss 35 to 37, 45, 47, 50, 60, 116 to 121, 136, see *Firearms Act 1947* s 23(2).
4. Special provisions of the Children and Young Persons Act apply to any offence under ss 42, 68, 69 of this Act and to any offence against a child or young person under ss 20 or 75 of this Act.
5. References to summary conviction are to be construed in accordance with the *Summary Jurisdiction Act 1989* Sch 4 para 7.

1 [Repealed]¹

TREASON

2 Compassing death of Sovereign, etc

Whosoever shall feloniously and traitorously compass or imagine the death of the King or Queen for the time being in the possession of the crown of the realm, or the death of the consort of any such King or Queen during the coverture, or

the death of the eldest child, for the time being, of any such King or Queen, being heir apparent to the crown of the realm, shall be guilty of treason.²

3 Violating female heir to Crown

Whosoever shall ~~feloniously and traitorously~~ violate the eldest or only daughter, for the time being of the King or Queen, for the time being in possession of the crown of the realm, before such daughter shall have been married, or shall violate during the coverture any consort of any such King, or the consort of the eldest son, for the time being, of any such King or Queen, such son being heir apparent to the crown of the realm, shall be guilty of treason.

4 Levying war or adhering to the King or Queen's enemies

Whosoever shall ~~feloniously and traitorously~~ levy war against the King or Queen for the time being in possession of the crown of the realm, or shall be adherent within the realm to any foreign power or country in actual hostility with such King or Queen, giving to the subjects or citizens of such power, or to the inhabitants of such country, aid and comfort within the realm, shall be guilty of treason.

5 Slaying Governor, etc

Whosoever shall ~~feloniously and traitorously~~ slay the King or Queen's Governor shall be guilty of treason.

6 ~~Overt act expressly laid~~ Requirement to plead overt act in information

No person shall be convicted of treason except upon some overt act ~~expressly laid in the indictment~~ expressly pleaded in the information charging the offence.

~~7 Punishment of treason~~

~~Whosoever shall be convicted of treason shall be sentenced to imprisonment for life.³~~

7 Punishment of treason

A person convicted of treason must be sentenced to custody for life.

~~TREASON-FELONY, AND OFFENCES AGAINST THE QUEEN'S~~
OFFENCES AGAINST THE SOVEREIGN'S PERSON OR
GOVERNMENT

8 Devising treason

Whoever shall, within this Isle or without, compass, imagine, invent, devise, or intend to deprive or depose our Most Gracious ~~Lady the Queen, her~~ **Sovereign, His or Her**, heirs or successors, from the style, honor, or royal name of the imperial crown of the United Kingdom, or of any other of ~~Her Majesty's dominions or countries, or to levy war against Her Majesty, her heirs~~ **His or Her Majesty's dominions or countries, or to levy war against His or Her Majesty, His or Her heirs** or successors, within any part of this Isle or of the United Kingdom, in order by force or constraint to ~~compel her or them to change her or their~~ **compel Him or Her or them to change His or Her or their** measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe both Houses or either House of the Parliament of the United Kingdom or Tynwald or any branch thereof, or to move or stir any foreigner or stranger with force to invade the United Kingdom, or any other ~~Her Majesty's dominions or countries under the obeisance of Her Majesty, her heirs~~ **His or Her Majesty's dominions or countries under the obeisance of His or Her Majesty, His or Her heirs** or successors, and such compassings, imaginations, inventions, devices, or intentions, or any of them, shall express, utter, or declare by publishing any printing or writing, or by open and advised speaking, or by any overt act or deed, shall be guilty of ~~felony~~ **of an offence**, and being convicted thereof shall be liable to ~~imprisonment~~ **custody** for life.⁴

9 Limitation of prosecutions under preceding section

Provided always, that no person shall be prosecuted for ~~any felony~~ **any offence** under the last preceding section in respect of such compassings, imaginations, inventions, devices, or intentions as aforesaid, in so far as the same are expressed, uttered, or declared by open and advised speaking only, unless information of such compassings, imaginations, inventions, devices, and intentions, and of the words by which the same were expressed, uttered, or declared, shall be given upon oath to a High-Bailiff or Justice within six days after such words shall have been spoken, and unless a warrant for the apprehension of the person by whom such words shall have been spoken, shall be issued within ten days next after such information shall have been given as aforesaid; and no person shall be convicted of any such compassings, imaginations, inventions, devices, or intentions, as aforesaid, in so far as the same are expressed, uttered, or declared by open or advised speaking as aforesaid, except upon his own confession in open Court, or unless the words so spoken shall be proved by two credible witnesses.

10 [Repealed]⁵**11 Inciting to mutiny**

Whosoever shall maliciously and advisedly endeavour to seduce any person serving in ~~Her Majesty's~~ **His or Her Majesty's** forces, by sea, air or land, from his duty or allegiance to ~~Her Majesty~~ **His or Her Majesty**, or to incite or stir up any such person to commit any act of mutiny, or to make, or endeavour to make, any mutinous assembly, or to commit any traitorous or mutinous practice whatsoever, shall be guilty of felony, ~~and being convicted thereof shall be liable to imprisonment for life~~ **of an offence.**

Maximum penalty (on information) — custody for life.⁶

12 Discharging or aiming firearms, etc, at Sovereign

Whosoever shall wilfully discharge, ~~or attempt to discharge~~, or point, aim, or present at or near to the person of the King or Queen for the time being in the possession of the crown of the realm, any gun, pistol, or any other description of fire-arm, or of other arms whatsoever, whether the same shall or shall not contain any explosive substance or destructive material, or shall discharge, or cause to be discharged, ~~or attempt to discharge or cause to be discharged~~, any explosive substance or material, near to the person of the King or Queen aforesaid, or whosoever shall wilfully strike, or strike at, ~~or attempt to strike or to strike at~~ the person of the King or Queen aforesaid, with any offensive weapon, or in any other manner whatsoever, or whosoever shall wilfully throw, ~~or attempt to throw~~, any substance, matter, or thing whatsoever, at or upon the person of the King or Queen aforesaid, with intent, in any of the cases aforesaid, to injure the person of such King or Queen, or with intent, in any of the cases aforesaid, to break the public peace, or whereby the public peace may be endangered, or with intent in any of the cases aforesaid to alarm the King or Queen; or whosoever shall, near to the person of such King or Queen, wilfully produce or have any gun, pistol, or any other description of fire-arms, or other arms whatsoever, with intent to use the same to injure the person of the King or Queen, or to alarm the King or Queen, shall be ~~guilty of a high misdemeanour, and being convicted thereof shall be liable to imprisonment for a term not exceeding eight years~~ **guilty of an offence.**

Maximum penalty (on information) — 8 years' custody.⁷

13 ~~Acts tending to bring Sovereign or Government into contempt~~

~~Whosoever shall maliciously and designedly do any act, or circulate any written or printed paper, pamphlet, or book, or use any expression by word or writing tending to bring into hatred or contempt the person or government of Her Majesty, her heirs or successors, shall be guilty of a high misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to a fine and to be imprisoned for any term not exceeding one year.⁸~~

14 Provisions as to treason not affected by ss 8, ~~11, 12 and 13~~ 11 or 12

Provided always, that nothing in ~~the eighth, eleventh, twelfth, or thirteenth sections hereof contained~~ **section 8, 11 or 12** shall lessen the force of, or in any manner affect the provisions hereinbefore contained as to treason.

15 Persons not to be acquitted if the offence amount to treason

Provided also, that if the facts or matters alleged in an ~~indictment~~ **information** for any offence under ~~the eighth, eleventh, twelfth, or thirteenth sections hereof~~ **section 8, 11 or 12** shall amount in law to treason, such ~~indictment~~ **information** shall not, by reason thereof, be deemed void, erroneous, or defective; and if the facts or matters proved on the trial of any person indicted for any such offence shall amount in law to treason, such person shall not by reason thereof be entitled to be acquitted of such offence, but no person tried for such offence shall be afterwards prosecuted for treason upon the same facts.

TRAINING AND DRILLING

16 Meetings for illegal training or drilling

- (1) All meetings and assemblies of persons for the purpose of training or drilling themselves, or of being trained or drilled to the use of arms, or for the purpose of practising military exercise, movements, or evolutions, without any lawful authority from the Crown, or the Governor, for so doing, ~~shall be and the same are hereby prohibited,~~ **are prohibited**, as dangerous to the peace and security of Her Majesty's liege subjects and of her Government. And ~~whosoever shall be present at, or attend~~
- (2) **A person who is present at, or attends** any such meeting or assembly, for the purpose of training and drilling any other person to the use of arms, or the practice of military exercise, movements, or evolutions, or shall train or drill any other person to the use of arms, or the practice of military exercise, movements, or evolutions, ~~or whosoever shall aid or assist therein, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to be kept in penal servitude for the term of five years, or to be imprisoned for a term not exceeding two years, at the discretion of the Court~~ **or aids or assists in such training or drilling, is guilty of an offence.**

Maximum penalty —

- (a) (on information) - 5 years' custody and a fine;
- (b) (summary) - 2 years' custody and a fine.

~~And whosoever shall attend or be present at any such meeting or assembly as aforesaid, for the purpose of being, or shall at any such meeting or assembly be trained or drilled to the use of arms, or the practice of military exercise, movements, or evolutions, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be punished by a fine, and~~

~~imprisonment not exceeding two years, at the discretion of the Court. Provided always, that the provisions of this section shall not apply to the case of schools not being schools for adult persons, when the training and drilling is carried on with the knowledge and consent of the head master.~~

- (3) A person who is trained or drilled as mentioned in subsection (2), or is present at any such meeting or assembly to be so trained or drilled is guilty of an offence.

Maximum penalty (summary) 2 years' custody and a fine.

- (4) This section does not apply to training and drilling which is carried out at a school (within the meaning of section 59 of the *Education Act 2001*) with the consent of the school's head teacher.⁹

17 Persons assembled may be dispersed

It shall be lawful for any justice, or for any constable or peace officer, or for any other person acting in their aid or assistance, to disperse any such unlawful meeting or assembly as aforesaid, and to arrest and detain any person present at, or aiding, assisting, or abetting any such assembly or meeting as aforesaid, to be dealt with according to law.

OFFENCES AGAINST THE PERSON

Homicide

18 Murder

Whosoever shall unlawfully ~~and feloniously~~ kill another, with malice aforethought, shall be guilty of murder, ~~and being convicted thereof shall be sentenced to imprisonment for life~~ and on conviction must be sentenced to custody for life.¹⁰

19 Conspiring or soliciting to commit murder

All persons who shall conspire, confederate, and agree to murder any person, whether he be a subject of ~~Her Majesty or not, and whether he be within the Queen's dominions or not,~~ His or Her Majesty or not, and whether he be within His or Her Majesty's dominions or not, and 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,~~ His or Her Majesty or not, and whether he or she be within His or Her Majesty's dominions or not, shall be guilty of a misdemeanour, ~~and being convicted thereof shall be liable to imprisonment for a term not exceeding ten years~~ is guilty of an offence.

Maximum penalty (on information) — custody for life.¹¹

20 Manslaughter

Whosoever shall unlawfully ~~and feloniously~~ kill another, without malice aforethought, shall be guilty of manslaughter, and being convicted thereof shall be liable, at the discretion of the Court, to ~~imprisonment~~ custody for life, or to pay such fine as the Court shall award, in addition to or without any such other discretionary punishment as aforesaid; and in any trial for murder, if the jury shall be of opinion and find that the party accused has been guilty of manslaughter only, the said jury shall, by their verdict, find such party guilty of manslaughter, and thereupon the Court may pass such sentence as if such person had been convicted upon ~~an indictment for manslaughter~~ an information charging the accused with manslaughter.¹²

21 Constructive malice

[P1957/11/1]

- (1) Where a person kills another in the course or furtherance of some other offence, the killing shall not amount to murder unless done with the same malice aforethought (express or implied) as is required for a killing to amount to murder when not done in the course or furtherance of another offence.
- (2) For the purposes of subsection (1), a killing done in the course or for the purpose of resisting an officer of justice, or of resisting or avoiding or preventing a lawful arrest, or of effecting or assisting an escape or rescue from legal custody, shall be treated as a killing in the course or furtherance of an offence.¹³

21A Provocation

[P1957/11/3]

Where on a charge of murder there is evidence on which the jury can find that the person charged was provoked (whether by things done or by things said or by both together) to lose his self-control, the question whether the provocation was enough to make a reasonable man do as he did shall be left to be determined by the jury; and in determining that question the jury shall take into account everything both done and said according to the effect which, in their opinion, it would have on a reasonable man.¹⁴

21B Suicide pacts

[P1957/11/4]

- (1) It shall be manslaughter, and shall not be murder, for a person acting in pursuance of a suicide pact between him and another to kill the other or be a party to the other being killed by a third person.
- (2) Where it is shown that a person charged with the murder of another killed the other or was a party to his being killed, it shall be for the defence to

prove that the person charged was acting in pursuance of a suicide pact between him and the other.

- (3) For the purpose of this section “suicide pact” means a common agreement between two or more persons having for its object the death of all of them whether or not each is to take his own life, but nothing done by a person who enters into a suicide pact shall be treated as done by him in pursuance of the pact unless it is done while he has the settled intention of dying in pursuance of the pact.¹⁵

22 — Excusable homicide

~~No punishment or forfeiture shall be incurred by any person who shall kill another by misfortune, or in his own defence, or in any other manner without felony.~~

22A Diminished responsibility

- (1) Where a person kills or is a party to the killing of another, he shall not be convicted of murder if at the time of his act he is suffering from such mental abnormality as substantially impaired his mental responsibility for his acts and omissions in doing or being a party to the killing.
- (2) On a charge of murder, it shall be for the defence to prove that the person charged is by virtue of this section not liable to be convicted of murder.
- (3) A person who but for this section would be liable, whether as principal or accessory, to be convicted of murder shall be liable instead to be convicted of manslaughter.
- (4) The fact that one party to a killing is by virtue of this section not liable to be convicted of murder shall not affect the question whether the killing amounted to murder in the case of the other party to it.
- (5) In this section, “mental abnormality” means mental illness, arrested or incomplete development of mind, psychopathic disorder, and any other disorder or disability of mind.¹⁶

Attempts to murder

23 — Administering poison, or wounding with intent to murder

~~Whosoever shall administer to, or cause to be administered to, or to be taken by any person, any poison, or other destructive thing, or shall, by any means whatsoever, wound, or cause any grievous bodily harm to any person, with intent in any of the cases aforesaid to commit murder, shall be guilty of felony.~~

24 — ~~Destroying or damaging a building with explosive with intent to murder~~

~~Whosoever, by the explosion of gunpowder, or other explosive substance, shall destroy or damage any building, with intent to commit murder, shall be guilty of felony.~~

25 — ~~Firing or casting away a ship with intent to murder~~

~~Whosoever shall set fire to any ship or vessel, or any part thereof, or any part of the tackle, apparel, or furniture thereof, or any goods or chattels being therein, or shall castaway or destroy any ship or vessel, with intent in any of such cases to commit murder, shall be guilty of felony.~~

26 — ~~Attempting to poison, shoot, or drown, etc, with intent to murder~~

~~Whosoever shall attempt to administer to, or shall attempt or cause to be administered to, or to be taken by any person, any poison, or other destructive thing, or shall shoot at any person, or shall, by drawing a trigger, or in any other manner, attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate, or strangle any person, with intent in any of the cases aforesaid to commit murder, shall, whether any bodily injury be effected or not, be guilty of felony.~~

27 — ~~Otherwise attempting to murder~~

~~Whosoever shall, by any means other than those specified in any of the preceding sections of this Act, attempt to commit murder, shall be guilty of felony.~~

28 — ~~Punishment~~

~~Whosoever shall be convicted of any of the offences in the last five sections specified shall be liable to imprisonment for life.¹⁷~~

29 and 30 [Repealed]¹⁸

~~Letters threatening to murder~~ *Threats to kill*

31 Threats to kill or cause serious injury

A person who without lawful excuse makes to another a threat to cause the death of, or serious injury to, that other or a third person, intending that other to believe that it will be carried out, ~~shall be guilty of felony, and being convicted thereof shall be liable to imprisonment for a term not exceeding ten years~~ *is guilty of an offence.*

Maximum penalty (on information) — 10 years' custody.¹⁹

*Acts causing or tending to cause danger to life or bodily harm***32—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 to imprisonment for life.²⁰~~

32 Impeding endeavours to save life of shipwreck victim

A person commits an offence if the person unlawfully and maliciously, —

- (a) prevents or impedes another person ("V") who is on board or has quit any ship or vessel which is in distress, wrecked, stranded or aground in V's endeavour to save V's life; or
- (b) prevents or impedes a person ("R") in R's endeavour to save V's life.

Maximum penalty (on information) custody for life.

33 Shooting or wounding with intent to do grievous bodily harm

~~Whosoever shall~~ A person who shall unlawfully and maliciously, by any means whatsoever, wound or cause any grievous bodily harm to any person, or shoot at any person, or, by drawing a trigger, or in any other manner, attempt to discharge any kind of loaded arms at any person, with intent in any of the cases aforesaid to maim, disfigure, or disable any person, or to do some other 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~~ an offence, and being convicted thereof shall be liable to ~~imprisonment for life~~ custody for life.²¹

34 What shall constitute loaded arms

Any gun, pistol, or other arms which shall be loaded with gunpowder, or any other explosive substance, and ball, shot, slug, or any other destructive material, shall be deemed to be loaded arms within the meaning of this Act, although the attempt to discharge the same may fail from want of proper priming, or from any other cause.

35 Inflicting bodily injury, with or without weapon

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 misdemeanour, and being convicted thereof shall be liable to imprisonment for a term not exceeding five years~~ guilty of an offence.

Maximum penalty, —

- (a) (on information) — 5 years' custody or a fine;
- (b) (summary) — 12 months' custody or a fine of level 5.²²

~~36 Attempting to choke, etc, 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 to imprisonment for life.²³~~

36 Choking, suffocation and strangulation

Statutes of New South Wales 1900/40/37 (as substituted by NSW 2014/23/Sch. 1)

- (1) A person is guilty of an offence if the person, —
 - (a) intentionally chokes, suffocates or strangles another person so as to render the other person unconscious, insensible or incapable of resistance; and
 - (b) is reckless as to rendering the other person unconscious, insensible or incapable of resistance.
- (2) A person is guilty of an offence if the person, —
 - (a) chokes, suffocates or strangles another person so as to render the other person unconscious, insensible or incapable of resistance; and
 - (b) does so with the intention of enabling himself or herself to commit, or assisting any other person to commit, an offence triable on information (other than one under this section).

Maximum penalty (on information) — custody for life.

36A Consent to injury or risk of death for sexual gratification not a defence

- (1) A person ("A") charged with a relevant offence is forbidden from raising as a defence the assertion that the victim of the conduct constituting the offence consented to the conduct being engaged in for the purposes of sexual gratification.
- (2) For the purposes of this section, it does not matter —
 - (a) whether the sexual gratification for which the conduct was engaged in was that of A, the victim, or another person; or
 - (b) whether or not the injury or death which resulted from the conduct occurred in the course of a sadomasochistic encounter.

- (3) At a trial of a person charged with a relevant offence, except with the leave of the court, on a written application made by the defence or the prosecution,—
- (a) no evidence may be adduced; and
 - (b) no question may be asked in cross-examination, about any sexual behaviour of the victim.
- (4) A court in making a determination in respect of subsection (3) may direct that —
- (a) the cross examination of a victim must not involve any matter appertaining to the victim's —
 - (i) appearance;
 - (ii) sexual behaviour or sexual history with any third party not related to the current proceedings, regardless of the nature of the victim's alleged behaviour either before or subsequent to the current proceedings; and
 - (b) such matters are not admissible as evidence if the purpose (or main purpose) is to undermine the credibility of the victim, unless it would be manifestly unjust to treat those matters as inadmissible.
- (5) The court may give leave in relation to any evidence or question only on a written application made by the defence or the prosecution, and may not give such leave unless it is satisfied —
- (a) that subsection (6) or (8) applies;
 - (b) that the probative value of the evidence sought to be admitted or elicited is significant and is likely to outweigh any risk of prejudice to the proper administration of justice arising from its being admitted or elicited; and
 - (c) that a refusal of leave might have the result of rendering unsafe a conclusion of the jury or (as the case may be) the court on any relevant issue in the case.
- (6) This subsection applies if the evidence or question relates to a relevant issue in the case and that issue is not an issue of consent.
- (7) For the purposes of subsection (6) no evidence or question shall be regarded as relating to a relevant issue in the case if it appears to the court to be reasonable to assume that the purpose (or main purpose) for which it would be adduced or asked is to establish or elicit material for impugning the credibility of the victim (whether or not the victim is a witness).
- (8) This subsection applies if the evidence or question —
- (a) relates to any evidence adduced by the prosecution about any sexual behaviour of the victim; and

- (b) in the opinion of the court, would go no further than is necessary to enable the evidence adduced by the prosecution to be rebutted or explained by or on behalf of the accused.
- (9) For the purposes of subsections (6) and (8) the evidence or question must relate to a specific instance (or specific instances) of alleged sexual behaviour on the part of the victim (and accordingly nothing in those subsections is capable of applying in relation to the evidence or question to the extent that it does not so relate).
- (10) Where this section applies in relation to a trial by virtue of the fact that one or more of a number of persons charged in the proceedings is or are charged with a relevant offence —
 - (a) it shall cease to apply in relation to the trial if the prosecutor decides not to proceed with the case against that person or those persons in respect of that charge; but
 - (b) it shall not cease to do so in the event of that person or those persons pleading guilty to, or being convicted of, that charge.
- (11) Nothing in this section authorises any evidence to be adduced or any question to be asked which cannot be adduced or asked apart from this section.

36B Interpretation and application of section 36A

- (1) In section 36A —
 - (a) “relevant issue in the case” means any issue falling to be proved by the prosecution or defence in the trial of the accused;
 - (b) “issue of consent” means any issue whether the victim in fact consented to the conduct constituting the offence with which the accused is charged (and accordingly does not include any issue as to the belief of the accused that the victim so consented);
 - (c) “sexual behaviour” means any sexual behaviour or other sexual experience, whether or not involving any accused or other person, but excluding (except in subsection (8)(a)) anything alleged to have taken place as part of the event which is the subject matter of the charge against the accused; and
 - (d) subject to any order made under subsection (2), a “relevant offence” is —
 - (i) an offence under any of sections 18 to 47, or section 60, of this Act; or
 - (ii) an offence
 - (A) created by an enactment other than this Act; and
 - (B) constituted by an intentional assault, or the intentional infliction of any physical injury, on another person,

that is committed in the course of, or in furtherance of, sexual activity.

- (2) The Department may by order make such provision as it considers appropriate for adding or removing, for the purposes of section 36A, any offence to or from the offences which are relevant offences for the purposes of section 36A and this section.
- (3) Section 36A applies in relation to the following proceedings as it applies to a trial, namely —
 - (a) any hearing held, between conviction and sentencing, for the purpose of determining matters relevant to the court's decision as to how the accused is to be dealt with; and
 - (b) the hearing of an appeal,

and references (in section 36A or this section) to a person charged with an offence accordingly include a person convicted of an offence.

36C Procedure on applications under section 36A

- (1) An application for leave shall be heard in private and in the absence of the victim.

In this section "leave" means leave under section 36A.

- (2) Where such an application has been determined, the court must state in open court (but in the absence of the jury, if there is one) —
 - (a) its reasons for giving, or refusing, leave; and
 - (b) if it gives leave, the extent to which evidence may be adduced or questions asked in pursuance of the leave,

and, if it is a court of summary jurisdiction, must cause those matters to be entered in the register of its proceedings.

- (3) Rules of court may make provision —
 - (a) requiring applications for leave to specify, in relation to each item of evidence or question to which they relate, particulars of the grounds on which it is asserted that leave should be given by virtue of subsection (6) or (8) of section 36A;
 - (b) enabling the court to request a party to the proceedings to provide the court with information which it considers would assist it in determining an application for leave;
 - (c) for the manner in which confidential or sensitive information is to be treated in connection with such an application, and in particular as to its being disclosed to, or withheld from, parties to the proceedings.

37 ~~Using chloroform, etc to commit any indictable offence~~ **Using chloroform to commit offence triable on information**

~~Whosoever shall~~ **A person who 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 to imprisonment for life **an offence triable on information commits an offence.**

Maximum penalty (on information) — custody for life.²⁴

38 **Maliciously administering poison, etc, so as to endanger life, or inflict grievous bodily harm**

~~Whosoever shall~~ **Any person who 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 to imprisonment for a term not exceeding ten years **an offence.**

Maximum penalty (on information) — 10 years' custody.²⁵

39 **Maliciously administering poison, etc, with intent to injure, aggrieve or annoy any other person**

~~Whosoever shall~~ **Any person who 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 misdemeanour, and being convicted thereof shall be liable to imprisonment for a term not exceeding eight years **an offence.**

Maximum penalty (on information) — 8 years' custody.²⁶

40 ~~Jury may find person charged with felony, guilty of misdemeanour~~

~~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 misdemeanour 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 misdemeanour, and thereupon he shall be liable to be punished in the same manner as if convicted upon an indictment for such misdemeanour.~~

40 **Administering poisons — alternative verdict**

(1) If, on the trial of a person for an offence under section 38, the court, —

- (a) is not satisfied that the person is guilty of that offence, but
 - (b) is satisfied that he or she is guilty of an offence under section 39,
- the court may find the person not guilty of the offence under section 38 but guilty of that under section 39.
- (2) For the sake of clarity, where the court finds the person guilty by virtue of subsection (1), the person may be sentenced as if he or she had been convicted upon an information charging the offence under section 39.
 - (3) In a case where the person's guilt is to be determined by a verdict of a jury, references in this section to the court are to be read as references to the jury.

41 — ~~Neglecting to provide wife, children, apprentices or servants with food, etc, whereby life is endangered~~

~~Whosoever being legally liable, either as a husband, or father, or mother, or master, or mistress, or otherwise, to provide for any wife, child, apprentice, or servant, necessary food, clothing, or lodging, shall wilfully and without lawful excuse, refuse or neglect to provide the same, or shall unlawfully or maliciously do, or cause to be done, any bodily harm to any such wife, child, apprentice, or servant, so that the life of such wife, child, apprentice, or servant shall be endangered, or the health of such wife, child, apprentice, or servant shall have been, or shall be likely to be, permanently injured, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to imprisonment for a term not exceeding five years.~~²⁷

42 ~~Exposing children whereby life is endangered~~ Exposing infants so as to endanger life

~~Whosoever shall~~ Any person who shall unlawfully abandon or expose any child, being under the age of five 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 misdemeanour, and being convicted thereof shall be liable to imprisonment for a term not exceeding eight years **an offence.**

Maximum penalty (on information) — 8 years' custody.²⁸

43 ~~Causing bodily injury by explosive~~

~~Whosoever shall~~ Any person who shall unlawfully and maliciously, by the explosion of gunpowder, or any 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 to imprisonment for life **an offence.**

Maximum penalty (on information) — custody for life.²⁹

44 Causing gunpowder to explode, or sending explosive, or throwing corrosive fluid, with intent to do grievous bodily harm

~~Whosoever shall~~ **Any person who 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 to imprisonment for life~~ **an offence.**

Maximum penalty (on information) — custody for life.³⁰

45 Placing explosive near a building with intent to do bodily injury

~~Whosoever shall~~ **Any person who shall** unlawfully and maliciously place or throw in, unto, 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 to imprisonment for a term not exceeding fourteen years~~ **of an offence.**

Maximum penalty (on information) — 14 years' custody.³¹

46 — ~~Setting spring guns, etc, 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 misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to custody for a term not exceeding 5 years; 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.³²~~

47 ~~Doing or omitting anything to endanger passengers by railway~~
Endangering railway passengers

~~Whosoever,~~ Any person who, by an 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 misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding five years~~ is guilty of an offence.

Maximum penalty (on information) — 5 years' custody.³³

48 [Repealed]³⁴

Assaults

49 ~~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 pretense 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 misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years.~~³⁵

50 ~~Assaulting a magistrate, etc, on account of his preserving wreck~~

~~Whosoever shall assault and strike or wound any magistrate, officer, or other person whatsoever lawfully authorised, 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 misdemeanour, and being convicted thereof shall be liable to imprisonment for a term not exceeding ten years.~~³⁶

51 ~~Assault with intent to commit felony, or on peace officers, etc~~

~~Whosoever shall assault any person with intent to commit felony, or 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 misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years.~~³⁷

51 Assault to resist arrest or with intent to commit offence

A person ("P") is guilty of an offence if P assaults any person with intent, —

- (a) to commit an offence; or
- (b) to resist or prevent the arrest or lawful detention of P or another.

Maximum penalty (summary) 2 years' custody and a fine.

52 — ~~Assaulting coroner, etc when in the discharge of his duty~~

~~Whosoever shall assault, beat, resist, or wilfully obstruct any coroner, lockman, sumner, or peace officer in the execution of his duty, or any person acting in aid of any such officer, shall, on summary conviction before two justices, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding £5,000, or to both.³⁸~~

52 Assaulting coroner or other peace officer in execution of that officer's duty

A person is guilty of an offence if the person assaults, beats, resists or wilfully obstructs, —

- (a) any coroner, lockman, sumner or peace officer in the execution of that officer's duty; or
- (b) any person assisting any such officer as is mentioned in paragraph (a).

Maximum penalty (summary) 2 years' custody and a fine.

53 and 54 [Repealed]³⁹**55 — ~~Assaults arising from combination~~**

~~Whosoever, in the pursuance of any unlawful combination or conspiracy to raise the rate of wages, or of any unlawful combination or conspiracy respecting any trade, business, or manufacture, or respecting any person concerned or employed therein, shall unlawfully assault any person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years.⁴⁰~~

56 to 58 [Repealed]⁴¹**59 Aggravated assaults**

- (1) Whosoever shall unlawfully assault or beat any person, and the assault or battery shall be of such an aggravated nature that the justice to whom the complaint is made, or the justices before whom the offender is brought, shall be of opinion that the same is a fit subject for a ~~prosecution by~~

~~indictment~~ **prosecution**, the same not being otherwise herein provided for, shall be guilty of a ~~misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, or to pay a fine, or if such assault or battery shall have occasioned actual bodily harm shall be liable to the punishment next hereinafter mentioned~~ **an offence**.

Maximum penalty (summary) 2 years' custody and a fine.

- (2) **If an assault or battery in respect of which a complaint is made under this section has occasioned actual bodily harm, the offender shall be liable to be prosecuted under section 60.⁴²**

~~60~~ Assault occasioning bodily harm

~~Whosoever shall be convicted upon an indictment of any assault occasioning actual bodily harm shall be liable to imprisonment for a term not exceeding five years.⁴³~~

60 Assault or battery occasioning actual bodily harm

A person who assaults or beats another, thereby occasioning the other actual bodily harm, commits an offence.

Maximum penalty, —

- (a) (on information) 5 years' custody and a fine;**
- (b) (summary) 12 months' custody and a fine of level 5.**

Detention and kidnapping

60A Interpretation

- (1) For the purposes of sections 60B to 60D —
- (a)** a person takes another if he causes the other to accompany him or a third person or causes him to be taken;
 - (b)** a person detains another if he causes the other to remain where he is;
 - (c)** a person sends another if he causes the other to be sent; and
 - (d)** a person acts without the consent of another if he obtains the other's consent —
 - (i)** by force or threat of force; or
 - (ii)** by deception causing the other to believe that he is under legal compulsion to consent.
- (2) For the purposes of sections 60B and 60C, a child under the age of sixteen cannot give consent.⁴⁴

60B Unlawful detention

- (1) A person is guilty of unlawful detention if he, without lawful justification or excuse, intentionally or recklessly takes or detains another without that other's consent.⁴⁵
- (2) A person is not guilty of an offence under this section if the person taken or detained is, or he believes him to be, a child under the age of sixteen and —
 - (a) he has, or believes he has, lawful control of the child; or
 - (b) he has, or believes he has, the consent of a person who has, or whom he believes to have, lawful control of the child, or he believes that he would have that consent if the person were aware of all the relevant circumstances.⁴⁶

60C Kidnapping

A person is guilty of kidnapping if he intentionally or recklessly takes or detains another without that other's consent, intending —

- (a) to hold him to ransom or as a hostage; or
- (b) to send him out of the Island; or
- (c) to commit an offence.^{47 48}

60D Hostage-taking

A person, whatever his nationality, is guilty of hostage-taking if, in the Island or elsewhere, he intentionally or recklessly —

- (a) takes or detains another and
- (b) in order to compel a State, international government organisation or person to do or abstain from doing any act, threatens to cause the death of, or personal harm to, that other or to continue to detain him.⁴⁹

60E Penalties

Any person convicted on information of an offence under section 60B, 60C, or 60D of this Act shall be guilty of a felony and shall be liable —

- (a) in the case of an offence under section 60B, to be imprisoned **custody** for any term not exceeding five years;
- (b) in the case of an offence under section 60C or 60D, to be imprisoned **custody** for life.⁵⁰

Rape, abduction, and defilement of women

61 [Repealed]⁵¹

62 to 65 [Repealed]⁵²

66 to 68 [Repealed]⁵³

Child-stealing

69 [Repealed]⁵⁴

Bigamy

70 Bigamy

- (1) ~~Whosoever,~~ **Any person who**, 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 this Island or elsewhere, ~~shall be guilty of felony, and being convicted thereof shall be liable to imprisonment for a term not exceeding ten years~~ **"is guilty of an offence.**

Maximum penalty (on information) — 10 years' custody.

~~; and any such offence may be dealt with, inquired of, tried, determined, and punished in this Island, if either the first or second marriage shall have taken place therein: Provided that nothing in this section contained shall extend to any second marriage contracted elsewhere than in this Island 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~~

- (2) **Any such offence may be dealt with, tried, determined and punished in the Island if either the first or second marriage was contracted in the Island.**
- (3) **This section does not apply, —**
- (a) **to a second marriage contracted outside the Island unless at least one of the parties to it is a British subject;**
 - (b) **to a person marrying for a second time whose spouse —**

- (i) has been continually absent from that person for at least 7 years; and
- (ii) has not been known to that person to be living within that time;
- (c) to a person who at the time of the second marriage has been divorced from his or her former spouse; or
- (d) to a person whose former marriage has been declared void by a court of competent jurisdiction.⁵⁵

71 **[Repealed]**⁵⁶

72 **[Repealed]**⁵⁷

Concealing the birth of a child

73 **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 misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years: an offence.~~

Maximum penalty (summary) 2 years' custody and a fine.

~~Provided that if any person tried for the murder of any child shall be acquitted thereof, it shall be lawful for the jury by whose verdict such person shall be acquitted to find, in case it shall so appear in evidence that the child had recently been born, and that such person did, by some secret disposition of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if such person had been convicted upon an indictment for the concealment of the birth.~~⁵⁸

Unnatural offences

74 **to 76 [Repealed]**⁵⁹

Other offences against the person

77 **Challenging to fight a duel**

~~Whosoever shall challenge another to fight a duel, or who shall send or deliver any written or verbal message purporting or intending to be such challenge, or who shall knowingly carry or deliver any such challenge or message, or who shall be present at the time of fighting any duel with deadly weapons, either as second or aid, or who shall advise or give any countenance or assistance to such duel,~~

~~shall be guilty of a misdemeanour, and being convicted thereof be liable to be imprisoned for a term not exceeding two years.⁶⁰~~

78 [Repealed]⁶¹

79 ~~Maliciously defaming, libelling, etc~~

~~Whosoever, shall maliciously defame or injure another by publishing any libellous printing, writing, sign, or picture concerning him, in order to provoke him to wrath, or to expose him to public hatred, contempt, or ridicule, is and shall be held to be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years.⁶²~~

80 [Repealed]⁶³

81 [Repealed]⁶⁴

82 ~~Party accused may be acquitted of felony and found guilty of wounding~~

~~If upon the trial of any indictment for any felony, except murder or manslaughter, where the indictment shall allege that the party accused did wound any person, the jury shall be satisfied that the party accused is guilty of the wounding charged in such indictment, but are not satisfied that he is guilty of the felony charged in such indictment, then and in every such case the jury may acquit him of such felony and find him guilty of unlawfully wounding, and thereupon he shall be liable to be punished in the same manner as if he had been convicted of the misdemeanour of unlawfully and maliciously wounding.~~

82 Trial on information — alternative verdict of wounding

(1) If, on the trial of an information for an offence other than murder or manslaughter —

- (a) the information alleges that the accused wounded any person; and
- (b) the jury —
 - (i) are satisfied that the accused is guilty of the wounding alleged, but
 - (ii) are not satisfied that the accused is guilty of the offence actually charged in the information,

the jury may acquit the accused of the offence actually charged in the information but find the accused guilty of the wounding.

(2) Where, in accordance with subsection (1), a jury find the accused guilty, of wounding, the accused may be sentenced as if he or she had been convicted on an information charging the offence of unlawful and malicious wounding contrary to section 35.

- (3) In a case where the defendant's guilt is to be determined by a Deemster alone, (see sections 8A to 8C of the *Criminal Jurisdiction Act 1993*) references to the jury in subsections (1) and (2) are to be read as references to the Deemster.
- (4) In a case where the defendant's guilt is to be determined by a court of summary jurisdiction (see section 1A of the *Summary Jurisdiction Act 1989*), references to the jury in subsections (1) and (2) are to be read as references to the court of summary jurisdiction trying the matter and section 36A (alternative verdicts) of the *Summary Jurisdiction Act 1989* applies to such a case.

~~83 — Persons acquitted of felony may be found guilty of assault~~

~~On the trial of any person for any felony or misdemeanour whatever, where the crime charged shall include an assault upon the person, it shall be lawful for the jury before whom the same shall be tried to acquit of the felony or misdemeanour charged in the indictment, and to find a verdict of guilty of assault against the party accused if the evidence shall warrant such finding, and when such verdict shall be found the Court shall have power to imprison the person so found guilty of an assault for any term not exceeding two years.~~

83 Trial on information — alternative verdict of assault

- (1) If, on the trial of an information for any offence, —
 - (a) the information alleges, as a component of the offence charged, that the accused assaulted any person, and
 - (b) the jury —
 - (i) are satisfied that the accused is guilty of the assault alleged, but
 - (ii) are not satisfied that the accused is guilty of the offence actually charged in the information,

the jury may acquit the accused of the offence actually charged in the information but find the accused guilty of the assault.

Maximum penalty (on information) in the case of an assault proved under this subsection — 2 years' custody.

- (2) Section 82(3) and (4) applies for the purposes of this section as it applies for the purposes of section 82.

MALICIOUS INJURIES TO PROPERTY

84 to 115 [Repealed]⁶⁵

Injuries to railway carriages and telegraphs

116 Placing wood, etc, on railway, with intent to obstruct or overthrow engine, etc

~~Whosoever~~ A person who shall unlawfully and maliciously put, place, cast or throw upon or across any railway any wood, stone, or other matter or thing, or shall unlawfully or 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 obstruct, upset, overthrow, injure, or destroy any engine, tender, carriage, or truck using such railway, or 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 to imprisonment for life~~ guilty of an offence.

Maximum penalty (on information) — custody for life.⁶⁶

117 Casting wood, etc, upon any railway carriage

~~Whosoever~~ A person who shall wilfully and maliciously cast, throw, or cause to fall or strike against, into, or upon any engine, tender, carriage, or truck used upon the 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, shall be ~~guilty of felony, and being convicted thereof shall be liable to imprisonment for life~~ guilty of an offence.

Maximum penalty (on information) — custody for life.⁶⁷

118 Endangering safety of travellers

~~Whosoever~~ A person who shall do any act, matter, or thing by which the safety of any person travelling on or using such railway may be endangered, shall be ~~guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding five years~~ guilty of an offence.

Maximum penalty, —

- (a) (on information) 5 years' custody or a fine;
- (b) (summary) 12 months' custody and a fine of level 5.⁶⁸

119 Obstructing engines or carriages on railways

~~Whosoever~~ **A person who**, by any unlawful act, or by any wilful omission or neglect, shall obstruct or cause to be obstructed any engine or carriage using any railway, or shall aid or assist therein, shall be ~~guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding five years~~ **guilty of an offence.**

Maximum penalty, —

- (a) (on information) 5 years' custody and a fine;
- (b) (summary) 12 months' custody and a fine of level 5.⁶⁹

120 Obstructing telegraphic communication

~~Whosoever shall unlawfully and maliciously prevent or obstruct, in any manner whatsoever, the sending, conveyance, or delivery of any communication by any such telegraph, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years: Provided that if it shall appear to any two Justices, on the examination of any person charged with any offence against this section, that it is not expedient to the ends of justice that the same should be prosecuted by indictment, the Justices may proceed summarily to hear and determine the same, and the offender shall, on conviction thereof, at the discretion of the Justices, be liable to be imprisoned for any term not exceeding three months, or else shall forfeit and pay such sum of money, not exceeding £1,000 as to the Justices shall seem meet.~~⁷⁰

121 Attempt to injure such telegraphs

~~Whosoever shall unlawfully and maliciously, by any overt act, attempt to commit any of the offences in the last preceding section mentioned, shall, on conviction thereof before two Justices, at the discretion of such Justices, be liable to be imprisoned for any term not exceeding three months, or else shall forfeit and pay such sum of money, not exceeding £1,000 as to the Justices shall seem meet.~~⁷¹

122 to 124 [Repealed]⁷²

Injuries to ships, etc.

125 to 129 [Repealed]⁷³**130 Exhibiting false signals, etc**

~~Whosoever~~ **A person who** shall unlawfully mask, alter, or remove any light or signal, or unlawfully exhibit any false light or signal, with intent to bring any ship, vessel, or boat into danger, or shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any ship, vessel, or boat, and for which no punishment is ~~hereinbefore~~ **otherwise** provided, shall be ~~guilty of~~

~~felony, and being convicted thereof shall be liable to imprisonment for life~~ **guilty of an offence.**

Maximum penalty (on information) — custody for life.⁷⁴

131 Removing or concealing buoys and other sea marks

~~Whosoever~~ **A person who** shall unlawfully and maliciously cut away, cast adrift, remove, alter, deface, sink, or destroy, or shall unlawfully and maliciously do any act with intent to cut away, cast adrift, remove, alter, deface, sink, or destroy, or shall in any other manner unlawfully and maliciously injure or conceal any boat, buoy, buoy rope, perch, or mark used or intended for the guidance of seamen, or the purpose of navigation, shall be ~~guilty of felony, and being convicted thereof shall be liable to imprisonment for a term not exceeding ten years~~ **guilty of an offence.**

Maximum penalty (on information) — 10 years' custody.⁷⁵

132 to 135 [Repealed]⁷⁶

Making gunpowder to commit offences

~~136 Making or having gunpowder, etc, with intent to commit any felony against this Act~~

~~Whosoever shall make or manufacture, or knowingly have in his possession, any gunpowder or other explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument, or thing, with intent thereby or by any 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 misdemeanour, and being convicted thereof shall be liable to imprisonment for a term not exceeding five years.~~⁷⁷

136 Making or possessing articles to commit offences

A person ("P") who makes or knowingly has in P's possession any substance or thing intending that P or another should use it to commit any other offence under this Act, is guilty of an offence.

Maximum penalty (on information) — 5 years' custody.

LARCENY AND OTHER SIMILAR OFFENCES

137 to 144 [Repealed]⁷⁸

As to larceny of cattle or other animals

145 and 146 [Repealed]⁷⁹

147 [Repealed]⁸⁰

148 [Repealed]⁸¹

149 [Repealed]⁸²

150 — **Killing pigeons**

~~Whosoever shall unlawfully and wilfully kill, wound, or take any house dove or pigeon under such circumstances as shall not amount to larceny, shall, on conviction before two Justices, forfeit and pay, over and above the value of the bird, any sum not exceeding £200.~~

151 [Repealed]⁸³

152 [Repealed]⁸⁴

~~As to the prevention of sheep stealing and the detection of sheep stealers~~

153 — **Skins, wool, and ears of sheep to be conveyed with carcase**

~~Any person who shall carry or convey in any carriage or cart of any description, or shall otherwise carry or convey any carcase of a sheep, or portion of the carcase of a sheep, unless the skin, wool, and ears be carried or conveyed along with such carcase, or portion thereof, and unless the ears of such sheep be left attached to such skin; and any person (other than a coroner or constable) who shall remove or detach the ears from the skin of any dead sheep within five days after the slaughter or death of such sheep, shall incur a penalty not exceeding £1,000 for each carcase, or portion thereof, and skin carried or conveyed, or from which the ears shall have been so removed, to be recovered summarily before a Justice: Provided always that this enactment shall not extend to any butcher actually following his trade when delivering meat to the customers of such butcher, or to any person carrying or conveying a portion of a carcase purchased from any butcher.⁸⁵~~

154 and 155 [Repealed]⁸⁶

~~156—Unlawfully clipping sheep, etc~~

~~Whosoever shall clip or shear, or partially clip or shear, any sheep, or shall alter any ear mark, paint mark, or any other mark of a sheep, without the authority of the owner of such sheep, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years.⁸⁷~~

157 to 160 [Repealed]⁸⁸

161 to 163 [Repealed]⁸⁹

164 [Repealed]⁹⁰

165 to 175 [Repealed]⁹¹

~~176—Extortion by publishing libel, etc~~

~~Whosoever shall publish, or threaten to publish, any libel upon any other person, or shall directly or indirectly propose to abstain from printing or publishing, or shall directly or indirectly offer to prevent the printing or publishing of any matter or thing touching any other person, with intent to extort any money or security for money or any valuable thing from such or any other person, or with intent to induce any person to confer on or procure for any person any appointment or office of profit or trust, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding five years.⁹²~~

177 [Repealed]⁹³

178 to 194 [Repealed]⁹⁴

195 and 196 [Repealed]⁹⁵

197 to 208 [Repealed]⁹⁶

209 [Repealed]⁹⁷

210 and 211 [Repealed]⁹⁸

212 and 213 [Repealed]⁹⁹

214 to 218 [Repealed]¹⁰⁰

219 to 223 [Repealed]¹⁰¹

224 to 235 [Repealed]¹⁰²

236 [Repealed]¹⁰³

~~237—Abettors in offences punishable on summary conviction~~

~~Whosoever shall aid, abet, counsel, or procure the commission of any offence which is punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, shall, on conviction before two Justices, be liable, for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence as a principal offender is liable.~~

238 and 239 [Repealed]¹⁰⁴

238 [Repealed]¹⁰⁵

FORGERY

241 and 242 [Repealed]¹⁰⁶

243 and 244 [Repealed]¹⁰⁷

245 to 268 [Repealed]¹⁰⁸

As to forging records, process, instruments of evidence, etc.

~~269 Forging copies of certificates of records, process of courts not of record, and using forged process~~

~~Whosoever, being the clerk of any such Court, or other officer having the custody of the records or other documents of any such Court, or being the deputy of any such clerk or officer, shall utter any false copy or certificate of any record or other document, knowing the same to be false; and whosoever shall deliver or cause to be delivered to any person any paper falsely purporting to be any such process, or a copy thereof, or to be any judgment, decree, or order of any Court of law or equity, or a copy thereof, knowing the same to be false, or shall act or profess to act under any such false process, knowing the same to be false, shall be guilty of felony.¹⁰⁹~~

270 [Repealed]¹¹⁰

~~271 Punishment~~

~~Whosoever shall be convicted of any of the offences in the last three sections specified shall be liable to imprisonment for a term not exceeding ten years.¹¹¹~~

272 to 274 [Repealed]¹¹²

As to falsely acknowledging recognizances, etc.

275 Acknowledging recognizance, bail, judgment, etc, in the name of another without authority

Whosoever **A person who**, 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 judgment, or any deed or other instrument, before any Court, Judge, or other person lawfully authorised in that behalf, ~~shall be guilty of felony, and being convicted thereof shall be liable to imprisonment for a term not exceeding ten years~~ **is guilty of an offence.**

Maximum penalty (on information) — 10 years' custody.¹¹³

276 [Repealed]¹¹⁴

As to forging registers of births, marriages and deaths

~~277 — Forging registers of births, baptisms, marriages, civil partnerships, deaths or burials~~

~~Whosoever shall unlawfully destroy, deface, or injure, or cause or permit to be destroyed, defaced, or injured, any register of births, baptisms, marriages, civil partnerships, deaths, or burials, which now is or hereafter shall be by law authorised or required to be kept in this Island, or any part of any such register, or any certified copy of any such register, or any part thereof, 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, civil partnership, death, or burial, or shall knowingly and unlawfully give any false certificate relating to any birth, baptism, marriage, civil partnership, 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, or shall offer, utter, dispose of, or put off any such register, entry, certified copy, or certificate, knowing the same to be false, or shall offer, utter, dispose of, or put off any copy of any entry in any such register, knowing such entry to be false, shall be guilty of felony, and being convicted thereof shall be liable to imprisonment for a term not exceeding fourteen years.~~¹¹⁵

~~278 — Making false entries in copies of register sent to registrar~~

~~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, 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 to imprisonment for a term not exceeding fourteen years.~~¹¹⁶

279 to 281 [Repealed]¹¹⁷

282 and 283 [Repealed]¹¹⁸

As to other matters

284—~~Intent to defraud particular persons need not be alleged or proved~~

~~It shall be sufficient in any indictment for forging, altering, uttering, offering, disposing of, or putting off any instrument whatsoever, where it shall be necessary to allege an intent to defraud, to allege that the party accused did the act with intent to defraud, without alleging an attempt to defraud any particular person; and on the trial of any such offence it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud.~~

285 and 286 [Repealed]¹¹⁹

OFFENCES RELATING TO THE COIN

287 to 302 [Repealed]¹²⁰

303 to 308 [Repealed]¹²¹

309 to 313 [Repealed]¹²²

OFFENCES AGAINST PUBLIC JUSTICE

314 [Repealed]¹²³

315—~~Administering oath to commit treason or felony~~

~~Whosoever shall administer or cause to be administered, or aid or assist at the administering of, any oath or engagement purporting or intending to bind the person taking the same to commit any treason or murder, shall be guilty of felony, and being convicted thereof shall be liable to imprisonment for life.¹²⁴~~

316—~~Taking any such oath~~

~~Whosoever shall take any oath or engagement purporting or intending to bind the person taking the same to commit any treason or murder, not being compelled thereto, shall be guilty of felony, and being convicted thereof shall be liable to imprisonment for life.¹²⁵~~

317 — ~~Compounding offences, etc~~

~~Whosoever, having a knowledge of the actual commission of any offence punishable by fine, or imprisonment, shall take any money or property of another, or any gratuity, or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound or conceal any such offence, or to abstain from the prosecution therefor, or to withhold any evidence thereof, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding one year, or fined in any sum, or both, as the Court pronouncing such judgment shall think fit; and upon the trial of any information for any offence above specified, it shall not be necessary to prove the conviction of any offender for the offence in relation to which any agreement or understanding above prohibited shall have been made, nor shall it be competent to the defendant to plead or prove the acquittal of the person charged with any such offence, in bar of his own conviction.~~¹²⁶

Making affray in any court of justice, etc.

318 Obstructing any officer in the execution of his duty, etc

- (1) ~~Whosoever shall maliciously~~ **A person who shall maliciously** strike another or make affray in any of the Courts of Justice of the Island, or use threatening and reproachful words to the Judge or Court, the Judge or Court being then sitting, ~~or whosoever shall knowingly~~ **or knowingly** and wilfully obstruct any officer or other person in the execution of lawful process, or knowingly and wilfully resist or oppose any officer of justice, or any person who shall be aiding and assisting to such officer in the execution of any writ, or of any legal process, execution, or extent, shall be guilty of a misdemeanour, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years: Provided always, that nothing herein contained shall extend, or be construed to extend, to affect, abridge, or alter the power of Courts of Justice or Magistrates to punish contempts as formerly accustomed; and the Clerk of the Rolls, and Registrars of the Ecclesiastical Courts, when in the execution of their respective offices, have and shall continue to have the power of punishing contempts in like manner as any Court or Magistrate within the said Isle **an offence.**

Maximum penalty (summary) 2 years' custody and a fine.¹²⁷

319 Neglecting to execute any writ, etc, or permitting any person to be at large who ought to be arrested

If any coroner, sumner, constable, or other officer, shall wilfully forbear to execute any writ, process, warrant, or other legal instrument lodged in his hands for the purpose of being duly executed, or shall wilfully permit any person to be at large

when such person ought to be arrested and taken by such officer, then and in either case such officer shall be guilty of a ~~misdemeanour~~ **an offence**.

~~320 Breaking prison, etc~~

~~Whosoever, being lawfully in prison, shall break prison, or, being lawfully arrested or confined, shall escape or attempt to escape, shall be guilty of a misdemeanour.~~

320 Escaping from an institution or other lawful custody

- (1) A person who escapes from an institution in which he or she is lawfully detained is guilty of an offence.
- (2) A person who escapes at a time when he or she has been lawfully arrested is guilty of an offence.
- (3) Expressions used in subsection (1) which are defined in the *Custody Act 1995* have the same meaning in that subsection as they have in that Act.

~~321 Punishment~~

~~Whosoever shall be convicted of any of the last two mentioned misdemeanours shall be liable to be imprisoned for any term not exceeding two years.¹²⁸~~

321 Maximum penalties for offences under section 319 and 320

A person guilty of an offence under section 319 or 320 is liable on summary conviction to 2 years' custody and a fine.

~~322 Rescuing or attempting to rescue any person imprisoned, or negligently suffering a person to escape~~

- ~~(1) Whosoever shall forcibly rescue, or attempt to rescue, a person lawfully arrested or imprisoned, or shall voluntarily permit or negligently suffer a person to escape, who shall have been lawfully arrested or confined, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to imprisonment for a term not exceeding ten years.¹²⁹~~

322 Rescuing person detained or negligently suffering such person to escape

- (1) A person who forcibly rescues a person lawfully arrested or detained is guilty of an offence.
- (2) A person who voluntarily permits or negligently suffers a person to escape from lawful arrest or detention is guilty of an offence.
- (3) References in this section to detention have the same meaning as in the *Custody Act 1995*.

Maximum penalty for an offence under this section (on information) — 10 years' custody.

323 [Repealed]¹³⁰

324 [Repealed]¹³¹

325 to 327 [Repealed]¹³²

328 [Repealed]¹³³

329 [Repealed]¹³⁴

~~330—Conspiracy, etc~~

~~When two or more persons shall conspire either to commit any offence or to charge another with any crime, or falsely and maliciously to cause any person or persons to be indicted or informed against for any offence, or to procure another to be arrested or charged for any such offence; or falsely to move or maintain any suit; or to cheat and defraud any person of any property by any means which are in themselves criminal; or to cheat and defraud any person of any property by any means which, if executed, would amount to a cheat, or obtaining money or property by false pretences; or to effect legal purposes by improper means; or to commit any act injurious to public order, to public health, to public morals, or for the perversion or obstruction of justice or the due administration of the laws, such two or more persons are and shall be severally held to be guilty of misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding ten years.¹³⁵~~

330 Conspiracy

P1977/45/1

(1) Subject to sections 330ZA to 330ZD, if a person ("A") agrees with any other person or persons that a course of conduct shall be pursued which, if the agreement is carried out in accordance with their intentions, either, —

- (a) will necessarily amount to or involve the commission of any offence or offences by one or more of the parties to the agreement; or
- (b) would do so but for the existence of facts which render the commission of the offence or any of the offences impossible,

A is guilty of conspiracy to commit the offence or offences in question.

(2) If liability for any offence may be incurred without knowledge on the part of the person committing it of any particular fact or circumstance necessary for the commission of the offence, A shall nevertheless not be

guilty of conspiracy to commit that offence by virtue of subsection (1) unless A and at least one other party to the agreement intend or know that that fact or circumstance shall or will exist at the time when the conduct constituting the offence is to take place.

- (3) In this section and sections 330ZA to 330ZD “offence” means an offence which is triable in the Island.

330ZA Conspiracy to commit an offence outside the Island

P1977/45/1A (omitting subs. (14) and (15))

- (1) Where each of the following conditions is satisfied in the case of an agreement, sections 330 to 330ZD have effect in relation to the agreement as they have effect in relation to an agreement falling within section 330(1).
- (2) The first condition is that the pursuit of the agreed course of conduct would at some stage involve, —
- (a) an act by one or more of the parties; or
 - (b) the happening of some other event,
- intended to take place in a country or territory outside the Island.
- (3) The second condition is that that act or other event constitutes an offence under the law in force in that country or territory.
- (4) The third condition is that the agreement would fall within section 330(1) as an agreement relating to the commission of an offence but for the fact that the offence would not be an offence triable in the Island if committed in accordance with the parties’ intentions.
- (5) The fourth condition is that, —
- (a) a party to the agreement, or a party’s agent, did anything in the Island in relation to the agreement before its formation; or
 - (b) a party to the agreement became a party in the Island (by joining it either in person or through an agent); or
 - (c) a party to the agreement, or a party’s agent, did or omitted anything in the Island in pursuance of the agreement.
- (6) In the application of sections 330 to 330ZD to an agreement in the case of which each of the above conditions is satisfied, a reference to an offence is to be read as a reference to what would be the offence in question but for the fact that it is not an offence triable in the Island.
- (7) Conduct punishable under the law in force in any country or territory is an offence under that law for the purposes of this section, however it is described in that law.
- (8) Subject to subsection (9), the second condition is to be taken to be satisfied unless, not later than rules of court may provide, the defence serve on the prosecution a notice, —

- (a) stating that, on the facts as alleged with respect to the agreed course of conduct, the condition is not in their opinion satisfied;
 - (b) showing their grounds for that opinion; and
 - (c) requiring the prosecution to show that it is satisfied.
- (9) The court may permit the defence to require the prosecution to show that the second condition is satisfied without the prior service of a notice under subsection (8).
- (10) In a Court of General Gaol Delivery, the question whether the second condition is satisfied shall be decided by the Deemster alone, and shall be treated as a question of law for the purposes of any preliminary hearing in relation to the proceedings.
- (11) Any act done by means of a message (however communicated) is to be treated for the purposes of the fourth condition as done in the Island if the message is sent or received in the Island.
- (12) In any proceedings in respect of an offence triable by virtue of this section, it is immaterial to guilt whether or not the accused was a British citizen at the time of any act or other event proof of which is required for conviction of the offence.
- (13) Reference in any enactment, instrument or document (except those in sections 330 to 330ZD) to an offence of conspiracy to commit an offence includes an offence triable in the Island as such a conspiracy by virtue of this section (without prejudice to subsection (6)).
- (14) Nothing in this section imposes criminal liability on any person acting —
 - (a) on behalf of, or holding office under, the Crown; or
 - (b) in his or her capacity as an employee of the Public Services Commission.

330ZB Exemptions from liability for conspiracy

P1977/45/2

- (1) A person shall not, by virtue of section 330, be guilty of conspiracy to commit any offence if he or she is an intended victim of that offence.
- (2) A person shall not, by virtue of section 330, be guilty of conspiracy to commit any offence or offences if the only other person or persons with whom he or she agrees are (both initially and at all times during the currency of the agreement) persons of any one or more of the following descriptions, that is to say, —
 - (a) his or her spouse or civil partner;
 - (b) a person under the age of criminal responsibility; and
 - (c) an intended victim of that offence or of each of those offences.
- (3) A person is under the age of criminal responsibility for the purposes of subsection (2)(b) so long as it is conclusively presumed, by virtue of

section 70(1) of the *Children and Young Persons Act 2001*, that he or she cannot be guilty of any offence.

330ZC Penalties for conspiracy

P1977/45/3 and drafting

- (1) A person who is charged with an offence under section 330 or 330ZA is liable to be tried in the same manner as a person charged with the offence which it was intended by the conspirators would be committed if the conspiracy were carried into effect.
- (2) A person who is convicted of an offence under section 330 or 330ZA is liable to the same penalties as might have been imposed for the offence which it was intended by the conspirators would be committed if the conspiracy were carried into effect.

330ZD Institution of proceedings for an offence of conspiracy

P1977/45/4(1) and drafting

Proceedings under section 330 or 330ZA may be instituted only by or with the consent of the Attorney General.

330A Computer security conspiracy

- (1) Subject to section 8 of the *Computer Security Act 1992* (relevance of external law), if this subsection applies to an agreement, section 330 of this Act has effect in relation to it as it has effect in relation to an agreement falling within that section.
- (2) Subsection (1) applies to an agreement if —
 - (a) a party to it, or a party's agent, did anything in the Island in relation to it before its formation; or
 - (b) a party to it became a party in the Island (by joining it either in person or through an agent); or
 - (c) a party to it, or a party's agent, did or omitted anything in the Island in pursuance of it;

and the agreement would fall within section 330 of this Act as an agreement relating to the commission of a computer security offence but for the fact that the offence would not be an offence triable in the Island if committed in accordance with the parties' intentions.

- (3) In the application of section 330 of this Act to an agreement to which subsection (2) applies any reference to an offence shall be read as a reference to what would be the computer security offence in question but for the fact that it is not an offence triable in the Island.
- (4) In this section "computer security offence" means an offence under the *Computer Security Act 1992*.¹³⁶

331 — Falsely personating, etc

~~Whosoever shall falsely represent or personate another, and in such assumed character shall marry another, or do any act in the course of any suit, proceeding, or prosecution, whereby the person so represented or personated may be made liable in any event to the payment of any debt, fine, penalty, damage, costs, or sum of money, or his rights or interests may in any manner be affected, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years.~~¹³⁷

CERTAIN OFFENCES AGAINST THE PUBLIC PEACE**332 Riot**

When three or more persons assemble together with an intent mutually to assist one another against any who shall oppose them in the execution of some enterprise of a private nature, with force and violence, against the peace, or to the manifest terror of the people, whether the act intended were of itself lawful or not, they and each of them shall be ~~guilty of a misdemeanour~~ **guilty of an offence**; when three or more persons, violently, riotously, and in a tumultuous manner, against the public peace, and to the manifest terror of the people, do any act, whether in itself lawful or unlawful, they and each of them shall be held to be ~~guilty of a riot and a misdemeanour~~ **guilty of an offence**.

Maximum penalty (summary) 12 months' custody and a fine.

333 Forcible entry

~~Whosoever shall violently enter~~ **A person who violently enters** into the possession of lands or tenements in the occupation of another, with menaces or force, without authority of law, ~~shall be guilty of a misdemeanour~~ **is guilty of an offence**.

Maximum penalty (summary) 12 months' custody and a fine.

334 — Forcible detainer

~~Whosoever shall unlawfully keep possession of lands or tenements, by menaces or force, shall be guilty of a misdemeanour.~~

334 Forcible detainer

A person who unlawfully retains, by menaces or force, any lands or tenements, is guilty of an offence.

Maximum penalty for an offence under this section (summary) — 12 months' custody and a fine of level 5.

335 — Spreading false news

~~Whosoever shall spread false news, knowing the same to be false, with intent to produce discord, tumults, or strife between her Majesty's subjects, shall be guilty of a misdemeanour.~~

336 — Attempt to commit a misdemeanour

~~Whosoever shall solicit or endeavour to procure any other person to commit a felony or misdemeanour, any such solicitation or endeavour not being otherwise hereinbefore provided for, shall be guilty of a misdemeanour.~~¹³⁸

337 — Punishment under last five sections

~~When any person shall be convicted of any of the offences hereinbefore in the last five sections specified, he shall be liable to imprisonment for a term not exceeding one year and to a fine.~~¹³⁹

OFFENCES AGAINST THE PUBLIC HEALTH AND THE PUBLIC POLICE OR ECONOMY

338 [Repealed]¹⁴⁰**339 Removing dead bodies to sell, etc, the same**

~~Whosoever shall remove~~ **A person who removes** the dead body of any human being from the grave, or other place of interment, for the purpose of selling the same, or for the purpose of dissection (where dissection has not been allowed by competent authority), or from mere wantonness, or without lawful authority, shall be guilty of a ~~misdemeanour~~ **an offence**.

Maximum penalty (on information) 7 years' custody.

340 — Purchasing dead bodies

~~Whosoever shall purchase or receive such dead body, or any part thereof, not having been lawfully disinterred (the proof whereof shall lie on the party accused) shall be guilty of a misdemeanour.~~

340 Purchasing or receiving corpses unlawfully disinterred

- (1) **Any person who purchases or receives a dead body which has been disinterred is guilty of an offence, subject to subsection (2).**

Maximum penalty (on information) 7 years' custody.

- (2) **In proceedings for an offence under subsection (1), it is a defence for the accused to show that the dead body had been lawfully disinterred.**

341 ~~Opening graves with intent to remove dead bodies for the purpose of selling or dissecting~~ Opening graves to remove bodies for sale or dissection

~~Whosoever shall open~~ A person who opens a grave, or other place of interment, with intent to remove the dead body of any human being, without lawful authority, or with intent to steal the coffin or any part thereof, or the vestments or other articles interred with any dead body, ~~shall be guilty of a misdemeanour~~ is guilty of an offence.

Maximum penalty (on information) — 7 years' custody.

342 ~~Endangering public personal safety~~

~~Whosoever will wilfully endanger the public personal safety by any unlawful act, or shall do, cause, occasion, promote, maintain, or continue what is noisome and offensive, or manifestly hurtful to the public; or injure or annoy or tend to injure the public in the enjoyment of any public right or privilege, or cause directly, or manifestly tend to cause, any public calamity, mischief, or disorder, or any common injury or damage to the public in respect to their habitations, personal safety, health, or property, the same being without authority or justification by law, shall be guilty of a misdemeanour; and it shall not be essential that any such unlawful act should be to the general injury of all Her Majesty's subjects, but it shall be held to be sufficient if it injure or prejudice a class only of such subjects; and no act, being a common nuisance within the meaning of this section, shall be deemed justifiable or excusable on the ground that it is productive of some compensating convenience or advantage to the public.~~

342 Contamination of or interference with goods with intention of causing public alarm or anxiety

P1986/64/38

- (1) It is an offence for a person ("P"), with the intention, —
- (a) of causing public alarm or anxiety;
 - (b) of causing injury to members of the public consuming or using the goods;
 - (c) of causing economic loss to any person by reason of the goods being shunned by members of the public; or
 - (d) of causing economic loss to any person by reason of steps taken to avoid any such alarm or anxiety, injury or loss,

to contaminate or interfere with goods, or make it appear that goods have been contaminated or interfered with, or to place goods which have been contaminated or interfered with, or which appear to have been contaminated or interfered with, in a place where goods of that description are consumed, used, sold or otherwise supplied.

- (2) It is also an offence for P, with any such intention as is mentioned in paragraph (a), (c) or (d) of subsection (1), to threaten that P or another will do, or to claim that P or another has done, any of the acts mentioned in that subsection.
 - (3) It is an offence for P to be in possession of any of the following articles with a view to the commission of an offence under subsection (1) —
 - (a) materials to be used for contaminating or interfering with goods or making it appear that goods have been contaminated or interfered with; or
 - (b) goods which have been contaminated or interfered with, or which appear to have been contaminated or interfered with.
 - (4) In this section “goods” includes substances whether natural or manufactured and whether or not incorporated in or mixed with other goods.
 - (5) The reference in subsection (2) to a person claiming that certain acts have been committed does not include a person who in good faith reports or warns that such acts have been, or appear to have been, committed.
- Maximum penalty, —
- (a) (on information) 10 years’ custody and a fine;
 - (b) (summary) 12 months’ custody and a level 5 fine.

343 [Repealed]¹⁴¹

344 [Repealed]¹⁴²

345 [Repealed]¹⁴³

346 [Repealed]¹⁴⁴

347 ~~Other offences not specified~~

~~Whosoever shall do any other act or thing (not hereinbefore or in any other unrepealed Act of Tynwald or bye law made by authority of any Act of Tynwald, specified or referred to, or otherwise provided for by law), in contempt of God or religion, or in contempt of the Queen’s Government, or against public justice, or against public trade, or against the public health, or to the disturbance of the public peace, or injurious to public morals, or outraging decency, shall be guilty of a misdemeanour.~~

347A **Perverting the course of justice**

A person is guilty of an offence if the person does or attempts anything which perverts the course of public justice, —

- (a) with the intent that the course of public justice will be defeated or obstructed as a result; or
- (b) with the intent to do anything which if achieved will defeat or obstruct the course of public justice.

Maximum penalty, —

- (a) (on information) 5 years' custody;
- (b) (summary) 12 months' custody and a fine not exceeding level 5.

347B Outraging public decency

A person is guilty of an offence if he or she does anything outraging public decency.

Maximum penalty, —

- (a) (on information) 5 years' custody;
- (b) (summary) 12 months' custody and a fine not exceeding level 5.

~~348 Punishment under ten preceding sections~~

~~Whosoever shall be convicted of any of the misdemeanours hereinbefore in the last ten sections specified shall be liable to imprisonment for a term not exceeding two years and to a fine.¹⁴⁵~~

CARD SHARPERS

349 [Repealed]¹⁴⁶

PRINCIPALS IN THE SECOND DEGREE: ACCESSORIES AND ABETTORS

~~*As to accessories before the fact*~~

~~350 Accessories before the fact to any felony may be punished in the same degree as the principal~~

~~Whosoever shall be a principal in the second degree to any felony, or shall become an accessory before the fact to any felony, shall be guilty of felony, and may be indicted or proceeded against by information, tried, convicted, and punished in all respects as if he were a principal felon.~~

~~351 Accessories before the fact may be tried as such, as substantive felons~~

~~Whosoever shall counsel, procure, or command any other person to commit any felony, shall be guilty of felony, and may be indicted, tried, and convicted either~~

~~as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted, tried, and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted or shall or shall not be amenable to justice, and may thereupon be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory, may be punished; and the offence of the person so counselling, procuring, or commanding, howsoever indicted, may be inquired of, tried, determined, and punished by any Court which shall have jurisdiction to try the principal felon.~~

Accessories, aiders and abettors, etc.

350 Accessories etc.

P1861/94/8 and drafting

- (1) A person who aids, abets, counsels, incites or procures the commission of any offence whether under this Act or any other Manx enactment (whenever passed or made) ("the relevant offence"), commits an offence and is liable to be tried, proceeded against and punished in the same manner as a person alleged to have committed the relevant offence.
- (2) On the trial of a person charged under subsection (1), it is immaterial whether a person has been convicted of the relevant offence.

352 and 353 [Repealed]¹⁴⁷

As to accessories generally

354—Accessories may be prosecuted though the principal is not attainted

~~If any principal offender shall be in anywise convicted of any felony, it shall be lawful to proceed against any accessory, either before or after the fact, in the same manner as if such principal felon had been attainted thereof, notwithstanding such principal felon shall die or be pardoned, or otherwise delivered before attainder, and every such accessory shall suffer the same punishment, if he be in anywise convicted, as he should have suffered if the principal had been attainted.~~

355—Accessories of stolen property may be charged with several felonies in one indictment

~~Any number of accessories at different times to any felony may be charged with substantive felonies in the same indictment or information or at the same inquiry, and may be tried together, notwithstanding the principal felon shall not be included in the same indictment or shall not be in custody or amenable to justice.¹⁴⁸~~

*As to abettors in misdemeanours***356—~~As to abettors in misdemeanours~~**

~~Whosoever shall aid, abet, counsel, or procure the commission of any misdemeanour, shall be liable to be indicted or proceeded against by information or petition, tried, and punished as a principal offender.~~

Consultation copy — for reference purposes only

PROCEDURE, ETC.

357 to 359 [Repealed]¹⁴⁹

360 to 363 [Repealed]¹⁵⁰

364 to 366 [Repealed]¹⁵¹

367 [Repealed]¹⁵²

368 [Repealed]¹⁵³

369 [Repealed]¹⁵⁴

370 [Repealed]¹⁵⁵

371 to 373 [Repealed]¹⁵⁶

374 [Repealed]¹⁵⁷

375 and 376 [Repealed]¹⁵⁸

377 [Repealed]¹⁵⁹

378 and 379 [Repealed]¹⁶⁰

380 [Repealed]¹⁶¹

381 [Repealed]¹⁶²

382 to 384 [Repealed]¹⁶³

385 to 387 [Repealed]¹⁶⁴

388 and 389 [Repealed]¹⁶⁵

390 [Repealed]¹⁶⁶

391 [Repealed]¹⁶⁷

And that the punishment of offenders may be less frequently intercepted in consequence of technical niceties

392 ~~What shall not be sufficient to stay judgment after verdict~~ Insufficient grounds for staying judgment

No judgment after verdict upon any indictment for any felony or misdemeanour ~~information charging an offence~~ shall be stayed by reason that the jury process has been awarded to a wrong officer, nor for any misnomer or misdescription of the officer returning such process, or of any of the jurors, nor because any person has served upon the jury who has not been returned as a juror by the proper officer; and when the offence charged has been created by any statute, or subjected to a greater degree of punishment, ~~the indictment~~ **punishment, the information charging the offence** shall, after verdict, be held sufficient to warrant the punishment prescribed by the statute.¹⁶⁸

And to prevent all doubts respecting the civil rights of persons convicted of felonies, who have undergone the punishment to which they were adjudged

393 ~~Every punishment for felony, after it has been endured, shall have the effect of a pardon~~

~~Where any offender hath been or shall be convicted of any felony, and hath endured or shall endure the punishment to which such offender hath been or shall be adjudged for the same, the punishment so endured hath and shall have the like effects and consequences as a pardon as to the felony whereof the offender was so convicted: Provided always, that nothing herein contained, nor the enduring of such punishment, shall prevent or mitigate any punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any other felony.~~¹⁶⁹

394 and 395 [Repealed]¹⁷⁰

396 and 397 [Repealed]¹⁷¹

398 Act not to interfere with the prerogative of the Crown to pardon, etc

Nothing in this Act contained shall be held or deemed in anywise to interfere with the prerogative of the Crown to pardon or remit in whole or in part any sentence or judgment, or to commute, upon such conditions or upon such terms as to the Crown shall seem meet, any sentence or judgment which may have been recorded or pronounced against any offender under the provisions of this Act.

399 [Repealed]¹⁷²

AS TO APPREHENSION OF OFFENDERS AND OTHER PROCEEDINGS

400 Power of arrest for person offered property

Any person to whom any property shall be offered to be sold, pawned, or delivered, if he shall have reasonable cause to suspect that any offence punishable either upon information or upon summary conviction by virtue of this Act shall have been committed on or with respect to such property, is hereby authorised to apprehend and forthwith take before a Justice the party offering the same, together with such property, to be dealt with according to law.¹⁷³

401 [Repealed]¹⁷⁴

402 [Repealed]¹⁷⁵

403 ~~A summary conviction shall be a bar to any other proceeding for the same cause~~ **Summary conviction a bar to any other criminal proceeding for same cause**

In case any person convicted of any offence punishable upon summary conviction shall have paid the sum adjudged to be paid, together with costs, under such conviction, or shall have received a remission thereof from the Crown or from the Governor of this Isle, ~~or shall have suffered the imprisonment awarded for non payment thereof, or the imprisonment adjudged in the first instance,~~ **or have served the term of custody imposed in default of payment, or the term of custody imposed upon conviction,** or shall have been so discharged from his conviction by any Justice as aforesaid, in every such case he shall be released from all further or other proceedings for the same cause.

404 Actions against persons acting under this Act

All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act, or of any Act conferring summary jurisdiction, shall be commenced within six months after the fact committed, and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover costs in any such action if tender of sufficient amends shall have been made before such action brought, or during the pendency of such action, by or in behalf of the defendant, if the plaintiff shall only obtain a verdict for a sum not exceeding the amount tendered, he shall only recover the same with

costs to the time of such tender, and the defendant shall recover from the plaintiff his costs incurred after such tender; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs; and though a verdict shall be given for the plaintiff in any such action for any sum not exceeding £2, such plaintiff shall not have costs against the defendant unless the Judge before whom the trial shall be shall certify his approbation of the action:

Provided always, that nothing in this section contained shall alter or in anywise interfere with the provisions of the "*Petty Sessions and Summary Jurisdiction Act, one thousand eight hundred and sixty-eight*".¹⁷⁶

405 **[Repealed]**¹⁷⁷

406 **and 407 [Repealed]**¹⁷⁸

408 **and 409 [Repealed]**¹⁷⁹

410 **Summary proceedings may be under the *Summary Jurisdiction Act 1989***

Every offence hereby made punishable on summary conviction may be prosecuted, so far as no provision is hereby made for any matter or thing which may be required to be done in the course of such prosecution, in accordance with the *Summary Jurisdiction Act 1989*.¹⁸⁰

~~411 **Costs of private prosecution for misdemeanours**~~

~~The Court before which any misdemeanour on the prosecution of a private prosecutor shall be tried may, if it shall think fit, on the conviction of the defendant, order that the costs of the prosecutor be paid to him by the defendant; and in case of the acquittal of the defendant, or if for any cause the Court may dismiss the petition, it may, if it shall think fit, order that the costs of the defendant be paid to him by the prosecutor. All such costs shall include those incurred in the preliminary proceedings before the justice by whom the defendant was committed for trial, unless the Court think fit otherwise to order.~~

~~Where such costs are payable by the defendant the Court may order either that after the expiry of the sentence for the offence of which the defendant may have been convicted, he shall be further imprisoned until the costs be paid, or that such costs be levied by execution; and if the costs be payable by the prosecutor the same shall be levied by execution.~~¹⁸¹

412 **Malice against owners of property need not be proved**

Every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable ~~upon indictment~~ **upon**

information or upon summary conviction, shall equally apply, and be enforced, whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed or other person.

~~413 Provisions of this Act shall apply to persons in possession of the property injured~~

~~Every provision of this Act not hereinbefore so applied shall apply to every person who, with intent to injure or defraud any other person, shall do any of the acts hereinbefore made penal, although the offender shall be in possession of the property against or in respect of which such act shall be done.~~

414 Intent to injure or defraud particular persons need not be stated in any indictment **any complaint or information**

It shall be sufficient in ~~any indictment~~ **any complaint or information** for any offence against this Act where it shall be necessary to allege an intent to injure or defraud, to allege that the party accused did the act with intent to injure or defraud (as the case may be), without alleging an intent to injure or defraud any particular person; and on the trial of any such offence, it shall not be necessary to prove an intent to injure or defraud any particular person; but it shall be sufficient to prove that the party accused did the act charged with an intent to injure or defraud (as the case may be).

~~415 Abettors in offences punishable on summary conviction~~

~~Whosoever shall aid, abet, counsel, or procure the commission of any offence punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, shall, on conviction, be liable, for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence as a principal offender is by this Act made liable.~~

416 and 417 [Repealed]¹⁸²

418 [Repealed]¹⁸³

419 to 421 [Repealed]¹⁸⁴

422 Interpretation of terms

The following words and expressions in this Act used shall, for the purposes of this Act, bear the following meaning in addition to their own proper signification, unless there be something in the subject or context repugnant to such construction:

The word “~~indictment~~ **information**” shall mean any information at the suit or instance of the Attorney-General, or petition in the nature of an information at the suit or instance of any private prosecutor, against any person for any offence punishable under this Act.¹⁸⁵

The expression “~~indictable misdemeanour~~” shall include all misdemeanours punishable upon indictment.¹⁸⁶

The expression “**indictable offence**” shall include all offences punishable upon indictment.¹⁸⁷

The word “**indicted**” shall mean informed against, and either by information or petition.¹⁸⁸

The word “~~felony~~” means any offence which is by any Act specifically declared to be a felony.¹⁸⁹

The word “~~misdemeanour~~” means any offence which is not a felony.¹⁹⁰

“**common gaol**” [Repealed]¹⁹¹

The word “**Justice**” shall mean Justice of the Peace, and shall include High-Bailiff, whether such High-Bailiff be a Justice or not.

The expression “**party aggrieved**” shall apply to a company or corporation as well as to an individual.

The word “~~cattle~~” shall include horse, mare, gelding, colt, filly, mule, ass, bull, cow, ox, heifer, calf, ram, ewe, sheep, lamb, goat, kid, boar, sow, hog, or pig; and the word “~~sheep~~” shall include ram, ewe, or lamb.

The term “~~document of title to goods~~” shall include any bill of lading, India warrant, dock warrant, warehouse keepers’ certificate, warrant or order for the delivery or transfer of any goods or valuable thing, bought and sold note, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise, either by indorsement or by delivery, the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to.

The term “~~document of title to lands~~” shall include any deed, map, paper, or parchment, written or printed, or partly written and partly printed, being or containing evidence of the title or any part of the title to any real estate, or to any interest in or out of any real estate.

“**trustee**” [Repealed]¹⁹²

“**valuable security**” [Repealed]¹⁹³

The term “**property**” shall include every description of real and personal property, valuable securities, goods and chattels, money, debts, and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods, documents of title to goods, documents of titles to lands, and

shall also include not only such property as shall have been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and any thing acquired by such conversion or exchange, whether immediate or otherwise.

The term “**public company**” shall include any joint stock company.

“**night**” [Repealed]¹⁹⁴

423 Short title

This Act may be cited for all purposes as “The Criminal Code, one thousand eight hundred and seventy-two”.

SCHEDULE¹⁹⁵

Consultation copy – for reference purposes only

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ S 1 repealed by Criminal Law Act 1981 Sch 8.

² S 2 amended by Legislation Act 2015 s 99.

³ S 7 amended by Death Penalty Abolition Act 1993 Sch 1.

⁴ S 8 amended by Criminal Law Act 1981 Sch 7.

⁵ S 10 repealed by Criminal Code (Informations) Act 1920 Sch 2.

⁶ S 11 amended by Criminal Law Act 1981 Sch 7.

⁷ S 12 amended by Criminal Law Act 1981 Sch 7 and by Criminal Justice (Penalties, Etc.) Act 1993 Sch 2.

⁸ S 13 amended by Criminal Law Act 1981 Sch 7.

⁹ S 16 amended by Fines Act 1986 Sch 2.

¹⁰ S 18 amended by Death Penalty Abolition Act 1993 Sch 1.

¹¹ S 19 amended by Criminal Law Act 1981 Sch 7.

¹² S 20 amended by Criminal Law Act 1981 Sch 7.

¹³ S 21 repealed by Criminal Code (Informations) Act 1920 Sch 2 and inserted by Criminal Law (Amendment) Act 1985 s 1.

¹⁴ S 21A inserted by Criminal Law (Amendment) Act 1985 s 1.

¹⁵ S 21B inserted by Criminal Law (Amendment) Act 1985 s 1.

¹⁶ S 22A inserted by Criminal Justice Act 1991 Sch 4.

¹⁷ S 28 amended by Criminal Law Act 1981 Sch 7.

¹⁸ Ss 29 and 30 repealed by Criminal Law Act 1981 Sch 8.

¹⁹ S 31 amended by Criminal Law Act 1981 Sch 7 and by Criminal Justice Act 2001 s 7.

²⁰ S 32 amended by Criminal Law Act 1981 Sch 7.

²¹ S 33 amended by Criminal Law Act 1981 Sch 7.

-
- ²² S 35 amended by Criminal Law Act 1981 Sch 7.
- ²³ S 36 amended by Criminal Law Act 1981 Sch 7.
- ²⁴ S 37 amended by Criminal Law Act 1981 Sch 7.
- ²⁵ S 38 amended by Criminal Law Act 1981 Sch 7.
- ²⁶ S 39 amended by Criminal Law Act 1981 Sch 7.
- ²⁷ S 41 amended by Criminal Law Act 1981 Sch 7.
- ²⁸ S 42 amended by Criminal Law Act 1981 Sch 7.
- ²⁹ S 43 amended by Criminal Law Act 1981 Sch 7.
- ³⁰ S 44 amended by Criminal Law Act 1981 Sch 7.
- ³¹ S 45 amended by Criminal Law Act 1981 Sch 7.
- ³² S 46 amended by Statute Law Revision Act 1997 Sch 1.
- ³³ S 47 amended by Criminal Law Act 1981 Sch 7.
- ³⁴ S 48 repealed by Criminal Law Act 1981 Sch 8.
- ³⁵ S 49 amended by Criminal Law Act 1981 Sch 7.
- ³⁶ S 50 amended by Criminal Law Act 1981 Sch 7.
- ³⁷ S 51 amended by Criminal Law Act 1981 Sch 7.
- ³⁸ S 52 amended by Criminal Law Act 1981 Sch 7.
- ³⁹ Ss 53 and 54 repealed by Criminal Law Act 1981 Sch 8.
- ⁴⁰ S 55 amended by Criminal Law Act 1981 Sch 7.
- ⁴¹ Ss 56 to 58 repealed by Petty Sessions and Summary Jurisdiction Act 1927 Sch 1.
- ⁴² S 59 amended by Criminal Law Act 1981 Sch 7.
- ⁴³ S 60 amended by Criminal Law Act 1981 Sch 7.
- ⁴⁴ S 60A inserted by Criminal Justice Act 1991 Sch 4. Subs (2) added by Criminal Justice Act 1996 s 6.
- ⁴⁵ Subs (1) amended by Criminal Justice Act 1996 s 6.
- ⁴⁶ S 60B inserted by Criminal Justice Act 1991 Sch 4.
- ⁴⁷ Para (c) amended by Criminal Justice, Police Powers and Other Amendments Act 2014 Sch 3.
- ⁴⁸ S 60C inserted by Criminal Justice Act 1991 Sch 4.
- ⁴⁹ S 60D inserted by Criminal Justice Act 1991 Sch 4.
- ⁵⁰ S 60E inserted by Criminal Justice Act 1991 Sch 4.
- ⁵¹ S 61 repealed by Sexual Offences Act 1967 Sch 4.
- ⁵² Ss 62 to 65 repealed by Criminal Code Amendment Act 1886 s 3.
- ⁵³ Ss 66 to 68 repealed by Sexual Offences Act 1967 Sch 4.
- ⁵⁴ S 69 repealed by Child Custody Act 1987 Sch 6.
- ⁵⁵ S 70 amended by Criminal Law Act 1981 Sch 7.
- ⁵⁶ S 71 repealed by Abortion Reform Act 2019 s 29.
- ⁵⁷ S 72 repealed by Abortion Reform Act 2019 s 29.
- ⁵⁸ S 73 amended by Criminal Law Act 1981 Sch 7.
- ⁵⁹ Ss 74 to 76 repealed by Sexual Offences Act 1967 Sch 4.
- ⁶⁰ S 77 amended by Criminal Law Act 1981 Sch 7.
- ⁶¹ S 78 repealed by Criminal Law Act 1981 Sch 8.

- ⁶² S 79 amended by Criminal Law Act 1981 Sch 7 and by Criminal Jurisdiction Act 1993 Sch 4.
- ⁶³ S 80 repealed by Theft Act 1981 Sch 2.
- ⁶⁴ S 81 repealed by Criminal Law Act 1981 Sch 8.
- ⁶⁵ Ss 84 to 115 repealed by Criminal Damage Act 1981 Sch.
- ⁶⁶ S 116 amended by Criminal Law Act 1981 Sch 7.
- ⁶⁷ S 117 amended by Criminal Law Act 1981 Sch 7.
- ⁶⁸ S 118 amended by Criminal Damage Act 1981 Sch and by Criminal Law Act 1981 Sch 7.
- ⁶⁹ S 119 amended by Criminal Law Act 1981 Sch 7.
- ⁷⁰ S 120 amended by Criminal Damage Act 1981 Sch and by Criminal Law Act 1981 Sch 7.
- ⁷¹ S 121 amended by Criminal Law Act 1981 Sch 7.
- ⁷² S 122 to 124 repealed by Criminal Damage Act 1981 Sch.
- ⁷³ Ss 125 to 129 repealed by Criminal Damage Act 1981 Sch.
- ⁷⁴ S 130 amended by Criminal Law Act 1981 Sch 7.
- ⁷⁵ S 131 amended by Criminal Law Act 1981 Sch 7.
- ⁷⁶ Ss 132 to 135 repealed by Criminal Damage Act 1981 Sch.
- ⁷⁷ S 136 amended by Criminal Law Act 1981 Sch 7.
- ⁷⁸ Ss 137 to 144 repealed by Larceny Act 1946 Sch.
- ⁷⁹ Ss 145 and 146 repealed by Larceny Act 1946 Sch.
- ⁸⁰ S 147 repealed by Criminal Law Act 1981 Sch 8.
- ⁸¹ S 148 repealed by Larceny Act 1946 Sch.
- ⁸² S 149 repealed by Petty Sessions and Summary Jurisdiction Act 1927 Sch 1.
- ⁸³ S 151 repealed by Inland Fisheries Act 1976 Sch 5.
- ⁸⁴ S 152 repealed by Criminal Law Act 1981 Sch 8.
- ⁸⁵ S 153 amended by Criminal Law Act 1981 Sch 7.
- ⁸⁶ Ss 154 and 155 repealed by Criminal Law Act 1981 Sch 8.
- ⁸⁷ S 156 amended by Criminal Law Act 1981 Sch 8.
- ⁸⁸ Ss 157 to 160 repealed by Theft Act 1981 Sch 2.
- ⁸⁹ Ss 161 to 163 repealed by Larceny Act 1946 Sch.
- ⁹⁰ S 164 repealed by Theft Act 1981 Sch 2.
- ⁹¹ Ss 165 to 175 repealed by Larceny Act 1946 Sch.
- ⁹² S 176 amended by Criminal Law Act 1981 Sch 7.
- ⁹³ S 177 repealed by Theft Act 1981 Sch 2.
- ⁹⁴ Ss 178 to 194 repealed by Larceny Act 1946 Sch.
- ⁹⁵ Ss 195 and 196 repealed by Wreck and Salvage (Ships and Aircraft) Act 1979 Sch 2.
- ⁹⁶ Ss 197 to 208 repealed by Larceny Act 1946 Sch.
- ⁹⁷ S 209 repealed by Criminal Code (Informations) Act 1920 Sch 2.
- ⁹⁸ Ss 210 and 211 repealed by Larceny Act 1946 Sch.
- ⁹⁹ Ss 212 and 213 repealed by Criminal Code Amendment Act 1914 Sch.
- ¹⁰⁰ Ss 214 to 218 repealed by Larceny Act 1946 Sch.
- ¹⁰¹ Ss 219 to 223 repealed by Theft Act 1981 Sch 2.

-
- ¹⁰² Ss 224 to 235 repealed by Larceny Act 1946 Sch.
- ¹⁰³ S 236 repealed by Theft Act 1981 Sch 2.
- ¹⁰⁴ Ss 238 and 239 repealed by Larceny Act 1946 Sch.
- ¹⁰⁵ S 240 repealed by Theft Act 1981 Sch 2.
- ¹⁰⁶ Ss 241 and 242 repealed by Forgery Act 1952 Sch.
- ¹⁰⁷ Ss 243 and 244 repealed by Theft Act 1981 Sch 2.
- ¹⁰⁸ Ss 245 to 268 repealed by Forgery Act 1952 Sch.
- ¹⁰⁹ S 269 amended by Forgery Act 1952 Sch.
- ¹¹⁰ S 270 repealed by Forgery Act 1952 Sch.
- ¹¹¹ S 271 amended by Criminal Law Act 1981 Sch 7.
- ¹¹² Ss 272 to 274 repealed by Forgery Act 1952 Sch.
- ¹¹³ S 275 amended by Criminal Law Act 1981 Sch 7.
- ¹¹⁴ S 276 repealed by Forgery Act 1952 Sch.
- ¹¹⁵ S 277 amended by Forgery Act 1952 Sch, by Criminal Law Act 1981 Sch 7 and by Civil Partnership Act 2011 Sch 14.
- ¹¹⁶ S 278 amended by Forgery Act 1952 Sch and by Criminal Law Act 1981 Sch 7.
- ¹¹⁷ Ss 279 to 281 repealed by Forgery Act 1952 Sch.
- ¹¹⁸ S 282 and 283 repealed by Criminal Code (Informations) Act 1920 Sch 2.
- ¹¹⁹ Ss 285 and 286 repealed by Forgery Act 1952 Sch.
- ¹²⁰ Ss 287 to 302 repealed by Coinage Offences Act 1980 Sch 2.
- ¹²¹ Ss 303 to 308 repealed by Counterfeit Currency (Convention) Act 1938 s 4.
- ¹²² Ss 309 to 313 repealed by Coinage Offences Act 1980 Sch 2.
- ¹²³ S 314 repealed by Criminal Law Act 1981 Sch 8.
- ¹²⁴ S 315 amended by Criminal Law Act 1981 Sch 7 and by Statute Law Revision Act 1997 Sch 2.
- ¹²⁵ S 316 amended by Criminal Law Act 1981 Sch 7 and by Statute Law Revision Act 1997 Sch 2.
- ¹²⁶ S 317 amended by Criminal Law Act 1981 Sch 7 and by Death Penalty Abolition Act 1993 Sch 2.
- ¹²⁷ S 318 amended by Criminal Law Act 1981 Sch 7.
- ¹²⁸ S 321 amended by Criminal Law Act 1981 Sch 7.
- ¹²⁹ S 322 amended by Criminal Law Act 1981 Sch 7.
- ¹³⁰ S 323 repealed by Bribery Act 2013 Sch 2.
- ¹³¹ S 324 repealed by Criminal Law Act 1981 Sch 8.
- ¹³² Ss 325 to 327 repealed by Perjury Act 1952 Sch.
- ¹³³ S 328 repealed by Criminal Code (Informations) Act 1920 Sch 2.
- ¹³⁴ S 329 repealed by Perjury Act 1952 Sch.
- ¹³⁵ S 330 amended by Criminal Law Act 1981 Sch 7, by Trade Disputes Act 1985 Sch and by Criminal Justice Act 1991 Sch 4.
- ¹³⁶ S 330A inserted by Computer Security Act 1992 s 7.
- ¹³⁷ S 331 amended by Criminal Law Act 1981 Sch 7.
- ¹³⁸ S 336 amended by Criminal Law Act 1981 Sch 7.
- ¹³⁹ S 337 amended by Criminal Law Act 1981 Sch 7.

- ¹⁴⁰ S 338 repealed by Mental Health Act 1974 Sch 5.
- ¹⁴¹ S 343 repealed by Obscene Publications and Indecent Advertisements Act 1907 s 12.
- ¹⁴² S 344 repealed by Criminal Law Act 1981 Sch 8.
- ¹⁴³ S 345 repealed by Theft Act 1981 Sch 2.
- ¹⁴⁴ S 346 repealed by Criminal Law Act 1981 Sch 8.
- ¹⁴⁵ S 348 amended by Criminal Law Act 1981 Sch 7.
- ¹⁴⁶ S 349 repealed by Criminal Law Act 1981 Sch 8.
- ¹⁴⁷ Ss 352 and 353 repealed by Criminal Law Act 1981 Sch 8.
- ¹⁴⁸ S 355 amended by Theft Act 1981 Sch 2.
- ¹⁴⁹ Ss 357 to 359 repealed by Criminal Code Amendment Act 1921 Sch.
- ¹⁵⁰ Ss 360 to 363 repealed by Criminal Code Amendment Act 1917 Sch.
- ¹⁵¹ Ss 364 to 366 repealed by Criminal Code Amendment Act 1921 Sch.
- ¹⁵² S 367 repealed by Criminal Jurisdiction Act 1993 Sch 4.
- ¹⁵³ S 368 repealed by Death Penalty Abolition Act 1993 Sch 2.
- ¹⁵⁴ S 369 repealed by Criminal Law Act 1981 Sch 8.
- ¹⁵⁵ S 370 repealed by Criminal Code Amendment Act 1921 Sch.
- ¹⁵⁶ Ss 371 to 373 repealed by Criminal Jurisdiction Act 1993 Sch 4.
- ¹⁵⁷ S 374 repealed by Criminal Code Amendment Act 1925 Sch.
- ¹⁵⁸ Ss 375 and 376 repealed by High Court Act 1991 Sch 5.
- ¹⁵⁹ S 377 repealed by Jury Act 1960 Sch 2.
- ¹⁶⁰ Ss 378 and 379 repealed by Criminal Code (Informations) Act 1920 Sch 2.
- ¹⁶¹ S 380 repealed by Criminal Jurisdiction Act 1993 Sch 4.
- ¹⁶² S 381 repealed by Theft Act 1981 Sch 2.
- ¹⁶³ Ss 382 to 384 repealed by Criminal Code (Informations) Act 1920 Sch 2.
- ¹⁶⁴ Ss 385 to 387 repealed by Criminal Jurisdiction Act 1993 Sch 4.
- ¹⁶⁵ Ss 388 and 389 repealed by Criminal Code (Informations) Act 1920 Sch 2.
- ¹⁶⁶ S 390 repealed by Criminal Code Amendment Act 1892 Sch 2.
- ¹⁶⁷ S 391 repealed by Criminal Code (Informations) Act 1920 Sch 2.
- ¹⁶⁸ S 392 amended by Criminal Code (Informations) Act 1920 Sch 2.
- ¹⁶⁹ S 393 amended by Statute Law Revision Act 1997 Sch 2.
- ¹⁷⁰ Ss 394 and 395 repealed by Criminal Jurisdiction Act 1993 Sch 4.
- ¹⁷¹ Ss 396 and 397 repealed by Criminal Law Act 1981 Sch 8.
- ¹⁷² S 399 repealed by Criminal Law Act 1981 Sch 8.
- ¹⁷³ S 400 substituted by Police Powers and Procedures Act 1998 Sch 4.
- ¹⁷⁴ S 401 repealed by Criminal Law Act 1981 Sch 8.
- ¹⁷⁵ S 402 repealed by Petty Sessions and Summary Jurisdiction Act 1927 Sch 1.
- ¹⁷⁶ S 404 amended by Decimal Currency (Isle of Man) Act 1970 s 9.
- ¹⁷⁷ S 405 repealed by Criminal Code Amendment Act 1892 Sch 2.
- ¹⁷⁸ Ss 406 and 407 repealed by Criminal Jurisdiction Act 1993 Sch 4.
- ¹⁷⁹ Ss 408 and 409 repealed by Criminal Law Act 1981 Sch 8.
- ¹⁸⁰ S 410 amended by Statute Law Revision Act 1997 Sch 1.
- ¹⁸¹ S 411 substituted by Criminal Code Amendment Act 1892 s 17.

-
- ¹⁸² Ss 416 and 417 repealed by Criminal Damage Act 1981 Sch.
- ¹⁸³ S 418 repealed by Criminal Jurisdiction Act 1993 Sch 4.
- ¹⁸⁴ S 419 to 421 repealed by Criminal Law Act 1981 Sch 8.
- ¹⁸⁵ Definition of “indictment” amended by Criminal Law Act 1981 Sch 7.
- ¹⁸⁶ Definition of “indictable misdemeanour” amended by Criminal Law Act 1981 Sch 7.
- ¹⁸⁷ Definition of “indictable offence” amended by Criminal Law Act 1981 Sch 7.
- ¹⁸⁸ Definition of “indicted” amended by Criminal Law Act 1981 Sch 7.
- ¹⁸⁹ Definition of “felony” inserted by Criminal Justice Act 2001 s 62.
- ¹⁹⁰ Definition of “misdemeanour” inserted by Criminal Law Act 1981 Sch 7.
- ¹⁹¹ Definition of “common gaol” repealed by Criminal Law Act 1981 Sch 8.
- ¹⁹² Definition of “trustee” repealed by Larceny Act 1946 Sch.
- ¹⁹³ Definition of “valuable security” repealed by Theft Act 1981 Sch 2.
- ¹⁹⁴ Definition of “night” repealed by Larceny Act 1946 Sch.
- ¹⁹⁵ Sch repealed by Criminal Law Act 1981 Sch 8.