

ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. XCIV.

An Act to consolidate and amend the Statute Law of *England* and *Ireland* relating to Accessories to and Abettors of indictable Offences.

[6th *August* 1861.]

WHEREAS it is expedient to consolidate and amend the Statute Law of *England* and *Ireland* relating to Accessories to and Abettors of indictable Offences: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

As to Accessories before the Fact:

1. Whosoever shall become an Accessory before the Fact to any Felony, whether the same be a Felony at Common Law or by virtue of any Act passed or to be passed, may be indicted, tried, convicted, and punished in all respects as if he were a principal Felon.

Accessories before the Fact may be tried and punished as Principals.

2. Whosoever shall counsel, procure, or command any other Person to commit any Felony, whether the same be a Felony at Common Law or by virtue of any Act passed or to be passed, shall be guilty of Felony, and may be indicted 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 and convicted of a substantive Felony whether the principal

Accessories before the Fact may be indicted as such, or as substantive Felons.

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.

As to Accessories after the Fact:

Accessories after the Fact may be indicted as such, or as substantive Felons.

3. Whosoever shall become an Accessory after the Fact to any Felony, whether the same be a Felony at Common Law or by virtue of any Act passed or to be passed, may be indicted and convicted either as an Accessory after the Fact to the principal Felony, together with the principal Felon, or after the Conviction of the principal Felon, or may be indicted 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 like Manner as any Accessory after the Fact to the same Felony, if convicted as an Accessory, may be punished.

Punishment of Accessories after the Fact.

4. Every Accessory after the Fact to any Felony (except where it is otherwise specially enacted), whether the same be a Felony at Common Law or by virtue of any Act passed or to be passed, shall be liable, at the Discretion of the Court, to be imprisoned in the Common Gaol or House of Correction for any Term not exceeding Two Years, with or without Hard Labour, and it shall be lawful for the Court, if it shall think fit, to require the Offender to enter into his own Recognizances and to find Sureties, both or either, for keeping the Peace, in addition to such Punishment: Provided that no Person shall be imprisoned under this Clause for not finding Sureties for any Period exceeding One Year.

As to Accessories generally:

Prosecution of Accessory after Principal has been convicted, but not attainted.

5. 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 upon Conviction suffer the same Punishment as he would have suffered if the Principal had been attainted.

Several Accessories may be included in the same Indictment although principal Felon not included.

6. Any Number of Accessories at different Times to any Felony, and any Number of Receivers at different Times of Property stolen at One Time, may be charged with substantive Felonies in the same Indictment, 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.

7. Where

Accessories and Abettors.

Trial of Accessories.

7. Where any Felony shall have been wholly committed within *England* or *Ireland*, the Offence of any Person who shall be an Accessory either before or after the Fact to any such Felony may be dealt with, inquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felony, or any Felonies committed in any County or Place in which the Act by reason whereof such Person shall have become such Accessory shall have been committed; and in every other Case the Offence of any Person who shall be an Accessory either before or after the Fact to any Felony may be dealt with, inquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felony or any Felonies committed in any County or Place in which such Person shall be apprehended or be in Custody, whether the principal Felony shall have been committed on the Sea or on the Land, or begun on the Sea and completed on the Land, or begun on the Land and completed on the Sea, and whether within Her Majesty's Dominions or without, or partly within Her Majesty's Dominions and partly without; provided that no Person who shall be once duly tried either as an Accessory before or after the Fact, or for a substantive Felony under the Provisions hereinbefore contained, shall be liable to be afterwards prosecuted for the same Offence.

As to Abettors in Misdemeanors:

Abettors in Misdemeanors.

8. Whosoever shall aid, abet, counsel, or procure the Commission of any Misdemeanor, whether the same be a Misdemeanor at Common Law or by virtue of any Act passed or to be passed, shall be liable to be tried, indicted, and punished as a principal Offender.

As to other Matters:

As to Offences committed within the Jurisdiction of the Admiralty.

9. Where any Person shall, within the Jurisdiction of the Admiralty of *England* or *Ireland*, become an Accessory to any Felony, whether the same be a Felony at Common Law or by virtue of any Act passed or to be passed, and whether such Felony shall be committed within that Jurisdiction or elsewhere, or shall be begun within that Jurisdiction and completed elsewhere, or shall be begun elsewhere and completed within that Jurisdiction, the Offence of such Person shall be Felony; and in any Indictment for any such Offence the Venue in the Margin shall be the same as if the Offence had been committed in the County or Place in which such Person shall be indicted, and his Offence shall be averred to have been committed "on the High Seas;" provided that nothing herein contained shall alter or affect any of the Laws relating to the Government of Her Majesty's Land or Naval Forces.

10. Nothing

Accessories and Abettors.

Act not to extend to Scotland.

10. Nothing in this Act contained shall extend to *Scotland*, except as herein-before otherwise expressly provided.

Commencement of Act.

11. This Act shall commence and take effect on the First Day of *November* One thousand eight hundred and sixty-one.

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