

CHAPTER 27.**IMPERIAL STATUTES (CRIMINAL LAW) ADOPTION.****ARRANGEMENT OF SECTIONS.****SECTION.**

1. Short title.
2. Adoption of Imperial Statutes.

SCHEDULE.**CHAPTER 27.****IMPERIAL STATUTES (CRIMINAL LAW) ADOPTION.**

An Ordinance to adopt and apply certain Statutes of the Imperial Parliament whereby the Criminal Law of England has been consolidated, simplified and amended.

[1ST JANUARY, 1933.]

Short title.

1. This Ordinance may be cited as the Imperial Statutes (Criminal Law) Adoption Ordinance.

Adoption of
Imperial
Statutes.
4 of 1946.
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2. The Statutes of the Imperial Parliament set forth in the first column of the Schedule are hereby expressly declared to apply to the Colony and Protectorate to the extent specified in the second column of the Schedule.

SCHEDULE.

Date of Statute and Title.		Extent to which applied.
1 and 2 George V. c. 6 29th June, 1911.	The Perjury Act, 1911.	Sections 1, 2, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16 (1), 17 and 19.
3 and 4 George V. c. 27 15th August, 1913.	The Forgery Act, 1913.	Sections 1, 2, 3 (3), 4, 5 (1) (c), 5 (3) (a), 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19 (1), 20 and 22.
6 and 7 George V. c. 50 31st October, 1916.	The Larceny Act, 1916.	Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17 (1), 17 (2), 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 (1), 33 (3), 33 (4), 34, 35, 36, 37 (1), 37 (2), 37 (3), 37 (4), 37 (5), 39, 40 (1), 40 (2), 40 (3), 40 (4), 43, 46, 47, 48 (1) and 50.

*(The sections of the above-mentioned Acts, which are applied by this Ordinance, are printed, next after this, for convenience).

PERJURY ACT, 1911.

[1 & 2 GEO. 5. CH. 6.]

ARRANGEMENT OF SECTIONS.

SECTION.

1. Perjury.
2. False statements on oath made otherwise than in a judicial proceeding.
3. (*Not applied.*)
4. (*Not applied.*)
5. False statutory declarations and other false statements without oath.
6. False declarations, etc. to obtain registration, etc. for carrying on a vocation.
7. Aiders, abettors, suborners, etc.
8. Venue.
9. (*Not applied.*)
10. (*Not applied.*)
11. Application of Vexatious Indictments Act, 1859.
12. Form of indictment.
13. Corroboration.
14. Proof of certain proceedings on which perjury is assigned.
15. Interpretation, etc.
16. Savings.
17. Repeals.
18. (*Not applied.*)
19. Short title and commencement.

SCHEDULE.

PERJURY ACT, 1911.

[1 & 2 GEO. 5. CH. 6.]

An Act to consolidate and simplify the Law relating to Perjury and kindred offences. A.D. 1911.

[29TH JUNE, 1911.]

1. (1) If any person lawfully sworn as a witness or as an interpreter in a judicial proceeding wilfully makes a statement material in that proceeding, which he knows to be false or does not believe to be true, he shall be guilty of perjury, and shall, on conviction thereof on indictment, be liable to penal servitude for a term not exceeding seven years, or to imprisonment with or without hard labour for a term not exceeding two years, or to a fine or to both such penal servitude or imprisonment and fine.

(2) The expression "judicial proceeding" includes a proceeding before any court, tribunal, or person having by law power to hear, receive, and examine evidence on oath.

(3) Where a statement made for the purposes of a judicial proceeding is not made before the tribunal itself, but is made on oath before a person authorised by law to administer an oath to the person who makes the statement, and to record or authenticate the statement, it shall, for the purposes of this section, be treated as having been made in a judicial proceeding.

(4) A statement made by a person lawfully sworn in England for the purposes of a judicial proceeding—

(a) in another part of His Majesty's dominions; or

(b) in a British tribunal lawfully constituted in any place by sea or land outside His Majesty's dominions; or

(c) in a tribunal of any foreign state,

shall, for the purposes of this section, be treated as a statement made in a judicial proceeding in England.

(5) Where, for the purposes of a judicial proceeding in England, a person is lawfully sworn under the authority of an Act of Parliament—

(a) in any other part of His Majesty's dominions; or

(b) before a British tribunal or a British officer in a foreign country, or within the jurisdiction of the Admiralty of England;

a statement made by such person so sworn as aforesaid (unless the Act of Parliament under which it was made otherwise specifically provides) shall be treated for the purposes of this section as having been made in the judicial proceeding in England for the purposes whereof it was made.

(6) The question whether a statement on which perjury is assigned was material is a question of law to be determined by the court of trial.

2. If any person—

(1) being required or authorised by law to make any statement on oath for any purpose, and being lawfully sworn (otherwise than in a judicial proceeding) wilfully makes a statement which is material for that purpose and which he knows to be false or does not believe to be true; or

(2) wilfully uses any false affidavit for the purposes of the Bills of Sale Act, 1878, as amended by any subsequent enactment;

he shall be guilty of a misdemeanour, and, on conviction thereof on indictment, shall be liable to penal servitude for a term not exceeding seven years or to imprisonment, with or without hard labour, for a term not exceeding two years, or to a fine or to both such penal servitude or imprisonment and fine.

False
statements
on oath made
otherwise
than in a
judicial
proceeding.

41 & 42 Vict.
c. 31.

3. (*Not applied.*)

4. (*Not applied.*)

5. If any person knowingly and wilfully makes (otherwise than on oath) a statement false in a material particular, and the statement is made—

False
statutory
declarations
and other
false
statements
without oath.

(a) in a statutory declaration; or

(b) in an abstract, account, balance sheet, book, certificate, declaration, entry, estimate, inventory, notice, report, return, or other document which he is authorised or required to make, attest, or verify, by any public general Act of Parliament for the time being in force; or

(c) in any oral declaration or oral answer which he is required to make by, under, or in pursuance of any public general Act of Parliament for the time being in force;

he shall be guilty of a misdemeanour and shall be liable on conviction thereof on indictment to imprisonment, with or without hard labour, for any term not exceeding two years, or to a fine or to both such imprisonment and fine.

6. If any person—

(a) procures or attempts to procure himself to be registered on any register or roll kept under or in pursuance of any public general Act of Parliament for the time being in force of persons qualified by law to practise any vocation or calling; or

False
declarations,
etc. to
obtain
registration,
etc. for
carrying on
a vocation.

(b) procures or attempts to procure a certificate of the registration of any person on any such register or roll as aforesaid;

by wilfully making or producing or causing to be made or produced either verbally or in writing, any declaration, certificate, or representation which he knows to be false or fraudulent, he shall be guilty of a misdemeanour and shall be liable on conviction thereof on indictment to imprisonment for any term not exceeding twelve months, or to a fine, or to both such imprisonment and fine.

7. (1) Every person who aids, abets, counsels, procures, or suborns another person to commit an offence against this Act shall be liable to be proceeded against, indicted, tried and punished as if he were a principal offender.

Aiders,
abettors,
suborners,
etc.

(2) Every person who incites or attempts to procure or suborn another person to commit an offence against this Act

shall be guilty of a misdemeanour, and, on conviction thereof on indictment, shall be liable to imprisonment, or to a fine, or to both such imprisonment and fine.

Venue.

8. Where an offence against this Act or any offence punishable as perjury or as subornation of perjury under any other Act of Parliament is committed in any place either on sea or land outside the United Kingdom, the offender may be proceeded against, indicted, tried, and punished in any county or place in England where he was apprehended or is in custody as if the offence had been committed in that county or place; and, for all purposes incidental to or consequential on the trial or punishment of the offence, it shall be deemed to have been committed in that county or place.

9. (*Not applied.*)

10. (*Not applied.*)

Application
of Vexatious
Indictments
Act, 1859.
22 & 23 Vict.
c. 17.

11. The provisions of the Vexatious Indictments Act, 1859, and the Acts amending the same, shall apply in the case of any offence punishable under this Act, and in the case of any offence which under any other enactment for the time being in force, is declared to be perjury or subornation of perjury or is made punishable as perjury or as subornation of perjury, in like manner as if all the said offences were enumerated in section 1 of the said Vexatious Indictments Act, 1859:

14 & 15 Vict.
c. 100.

Provided that in that section a reference to this Act shall be substituted for the reference therein to the Criminal Procedure Act, 1851.

Form of
indictment.

12. (1) In an indictment—

(a) for making any false statement or false representation punishable under this Act; or

(b) for unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly taking, making, signing, or subscribing any oath, affirmation, solemn declaration, statutory declaration, affidavit, deposition, notice, certificate, or other writing;

it is sufficient to set forth the substance of the offence charged, and before which court or person (if any) the offence was committed without setting forth the proceedings or any part of the proceedings in the course of which the offence was committed, and without setting forth the authority of any court or person before whom the offence was committed.

(2) In an indictment for aiding, abetting, counselling, suborning, or procuring any other person to commit any offence hereinbefore in this section mentioned, or for conspiring with any other person, or with attempting to suborn or procure any other person, to commit any such offence, it is sufficient—

(a) where such offence has been committed, to allege that offence, and then to allege that the defendant procured the commission of that offence; and

(b) where such offence has not been committed, to set forth the substance of the offence charged against the defendant without setting forth any matter or thing which it is unnecessary to aver in the case of an indictment for a false statement or false representation punishable under this Act.

13. A person shall not be liable to be convicted of any offence against this Act, or of any offence declared by any other Act to be perjury or subornation of perjury, or to be punishable as perjury or subornation of perjury solely upon the evidence of one witness as to the falsity of any statement alleged to be false. Corroboration.

14. On a prosecution—

(a) for perjury alleged to have been committed on the trial of an indictment for felony or misdemeanour; or

(b) for procuring or suborning the commission of perjury on any such trial;

Proof of certain proceedings on which perjury is assigned.

the fact of the former trial shall be sufficiently proved by the production of a certificate containing the substance and effect (omitting the formal parts) of the indictment and trial purporting to be signed by the clerk of the court, or other person having the custody of the records of the court where the indictment was tried, or by the deputy of that clerk or other person, without proof of the signature or official character of the clerk or person appearing to have signed the certificate.

15. (1) For the purposes of this Act, the forms and ceremonies used in administering an oath are immaterial, if the court or person before whom the oath is taken has power to administer an oath for the purpose of verifying the statement in question, and if the oath has been administered in a form and with ceremonies which the person taking the oath has accepted without objection, or has declared to be binding on him. Interpretation, etc.

(2) In this Act—

the expression “oath” in the case of persons for the time being allowed by law to affirm or declare instead of swearing,

includes "affirmation" and "declaration," and the expression "swear" in the like case includes "affirm" and "declare"; and

5 & 6 Will. 4.
c. 62.

the expression "statutory declaration" means a declaration made by virtue of the Statutory Declarations Act, 1835, or of any Act, Order in Council, rule or regulation applying or extending the provisions thereof; and

the expression "indictment" includes "criminal information."

Savings.

16. (1) Where the making of a false statement is not only an offence under this Act, but also by virtue of some other Act is a corrupt practice or subjects the offender to any forfeiture or disqualification or to any penalty other than penal servitude, or imprisonment, or fine, the liability of the offender under this Act shall be in addition to and not in substitution for his liability under such other Act.

(2) (*Not applied.*)

(3) (*Not applied.*)

Repeals.
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17. The enactments specified in the schedule to this Act are hereby repealed, so far as they apply to England, to the extent specified in the third column of that schedule.

18. (*Not applied.*)

Short title
and com-
mencement.

19. This Act may be cited as the Perjury Act, 1911, and shall come into operation on the first day of January nineteen hundred and twelve.

FORGERY ACT, 1913.

[3 & 4 GEO. 5. CH. 27.]

ARRANGEMENT OF SECTIONS.

SECTION.

1. Definition of forgery.
2. Forgery of certain documents with intent to defraud.
3. Forgery of certain documents with intent to defraud or deceive.
4. Forgery of other documents with intent to defraud or to deceive a misdemeanour.
5. Forgery of seals and dies.
6. Uttering.

* The schedule is omitted from this printing of the sections which have been applied



7. Demanding property on forged documents, etc.
8. Possession of forged documents, seals, and dies.
9. Making or having in possession paper or implements for forgery.
10. Purchasing or having in possession certain paper before it has been duly stamped and issued.
11. Accessories and abettors.
12. Punishments.
13. (*Not applied.*)
14. Venue.
15. Criminal possession.
16. Search warrants.
17. Form of indictment and proof of intent.
18. Interpretation.
19. Savings.
20. Repeals.
21. Extent.
22. Short title and commencement.

SCHEDULE.

FORGERY ACT, 1913.

[3 & 4 GEO. 5. CH. 27.]

An Act to consolidate, simplify, and amend the Law relating to Forgery and kindred Offences. A.D. 1913.

[15TH AUGUST, 1913.]

1. (1) For the purposes of this Act, forgery is the making of a false document in order that it may be used as genuine, and in the case of the seals and dies mentioned in this Act the counterfeiting of a seal or die, and forgery with intent to defraud or deceive, as the case may be, is punishable as in this Act provided. Definition of forgery.

(2) A document is false within the meaning of this Act if the whole or any material part thereof purports to be made by or on behalf or on account of a person who did not make it nor authorise its making; or if, though made by or on behalf or on account of the person by whom or by whose authority it purports to have been made, the time or place of making, where either is material, or, in the case of a document identified by number or mark, the number or any distinguishing mark identifying the document, is falsely stated therein; and in particular a document is false—

(a) if any material alteration, whether by addition, insertion, obliteration, erasure, removal, or otherwise, has been made therein;

(b) if the whole or some material part of it purports to be made by or on behalf of a fictitious or deceased person;

(c) if, though made in the name of an existing person, it is made by him or by his authority with the intention that it should pass as having been made by some person, real or fictitious, other than the person who made or authorised it.

(3) For the purposes of this Act—

(a) it is immaterial in what language a document is expressed or in what place within or without the King's dominions it is expressed to take effect;

(b) forgery of a document may be complete even if the document when forged is incomplete, or is not or does not purport to be such a document as would be binding or sufficient in law;

(c) the crossing on any cheque, draft on a banker, post-office money order, postal order, coupon, or other document the crossing of which is authorised or recognised by law, shall be a material part of such cheque, draft, order, coupon, or document.

Forgery of
certain docu-
ments with
intent to
defraud.

2. (1) Forgery of the following documents, if committed with intent to defraud, shall be felony and punishable with penal servitude for life—

(a) any will, codicil, or other testamentary document, either of a dead or of a living person, or any probate or letters of administration, whether with or without the will annexed;

(b) any deed or bond, or any assignment at law or in equity of any deed or bond, or any attestation of the execution of any deed or bond;

(c) any bank note, or any indorsement on or assignment of any bank note.

(2) Forgery of the following documents, if committed with intent to defraud, shall be felony and punishable with penal servitude for any term not exceeding fourteen years—

(a) any valuable security or assignment thereof or endorsement thereon, or, where the valuable security is a bill of exchange, any acceptance thereof;

(b) any document of title to lands or any assignment thereof or endorsement thereon;

(c) any document of title to goods or any assignment thereof or endorsement thereon;

(d) any power of attorney or other authority to transfer any share or interest in any stock, annuity, or public fund of the United Kingdom or any part of His Majesty's dominions or of any foreign state or country or to transfer any share or interest in the debt of any public body, company, or society, British or foreign, or in the capital stock of any such company or society, or to receive any dividend or money payable in respect of such share or interest or any attestation of any such power of attorney or other authority;

(e) any entry in any book or register which is evidence of the title of any person to any share or interest hereinbefore mentioned or to any dividend or interest payable in respect thereof;

(f) any policy of insurance or any assignment thereof or endorsement thereon;

(g) any charter-party or any assignment thereof;

(h) any declaration, warrant, order, affidavit, affirmation, certificate, or other document required or authorised to be made by or for the purposes of the Government Annuities Act, 1829, or the Government Annuities Act, 1832, or by the National Debt Commissioners acting under the authority of the said Acts;

10 Geo. 4,
c. 24.
2 & 3 Will.
4. c. 59.

(i) any certificate of the Commissioners of Inland Revenue or any other Commissioners acting in execution of the Income Tax Acts;

(j) any certificate, certificate of valuation, sentence or decree of condemnation or restitution, or any copy of such sentence or decree, or any receipt required by the Slave Trade Acts.

3. (1) (*Not applied.*)

(2) (*Not applied.*)

(3) Forgery of the following documents, if committed with intent to defraud or deceive, shall be felony, and punishable with penal servitude for any term not exceeding seven years—

Forgery of
certain docu-
ments with
intent to
defraud or
deceive.

(a) any official document whatsoever of or belonging to any court of justice, or made or issued by any judge, magistrate, officer, or clerk of any such court;

(b) any register or book kept under the provisions of any law in or under the authority of any court of justice;

(c) any certificate, office copy, or certified copy of any such document, register, or book or of any part thereof;

(*d*) any document which any magistrate or any master or registrar in lunacy is authorised or required by law to make or issue;

52 Vict. c. 10.

(*e*) any document which any person authorised to administer an oath under the Commissioners for Oaths Act, 1889, is authorised or required by law to make or issue;

(*f*) any document made or issued by an officer of state or law officer of the Crown, or any document upon which, by the law or usage at the time in force, any court of justice or any officer might act;

(*g*) any document or copy of a document used or intended to be used in evidence in any Court of Record, or any document which is made evidence by law;

(*h*) any certificate required by any Act for the celebration of marriage;

(*i*) any licence for the celebration of marriage which may be given by law;

(*j*) any certificate, declaration, or order under any enactment relating to the registration of births or deaths;

57 & 58 Vict.
c. 60.

(*k*) any register book, builder's certificate, surveyor's certificate, certificate of registry, declaration, bill of sale, instrument of mortgage, or certificate of mortgage or sale under Part I of the Merchant Shipping Act, 1894, or any entry or endorsement required by the said Part of the said Act to be made in or on any of those documents;

(*l*) any permit, certificate, or similar document made or granted by or under the authority of the Commissioners of Customs and Excise.

Forgery of
other docu-
ments with
intent to de-
fraud or to
deceive a mis-
demeanour.

4. (1) Forgery of any document, which is not made felony under this or any other statute for the time being in force, if committed with intent to defraud, shall be a misdemeanour and punishable with imprisonment with or without hard labour for any term not exceeding two years.

(2) Forgery of any public document which is not made felony under this or any other statute for the time being in force, if committed with intent to defraud or deceive, shall be a misdemeanour and punishable with imprisonment with or without hard labour for any term not exceeding two years.

Forgery of
seals and dies.

5. (1) Forgery of the following seals, if committed with intent to defraud or deceive, shall be felony and punishable with penal servitude for life—

- (a) (*Not applied.*)
- (b) (*Not applied.*)
- (c) The seal of any court of record;
- (d) (*Not applied.*)

(2) (*Not applied.*)

(3) Forgery of the following seals, if committed with intent to defraud or deceive, shall be felony and punishable with penal servitude for any term not exceeding seven years—

(a) the seal of any court of justice other than a court of record;

(b) (*Not applied.*)

(4) (*Not applied.*)

(5) (*Not applied.*)

6. (1) Every person who utters any forged document, seal, or die shall be guilty of an offence of the like degree (whether felony or misdemeanour) and on conviction thereof shall be liable to the same punishment as if he himself had forged the document, seal, or die. Uttering.

(2) A person utters a forged document, seal, or die, who, knowing the same to be forged, and with either of the intents necessary to constitute the offence of forging the said document, seal, or die, uses, offers, publishes, delivers, disposes of, tenders in payment or in exchange, exposes for sale or exchange, exchanges, tenders in evidence, or puts off the said forged document, seal, or die.

(3) It is immaterial where the document, seal, or die was forged.

7. Every person shall be guilty of felony and on conviction thereof shall be liable to penal servitude for any term not exceeding fourteen years, who, with intent to defraud, demands, receives, or obtains, or causes or procures to be delivered, paid or transferred to any person, or endeavours to receive or obtain or to cause or procure to be delivered, paid or transferred to any person any money, security for money or other property, real or personal— Demanding property on forged documents, etc.

(a) under, upon, or by virtue of any forged instrument whatsoever, knowing the same to be forged; or

(b) under, upon, or by virtue of any probate or letters of administration, knowing the will, testament, codicil, or testamentary writing on which such probate or letters of

administration shall have been obtained to have been forged, or knowing such probate or letters of administration to have been obtained by any false oath, affirmation, or affidavit.

Possession of
forged docu-
ments, seals,
and dies.

8. (1) Every person shall be guilty of felony and on conviction thereof shall be liable to penal servitude for any term not exceeding fourteen years, who, without lawful authority or excuse, the proof whereof shall lie on the accused, purchases or receives from any person, or has in his custody or possession, a forged bank note, knowing the same to be forged.

(2) Every person shall be guilty of felony and on conviction thereof shall be liable to penal servitude for any term not exceeding fourteen years, who, without lawful authority or excuse, the proof whereof shall lie on the accused, and knowing the same to be forged, has in his custody or possession—

(a) any forged die required or authorised by law to be used for the marking of gold or silver plate, or of gold or silver wares, or any ware of gold, silver, or base metal bearing the impression of any such forged die;

54 & 55 Vict.
c. 38

(b) any forged stamp or die as defined by the Stamp Duties Management Act, 1891;

(c) any forged wrapper or label provided by or under the authority of the Commissioners of Inland Revenue or the Commissioners of Customs and Excise.

(3) Every person shall be guilty of felony and on conviction thereof shall be liable to penal servitude for any term not exceeding seven years, who, without lawful authority or excuse, the proof whereof shall lie on the accused, and knowing the same to be forged, has in his custody or possession—

any forged stamp or die, resembling or intended to resemble either wholly or in part any stamp or die which at any time whatever has been or may be provided, made, or used by or under the direction of the local authority for the purposes of the Local Stamp Act, 1869.

Making or
having in pos-
session paper
or imple-
ments for
forgery.

9. Every person shall be guilty of felony and on conviction thereof shall be liable to penal servitude for any term not exceeding seven years, who, without lawful authority or excuse, the proof whereof shall lie on the accused—

(a) makes, uses, or knowingly has in his custody or possession any paper intended to resemble and pass as—

(i) special paper such as is provided and used for making any bank note, Treasury bill, or London county bill;

(ii) revenue paper;

(b) makes, uses, or knowingly has in his custody or possession, any frame, mould, or instrument for making such paper, or for producing in or on such paper any words, figures, letters, marks, lines, or devices peculiar to and used in or on any such paper;

(c) engraves or in anywise makes upon any plate, wood, stone, or other material, any words, figures, letters, marks, lines, or devices, the print whereof resembles in whole or in part any words, figures, letters, marks, lines, or devices peculiar to and used in or on any bank note, or in or on any document entitling or evidencing the title of any person to any share or interest in any public stock, annuity, fund, or debt of any part of His Majesty's Dominions or of any foreign state, or in any stock, annuity, fund, or debt of any body corporate, company, or society, whether within or without His Majesty's dominions;

(d) uses or knowingly has in his custody or possession any plate, wood, stone, or other material, upon which any such words, figures, letters, marks, lines, or devices have been engraved or in any wise made as aforesaid;

(e) uses or knowingly has in his custody or possession any paper upon which any such words, figures, letters, marks, lines, or devices have been printed or in anywise made as aforesaid.

10. Every person shall be guilty of a misdemeanour and on conviction thereof shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years, who, without lawful authority or excuse the proof whereof shall lie on the accused, purchases, receives, or knowingly has in his custody or possession—

Purchasing or having in possession certain paper before it has been duly stamped and issued.

(a) any special paper provided and used for making Treasury bills or London county bills or any Revenue paper before such paper has been duly stamped, signed, and issued for public use;

(b) any die peculiarly used in the manufacture of any such paper.

11. Any person who knowingly and wilfully aids, abets, counsels, causes, procures, or commands the commission of an offence punishable under this Act shall be liable to be dealt with, indicted, tried, and punished as a principal offender.

Accessories and abettors.

Punishments.

12. (1) Where a sentence of penal servitude may be imposed on conviction of an offence against this Act, the court may, instead thereof, impose a sentence of imprisonment, with or without hard labour, for not more than two years.

(2) (a) On conviction of a misdemeanour punishable under this Act, the court, instead of or in addition to any other punishment which may be lawfully imposed, may fine the offender.

(b) On conviction of a felony punishable under this Act, the court, in addition to imposing a sentence of penal servitude or imprisonment, may require the offender to enter into his own recognisances, with or without sureties, for keeping the peace and being of good behaviour.

(c) On conviction of a misdemeanour punishable under this Act, the court, instead of or in addition to any other punishment which may lawfully be imposed for the offence, may require the offender to enter into his own recognisances, with or without sureties, for keeping the peace and being of good behaviour.

(d) No person shall be imprisoned under this section for more than one year for not finding sureties.

13. (*Not applied.*)

Venue

14. (1) A person charged—

(a) with an offence against this Act; or

(b) with an offence indictable at common law or under any Act for the time being in force consisting in the forging or altering of any matter whatsoever, or in offering, uttering, disposing of, or putting off any matter whatsoever, knowing the same to be forged or altered;

may be proceeded against, indicted, tried, and punished in any county or place in which he was apprehended or is in custody as if the offence had been committed in that county or place; and for all purposes incidental to or consequential on the prosecution, trial, or punishment of the offence, it shall be deemed to have been committed in that county or place:

Provided that, where the offence charged relates to documents made for the purpose of any Act relating to the suppression of the slave trade, it shall, for the purposes of jurisdiction and trial, be treated as an offence against the Slave Trade Act, 1873.

36 & 37 Vict.
c. 88.

(2) Nothing in this section shall affect the laws relating to the government of His Majesty's naval or military forces.

15. Where the having any document, seal, or die in the custody or possession of any person is in this Act expressed to be an offence, a person shall be deemed to have a document, seal or die in his custody or possession if he—

Criminal
possession.

(a) has it in his personal custody or possession; or

(b) knowingly and wilfully has it in the actual custody or possession of any other person, or in any building, lodging, apartment, field, or other place, whether open or enclosed, and whether occupied by himself or not.

It is immaterial whether the document, matter, or thing is had in such custody, possession, or place for the use of such person or for the use or benefit of another person.

16. (1) If it shall be made to appear by information on oath before a justice of the peace that there is reasonable cause to believe that any person has in his custody or possession without lawful authority or excuse—

Search
warrants.

(a) any bank note; or

(b) any implement for making paper or imitation of the paper used for bank notes; or

(c) any material having thereon any words, forms, devices, or characters capable of producing or intended to produce the impression of a bank note; or

(d) any forged document, seal, or die; or

(e) any machinery, implement, utensil, or material used or intended to be used for the forgery of any document;

the justice may grant a warrant to search for the same; and if the same shall be found on search, it shall be lawful to seize it and carry it before a justice of the county or place in which the warrant was issued, to be by him disposed of according to law.

(2) Every document, seal, or die lawfully seized under such warrant shall be defaced and destroyed or otherwise disposed of—

(a) by order of the court before which the offender is tried; or

(b) if there be no trial, by order of a justice of the peace; or

(c) if it affects the public revenue, by the Commissioners of Inland Revenue or the Commissioners of Customs and Excise, as the case may require; or

7 & 8 Vict.
c. 22.

(d) if it affects any of the companies of Goldsmiths or Guardians referred to in the Gold and Silver Wares Act, 1844, by the said company or guardians.

Form of
indictment
and proof of
intent.

17. (1) In an indictment or information for an offence against this Act with reference to any document, seal, or die, it is sufficient to refer to the document, seal, or die by any name or designation by which it is usually known, or by its purport, without setting out any copy or facsimile of the whole or any part of the document, seal, or die.

(2) Where an intent to defraud or an intent to deceive is one of the constituent elements of an offence punishable under this Act, or under any other Act relating to forgery or any kindred offence for the time being in force, it shall not be necessary to allege in the indictment or to prove an intent to defraud or deceive any particular person; and it shall be sufficient to prove that the defendant did the act charged with intent to defraud or to deceive, as the case may require.

(3) If any person who is a member of any co-partnership, or is one of two or more beneficial owners of any property, forges any document, matter, or thing with intent to defraud the co-partnership or the other beneficial owners, he is liable to be dealt with, indicted, tried, and punished, as if he had not been or was not a member of the co-partnership, nor one of such beneficial owners.

Interpreta-
tion.

18. (1) In this Act unless the context otherwise requires—

the expression “bank note” includes any note or bill of exchange of the Bank of England or Bank of Ireland, or of any other person, body corporate, or company carrying on the business of banking in any part of the world, and includes “bank bill,” “bank post bill,” “blank bank note,” “blank bank bill of exchange,” and “blank bank post bill”;

the expression “die” includes any plate, type, tool, or implement whatsoever, and also any part of any die plate, type, tool, or implement, and any stamp or impression thereof or any part of such stamp or impression;

the expression “document of title to goods” includes 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 or 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 endorsement or by

delivery the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to;

the expression "document of title to lands" includes any deed, map, roll, register, or instrument in writing being or containing evidence of the title or any part of the title to any land or to any interest in or arising out of any land, or any authenticated copy thereof;

the expression "revenue paper" means any paper provided by the proper authority for the purpose of being used for stamps, licences, permits, Post Office money orders, or postal orders, or for any purpose whatever connected with the public revenue;

the expression "seal" includes any stamp or impression of a seal or any stamp or impression made or apparently intended to resemble the stamp or impression of a seal, as well as the seal itself;

the expression "stamp" includes a stamp impressed by means of a die as well as an adhesive stamp;

the expression "Treasury bill," includes Exchequer bill, Exchequer bond, Exchequer debenture, and War bond;

the expression "valuable security" includes any writing entitling or evidencing the title of any person to any share or interest in any public stock, annuity, fund, or debt of any part of His Majesty's dominions or of any foreign state, or in any stock, annuity, fund, or debt of any body corporate, company, or society, whether within or without His Majesty's dominions, or to any deposit in any bank, and also includes any scrip, debenture, bill, note, warrant, order, or other security for the payment of money, or any accountable receipt, release, or discharge, or any receipt or other instrument evidencing the payment of money, or the delivery of any chattel personal.

(2) References in this Act to any Act in force at the commencement of this Act shall be held to include a reference to that Act as amended, extended, or applied by any other Act.

(3) References in this Act to any Government department shall in relation to any functions performed by that department be held to include references to any other Government department by which the same functions were previously performed.

19. (1) Where an offence against this Act also by virtue of some other Act subjects the offender to any forfeiture or disqualification, or to any penalty other than penal servitude or Savings.

imprisonment or fine, the liability of the offender to punishment under this Act shall be in addition to and not in substitution for his liability under such other Act.

(2) (*Not applied.*)

Repeals.
*

20. The enactments specified in the schedule to this Act are hereby repealed as to England and Ireland to the extent specified in the third column of that schedule.

Extent.

21. (*Not applied.*)

Short title
and com-
mencement.

22. This Act may be cited as the Forgery Act, 1913, and shall come into operation on the first day of January one thousand nine hundred and fourteen.

LARCENY ACT, 1916.

[6 & 7 GEO. 5. CH. 50.]

ARRANGEMENT OF SECTIONS.

SECTION.

1. Definition.
2. Simple larceny.
3. Larceny of cattle.
4. Killing animals with intent to steal.
5. Larceny, etc., of dogs.
6. Larceny of wills.
7. Larceny of documents of title to lands and other legal documents.
8. Damaging fixtures, trees, etc., with intent to steal.
9. Larceny of goods in process of manufacture.
10. Abstracting of electricity.
11. Larceny, etc., of ore from mines.
12. (*Not applied.*)
13. Larceny in dwelling-houses.
14. Larceny from the person.
15. Larceny from ships, docks, etc.
16. Larceny by tenants or lodgers.
17. Larceny and embezzlement by clerks or servants.
18. (*Not applied.*)
19. (*Not applied.*)
20. Conversion.
21. Conversion by trustee.
22. Factors obtaining advances on the property of their principals.
23. Robbery.
24. Sacrilege.
25. Burglary.
26. Housebreaking and committing felony.
27. Housebreaking with intent to commit felony.

* The schedule is omitted from this printing of the sections which have been applied.

SECTION.

28. Being found by night armed or in possession of housebreaking implements.
29. Demanding money, etc., with menaces.
30. Demanding with menaces, with intent to steal.
31. Threatening to publish, with intent to extort.
32. False pretences.
33. Receiving.
34. Corruptly taking a reward.
35. Accessories and abettors.
36. Husband and wife.
37. Punishments.
38. (*Not applied.*)
39. Venue.
40. Procedure.
41. (*Not applied.*)
42. (*Not applied.*)
43. Evidence.
44. (*Not applied.*)
45. (*Not applied.*)
46. Interpretation.
47. Savings.
48. Repeals.
49. (*Not applied.*)
50. Short title and commencement.

LARCENY ACT, 1916.

[6 & 7 GEO. 5. CH. 50.]

An Act to consolidate and simplify the Law relating to Larceny A.D. 1916.
triable on Indictment and Kindred Offences.

[31ST OCTOBER, 1916.]

1. For the purposes of this Act—

Definition.

(1) A person steals who, without the consent of the owner, fraudulently and without a claim of right made in good faith, takes and carries away anything capable of being stolen with intent, at the time of such taking, permanently to deprive the owner thereof:

Provided that a person may be guilty of stealing any such thing notwithstanding that he has lawful possession thereof, if, being a bailee or part owner thereof, he fraudulently converts the same to his own use or the use of any person other than the owner.

(2) (i) the expression “takes” includes obtaining the possession—

(a) by any trick;

(b) by intimidation;

(c) under a mistake on the part of the owner with knowledge on the part of the taker that possession has been so obtained;

(d) by finding, where at the time of the finding the finder believes that the owner can be discovered by taking reasonable steps;

(ii) the expression "carries away" includes any removal of anything from the place which it occupies, but in the case of a thing attached, only if it has been completely detached;

(iii) the expression "owner" includes any part owner, or person having possession or control of, or a special property in, anything capable of being stolen.

(3) Everything which has value and is the property of any person, and if adhering to the realty then after severance therefrom, shall be capable of being stolen:

Provided that—

(a) save as hereinafter expressly provided with respect to fixtures, growing things, and ore from mines, anything attached to or forming part of the realty shall not be capable of being stolen by the person who severs the same from the realty, unless after severance he has abandoned possession thereof; and

(b) the carcase of a creature wild by nature and not reduced into possession while living shall not be capable of being stolen by the person who has killed such creature, unless after killing it he has abandoned possession of the carcase.

Simple
larceny.

2. Stealing for which no special punishment is provided under this or any other Act for the time being in force shall be simple larceny and a felony punishable with penal servitude for any term not exceeding five years, and the offender, if a male under the age of sixteen years, shall be liable to be once privately whipped in addition to any other punishment to which he may by law be liable.

Larceny of
cattle.

3. Every person who steals any horse, cattle, or sheep shall be guilty of felony, and on conviction thereof liable to penal servitude for any term not exceeding fourteen years.

Killing
animals with
intent to
steal.

4. Every person who wilfully kills any animal with intent to steal the carcase skin, or any part of the animal killed, shall be guilty of felony, and on conviction thereof liable to the same

punishment as if he had stolen such animal, provided that the offence of stealing the animal so killed would have amounted to felony.

5. Every person who—

Larceny, etc.
of dogs.

(1) steals any dog after a previous summary conviction of any such offence; or

(2) unlawfully has in his possession or on his premises any stolen dog, or the skin thereof, knowing such dog or skin to have been stolen, after a previous summary conviction of any such offence; or

(3) corruptly takes any money or reward, directly or indirectly, under pretence or upon account of aiding any person to recover any stolen dog, or any dog which is in the possession of any person not being the owner thereof;

shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment for any term not exceeding eighteen months, with or without hard labour.

6. Every person who steals any will, codicil, or other testamentary instrument, either of a dead or of a living person, shall be guilty of felony, and on conviction thereof liable to penal servitude for life.

Larceny of
wills.

7. Every person who steals the whole or any part of—

Larceny of
documents
of title to
lands and
other legal
documents.

(1) any document of title to lands; or

(2) any record, writ, return, panel, petition, process, interrogatory, deposition, affidavit, rule, order, warrant of attorney, or any original document of or belonging to any court of record, or relating to any cause or matter, civil or criminal, begun, depending, or terminated in any such court; or

(3) any original document relating to the business of any office or employment under His Majesty, and being or remaining in any office appertaining to any court of justice, or in any of His Majesty's castles, palaces, or houses, or in any Government or public office;

shall be guilty of felony, and on conviction thereof liable to penal servitude for any term not exceeding five years.

8. Every person who—

Damaging
fixtures,
trees, etc.,
with intent
to steal.

(1) steals, or, with intent to steal, rips cuts severs or breaks—

(a) any glass or woodwork belonging to any building; or

(b) any metal or utensil or fixture, fixed in or to any building; or

(c) anything made of metal fixed in any land being private property, or as a fence to any dwelling-house, garden or area, or in any square or street, or in any place dedicated to public use or ornament, or in any burial ground;

(2) steals, or, with intent to steal, cuts, breaks, roots up or otherwise destroys or damages the whole or any part of any tree, sapling, shrub, or underwood growing—

(a) in any place whatsoever, the value of the article stolen or the injury done being to the amount of one shilling at the least, after two previous summary convictions of any such offence; or

(b) in any park, pleasure ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling-house, the value of the articles stolen or the injury done exceeding the amount of one pound; or

(c) in any place whatsoever, the value of the article stolen or the injury done exceeding the amount of five pounds;

(3) steals, or with intent to steal, destroys or damages any plant, root, fruit, or vegetable production growing in any garden, orchard, pleasure ground, nursery ground, hothouse, greenhouse or conservatory, after a previous summary conviction of any such offence;

shall be guilty of felony, and on conviction thereof liable to be punished as in the case of simple larceny.

Larceny of
goods in
process of
manufacture.

9. Every person who steals, to the value of ten shillings, any woollen, linen, hempen or cotton yarn, or any goods or article of silk, woollen, linen, cotton, alpaca or mohair, or of any one or more of those materials mixed with each other, or mixed with any other material, whilst laid, placed or exposed, during any stage, process or progress of manufacture in any building, field or other place, shall be guilty of felony and on conviction thereof liable to penal servitude for any term not exceeding fourteen years.

Abstracting
of electricity.

10. Every person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes or uses any electricity shall be guilty of felony, and on conviction thereof liable to be punished as in the case of simple larceny.

11. Every person who steals, or severs with intent to steal, the ore of any metal, or any lapis calaminaris, manganese, mundick, wad, black cawke, black lead, coal, or cannel coal from any mine bed or vein thereof, shall be guilty of felony and on conviction thereof liable to imprisonment for any term not exceeding two years with or without hard labour.

Larceny, etc.,
of ore from
mines.

12. (*Not applied.*)

13. Every person who steals in any dwelling-house any chattel, money, or valuable security shall—

Larceny in
dwelling-
houses.

(a) if the value of the property stolen amounts to five pounds; or

(b) if he by any menace or threat puts any person being in such dwelling-house in bodily fear;

be guilty of felony and on conviction thereof liable to penal servitude for any term not exceeding fourteen years.

14. Every person who steals any chattel, money, or valuable security from the person of another shall be guilty of felony and on conviction thereof liable to penal servitude for any term not exceeding fourteen years.

Larceny from
the person.

15. Every person who steals—

Larceny from
ships, docks,
etc.

(1) any goods in any vessel, barge or boat of any description in any haven or any port of entry or discharge or upon any navigable river or canal or in any creek or basin belonging to or communicating with any such haven, port, river, or canal; or

(2) any goods from any dock, wharf or quay adjacent to any such haven, port, river, canal, creek, or basin; or

(3) any part of any vessel in distress, wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such vessel;

shall be guilty of felony and on conviction thereof liable to penal servitude for any term not exceeding fourteen years.

16. Every person who, being a tenant or lodger, or the husband or wife of any tenant or lodger, steals any chattel or fixture let to be used by such person in or with any house or lodging shall be guilty of felony and on conviction thereof liable—

Larceny by
tenants or
lodgers.

(a) if the value of such chattel or fixture exceeds the sum of five pounds, to penal servitude for any term not exceeding seven years;

(b) in all other cases, to imprisonment for any term not exceeding two years, with or without hard labour;

(c) in any case, if a male under the age of sixteen years, to be once privately whipped in addition to any other punishment to which he may by law be liable.

Larceny and
embezzle-
ment by
clerks or
servants.

17. Every person who—

(1) being a clerk or servant or person employed in the capacity of a clerk or servant—

(a) steals any chattel, money or valuable security belonging to or in the possession or power of his master or employer; or

(b) fraudulently embezzles the whole or any part of any chattel, money or valuable security delivered to or received or taken into possession by him for or in the name or on the account of his master or employer;

(2) being employed in the public service of His Majesty or in the police of any place whatsoever—

(a) steals any chattel, money, or valuable security belonging to or in the possession of His Majesty or entrusted to or received or taken into possession by such person by virtue of his employment; or

(b) embezzles or in any manner fraudulently applies or disposes of for any purpose whatsoever except for the public service any chattel, money or valuable security entrusted to or received or taken into possession by him by virtue of his employment;

(3) (*Not applied.*)

shall be guilty of felony and on conviction thereof liable to penal servitude for any term not exceeding fourteen years, and in the case of a clerk or servant or person employed for the purpose or in the capacity of a clerk or servant, if a male under the age of sixteen years, to be once privately whipped in addition to any other punishment to which he may by law be liable.

18. (*Not applied.*)

19. (*Not applied.*)

20. (1) Every person who—

(i) being entrusted either solely or jointly with any other person with any power of attorney for the sale or transfer of any property, fraudulently sells, transfers, or otherwise

Conversion.

converts the property or any part thereof to his own use or benefit, or the use or benefit of any person other than the person by whom he was so entrusted; or

(ii) being a director, member or officer of any body corporate or public company, fraudulently takes or applies for his own use or benefit, or for any use or purposes other than the use or purposes of such body corporate or public company, any of the property of such body corporate or public company; or

(iii) being authorised to receive money to arise from the sale of any annuities or securities purchased, or transferred under the provisions of Part V of the Municipal Corporations Act, 1882, or under any Act repealed by that Act, or under the Municipal Corporation Mortgages, etc., Act, 1860, or any dividends thereon, or any other such money as is referred to in the said Acts, appropriates the same otherwise than as directed by the said Acts or by the Local Government Board or the Treasury (as the case may be) in pursuance thereof; or

45 & 46 Vict.
c. 50.

23 & 24 Vict.
c. 16.

(iv) (a) being entrusted either solely or jointly with any other person with any property in order that he may retain in safe custody or apply, pay, or deliver, for any purpose or to any person, the property or any part thereof or any proceeds thereof; or

(b) having either solely or jointly with any other person received any property for or on account of any other person; fraudulently converts to his own use or benefit, or the use or benefit of any other person, the property or any part thereof or any proceeds thereof;

shall be guilty of a misdemeanour and on conviction thereof liable to penal servitude for any term not exceeding seven years.

(2) Nothing in paragraph (iv) of sub-section (1) of this section shall apply to or affect any trustee under any express trust created by a deed or will, or any mortgagee of any property, real or personal, in respect of any act done by the trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage.

21. Every person who, being a trustee as hereinafter defined, of any property for the use or benefit either wholly or partially of some other person, or for any public or charitable purpose, with intent to defraud converts or appropriates the same or any part thereof to or for his own use or benefit, or the use or benefit of any person other than such person as aforesaid, or for any purpose other than such public or charitable purpose as

Conversion
by trustee.

aforesaid, or otherwise disposes of or destroys such property or any part thereof, shall be guilty of a misdemeanour and on conviction thereof liable to penal servitude for any term not exceeding seven years:

Provided that no prosecution for any offence included in this section shall be commenced—

(a) by any person without the sanction of the Attorney General, or, in case that office be vacant, of the Solicitor General;

(b) by any person who has taken any civil proceedings against such trustee, without the sanction also of the court or judge before whom such civil proceedings have been had or are pending.

Factors
obtaining
advances on
the property
of their
principals.

22. (1) Every person who, being a factor or agent entrusted either solely or jointly with any other person for the purpose of sale or otherwise, with the possession of any goods or of any document of title to goods contrary to or without the authority of his principal in that behalf for his own use or benefit, or the use or benefit of any person other than the person by whom he was so entrusted, and in violation of good faith—

(i) consigns, deposits, transfers, or delivers any goods or document of title so entrusted to him as and by way of a pledge, lien, or security for any money or valuable security borrowed or received, or intended to be borrowed or received by him; or

(ii) accepts any advance of any money or valuable security on the faith of any contract or agreement to consign, deposit, transfer, or deliver any such goods or document of title;

shall be guilty of a misdemeanour, and on conviction thereof, liable to penal servitude for any term not exceeding seven years:

Provided that no such factor or agent shall be liable to any prosecution for consigning, depositing, transferring or delivering any such goods or documents of title, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which at the time of such consignment, deposit, transfer, or delivery, was justly due and owing to such agent from his principal, together with the amount of any bill of exchange drawn by or on account of such principal and accepted by such factor or agent.

(2) (a) Any factor or agent entrusted as aforesaid and in possession of any document of title to goods shall be deemed to

have been entrusted with the possession of the goods represented by such document of title.

(b) Every contract pledging or giving a lien upon such document of title as aforesaid shall be deemed to be a pledge of and lien upon the goods to which the same relates.

(c) Any such factor or agent as aforesaid shall be deemed to be in possession of such goods or documents whether the same are in his actual custody or are held by any other person subject to his control, or for him or on his behalf.

(d) Where any loan or advance is made in good faith to any factor or agent entrusted with and in possession of any such goods or document of title on the faith of any contract or agreement in writing to consign, deposit, transfer, or deliver such goods or documents of title and such goods or documents of title are actually received by the person making such loan or advance, without notice that such factor or agent was not authorised to make such pledge or security, every such loan or advance shall be deemed to be a loan or advance on the security of such goods or documents of title and within the meaning of this section, though such goods or documents of title are not actually received by the person making such loan or advance till the period subsequent thereto.

(e) Any payment made whether by money or bill of exchange or other negotiable security shall be deemed to be an advance within the meaning of this section.

(f) Any contract or agreement whether made direct with such factor or agent as aforesaid or with any person on his behalf shall be deemed to be a contract or agreement with such factor or agent.

(g) Any factor or agent entrusted as aforesaid, and in possession of any goods or document of title to goods shall be deemed, for the purposes of this section, to have been entrusted therewith by the owner thereof, unless the contrary be shown in evidence.

23. (1) Every person who—

Robbery.

(a) being armed with any offensive weapon or instrument, or being together with one other person or more, robs, or assaults with intent to rob, any person;

(b) robs any person and, at the time of or immediately before or immediately after such robbery, uses any personal violence to any person;

shall be guilty of felony and on conviction thereof liable to penal servitude for life, and, in addition, if a male, to be once privately whipped.

(2) Every person who robs any person shall be guilty of felony and on conviction thereof liable to penal servitude for any term not exceeding fourteen years.

(3) Every person who assaults any person with intent to rob shall be guilty of felony and on conviction thereof liable to penal servitude for any term not exceeding five years.

Sacrilege.

24. Every person who—

(1) breaks and enters any place of divine worship and commits any felony therein; or

(2) breaks out of any place of divine worship, having committed any felony therein;

shall be guilty of felony called sacrilege and on conviction thereof liable to penal servitude for life.

Burglary.

25. Every person who in the night—

(1) breaks and enters the dwelling-house of another with intent to commit any felony therein; or

(2) breaks out of the dwelling-house of another, having—

(a) entered the said dwelling-house with intent to commit any felony therein; or

(b) committed any felony in the said dwelling-house;

shall be guilty of felony called burglary, and on conviction thereof liable to penal servitude for life.

House-breaking and committing felony.

26. Every person who—

(1) breaks and enters any dwelling-house, or any building within the curtilage thereof and occupied therewith, or any school-house, shop, warehouse, counting-house, office, store, garage, pavilion, factory, or workshop, or any building belonging to His Majesty, or to any Government Department, or to any municipal or other public authority, and commits any felony therein; or

(2) breaks out of the same, having committed any felony therein;

shall be guilty of felony and on conviction thereof liable to penal servitude for any term not exceeding fourteen years.

House-breaking with intent to commit felony.

27. Every person who, with intent to commit any felony therein—

(1) enters any dwelling-house in the night; or

(2) breaks and enters any dwelling-house, place of divine worship or any building within the curtilage, or any school-house, shop, warehouse, counting-house, office, store, garage, pavilion, factory, or workshop, or any building belonging to His Majesty, or to any Government Department, or to any municipal or other public authority;

shall be guilty of felony and on conviction thereof liable to penal servitude for any term not exceeding seven years.

28. Every person who shall be found by night—

(1) armed with any dangerous or offensive weapon or instrument, with intent to break or enter into any building and to commit any felony therein; or

Being found by night, armed or in possession of house-breaking implements.

(2) having in his possession without lawful excuse (the proof whereof shall lie on such person) any key, picklock, crow, jack, bit, or other implement of house-breaking; or

(3) having his face blackened or disguised with intent to commit any felony; or

(4) in any building with intent to commit any felony therein;

shall be guilty of a misdemeanour and on conviction thereof liable—

(a) if he has been previously convicted of any such misdemeanour or of any felony, to penal servitude for any term not exceeding ten years;

(b) in all other cases, to penal servitude for any term not exceeding five years.

29. (1) Every person who—

(i) utters, knowing the contents thereof, any letter or writing demanding of any person with menaces, and without any reasonable or probable cause, any property or valuable thing;

Demanding money, etc with menaces.

(ii) utters, knowing the contents thereof, any letter or writing accusing or threatening to accuse any other person (whether living or dead) of any crime to which this section applies, with intent to extort or gain thereby any property or valuable thing from any person;

(iii) with intent to extort or gain any property or valuable thing from any person accuses or threatens to accuse either that person or any other person (whether living or dead) of any such crime;

shall be guilty of felony; and on conviction thereof liable to penal servitude for life, and, if a male under the age of sixteen years, to be once privately whipped in addition to any other punishment to which he may by law be liable.

(2) Every person who with intent to defraud or injure any other person—

(a) by any unlawful violence to or restraint of the person of another; or

(b) by accusing or threatening to accuse any person (whether living or dead) of any such crime or of any felony; compels or induces any person to execute, make, accept, endorse, alter, or destroy the whole or any part of any valuable security, or to write, impress, or affix the name of any person, company, firm or co-partnership, or the seal of any body corporate, company or society upon or to any paper or parchment in order that it may be afterwards made or converted into or used or dealt with as a valuable security, shall be guilty of felony and on conviction thereof liable to penal servitude for life.

(3) This section applies to any crime punishable with death, or penal servitude for not less than seven years, or any assault with intent to commit any rape, or any attempt to commit any rape, or any solicitation, persuasion, promise, or threat offered or made to any person, whereby to move or induce such person to commit or permit the abominable crime of buggery, either with mankind or with any animal.

(4) For the purposes of this Act it is immaterial whether any menaces or threats be of violence, injury, or accusation to be caused or made by the offender or by any other person.

Demanding
with
menaces,
with intent
to steal.

30. Every person who with menaces or by force demands of any person anything capable of being stolen with intent to steal the same shall be guilty of felony and on conviction thereof liable to penal servitude for any term not exceeding five years.

Threatening
to publish,
with intent to
extort.

31. Every person who with intent—

(a) to extort any valuable thing from any person; or

(b) to induce any person to confer or procure for any person any appointment or office of profit or trust—

(1) publishes or threatens to publish any libel upon any other person (whether living or dead); or

(2) directly or indirectly threatens to print or publish, or directly or indirectly proposes to abstain from or offers

to prevent the printing or publishing of any matter or thing touching any other person (whether living or dead); shall be guilty of a misdemeanour and on conviction thereof liable to imprisonment, with or without hard labour, for any term not exceeding two years.

32. Every person who by any false pretence—

False
pretences.

(1) with intent to defraud, obtains from any other person any chattel, money, or valuable security, or causes or procures any money to be paid, or any chattel or valuable security to be delivered to himself or to any other person for the use or benefit or on account of himself or any other person; or

(2) with intent to defraud or injure any other person, fraudulently causes or induces any other person—

(a) to execute, make, accept, endorse, or destroy the whole or any part of any valuable security; or

(b) to write, impress, or affix his name or the name of any other person, or the seal of any body corporate or society, upon any paper or parchment in order that the same may be afterwards made or converted into, or used or dealt with as, a valuable security;

shall be guilty of a misdemeanour and on conviction thereof liable to penal servitude for any term not exceeding five years.

33. (1) Every person who receives any property knowing the same to have been stolen or obtained in any way whatsoever under circumstances which amount to felony or misdemeanour, shall be guilty of an offence of the like degree (whether felony or misdemeanour) and on conviction thereof liable—

Receiving.

(a) in the case of felony, to penal servitude for any term not exceeding fourteen years;

(b) in the case of misdemeanour, to penal servitude for any term not exceeding seven years;

(c) in either case, if a male under the age of sixteen years, to be once privately whipped in addition to any punishment to which he may by law be liable.

(2) (*Not applied.*)

(3) Every such person may be indicted and convicted, whether the principal offender has or has not been previously convicted, or is or is not amenable to justice.

(4) Every person who, without lawful excuse, knowing the same to have been stolen or obtained in any way whatsoever

under such circumstances that if the act had been committed in the United Kingdom the person committing it would have been guilty of felony or misdemeanour, receives or has in his possession any property so stolen or obtained outside the United Kingdom, shall be guilty of an offence of the like degree (whether felony or misdemeanour) and on conviction thereof liable to penal servitude for any term not exceeding seven years.

Corruptly
taking a
reward.

34. Every person who corruptly takes any money or reward, directly or indirectly, under pretence or upon account of helping any person to recover any property which has, under circumstances which amount to felony or misdemeanour, been stolen or obtained in any way whatsoever, or received, shall (unless he has used all due diligence to cause the offender to be brought to trial for the same) be guilty of felony and on conviction thereof liable to penal servitude for any term not exceeding seven years, and, if a male under the age of sixteen years, to be once privately whipped in addition to any other punishment to which he may by law be liable.

Accessories
and abettors.

35. Every person who knowingly and wilfully aids, abets, counsels, procures or commands the commission of an offence punishable under this Act shall be liable to be dealt with, indicted, tried and punished as a principal offender.

Husband and
wife.

36. (1) A wife shall have the same remedies and redress under this Act for the protection and security of her own separate property as if such property belonged to her as a feme sole:

Provided that no proceedings under this Act shall be taken by any wife against her husband while they are living together as to or concerning any property claimed by her, nor while they are living apart as to or concerning any act done by the husband while they were living together concerning property claimed by the wife, unless such property has been wrongfully taken by the husband when leaving or deserting or about to leave or desert his wife.

(2) A wife doing an act with respect to any property of her husband, which, if done by the husband in respect to property of the wife, would make the husband liable to criminal proceedings by the wife under this Act, shall be in like manner liable to criminal proceedings by her husband.

Punishments.

37. (1) Every person who commits the offence of simple larceny after having been previously convicted of felony shall be liable to penal servitude for any term not exceeding ten years.

(2) Every person who commits the offence of simple larceny, or any offence made punishable like simple larceny, after having been previously convicted—

(a) of any indictable misdemeanour punishable under this Act; or

(b) twice summarily of any offence punishable under section six of the Summary Jurisdiction (Ireland) Act, 1851, or under the Larceny Act, 1861, or under the Malicious Damage Act, 1861, or under this Act (whether each of the convictions has been in respect of an offence of the same description or not, and whether such convictions, or either of them, have been before or after the passing of this Act); shall be liable to penal servitude for any term not exceeding seven years.

14 & 15 Vict.
c. 92.
24 & 25 Vict.
c. 96.
24 & 25 Vict.
c. 97.

(3) In every case in this section before mentioned the offender, if a male under the age of sixteen years, shall be liable to be once privately whipped in addition to any other punishment to which he may by law be liable.

(4) Where a sentence of penal servitude may be imposed on conviction of an offence against this Act, the court may instead thereof impose a sentence of imprisonment, with or without hard labour, for not more than two years.

(5) (a) On conviction of a misdemeanour punishable under this Act the court, instead of or in addition to any other punishment which may be lawfully imposed, may fine the offender.

(b) On conviction of a felony punishable under this Act the court, in addition to imposing a sentence of penal servitude or imprisonment, may require the offender to enter into his own recognisances, with or without sureties, for keeping the peace and being of good behaviour.

(c) On conviction of a misdemeanour punishable under this Act the court, instead of or in addition to any other punishment which may lawfully be imposed for the offence, may require the offender to enter into his own recognisances, with or without sureties, for keeping the peace and being of good behaviour.

(d) Provided that a person shall not be imprisoned for more than one year for not finding sureties.

(6) (*Not applied.*)

38. (*Not applied.*)

39. (1) A person charged with any offence against this Act may be proceeded against, indicted, tried, and punished in

Venue.

any county or place in which he was apprehended or is in custody as if the offence had been committed in that county or place; and for all purposes incidental to or consequential on the prosecution, trial, or punishment of the offence, it shall be deemed to have been committed in that county or place.

(2) Every person who steals or otherwise feloniously takes any property in any one part of the United Kingdom may be dealt with, indicted, tried, and punished in any other part of the United Kingdom where he has the property in his possession in the same manner as if he had actually stolen or taken it in that part.

(3) Every person who receives in any one part of the United Kingdom any property stolen or otherwise feloniously taken in any other part of the United Kingdom may be dealt with, indicted, tried, and punished in that part of the United Kingdom where he so receives the property in the same manner as if it had been originally stolen or taken in that part.

Procedure.

40. (1) On the trial of an indictment for obtaining or attempting to obtain any chattel, money, or valuable security by any false pretence, it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the person accused did the act charged with intent to defraud.

(2) An allegation in an indictment that money or banknotes have been embezzled or obtained by false pretences can, so far as regards the description of the property, be sustained by proof that the offender embezzled or obtained any piece of coin or any banknote or any portion of the value thereof, although such piece of coin or banknote may have been delivered to him in order that some part of the value thereof should be returned to any person and such part has been returned accordingly.

(3) In an indictment for feloniously receiving any property under this Act any number of persons who have at different times so received such property or any part thereof may be charged and tried together.

(4) If any person, who is a member of any co-partnership or is one of two or more beneficial owners of any property, steals or embezzles any such property of or belonging to such co-partnership or to such beneficial owners he shall be liable to be dealt with, tried, and punished as if he had not been or was not a member of such co-partnership or one of such beneficial owners.

(5) (*Not applied.*)

41. (*Not applied.*)

42. (*Not applied.*)

43. (1) Whenever any person is being proceeded against for receiving any property, knowing it to have been stolen, or for having in his possession stolen property, for the purpose of proving guilty knowledge there may be given in evidence at any stage of the proceedings— Evidence.

(a) the fact that other property stolen within the period of twelve months preceding the date of the offence charged was found or had been in his possession;

(b) the fact that within the five years preceding the date of the offence charged he was convicted of any offence involving fraud or dishonesty.

This last-mentioned fact may not be proved unless—

(i) seven days' notice in writing has been given to the offender that proof of such previous conviction is intended to be given;

(ii) evidence has been given that the property in respect of which the offender is being tried was found or had been in his possession.

(2) No person shall be liable to be convicted of any offence against sections six, seven subsection (1), twenty, twenty-one, and twenty-two of this Act upon any evidence whatever in respect of any act done by him, if at any time previously to his being charged with such offence he has first disclosed such act on oath, in consequence of any compulsory process of any court of law or equity in any action, suit, or proceeding which has been *bona fide* instituted by any person aggrieved.

(3) In any proceedings in respect of any offence against sections six, seven subsection (1), twenty, twenty-one, and twenty-two of this Act, a statement or admission made by any person in any compulsory examination or deposition before any court on the hearing of any matter in bankruptcy shall not be admissible in evidence against that person.

44. (*Not applied.*)

45. (*Not applied.*)

46. (1) In this Act, unless the context otherwise requires—
the expression "chief officer of police" means—

Interpreta-
tion.

(a) in the city of London, the Commissioner of City Police;

(b) in the Metropolitan Police District, the Commissioner of Police of the Metropolis;

(c) in any other police district in England, the officer having the chief command of the police in such police district;

(d) in the police district of Dublin Metropolis, either of the commissioners of police for the said district;

(e) in any other police district in Ireland, the sub-inspector of the Royal Irish Constabulary;

and shall include any person authorised by such said chief officer of police to act in his behalf;

the expression "document of title to goods" includes any bill of lading, India warrant, dock warrant, warehouse keeper's certificate, warrant or order for the delivery or transfer of any goods or valuable thing, bought or 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 endorsement or by delivery, the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to;

the expression "document of title to lands" includes any deed, map, roll, register, 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;

the expression "mail," "mail bag," "officer of the Post Office," "postal packet," "post office," and "in course of transmission by post," shall have the same meanings in this Act as in the Post Office Act, 1908;

the expression "night" means the interval between nine o'clock in the evening and six o'clock in the morning of the next succeeding day;

the expression "property" includes any description of real and personal property, 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, and also includes not only such property as has been originally in the possession or under the control of any person, but also any property into or for which the same has been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise;

the expression "trustee" means a trustee on some express trust created by some deed, will, or instrument in writing, and includes the heir or personal representative of any such trustee, and any other person upon or to whom the duty of such trust shall have devolved or come, and also an executor and administrator, and an official receiver, assignee, liquidator, or other like officer acting under any present or future Act relating to joint stock companies or bankruptcy;

the expression "valuable security" includes any writing entitling or evidencing the title of any person to any share or interest in any public stock, annuity, fund, or debt of any part of His Majesty's Dominions, or of any foreign state, or in any stock, annuity, fund, or debt of any body corporate, company, or society, whether within or without His Majesty's Dominions, or to any deposit in any bank, and also includes any scrip, debenture, bill, note, warrant, order, or other security for payment of money, or any accountable receipt, release, or discharge, or any receipt or other instrument evidencing the payment of money, or the delivery of any chattel personal, and any document of title to lands or goods as hereinbefore defined.

(2) The expression "dwelling-house" does not include a building although within the same curtilage with any dwelling-house and occupied therewith unless there is a communication between such building and dwelling-house, either immediate or by means of a covered and enclosed passage leading from one to the other.

(3) References in this Act to any Act in force at the commencement of this Act shall be held to include a reference to that Act as amended, extended, or applied by any other Act.

47. (1) Where, by virtue of some other Act, an offence against this Act subjects the offender to any forfeiture or disqualification, or to any penalty other than penal servitude or fine, the liability of the offender to punishment under this Act shall be in addition to and not in substitution for his liability under such other Act. Savings.

(2) Where an offence against this Act is by any other Act, whether passed before or after the commencement of this Act, made punishable on summary conviction, proceedings may be taken either under such other Act or under this Act:

Provided that where such an offence was at the commencement of this Act punishable only on summary conviction, it shall remain only so punishable.

Repeals.
*

48. (1) The enactments specified in the Schedule to this Act are hereby repealed as to England and Ireland to the extent specified in the third column thereof.

(2) (*Not applied.*)

49. (*Not applied.*)

Short title
and com-
mencement.

50. This Act may be cited as the Larceny Act, 1916, and shall come into operation on the first day of January nineteen hundred and seventeen.

* The schedule is omitted from this printing of the sections which have been applied.