



Penal Servitude Act 1857

1857 CHAPTER 3 20 and 21 Vict

An Act to amend the Act of the Sixteenth and Seventeenth Years of Her Majesty, to substitute in certain Cases other Punishment in lieu of Transportation. [26th June 1857]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble omitted under authority of [Statute Law Revision Act 1892 \(c. 19\)](#)
- C3 This Act is not necessarily in the form in which it has effect in Northern Ireland

1^{F1}

Textual Amendments

- F1 Ss. 1, 3–5, 7, 8 repealed by (E.W.) [Criminal Justice Act 1948 \(c. 58\)](#), [Sch. 10 Pt. I](#) and (S.) [Criminal Justice \(Scotland\) Act 1949 \(c. 94\)](#), [Sch. 12](#)

2 Sentence of transportation abolished, and sentence of penal servitude substituted.

No person shall be sentenced to transportation; and any person who, if this Act and the said Act had not been passed, might have been sentenced to transportation, shall be liable to be sentenced to be kept in penal servitude for a term of the same duration as the term of transportation to which such person would have been liable if the said Act and this Act had not been passed; and in every case where, at the discretion of the court, one of any two or more terms of transportation might have been awarded, the court shall have the like discretion to award one of any two or more of the terms of penal servitude which are hereby authorized to be awarded instead of such terms of transportation: . . .^{F2}

Changes to legislation: There are currently no known outstanding effects for the Penal Servitude Act 1857. (See end of Document for details)

Textual Amendments

F2 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

Modifications etc. (not altering text)

C4 The “said Act” means the [Penal Servitude Act 1853 \(c. 99\)](#)

3—5 **F3**

Textual Amendments

F3 Ss. 1, 3–5, 7, 8 repealed by (E.W.) [Criminal Justice Act 1948 \(c. 58\)](#), [Sch. 10 Pt. I](#) and (S.) [Criminal Justice \(Scotland\) Act 1949 \(c. 94\)](#), [Sch. 12](#)

6 All enactments referring to transportation to have reference to penal servitude.

Where in any enactment now in force the expression “any crime punishable with transportation,” or “any crime punishable by law with transportation,” or any expression of the like import, is used, the enactment shall be construed and take effect as applicable also to any crime punishable with penal servitude.

7, 8. **F4**

Textual Amendments

F4 Ss. 1, 3–5, 7, 8 repealed by (E.W.) [Criminal Justice Act 1948 \(c. 58\)](#), [Sch. 10 Pt. I](#) and (S.) [Criminal Justice \(Scotland\) Act 1949 \(c. 94\)](#), [Sch. 12](#)

Changes to legislation:

There are currently no known outstanding effects for the Penal Servitude Act 1857.