



# Offences against the Person Act 1861

## 1861 CHAPTER 100 24 and 25 Vict

### *Bigamy*

**57 Bigamy. Offence may be dealt with where offender shall be apprehended. Not to extend to second marriages, &c. herein stated.**

Whosoever, being married, shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place in England or Ireland or elsewhere, shall be guilty of felony, and being convicted thereof shall be liable . . . <sup>F1</sup> to be kept in penal servitude for any term not exceeding seven years . . . <sup>F2</sup>:

Provided, that nothing in this section contained shall extend to any second marriage contracted elsewhere than in England and Ireland by any other than a subject of Her Majesty, or to any person marrying a second time whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, or shall extend to any person who, at the time of such second marriage, shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any court of competent jurisdiction.

#### **Textual Amendments**

**F1** Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

**F2** Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#) and [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)

#### **Modifications etc. (not altering text)**

**C1** Ss. 16, 20, 26, 27, 34, 36, 38, 47, 57, 60 amended as to mode of trial by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 1 para. 5](#)

**Status:**

Point in time view as at 22/10/2019.

**Changes to legislation:**

There are currently no known outstanding effects for the Offences against the Person Act 1861,  
Cross Heading: Bigamy.