



Offences against the Person Act 1861

1861 CHAPTER 100 24 and 25 Vict

Assaults

[^{F1}42 ^{X1} **Persons committing any common assault or battery may be imprisoned or compelled by two magistrates to pay fine and costs not exceeding 5 l.**

Where any person shall unlawfully assault or beat any other person, two justices of the peace, upon complaint by or on behalf of the party aggrieved, may hear and determine such offence, and the offender shall, upon conviction thereof before them, at the discretion of the justices, either be committed to the common gaol or house of correction, there to be imprisoned, ^{F2}... for any term not exceeding [^{F3}6 months], or else shall forfeit and pay such fine as shall appear to them to be meet, not exceeding, together with costs (if ordered), the sum of [^{F4}£200]; and if such fine as shall be so awarded, together with the costs (if ordered), shall not be paid, either immediately after the conviction or within such period as the said justices shall at the time of the conviction appoint, they may commit the offender to the common gaol or house of correction, there to be imprisoned, ^{F2}... for any term not exceeding [^{F3}6 months], unless such fine and costs be sooner paid.]

Editorial Information

X1 Unreliable marginal note

Textual Amendments

F1 Ss. 42, 43 repealed (E.W.) by [Criminal Justice Act 1988](#) (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, [Sch. 16](#)

F2 Words omitted by virtue of [Criminal Justice Act 1948](#) (c. 58), s. 1(2)

F3 Words in s. 42 substituted (N.I) (5.7.2011) by [Justice Act \(Northern Ireland\) 2011](#) (c. 24), [ss. 51\(2\), 111\(2\)](#) (with [Sch. 6 para. 4\(1\)](#))

F4 Words substituted by [Criminal Law Act 1977](#) (c. 45), [Sch. 6](#)

Modifications etc. (not altering text)

C1 S. 42 amended by [Criminal Justice Act 1925](#) (c. 86), s. 39(1), (3)

Status:

Point in time view as at 05/07/2011.

Changes to legislation:

There are currently no known outstanding effects for the Offences against the Person Act 1861, Section 42.