



Punishment of Offences Act

1837 CHAPTER 91 7 Will 4 and 1 Vict

An Act for abolishing the Punishment of Death in certain Cases. [17th July 1837]

1714 st. 2. c. 5. s. 1. Sect. 5. Sect. 4.

Whereas by the Riot Act, it was amongst other things, enacted, that if any persons to the number of twelve or more, being unlawfully, riotously, and tumultuously assembled together to the disturbance of the public peace, and being required or commanded by any one or more justice or justices of the peace, or by the sheriff of the county or his under sheriff, or by the mayor, bailiff or bailiffs, or other head officer or justice of the peace of any city or town corporate where such assembly should be, by proclamation to be made in the King's name in the form thereafter directed, to disperse themselves, and peaceably to depart to their habitation or to their lawful business, should to the number of twelve or more (notwithstanding such proclamation made) unlawfully, riotously, and tumultuously remain or continue together by the space of one hour after such command or request made by proclamation, that then such continuing together to the number of twelve or more after such command or request made by proclamation should be adjudged felony without benefit of clergy, and the offenders therein should be adjudged felons, and should suffer death as in case of felony without benefit of clergy; and it was also by the said Act further enacted, that if any person or persons did or should, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any person or persons that should begin to proclaim or go to proclaim according to the proclamation thereby directed to be made, whereby such proclamation should not be made, that then every such opposing, obstructing, letting, hindering, or hurting such person or persons so beginning or going to make such proclamation as aforesaid should be adjudged felony without benefit of clergy, and the offenders therein should be adjudged felons, and should suffer death as in case of felony without benefit of clergy; and that also every such person or persons, so being unlawfully, riotously, and tumultuously assembled to the number of twelve as aforesaid, or more, to whom proclamation should or ought to have been made if the same had not been hindered as aforesaid, should likewise, in case they or any of them to the number of twelve or more should continue together and not disperse themselves within one hour after such let or hindrance so made, having knowledge of such let or hindrance so made, should be adjudged felons, and should suffer death as in case of felony without benefit of clergy: And whereas by the ^{M1}Murder Act 1751 and also by the ^{M2}Prisoners (Rescue) Act (Ireland) 1791, it was amongst other things enacted, that if any person or persons whatsoever should by force set at liberty or rescue, or attempt to rescue or set at liberty, any person out of prison who shall be committed

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Changes to legislation: There are currently no known outstanding effects for the Punishment of Offences Act (repealed). (See end of Document for details)

for or found guilty of murder, or rescue or attempt to rescue any person convicted of murder going to execution or during execution, every person so offending should be deemed, taken, and adjudged to be guilty of felony, and should suffer death without benefit of clergy: And whereas by the ^{M3}Incitement to Mutiny Act 1797 ^{M4}, and also by an Act passed in the Parliament of Ireland in the same year, and bearing the like title, it was amongst other things enacted, that any person or persons who should maliciously and advisedly endeavour to seduce any person or persons serving in his Majesty's forces by sea or land from his or their duty and allegiance to his Majesty, or to incite or stir up any such person or persons to commit any act of mutiny, or to make or endeavour to make any mutinous assembly, or to commit any traitorous or mutinous practice whatsoever, should, on being legally convicted of such offence, be adjudged guilty of felony, and should suffer death as in cases of felony without benefit of clergy: And whereas by the ^{M5}Unlawful Oaths Act 1812, it was amongst other things enacted, that every person who should, in any manner or form whatsoever, administer or cause to be administered, or be aiding or assisting at the administering of any oath or engagement purporting or intending to bind the person taking the same to commit any treason or murder, or any felony punishable by law with death, should, on conviction thereof by due course of law, be adjudged guilty of felony, and suffer death as a felon without benefit of clergy; and it was by the said Act further enacted, that persons aiding and assisting at the administering of any such oath or engagement as aforesaid, and persons causing any such oath or engagement to be administered, though not present at the administering thereof, should be deemed principal offenders, and should be tried as such, and on conviction thereof by due course of law should be adjudged guilty of felony, and should suffer death as felons without benefit of clergy, although the persons or person who actually administered such oath or engagement, if any such there should be, should not have been tried or convicted: And whereas by the ^{M6}Slave Trade Act 1824, it was amongst other things enacted, that if any subject or subjects of his Majesty, or any person or persons residing or being within any of the dominions, forts, settlements, factories, or territories then or thereafter belonging to his Majesty, or being in his Majesty's occupation or possession, or under the government of the united company of merchants of England trading to the East Indies, should, except in such cases as are in and by that Act permitted, upon the high seas, or in any haven, river, creek, or place where the admiral has jurisdiction, knowingly and wilfully carry away, convey, or remove, or aid or assist in carrying away, conveying, or removing, any person or persons as a slave or slaves or for the purpose of his, her, or their being imported or brought as a slave or slaves into any island, colony, country, territory, or place whatsoever, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a slave or slaves, or should, except in such cases as are in and by that Act permitted, upon the high seas or within the jurisdiction aforesaid, knowingly and wilfully ship, embark, receive, detain, or confine, or assist in shipping, embarking, receiving, detaining, or confining on board any ship, vessel, or boat, any person or persons for the purpose of his, her, or their being carried away, conveyed, or removed as a slave or slaves, or for the purpose of his, her, or their being imported or brought as a slave or slaves into any island, colony, country, territory, or place whatsoever, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as slave or slaves, then and in every such case the person or persons so offending should be deemed and adjudged guilty of piracy, felony, and robbery, and being convicted thereof should suffer death without benefit of clergy, and loss of lands, goods, and chattels, as pirates, felons, and robbers upon the seas ought to suffer: And whereas it is expedient that none of the herein-before mentioned offences should henceforth be punishable with death:

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble repealed (E.W.), so far as it relates to offences under the Riot Act (1 Geo. 1 st. 2 c. 5), [Murder Act 1751 \(c. 37\)](#) or [Unlawful Oaths Act 1812 \(c. 104\)](#), s. 4, by [Criminal Law Act 1967 \(c. 58\)](#), [sch. 3 Pt. III](#)

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Marginal Citations

- M1** 1751 c. 37, s. 9.
- M2** 1791 c. 17, s. 10. (I.)
- M3** 1797 c. 70, s. 1.
- M4** 1797 c. 40, s. 1. (I.)
- M5** 1812 c. 104, s. 1.
- M6** 1824 c. 113, s. 9.

[[^{F1}1.] Abolishing punishment of death in certain cases.

If any person shall be convicted of any of the offences herein-before mentioned, such person shall not suffer death or have sentence of death awarded against him or her for the same, but shall be liable . . . ^{F2} to be transported beyond the seas for the term of the natural life of such person . . . ^{F2}]

Textual Amendments

- F1** S. 1 repealed (E.W.), so far as it relates to offenders under the Riot Act (1 Geo. 1 st. 2 c. 5), Murder Act 1751 (c. 37) or Unlawful Oaths Act 1812 (c. 104), s. 4, by Criminal Law Act 1967 (c. 58), Sch. 3 Pt. III
- F2** Words repealed by Statute Law Revision Act 1892 (c. 19)

Modifications etc. (not altering text)

- C3** Reference to transportation for life to be construed as reference to imprisonment for life or any shorter term: Penal Servitude Act 1857 (c. 3), s. 2, (E.W.) Criminal Justice Act 1948 (c. 58), s. 1(1) and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21), s. 221(1)

2 ^{F3}

Textual Amendments

- F3** S. 2 repealed by Statute Law Revision (No. 2) Act 1893 (c. 54)

3 ^{F4}

Textual Amendments

- F4** S. 3 repealed by Statute Law Revision (No. 2) Act 1890 (c. 51)

4, 5. ^{F5}

Textual Amendments

- F5** Ss. 4, 5 repealed by Statute Law Revision Act 1874 (c. 35)

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Changes to legislation:

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