CHAP. 32.

An Act to amend the Criminal Law relating to Violence, Threats, and Molestation. [29th June 1871.]

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BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Penalty for threats, molestations, and obstruction.

1. Every person who shall do any one or more of the following acts, that is to say,

(1.) Use violence to any person or any property,

(2.) Threaten or intimidate any person in such manner as would justify a justice of the peace, on complaint made to him, to bind over the person so threatening or intimidating to keep the peace,

(3.) Molest or obstruct any person in manner defined by this section,

with a view to coerce such person,—

(1.) Being a master to dismiss or to cease to employ any workman, or being a workman to quit any employment or to return work before it is finished;

(2.) Being a master not to offer or being a workman not to accept any employment or work;

(3.) Being a master or workman to belong or not to belong to any temporary or permanent association or combination;

(4.) Being a master or workman to pay any fine or penalty imposed by any temporary or permanent association or combination;

(5.) Being a master to alter the mode of carrying on his business, or the number or description of any persons employed by him,

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shall be liable to imprisonment, with or without hard labour, for a term not exceeding three months.

A person shall, for the purposes of this Act, be deemed to molest or obstruct another person in any of the following cases; that is to say,

(1.) If he persistently follow such person about from place to place:

(2.) If he hide any tools, clothes, or other property owned or used by such person, or deprive him of or hinder him in the use thereof:

(3.) If he watch or beset the house or other place where such person resides or works, or carries on business, or happens to be, or the approach to such house or place, or if with two or more other persons he follow such person in a disorderly manner in or through any street or road.

Nothing in this section shall prevent any person from being liable under any other Act, or otherwise, to any other or higher punishment than is provided for any offence by this section, so that no person be punished twice for the same offence.

Provided that no person shall be liable to any punishment for doing or conspiring to do any act on the ground that such act restrains or tends to restrain the free course of trade, unless such act is one of the acts herein-before specified in this section, and is done with the object of coercing as herein-before mentioned.

Legal Proceedings.

Summary proceedings for offences, penalties, &c.

2. All offences under this Act shall be prosecuted under the provisions of The Summary Jurisdiction Acts.

Provided as follows:—

1. The "Court of Summary Jurisdiction," when hearing and determining an information or complaint, shall be constituted in some one of the following manners; (that is to say,)

(*a.*) In England,

(i.) In any place within the jurisdiction of a metropolitan police magistrate or other stipendiary magistrate, of such magistrate or his substitute:

(ii.) In the city of London, of the Lord Mayor or any alderman of the said city:

(iii.) In any other place, of two or more justices of the peace sitting in petty sessions.

(*b.*) In Scotland, of the sheriff of the county or his substitute.

(*c.*) In Ireland,

(i.) In the police district of Dublin metropolis, of a divisional justice:

(ii.) In any other place, of a resident magistrate.

2. The description of any offence under this Act in the words of such Act shall be sufficient in law.

3. Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or prosecutor.

Appeal to quarter sessions in Great Britain.

3. In England and Ireland, if any party feels aggrieved by any order or conviction made by a court of summary jurisdiction on determining any complaint or information under this Act, the party so aggrieved may appeal therefrom, subject to the conditions and regulations following:

(1.) The appeal shall be made to some court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than fifteen days and not more than four months after the decision of the court from which the appeal is made:

(2.) The appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof:

(3.) The appellant shall immediately after such notice enter into a recognizance in the sum of ten pounds before a justice of the peace, with two sufficient sureties in the sum of ten pounds, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court:

(4.) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance as aforesaid, release him from custody:

(5.) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the

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matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just, and, if the matter be remitted to the court of summary jurisdiction, the said last-mentioned court shall thereupon re-hear and decide the information or complaint in accordance with the opinion of the said court of appeal. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just.

Appeal in Scotland as prescribed by 20 Geo. 2. c. 43.

4. In Scotland it shall be competent to any person to appeal against any order or conviction under this Act to the next Circuit Court of Justiciary, or where there are no Circuit Courts to the High Court of Justiciary at Edinburgh, in the manner prescribed by and under the rules, limitations, conditions, and restrictions contained in the Act passed in the twentieth year of the reign of His Majesty King George the Second, chapter forty-three, in regard to appeals to Circuit Courts in matters criminal, as the same may be altered or amended by any Acts of Parliament for the time being in force.

All offences under this Act shall be prosecuted by the procurator fiscal of the county.

Interested person not to act. 6 Geo. 4. c. 129. s. 13.

5. A person who is a master, father, son, or brother of a master in the particular manufacture, trade, or business in or in connexion with which any offence under this Act is charged to have been committed shall not act as or as a member of a court of summary jurisdiction or appeal for the purposes of this Act.

Definitions.

Definition of "Summary Jurisdiction Acts."

6. In this Act—

The term Summary Jurisdiction Acts shall mean as follows:

As to England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties "of Justices of the Peace out of Sessions within England and "Wales with respect to Summary Convictions and Orders," and any Acts amending the same;

As to Scotland, "The Summary Procedure Act, 1864;"

As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district or of the police of such district, and elsewhere in Ireland, "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same.

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Repeal of Acts in Schedule as herein stated.

7. The Acts mentioned in the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned:

Provided, that the repeal enacted in this Act shall not affect—

(1.) Anything duly done or suffered under any enactment hereby repealed;

(2.) Any right or privilege acquired or any liability incurred under any enactment hereby repealed;

(3.) Any penalty, forfeiture, or other punishment incurred in respect of any offence against any enactment hereby repealed;

(4.) The institution of any investigation or legal proceeding or any other remedy for ascertaining, enforcing, recovering, or imposing any such liability, penalty, forfeiture, or punishment as aforesaid.

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SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
6 Geo. 4. c. 129. -	An Act to repeal the Laws relating to the Combination of Workmen, and to make other provisions in lieu thereof.	The whole Act.
22 Vict. c. 34. -	An Act to amend and explain an Act of the sixth year of the reign of King George the Fourth to repeal the Laws relating to the Combination of Workmen, and to make other provisions in lieu thereof.	The whole Act.
24 & 25 Vict. c.100.	An Act to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person.	Section forty-one.

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