



Treason Felony Act 1848

1848 CHAPTER 12 11 and 12 Vict

An Act for the better Security of the Crown and Government of the United Kingdom [22d April April 1848]

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 1891 \(c. 67\)](#)

1^{F1}

Textual Amendments

- F1 [S. 1](#) repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

2 **So much of 36 G. 3. c. 7., made perpetual by 57 G. 3 c. 6., as is not repealed, extended to Ireland.**

Such of the said recited provisions made perpetual by the^{M1}Treason Act 1817, as are not hereby repealed shall extend to and be in force in Ireland.

Modifications etc. (not altering text)

- C3 The “said recited provisions” means [Treason Act 1795 \(c. 7\), s. 1](#)

Marginal Citations

- M1 [1817 c. 6.](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Treason Felony Act 1848. (See end of Document for details)

3 Offences declared felonies by this Act to be punishable by transportation or imprisonment.

If any person whatsoever shall, within the United Kingdom or without, compass, imagine, invent, devise, or intend to deprive or depose our Most Gracious Lady the Queen, from the style, honour, or royal name of the imperial crown of the United Kingdom, or of any other of her Majesty’s dominions and countries, or to levy war against her Majesty, within any part of the United Kingdom, in order by force or constraint to compel her to change her measures or counsels, or in order to put any force or constraint upon or in order to intimidate or overawe both Houses or either House of Parliament, or to move or stir any foreigner or stranger with force to invade the United Kingdom or any other of her Majesty’s dominions or countries under the obeisance of her Majesty, and such compassings, imaginations, inventions, devices, or intentions, or any of them, shall express, utter, or declare, by publishing any printing or writing^{F2} or by any overt act or deed, every person so offending shall be guilty of felony, and being convicted thereof shall be liable^{F3} to be transported beyond the seas for the term or his or her natural life^{F3}

Textual Amendments

F2 Words repealed by [Statute Law Revision Act 1891 \(c. 67\)](#)

F3 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

Modifications etc. (not altering text)

C4 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\(2\)](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), s. 22\(1\)\(2\)](#)

4^{F4}

Textual Amendments

F4 [S. 4](#) repealed by [Statute Law Revision Act 1891 \(c. 67\)](#)

5^{F5}

Textual Amendments

F5 [S. 5](#) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

6 Nothing herein to affect provisions of 25 Edw. 3. c. 2.

Provided always, that nothing herein contained shall lessen the force of or in any manner affect any thing enacted by the^{M2}Treason Act 1351.

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Changes to legislation: There are currently no known outstanding effects for the Treason Felony Act 1848. (See end of Document for details)

Marginal Citations

M2 1351 c. 2.

7 **Indictments for felony under this Act valid, though the facts may amount to treason.**

Provided also, that if the facts or matters alleged in an indictment for any felony under this Act shall amount in law to treason, such indictment shall not by reason thereof be deemed void, erroneous, or defective; and if the facts or matters proved on the trial of any person indicted for any felony under this Act shall amount in law to treason, such person shall not by reason thereof be entitled to be acquitted of such felony; but no person tried for such felony shall be afterwards prosecuted for treason upon the same facts.

8 **As to the punishment of accessories before and after the fact.**

In the case of every felony punishable under this Act, every principal in the second degree and every accessory before the fact shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any such felony shall on conviction be liable to be imprisoned,^{F6} for any term not exceeding two years.

Textual Amendments

F6 Words omitted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [s. 221\(2\)](#)

Modifications etc. (not altering text)

C5 [S. 8](#) repealed by (E.W.) [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#) and (N.I.) [Criminal Law Act \(Northern Ireland\) 1967 \(c. 18\)](#), [Sch. 2 Pt. II](#)

9 **Felonies under this Act in Scotland not bailable, except as provided by 5 & 6 Will. 4. c. 73. Trial to take place in terms of Act of Scottish Parliament of 1701. Scots Act 1701 c. 6.**

Provided always, that no person committed for trial in Scotland for any offence under this Act shall be entitled to insist on liberation on bail, unless with consent of the public prosecutor, or by warrant of the High Court or Circuit Court of Justiciary, in such and the like manner and to the same effect as is provided by an Act passed in the session of Parliament holden in the fifth and sixth years of the reign of his Majesty King [^{F7}William] the Fourth, intituled “An Act to provide that persons accused of forgery in Scotland shall not be entitled to bail unless in certain cases”; but the trial of any person so committed, and whether liberated on bail or not, shall in all cases be proceeded with and brought to a conclusion under the like certification and conditions as if intimation to fix a diet for trial had been made to the public prosecutor in terms of the Criminal Procedure Act 1701.

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Changes to legislation: There are currently no known outstanding effects for the Treason Felony Act 1848. (See end of Document for details)

Textual Amendments

F7 “William” substituted for “George”

10 No costs allowed in prosecutions under this Act.

It shall not be lawful for any court before which any person shall be prosecuted or tried for any felony under this Act to order payment to the prosecutor or the witnesses of any costs which shall be incurred in preferring or prosecuting any such indictment.

Modifications etc. (not altering text)

C6 [S. 10](#) repealed (E.W.) by Costs in [Criminal Cases Act 1908 \(c. 15\)](#), [Sch.](#)

11 **F8**

Textual Amendments

F8 [S. 11](#) repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Treason Felony Act 1848.