



# Malicious Damage Act 1861

1861 CHAPTER 97 24 and 25 Vict

*Injuries to Railway Carriages and Telegraphs*

**35 Placing wood, &c. on railway, with intent to obstruct or overthrow any engine, &c.**

Whosoever shall unlawfully and maliciously cut, place, cast, or throw upon or across any railway any wood, stone, or other matter or thing, or shall unlawfully and maliciously take up, remove, or displace any rail, sleeper, or other matter or thing belonging to any railway, or shall unlawfully and maliciously turn, move, or divert any points or other machinery belonging to any railway, or shall unlawfully and maliciously make or show, hide or remove, any signal or light upon or near to any railway, or shall unlawfully and maliciously do or cause to be done any other matter or thing, with intent, in any of the cases aforesaid, to obstruct, upset, overthrow, injure, or destroy any engine, tender, carriage, or truck using such railway, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life . . . <sup>F1</sup> or to be imprisoned . . . <sup>F2</sup>

**Textual Amendments**

**F1** Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

**F2** Words repealed by [Criminal Justice Act 1948 \(c. 58\)](#), [Sch. 10 Pt. I](#)

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

**C1** Reference to penal servitude for life to be construed as reference to imprisonment for life or any shorter term: [Criminal Justice Act 1948 \(c. 58\)](#), [s. 1\(1\)](#)

**C2** [S. 35](#) extended (N.I.) (*prosp.*) by [Criminal Jurisdiction Act 1975 \(c. 59, SIF 39:2\)](#), [s. 1](#), [Sch. 1 para. 6](#) (as substituted (*prosp.*) by [S.I. 1991/1711](#), [arts. 1\(3\)](#), 6)

**36 Obstructing engines or carriages on railways.**

Whosoever, by any unlawful act, or by any wilful omission or neglect, shall obstruct or cause to be obstructed any engine or carriage using any railway, or shall aid or

*Changes to legislation: There are currently no known outstanding effects for the Malicious Damage Act 1861, Cross Heading: Injuries to Railway Carriages and Telegraphs. (See end of Document for details)*

assist therein, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, . . . <sup>F3</sup>

**Textual Amendments**

**F3** Words omitted by virtue of [Criminal Justice Act 1948 \(c. 58\), s. 1\(2\)](#)

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

**C3** [S. 36](#) amended as to mode of trial by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), s. 17, Sch. 1 para. 4](#)

**37—** ..... <sup>F4</sup>  
**46.**

**Textual Amendments**

**F4** [Ss. 1–34, 37–46, 49–57, 59–71](#) repealed by [Criminal Damage Act 1971 \(c. 48\), Sch. Pt. I](#)

<sup>F5</sup>**47** .....

**Textual Amendments**

**F5** [Ss. 47, 48](#) repealed (1.5.1994) by [Merchant Shipping \(Registration, etc.\) Act 1993 \(c. 22\), s. 8\(3\)\(4\), Sch. 4 para.35, Sch. 5 Pt. II](#); S.I. 1993/3137, art. 3(2), [Sch. 2](#)

<sup>F6</sup>**48** .....

**Textual Amendments**

**F6** [Ss. 47, 48](#) repealed (1.5.1994) by [Merchant Shipping \(Registration, etc.\) Act 1993 \(c. 22\), s. 8\(3\)\(4\), Sch. 4 para. 35, Sch. 5 Pt. II](#); S.I. 1993/3137, art. 3(2), [Sch. 2](#)

**49—** ..... <sup>F7</sup>  
**55.**

**Textual Amendments**

**F7** [Ss. 1–34, 37–46, 49–57, 59–71](#) repealed by [Criminal Damage Act 1971 \(c. 48\), Sch. Pt. I](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Malicious Damage Act 1861, Cross  
Heading: Injuries to Railway Carriages and Telegraphs.