

*Status: Point in time view as at 05/11/1993.*

*Changes to legislation: Public Stores Act 1875 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*



# Public Stores Act 1875

1875 CHAPTER 25 38 and 39 Vict

An Act to consolidate, with amendments, the Acts relating to the Protection of Public Stores. [29th June 1875]

## Editorial Information

X1 This Act is not necessarily in the form in which it has effect in Northern Ireland.

## Modifications etc. (not altering text)

C1 Act extended by [S.I. 1972/971](#), [Sch. 1](#)

## Commencement Information

I1 Act wholly in force at Royal Assent.

## 1 Short title.

This Act may be cited as “The Public Stores Act 1875.”

## 2 Interpretation of terms.

In this Act—

F1  
...

The term “stores” includes all goods and chattels, and any single store or article:

F1  
...

F2  
...

F1  
...

F2  
...

## Textual Amendments

F1 Definitions repealed by [Statute Law Revision \(No. 2\) Act 1893](#) (c. 54)

*Status: Point in time view as at 05/11/1993.*

*Changes to legislation: Public Stores Act 1875 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- F2** S. 2: definition of "court of summary jurisdiction" repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. I** Group 1

### 3 Stores to which the Act applies.

This Act shall apply to all stores under the care, superintendence, or control of a Secretary of State<sup>F3</sup> . . . , or any public department or office, or of any person in the service of Her Majesty, and such stores are in this Act referred to as Her Majesty's stores. The Secretary of State,<sup>F3</sup> . . . , public department, office, or person having the care, superintendence, or control of such stores, are herein-after in this Act included in the expression public department.

#### Textual Amendments

- F3** Words repealed by S.I. 1964/488, **Sch. 1 Pt. II**

### 4 Marks in schedule appropriated for public stores.

The marks described in the First Schedule to this Act may be applied in or on stores<sup>F4</sup> . . . in order to denote Her Majesty's property in stores so marked; and it shall be lawful for any public department, and the contractors, officers, and workmen of such department, to apply those marks, or any of them, in or on any such stores; and if any person without lawful authority (proof of which authority shall lie on the party accused) applies any of those marks in or on any such stores he shall be guilty of a misdemeanor, and shall on conviction thereof be liable to be imprisoned for any term not exceeding two years,<sup>F5</sup> . . .

#### Textual Amendments

- F4** Words in s. 4 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. I** Group 1  
**F5** Words omitted (E.W.) by virtue of Criminal Justice Act 1948 (c. 58), s. 1(2); and (S.) by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21), s. 221(2); and (N.I.) by virtue of Criminal Justice Act (Northern Ireland) 1953 (c. 14), s. 1(2)

### 5 Obliteration with intent to concealment.

If any person with intent to conceal Her Majesty's property in any stores takes out, destroys, or obliterates, wholly or in part, any such mark as aforesaid, or any mark whatsoever denoting the property of Her Majesty in any stores, he shall be guilty of felony and shall on conviction thereof be liable, in the discretion of the court before which he is convicted, to be kept in penal servitude for any term not exceeding seven years<sup>F6</sup> . . .

#### Textual Amendments

- F6** Words repealed by Statute Law Revision (No. 2) Act 1893 (c. 54)

*Status: Point in time view as at 05/11/1993.*

*Changes to legislation: Public Stores Act 1875 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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

- C2** Reference to penal servitude to be construed as reference to imprisonment: (E.W.) [Criminal Justice Act 1948 \(c. 58\), s. 1\(1\)](#); (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), s. 221\(1\)](#); and (N.I.) [Criminal Justice Act \(Northern Ireland\) 1953 \(c. 14\), s. 1\(1\)](#)
- C3** S. 5 amended as to mode of trial by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), Sch. 1 para. 8](#); and (N.I.) by [The Magistrates' Courts \(Northern Ireland\) Order 1981 \(S.I. 1981/1675\), Sch. 2 para. 8](#) (as substituted by [The Criminal Justice \(Northern Ireland\) Order 1986 \(S.I. 1986/1883\), art. 3\(2\), Sch. 2](#))

## 6 Power to stop suspected boats, persons, &c.

A constable of the metropolitan police force may, within the limits for which he is constable, and any constable, if deputed by a public department, may, within the limits for which he is constable, stop, search, and detain any vessel, boat or vehicle in or which there is reason to suspect that any of Her Majesty's stores stolen or unlawfully obtained may be found, or any person reasonably suspected of having or conveying in any manner any of Her Majesty's stores stolen or unlawfully obtained.

A constable shall be deemed to be deputed by a public department within the meaning of this section if he is deputed by any writing signed by the person who is the head of such department, or who is authorised to sign documents on behalf of such department.

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

- C4** S. 6 extended by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\), s. 6\(3\)](#)
- C5** S. 6 extended by [Atomic Energy Authority Act 1954 \(c. 32\), Sch. 3](#)

## [<sup>F7</sup>] Unlawful possession of Her Majesty's stores.

If any person is brought before a court of summary jurisdiction charged with conveying or with having in his possession or keeping any of Her Majesty's stores reasonably suspected of being stolen or unlawfully obtained, and does not give an account to the satisfaction of the court how he came by the same, he shall be deemed guilty of a misdemeanor, and shall be liable, on summary conviction, to a penalty not exceeding [<sup>F8</sup>level 1 on the standard scale], or, in the discretion of the court, to be imprisoned for any term not exceeding two months, [<sup>F9</sup>. . .]

#### Textual Amendments

- F7** S. 7 repealed (E.W.S.) by [Criminal Law Act 1977 \(c. 45\), s. 65\(10\), Sch. 13](#)
- F8** Words substituted (N.I.) by virtue of [The Fines and Penalties \(Northern Ireland\) Order 1984 \(S.I. 1984/703\), arts. 5-10](#)
- F9** Words omitted (E.W.) by virtue of [Criminal Justice Act 1948 \(c. 58\), s. 1\(2\)](#); and (S.) by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), s. 221\(2\)](#); and (N.I.) by virtue of [Criminal Justice Act \(Northern Ireland\) 1953 \(c. 14\), s. 1\(2\)](#)

## 8 Prohibition of sweeping, &c. near dockyards, artillery ranges, &c.

It shall not be lawful for any person, without permission in writing from a public department, or from some person authorised by a public department in that behalf (proof of which permission shall lie on the party accused,) to gather or search for

*Status: Point in time view as at 05/11/1993.*

*Changes to legislation: Public Stores Act 1875 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

stores, or to creep, sweep, or dredge in the sea or any tidal water, within one hundred yards from any vessel belonging to Her Majesty or in Her Majesty's service, or from any mooring place or anchoring place appropriated to such vessels, or from any moorings belonging to Her Majesty, or from any of Her Majesty's wharves, or dock, victualling, or steam factory yards, or within one thousand yards from any battery or fort used for the practice of artillery either by the Royal Artillery or by <sup>F10</sup> . . . volunteer artillery [<sup>F11</sup> or from any aerodrome used by the Air Force], or in or on any part of the spaces or distances, whether covered with water or not, from time to time marked out as ranges for artillery practice for the use of Her Majesty's ships, or marked out and appropriated for ranges under the provisions of the <sup>M1</sup> Artillery Ranges Act 1862.

<sup>M2</sup> If any person acts in contravention of this provision he shall be liable, on summary conviction, to a penalty not exceeding [<sup>F12</sup> level 1 on the standard scale], or, in the discretion of the court, to be imprisoned for any term not exceeding two months, <sup>F13</sup> . . .

#### Textual Amendments

- F10** Words repealed by [Territorial Army and Militia Act 1921 \(c. 37\)](#), s. 4(1), [Sch. 2](#)
- F11** Words inserted by [S.R. & O. 1918/548 \(Rev. I, p. 896: 1918, p. 50\)](#)
- F12** Words substituted (E.W.) by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#); and (S.) by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#); and (N.I.) by virtue of [The Fines and Penalties \(Northern Ireland\) Order 1984 \(S.I. 1984/703\)](#), [arts. 5-10](#)
- F13** Words omitted (E.W.) by virtue of [Criminal Justice Act 1948 \(c. 58\)](#), [s. 1\(2\)](#); and (S.) by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [s. 221\(2\)](#); and (N.I.) by virtue of [Criminal Justice Act \(Northern Ireland\) 1953 \(c. 14\)](#), [s. 1\(2\)](#)

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

- C6** Reference to steam factory yards to be construed as including reference to aircraft factories by virtue of [S.R. & O. 1918/548 \(Rev. I, p. 896: 1918, p. 50\)](#)

#### Marginal Citations

- M1** [1862 c. 36.](#)
- M2** Penalty.

#### <sup>F14</sup> **Penalty on dealer, &c. found in possession of stores, and not accounting for them.**

If stores are found in the possession or keeping of a person being in Her Majesty's service, or in the service of a public department, or being a dealer in marine stores or in old metals, [<sup>F15</sup> or a pawnbroker] (within the meaning of any enactments for the time being in force relating to such dealers [<sup>F15</sup> or to pawnbrokers]), and he is taken or summoned before a court of summary jurisdiction, and the court sees reasonable grounds for believing the stores found to be or to have been Her Majesty's property, then if such person does not satisfy the court that he came lawfully by the stores so found, he shall be liable, on summary conviction, to a penalty not exceeding five pounds.]

#### Textual Amendments

- F14** [S. 9](#) repealed (E.W.S.) by [Criminal Law Act 1977 \(c. 45\)](#), s. 65(10), [Sch. 13](#)
- F15** Words repealed (prosp.) by [Consumer Credit Act 1974 \(c. 39\)](#), s. 192(4), [Sch. 5](#)

*Status: Point in time view as at 05/11/1993.*

*Changes to legislation: Public Stores Act 1875 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**[<sup>F16</sup>10 Criminal possession explained.**

For the purposes of this Act stores shall be deemed to be in the possession or keeping of any person if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or enclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another.]

**Textual Amendments**

**F16** S. 10 repealed (E.W.S.) by [Criminal Law Act 1977 \(c. 45\)](#), s. 65(10), [Sch. 13](#)

**[<sup>F17</sup>11 .....**

**Textual Amendments**

**F17** S. 11 repealed by [Scrap Metal Dealers Act 1964 \(c. 69\)](#), [Sch. Pt. I](#)

- [<sup>F18</sup>12**
- (1) Any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, in the act of committing or attempting to commit an offence against section 5 or 8 of this Act.
  - (2) If it is made to appear by information on oath before a justice of the peace that there is reasonable cause to believe that any person has in his custody or possession or on his premises any stores in respect of which an offence against section 5 of this Act has been committed, the justice may issue a warrant to a constable to search for and seize the stores as in the case of stolen goods, and the <sup>M3</sup>Police (Property) Act 1897 shall apply as if this subsection were among the enactments mentioned in section 1(1) of that Act.]

**Textual Amendments**

**F18** S. 12 substituted by [Theft Act 1968 \(c. 60\)](#), [Sch. 2 Pt. II](#)

**Marginal Citations**

**M3** 1897 c. 30.

**13 Provision for regimental necessaries, &c.**

The provisions of this Act relative to the taking out, destroying, or obliterating of marks, [<sup>F19</sup>or to the having in possession or keeping Her Majesty's stores], shall not apply to stores issued as regimental necessaries or otherwise for any soldier, <sup>F20</sup>... or volunteer; but nothing herein shall relieve any person from any obligation or liability to which he may be subject under any other Act in respect of any such stores.

**Textual Amendments**

**F19** Words in s. 13 repealed (E.W.S.) (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. I](#) Group1.

*Status: Point in time view as at 05/11/1993.*

*Changes to legislation: Public Stores Act 1875 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**F20** Words repealed by [Territorial Army and Militia Act 1921 \(c. 37\)](#), s. 4(1), **Sch. 2**

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

**C7** Reference to soldier to be construed as including reference to airman by virtue of S.R. & O. 1918/548 (Rev. I, p. 896: 1918, p. 50)

**F21** **14** .....

**Textual Amendments**

**F21** [S. 14](#) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt. I** Group 1

**F22** **15** .....

**Textual Amendments**

**F22** [S. 15](#) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt. I** Group 1

**F23** **16** .....

**Textual Amendments**

**F23** [S. 16](#) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt. I** Group 1

**F24** **17** .....

**Textual Amendments**

**F24** [S. 17](#) repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), **Sch. 1 Pt. XV**

**F25** **18** .....

**Textual Amendments**

**F25** [S. 18](#) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt. I** Group 1

*Status: Point in time view as at 05/11/1993.*

*Changes to legislation: Public Stores Act 1875 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## FIRST SCHEDULE

### MARKS APPROPRIATED FOR USE IN OR ON HER MAJESTY’S STORES

<b>Stores.</b>	<b>Marks.</b>
F26	F26
...	...
F26	F26
...	...
F26	F26
...	...
F26	F26
...	...
F26	The name of Her Majesty, her predecessors, her heirs or successors, or of any public department, or any branch thereof, or the broad arrow, or a crown, or Her Majesty’s arms, whether such broad arrow, crown, or arms be alone or be in combination with any such name as aforesaid, or with any letters denoting any such name.
...	

#### Textual Amendments

**F26** Words in [Sch. 1](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. I](#) Group 1

## <sup>F27</sup>F27 SECOND SCHEDULE

#### Textual Amendments

**F27** [Sch. 2](#) repealed by [Statute Law Revision Act 1883 \(c. 39\)](#)

F27

**Status:**

Point in time view as at 05/11/1993.

**Changes to legislation:**

Public Stores Act 1875 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.