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## CHAPTER 4

### THE ACCESSORIES AND ABETTORS ACT

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3. Accessories before the fact may be indicted as such, or as substantive felons.
4. Accessory after the fact may be indicted as such, or as substantive felon.
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### ACCESSORIES AND ABETTORS

(1st January, 1877.)

7/1876.  
S.R.O. 22/1956.

**1.** This Act may be cited as the Accessories and Abettors Act. **Short title.**

**2.** Whosoever shall become an accessory before the fact to any felony, whether the same be a felony at common law or by virtue of any Act may be indicted, tried, convicted, and punished, in all respects, as if he were a principal felon. **Accessories before the fact may be tried and punished as principals.**

Accessories before the fact may be indicated as such, or as substantive felons.

**3.** Whosoever shall counsel, procure, or command any other person to commit any felony, whether the same be a felony at common law or by virtue of any Act, shall be guilty of felony, and may be indicted and convicted, either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon; or may be indicted and convicted of a substantive felony whether the principal felon shall, or shall not, have been previously convicted, or shall, or shall not, be amenable to justice, and may thereupon be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory, may be punished.

Accessory after the fact may be indicated as such, or as substantive felon.

**4.** Whosoever shall become an accessory after the fact to any felony, whether the same be a felony at common law or by virtue of any Act, may be indicted and convicted, either as an accessory after the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon; may be indicted and convicted of a substantive felony whether the principal felon shall, or shall not, have been previously convicted, or shall, or shall not, be amenable to justice, and may thereupon be punished in like manner as any accessory after the fact to the same felony, if convicted as an accessory, may be punished.

Punishment of accessory after the fact.

**5.** Every accessory after the fact to any felony (except where it is otherwise specially enacted), whether the same be a felony at common law or by virtue of any Act, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour, and it shall be lawful for the Court, if it shall think fit, to require the offender to enter into his own recognizances and to find sureties, both or either, for keeping the peace, in addition to such punishment:

Provided that, no person shall be imprisoned under this section for not finding sureties for any period exceeding one year.

Prosecution of accessory after principal has been convicted but before judgment.

**6.** If any principal offender shall be in any wise convicted of any felony, it shall be lawful to proceed against any accessory, either before or after the fact, in the same manner as if judgment on such conviction had been recorded against the principal felon, notwithstanding such principal felon shall die or be pardoned, or otherwise delivered

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before judgment; and every such accessory shall upon conviction suffer the same punishment as he would have suffered if judgment had been so recorded against the principal felon.

**7.** Any number of accessories at different times to any felony, and any number of receivers at different times of property stolen at one time, may be charged with substantive felonies in the same indictment and may be tried together, notwithstanding the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice.

Several accessories may be included in the same indictment although principal felon not included.

**8.** Whosoever shall aid, abet, counsel, or procure the commission of any misdemeanour, whether the same be a misdemeanour at common law or by virtue of any Act, shall be liable to be tried, indicted and punished as a principal offender.

Abettors in misdemeanours.

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