

Legal Curiosities: Fact or Fable?

This informal document has been produced by the Law Commission's Statute Law Repeals team to answer some of the queries that they regularly receive about alleged old laws. Most of the curiosities below have no basis in the law as it currently stands, although a few represent the law as it used to be. This list does not purport to be definitive, and readers should not rely on it without conducting their own research.

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Alleged law	In force?	Comment
It is illegal to enter the Houses of Parliament wearing a suit of armour.	Yes	The 1313 Statute Forbidding Bearing of Armour forbids members of Parliament from wearing armour in the House.
It is illegal to die in Parliament.	No	<p>The issue of dying in Parliament appears to arise from the idea that anyone who dies in a Royal Palace is eligible for a state funeral. We have not been able to trace any such law, and neither have the House of Commons authorities.¹ Under the Coroners Act 1988, the coroner of the Queen's household has jurisdiction over an inquest into a death in a royal palace. However, state funerals are not mandatory.</p> <p>There have been at least four deaths in the grounds of the Palace of Westminster:</p> <ul style="list-style-type: none"> - Guy Fawkes and Sir Walter Raleigh were both executed in the Old Palace yard (the present buildings being the New Palace, built after the fire of 1834). - Spencer Perceval, the only British Prime Minister to be assassinated, was shot and died in the lobby of the House of Commons in 1812. - Sir Alfred Billson collapsed and died in the House of Commons 'Aye' lobby in 1907, while casting his vote on a sugar duty Bill. <p>None of these men received a state funeral. Spencer Perceval's was a private funeral at his widow's request.</p>

¹ <http://news.bbc.co.uk/1/hi/uk/7081038.stm>

It is illegal to place a stamp of the Queen upside down on a letter.	No	The Treason Felony Act 1848 makes it an offence to do any act with the intention of deposing the monarch, but it seems unlikely that placing a stamp upside down fulfils this criterion. The Act itself certainly does not refer to stamps. According to the Royal Mail, it is perfectly acceptable to put a stamp upside-down. ²
It is illegal to stand within 100 yards of the reigning monarch without wearing socks.	No	Henry VIII, Mary I and Elizabeth I all passed sumptuary laws, which regulated clothing styles. For example, the 1562 Articles for the Execution of the Statutes of Apparel prohibited anyone from appearing at the royal court wearing shirts with “outrageous double ruffs”, or hose of “monstrous and outrageous greatness”. However, such laws were generally repealed by James I.
It is illegal for a commoner to permit his animal to have carnal knowledge of a pet of the royal household.	No evidence	This law is usually attributed to George I. However, none of the Acts of his reign relate to royal pets (although the Criminal Law Act 1722, now repealed, did institute the death penalty for killing deer in the royal forests). We can find no evidence of a statute on royal pets from any other period.
It is illegal to harbour a Catholic priest.	No	The two Acts which made this treasonous were the First Act of Supremacy 1534 and the Treason Act 1534 (under which Thomas More was executed). Both have now been repealed.
It is illegal not to carry out at least two hours of longbow practice a week.	No	The Unlawful Games Act 1541 required every Englishman between the ages of 17 and 60 (with various exemptions) to keep a longbow and regularly practise archery. However, this Act was repealed by the Betting and Gaming Act 1960.
It is illegal to crack a boiled egg at the sharp end.	No evidence	This law is usually attributed to Edward VI. However, the only statute of his reign relating to eggs concerned the theft of eggs from birds’ nests, rather than a particular manner of eating them, and it has been repealed. Neither is there evidence of a law on boiled eggs from any other period.

² <http://www.bbc.co.uk/news/magazine-17610820>

		It is worth noting that the question of which way an egg should be broken caused the war between Lilliput and Blefuscu in Jonathan Swift's <i>Gulliver's Travels</i> .
It is illegal to keep a lunatic without a licence.	No	The Madhouses Act 1774 made it an offence to keep "more than one Lunatick" without a licence for a madhouse. It has now been repealed.
It is illegal to impersonate a Chelsea Pensioner.	No	The Chelsea and Kilmainham Hospitals Act 1826 prohibited fraudulent claims to pensions that belonged to Chelsea Pensioners. It was repealed by the Statute Law (Repeals) Act 2008.
It is illegal to damage grass.	Not quite	The Commons Act 1876 made it an offence to interfere with or disturb a town or village green. The offence is aimed at interruptions to the use of the green, rather than damage to the grass itself. However, damage to a lawn may be covered by general laws on criminal damage.
It is illegal to be drunk on licensed premises.	Yes	Under s 12 of the Licensing Act 1872, "every person found drunk... on any licensed premises, shall be liable to a penalty". It is also an offence under the Metropolitan Police Act 1839 for the keeper of a public house to permit drunkenness or disorderly conduct on the premises. Furthermore, under the Licensing Act 2003, it is an offence to sell alcohol to a person who is drunk, or to obtain alcohol for consumption by a person who is drunk.
It is illegal to carry a plank along a pavement.	Yes	This is an offence under s 54 of the Metropolitan Police Act 1839. Other offences covered by s 54 include flying kites, playing annoying games, and sliding on ice or snow in the street.
It is illegal to fire cannon within 300 yards of a dwelling house.	Yes	This is an offence under s 55 of the Metropolitan Police Act 1839.
It is illegal to beat or shake any carpet or rug in any street. However, beating or shaking a doormat is allowed before 8am.	Yes	This is an offence under s 60 of the Metropolitan Police Act 1839. In other districts, it is an offence under s 28 of the Town Police Clauses Act 1847. Other offences covered by s 28 include: <ul style="list-style-type: none"> - keeping a pigsty in front of your house; - slaughtering cattle in the street;

		<ul style="list-style-type: none"> - erecting a washing line across the street; - singing profane or obscene songs or ballads in the street; and - wilfully and wantonly disturbing people by ringing their doorbells or knocking at their doors.
It is illegal to drive cows down the roadway without the permission of the Commissioner of Police.	Yes	The Metropolitan Streets Act 1867 made it an offence to drive cattle through the streets between 10am and 7pm, except with the permission of the Commissioner of Police.
It is illegal to hang a bed out of a window.	Not quite	<p>Under s 28 of the Town Police Clauses Act 1847, it is an offence to place a heavy object in a window without guarding against its being blown down. However, the offence is aimed at flowerpots and similar items, and does not mention beds.</p> <p><i>In Three Men on the Bummel</i>, Jerome K. Jerome asserts that hanging a bed out of a window is illegal in Germany, but perfectly acceptable in England as long as it does not “obstruct anybody’s ancient lights”, or fall on somebody’s head.</p>
It is illegal to be drunk in charge of a horse.	Yes	Under the Licensing Act 1872, it is an offence to be drunk in charge of a carriage, horse, cow or steam engine, or whilst in possession of a loaded firearm.
It is illegal to eat mince pies on Christmas Day.	No	<p>The only Christmas Day on which eating mince pies was illegal was in 1644, as 25 December that year fell on a legally-mandated day of fasting. Subsequently, the Long Parliament of the Interregnum banned all celebrations of Christmas (An Ordinance for Abolishing of Festivals, 1647). However, mince pies themselves were never banned, although they were strongly disapproved of as a symbol of the immoral excesses of the festive season. Further legislation was proposed in 1656 to clamp down on illicit Christmas celebrations, but it was never enacted.</p> <p>Statutes of the Interregnum were held to be invalid following the Restoration</p>

		of the Monarchy, as they had been passed without Royal Assent. Some statutes were later re-enacted by Charles II, but the 1647 Ordinance that banned Christmas was not amongst them.
It is illegal not to tell the tax man anything you do not want him to know, but legal not to tell him information you do not mind him knowing.	Not quite	This appears to be a simplification of the Tax Avoidance Schemes Regulations 2006. This requires the disclosure of arrangements securing a tax advantage where those benefiting wish to keep it confidential in order to facilitate repeated benefits: the desire for confidentiality is regarded as a hallmark of an unacceptable tax arrangement.
It is legal to shoot a Welshman with a longbow on Sunday in the Cathedral Close in Hereford; or inside the city walls of Chester after midnight; or a Scotsman within the city walls of York, other than on a Sunday.	No	It is illegal to shoot a Welsh or Scottish (or any other) person regardless of the day, location or choice of weaponry. The idea that it may once have been allowed in Chester appears to arise from a reputed City Ordinance of 1403, passed in response to the Glyndŵr Rising, and imposing a curfew on Welshmen in the city. However, it is not even clear that this Ordinance ever existed. Sources for the other cities are unclear; Hereford, like Chester, was frequently under attack from Wales during the medieval period. Unlawful killings are today covered by the criminal law; see also Art. 2 of the European Convention on Human Rights on the right to life.
It is illegal to move a body across a parish or county boundary unless a fee is paid and a coffin is used. If a body is moved across private land, it will create a public footpath.	No	The body of a baby, child or adult may be moved anywhere within England and Wales, without using a coffin and without charge or permission, as long as the work of the coroner is not obstructed. A coroner must, however, consent before the body can be taken out of England and Wales. The belief that fees must be paid on crossing boundaries probably derives from the payment of tolls on old turnpike roads. Bodies do not magically create rights of way over private land. ³

³ Details provided by the Alice Barker Trust

In Liverpool, it is illegal for a woman to be topless in public, except as a clerk in a tropical fish store.	No evidence	We can find no trace of such a statute, and Liverpool County Council deny that it ever existed. ⁴
It is legal for a pregnant woman to relieve herself anywhere she likes, including in a policeman's helmet.	No	There is no generally applicable offence of urinating in public, although it is often an offence under local byelaws. Local authorities are expected to exercise discretion in deciding whether to prosecute, based on, for example, the nature of the locality and the availability of public toilets nearby. ⁵ There does not appear to be a specific exemption for pregnant women, but discretion not to charge might be exercised if a pregnant woman were caught short in public. However, it does seem unlikely that a police officer would offer his helmet for the purpose.
It is legal for a man to urinate in public, as long it is against the rear offside wheel of his motor vehicle and his right hand is on the vehicle.	No	See above on urinating in public. It has been suggested that the Town Police Clauses Act 1847 contains a provision along these lines for the benefit of taxi drivers, but this is not so.
It is illegal to flag a taxi if you have the plague.	Not quite	Under the Public Health (Control of Disease) Act 1984, no person who is known to be suffering from a notifiable disease (including plague) may enter a public conveyance without notifying the driver of the condition. A taxi driver may then agree to convey the passenger, although notice must be given to the local authority afterwards, and the taxi disinfected before the next passenger enters it. A bus driver, however, would not be allowed to convey such a person.
London hackney carriages (ie black cabs) must carry a bale of hay and a sack of oats.	No	The London Hackney Carriage Act 1831 made it an offence for the driver of a hackney carriage to feed his horse in the street except with corn out of a bag or with hay from his hands. However, he was not required to carry the corn or hay in his cab. The relevant provision was repealed in 1976.
It is illegal to leave baggage unattended.	Not quite	The Town Police Clauses Act 1847 made it an offence to leave any

⁴ <http://www.telegraph.co.uk/news/uknews/1568474/Dont-die-in-parliament-its-the-law.html>

⁵ Lord Bassam of Brighton, *Hansard* (HL) April 30 2001, vol 625, col 487

		furniture, goods, wares or merchandise on the footway.
It is illegal to pick up an abandoned package.	Not quite	Under the Postal Services Act 2000, it is an offence intentionally to open or delay a postal packet. Interfering with someone else's package may also constitute the tort of conversion or trespass to goods.
In London, companies may vote in local elections.	Not quite	The City of London (a small area within central London) is governed by the City of London Corporation. The Corporation is elected under unique rules, which allow companies to appoint a certain number of employees to vote on their behalf. The City of London (Ward Elections) Act 2002 sets out the number of voters each company may appoint. This system does not apply in any other local election in London.

A Freeman of the City of London may drive a flock of sheep across London Bridge.	Not quite	<p>The Freedom of the City of London was originally a grant of the right to trade in the capital. Freemen were exempt from paying the usual tolls when they drove their livestock across London Bridge to the markets. Today, the Freedom of the City is a purely symbolic honour, and the City of London Police do not permit sheep to be taken across the bridge (aside from the occasional publicity stunt. In 2008, for example, around 500 Freemen drove a flock of sheep across the bridge to raise money for charity.⁶)</p> <p>According to the clerk of the Chamberlain's Court, most other purported rights of Freemen are also unavailable today: for example, being escorted home by the Watch if found drunk and disorderly. The only privileges that remain involve rights to access some educational and charitable funds.</p>
It is illegal to jump the queue in the Tube ticket hall.	Yes	Under the TfL Railway Byelaws, any person directed to queue by an authorised person or a sign must join the rear of the queue and obey the reasonable instructions of any authorised person regulating the queue.
It is illegal to 'blemish the peace'.	No	According to Jowitt's <i>Dictionary of English Law</i> , there is no such offence known to law.
It is illegal to destroy or deface money.	Yes	<p>It is not illegal to deliberately destroy a banknote. However, under the Currency and Banknotes Act 1928, it is an offence to deface a banknote by printing, stamping or writing on it.</p> <p>The Coinage Act 1971 also makes it an offence to destroy a metal coin that has been current in the UK since 1969, unless a licence to do so has been granted by the Treasury.</p>
It is illegal for any boy under the age of 10 to see a naked mannequin.	No evidence	This was cited as a law by a law firm in Swansea in 2006, ⁷ but we have found no evidence of it.

⁶ <http://news.bbc.co.uk/1/hi/england/london/7623267.stm>

⁷ <http://news.bbc.co.uk/1/hi/wales/6204511.stm>

It is illegal for a lady to eat chocolates on a public conveyance.	No evidence	We can find no trace of such an offence, and it seems unlikely that it would be gender-specific.
It is illegal to handle salmon in suspicious circumstances.	Yes	This is an offence under the Salmon Act 1986.
All swans are the property of the Queen, and killing one is an act of treason.	Not quite	<p>Since the 12th century, the Crown has held the right to ownership over all wild, unmarked mute swans in open water. However, the Queen only exercises her right over parts of the Thames and its tributaries. This right is shared with the Vintners' Company and the Dyers' Company, livery companies of the City of London. Every year, the Swan Upping ceremony is carried out by the Crown and the Companies to record and mark all the swans in the area.</p> <p>Killing one of the Queen's mute swans may be unlawful, but it has never been an act of treason. Furthermore, tame swans and all other varieties of wild swan (eg whooper and Bewick's swans) are free.</p>
The head of any dead whale found on the British coast automatically becomes the property of the King, and the tail the property of the Queen.	Not quite	<p>Under the 14th century statute Prerogativa Regis, all whales and sturgeons found on the coast are the property of the Crown. This law is still in force, although a sturgeon caught in Swansea Bay in 2004 was declined by the royal household, and ended up in the Natural History Museum.⁸ (It is worth noting that both whales and sturgeons are now European protected species, and it is illegal to deliberately catch or kill them.)</p> <p>The idea that the head and tail are to be divided between the King and Queen seems to originate from the 13th century legal treatise known as Bracton. Blackstone in his <i>Commentaries</i> claims that the reason for the rule was to provide the Queen with whalebone for her corset stays. However, as Herman Melville points out in <i>Moby-Dick</i>, this is clearly incorrect: whalebone, or baleen, is only found in a whale's mouth.</p>

⁸ <http://www.telegraph.co.uk/news/1463512/Police-halt-sale-of-120kg-royal-fish.html>