



BILLE CHUN COSANTA NA PUBLIOCHTA (COMHACHTA
OCAIDEACHA), 1926.
PUBLIC SAFETY (EMERGENCY POWERS) BILL, 1926.

*Mar do tugadh isteach.
As introduced.*

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SAORSTÁT EIREANN.

BILLE CHUN COSANTA NA PUBLIOCHTA (COMHACHTA
OCAIDEACHA), 1926.

PUBLIC SAFETY (EMERGENCY POWERS) BILL, 1926.

BILL

5

entitled

AN ACT TO PROVIDE FOR THE PRESERVATION OF
PUBLIC SAFETY AND THE PROTECTION OF PERSON
AND PROPERTY DURING NATIONAL EMERGENCIES
AND FOR MATTERS CONNECTED THEREWITH. 10

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT
EIREANN AS FOLLOWS:—

PART I.

PROCLAMATION OF EMERGENCY.

Proclamation of
national
emergency.

1.—(1) If at any time the Executive Council is of opinion that
a national emergency has arisen of such character that it is
expedient in the public interest that the provisions of Part II.
of this Act should be put into force, the Executive Council may
by proclamation declare that a state of national emergency exists. 15

(2) A proclamation made under this Act shall (unless contin-
ued under this section) remain in force for three months only
and shall then expire, but any such proclamation may from time
to time be continued in force for three months by proclamation
made by the Executive Council before the expiration of the
original proclamation or the last continuance thereof. 20 25

(3) If at any time when a proclamation (whether original or
continuing) is made under this Act, the Oireachtas or either
House thereof stands adjourned to a day and hour more than
five days after the making of the proclamation, the proclamation
shall be expressed and shall operate to summon the Oireachtas
or such House thereof (as the case may be) to reassemble at a
convenient hour to be specified in the proclamation on a con-
venient day to be similarly specified not less than three nor more
than five days after the making of the proclamation, and in every
such case the Oireachtas or such House thereof, as the case may
be, shall reassemble on the day and at the hour so specified as
if it had stood adjourned to that day and hour. 30 35

(4) Every proclamation made under this section shall be forth-
with published in the *Iris Oifigiúil* and shall also be laid before
each House of the Oireachtas as soon as may be after it is made
and if either such House shall, within the next subsequent twenty-
one days on which that House has sat, pass a resolution revoking
such proclamation such proclamation shall forthwith expire but
without prejudice to the validity of anything previously done
under such proclamation. 40 45

Effect of
proclamation.

2.—(1) Whenever and so often as a proclamation of a national
emergency is made by the Executive Council under this Act then
Part II. of this Act and the Schedule to this Act shall forthwith
come into force and shall continue in force for so long as such
proclamation remains or is continued in force and when such pro-
clamation finally expires Part II. of this Act and the Schedule
to this Act shall forthwith cease to be in force. 50

(2) Part II. of this Act and the Schedule to this Act shall not
have any force or effect save as and when provided by this
section. 55

PART II.

EMERGENCY PROVISIONS.

3.—It shall be lawful for an Executive Minister to cause the arrest and, subject to the provisions of this Act, to order the
5 detention in custody in any place in Saorstát Eireann of any person in respect of whom such Minister shall certify in writing that he is satisfied that there is reasonable ground for suspecting such person of being or having been engaged or concerned in the commission of any of the offences mentioned in the Schedule
10 to this Act.

Executive Minister may cause arrest and detention of certain persons.

4.—(1) It shall be lawful for a responsible officer to arrest and to detain in custody for any period not exceeding one week any person found committing or attempting to commit or whom such officer suspects of having committed any of the offences mentioned in the Schedule to this Act, and for the purpose of effecting any such arrest to enter on and search any premises in which any such person is known or reasonably believed to be.

Responsible officer may arrest certain persons.

(2) It shall be lawful for an Executive Minister subject to the provisions of this Act to order the detention in custody in any place in Saorstát Eireann of any person arrested under this section in respect of whom such Minister certifies in writing that he is satisfied that there is reasonable ground for suspecting such person of being or having been engaged or concerned in the commission of any of the offences mentioned in the Schedule to
20 this Act.

(3) Whenever any person is arrested under this section such person shall, not later than one week after his arrest unless an order for his detention is made by an Executive Minister under this section, either be released, or be charged with one or more
30 of the offences mentioned in the Schedule to this Act or with any other offence or offences and dealt with according to law, and shall for that purpose, if in military custody, be delivered into civil custody.

5.—In any case where a responsible officer of the Defence Forces of Saorstát Eireann has reasonable ground for anticipating that it will be necessary to enter a dwelling-house for the purpose of effecting an arrest, to be made by him under this Act, it shall be the duty of such officer, wherever reasonably practicable, to arrange that a member of the Gárda Síochána is
40 present at such entry, and the Minister for Defence and the Minister for Justice shall make such arrangements as may be necessary or desirable for this purpose.

Entry of dwelling-house to make arrest.

6.—(1) As soon as may be after every occasion on which this Part of this Act comes into force there shall be established by an
45 Executive Minister one or more Appeal Councils consisting of not less than three members of whom one shall be a practising barrister or solicitor of not less than five years' standing or shall be or have been a Recorder or County Court Judge in Ireland, or a Judge of the Supreme Court, High Court or Circuit Court,
50 or a Justice of the District Court.

Establishment of Appeal Councils.

(2) There may be paid out of moneys to be provided by the Oireachtas, to any member of an Appeal Council who is not in receipt of remuneration out of public funds such fees or remuneration as the Minister for Finance may determine.

55 (3) Any person detained in custody under this Act, whether under an order of an Executive Minister or by the military authorities, may in the prescribed manner request that an enquiry into the matter of his detention be made by an Appeal Council, and such Council shall thereupon with all convenient speed
60 inquire in the prescribed manner into the case of such person and shall report in the prescribed form to such Executive Minister the result of such inquiry.

(4) At any inquiry under this section the Appeal Council shall be furnished with the reports or certificates in virtue of

which the person whose case is being inquired into is being detained.

(5) When such an Executive Minister shall receive a report from an Appeal Council that there are no reasonable grounds for suspecting the person detained of having committed or being engaged or concerned in the commission of any of the offences mentioned in the Schedule to this Act he shall, within one month from the receipt of the report, order his release unless— 5

(a) he shall refer back the report to the Appeal Council for the consideration of further evidence, or 10

(b) the person be charged with any offence punishable by imprisonment.

(6) An Executive Minister shall make regulations for the execution by Appeal Councils of the functions imposed on them by this section, and the word "prescribed" where used in this section means prescribed by such regulations. 15

(7) Every regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and if either House of the Oireachtas shall within twenty-one days on which such House has sat next after such regulation is laid before it pass a resolution annulling such regulation, such regulation shall be annulled accordingly, but without prejudice to the validity of anything already done under it. 20

Recognizances may be taken from persons released.

7.—(1) Whenever an Executive Minister shall propose to release any person arrested or detained under this Act the Minister may require as a condition of such release that such person should enter into a recognizance with two solvent sureties before a justice of the District Court in such amount as may be approved by the Minister, the condition of such recognizance being that the person aforesaid shall be of good behaviour and keep the peace for such period not exceeding three years as shall be fixed by the Minister aforesaid. 25 30

(2) The several enactments relating to recognizances taken before a justice of the District Court to be of good behaviour and to keep the peace shall apply to and regulate the taking, form, enforcing, and estreating of recognizances under this section. 35

Executive Minister may make regulations.

8.—An Executive Minister may make regulations—

(a) prescribing the prisons and other places in which persons detained in custody under this Act may be detained; 40

(b) providing for the efficient management, sanitation, control and guarding of such places other than prisons;

(c) providing for the enforcement and preservation of discipline amongst the persons so detained;

(d) providing for the medical, surgical, and nursing care of the persons so detained; 45

(e) providing for the inspection of such places (other than prisons) and the visiting of persons detained therein by responsible persons to be appointed by an Executive Minister who shall discharge the functions aforesaid without remuneration; 50

(f) providing for the prevention of the escape of any such persons and authorizing the making of all searches and inquiries reasonably necessary for that purpose;

(g) prescribing or providing for any other matter or thing relating to the efficient detention of such persons under this Act. 55

Definition of responsible officer.

9.—In this Act the expression "responsible officer" means an officer of the Garda Síochána or any member of the Garda Síochána particularly authorised by him or an officer of the Defence forces of Saorstát Éireann not being below the rank of commandant who may be specifically empowered in any particular case by the Minister for Defence to delegate his powers 60

under this Act to any member of the Defence forces of Saorstát Eireann not below the rank of sergeant save and except in such cases where a military force has been detailed by the order of a person so empowered to arrest any person or persons in which
5 case every member of such force shall be deemed to possess the powers granted by this Act.

10.—This Act may be cited as the Public Safety (Emergency Powers) Act, 1926. **Short title.**

SCHEDULE.

10 1. Inciting persons to engage in an attempt to overthrow by violence the established form of Government of Saorstát Eireann or organising or otherwise assisting or encouraging any such attempt.

15 2. Unlawfully inducing or attempting to induce any officer of the Government of Saorstát Eireann to refuse, neglect or omit to discharge his duty as such officer.

3. Having possession without lawful authority of—

20 (a) any lethal firearm or other weapon of any description from which any shot, bullet or other missile can be discharged; or

(b) any ammunition for any such firearm or weapon; or

(c) any grenade, bomb or other similar missile, whether capable of being used with any such firearm or weapon or not; or

25 (d) any land mine or other similar explosive machine; or

(e) any dynamite, gelignite or other explosive substance; or

(f) any component part or ingredient of any such article or substance aforesaid.

30 4. Having possession without lawful authority of any article of clothing, equipment or accoutrement or any arms or ammunition belonging or issued to any member of the military or police forces of Saorstát Eireann.

35 5. Putting on or assuming without authority the uniform or any part of the uniform of any branch of the military or police forces of Saorstát Eireann.

40 6. Assuming the name, designation or description of any rank, or of any member, of the military or police forces of Saorstát Eireann for the purpose of doing or procuring to be done any act which the person assuming such name, designation or description would not by law be entitled to do or procure to be done of his own authority.

7. Wrongful entry on and retention of possession of land without colour or pretence of title or authority.

45 8. Robbery under arms; that is to say, robbing or attempting to rob while armed with any offensive or apparently offensive weapon or instrument.

50 9. Arson; that is to say, unlawfully setting fire or attempting to set fire to any house, factory, barn, haggard, workshop, or other building, or any agricultural property, food supplies for man or beast, or any other property of any nature or kind, movable or immovable, public or private, including standing trees and crops.

55 10. Unlawfully injuring or destroying or attempting to injure or destroy any house, factory, barn, haggard, workshop, or other building, or any agricultural property, food supplies for man or beast, or any other property of any nature or kind, movable or immovable, public or private, including standing trees and crops.

11. Unlawfully interfering with or preventing the lawful occupation, use or enjoyment of any land or premises.

12. Obstructing or attempting to obstruct the administration of justice.

13. Knowingly aiding, abetting, assisting in, or encouraging the commission of, or conspiring to commit, any of the offences mentioned in this schedule, or helping in the concealment or escape of any person guilty of any such offence. **5**

14.—Any act the commission of which is under or by virtue of the Treasonable Offences Act, 1925 (No. 18 of 1925) treason or misprision of treason, or a felony or a misdemeanour. **10**



Saorstát Éireann.

Saorstát Éireann.

BILLE COSANTA NA PUIBLÍOCHTA
(COMHACHTA OCAIDEACHA), 1926.

PUBLIC SAFETY (EMERGENCY POWERS)
BILL, 1926.

BILLE

(*mar do tugadh isteach*)
dá ngairmtear

Acht chun soerú do dhéanamh chun cosanta na
puiblíochta agus chun cosanta pearsan agus
maoine le linn ócáidí náisiúnta agus i
geóir nithe bhaineas leis na cúrsaí sin.

An Act to provide for the preservation of
public safety and the protection of person
and property during national emergencies
and for matters connected therewith.

An t-Uachtarán do thug isteach.

Introduced by the President.

*Do hórduíodh, ag Dáil Éireann, do chlóbhuála,
16ad Mí na Samhna, 1926.*

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