



AN BILLE UM CHEARTAS COIRIUIL, 1963
CRIMINAL JUSTICE BILL, 1963

Mar a tugadh isteach
As introduced

ARRANGEMENT OF SECTIONS

Section

1. Death penalty restricted.
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6. Amendment of Piracy Act, 1837.
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9. Amendment of Geneva Conventions Act, 1962.
10. Short title.



AN BILLE UM CHEARTAS COIRIUIL, 1963
CRIMINAL JUSTICE BILL, 1963

BILL

entitled

AN ACT TO AMEND THE LAW AS TO THE IMPOSITION 5
OF THE DEATH PENALTY AND AS TO MALICE IN
THE CASE OF MURDER.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Death penalty
restricted.

1.—(1) A person shall not be liable to suffer death for any
offence other than— 10

1939, No. 10.

(a) treason under the Treason Act, 1939;

(b) capital murder, namely—

(i) murder of a member of the Garda Síochána acting
in the course of his duty, or

(ii) murder of a prison officer acting in the course of 15
his duty, or

1939, No. 13.

(iii) murder done in the course or furtherance of an
offence under section 6, 7, 8 or 9 of the Offences
Against the State Act, 1939, or in the course or
furtherance of the activities of an unlawful organi- 20
sation within the meaning of section 18 (other
than paragraph (f)) of that Act, or

(iv) murder, committed within the State for a political
motive, of the head of a foreign State or of a
member of the government of, or a diplomatic 25
officer of, a foreign State;

1954, No. 18.

(c) an offence by a person subject to military law under
section 124, 125, 127 or 128 of the Defence Act, 1954,
as applied by section 4 of the Prisoners of War and
Enemy Aliens Act, 1956. 30

1956, No. 27.

(2) In this section—

“ diplomatic officer ” means an ambassador extraordinary and
plenipotentiary, envoy extraordinary and minister plenipotentiary,
chargé d'affaires, counsellor or secretary of embassy or legation,
or attaché; 35

1940, No. 2.

“ prison ” means any institution for which rules may be made
under the Prisons Acts, 1826 to 1956, any prison, internment
camp or place of detention for which regulations may be made
under section 7 of the Offences Against the State (Amendment)
Act, 1940, any military prison or detention barrack for which 40
rules may be made under section 233 of the Defence Act, 1954, and
any internment camp for which regulations may be made under
section 2 of the Prisoners of War and Enemy Aliens Act, 1956;

“ prison officer ” includes any member of the staff of a prison or of St. Patrick’s Institution and any person having the custody of, or having duties in relation to the custody of, persons detained in any such place;

- 5 “ St. Patrick’s Institution ” means the institution referred to by that name in the Criminal Justice Act, 1960.

1960, No. 27.

2.—A person who but for this Act would be liable to suffer death shall be liable to penal servitude for life.

Punishment in place of death.

- 10 3.—(1) Where a person is accused of murder which is alleged to be capital murder, he shall be charged with capital murder in the indictment.

Procedure in capital murder cases.

- 15 (2) A person indicted for capital murder may, if the evidence does not warrant a conviction for capital murder but warrants a conviction for murder, be found not guilty of capital murder but guilty of murder and, if the evidence does not warrant a conviction for murder but warrants a conviction for manslaughter, be found not guilty of capital murder but guilty of manslaughter.

(3) Capital murder shall be treated as a distinct offence from murder for the purposes of an appeal against conviction.

- 20 (4) On appeal against a conviction for capital murder the court may substitute a verdict of guilty of murder or guilty of manslaughter for the verdict of guilty of capital murder.

(5) Subject to the foregoing subsections, capital murder shall not be treated as a distinct offence from murder for any purpose.

- 25 4.—Where a person kills another—

Abolition of “constructive malice”.

(a) in the course or furtherance of some other offence, or

- 30 (b) in the course or for the purpose of resisting an officer of justice, or of resisting or avoiding or preventing a lawful arrest, or of effecting or assisting an escape or rescue from legal custody,

the killing shall not be murder unless it was done with the same malice aforethought (express or implied) as is required for a killing to amount to murder in other cases.

- 35 5.—Sections 1, 2 and 3 of the Offences Against the Person Act, 1861 (which relate to conviction and sentence for murder) are hereby amended by the substitution, for “ murder ”, of “ capital murder ”.

Amendment of Offences Against the Person Act, 1861.
1861, c. 100.

- 6.—The Piracy Act, 1837, is hereby amended by the deletion—

Amendment of Piracy Act, 1837.

- 40 (a) in section 2 (which relates to piracy with violence) of “ and being convicted thereof shall suffer death as a felon ”;

1837, c. 88.

(b) in section 4 (which relates to the punishment of accessories) of “ with death or otherwise ”.

- 45 7.—Subsection (3) of section 1 of the Treason Act, 1939 (which relates to the form of trial for treason) is hereby amended by the substitution, for “ murder ”, of “ capital murder ”.

Amendment of Treason Act, 1939.

1939, No. 10.

Amendment of
Defence Act,
1954.

1954, No. 18.

8.—Section 169 of the Defence Act, 1954 (which relates to the trial of certain civil offences by court-martial) is hereby amended by the deletion of paragraph (b) and the substitution of the following paragraph :

“(b) if he is convicted of capital murder, be liable to suffer 5 death and, if he is convicted of murder, be liable to suffer penal servitude for life;”.

Amendment of
Geneva
Conventions
Act, 1962.

1962, No. 11.

9.—Section 3 of the Geneva Conventions Act, 1962 (which relates to grave breaches of the Conventions scheduled to that Act) is hereby amended by the deletion, in paragraph (i) of subsection 10 (1), of “death or to”.

Short title.

10.—This Act may be cited as the Criminal Justice Act, 1963.

AN BILL IN CHIEF'S COURT, 1963

BILL

BILL

(as introduced)

(as a separate section)

enacted

as a separate section

AN Act to amend the law as to the imposition of the death penalty and as to make in the case of murder.

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Enacted by the Minister for Justice.

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Ordered by the Minister to be printed.
11th July, 1963.

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DUBLIN.

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BILLE

(*mar a tugadh isteach*)

dá ngairtear

Acht do leasú an dlí maidir le pionós báis a chur ar dhaoine agus maidir le mailís i gcás dúnmharú.

An tAire Dlí agus Cirt a thug isteach.

*Ordáíodh ag Dáil Éireann a chlóbhualadh,
11 Iúil, 1963.*

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(*as introduced*)

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