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**AN BILLE UM CHEARTAS COIRIUIL, 1967**  
**CRIMINAL JUSTICE BILL, 1967**

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*Mar a tugadh isteach*  
*As introduced*

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AN BILLE UM CHEARTAS COIRIUIL, 1967  
CRIMINAL JUSTICE BILL, 1967

# BILL

*entitled*

AN ACT TO AMEND CRIMINAL LAW AND 5  
ADMINISTRATION.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

## PART I

### PRELIMINARY

- Short title. 1.—This Act may be cited as the Criminal Justice Act, 1968. 10
- Interpretation. 2.—(1) In this Act—
- 1962, No. 12. “the Act of 1962” means the Criminal Justice (Legal Aid) Act, 1962;  
“local authority” means a body which is—
- (a) a local authority for the purposes of the Local Government Acts 1925 to 1960, 15
  - (b) a vocational education committee, or
  - (c) a committee of agriculture;
- “the Minister” means the Minister for Justice;
- “prosecutor”, in relation to an offence, means the person by whom the offence is prosecuted, being the Attorney General, a person prosecuting at the suit of the Attorney General or a person authorised by law to prosecute; 20
- “public place” means any place (including a building) to which the public have access whether as of right or by permission and whether subject to or free of charge; 25
- 1960, No. 27. “Saint Patrick’s Institution” has the same meaning as in the Criminal Justice Act, 1960;
- “superintendent” includes an inspector acting for a superintendent.
- (2) Any reference in this Act to fingerprints shall be construed as including a reference to palmprints. 30
- (3) Any reference in this Act to a clerk of the District Court shall be construed as including a reference to a deputy clerk thereof.
- (4) In this Act, including any amendment made by this Act in any other enactment, “offence to which there attaches a penalty of five years’ imprisonment or a more severe penalty” means an offence— 35
- (a) for which the court is required by law to sentence the offender (being a person of full age and capacity) to death or to imprisonment for life, or

(b) for which a person (of full age and capacity and not previously convicted) may, under or by virtue of any enactment, be sentenced to imprisonment for a term of five years.

5 3.—This Act shall come into force on such day or days as may be fixed therefor by any order or orders of the Minister, either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions of this Act. Commencement.

10 4.—Each of the enactments mentioned in the *First Schedule* to this Act is hereby repealed to the extent specified in the third column of that Schedule. Repeals.

## PART II

### 15 TERMINATION OF DISTINCTIONS BETWEEN FELONY AND MISDEMEANOUR AND RELATED PROVISIONS

5.—(1) All distinctions between felony and misdemeanour are hereby terminated. Termination of distinctions between felony and misdemeanour.

20 (2) Subject to the provisions of this Part of this Act, on all matters on which, up to the commencement of this section, a distinction has been made between felony and misdemeanour, including mode of trial, the law and practice in relation to all offences cognisable under the law (including piracy) shall be the law and practice applicable immediately before such commencement in relation to misdemeanour.

25 6.—(1) Any person who aids, abets, counsels or procures the commission of an indictable offence shall be liable to be tried, indicted, and punished as a principal offender. Penalties for assisting offenders, etc.

(2) Where—

30 (a) a person (in this subsection referred to as the offender) has committed an offence to which there attaches a penalty of five years' imprisonment or a more severe penalty, and

35 (b) any other person who, knowing or believing that the offender has committed the offence or some other offence (being an offence to which there attaches a penalty of five years' imprisonment or a more severe penalty), does, without reasonable excuse (the onus of proving which shall lie on such other person), any act with intent to impede the offender's apprehension or prosecution,

such other person shall be guilty of an offence.

40 (3) If, on the trial of an indictment for an offence (other than murder) to which there attaches a penalty of five years' imprisonment or a more severe penalty, the jury are satisfied that the offence charged (or some other offence of which the accused might on that charge be found guilty) was committed, but find the accused not  
45 guilty of it, they may find him guilty of any offence under subsection (2) of this section of which they are satisfied that he is guilty in relation to the offence charged (or that other offence).

(4) A person committing an offence under subsection (2) of this section with intent to impede another person's apprehension or pro-

secution shall on conviction on indictment be liable to imprisonment according to the gravity of the other person's offence, as follows:—

(a) if that offence is one for which the court is required by law to sentence an offender (being a person of full age and capacity) to death or to imprisonment for life, he shall be liable to imprisonment for not more than ten years; 5

(b) if it is one for which a person (of full age and capacity and not previously convicted) may be sentenced to imprisonment for a term of fourteen years, he shall be liable to imprisonment for not more than seven years; 10

(c) if it is not included above but is one for which a person (of full age and capacity and not previously convicted) may be sentenced to imprisonment for a term of ten years, he shall be liable to imprisonment for not more than five years; 15

(d) in any other case, he shall be liable to imprisonment for not more than three years.

(5) Subject to the next subsection, no proceedings shall be instituted for an offence under *subsection (2)* of this section except by or with the consent of the Attorney General. 20

(6) *Subsection (5)* of this section shall not prevent the arrest, or the issue of a warrant for the arrest, of a person for such an offence, or the remand in custody or on bail of a person charged with such an offence.

(7) The persons who, for the purposes of section 33 of the Larceny Act, 1916, and of any other enactment relating to receivers or receiving, shall be treated as receiving property, shall include any person who dishonestly undertakes or assists in the retention, removal, disposal or realisation of the property, by or for the benefit of another person, or who arranges to do so. 25 30

(8) The reference in section 3(1) of the Criminal Justice Act, 1951, to an offence by an accessory before or after the fact shall be construed as including a reference to an offence being—

(a) aiding, abetting, counselling or procuring the commission of an offence, being murder, attempt to murder, conspiracy to murder or piracy, or 35

(b) an offence under *subsection (2)* of this section, the offence known or believed to have been committed by the offender referred to in that subsection being murder, attempt to murder, conspiracy to murder or piracy. 40

Penalties for concealing offences or giving false information.

7.—(1) Where—

(a) a person has committed an offence to which there attaches a penalty of five years' imprisonment or a more severe penalty, and

(b) any other person who, knowing or believing that the offence or some other offence (being an offence to which there attaches a penalty of five years' imprisonment or a more severe penalty) has been committed, and that he has information which might be of material assistance in securing the prosecution or conviction of an offender for it, accepts or agrees to accept for not disclosing that information any consideration, 45 50

such other person shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding three years. 55

(2) Where a person—

(a) knowingly makes a false report or statement tending to show that an offence has been committed, whether by himself or another person, or to give rise to apprehension for the safety of persons or property, or

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(b) knowingly makes a false report or statement tending to show that he has information material to any inquiries by the Garda Síochána whereby he causes the time of the Garda Síochána to be wastefully employed,

10 such person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(3) No proceedings shall be instituted for an offence under this section except by or with the consent of the Attorney General.

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(4) The compounding of an offence other than treason shall not be an offence otherwise than under this section.

8.—(1) Where a person is arraigned on an indictment—

Trial of offences.

(a) he shall in all cases be entitled to make a plea of not guilty in addition to any demurrer or special plea,

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(b) he may plead not guilty of the offence specifically charged in the indictment but guilty of another offence of which he might be found guilty on that indictment.

(2) Where a person is charged on indictment with attempting to commit an offence or with an assault or other act preliminary to an offence, but not with the completed offence, then (subject to the discretion of the court to discharge the jury with a view to preferment of an indictment for the completed offence) he may be convicted of the offence charged notwithstanding that he is shown to be guilty of the completed offence.

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9.—(1) Where a person is convicted on indictment of an offence and is for that offence liable to be sentenced to imprisonment, but the sentence is not by any enactment either limited to a specified term or expressed to extend to imprisonment for life, the person so convicted shall be liable—

Powers of dealing with offenders.

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(a) in case the offence consists of conspiring to commit another offence, to imprisonment for not more than three years or, where the maximum term of imprisonment attaching to the other offence is a term of more than three years, for not more than that term, and

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(b) in any other case, to imprisonment for not more than two years.

(2) A person convicted of an attempt to commit an offence for which a maximum term of imprisonment or a maximum fine is provided by an enactment shall not be sentenced to imprisonment for a term longer, nor to a fine larger, than that to which he could be sentenced for the completed offence.

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(3) Where a person is convicted on indictment of any offence other than an offence for which the court is required by law to sentence the offender (being a person of full age and capacity) to death or imprisonment for life, or is convicted summarily of any offence, the court may impose a fine (not exceeding fifty pounds in the case of a summary conviction) in lieu of or in addition to dealing with him in any other way in which the court has power to deal with him.

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subject however to any enactment limiting the amount of the fine that may be imposed or under which the court is compelled to deal with him in a particular way.

(4) Notwithstanding anything in any enactment whereby power is conferred on a court, on a person's conviction of an offence, to bind him over to keep the peace or to be of good behaviour, or to keep the peace and be of good behaviour, that power may be exercised without sentencing the person convicted to a fine or to imprisonment. 5

Amendments of particular enactments.

10.—The enactments mentioned in the *Second Schedule* to this Act are hereby amended in accordance with the provisions of that Schedule. 10

Savings and other general provisions.

11.—(1) Subject to the next subsection, this Part of this Act, in so far as it affects any matter of procedure or evidence, shall have effect in relation to proceedings on indictment for an offence committed before the commencement of this section if, but only if, the person charged is arraigned after that commencement. 15

(2) Where a person is arraigned after the commencement of this section on an indictment for a felony committed before that commencement, the offence shall be deemed always to have been a misdemeanour and, notwithstanding that the indictment is framed as an indictment for felony, shall be deemed to be charged as a misdemeanour in the indictment. 20

(3) Subject to any express amendment or repeal made by this Act, the following provisions shall have effect in relation to any enactment passed before this Act: 25

(a) any enactment creating a felony shall be construed as creating an offence, and nothing in this Act shall affect the operation of any reference to an offence in the enactments specially relating to that offence by reason only of the reference being in terms no longer applicable after the commencement of this section; 30

(b) any enactment referring to felonious stealing or to felonious taking shall be read as referring merely to stealing;

(c) nothing in this Part of this Act, other than *section 9 (3)*, shall affect the punishment provided for an offence by the enactments specially relating to that offence. 35

(4) In this Part of this Act references to felony shall not be taken as including treason, but the procedure on trials for treason or misprision of treason shall be the same as the procedure as altered by this Act on trials for murder. 40

### PART III

#### POWERS OF ARREST, SEARCH AND TAKING OF FINGERPRINTS

Arrest without warrant (powers of member of Garda Síochána).

12.—(1) Where a member of the Garda Síochána, with reasonable cause, suspects that an offence to which there attaches a penalty of five years' imprisonment or a more severe penalty, has been committed, he may arrest without warrant a person whom he, with reasonable cause, suspects to be guilty of the offence. 45

(2) A member of the Garda Síochána may arrest without warrant a person whom he finds doing anything which constitutes, or which the member reasonably believes to constitute, an indictable offence if, having enquired of the person, either— 50

(a) he has reasonable doubts as to the person's identity, or

(b) he knows that the person has not, or he has reasonable doubts as to whether the person has, a fixed abode in the State.

5 (3) A member of the Garda Síochána may arrest without warrant a person whom he finds doing anything which constitutes, or which the member reasonably believes to constitute, an offence, being—

10 (a) an offence whereby, in the opinion of the member, human life is endangered or a risk of serious injury to any person or of serious damage to property is caused,

(b) an offence involving the intimidation of another person,

(c) an offence involving damage to property or involving drunkenness in a public place or disorderly conduct in a public place, or

15 (d) an offence involving a breach of the peace or any other conduct which, in the opinion of the member, is likely to lead to a breach of the peace,

if an arrest is, in the opinion of the member, necessary to protect human life, to prevent serious injury to any person or serious damage  
20 to property, to prevent the continuation of the offence or to restore or preserve the peace.

(4) A member of the Garda Síochána may arrest a person without warrant where—

25 (a) he is satisfied that the person has committed an offence involving a breach of the peace or has engaged in conduct that was likely to lead to the commission of such an offence,

30 (b) he has reasonable grounds for believing that the person is likely to engage in further conduct whereby the commission of an offence involving a serious breach of the peace may occur, and

(c) it is not reasonably practicable to apply for a warrant.

35 (5) A member of the Garda Síochána may arrest a person without warrant where, between one hour after sunset on any day and one hour before sunrise on the next day, he finds the person loitering in a street, yard or other place and has reasonable grounds for believing that the person intends to commit an offence to which there attaches a penalty of five years' imprisonment or a more severe penalty.

40 (6) A member of the Garda Síochána may arrest without warrant a person where—

(a) he knows or, with reasonable cause, suspects that the person is committing an offence under *subsection (1), (2) or (3) of section 22* of this Act, and

(b) either—

45 (i) having enquired of the person, he has reasonable doubts as to the person's identity,

(ii) having enquired of the person, he knows that the person has not, or he has reasonable doubts as to whether the person has, a fixed abode in the State, or

50 (iii) he has reasonable grounds for believing that it is necessary to arrest the person in order to prevent the unlawful use of the knife or other article.

(7) A member of the Garda Síochána may arrest without warrant a person whom he, with reasonable cause, suspects to be guilty of an offence under *section 59* of this Act.

(8) A member of the Garda Síochána may arrest without warrant a person who, after warning, refuses to desist from or continues conduct which the member has reasonable grounds for believing to be an offence under *Part VI* of this Act. 5

(9) For the purpose of arresting a person under any power conferred by this section, a member of the Garda Síochána may enter (if need be, by force) and search any place where that person is or where the member, with reasonable cause, suspects him to be. 10

(10) Neither this nor the next section shall affect the operation of any enactment restricting the institution of proceedings for an offence.

(11) Any power to arrest without warrant which, immediately before the commencement of this section, stood exercisable at common law by a member of the Garda Síochána shall cease to be so exercisable as from such commencement. 15

Arrest without  
warrant (powers  
of person not  
member of  
Garda Síochána).  
1916, c. 50.

**13.—(1)** Where an offence involving the death of or grievous bodily harm to any person or malicious damage to property or an offence under the Larceny Act, 1916, has been or is being committed and a person who is not a member of the Garda Síochána— 20

(a) knows or, with reasonable cause, suspects that another person committed or is committing the offence, and

(b) has reasonable grounds for believing—

(i) that the other person, if not arrested, may evade justice, 25

(ii) that it is not practicable to await the arrival of a member of the Garda Síochána, and

(iii) in case the offence involves malicious damage to property, that the damage is to an amount exceeding fifty pounds, 30

he may arrest without warrant the other person.

(2) Where a person who is not a member of the Garda Síochána—

(a) finds another person engaged in committing an offence whereby human life is endangered or a risk of serious injury to any person or of serious damage to property is caused, and 35

(b) has reasonable grounds for believing that an arrest is necessary to protect human life or to prevent serious injury to any person or serious damage to property, 40

he may arrest without warrant the other person.

(3) Any power to arrest without warrant which, immediately before the commencement of this section, stood exercisable at common law by a person who is not a member of the Garda Síochána shall cease to be so exercisable as from such commencement. 45

Search of persons.

**14.—(1)** Where a member of the Garda Síochána lawfully arrests a person, he may search the person or cause him to be searched if—

5 (a) because of violence of conduct or of language on the part of the person or because of other special circumstances, he has reasonable grounds for believing that it is prudent to search the person for a weapon or other article with which he might inflict an injury, or

(b) he has reasonable grounds for believing that the person has concealed on his person material evidence in relation to the offence for which he is arrested.

10 (2) In any of the places referred to in *subsections (1), (2) and (3)* of *section 22* of this Act and in which people are congregated, a member of the Garda Síochána may, if a breach of the peace is occurring or the member has reasonable grounds for believing that a breach of the peace may occur, search a number of persons, notwithstanding that he has no reason for suspecting that any particular one  
15 of them is committing an offence under any of those subsections, if, with reasonable cause, he suspects that such an offence is being committed by some one or more of them and that a search is necessary to ascertain if a knife or other article is being carried illegally.

20 (3) Where, in the course of any search (whether carried out in exercise of the powers conferred by this Part or carried out under or by virtue of another enactment or rule of law) in connection with an offence or suspected offence, a member of the Garda Síochána finds what he reasonably believes to be material evidence of—

(a) that offence, or

25 (b) any other offence, being indictable,

he may seize and retain it for use as evidence in a prosecution.

(4) Where a member of the Garda Síochána finds a person having with him any knife or other article and the member has reasonable grounds for believing that it may be used to inflict any injury, he may,  
30 without prejudice to the power to retain it if it is required as evidence in any prosecution, retain it for a reasonable time in the interests of safety.

35 (5) Any power to search a person whom he has arrested, or cause him to be searched, which immediately before the commencement of this section stood exercisable at common law by a member of the Garda Síochána shall cease to be so exercisable as from such commencement.

40 15.—(1) If, on information supplied on oath by a member of the Garda Síochána, a justice of the District Court or a peace commissioner is satisfied that there are grounds for suspecting that material evidence relating to

Search of premises.

(a) an indictable offence which involves—

(i) the death of or grievous bodily harm to any person, or

45 (ii) malicious damage to property involving the use of fire, firearms or explosives, or the killing or maiming of horses or cattle,

or

(b) rape,

50 is to be found in any house, shop, warehouse, yard or other premises, the justice or commissioner may issue a warrant for the search of the premises.

(2) The power under this section to issue a warrant is in addition to, and not in substitution for, any other power of a justice or peace commissioner to issue a warrant to search premises.

(3) Any power to search premises incidentally to making an arrest which, immediately before the commencement of this section, stood exercisable at common law by a member of the Garda Síochána shall cease to be exercisable as from such commencement. 5

Search of vehicles

16.—(1) This section applies in a case in which—

(a) a person driving a vehicle stops it on being so required by a member of the Garda Síochána, 10

(b) the requirement to stop the vehicle was made by the member in the course of his inquiries into—

(i) an offence under the Larceny Act, 1916, or

(ii) an indictable offence which involves—

(I) the death of or grievous bodily harm to any person, or 15

(II) malicious damage to property involving the use of fire, firearms or explosives, or the killing or maiming of horses or cattle,

or

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(iii) rape.

(2) In any such case the member of the Garda Síochána may, if he has reasonable grounds for believing that there is in the vehicle material evidence relating to the offence, search the vehicle and if he finds any article which he has reasonable grounds for believing to be or to provide such evidence, he may search or cause to be searched every person found in or accompanying the vehicle. 25

Use of force in making arrest, etc.

17.—(1) A person may use such force as is reasonable in the circumstances in the prevention of crime, in the lawful arrest of an offender or suspected offender or of a person unlawfully at large or in the lawful search of a person. 30

(2) Any power to use force in the prevention of crime, in the lawful arrest of an offender or suspected offender or of a person unlawfully at large or in the lawful search of a person which, immediately before the commencement of this section, stood exercisable at common law shall cease to be so exercisable as from such commencement. 35

General restrictions on right of search.

18.—(1) A search authorised under this Part shall not be carried out to any greater extent than is reasonably necessary for the purposes for which the search is authorised, but if, in the course of the search, articles or goods are found which appear to constitute, in the case of a search under *section 14 (2)* of this Act, evidence of the commission of the suspected offence or, in that or any other case, evidence of the commission of another offence (being indictable), the search may be proceeded with to find if other such evidence is to be found. 40

(2) Nothing in this Part shall authorise the search of a woman or girl otherwise than by a woman. 45

19.—(1) A justice of the District Court, on the application of a member of the Garda Síochána not below the rank of sergeant, may by order authorise the taking of the fingerprints of a person charged with an offence but not tried therefor who is in lawful custody.

Taking of fingerprints of person charged with offence.

5 (2) The taking of fingerprints under an order under this section may be effected either at the place where the application is made or, if the person is remanded in custody, at any place to which he is committed.

10 (3) Where a person's fingerprints may be taken under an order under this section, a member of the Garda Síochána may for that purpose use such reasonable force as may be necessary.

(4) Fingerprints taken under an order under this section, and all copies and records thereof, shall, if not previously destroyed, be destroyed—

15 (a) in a case in which there has been a hearing in the District Court, on the conclusion of the proceedings except where the person has been dealt with under the Probation of Offenders Act, 1907, convicted, or sent forward for trial, and 1907, c. 17.

20 (b) in a case in which the person, having been sent forward for trial, is acquitted, on the acquittal.

25 20.—(1) Where a justice of the District Court, on information supplied on oath by a member of the Garda Síochána not below the rank of sergeant, is satisfied there are grounds for suspecting that a person has committed an offence under the Larceny Act, 1916, or an offence in connection with which a search warrant may be issued under this Act, he may by order authorise the taking of the person's fingerprints.

Taking of fingerprints of suspected person.

30 (2) The power to take a person's fingerprints under an order under this section shall cease on the expiration of one month from the date of the order.

(3) Where a person's fingerprints may be taken under an order under this section, a member of the Garda Síochána may for that purpose use such reasonable force as may be necessary.

35 (4) Fingerprints taken under an order under this section, and all copies and records thereof, shall, if not previously destroyed, be destroyed—

40 (a) where the person is not prosecuted for the offence within the period of six months from the date of the order, on the expiration of that period, and

(b) where the person is so prosecuted—

45 (i) in a case in which there has been a hearing in the District Court, on the conclusion of the proceedings except where the person has been dealt with under the Probation of Offenders Act, 1907, convicted, or sent forward for trial, and

(ii) in a case in which the person, having been sent forward for trial, is acquitted, on the acquittal.

Taking of fingerprints of person dealt with under Probation of Offenders Act, 1907, or convicted.

21.—(1) Where a person, on being prosecuted for an indictable offence, is dealt with under the Probation of Offenders Act, 1907, or convicted, his fingerprints may be taken by a member of the Garda Síochána either within the precincts of the court or at any other convenient place.

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(2) The power to take a person's fingerprints under this section shall cease on the expiration of one week beginning on the date on which he is dealt with under the Probation of Offenders Act, 1907, or convicted, unless he has made it impracticable for his fingerprints to be taken under this section in that period.

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(3) Where a person's fingerprints may be taken under this section, a member of the Garda Síochána may for that purpose use such reasonable force as may be necessary.

#### PART IV

#### OFFENSIVE WEAPONS

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Possession of knives, etc.

22.—(1) Where a person, without reasonable excuse (the onus of proving which shall lie on him),—

(a) has with him in—

(i) any dance hall, dance marquee, cinema, theatre, recreation hall or amusement hall,

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(ii) any club premises, or

(iii) any premises in which food or drink (whether intoxicating or not) is served to the public,

at a time when people are likely to be resorting thereto,

or

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(b) has with him at any sports fixture, carnival, bazaar or other place of entertainment where people are likely to congregate,

any knife whatsoever other than a pocket-knife no blade of which can be locked by a lever, button, spring or other device in an "open" position, he shall be guilty of an offence.

(2) Where a person, without reasonable excuse (the onus of proving which shall lie on him), has with him in any public place—

(a) any flick-knife, or

(b) any other article whatsoever made or adapted for use for causing injury to the person,

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he shall be guilty of an offence.

(3) Where a person has with him in any public place any article intended by him unlawfully to cause injury to or intimidate any person either in a particular eventuality or otherwise, he shall be guilty of an offence.

40

(4) Where a person imports, manufactures, sells, hires, offers for sale or hire, or exposes or has in his possession for the purpose of sale or hire, or gives or lends to any person, any flick-knife, he shall be guilty of an offence.

45

(5) In a prosecution for an offence under subsection (3) of this section, it shall not be necessary for the prosecution to allege or show that the intent to cause injury or intimidate was intent to cause injury to or intimidate a particular person and if, having regard to all the circumstances (including the type of the article alleged to have been intended to cause injury or intimidate, the time of the day or night, and the place), the court thinks it reasonable to do so, it may regard possession of the article in the particular circumstances as sufficient evidence of intent in the absence of any adequate explanation by the defendant.

(6) A person who is guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding one hundred pounds or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment, and

(b) on conviction on indictment, to a fine not exceeding two hundred pounds or, at the discretion of the court, to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

(7) In this section “flick-knife” means a knife—

(a) the blade of which opens when hand pressure is applied to a button, spring, lever or other device in or attached to the handle, or

(b) the blade of which is released from the handle or sheath by the force of gravity or the application of centrifugal force and which is locked in an open position by means of a button, spring, lever or other device.

23.—Where a person, while committing (or being reasonably believed by the other person hereinafter mentioned to be about to commit) an offence, or in the course of a dispute or fight, produces in a manner likely unlawfully to intimidate another person any knife whatsoever, or any other article capable of inflicting serious injury, he shall be guilty of an offence and shall be liable—

Production of article capable of inflicting serious injury.

(a) on summary conviction, to a fine not exceeding one hundred pounds or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment, and

(b) on conviction on indictment, to a fine not exceeding two hundred pounds or, at the discretion of the court, to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

## PART V

### PROVISIONS RELATING TO PROOF AND EVIDENCE

24.—(1) In any criminal proceedings, other than the preliminary examination of an indictable offence, a written statement by any person shall, if such of the conditions mentioned in the next following subsection as are applicable are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.

Proof by written statement.

(2) The said conditions are:

(a) the statement purports to be signed by the person who made it;

- (b) the statement contains a declaration by that person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that, if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true; 5
- (c) before the hearing at which the statement is tendered in evidence, a copy of the statement is served, by or on behalf of the party proposing to tender it, on each of the other parties to the proceedings; and 10
- (d) none of the other parties or their solicitors, within fourteen days from the service of the copy of the statement, serves a notice on the party so proposing objecting to the statement being tendered in evidence under this section: 15
- Provided that the conditions mentioned in *paragraphs* (c) and (d) of this subsection shall not apply if the parties agree before or during the hearing that the statement shall be so tendered.
- (3) Notwithstanding that a written statement made by any person may be admissible as evidence by virtue of this section—
- (a) the party by whom or on whose behalf a copy of the statement was served may call that person to give evidence, and 20
- (b) the court may, of its own motion or on the application of any party to the proceedings, require that person to attend before the court and give evidence. 25
- (4) An application under *paragraph* (b) of the foregoing subsection may be made before the hearing in a case in which the proceedings are in the Central Criminal Court and in a case in which they are in the Circuit Court and, in the former case, the powers of the court shall be exercisable by any judge of the High Court and, in the latter case, the powers of the court shall be exercisable by any judge of the Circuit Court. 30
- (5) So much of any statement as is admitted in evidence by virtue of this section shall, unless the court otherwise directs, be read aloud at the hearing. 35
- (6) Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.
- (7) A document required by this section to be served on any person may be served— 40
- (a) by delivering it to him or to his solicitor,
- (b) by addressing it to him and leaving it at his usual or last known place of abode or place of business or by addressing it to his solicitor and leaving it at the solicitor's office, 45
- (c) by sending it by registered post in an envelope addressed to him at his usual or last known place of abode or place of business or addressed to his solicitor at the solicitor's office, or
- (d) in the case of a body corporate, by delivering it to the secretary or clerk of the body at its registered or principal office or sending it by registered post in an envelope addressed to the secretary or clerk of that body at that office. 50

(8) Where—

(a) a statement is tendered in evidence by virtue of this section,  
and

5 (b) the person by whom the statement was made has wilfully  
stated in it anything which he knew to be false or did not  
believe to be true,

he shall be guilty of an offence and shall be liable on summary con-  
viction to a fine not exceeding one hundred pounds or, at the discre-  
tion of the court, to imprisonment for a term not exceeding six months  
10 or to both such fine and such imprisonment.

25.—(1) Subject to the provisions of this section, any fact of which  
oral evidence may be given in any criminal proceedings may be  
admitted for the purpose of those proceedings by or on behalf of the  
prosecutor or defendant, and the admission by any party of any such  
15 fact under this section shall as against that party be conclusive  
evidence in those proceedings of the fact admitted. Proof by forma  
admission.

(2) An admission under this section—

(a) may be made before or at the proceedings,

(b) if made otherwise than in court, shall be in writing,

20 (c) if made in writing by an individual, shall be signed by the  
person making it and, if so made by a body corporate,  
shall be signed by a director or manager, or the secretary  
or clerk, or some other similar officer of the body cor-  
porate,

25 (d) if made on behalf of a defendant who is an individual, shall  
be made by his counsel or solicitor,

(e) if made at any stage before the trial by a defendant who is  
an individual, must be approved by his counsel or solicitor  
either at the time it was made or subsequently,

30 (f) shall not be accepted, at the trial, from a defendant who is  
an individual unless he is represented by counsel or a  
solicitor,

and any such signature as is referred to in *paragraph (c)* of this sub-  
section shall be taken to be that of the person whose signature it  
35 appears to be unless the contrary is shown.

(3) An admission under this section for the purpose of proceedings  
relating to any matter shall be treated as an admission for the purpose  
of any subsequent criminal proceedings relating to that matter (includ-  
ing any appeal or retrial).

40 (4) An admission under this section may with the leave of the court  
be withdrawn in the proceedings for the purpose of which it is made  
or any subsequent criminal proceedings relating to the same matter.

26.—(1) A previous conviction may be proved against any person  
in any criminal proceedings by the production of such evidence of  
45 the conviction as is mentioned in this section, and by showing that  
his fingerprints and those of the person convicted are the fingerprints  
of the same person. Proof of previous  
convictions by  
fingerprints.

(2) A certificate which—

50 (a) purports to be signed by or on behalf of the Commissioner  
of the Garda Síochána,

(b) contains particulars relating to a conviction which are stated in the certificate to have been extracted from the criminal records kept by him, and

(c) certifies that the copies of the fingerprints referred to as an exhibit and identified in the certificate are copies of the fingerprints appearing from those records to have been taken on the occasion of the conviction from the person convicted, 5

shall be evidence of the conviction and evidence that the copies of the fingerprints referred to in the certificate are copies of the fingerprints of the person convicted. 10

(3) A certificate which—

(a) purports to be signed by or on behalf of the governor of a prison or of Saint Patrick's Institution,

(b) certifies that a person was detained in the prison or Saint Patrick's Institution in connection with criminal proceedings, and 15

(c) certifies that the fingerprints referred to as an exhibit and identified in the certificate were taken from that person while so detained, 20

shall be evidence that those fingerprints are the fingerprints of that person.

(4) A certificate which—

(a) purports to be signed by or on behalf of the Commissioner of the Garda Síochána, and 25

(b) certifies that—

(i) the fingerprints copies of which are certified under subsection (2) of this section to be copies of the fingerprints of a person previously convicted, and

(ii) the fingerprints certified under subsection (3) of this section, or otherwise shown, to be the fingerprints of the person against whom the previous conviction is sought to be proved, 30

are the fingerprints of the same person,

shall be evidence of the matter certified as aforesaid. 35

(5) The method of proving a previous conviction authorised by this section shall be in addition to any other method of proving the conviction.

Evidence of previous crime or misconduct.

27.—(1) In a criminal proceeding, evidence shall be admissible notwithstanding that it tends to show that the accused person was guilty of crime or misconduct on an occasion other than that to which the proceeding relates if— 40

(a) the case is one in which it is relevant for the prosecution to show that the accused person had engaged in a system or course of criminal activity and the evidence tends to show that he had so engaged, or 45

(b) the evidence is evidence of the accused person's whereabouts or actions at a particular place or time or evidence that he had some particular knowledge or skill or a propensity

5 to adopt or use a particular method of operation or to act in a particular way and, in any such case, the evidence tends to identify the accused person as the person who committed the crime to which the proceeding relates or to establish that an act or omission of his was criminal or to rebut a defence or explanation which has been or which may reasonably be expected to be put forward by him or which it is necessary for the court to consider.

10 (2) The court may exclude evidence which would be admissible by virtue of the foregoing subsection if that evidence is not reasonably necessary for the purpose for which it is sought to adduce it or if the court considers that the evidence would be likely to have a prejudicial effect disproportionate to its probative value.

15 (3) Nothing in *subsection (1)* of this section shall be construed as restricting the right of the court to admit evidence.

## PART VI

### MEETINGS, PROCESSIONS AND DEMONSTRATIONS

28.—(1) Any—

(a) public meeting, or

20 (b) procession in or through a public place, or

(c) demonstration in a public place by one person or by two or more persons,

which is—

25 (i) at or within one-half of a mile from any building in which a House of the Oireachtas is sitting, and

(ii) calculated to influence or affect the deliberations of such House of the Oireachtas, or the views or actions of any member thereof,

shall be unlawful.

30 (2) Nothing in the foregoing subsection applies to a demonstration which is an attendance within section 2(1) of the Trade Disputes Act, 1906, if any of the workmen in the trade dispute ordinarily work in the building in which the House of the Oireachtas is sitting. 1906, c. 47.

(3) Any—

(a) public meeting, or

35 (b) procession in or through a public place, or

(c) demonstration in a public place by one person or by two or more persons,

being relative to any civil or criminal proceedings which are pending or at hearing, shall be unlawful.

40 (4) A person who organises, holds, takes part in or makes any meeting, procession or demonstration which is unlawful under this section, or attempts to do so, shall be guilty of an offence.

45 (5) (a) A sitting of a House of the Oireachtas beginning after the commencement of a day shall be taken for the purposes of this section as having begun on the commencement of that day.

Unlawful meetings, processions and demonstrations.

(b) A sitting of a House of the Oireachtas shall be taken for the purposes of this section as having continued for two hours after the time when in fact it ended.

(6) A certificate signed by any person purporting to hold the office of Clerk or Clerk-Assistant of a House of the Oireachtas and stating that a sitting of the House—

(a) began on a specified day, and

(b) ended on a specified day at a specified time, shall be evidence that the House sat as so stated without proof of the signature of the person signing the certificate and without proof with respect to the holding by him of the said office.

Power to prohibit meetings, processions and demonstrations believed to be unlawful.

29.—(1) Where a member of the Garda Síochána not below the rank of superintendent has reasonable grounds for believing that a meeting, procession or demonstration will, if it takes place, be unlawful under *section 28* of this Act, he may, if he considers it desirable to do so, by notice given to a person concerned in the holding, organisation or making of the meeting, procession or demonstration or published in a manner reasonably calculated to come to the knowledge of the persons so concerned, prohibit the meeting, procession or demonstration.

(2) Where a notice is given under *subsection (1)* of this section, any person concerned in the holding, organisation or making of the meeting, procession or demonstration may appeal in a summary manner to the High Court and that Court, if it considers that the meeting, procession or demonstration will, if it takes place, not be unlawful under *section 28* of this Act, may cancel the notice.

(3) (a) This subsection applies in a case in which a person concerned in the holding, organisation or making of a public meeting, procession or demonstration gives written notice of it to the superintendent of the Garda Síochána in whose district it is to take place and informs him that, if a notice under *subsection (1)* of this section is given, it is intended to appeal.

(b) Where it is decided in such a case that a notice under *subsection (1)* of this section is to be given, the notice shall be given with all convenient speed so as to allow, in so far as the circumstances permit, adequate time for the taking of an appeal.

(4) Where a meeting, procession or demonstration stands prohibited by a notice under this section, a person who organises, holds, takes part in or makes the meeting, procession or demonstration, or attempts to do so, shall be guilty of an offence.

Meetings and processions requiring notice.

30.—(1) (a) A person shall not organise or hold—

(i) any public meeting, or 45

(ii) any procession in or through any public place,

or attempt to do so, save where the notice specified in the next paragraph is given to the superintendent of the Garda Síochána in whose district the meeting or procession is proposed to take place. 50

(b) The notice referred to in the foregoing paragraph is notice giving details of the proposed time and of the proposed place or route, being a twenty-four hours' (or longer)

notice or such shorter notice as the superintendent may agree to accept.

(2) A person who contravenes *subsection (1)* of this section shall be guilty of an offence.

5 (3) Nothing in the foregoing subsections of this section—

(a) applies to—

10 (i) a public meeting held in connection with a parliamentary, presidential or local election or in a place where and at a time or on an occasion when public meetings are customarily held, or

(ii) a procession which is a funeral or is of a kind customarily held along the route,

(b) shall render lawful anything which is unlawful apart from this section.

15 31.—(1) Where, having regard to the time or place at which and the circumstances in which a public meeting is intended to take place, a member of the Garda Síochána not below the rank of superintendent has reasonable grounds for believing that the holding of the meeting (whether in a public place or not) may occasion  
20 serious public disorder or, in the case of a meeting in the public highway, undue interference with the rights of other users of such highway, he may, by notice given to a person concerned in the holding or organisation of the meeting or published in a manner reasonably calculated to come to the knowledge of the persons so  
25 concerned, either—

Power to impose conditions with respect to or prohibit meetings and processions.

(a) impose such conditions with respect to the meeting (including conditions both as to the time and as to the place) as appear to him to be necessary for preserving public order or safeguarding the said rights, or

30 (b) if he considers it necessary for preserving public order or safeguarding the said rights, prohibit the meeting.

(2) Where, having regard to the time at or route through which and the circumstances in which a procession in or through a public place is intended to take place, a member of the Garda Síochána  
35 not below the rank of superintendent has reasonable grounds for believing that the holding of the procession may occasion serious public disorder, or undue interference with the rights of other users of such place or any other public place, he may, by notice given to a person concerned in the holding or organisation of the procession  
40 or published in a manner reasonably calculated to come to the knowledge of the persons so concerned, either—

45 (a) impose such conditions with respect to the procession (including conditions both as to time and as to the route) as appear to him to be necessary for preserving public order or safeguarding the said rights, or

(b) if he considers it necessary for preserving public order or safeguarding the said rights, prohibit the procession.

(3) In deciding pursuant to this section whether to impose conditions with respect to a meeting or procession on grounds of undue  
50 interference with the rights of users of a public place and in so deciding whether to prohibit a meeting or procession on those grounds, the member of the Garda Síochána concerned shall take into account local custom in relation to meetings or processions of the kind in question, and, in cases of presidential, parliamentary or  
55 local elections, or in any other cases in which meetings or processions

similar in character to one another are being held by different groups, the member shall make no distinctions between the meetings or processions of different groups other than any distinctions which may be reasonable because of differences in the expected size or in the time, place, route or other circumstances of different meetings or processions. 5

(4) (a) Where a notice is given under this section, any person concerned in the holding or organisation of the meeting or procession may appeal in a summary manner to the High Court and that Court, if satisfied that the member of the Garda Síochána concerned had not reasonable grounds for imposing the conditions he imposed, or for prohibiting the meeting or procession, may cancel the notice or direct that it be modified. 10

(b) In any such appeal, conditions imposed on account of danger of serious public disorder, or a prohibition so imposed, shall not be regarded as having been imposed without reasonable grounds by reason only of the fact that the member of the Garda Síochána is of opinion that the danger may come primarily or entirely from persons other than those taking part in the meeting or procession if he has reasonable doubts as to whether the members of the Garda Síochána likely to be available on the occasion would be sufficient in numbers to prevent such disorder. 15 20

(5) Where there has been a failure to give a notice required by section 30 of this Act, any member of the Garda Síochána may, by oral or written direction to any person present, prohibit the holding of the meeting or procession on any ground on which a superintendent may do so under this section. 25

(6) (a) Where a meeting or procession stands restricted by conditions imposed by a notice under this section, a person who organises, holds or takes part in the meeting or procession, or attempts to do so, shall be guilty of an offence if the meeting or procession is held otherwise than in accordance with those conditions. 30 35

(b) Where a meeting or procession stands prohibited by a notice or direction under this section, a person who organises, holds or takes part in the meeting or procession, or attempts to do so, shall be guilty of an offence.

(c) Where an appeal is taken under subsection (4) of this section, any making of preparations for the meeting or procession (other than the assembly of persons to take part) which is effected before the appeal is determined shall be disregarded for the purposes of this subsection. 40

(7) (a) This subsection applies in a case in which a person informs a member of the Garda Síochána that, if a notice under this section is given, it is intended to appeal. 45

(b) Where it is decided in such a case that a notice under this section is to be given, the notice shall be given with all convenient speed so as to allow, in so far as the circumstances permit, adequate time for the taking of an appeal. 50

Watching and besetting.

32.—(1) Every person who, with a view to compelling any other person (in this subsection referred to as the said person) to abstain from doing or to do anything which the said person has a legal right to do or abstain from doing, wrongfully and without legal authority, watches or besets the house or other place where the said person or any other person resides, or works, or carries on business, or happens to be, or the approach to such house or place, shall be guilty of an offence. 55

(2) The foregoing subsection does not affect section 2 (1) of the Trade Disputes Act, 1906.

33.—(1) Any person who at a lawful public meeting acts in a disorderly manner for the purpose of preventing the transaction of the business of the meeting shall be guilty of an offence. Acting at meeting or procession in disorderly manner.

(2) In a prosecution for an offence under this section, it shall be presumed, until the contrary is shown, that the meeting was lawful.

34.—A person shall, on summary conviction of an offence under this Part of this Act, be liable to a fine not exceeding fifty pounds or, at the discretion of the court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment. Penalty.

## PART VII

### APPEALS AND CASES STATED

35.—Where an appeal is taken to the Supreme Court at the instance of the Attorney General against an order of the High Court under Article 40.4.2° of the Constitution for the release of a person from detention— Provisions in relation to appeals by Attorney General against order under Article 40.4.2° of Constitution.

(a) the Supreme Court shall, notwithstanding anything in the Act of 1962, grant a legal aid (Supreme Court) certificate (within the meaning of the Act of 1962) in respect of the person aforesaid,

(b) if the person aforesaid is not represented at the hearing of the appeal, the Supreme Court may assign a solicitor and counsel to argue in support of the decision of the High Court and, if a solicitor and counsel are assigned under this paragraph, the Act of 1962 shall apply and have effect as if the preparation and conduct of the case in support of the decision of the High Court by them were the preparation and conduct of the person's case in relation to the appeal by a solicitor and counsel assigned to the person by virtue of the Act of 1962.

36.—(1) Where—

(a) the Court of Criminal Appeal makes, in relation to a person who has been convicted of an offence, an order resulting in his discharge (including a case in which that Court remits a sentence), and Appeal by Attorney General from decision of Court of Criminal Appeal.

(b) the Attorney General certifies that the decision involves a point of law of exceptional public importance and that it is desirable in the public interest that an appeal should be taken to the Supreme Court,

an appeal shall lie to the Supreme Court at the instance of the Attorney General.

(2) Where an appeal is taken under this section—

(a) the Supreme Court shall, notwithstanding anything in the Act of 1962, grant a legal aid (Supreme Court) certificate (within the meaning of the Act of 1962) in respect of the person aforesaid,

(b) if the person aforesaid is not represented at the hearing of the appeal, the Supreme Court may assign a solicitor and counsel to argue in support of the decision of the Court of Criminal Appeal and, if a solicitor and counsel are assigned under this paragraph, the Act of 1962 shall apply and have effect as if the preparation and conduct of the case in support of the decision of the Court of Criminal Appeal by them were the preparation and conduct of the person's case in relation to the appeal by a solicitor and counsel assigned to the person by virtue of the Act of 1962.

Reference of question of law in jury trial to Supreme Court.

37.—(1) Where, on a question of law, a verdict in favour of an accused person is found by direction of the trial judge, the Attorney General may refer the question of law to the Supreme Court for determination.

(2) The statement of the question to be referred to the Supreme Court shall be settled by the Attorney General after consultation with the judge by whom the direction was given and shall include any observations which the judge may wish to add.

(3) Where a question of law is referred to the Supreme Court under this section—

(a) the Supreme Court shall, notwithstanding anything in the Act of 1962, grant a legal aid (Supreme Court) certificate (within the meaning of the Act of 1962) in respect of the person aforesaid,

(b) if the person aforesaid is not represented at the hearing of the matter by the Supreme Court, that Court may assign a solicitor and counsel to argue in support of the decision and, if a solicitor and counsel are assigned under this paragraph, the Act of 1962 shall apply and have effect as if the preparation and conduct of the case in support of the decision by them were the preparation and conduct of the person's case in relation to the appeal by a solicitor and counsel assigned to the person by virtue of the Act of 1962.

Case stated by Circuit Court to Supreme Court.

1907, c. 17.

38.—(1) Within fourteen days after the determination by the Circuit Court of an appeal to it by a person who had been either dealt with under the Probation of Offenders Act, 1907, or convicted by the District Court the person or the prosecutor may, if dissatisfied with the determination as being erroneous in law, apply in writing to the judge of the Circuit Court concerned or to any other judge acting in his place to state a case for the decision of the Supreme Court on the question of law involved.

1857, c. 43.

1961, No. 39.

(2) The provisions of the Summary Jurisdiction Act, 1857, as amended by section 51 of the Courts (Supplemental Provisions) Act, 1961, shall apply in relation to a case stated under this section, an application therefor and all consequential and ancillary matters as if—

(a) the case stated and the application therefor were under that Act as so amended,

(b) references to the court to which a case is to be or is stated were references to the Supreme Court,

5 (c) references in that Act, as so amended, to a justice or justices or to a justice of the District Court were references to the judge concerned save that the reference in section 3 of the said Act to any other justice exercising the same jurisdiction shall be construed as a reference to a justice of the District Court or a peace commissioner,

10 (d) the provision in the said section 3 in relation to the further conditioning of a recognisance were a provision requiring that the condition should be for the appearance of the person before the sitting of the Circuit Court held next after the expiry of seven days from the date of the judgment of the Supreme Court at the place at which the appeal aforesaid was heard, and

15 (e) section 13 of the said Act did not apply and a recognisance for the purpose of the said section 3 were required to be enforced in like manner as a recognisance for the purpose of proceedings in the Circuit Court.

20 39.—(1) Where, in or arising from criminal proceedings, on the application of the prosecutor therein (being a Minister of State, the Attorney General, the Revenue Commissioners or a member of the Garda Síochána), a case is stated to the Supreme Court under section 16 of the Courts of Justice Act, 1947, or under section 38 of this Act or to the High Court under the Summary Jurisdiction Act, 1857, as amended, or under section 52 of the Courts (Supplemental Provisions) Act, 1961—

Legal aid in certain cases stated.

1947, No. 20.

1857, c. 43.

1961, No. 39.

30 (a) the Supreme Court or the High Court, as the case may be, shall, notwithstanding anything in the Act of 1962, grant a legal aid (case stated) certificate (within the meaning of the Act of 1962) in respect of the other party to the proceedings to which the case stated relates,

35 (b) if such other party is not represented at the hearing of the case stated, the Supreme Court or the High Court, as the case may be, may assign a solicitor and counsel to argue in support of the decision of the Circuit Court or the District Court, as the case may be, or, where there has been no such decision, to present arguments in relation to the case, and, if a solicitor and counsel are assigned under this paragraph, the Act of 1962 shall apply and have effect as if the preparation and presentation of the arguments by them were the preparation and conduct of the other party's case in relation to the case stated by a solicitor and counsel assigned to that party by virtue of the Act of 1962.

45 (2) Where, on the application of any other person, as prosecutor, a case is stated to the Supreme Court under the said section 16 or the said section 38 or to the High Court under the Summary Jurisdiction Act, 1857, as amended, or the said section 52—

50 (a) if the other party to the proceedings to which the case stated relates is represented at the hearing of the case stated, his costs of representation at the hearing shall be borne by the prosecutor, and

55 (b) if such other party is not represented at the hearing of the case stated, the Supreme Court or the High Court, as the case may be, may assign a solicitor and counsel to argue in support of the decision of the Circuit Court or of the District Court, as the case may be or, where there has been no such decision, to present arguments in relation to the case and may order that the costs of such assignment be borne by the prosecutor.

(3) Where, on the application of a person other than the prosecutor, a case is stated to the Supreme Court under *section 38* of this Act, *section 5* of the Act of 1962 shall apply and have effect in relation to such case stated in like manner as it applies and has effect in relation to the cases stated specified therein. 5

(4) Where, at the instance of the prosecutor in any criminal proceedings (being a Minister of State, the Attorney General, the Revenue Commissioners or a member of the Garda Síochána), an appeal is taken to the Supreme Court from a determination of the High Court on a case stated in relation to the criminal proceedings under the Summary Jurisdiction Act, 1857, as amended, or *section 52* of the Courts (Supplemental Provisions) Act, 1961— 10

(a) the Supreme Court shall, notwithstanding anything in the Act of 1962, grant a legal aid (Supreme Court) certificate (within the meaning of the Act of 1962) in respect of the other party to the proceedings to which the case stated relates, 15

(b) if such other party is not represented at the hearing of the appeal, the Supreme Court may assign a solicitor and counsel to argue in support of the determination of the High Court and, if a solicitor and counsel are assigned under this paragraph, the Act of 1962 shall apply and have effect as if the preparation and conduct of the case in support of the determination of the High Court by them were the preparation and conduct of the person's case in relation to the appeal by a solicitor and counsel assigned to the person by virtue of the Act of 1962. 20 25

(5) Where an appeal is taken to the Supreme Court at the instance of any other person, as prosecutor, from a determination of the High Court on a case stated under the Summary Jurisdiction Act, 1857, as amended, or *section 52* of the Courts (Supplemental Provisions) Act, 1961— 30

(a) if the other party to the proceedings to which the case stated relates is represented at the hearing of the appeal, his costs of representation at the hearing shall be borne by the prosecutor, and 35

(b) if such other party is not represented at the hearing of the appeal, the Supreme Court may assign a solicitor and counsel to argue in support of the determination of the High Court and order that the costs of such assignment be borne by the prosecutor. 40

(6) Where, on the application of a prosecutor, a case is stated to the Supreme Court under *section 16* of the Courts of Justice Act, 1947, the judge concerned shall not have jurisdiction under that section to make an order as to costs. 45

Provisions in relation to certain criminal appeals.

40.—(1) Where the Supreme Court allows an appeal under *section 36* or *section 37* of this Act or decides, on an application made by the prosecutor under *section 38* of this Act, that a decision of the Circuit Court was erroneous in law, or allows an appeal by the prosecutor from a determination by the High Court on a case stated by the District Court under the Summary Jurisdiction Act, 1857, as amended, it shall have jurisdiction to make such further order or orders in relation to the person concerned as it considers appropriate in the interests of justice and having regard to all the circumstances of the case, including an order affirming a conviction that had been reversed or an order for the re-trial of the person concerned, and for his arrest and detention or admission to bail, and, where an order for his re-trial is made, he may, notwithstanding any rule of law, be again indicted and tried and, if found guilty, sentenced for the offence. 50 55 60

(2) Where the Supreme Court makes, under *subsection (1)* of this section or on an appeal to which *section 35* applies, an order for the re-trial of a person, the court of trial shall, if application is made to it therefor and notwithstanding anything in the Act of 1962, grant a legal aid (trial on indictment) certificate (within the meaning of that Act) in respect of the person in relation to the new trial.

41.—Section 8 of the Act of 1962 is hereby amended by the addition to the section of the following subsections :

Amendment of section 8 of Act of 1962.

10 “(3) Where a legal aid (Supreme Court) certificate is granted in respect of a person, the Supreme Court shall not have jurisdiction to award costs to the person in relation to the Supreme Court proceedings.

15 (4) Where the Supreme Court or Court of Criminal Appeal orders a re-trial and the case is one in which a legal aid certificate (within the meaning of section 9 of this Act) was granted in relation to the proceedings in that Court or in relation to the person's trial, that Court shall not have jurisdiction to order the costs of the new trial to be paid by the State but may, instead, order that a legal aid (trial on indictment) certificate be granted and, if that Court so orders, the court of trial shall, notwithstanding anything in this Act, grant that certificate in respect of the person in relation to the new trial.

20 (5) Section 34 of the Courts of Justice Act, 1924 and section 5 of the Courts of Justice Act, 1928, shall have effect subject to the foregoing provisions of this section.”

1924, No. 10.

1928, No. 15.

## PART VIII

### MISCELLANEOUS

30 42.—(1) No person shall be sentenced by a court to penal servitude; and every enactment which operates to empower a court to pass a sentence of penal servitude in any case shall operate so as to empower that court to pass a sentence of imprisonment for a term not exceeding the maximum term of penal servitude for which a sentence could have been passed in that case immediately before the commencement of this section.

Abolition of penal servitude, hard labour and prison divisions.

35 (2) No person shall be sentenced by a court to imprisonment with hard labour; and every enactment which operates to empower a court to pass a sentence of imprisonment with hard labour in any case shall operate so as to empower that court to pass a sentence of imprisonment for a term not exceeding the term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before the commencement of this section; and so far as any enactment in force immediately before the commencement of this section requires or permits prisoners to be kept to hard labour it shall cease to have effect and accordingly the expressions “with or without hard labour”, “with hard labour”, “without hard labour” and corresponding expressions, wherever occurring in any enactment prescribing the punishment for an offence, are hereby repealed.

40 (3) So far as any enactment in force immediately before the commencement of this section provides that a person sentenced to imprisonment or committed to prison is or may be directed to be treated as an offender of a particular division, or to be placed in a separate division, it shall cease to have effect.

45 (4) Any person who, immediately before the commencement of this section, was undergoing or liable to undergo a term of penal servitude shall, if he is or ought to be in custody at the commencement of this section, be treated thereafter as if he were undergoing or liable to undergo, imprisonment and not penal servitude for that term.

(5) Any person who has been sentenced to imprisonment with hard labour for a term which has not expired at the commencement of this section shall, for the remainder of that term, be treated as though he had been sentenced to imprisonment without hard labour; but nothing in this subsection shall affect any disability or disqualification attaching to him by virtue of his sentence. 5

Majority verdicts of juries in criminal proceedings.

43.—The verdict of a jury in criminal proceedings need not be unanimous in a case in which there are not less than eleven jurors if ten of them agree on the verdict.

Permission for reopening case for prosecution.

44.—(1) Where—

- (a) a person is being tried for an offence,
- (b) at any time after the case for the prosecution has closed and before the proceedings have been decided, the judge considers that, apart from this section, it would be proper for him to give a direction for acquittal on the ground that the evidence tendered by the prosecution is insufficient to sustain a conviction, 15
- (c) the prosecution state that they can remedy the insufficiency by tendering further evidence (whether by recalling a witness who has already given evidence or otherwise), 20 and
- (d) the judge considers that, in the interests of justice and having regard to all the circumstances of the case, it is reasonable to make the decision provided for by this subsection,

the judge may decide not to give the direction for acquittal and to permit the prosecution to reopen their case by tendering such evidence. 25

(2) In the foregoing subsection—

- (a) the reference to a person being tried for an offence does not include a reference to a preliminary examination of an indictable offence, 30
- (b) “judge” includes “justice”,
- (c) the reference to the proceedings having been decided shall, where the trial is by a judge and jury, be construed as a reference to the jury having decided on their verdict or having finally disagreed, and 35
- (d) the reference to giving a direction for acquittal shall, where the trial is in the District Court or in the Circuit Court on appeal from the District Court, be construed as a reference to dismissing the proceedings. 40

Transfer to military custody.

45.—(1) Where the Minister is satisfied, with respect to a person undergoing a sentence of imprisonment, that the presence of the person in the prison is or is likely to be detrimental to the security of or to good order in the prison, he may, in writing,—

- (a) certify that he is so satisfied, and 45
- (b) direct the transfer of the person to military custody,

and thereupon the person shall be transferred for completion of his imprisonment to military custody.

(2) Where the Minister is satisfied, with respect to a person transferred under this section to military custody, that his retention in military custody is no longer necessary, he may, in writing—

(a) certify that he is so satisfied, and

5 (b) direct the transfer of the person from military custody,

and thereupon the person shall be re-transferred for completion of his imprisonment to prison.

10 (3) Where a certificate and direction is given under *subsection (1)* of this section, a statement specifying the giving thereof and specifying the name, offence and sentence of the person concerned, shall be laid before each House of the Oireachtas as soon as may be.

(4) The Minister for Defence may make regulations in relation to the places and manner generally in which persons transferred under this section to military custody shall be kept in such custody.

15 **46.**—Section 13 of the Criminal Justice Act, 1960, is hereby amended by the insertion of the following subsection after subsection (2):

Amendment of section 13 of Criminal Justice Act, 1960. 1960, No. 27.

20 “(2A) Where a person who is not less than seventeen nor more than twenty-one years of age is convicted of an offence for which he is liable to be sentenced to a term of imprisonment in default of payment of a fine, he may, in lieu of being so sentenced, be sentenced to be detained in St. Patrick’s Institution for a period not exceeding that term in default of payment of that fine.”

25 **47.**—(1) A justice of the District Court or a peace commissioner, upon an information being made before him in writing and on oath alleging that a person—

Persons unlawfully at large.

(a) is unlawfully at large from a prison in which he is required to be detained following conviction of an offence, or

30 (b) is a person who is deemed, by virtue of section 6 (1) of the Criminal Justice Act, 1960, to be unlawfully at large, 1960, No. 27.

may issue a warrant for the arrest of the person.

35 (2) Where a person is arrested pursuant to the foregoing subsection, he shall be brought before a justice of the District Court or, if a justice is not immediately available, a peace commissioner, and the justice or peace commissioner shall, if satisfied that he is the person named in the warrant and if satisfied, in relation to the person, as to the facts mentioned in *paragraph (a)* or *(b)* of that subsection, order that he be returned to the prison or the hospital, as the case 40 may be, where he is required or liable to be detained.

(3) In this section “prison” includes Saint Patrick’s Institution.

45 **48.**—(1) Where a person, on being prosecuted for an offence, is dealt with under the Probation of Offenders Act, 1907, or convicted, the court, if it so thinks proper, may make an order for the payment by him of a specified sum for or towards the costs and expenses of the prosecutor. Payment for or towards costs and expenses of prosecutor. 1907, c. 17.

(2) Such payment may be ordered by the court to be made out of any moneys taken from the person concerned on his apprehension,

or may be enforced in the same way as the payment of costs and expenses awarded in civil proceedings may be enforced.

(3) An order under this section may include provision for payment in respect of witnesses' expenses notwithstanding that arrangements may exist for the payment of, or for a contribution towards, those expenses from public funds. 5

(4) Moneys paid under an order under this section to or in respect of a prosecutor (being a Minister of State, the Attorney General, the Revenue Commissioners or a member of the Garda Síochána) shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct; provided that nothing in this subsection shall affect any right of a witness to be paid expenses awarded in respect of his attendance at the relevant proceedings and paid by the defendant under the order aforesaid. 10

Restoration of property and payment of compensation.

49.—(1) Where— 15

(a) a person (in this section referred to as the defendant), on being prosecuted for an offence, is dealt with under the Probation of Offenders Act, 1907, or convicted, and 18

(b) the court is of opinion that an injured person then present or represented would succeed in a civil action against the defendant in respect of the wrongful act he has committed, 20

the court may, if it thinks fit and the person present or represented consents, make an order (in this section referred to as a compensation order)—

(i) in the case of money or goods stolen or otherwise dishonestly obtained— 25

(I) for the restoration of the said money or goods or the payment to the injured person or his estate by the defendant of compensation of an equivalent amount or, if it appears that full restitution cannot reasonably be made, for restoration or payment in part, and 30

(II) if the circumstances so warrant, for the payment to the injured person by the defendant of compensation of such amount, not exceeding one hundred pounds, as the court considers reasonable having regard to the defendant's resources (including probable future earnings), 35

or

(ii) in any other case, for the payment to the injured person by the defendant of compensation of such amount, not exceeding one hundred pounds, as the court considers reasonable having regard to the defendant's resources (including probable future earnings). 40

(2) Where a compensation order providing for payment of compensation is not such that payment of the compensation is to be made forthwith— 45

(a) if it is to be made by a single payment before a specified day—that day shall not be later than the day next following the expiration of the period of three years beginning on the day on which the compensation order is made, and 50

(b) if it is to be made by instalments—the instalments shall be such that, if they are duly paid, payment of the compensation will be completed before the expiration of that period. 55

(3) (a) A compensation order may, subject to *subsection 8* of this section, be made in addition to any other order which the court may make.

(b) The court, when considering the question of a penalty, may, if it thinks appropriate to do so having regard to the defendant's resources and the circumstances of the case, take into account, as a mitigating factor or as an aggravating factor, as the case may be, the fact that the defendant has or has not already restored the money or goods (in a case where money or goods were stolen or otherwise dishonestly obtained) or paid compensation and, if not, his attitude and apparent intention in regard thereto.

(4) Where a compensation order is made—

(a) if it appears to the court that the circumstances are such that compliance with the order would or might constitute a mitigating factor, or that failure to comply with it would or might constitute an aggravating factor, the court may postpone a final decision on the question of a penalty until it can satisfy itself as to compliance by the defendant or the efforts made by him to comply but it shall not indicate the nature or extent of any penalty that it may intend to impose if the order is not complied with,

(b) if a penalty is imposed, it shall not be suspended on the condition that the compensation order shall be complied with or on that and other conditions.

(5) The making of a compensation order shall not affect an injured person's rights to institute a civil action in respect of the wrongful act but the court, in assessing damages in any such civil action, shall take account of any compensation paid under the order and the award of damages shall release the defendant from the obligation to pay further compensation under the order to that person.

(6) Where a Court that has made a compensation order and postponed a final decision on the imposition of a penalty is informed that an award of damages has released the defendant from the obligation to pay further compensation thereunder, it may, notwithstanding that the period allowed for compliance with the compensation order has not expired, order that the defendant be summoned to appear before it and, on his so appearing, may deal with him as if he had then been convicted.

(7) A compensation order may be enforced in the same manner as an order of a court of competent jurisdiction in a civil action.

(8) A compensation order and an order under section 57 of the Road Traffic Act, 1961, imposing a fine in lieu of damages shall not both be made against the same person in respect of the same offence.

1961, No. 24.

(9) In this section "injured person" means a person against whom a wrongful act is committed or the personal representative or a dependant (within the meaning of section 47 (1) of the Civil Liability Act, 1961) of such person.

1961, No. 41.

50.—(1) Where a sentence of imprisonment or fine (other than a sentence or fine which the Court is required by law to impose) is imposed on a person on his being convicted of an offence—

Suspension of penalty.

(a) the Court shall, subject to section 49 (4) (b) of this Act, have power to suspend the sentence or fine on such conditions (other than a condition restricting the person's choice of a country of residence) as it thinks proper,

(b) in the event of a breach of any such condition, the Court, if it thinks proper so to do, may

(i) permit the breach to be disregarded and the suspension to continue, or

(ii) in lieu of the sentence or fine substitute, in the case of a sentence, such reduced sentence or such fine, and, in the case of a fine, such reduced fine, as the Court may consider appropriate having regard to all the circumstances of the case. 5

(2) Where a sentence has remained suspended under this section for three years it shall then cease to be enforceable except in the event of a breach during that period of a condition subject to which it was suspended.

Suicide to cease to be a crime.

51.—Notwithstanding any rule of law to the contrary (but without prejudice to the next section), it shall no longer be an offence for a person to commit suicide.

Criminal liability for complicity in another's suicide.

52.—(1) A person who aids, abets, counsels or procures the suicide of another, or an attempt by another to commit suicide, shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding fourteen years. 15

(2) If, on a trial of an indictment for murder or manslaughter, it is proved that the person charged, aided, abetted, counselled or procured the suicide of the person alleged to have been killed, the jury may find the person charged guilty of an offence under this section. 20

1962, No. 9.

(3) Section 40 (1) (a) of the Coroners Act, 1962, is hereby amended by the insertion of "or by suicide," after "by murder, infanticide or manslaughter".

Unlawful encouraging or advocating.

53.—(1) A person who encourages or advocates the attainment of any particular object, lawful or unlawful, by criminal means shall be guilty of an offence. 25

(2) A person who encourages or advocates the non-payment of—

(a) money due to the Central Fund or any other public fund,

(b) rates payable to a local authority, or 30

(c) rents of dwellings so payable,

shall be guilty of an offence.

(3) A person who is guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding one hundred pounds or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment, or 35

(b) on conviction on indictment, to a fine not exceeding two hundred pounds, or, at the discretion of the court, to imprisonment for a term not exceeding two years or to both such fine and such imprisonment. 40

Disqualification for grants, etc.

54.—(1) Subject to the next subsection, where a person (in this section referred to as the defendant), on being prosecuted for an offence under section 53 (2) of this Act, is dealt with under the Probation of Offenders Act, 1907, or convicted, he shall, as a statutory consequence, stand disqualified for a period of five years from receiving any money payable by way of grant from money pro- 45

vided out of the Central Fund or by the Oireachtas or by any local authority.

(2) The court may, at its discretion, at the time when the defendant is convicted or so dealt with or on application made subsequently by the defendant, order that *subsection (1)* of this section shall not apply, but the order—

(a) shall be conditional on the defendant's entering into a recognisance as to his future behaviour, and

(b) shall not, in a case where the disqualification was in force, operate so as to render the defendant eligible for any grant which, were it not for the disqualification, he would have been eligible to apply for or to receive during the period when the disqualification was in force.

(3) Where an application made under *subsection (2)* of this section is refused, a further application may not be made for at least three months.

(4) In this section and the two next following sections, any reference to money payable by way of grant shall be construed as not including a reference to—

(a) money payable under any scheme or service administered by the Minister for Social Welfare or the Minister for Labour or administered, under the Health Acts, 1947 to 1966, the Mental Treatment Acts, 1945 to 1966, or the Public Assistance Act, 1939, by a local authority,

(b) any pension, superannuation allowance, compensation for injury or disability, lump sum or gratuity if such pension, allowance, compensation, sum or gratuity is in respect wholly or partly of any service or thing done by any person, or

(c) money payable to any person to meet wholly or partly the cost of another person's education or vocational training, or the cost of another person's maintenance during or travelling in connection with education or vocational training.

55.—(1) In this section—

“monetary penalty” includes, as well as a fine, any compensation, costs or expenses which a person is ordered, on his being dealt with under the Probation of Offenders Act, 1907, or convicted, to pay;

“offence to which this section relates” means an offence under *Part VI* or *section 53* of this Act.

(2) Where a monetary penalty is imposed for an offence to which this section relates, the court may, on the application of the prosecutor, order that the amount of the penalty shall, after the expiry of such period (if any) for payment of the penalty as the court may specify, be a charge against any sum that may be or that may become payable, to the person liable to pay the monetary penalty, by way of grant from money provided out of the Central Fund or by the Oireachtas, or by any local authority.

(3) While an order under this section is in force, the person concerned shall not be liable to imprisonment in default of payment of the penalty.

(4) Where an order under this section is in force, the registrar or clerk of the court may, after expiry of the period (if any) allowed

Special provisions  
for enforcement  
of certain fines,  
etc.

for payment of the penalty by the person concerned, send a copy of the order to any authority administering moneys from which he has reason to believe a sum to which the order relates is then or is subsequently to become payable to the convicted person and thereupon that authority shall, if any such sum is or becomes so payable, 5 cause the amount thereof (in case it is less than the penalty), or the amount of the penalty (in any other case), to be paid to the registrar or clerk who shall apply it towards or as payment of the penalty; and the payment so made shall, to the extent of the amount thereof, discharge the liability of the authority to the person concerned. 10

(5) An order under this section shall stand discharged on payment of the penalty by the person concerned.

(6) Where an order under this section is in force and it appears to the registrar or clerk of the court, after such inquiry as he thinks reasonable, that it is unlikely that the order can be made effective, 15 he may, after at least seven days' notice to the person concerned, apply to the court to have the order discharged and, if it is discharged, the other powers of the court to enforce the penalty shall apply as if the order had not been made.

Special provisions  
for collection of  
certain money.

56.—(1) Where, in any proceedings, a court directs the payment of 20 money due—

(a) to the Central Fund or any other public fund,

(b) in respect of rates payable to a local authority, or 25

(c) in respect of rents of dwellings so payable,

the court, on the application of any party to the proceedings, if it appears to it that the failure in payment is wholly or partly due to 25 the activities of any group of persons (whether or not the group includes the person directed to pay) advocating or encouraging the non-payment of money such as that directed to be paid, may order that an amount equal to the money directed to be paid (together with 30 any costs and expenses) shall be a charge against any sum that may be or that may become payable, to the person directed to pay, by way of grant from money provided out of the Central Fund or by the Oireachtas or by any local authority.

(2) Where an order under this section is in force, the plaintiff or 35 prosecutor may, after expiry of the period (if any) allowed for payment of the money directed to be paid, send a copy of the order to any authority administering moneys from which he has reason to believe a sum to which the order relates is then or is subsequently to become payable to the person specified in the order and thereupon 40 that authority shall, if any such sum is or becomes so payable, cause the amount thereof (in case it is less than the amount charged), or the amount charged (in any other case), to be paid to the plaintiff or prosecutor who shall apply it towards or as payment of the money directed to be paid (together with any costs and expenses); and the 45 payment so made shall, to the extent of the amount thereof, discharge the liability of the authority to the person specified in the order.

(3) An order under this section shall stand discharged on payment of the amount directed to be paid (together with any costs and 50 expenses).

(4) An amount directed to be paid as aforesaid (together with any costs and expenses) may be collected otherwise than by virtue of the order under this section, but shall not be collected more than once.

5 57.—(1) Where a person, eligible for or in receipt of a pension, superannuation allowance, lump sum or gratuity payable out of public moneys, is dealt with under the Probation of Offenders Act, 1907, or convicted of an offence which involved fraud or dishonesty and resulted in loss of public moneys—

Deductions from pensions in certain cases.

(a) the appropriate authority may, if it so thinks fit, deduct a sum, not exceeding the loss of public moneys, from the pension, superannuation allowance, lump sum or gratuity, and

10 (b) if such deduction is made, the appropriate authority may, if it so thinks fit, apply the whole or part of the sum deducted in making good the loss of public moneys.

(2) In this section—

15 “public moneys” has the meaning specified in section 1 of the Superannuation and Pensions Act, 1963;

1963, No. 24.

“appropriate authority” means the authority granting the pension, superannuation allowance, lump sum or gratuity.

20 58.—(1) Where a person in a public place—

Disorderly conduct.

(a) uses or engages in any threatening, abusive or insulting words or behaviour, or

(b) distributes or displays any writing, sign or visible representation which is threatening, abusive or insulting,

25 with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds or at the discretion of the court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

30 (2) Where a person in a public place, between the hours of 10 p.m. on any day and 7 a.m. on the next day, or, having been warned by a member of the Garda Síochána to desist, at any other time, engages in any shouting, singing or boisterous conduct in circumstances likely to cause annoyance to other persons (whether in a public place or not) in the neighbourhood, he shall be guilty of an offence and shall  
35 be liable on summary conviction to a fine not exceeding twenty-five pounds.

(3) An offence under this section shall be disorderly conduct for the purpose of section 12 (3) (c) of this Act.

40 59.—(1) A person who knowingly and without lawful authority has in his possession or on his premises or conveys in any manner any thing obtained (whether by himself or any other person) in contravention of the criminal law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or, at the discretion of the court, to imprisonment  
45 for a term not exceeding six months or to both such fine and such imprisonment.

Unlawful possession.

(2) Where, on the hearing of a charge for an offence under this section, evidence is given of the circumstances in which the defendant was found in possession of or having on his premises or conveying the thing to which the charge relates, the court, if it considers it  
50 reasonable to do so, may accept that evidence as constituting by itself alone a *prima facie* case against the defendant.

Particulars to be included in warrant for committal.

60.—(1) A warrant for the committal of a person to prison or other lawful custody shall include particulars showing the nature of the offence with which he is charged or of which he has been convicted, the place in which he is to be detained and the period of his detention.

5

(2) Custody under a warrant referred to in the foregoing subsection shall not be unlawful merely because the warrant does not sufficiently state the particulars required by that subsection or there is an error or other defect in the particulars included in the warrant pursuant to that requirement, but it shall be the duty of the person who issued the warrant or of any other person acting in his place, on application being made by the person to whom the warrant relates or on the matter otherwise coming to his notice, to amend as soon as may be the warrant so as to comply with that subsection.

(3) An amendment referred to in the foregoing subsection shall be deemed to be duly made if the signature of the person required to make the amendment is made in the margin or in some other part of the warrant opposite or near to the amendment.

Warrants, etc., not avoided by death of signer or his ceasing to hold office.

61.—A warrant, summons, decree, dismiss, order or entry in a minute book or charge sheet signed by a justice of the District Court, or a warrant, summons or order signed by a peace commissioner, or a summons signed by a District Court clerk, shall not be avoided by reason of the death of the justice, peace commissioner or clerk by whom it was signed, or by reason of his ceasing to hold office.

25

Amendment of Defence Act, 1954.

62.—(1) The Defence Act, 1954, is hereby amended in accordance with the provisions of the *Third Schedule* to this Act.

1954, No. 18.

(2) This section and the *Third Schedule* to this Act and the Defence Acts, 1954 and 1960, may be cited together as the Defence Acts, 1954 to 1967.

30

### FIRST SCHEDULE

#### ENACTMENTS REPEALED

##### PART I

##### *Pre-Union Irish Statutes*

Section 4.

Session and Chapter	Short Title	Extent of Repeal
10 Chas. 1, sess. 3, c. 15.	Maintenance and Embracery Act, 1634	The whole Act.
4 Anne, c. 11.	Sale of Horses Act, 1705	The whole Act.
9 Anne, c. 6.	Criminal Evidence Act, 1710	The whole Act.
3 Geo. 3, c. 19.	Riot Act, 1763	The whole Act.
15 & 16 Geo. 3, c. 21.	Tumultuous Risings Act, 1775	The whole Act.
17 & 18 Geo. 3, c. 36.	Tumultuous Risings (Extension) Act, 1777	The whole Act.
26 Geo. 3, c. 24.	Forcible Entry Act, 1786	The whole Act.
27 Geo. 3, c. 15.	Riot Act, 1787	The whole Act.

SCHEDULE—continued

PART II

English Statutes Applied by Poynings' Act, 1495

Session and Chapter	Title or Subject-matter	Extent of Repeal
52 Hen. 3.	Statute of Marlborough. (1267)	The whole statute.
3 Edw. 1.	Statute of Westminster, the First. (1275)	The whole statute.
13 Edw. 1.	Statute of Westminster, the Second. (1285)	The whole statute, except chapters 1 and 15.
23 Edw. 1.	The Statute of Breaking Prisons. (1295)	The whole statute.
25 Edw. 1.	Magna Carta, 1297.	The whole statute, except chapter 16.
27 Edw. 1.	Statute of Fines. (1299)	The whole statute.
28 Edw. 1.	Articles on the Charters. (1300)	The whole statute.
33 Edw. 1.	An Ordinance concerning Conspirators. (1305)	The whole statute.
17 Edw. 2, St. 1.	King's Prerogative. Forfeiture for felony. (1324)	The whole statute.
1 Edw. 3, St. 2.	Keepers of the peace. Maintenance. Indictments. (1326)	The whole statute.
2 Edw. 3.	The Statute of Northampton. (1328)	The whole statute.
18 Edw. 3: St. 1. St. 2. St. 3.	Outlawry. (1344) Keepers of the Peace. Outlawry. (1344) Exemption for prelates in criminal cases. (1344)	The whole statute. The whole statute. The whole statute.
20 Edw. 3.	Ordinance for the justices. (1346)	The whole statute.
25 Edw. 3, St. 5.	Treason. Challenge of jurors. Outlawry. (1351)	The whole statute.
27 Edw. 3, St. 1.	Pardon of felony. (1353)	The whole statute.
28 Edw. 3.	Liberty of subject. (1354)	The whole statute.
31 Edw. 3, St. 1.	Felons. (1357)	The whole statute.
34 Edw. 3.	Felonies. Forfeitures, etc. (1360)	The whole statute.
36 Edw. 3, St. 1.	Confirmation of charters. (1362)	The whole statute.
42 Edw. 3.	Confirmation of charters. (1368)	The whole statute.
45 Edw. 3.	Prohibition to spiritual courts. (1370)	The whole statute.
1 Ric. 2.	Maintenance. Sheriffs. (1377)	The whole statute.
7 Ric. 2.	Maintenance. (1383)	The whole statute.
8 Ric. 2.	False entry of pleas. (1384)	The whole statute.
11 Ric. 2.	Delays of law by privy seal. (1387)	The whole statute.
12 Ric. 2.	Justices of peace, quarterly sessions. (1388)	The whole statute.
13 Ric. 2: St. 1, c. 7. St. 2, c. 1.	Justices of peace. (1389) Pardon of offences. (1389)	The whole chapter. The whole chapter.
14 Ric. 2, c. 11.	Justices of peace. (1390)	The whole chapter.
15 Ric. 2, c. 3.	Admiralty jurisdiction. (1391)	The whole chapter.
16 Ric. 2: c. 5. c. 6.	Statute of Praemunire (1392) The Statute 13 Ric. 2, St. 2. confirmed in part. (1392)	The whole chapter. The whole chapter.
17 Ric. 2, c. 8.	Riot. (1393)	The whole chapter.
5 Hen. 4, c. 10.	Justices of peace. (1403)	The whole chapter.
7 Hen. 4, c. 3.	Fines and forfeitures. (1405)	The whole chapter.
13 Hen. 4, c. 7.	Riot. (1411)	The whole chapter.

SCHEDULE—*continued*

Session and Chapter	Title or Subject-matter	Extent of Repeal
2 Hen. 5: St. 1. St. 2, c. 1.	Riot. Visitation of hospitals. (1414) Justice of peace. (1414)	The whole statute. The whole chapter.
9 Hen. 5, St. 1, c. 4.	Errors in court records. (1421)	The whole chapter.
2 Hen. 6, c. 17.	Quality and marks of silver work. (1423)	The whole chapter.
4 Hen. 6, c. 3.	Errors in court records. (1425)	The whole chapter.
6 Hen. 6, c. 1.	Outlawry. (1427)	The whole chapter.
8 Hen. 6: c. 10. cc. 12, 15.	Outlawry. (1429) Amendment of judicial records. (1429)	The whole chapter. The whole of each chapter.
10 Hen. 6, c. 6.	Outlawry. (1432)	The whole chapter.
11 Hen. 6, c. 6.	Continuance of indictments. (1433)	The whole chapter.
14 Hen. 6, c. 1.	Treason and Felony. (1435)	The whole chapter.
20 Hen. 6, c. 9.	Peeresses. (1441)	The whole chapter.
23 Hen. 6, c. 7.	Sheriffs: tenure of office. (1444)	The whole chapter.
12 Edw. 4, c. 1.	Sheriffs: execution of writs. (1472)	The whole chapter.
17 Edw. 4: c. 2. c. 7.	Courts of Piepowder. (1477) Sheriffs: execution of writs. (1477)	The whole chapter. The whole chapter.
1 Ric. 3, c. 6.	Courts of Piepowder. (1483)	The whole chapter.
3 Hen. 7: c. 2. c. 3.	Recognizances. (1487) Bail. (1487)	The whole chapter. The whole chapter.

PART III

*Other Pre-Union Statutes*

Session and Chapter	Title or Subject-matter	Extent of Repeal
24 Hen. 8, c. 12.	Ecclesiastical Appeals. (1532)	The whole Act.
32 Hen. 8, c. 9.	Maintenance and Embracery. (1540)	The whole Act.
1 Edw. 6: c. 1. c. 7.	Sacrament. (1547) Continuance of actions. (1547)	The whole Act. The whole Act.
2 & 3 Edw. 6, c. 1.	Uniformity. (1548)	The whole Act.
5 & 6 Edw. 6, c. 16.	Sale of offices. (1551)	The whole Act.
1 Eliz: c. 1. c. 2.	Supremacy. (1558) Uniformity. (1558).	The whole Act. The whole Act.
7 & 8 Will. 3, c. 3.	Treason. (1695)	The whole Act.
7 Anne, c. 21.	Treason. (1708)	The whole Act.
12 Geo. 3, c. 24.	Dockyards, etc. Protection Act, 1772	The whole Act.
39 & 40 Geo. 3, c. 67.	Union with Ireland Act, 1800.	The whole Act.

PART IV

*British Statutes*

Session and Chapter	Short Title	Extent of Repeal
46 Geo. 3, c. 54.	Offences at Sea Act, 1806.	The whole Act.
48 Geo. 3, c. 140.	Dublin Police Magistrates Act, 1808.	The whole Act.

SCHEDULE—continued

Session and Chapter	Short Title	Extent of Repeal
49 Geo. 3, c. 101.	Criminal Prosecution Fees (Ireland) Act, 1809.	The whole Act.
50 Geo. 3, c. 102.	Unlawful Oaths (Ireland) Act, 1810.	The whole Act.
52 Geo. 3, c. 156.	Prisoners of War (Escape) Act, 1812.	The whole Act.
55 Geo. 3, c. 91.	Criminal Costs (Dublin) Act, 1815.	The whole Act.
56 Geo. 3, c. 138.	Pillory Abolition Act, 1816.	The whole Act.
57 Geo. 3, c. 53.	Murders Abroad Act, 1817.	The whole Act.
58 Geo. 3, c. 29.	Fees for Pardons Act, 1818.	The whole Act.
1 Geo. 4, c. 90.	Offences at Sea Act, 1820.	The whole Act.
1 & 2 Geo. 4: c. 24. c. 88.	Treason (Ireland) Act, 1821. Rescue Act, 1821.	The whole Act. The whole Act.
3 Geo. 4, c. 114.	Hard Labour Act, 1822.	The whole Act.
4. Geo. 4, c. 48.	Judgment of Death Act, 1823.	The whole Act.
5 Geo. 4: c. 83.	Vagrancy Act, 1824.	In section 4, the words "being armed with any gun, pistol, hanger, cutlass, bludgeon or other offensive weapon," and the words "and every such gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon".
c. 84. c. 102.	Transportation Act, 1824. Dublin Justices Act, 1824.	The whole Act. The whole Act.
7 Geo. 4: c. 9.	Hard Labour (Ireland) Act, 1826.	The whole Act.
c. 38.	Admiralty Offences Act, 1826.	The whole Act.
c. 61. c. 74.	Justices (Ireland) Act, 1826. Prisons (Ireland) Act, 1826.	The whole Act. In section 6, the word "classification"; the words from "distinct wards" to "vagrants"; the word "further" in the phrase "such further means of classification". Section 108. In section 109, the paragraph beginning "Eighth".
9 Geo. 4: c. 32.	Civil Rights of Convicts Act, 1828.	The whole Act.
c. 54.	Criminal Law (Ireland) Act, 1828.	Sections 1, 5, 6, 7, 10 to 19, 21, 33.
11 Geo. 4 & 1 Will. 4, c. 39.	Transportation Act, 1830.	The whole Act.
4 & 5 Will. 4, c. 67.	Transportation Act, 1834.	The whole Act.
6 & 7 Will. 4: c. 29.	Dublin Police Act, 1836.	The whole Act.
c. 114.	Trials for Felony Act, 1836.	The whole Act.
c. 116.	Grand Jury (Ireland) Act, 1836.	Section 105.
7 Will. 4 & 1 Vict: c. 25.	Dublin Police Act, 1837.	The whole Act.
c. 88.	Piracy Act, 1837.	The whole Act.
c. 91.	Punishment of Offences Act, 1837.	The whole Act.
2 & 3 Vict., c. 78.	Dublin Police Act, 1839.	The whole Act.
3 & 4 Vict: c. 90.	Infant Felons Act, 1840.	The whole Act.
c. 103.	Dublin Justices Act, 1840.	The whole Act.
4 & 5 Vict., c. 22.	Felony Act, 1841.	The whole Act.
5 & 6 Vict: c. 24.	Dublin Police Act, 1842.	Section 14 (13).
c. 61.	South Australia Act, 1842.	The whole Act.

SCHEDULE—continued

Session and Chapter	Short Title	Extent of Repeal
6 & 7 Vict., c.7.	Transportation Act, 1843.	The whole Act.
10 & 11 Vict., c.67.	Transportation Act, 1847.	The whole Act.
11 & 12 Vict., c. 12.	Treason Felony Act, 1848.	The whole Act.
14 & 15 Vict: c. 19.	Prevention of Offences Act, 1851.	Sections 11 to 14.
c. 85.	Constabulary (Ireland) Act, 1851.	The whole Act.
c. 93.	Petty Sessions (Ireland) Act, 1851.	In section 10, the words "treason, felony, misdemeanour or other", and the words "such crime or". Section 22, paragraph 9.
c. 100.	Criminal Procedure Act, 1851.	Sections 12 and 29.
16 & 17 Vict., c. 99.	Penal Servitude Act, 1853.	The whole Act.
19 & 20 Vict., c. 68.	Prisons (Ireland) Act, 1856.	Section 14.
20 & 21 Vict., c. 3.	Penal Servitude Act, 1857.	Sections 3, 4 and 5.
23 & 24 Vict., c. 32.	Ecclesiastical Courts Jurisdiction Act, 1860.	The whole Act, except sections 2 and 3.
24 & 25 Vict: c. 94.	Accessories and Abettors Act, 1861.	The whole Act.
c. 96.	Larceny Act, 1861.	Sections 98 and 104. In section 115, the words "deemed to be offences of the same nature, and". In section 117, the words "fine the offender, and" and the words from "and in case of any felony" to "authorized", where next occurring. Section 121.
c. 97.	Malicious Damage Act, 1861.	Sections 43, 56 and 57. In section 72, the words "deemed to be offences of the same nature and". Section 77.
c. 98.	Forgery Act, 1861.	Sections 47, 48 and 49. In section 50, the words "deemed to be offences of the same nature and". In section 51, the words "fine the offender and to" and the words from "and in all cases of felonies" to "authorised", where next occurring. Section 54.
c. 100.	Offences Against the Person Act, 1861.	Sections 7, 8, 19, 66 and 67. In section 68, the words "deemed to be offences of the same nature, and". In section 71, the words "fine the offender, and" and the words from "and in case of any felony" to "authorized", where next occurring. Sections 74, 75 and 77.
25 & 26 Vict., c. 65.	Jurisdiction in Homicide Act, 1862.	The whole Act.
27 & 28 Vict., c. 47.	Penal Servitude Act, 1864.	The whole Act, except section 3.
28 & 29 Vict., c. 18.	Criminal Procedure Act, 1865.	In sections 1 and 2, the words "for felony or misdemeanour".
33 & 34 Vict., c. 23.	Forfeiture Act, 1870.	The whole Act.
34 & 35 Vict., c. 112.	Prevention of Crimes Act, 1871.	Sections 3, 4, 5, 7, 8, 9. In section 6, paragraphs 1, 2, 3, 4, 5, 7, 8, 9, 10 and 12. In the proviso to section 17, paragraphs 1, 4, 5 and the first subparagraph of paragraph 7. Sections 20 and 22.

SCHEDULE—*continued*

Session and Chapter	Title or Subject-matter	Extent of Repeal
35 & 36 Vict., c. 57.	Debtors Act (Ireland) 1872.	Section 17.
36 & 37 Vict., c. 82.	Small Penalties (Ireland) Act, 1873.	Sections 5 and 8.
38 & 39 Vict., c. 86.	Conspiracy and Protection of Property Act, 1875.	Paragraph 4 of section 7.
39 & 40 Vict., c. 23.	Prevention of Crimes Amendment Act, 1876.	The whole Act.
40 & 41 Vict., c. 49.	Prisons (Ireland) Act, 1877.	In section 47, the words "in which prisoners sentenced to imprisonment without hard labour shall be confined", the word "such" and the word "respectively". Sections 48 and 49. In section 54, the words from "No prisoner" to the end thereof.
42 & 43 Vict., c. 55.	Prevention of Crime Act, 1879.	The whole Act.
47 & 48 Vict., c. 64.	Criminal Lunatics Act, 1884.	The whole Act, so far as it applies to Ireland.
48 & 49 Vict., c. 69.	Criminal Law Amendment Act, 1885.	Section 18.
50 & 51 Vict., c. 20.	Criminal Law and Procedure (Ireland) Act, 1887.	The whole Act.
52 & 53 Vict., c. 69.	Public Bodies Corrupt Practices Act, 1889.	Section 5.
54 & 55 Vict., c. 69.	Penal Servitude Act, 1891.	Sections 1 to 6.
56 & 57 Vict., c. 93.	Regimental Debts Act, 1893.	The whole Act.
57 & 58 Vict., c. 60.	Merchant Shipping Act, 1894.	Section 700.
6 Edw. 7, c. 34.	Prevention of Corruption Act, 1906.	Sections 2 (4) and 4 (2).
8 Edw. 7: c. 59.	Prevention of Crime Act, 1908.	Section 12.
c. 66.	Public Meeting Act, 1908.	The whole Act.
3 & 4 Geo. 5, c. 27.	Forgery Act, 1913.	In section 4 (1) and (2) the words from "which" to "in force". In section 6 (1) the words "of the like degree (whether felony or misdemeanour)". Section 11. Section 12 (1), (2) (a).
4 & 5 Geo. 5, c. 58.	Criminal Justice Administration Act, 1914.	Sections 16, 26 and 39 (1).
6 & 7 Geo. 5, c. 50.	Larceny Act, 1916.	In section 33, in subsection (1) the words "of the like degree (whether felony or misdemeanour)", the words "(a) in the case of felony" and paragraph (b), and in subsection (4) the words "of the like degree (whether felony or misdemeanour)". Section 35. Section 37 (4), (5) (a). Section 41 (1), (3).

SCHEDULE—continued

PART V

Saorstát Éireann Statutes and Statutes of the Oireachtas

Number and Year	Short Title	Extent of Repeal
No. 10 of 1924.	Courts of Justice Act, 1924.	Section 29.
No. 13 of 1939.	Offences Against the State Act, 1939.	Section 28.
No. 2 of 1951.	Criminal Justice Act, 1951.	Section 13.
No. 27 of 1960.	Criminal Justice Act, 1960.	Section 6 (2).
No. 12 of 1962.	Criminal Justice (Legal Aid) Act, 1962.	In section 8 (1), the words "under section 34 of the Courts of Justice Act, 1924, or section 5 of the Courts of Justice Act, 1928,". In section 8 (2), the words "under the said section 34 or the said section 5".
No. 12 of 1967.	Criminal Procedure Act, 1967.	Section 34.

Section 10.

SECOND SCHEDULE

AMENDMENTS OF PARTICULAR ENACTMENTS

- 1695, c. 17 (Ir.). 1. In section 7 of the Sunday Observance Act, 1695, for the words "felony, or" there shall be substituted "any offence triable on indictment, or any".
- 1824, c. 83. 2. (1) In section 4 of the Vagrancy Act, 1824—
- (a) in the words relating to persons having implements with intent feloniously to break into dwelling-houses, etc., for the word "feloniously" there shall be substituted the word "criminally";
- (b) in the words relating to persons having instruments with intent to commit any felonious act, and in the words relating to suspected persons or reputed thieves frequenting rivers, highways, etc. with intent to commit felony, for the words "any felonious act" and for the word "felony" there shall be substituted the words "an offence to which there attaches a penalty of five years' imprisonment or a more severe penalty".
- 1871, c. 112. (2) In section 15 of the Prevention of Crimes Act, 1871, for the words "felony" and "a felony", wherever occurring, there shall be substituted the words "an offence to which there attaches a penalty of five years' imprisonment or a more severe penalty".
- 1828, c. 54. 3. In section 20 of the Criminal Law (Ireland) Act, 1828, for the word "felony" there shall be substituted "an offence triable on indictment".
- 1830, c. 68. 4. In section 8 of the Carriers Act, 1830, for the words "the felonious acts" there shall be substituted the words "any theft, embezzlement or forgery".
- 1861, c. 100. 5. In section 10 of the Offences against the Person Act, 1861, for the word "feloniously", wherever occurring, there shall be substituted the word "criminally".
- 1861, c. 97. 6. In section 7 of the Malicious Damage Act, 1861, for the words "the offence would amount to felony" there shall be substituted the words "he would be guilty of an offence under any of the preceding sections".
- 1861, c. 97. 7. Sections 54 and 55 of the Malicious Damage Act, 1861, and sections 64 and 65 of the Offences Against the Person Act, 1861,
- 1861, c. 100.

SCHEDULE—continued

shall have effect as if the references to felonies mentioned in the Act included any offence so mentioned to which there attaches a penalty of five years' imprisonment or a more severe penalty.

8. (1) In section 10 (1) of the Prevention of Crime Act, 1908, for the words "penal servitude", where occurring firstly, there shall be substituted the words "not less than three years' imprisonment", for the words "penal servitude", where occurring secondly, there shall be substituted the word "imprisonment" and all words from the words "and a person" to the end of the subsection shall be deleted. 1908, c. 59.

(2) In section 10 (6) of the Prevention of Crime Act, 1908, for all words from the word "has" to the end of the subsection there shall be substituted the words "means any offence to which there attaches a penalty of five years' imprisonment or a more severe penalty".

(3) In section 13 (1) of the Prevention of Crime Act, 1908, for all words from the words "penal servitude, whether" to the end of the subsection there shall be substituted the words "imprisonment and for this purpose the sentence shall be deemed to be determined at the time when the prisoner would ordinarily have been released, any remission of sentence for which the prisoner has qualified being taken into account".

9. In section 2 of the Punishment of Incest Act, 1908, for all words from the words " , at the discretion " to the words "exceeding two" there shall be substituted the words "to imprisonment for any term not exceeding seven". 1908, c. 45.

10. (1) In section 4 of the Larceny Act, 1916, for the words "amounted to felony" there shall be substituted the words "been an offence to which there attaches a penalty of five years' imprisonment or a more severe penalty".

(2) In the Larceny Act, 1916, in sections 24 to 28, for the word "felony", wherever it occurs otherwise than in the words "shall be guilty of felony", there shall be substituted the words "offence to which there attaches a penalty of five years' imprisonment or a more severe penalty", and the same substitution shall be made in section 29 (2) (b).

(3) In section 37 (1) of the Larceny Act, 1916, for the word "felony" there shall be substituted the words "an offence to which there attaches a penalty of five years' imprisonment or a more severe penalty", and accordingly in section 37 (2) (a) after the words "indictable misdemeanour punishable under this Act" there shall be inserted the words "not being an offence to which there attaches a penalty of five years' imprisonment or a more severe penalty".

(4) In section 39 (2) and (3) and section 40 (3) of the Larceny Act, 1916, for the word "feloniously" there shall be substituted the word "criminally".

11. In section 4 of the Juries Act, 1927, the words "an offence to which there attaches a penalty of five years' imprisonment or a more severe penalty" shall be substituted for the words "treason or treason felony or of any felony or of perjury". 1927, No. 23.

THIRD SCHEDULE

Section 62.

AMENDMENTS OF DEFENCE ACT, 1954

1954, No. 18

1. In sections 126 (2) (iii), 133, 134, 135 (1) (b), 136, 137 (1), 140, 141, 142 (b), 143, 144, 145, 146, 147, 148, 150, 152, 153, 156, 157, 159 (1), 160, 161 (2), 162, 163, 164 (1), 165, 166, 167, 168 (1) and 169 (e) "for a term not exceeding two years" shall be inserted after "imprisonment".

SCHEDULE—continued

- 1964, No. 5.
2. In sections 129, 130, 132 and 135 (1) (a) "imprisonment for life" shall be substituted for "penal servitude".
  3. In section 169 (b) (as amended by section 9 of the Criminal Justice Act, 1964) "imprisonment" shall be substituted for "penal servitude".
  4. In sections 126 (2) (i), 127, 131, 135 (1) (b), 145, 149, 151, 154 (1), 155, 158, 169 (c) and 169 (d) "imprisonment for a term not exceeding seven years" shall be substituted for "penal servitude".
  5. In both the Scale in section 209 (1) and the Scale in section 210 (1)—
    - (a) after—
      - "A. Death."there shall be inserted:
      - "AA. Imprisonment for life or any specified period."and
    - (b) there shall be deleted:
      - "B. Penal servitude for any term not less than three years.
      - C. Imprisonment, with or without hard labour, for any term not exceeding two years."
  6. In section 50 (2) "penal servitude" shall be deleted.
  7. In sections 120 (3), 206 (1), 222, 223 (1), 223 (2), 223 (3), 223 (4), 230 and 240 (1) (i) "penal servitude," shall be deleted.
  8. In section 192 (2) (d) "for a term of two years" shall be inserted after "imprisonment".
  9. In section 208 (2) (a) ", without hard labour," shall be deleted and "or, in either case, to be fined" shall be inserted after "twenty-one days".
  10. In section 209 (5) "penal servitude or" wherever occurring shall be deleted.
  11. In section 210 (6) "imprisonment for a term exceeding two years" shall be substituted for "penal servitude" wherever occurring.
  12. In section 210 (7) "for a term not exceeding two years" shall be inserted after "imprisonment".
  13. In section 212 "be served concurrently with the term then unexpired of the former sentence and on completion of either sentence any balance of the other sentence shall be served" shall be substituted for "not exceed such term as will make up a period of two consecutive years including the term then unexpired of the former sentence".
  14. In section 220 (2) (a) "capital" shall be inserted before "murder" and "imprisonment" shall be substituted for "penal servitude".
  15. In section 223 (7) "penal servitude", (where occurring after "is sentenced to") and " , and where the sentence for such other offence is a sentence of penal servitude, then, whether or not that sentence is suspended, any previous sentence of imprisonment or detention which has been suspended shall be avoided" shall be deleted and "any sentences of" shall be substituted for "imprisonment or" (where occurring after "the aggregate term of").

SCHEDULE—continued

16. Sections 224 (2) (c) (iii) and 228 shall be deleted.

17. In section 229 (8) “, kept to hard labour” shall be deleted.

18. In section 234 “ an offence ” shall be substituted for “ felony ” and “, with or without hard labour,” shall be deleted.

19. In section 2 there shall be deleted—

(a) “ the expression ‘ military convict ’ means a person under sentence of penal servitude passed by a court-martial;”, and

(b) “ the expression ‘ penal servitude prison ’ means any prison or place in which a person convicted and sentenced to penal servitude by a civil court may be lawfully confined;”.

20. In section 239 “ military convict or ”, “ convict or ” and “ convict, ” shall be deleted in subsection (1) and “ a military convict or ” shall be deleted in subsection (2).

**BILLE**

*(mar a tugadh isteach)*

*dá ngairtear*

Acht da leasú an dlí agus an riaracháin choiriúil.

*An tAire Dlí agus Cirt a thug isteach*

*Ordáíodh ag Dáil Éireann a chlóbhuiladh,  
22 Meitheamh, 1967*

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**BILL**

*(as introduced)*

*entitled*

An Act to amend criminal law and administration.

*Introduced by the Minister for Justice*

*Ordered by Dáil Éireann to be printed,  
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