



BILLE NA bPRIOSUN, 1970
PRISONS BILL, 1970

EXPLANATORY MEMORANDUM

1. The main object of the Bill is to make provision for the establishment of places other than prisons to help in the rehabilitation of persons who are serving prison sentences or sentences of detention in St. Patrick's Institution (where offenders between the ages of 16 and 21 years may be detained).

2. The Bill also provides for reducing the maximum age limit for offenders who may be committed by the courts to St. Patrick's Institution from 21 to 19 and for the transfer of detainees from St. Patrick's to prison during periods of overcrowding.

3. *Section 1* is the definition section.

4. *Section 2* authorises the Minister, for the purpose of promoting the rehabilitation of offenders, to provide places other than prisons for the detention of persons sentenced to penal servitude or imprisonment or to detention in St. Patrick's Institution.

(*Note.* One such place has already been established at Shanganagh, Co. Dublin. It is an "open" institution. Young offenders are transferred to it where it appears that they will benefit from the conditions in operation there.)

5. *Section 3* provides that the Minister may make regulations specifying the ages and sex of persons who may be detained in places provided under the Bill (*subsection (1)*) and providing for the management of these places and the treatment of persons detained there (*subsection (2)*). *Subsection (3)* is the usual provision about laying such regulations before each House of the Oireachtas.

6. *Section 4* of the Bill applies the various prison enactments to these places as if they were prisons (it is under this provision, for example, that visiting committees will be appointed) but persons may not be committed directly by a court to a place provided under the Bill. They will be transferred under the provisions of *section 5*.

7. *Section 5 (1)* provides for the transfer of prisoners and detainees to and from places provided under the Bill. *Subsection (2)* of the section provides that section 3 of the Prevention of Crime Act, 1908, which authorises the Minister for Justice to transfer young offenders from prison to St. Patrick's, shall not apply in relation to persons detained in these places. This is a technical provision to avoid overlapping of the powers of transfer in section 3 of the 1908 Act with those in *subsection (1)* of this section.

8. *Section 6* provides that the maximum age of persons who may be committed to St. Patrick's shall be reduced from 21 to 19 (*subsection (2)*). The effect of the provision will be that only persons between the ages of 16 and 19 may be committed by the courts to St. Patrick's, whether on remand or for trial or under sentence. At present the age limits are 16 to 21. *Subsection (3)* of the section makes consequential changes in section 1 of the Prevention of Crime Act, 1908, as amended, under which offenders between 16 and 21 may be

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sentenced to detention in St. Patrick's for a minimum term of two years. (Note : no persons have been sentenced under this provision for some years past, however.) Subsection (4) preserves the existing power of the Minister, under section 3 of the 1908 Act, to transfer offenders under 21 from prison to St. Patrick's where he is satisfied that they might with advantage be detained there. Provision is made in subsection (1) for the section to be brought into operation on a date appointed by order of the Minister.

9. Section 7 empowers the Minister to transfer offenders from St. Patrick's to prison during periods of overcrowding (subsection (2)). Subsection (1) (a) provides that the section will come into and be in operation for such period as the Minister specifies by order from time to time after consultation with the Visiting Committee to St. Patrick's. Subsection (1) (b) deals with the amendment of revocation of such orders. Subsection (3) is designed to enable the Minister to transfer such detainees back to St. Patrick's.

10. Section 8 is the usual expenses clause.

11. Section 9 provides for the short title, collective citation and construction.

*An Roinn Dlí agus Cirt,
Aibreán, 1970.*

7. Section 3 (1) provides for the transfer of prisoners and detainees to and from places provided under the Bill. Subsection (2) of this section provides that section 3 of the Prevention of Crime Act, 1908, which authorises the Minister for Justice to transfer young offenders from prison to St. Patrick's, shall not apply in relation to persons detained in these places. This is a technical provision to avoid overlapping of the powers of transfer in section 3 of the 1908 Act with those in subsection (1) of this section.

8. Section 4 provides that the maximum age of persons who may be transferred to St. Patrick's shall be reduced from 21 to 19. The effect of the provision will be that only persons between the ages of 16 and 19 may be committed by the courts to St. Patrick's whether a warrant or for trial or under sentence. The section makes consequential changes in section 1 of the Prevention of Crime Act, 1908, as amended, under