



AN BILLE UM AN DLI COIRIUIL (DLINSE), 1974
CRIMINAL LAW (JURISDICTION) BILL, 1974

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

Section

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SCHEDULE



AN BILLE UM AN DLI COIRIUIL (DLINSE), 1974
CRIMINAL LAW (JURISDICTION) BILL, 1974

BILL

entitled

AN ACT TO EXTEND THE CRIMINAL LAW OF THE STATE 5
TO CERTAIN ACTS DONE IN NORTHERN IRELAND,
TO PROVIDE FOR THE ADMISSION OF EVIDENCE
OBTAINED BY THE EXAMINATION OF WITNESSES
IN NORTHERN IRELAND AT TRIALS FOR OFFENCES
IN RESPECT OF THOSE ACTS, TO ENABLE EVIDENCE 10
TO BE OBTAINED BY THE EXAMINATION OF
WITNESSES IN THE STATE FOR TRIALS IN NORTH-
ERN IRELAND FOR CORRESPONDING OFFENCES
UNDER THE LAW OF NORTHERN IRELAND IN RES-
PECT OF ACTS DONE IN THE STATE, TO REFORM 15
THE CRIMINAL LAW IN OTHER RESPECTS AND TO
PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.
1960, No. 27.

1.—(1) In this Act “prison” includes Saint Patrick’s Institution
(within the meaning of the Criminal Justice Act, 1960). 20

(2) References in this Act to an act include references to an
omission and references to the doing of an act include references to
the making of an omission.

(3) References in this Act to any enactment shall be construed as
references to that enactment as amended or extended by any sub- 25
sequent enactment, including this Act.

(4) (a) A reference in this Act to a section or Schedule is a
reference to a section of, or the Schedule to, this Act,
unless it is indicated that reference to some other enact-
ment is intended. 30

(b) A reference in this Act to a subsection or paragraph is a
reference to the subsection or paragraph of the provision
in which the reference occurs unless it is indicated that
reference to some other provision is intended.

Offences committed
in Northern Ireland
and related offences
committed in
State.

2.—(1) Where a person does in Northern Ireland an act that, if 35
done in the State, would constitute an offence specified in the
Schedule, he shall be guilty of an offence and he shall be liable on
conviction on indictment to the penalty to which he would have
been liable if he had done the act in the State.

(2) Where a person—

(a) in the State or in Northern Ireland, aids, abets, counsels or procures the commission of an offence under *subsection (1)* or *section 3*, or

5 (b) in Northern Ireland, aids, abets, counsels or procures the commission of an offence specified in the Schedule,

he shall be guilty of, and may be indicted, tried and punished for, the relevant principal offence, and the following provisions of this Act relating to the commission of any such principal offence shall
10 apply accordingly.

(3) Where a person—

(a) in the State or in Northern Ireland, attempts, conspires or incites another person to commit an offence under *subsection (1)* or *section 3*, or

15 (b) in Northern Ireland, attempts, conspires or incites another person to commit an offence specified in the Schedule,

he shall be guilty of an offence and he shall be liable on conviction on indictment to a penalty not greater than the penalty to which he would have been liable if he had been convicted of the relevant
20 principal offence.

(4) Where a person has committed an offence under *subsection (1)* or *section 3* or attempted to commit any such offence, any other person who, in the State or in Northern Ireland, knowing or believing him to be guilty of the offence or attempt or of some other such
25 offence or attempt, does without reasonable excuse any act with intent to impede his apprehension or prosecution in the State or in Northern Ireland shall be guilty of an offence.

(5) If, upon the trial on indictment of an offence under *subsection (1)* or *section 3* or an attempt to commit any such offence, it
30 is proved that the offence charged (or some other offence of which the accused might on that charge be found guilty) was committed, but the accused is found not guilty of it, the accused may be found guilty of any offence under *subsection (4)* of which it is proved that he is guilty in relation to the offence charged (or that other
35 offence).

(6) Where a person has committed an offence specified in the Schedule or attempted to commit any such offence, any other person who, in Northern Ireland, knowing or believing him to be
40 guilty of the offence or attempt or of some other such offence or attempt, does without reasonable excuse any act with intent to impede his apprehension or prosecution in the State or in Northern Ireland shall be guilty of an offence.

(7) If, upon the trial on indictment of an offence specified in the Schedule or an attempt to commit any such offence, it is
45 proved that the offence charged (or some other offence of which the accused might on that charge be found guilty) was committed, but the accused is found not guilty of it, the accused may be found guilty of any offence under *subsection (6)* of which it is proved that he is guilty in relation to the offence charged (or that other
50 offence).

(8) A person committing an offence under *subsection (4)* or (6) with intent to impede another person's apprehension or prosecution shall be liable on conviction on indictment to imprisonment according to the gravity of the offence that the other person has com-
55 mitted or attempted to commit, as follows:

- (a) in case that offence is murder, he shall be liable to imprisonment for a term not exceeding ten years;
- (b) in case 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 a term not exceeding seven years;
- (c) in case it is not one included in *paragraph (a)* or *(b)* 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 a term not exceeding five years;
- (d) in any other case, he shall be liable to imprisonment for a term not exceeding three years.

(9) The enactments and rules of law as to when a person charged with an offence committed in the State may be convicted of another offence shall apply so as to enable a person charged with an offence under *subsection (1)* to be convicted of another offence, being an offence under that subsection, or of attempting to commit the offence charged or that other offence, and so as to enable a person charged with an offence under *section 3* to be convicted of attempting to commit that offence.

Escape from custody in Northern Ireland.

3.—(1) (a) A person who, in Northern Ireland, is charged with or convicted of—

(i) an offence under the law of Northern Ireland consisting of acts (whether done in the State or in Northern Ireland) that also constitute an offence specified in the Schedule or an offence under *section 2*, or

(ii) an offence under the law of Northern Ireland corresponding to this section,

and who escapes from any lawful custody in which he is held in Northern Ireland shall be guilty of an offence.

(b) The reference in *paragraph (a)* to an offence specified in the Schedule includes aiding, abetting, counselling or procuring the commission of an offence there specified, attempting, conspiring or inciting another person to commit an offence there specified or an offence of doing without reasonable excuse any act with intent to impede the apprehension or prosecution of a person who has, and whom the person in question knows or believes to have, committed an offence there specified.

(c) The reference in *paragraph (a)* to lawful custody is a reference to any lawful custody in which the person concerned is held at any time between the bringing of a charge in relation to the offence referred to in *paragraph (a)* and the conclusion of his trial (including any appeal or retrial) for that offence or in which he is held while serving a sentence imposed on his conviction for that offence.

(2) A person who escapes from lawful custody while in Northern Ireland pursuant to an order under *section 11 (2)* shall be guilty of an offence.

(3) A person guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for a term not exceeding seven years.

4.—The Explosive Substances Act, 1883, is hereby amended by the substitution for section 3 of the following section: Possession etc. of explosive substances.

“3. A person who in the State or (being an Irish citizen) outside the State unlawfully and maliciously— 1883, c. 3.

5 (a) does any act with intent to cause, or conspires to cause, by an explosive substance an explosion of a nature likely to endanger life, or cause serious injury to property, whether in the State or elsewhere, or

10 (b) makes or has in his possession or under his control an explosive substance with intent by means thereof to endanger life, or cause serious injury to property, whether in the State or elsewhere, or to enable any other person so to do,

15 shall, whether any explosion does or does not take place, and whether any injury to person or property is actually caused or not, be guilty of an offence and, on conviction on indictment, shall be liable to imprisonment for a term not exceeding twenty years, and the explosive substance shall be forfeited.”

20 5.—The Larceny Act, 1916, is hereby amended by the substitution for section 23 of the following section: Robbery. 1916, c. 50.

“23. (1) A person is guilty of robbery if he steals, and immediately before or at the time of doing so, and in order to do so, he uses force on any person or puts or seeks to put any person in fear of being then and there subjected to force.

25 (2) A person guilty of robbery, or of an assault with intent to rob, shall be liable on conviction on indictment to imprisonment for life.”

6.—The Larceny Act, 1916, is hereby amended by the insertion after section 23 of the following section: Burglary.

30 “23A. (1) A person is guilty of burglary if—

(a) he enters any building or part of a building as a trespasser and with intent to commit any such offence as is mentioned in subsection (2); or

35 (b) having entered any building or part of a building as a trespasser, he steals or attempts to steal anything in the building or that part of it, or inflicts or attempts to inflict on any person therein any grievous bodily harm.

40 (2) The offences referred to in subsection (1) (a) are offences of stealing anything in the building or part of a building in question, of inflicting on any person therein any grievous bodily harm or raping any woman therein and of doing unlawful damage to the building or anything therein.

45 (3) References in subsections (1) and (2) to a building shall apply also to an inhabited vehicle or vessel, and shall apply to any such vehicle or vessel at times when the person having a habitation in it is not there as well as at times when he is there.

50 (4) A person guilty of burglary shall be liable on conviction on indictment to imprisonment for a term not exceeding fourteen years.”

7.—The Larceny Act, 1916, is hereby amended by the insertion after section 23A (inserted by section 6) of the following section: Aggravated burglary.

55 “23B. (1) A person is guilty of aggravated burglary if he commits any burglary and at the time has with him any firearm or imitation firearm, any weapon of offence or any explosive; and, for this purpose—

(a) 'firearm' includes an airgun or air pistol, and 'imitation firearm' means anything that has the appearance of being a firearm, whether capable of being discharged or not;

(b) 'weapon of offence' means any article made or adapted for use for causing injury to or incapacitating a person, or intended by the person having it with him for such use; and

(c) 'explosive' means any article manufactured for the purpose of producing a practical effect by explosion, or intended by the person having it with him for that purpose.

(2) A person guilty of aggravated burglary shall be liable on conviction on indictment to imprisonment for life."

Possession of
firearm or
ammunition in
suspicious
circumstances,
1964, No. 1.

8.—The Firearms Act, 1964, is hereby amended by the insertion after section 27 of the following section :

"27A. (1) A person who has a firearm or ammunition in his possession or under his control in such circumstances as to give rise to a reasonable inference that he has not got it in his possession or under his control for a lawful purpose shall, unless he has it in his possession or under his control for a lawful purpose, be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding five years.

(2) In the application of section 2 of the *Criminal Law (Jurisdiction) Act, 1974*, to this section, it shall be presumed, unless the contrary is shown, that a purpose that is unlawful in the State is unlawful in Northern Ireland."

Carrying
firearm with
criminal intent.

9.—The Firearms Act, 1964, is hereby amended by the insertion after section 27A (inserted by section 8) of the following section :

"27B. (1) A person who has with him a firearm or an imitation firearm with intent to commit an indictable offence, or to resist or prevent the arrest of himself or another, in either case while he has the firearm or imitation firearm with him, shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding ten years.

(2) In proceedings for an offence under this section proof that the accused had a firearm or imitation firearm with him and intended to commit an indictable offence or to resist or prevent arrest is evidence that he intended to have it with him while doing so."

Unlawful seizure
of vehicles.

10.—(1) A person who unlawfully, by force or threat thereof, or by any other form of intimidation, seizes or exercises control of or otherwise interferes with the control of, or compels or induces some other person to use for an unlawful purpose, any vehicle (whether mechanically propelled or not) or any ship or hovercraft shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding fifteen years.

(2) In the application of section 2 to this section, it shall be presumed, unless the contrary is shown, that a purpose that is unlawful in the State is unlawful in Northern Ireland.

(3) In this section—

"hovercraft" means a vehicle that is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

"ship" includes any boat or other vessel;

"vehicle" includes a railway train or any other railway vehicle.

11.—(1) For the purposes of the trial by a special court established under Article 38. 3. 1° of the Constitution of an offence under *section* 2 or 3 or of any appeal in relation to the trial, the court of trial shall, at the request of the prosecution or the accused unless it is satisfied that it is not in the interests of justice to do so, and may of its own motion, and any appellate court may at such a request or of its own motion, by order provide for the issue of a letter of request to the Lord Chief Justice of Northern Ireland for the taking, in the presence of the members of the court making the order, of evidence in Northern Ireland by a judge of the High Court of Justice in Northern Ireland from a witness specified in the order.

(2) Where a court makes an order under this section, it shall inform the accused that—

- (a) he has a right to be present in the custody of the police of Northern Ireland at the taking of the evidence referred to in the order and if he exercises the right he will be delivered in custody into the custody of the police of Northern Ireland,
- (b) whether or not he is present at the taking of the evidence, he has a right to be represented by the counsel and solicitor (or the solicitor only) representing him in the court or by another counsel and solicitor (or by a solicitor only) entitled to practise in the State or entitled to practise in Northern Ireland,
- (c) he may, if not represented by counsel or a solicitor, himself question the witness giving the evidence,
- (d) while he is in custody in Northern Ireland for the purpose of the taking of the evidence, he will be immune from detention, and any kind of suit or legal process, in respect of any cause or matter, civil or criminal, arising before his arrival in Northern Ireland for the purpose aforesaid,

and, if the accused indicates to the court that he wishes to be present at the taking of the evidence, the court shall make an order directing that the accused be delivered when and so often as may be necessary into the custody of the police of Northern Ireland.

(3) (a) A statement of evidence of a witness taken in compliance with a letter of request under this section, and certified by the judge of the High Court of Justice in Northern Ireland who took it to be a true and accurate statement of the evidence so taken, shall, if all the members of the court were present throughout the taking of the evidence, be admissible at the trial or appeal concerned as evidence of any fact stated therein of which evidence would be admissible at the trial or appeal.

(b) A document purporting to be a certificate of a judge of the High Court of Justice in Northern Ireland and to be signed by him shall be deemed, for the purposes of this section, to be such a certificate and to be so signed unless the contrary is shown.

(4) A person in whose case an order is made under *subsection* (2)—

(a) shall be brought when and so often as may be necessary by the Garda Síochána to some convenient point of departure from the State and there delivered into the custody of the police of Northern Ireland and, if he is on bail, shall be taken into the custody of the Garda Síochána not more than 24 hours before the time of any such delivery and kept in such custody until that delivery is effected, and

(b) shall, on his return to the State upon the conclusion or any adjournment of the taking of the evidence to which the order relates, be taken into the custody of the Garda Síochána, and—

Taking of evidence
in State for criminal
trial in Northern
Ireland.

- (i) if he is required pursuant to an order of any court to be kept in custody, be returned as soon as may be to that custody, and
- (ii) if he is on bail, be thereupon released.

(5) An order under *subsection* (2) shall not operate to interrupt the 5
currency of any sentence imposed in any other proceedings.

12.—(1) Upon production by or on behalf of the Attorney General to the Chief Justice, sitting otherwise than in public, of a letter of request issued under provisions of the law of Northern Ireland corresponding to *section 11* by a court in Northern Ireland 10
for the taking of evidence in the State from a witness specified in the letter of request—

(a) the Chief Justice shall designate a judge of the High Court to take the evidence of the witness, and

(b) the judge so designated (hereinafter referred to as the 15
Commissioner) shall take on oath (which he is hereby authorised to administer) the evidence of the witness.

(2) Subject to the provisions of this section, the Commissioner—

(a) shall appoint the dates, times and places of his sittings,

(b) shall determine the procedure of the sittings, 20

(c) shall hold the sittings otherwise than in public, except at such times and on such occasions as he directs, and

(d) may direct that the name and address of any witness shall not be disclosed to any person other than the Commissioner and his officers, the members of the court in 25
Northern Ireland concerned and any officers designated by them, the parties to the proceedings in Northern Ireland, their counsel and solicitors and, where the Commissioner considers it required in the interests of justice, any other person whom the Commissioner specifies in the 30
direction or in any subsequent direction.

(3) The Commissioner may—

(a) direct any person whose evidence he is to take to attend on a date and at a time and place specified in the direction and there to give evidence before the Com- 35
missioner and to produce any document or thing in his possession or power specified in the direction,

(b) direct that person to produce to him any specified document or thing in his possession or power,

(c) give any other directions (including directions for the pro- 40
vision of interpreters and translators) for the purpose of the examination that appear to him reasonable and just, and

(d) upon any adjournment of the proceedings, if he thinks it appropriate to do so, on the application of the accused 45
or the prosecutor, authorise the temporary return of the accused to Northern Ireland.

(4) The members of the court in Northern Ireland concerned and any officers of that court designated by them shall be entitled to be present at each sitting of the Commissioner, and it shall be the duty 50
of the Commissioner to arrange his sittings so as to facilitate their presence and to comply with any request by those members to put any particular question or questions to the witness.

(5) The accused in the proceedings in Northern Ireland, his counsel and solicitor and the counsel and solicitor for the prosecution 55
shall be entitled to be present at each sitting of the Commissioner, and those counsel or solicitors and the accused

(if he is not represented by counsel or a solicitor) shall have the like right to question any witness, and to make submissions or representations to the Commissioner, as counsel or a solicitor has at a trial on indictment in the State. This subsection shall not affect the power of the Commissioner, under subsection (2) (b), to exclude any person from a sitting if the Commissioner considers it necessary to do so for the preservation of order.

(6) (a) A witness whose evidence has been or is being or is to be taken on commission under this section shall be entitled to the same privileges and immunities as a witness in the Central Criminal Court, and claims of privilege and immunity shall be determined by the Commissioner.

(b) Questions as to the exclusion of any oral evidence, or the withholding of any document or thing, on the ground of public interest shall be determined by the Commissioner in accordance with the law of the State.

(7) A person who—

(a) having been directed under subsection (3) (a) to attend before the Commissioner, and having had tendered to him any sum in respect of the expenses of his attendance which a witness summoned to attend before the Central Criminal Court would be entitled to have tendered to him, without just cause or excuse disobeys the direction,

(b) being in attendance before the Commissioner, refuses to take the oath on being required by the Commissioner to do so, refuses to answer any question which the Commissioner may require him to answer or refuses to produce any document or thing which the Commissioner may direct him to produce,

(c) disobeys a direction under subsection (2) (d) or (3) (c), or

(d) does any other thing in relation to the proceedings before the Commissioner which, if done in relation to proceedings before the Central Criminal Court by a witness in that court, would be contempt of that court,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200 or to imprisonment for a term not exceeding six months or to both.

(8) If a person gives false evidence before the Commissioner in such circumstances that, if he had given the evidence before a court, he would be guilty of perjury, he shall be guilty of that offence.

(9) At the conclusion of the taking of evidence under this section at which the accused is present and upon any adjournment thereof in relation to which an authorisation is given under subsection (3) (d), the accused shall be brought by the Garda Síochána as soon as may be to some convenient point of departure from the State and there delivered into the custody of the police of Northern Ireland.

13.—(1) While an accused person is in the State in exercise of his right under section 12 to be present at the taking of evidence under that section and until his removal from the State at the conclusion or any adjournment of the taking of the evidence, he shall at all times be kept in the custody of the Garda Síochána or in a prison.

Provisions relating to custody and immunity of persons in State for taking of evidence under section 12 and to persons unlawfully at large.

(2) While a person is in the State in the circumstances mentioned in subsection (1) and is duly kept in custody, he shall be immune from detention, and any kind of suit or legal process, in respect of any cause or matter, civil or criminal, arising before his arrival in the State in the circumstances mentioned in that subsection.

(3) Section 6 (2) of the Criminal Justice Act, 1960 (which provides for the punishment of persons unlawfully at large), and section 7 of that Act (which empowers the Garda Síochána to arrest a person

unlawfully at large and to take him to the place where he is required to be detained) shall apply to any person who escapes from any custody in which he is required by *subsection (1)* or *section 11 (4)* or *14 (3)* to be kept.

Option for trial in Northern Ireland.

14.—(1) Subject to the provisions of this section, a person charged 5 with an offence under *section 2* or *3* may opt to go in custody to Northern Ireland for trial there instead of being tried in the State for the said offence and the person shall be informed of his rights under this section—

(a) by the District Court, on his first appearance before that 10 court in connection with the charge, and

(b) by the court by which he is to be tried for the offence, before entry of his plea on arraignment.

(2) (a) Subject to the provisions of this section, if, at any time before entry of the plea of the accused on arraignment 15 for an offence under *section 2* or *3*, the court is satisfied that there is in force a warrant duly issued in Northern Ireland on an information laid by a member of the police of Northern Ireland authorising the arrest of the accused for an offence consisting of the acts constituting the 20 offence under *section 2* or for the offence of escaping from custody in Northern Ireland in the circumstances mentioned in *section 3*, as the case may be, and the accused has requested the court to do so, the court shall make an order directing that the accused be delivered 25 into the custody of the police of Northern Ireland.

(b) In this subsection "the court" means—

(i) the High Court,

(ii) during the preliminary examination in the District 30 Court under Part II of the Criminal Procedure Act, 1967, of the charge in relation to the offence concerned, the District Court, and

(iii) when the accused is before the court which is to try him, that court.

(3) Subject to *subsections (4)* and *(5)*, a person in whose case an 35 order is made under *subsection (2)* or *(4)* shall be brought by the Garda Síochána as soon as may be to some convenient point of departure from the State and there delivered into the custody of the police of Northern Ireland and meanwhile shall be kept in the custody of the Garda Síochána or in a prison. 40

(4) (a) Subject to the provisions of this section, if a person in whose case an order has been made under *subsection (2)* or this subsection is found in the State after having escaped from custody (whether in the State or in Northern Ireland) before his delivery under *subsection (3)* or this 45 subsection, or before the conclusion of the proceedings in Northern Ireland in relation to which he has exercised his option under this section and of any sentence of detention imposed in those proceedings, he shall be brought before a judge or justice of any court (who may from time to 50 time remand him in custody) and the said judge or justice, if satisfied as to the matters mentioned in this subsection, shall make an order that he be delivered into the custody of the police of Northern Ireland as soon as may be after the date of the order. 55

(b) The reference in *paragraph (a)* to a person's escaping from custody before the conclusion of the proceedings or sentence therein referred to includes a reference to any failure by him to appear or to be at any place where he is

1967, No. 12.

required to appear or be for the purpose of the proceedings or the service of the sentence.

5 (5) If at the time when, pursuant to an order under this section, a person is to be delivered into the custody of the police of Northern Ireland, he stands charged with or convicted of an offence other than the offence in respect of which the order has been made, the delivery shall be made as soon as may be after the conclusion of the proceedings in respect of that other offence and of any sentence of detention in prison imposed in those proceedings.

10 (6) (a) A certificate to which this subsection applies shall be admissible in any proceedings under *subsection (4)* as evidence of any fact specified in *paragraph (b)* that is stated in the certificate.

(b) This subsection applies to a certificate—

15 (i) purporting to be signed by a member of the police of Northern Ireland and stating that a person named in the certificate (being the person to whom the proceedings under *subsection (4)* relate) escaped from the custody in which he was holding him for the purpose
20 of any proceedings specified in the certificate,

(ii) purporting to be signed by the person in charge of a prison or other place of detention in Northern Ireland and stating that a person named in the certificate (being the person to whom the proceedings under *subsection (4)* relate) escaped from custody in which
25 he was being held in that prison or place, or failed to appear there when required to do so, for the purpose of any proceedings specified in the certificate or the service of any sentence of detention so specified,
30 or

(iii) purporting to be signed by a member or officer of any court in Northern Ireland and stating that a person named in the certificate (being the person to whom the proceedings under *subsection (4)* relate) failed to
35 appear before that court when required to do so for the purpose of any proceedings specified in the certificate.

(c) A document purporting to be a certificate to which this subsection applies shall be deemed to be such a certificate,
40 and to be signed by the person purporting to have signed it, unless the contrary is shown.

(7) In this section "proceedings" includes any appeal or retrial.

15.—It is hereby declared that a person who has been acquitted or convicted of an offence under the law of Northern Ireland is
45 entitled to plead his acquittal or conviction as a bar in any proceedings in the State for an offence consisting of the acts that constituted the offence of which he has been so acquitted or convicted. Prevention of double jeopardy.

16.—Persons entitled to practise as barristers or solicitors in Northern Ireland shall have a right of audience before any court
50 in which proceedings in connection with an offence under *section 2* or *3* are being held and before a Commissioner taking evidence under *section 12*. Right of audience.

17.—(1) A court before which proceedings in connection with an offence under *section 2* or *3* are being held may direct that
55 the name and address of any witness or the maker of any oral or Power to prohibit publication of names and addresses of witnesses.

written statement tendered to the court or any person for the taking of whose evidence the court has made an order under *section 11* shall not be disclosed to any person other than the members of the court and its officers, the parties to the proceedings, their counsel and solicitors and, where the court considers it required in the interests of justice, any other person whom the court specifies in the direction or in any subsequent direction. 5

(2) A person who contravenes a direction under *subsection (1)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200 or to imprisonment for a term not exceeding six months or to both. 10

Restriction of
section 7 of
Criminal Procedure
Act, 1967.

18.—Section 7 (2) of the Criminal Procedure Act, 1967, shall not entitle the prosecutor or the accused in a preliminary examination of an indictable offence by a justice of the District Court under Part II of that Act to require the attendance before the justice of a person or to examine him by way of sworn deposition if it appears to the justice that the person is outside the State and that it is not reasonably practicable to secure his attendance before the justice for examination under that section. 15

Arrest without
warrant.

19.—(1) Any person may arrest without warrant anyone who is or whom he, with reasonable cause, suspects to be in the act of committing an offence under *section 2 (1)*. 20

(2) Where an offence under *section 2 (1)* or 3 has been committed, any person may arrest without warrant anyone who is or whom he, with reasonable cause, suspects to be guilty of the offence. 25

(3) Where a member of the Garda Síochána, with reasonable cause, suspects that an offence under *section 2 (1)* or 3 has been committed, he may arrest without warrant anyone whom he, with reasonable cause, suspects to be guilty of the offence.

(4) A member of the Garda Síochána may arrest without warrant anyone who is or whom he, with reasonable cause, suspects to be about to commit an offence under *section 2 (1)*. 30

(5) 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. 35

(6) The provisions of this section shall apply to an attempt to commit an offence as they apply to the commission of that offence.

(7) This section shall not prejudice any power of arrest conferred by law apart from this section. 40

Supplementary
provisions.

20.—(1) Proceedings for an offence under *section 2* or 3, or under section 3 (substituted by *section 4*) of the Explosive Substances Act, 1883, may be taken in any place in the State and the offence may for all incidental purposes be treated as having been committed in that place. 45

(2) Where a person is charged with an offence under *section 2* or 3, no further proceedings in the matter except such remand or remands in custody or on bail as the court may think necessary shall be taken except by or with the consent of the Attorney General.

(3) Notwithstanding anything contained in the said section 3 of the Explosive Substances Act, 1883, a person shall be guilty of an offence under *section 2* or 3 whatever his nationality. 50

1965, No. 17.

(4) (a) Where a person has been acquitted or convicted of an offence under *section 2* or 3, an order shall not be made under section 47 of the Extradition Act, 1965, in relation to an offence by him consisting of the same acts. 55

(b) Where an offence committed in the State is also an offence under the law of Northern Ireland by reason only of a provision of that law corresponding to section 2 or 3, an order shall not be made under section 47 of the Extradition Act, 1965, for the purpose of a trial in Northern Ireland in relation to the latter offence.

(5) A person who has been surrendered to the State in accordance with a warrant of arrest endorsed in Northern Ireland, England, Wales, Scotland, the Isle of Man or the Channel Islands under a law corresponding to Part III of the Extradition Act, 1965, shall not be proceeded against, sentenced or imprisoned or otherwise restricted in his personal freedom for any offence under section 2 or 3 (not being an offence specified in the endorsed warrant) committed prior to his surrender unless either—

(a) there is in force a warrant duly issued in Northern Ireland on an information laid by a member of the police of Northern Ireland authorising the arrest of the accused for an offence consisting of the acts constituting the offence under section 2 or for the offence of escaping from custody in Northern Ireland in the circumstances mentioned in section 3, as the case may be, or

(b) the accused has been free to leave the State during a continuous period of seven days after the conclusion of the proceedings in respect of the offence for which he was surrendered and the expiration of any period of detention in prison imposed on him in those proceedings or otherwise or has returned to the State after leaving it during the first-mentioned period:

Provided that for the purposes of paragraph (b) a person shall not be treated as having been free to leave the State, or as having returned to it, at any time when he was on bail.

(6) If a person would, but for this subsection, be required by virtue of section 2 (1) to be sentenced to death, he shall be sentenced to imprisonment for life.

(7) (a) The provisions of the law of the State applied by virtue of this Act to acts done in Northern Ireland shall be read for the purposes of this Act with any necessary modifications and in particular as if references to what is lawful or unlawful included what is lawful or unlawful under the law of Northern Ireland.

(b) Without prejudice to the generality of paragraph (a), in applying section 27A (inserted by section 8) of the Firearms Act, 1964, to acts done in Northern Ireland, the absence of any licence or other authority requisite under the law of Northern Ireland relating to firearms, or a breach of a condition attached to any such licence or other authority, is a circumstance that may give rise to a reasonable inference that possession is not for a lawful purpose.

(8) Offences under—

(a) section 3 of the Explosive Substances Act, 1883, and

(b) sections 23, 23A and 23B of the Larceny Act, 1916,

which sections are substituted or inserted by this Act, are felonies.

21.—(1) Sections 24 to 27 of the Larceny Act, 1916, are hereby repealed.

Repeals, amendments and transitional provision.

(2) The buildings to which section 5 of the Malicious Damage Act, 1861, applies shall include any building belonging to the State, to a State authority (within the meaning of the State Property Act, 1954) or to any other state; and for the purposes of that section, a building

1861, c. 97.

1954, No. 25.

belonging to the government or any branch or organ of the government of another state or part thereof shall be treated as belonging to that state.

(3) Section 28 (1) of the Larceny Act, 1916, is hereby amended by the substitution of "commit any burglary" for "break and enter into any building and to commit any felony therein".

1925, No. 17.

(4) Section 15 of the Firearms Act, 1925, is hereby amended by the substitution of "imprisonment for a term not exceeding fourteen years" for "penal servitude for a term not exceeding twenty years, or imprisonment with or without hard labour for a term not exceeding two years".

(5) The Firearms Act, 1964, is hereby amended—

(a) by the substitution of "section 28" for "sections 23 and 28" in section 25 (1),

(b) by the substitution of "imprisonment for a term not exceeding seven years" for "a fine not exceeding five hundred pounds or, at the discretion of the court, to penal servitude for a term not exceeding five years or to both such fine and penal servitude", in section 26 (1), and

(c) by the substitution of "imprisonment for a term not exceeding fourteen years" for "a fine not exceeding five hundred pounds, or, at the discretion of the court, to penal servitude for a term not exceeding five years or to both such fine and penal servitude" in section 27 (2).

(6) If a person is charged in the alternative with having, before the commencement of this Act, committed an offence under a provision of the Larceny Act, 1916, repealed by *subsection (1)* and with having, after that commencement, committed an offence of burglary or aggravated burglary, and it is proved that he did the acts constituting the offences charged, but it is not proved whether the acts were done before or after that commencement, he may be convicted of the appropriate offence under the repealed provision of the Larceny Act, 1916, but he shall not be liable to a penalty greater than the lesser of the maximum penalties provided for the two offences with which he is charged.

Short title and commencement.

22.—(1) This Act may be cited as the Criminal Law (Jurisdiction) Act, 1974.

(2) This Act shall come into operation on such day as the Minister for Justice may appoint by order.

Section 2.

SCHEDULE

Common law offences

1. Murder.
2. Manslaughter.
3. The common law offence of arson.
4. Kidnapping.
5. False imprisonment.

Malicious damage

6. Any offence under the following provisions of the Malicious Damage Act, 1861—

- (a) section 1 (setting fire to church etc.);
- (b) section 2 (setting fire to a dwelling house while a person is inside);
- (c) section 3 (setting fire to house, outhouse or business or farming premises with intent to injure or defraud any person);
- (d) section 4 (setting fire to railway station etc.);
- (e) section 5 (setting fire to any public building);
- (f) section 6 (setting fire to other buildings);
- (g) section 7 (setting fire to goods in certain buildings);
- (h) section 35 (interference with railway).

Offences against the person

7. Any offence under the following provisions of the Offences 1861, c. 100. against the Person Act, 1861—

- (a) section 18 (wounding with intent to cause grievous bodily harm);
- (b) section 20 (causing grievous bodily harm).

Explosives

8. Any offence under the following provisions of the Explosive Substances Act, 1883—

- (a) section 2 (causing explosion likely to endanger life or damage property);
- (b) section 3 (possession etc. of explosive substances);
- (c) section 4 (making or possessing explosives in suspicious circumstances).

Robbery and burglary

9. Any offence under the following provisions of the Larceny Act, 1916—

- (a) section 23 (robbery);
- (b) section 23B (aggravated burglary).

Firearms

10. Any offence under section 15 of the Firearms Act, 1925 (possessing firearm or ammunition with intent to endanger life or cause serious injury to property).

11. Any offence under the following provisions of the Firearms Act, 1964—

- (a) section 26 (possession of firearm while taking vehicle without authority);
- (b) section 27 (use of firearms to resist arrest or aid escape);
- (c) section 27A (possession of firearm or ammunition in suspicious circumstances);
- (d) section 27B (carrying firearm with criminal intent).

Unlawful seizure of aircraft and vehicles

12. Any offence under section 11 of the Air Navigation and Transport Act, 1973 (unlawful seizure of aircraft).

13 Any offence under section 10 of this Act (unlawful seizure of vehicles).

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(*mar a tionscnaíodh*)

dá ngairtear

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An tAire Dlí agus Cirt a thug isteach

Ordaíodh ag Dáil Éireann a chlóbhuail,
28 Samhain, 1974

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(*as initiated*)

entitled

An Act to extend the criminal law of the State to certain acts done in Northern Ireland, to provide for the admission of evidence obtained by the examination of witnesses in Northern Ireland at trials for offences in respect of those acts, to enable evidence to be obtained by the examination of witnesses in the State for trials in Northern Ireland for corresponding offences under the law of Northern Ireland in respect of acts done in the State, to reform the criminal law in other respects and to provide for related matters.

Introduced by the Minister for Justice

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