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## AN BILLE CUMHACHTAI PRAINNE, 1976 EMERGENCY POWERS BILL, 1976

*Mar a tionscnaíodh*  
*As initiated*

### ARRANGEMENT OF SECTIONS

#### Section

1. Duration of *section 2*.
2. Arrest, custody and questioning of persons suspected of certain offences.
3. Expiry of Act.
4. Short title.





AN BILLE CUMHACHTAI PRAINNE, 1976  
EMERGENCY POWERS BILL, 1976

# BILL

*entitled*

AN ACT FOR THE PURPOSE OF SECURING THE PUBLIC 5  
SAFETY AND THE PRESERVATION OF THE STATE IN  
TIME OF AN ARMED CONFLICT IN RESPECT OF  
WHICH EACH OF THE HOUSES OF THE OIREACHTAS  
HAS ADOPTED A RESOLUTION ON THE — DAY OF 10  
—, 1976, PURSUANT TO SUBSECTION 3° OF  
SECTION 3 OF ARTICLE 28 OF THE CONSTITUTION.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS: —

Duration of  
section 2.

1.—(1) *Section 2* of this Act shall remain in force only until the  
expiry of the period of twelve months beginning with the passing  
of this Act, unless it is continued in force or is again brought into 15  
force by an order under this section.

(2) The Government may by order provide :—

- (a) at any time when *section 2* of this Act is in force, that that  
section shall continue in force for a period not exceeding 20  
twelve months from the commencement of the order,
- (b) at any time when *section 2* of this Act is in force, that that  
section shall cease to be in force on and from a date  
specified in the order, or
- (c) at any time when *section 2* of this Act is not in force,  
that that section shall come into force again and remain 25  
in force for a period not exceeding twelve months from  
the commencement of the order.

(3) Every order made under this section shall be laid before  
each House of the Oireachtas as soon as may be after it is made,  
and if a resolution annulling the order is passed by either such 30  
House within the next 21 days on which that House has sat after  
the order has been laid before it, the order shall be annulled  
accordingly, but without prejudice to the validity of anything  
previously done thereunder.

Arrest, custody  
and questioning of  
persons suspected  
of certain offences.

2.—(1) A member of the Garda Síochána (on production of his 35  
identification card, if demanded, where he is not in uniform) may  
without warrant stop, search, question and arrest any person, or  
do any one or more of those things in respect of any person, if he  
suspects with reasonable cause that that person has committed, is  
committing or is about to commit an offence under the Offences 40  
against the State Act, 1939, or an offence which is for the time being  
a scheduled offence for the purposes of Part V of that Act, or if he  
suspects with reasonable cause that that person is carrying any  
document or other article or thing, or is in possession of information,  
relating to the commission or intended commission of the offence. 45

1939, No. 13.



(2) A member of the Garda Síochána (on production of his identification card, if demanded, where he is not in uniform) may, for the purpose of the exercise of any of the powers conferred by *subsection (1)* of this section, stop and search any vehicle or vessel which he suspects with reasonable cause to contain a person whom he is empowered by that subsection to arrest without warrant.

(3) Whenever a person is arrested under this section, he may be removed to and kept in custody in a Garda station, prison, or other convenient place for a period of 48 hours from the time of his arrest and may, if an officer of the Garda Síochána not below the rank of chief superintendent so directs, be kept in such custody for a further period not exceeding five days.

(4) A person in custody under *subsection (3)* of this section may, at any time during such custody, be charged before the District Court or a special court established under Article 38.3.1° of the Constitution with an offence or be released by direction of a member of the Garda Síochána not below the rank of superintendent, and shall, if not so charged or released, be released at the expiration of the custody.

3.—Notwithstanding any other provision of this Act, whenever each of the Houses of the Oireachtas resolves that the national emergency resolved to exist by each such House on the \_\_\_\_\_ day of \_\_\_\_\_, 1976, has ceased to exist, this Act shall, on and from the date of such first-mentioned resolution, expire.

4.—This Act may be cited as the Emergency Powers Act, 1976. Short title.



# BILLE

(*mar a tionscnaíodh*)

*dá ngairtear*

Acht chun slándáil an phobail a chur in áirithe agus chun an Stát a chaomhnú in aimsir choinbhleachta faoi arm a ndearna gach Teach den Oireachtas rún a ghlacadh ina thaobh an ——— lá de ———, 1976, de bhun fho-alt 3<sup>o</sup> d'alt 3 d'Airteagal 28 den Bhunreacht.

*An tAire Dlí agus Cirt a thíolaic,  
23 Lúnasa, 1976*

BAILE ÁTHA CLIATH:  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais An Stuara, Árd Oifig an Phoist, Baile Átha Cliath, nó trí aon díoltóir leabhar.

Cló-bhuailte ag CAHILL (1976) LTD.

5p

# BILL

(*as initiated*)

*entitled*

An Act for the purpose of securing the public safety and the preservation of the State in time of an armed conflict in respect of which each of the Houses of the Oireachtas has adopted a resolution on the ——— day of ———, 1976, pursuant to subsection 3<sup>o</sup> of section 3 of Article 28 of the Constitution.

*Presented by the Minister for Justice,  
23rd August, 1976*

DUBLIN:  
PUBLISHED BY THE STATIONERY OFFICE

To be purchased through any bookseller, or direct from the Government Publications Sale Office, G.P.O. Arcade, Dublin.

Printed by CAHILL (1976) LTD.

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