



AN BILLE UM CHEARTAS COIRIÚIL (ORD POIBLÍ), 1993
CRIMINAL JUSTICE (PUBLIC ORDER) BILL, 1993

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY AND GENERAL

Section

1. Short title, collective citation and commencement.
2. Interpretation (general).

PART II

OFFENCES RELATING TO PUBLIC ORDER

3. Interpretation (*Part II*).
4. Intoxication in public place.
5. Disorderly conduct in public place.
6. Threatening, abusive or insulting behaviour in public place.
7. Distribution or display in public place of material which is threatening, abusive, insulting or obscene.
8. Disorderly conduct at public meeting.
9. Failure to comply with direction of member of Garda Síochána.
10. Wilful obstruction.
11. Increase of penalty for common assault, etc.
12. Entering building, etc., with intent to commit an offence.
13. Amendment of Vagrancy Act, 1824.
14. Trespass on dwelling, etc.
15. Riot.

Section

16. Violent disorder.
17. Affray.
18. Blackmail, extortion and demanding money with menaces.
19. Assault with intent to cause bodily harm or commit indictable offence.
20. Assault or obstruction of peace officer.
21. Amendment of Criminal Justice Act, 1951.

PART III

CROWD CONTROL AT PUBLIC EVENTS

22. Interpretation (*Part III*).
23. Control of access to certain events, etc.
24. Surrender and seizure of intoxicating liquor, etc.

PART IV

MISCELLANEOUS AND REPEALS

25. Arrest without warrant.
26. Continuance of existing powers of Garda Síochána.
27. Repeals.

SCHEDULE

Enactments Repealed

ACTS REFERRED TO

Criminal Justice Act, 1951	No. 2 of 1951
Criminal Justice Act, 1960	No. 27 of 1960
Criminal Procedure Act, 1967	No. 12 of 1967
Defence Act, 1954	No. 18 of 1954
Offences against the State (Amendment) Act, 1940	No. 2 of 1940
Prevention of Crimes Act, 1871	34 & 35 Vict. c.112
Prisoners of War and Enemy Aliens Act, 1956	No. 27 of 1956
Prisons Acts, 1826 to 1980	
Vagrancy Act, 1824	5 Geo. 4, c. 83



AN BILLE UM CHEARTAS COIRIÚIL (ORD POIBLÍ), 1993
CRIMINAL JUSTICE (PUBLIC ORDER) BILL, 1993

BILL

entitled

5 AN ACT TO ABOLISH CERTAIN COMMON LAW OFFENCES
RELATING TO PUBLIC ORDER AND TO PROVIDE
CERTAIN STATUTORY OFFENCES RELATING TO
PUBLIC ORDER IN LIEU THEREOF, TO PROVIDE FOR
10 ADDITIONAL POWERS OF CROWD CONTROL BY
MEMBERS OF THE GARDA SÍOCHÁNA IN, OR OF CON-
TROL BY SUCH MEMBERS OF ACCESS TO, THE VICIN-
ITY OF CERTAIN EVENTS AND TO PROVIDE FOR
OFFENCES RELATING THERETO, TO PROVIDE FOR
15 OTHER MATTERS RELATING TO PUBLIC ORDER AND
TO FINES AND TERMS OF IMPRISONMENT IN
RESPECT OF CERTAIN OFFENCES AND FOR THOSE
AND OTHER PURPOSES TO AMEND THE CRIMINAL
LAW AND ADMINISTRATION.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

20

PART I

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Criminal Justice (Public
Order) Act, 1993.

Short title,
collective citation
and
commencement.

25 (2) The Vagrancy Acts, 1824 and 1988, and *section 13* may be cited
together as the Vagrancy Acts, 1824 to 1993.

(3) This Act shall come into operation three months after its
passing.

30 2.—(1) A reference in this Act to a Part or to a section is a
reference to a Part or section of this Act unless it is indicated that a
reference to some other Act is intended.

Interpretation
(general).

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

PART II

OFFENCES RELATING TO PUBLIC ORDER

Interpretation
(Part II).

3.—(1) In this Part, except where the context otherwise requires—

“dwelling” means a building, vehicle or vessel ordinarily used for habitation; 5

“private place” means a place that is not a public place;

“public place” includes any highway and any premises or other place to which at the material time the public have or are permitted to have access, whether as of right or by express or implied permission, or whether on payment or otherwise, and includes any train, vessel or vehicle used for the carriage of persons for reward. 10

Intoxication in
public place.

4.—(1) It shall be an offence for any person to be present in any public place while intoxicated to such an extent as would give rise to a reasonable apprehension that he might endanger himself or any other person in his vicinity. 15

(2) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500.

(3) Where a member of the Garda Síochána suspects, with reasonable cause, that an offence under this section is being committed, the member concerned may seize, obtain or remove, without warrant, any bottle or container, together with its contents, which— 20

(a) is in the possession, in a place other than a place used as a dwelling, of a person by whom such member suspects the offence to have been committed, and

(b) such member suspects, with reasonable cause, contains an intoxicating substance. 25

(4) In this section—

“bottle or container” does not include a bottle or container for a substance which is in the possession of the person concerned for a purpose other than the intoxication of that or any other person; 30

“intoxicated” means under the intoxicating influence of any alcoholic drink, drug, solvent or other substance or a combination of substances and cognate words shall be construed accordingly.

Disorderly conduct
in public place.

5.—(1) It shall be an offence for any person in a public place to engage in any shouting, singing or boisterous conduct— 35

(a) between the hours of 12 o'clock midnight and 7 o'clock in the morning next following, or

(b) at any other time, after having been requested by a member of the Garda Síochána to desist,

in circumstances likely to give reasonable cause for annoyance to any other person in any place in the vicinity. 40

(2) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500.

(3) In this section "boisterous conduct" includes the use of any musical instrument, or of any radio or other electrical apparatus for the production of sound, in a manner likely to give reasonable cause for annoyance to any other person.

- 5 6.—(1) It shall be an offence for any person in a public place to use or engage in any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned.

Threatening, abusive or insulting behaviour in public place.

- 10 (2) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 6 months or to both.

- 15 7.—(1) It shall be an offence for any person in a public place to distribute or display any writing, sign or visible representation which is threatening, abusive, insulting or obscene with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned.

Distribution or display in public place of material which is threatening, abusive, insulting or obscene.

(2) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 6 months or to both.

- 20 8.—(1) It shall be an offence for any person to act in a disorderly manner at a public meeting for the purposes of preventing the transaction of the business of the meeting or to incite another person so to act.

Disorderly conduct at public meeting.

- 25 (2) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 3 months or to both.

(3) In this section "public meeting" means any meeting to which members of the public have access, whether on payment or otherwise.

- 30 9.—(1) Where a member of the Garda Síochána finds a person in a public place and suspects, with reasonable cause, that such person—

Failure to comply with direction of member of Garda Síochána.

(a) is or has been acting in a manner contrary to the provisions of section 4, 5 or 6, or

- 35 (b) without lawful authority or reasonable excuse, is acting in a manner which consists of loitering in a public place in circumstances, which may include the company of other persons, that give rise to a reasonable apprehension for the safety of persons or the safety of property or for the maintenance of the public peace,

- 40 the member may direct the person so suspected to do either or both of the following, that is to say:

- (i) desist from acting in such a manner, and
- (ii) leave immediately the vicinity of the place concerned in a peaceable or orderly manner.

(2) It shall be an offence for any person, without lawful authority

or reasonable excuse, to fail to comply with a direction given by a member of the Garda Síochána under this section.

(3) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 6 months or to both.

5

Wilful obstruction.

10.—Any person who shall in any manner wilfully prevent or interrupt the free passage of any person or vehicle in any public place shall be liable on summary conviction to a fine not exceeding £200.

Increase of penalty for common assault, etc.

11.—The Criminal Justice Act, 1951, is hereby amended by the substitution for subsection (2) of section 11 of the following:

10

“(2) A person convicted of common assault or battery shall be liable to a fine not exceeding £1,000 or, at the discretion of the Court, imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.”.

Entering building, etc., with intent to commit an offence.

12.—(1) It shall be an offence for a person—

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(a) to enter any building or the curtilage of any building or any part of such building or curtilage as a trespasser, or

(b) to be within the vicinity of any such building or curtilage or part of such building or curtilage for the purpose of trespassing thereon,

20

with intent to commit an offence.

(2) A person who was present at any place to which *subsection (1)* relates in such circumstances that it is reasonable to conclude that the person was so present as a trespasser with intent to commit an offence, shall be presumed, until the contrary is shown, to be so present with the intent to commit an offence.

25

(3) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 6 months or to both.

Amendment of Vagrancy Act, 1824.

13.—Section 4 (as applied to Ireland by the Prevention of Crimes Act, 1871) of the Vagrancy Act, 1824, is hereby amended by the deletion of “every person being found in or upon any dwelling house, warehouse, coach-house, stable, or outhouse, or in any enclosed yard, garden or area, for any unlawful purpose;”.

30

Trespass on dwelling, etc.

14.—(1) It shall be an offence for a person, without reasonable excuse, to trespass on any dwelling or the curtilage thereof in such a manner as causes or is likely to cause fear in another person.

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(2) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 6 months or to both.

40

Riot.

15.—(1) Where—

(a) 12 or more persons who are present together at any place

(whether that place is a public place or a private place or both) use or threaten to use unlawful violence for a common purpose, and

- 5 (b) the conduct of those persons, taken together, is such as would cause a person of reasonable firmness present at that place to fear for his or another person's safety,

then, each of the persons using unlawful violence for the common purpose shall commit the offence of riot.

(2) For the purposes of this section—

- 10 (a) it shall be immaterial whether or not the 12 or more persons use or threaten to use unlawful violence simultaneously at any place;

(b) the common purpose may be inferred from conduct;

- 15 (c) no person of reasonable firmness need actually be, or be likely to be, present at that place.

(3) A person guilty of an offence of riot shall be liable on conviction on indictment to a fine or to imprisonment for a term not exceeding 10 years or to both.

(4) The common law offence of riot is hereby abolished.

20 16.—(1) Where—

Violent disorder.

(a) three or more persons who are present together at any place (whether that place is a public place or a private place or both) use or threaten to use unlawful violence, and

- 25 (b) the conduct of those persons, taken together, is such as would cause a person of reasonable firmness present at that place to fear for his or another person's safety,

then, each of the persons using or threatening to use unlawful violence shall commit the offence of violent disorder.

(2) For the purposes of this section—

- 30 (a) it shall be immaterial whether or not the three or more persons use or threaten to use unlawful violence simultaneously;

(b) no person of reasonable firmness need actually be, or be likely to be, present at that place.

- 35 (3) A person shall be guilty of the offence of violent disorder only if the person intends to use or threaten to use violence or is aware that his conduct may be violent or threaten violence.

(4) A person guilty of an offence of violent disorder shall be liable—

- 40 (a) on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 6 months or to both,

- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 5 years or to both.

(5) A reference, however expressed, in any enactment passed before the commencement of this Act—

- (a) to the common law offence of riot, or 5
- (b) to the common law offence of riot and to tumult,

shall be construed as a reference to the offence of violent disorder.

(6) The common law offence of rout and the common law offence of unlawful assembly are hereby abolished.

Affray.

17.—(1) Where— 10

- (a) two or more persons at any place (whether that place is a public place or a private place or both) use or threaten to use violence towards each other, and
- (b) the violence so used or threatened by one of those persons is unlawful, and 15
- (c) the conduct of those persons taken together is such as would cause a person of reasonable firmness present at that place to fear for his or another person's safety,

then, each such person who uses or threatens to use unlawful violence shall commit the offence of affray. 20

(2) For the purposes of this section:

- (a) a threat cannot be made by words alone;
- (b) no person of reasonable firmness need actually be, or be likely to be, present at the place where the use or threat of violence occurred. 25

(3) A person guilty of an offence of affray shall be liable—

- (a) on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 12 months or to both,
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 5 years or to both. 30

(4) The common law offence of affray is hereby abolished.

Blackmail,
extortion and
demanding money
with menaces.

18.—(1) It shall be an offence for any person who, with a view to gain for himself or another or with intent to cause loss to another, makes any unwarranted demand with menaces. 35

(2) For the purposes of this section—

- (a) a demand with menaces shall be unwarranted unless the person making it does so in the belief—
- (i) that he has reasonable grounds for making the demand, and 40

(ii) that the use of the menaces is a proper means of reinforcing the demand;

5 (b) the nature of the act or omission demanded shall be immaterial and it shall also be immaterial whether or not the menaces relate to action to be taken by the person making the demand.

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

10 (a) on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 12 months or to both,

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 14 years or to both.

15 19.—(1) Any person who assaults any person with intent to cause bodily harm or to commit an indictable offence shall be guilty of an offence.

Assault with intent to cause bodily harm or commit indictable offence.

(2) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 12 months or to both,

20 (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 5 years or to both.

20.—(1) Any person who—

Assault or obstruction of peace officer.

25 (a) assaults a peace officer acting in the execution of the peace officer's duty, knowing that he is, or being reckless as to whether he is, a peace officer acting in the execution of his duty, or

(b) assaults any other person acting in the aid of a peace officer, or

30 (c) assaults any other person with intent to resist or prevent the lawful apprehension or detention of himself or any other person for any offence,

shall be guilty of an offence.

(2) A person guilty of an offence under *subsection (1)* shall be liable—

35 (a) on summary conviction, to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 12 months, or to both,

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 5 years or to both.

40 (3) Any person who resists or wilfully obstructs a peace officer acting in the execution of his duty or a person assisting a peace officer in the execution of his duty, knowing that he is or being reckless as to whether he is, a peace officer acting in the execution of his duty, shall be guilty of an offence.

(4) A person guilty of an offence under *subsection (3)* shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 6 months or to both.

(5) The provisions of this section are in addition to and not in substitution of any provision in any other enactment relating to assault or obstruction of a peace officer. 5

(6) In this section—

“peace officer” means a member of the Garda Síochána, a prison officer, a member of the Defence Forces, a sheriff or a traffic warden;

“prison” means any place for which rules or regulations may be made under the Prisons Acts, 1826 to 1980, section 7 of the Offences against the State (Amendment) Act, 1940, section 233 of the Defence Act, 1954, section 2 of the Prisoners of War and Enemy Aliens Act, 1956, or section 13 of the Criminal Justice Act, 1960; 10

“prison officer” includes any member of the staff of a prison and any person having the custody of, or having duties in relation to the custody of, a person detained in prison. 15

Amendment of
Criminal Justice
Act, 1951.

21.—In addition to the provisions of *section 11*, the Criminal Justice Act, 1951, is hereby further amended—

(a) in paragraph (b) (inserted by the Criminal Procedure Act, 1967) of subsection (2) of section 2, by the substitution of “reference numbers 1, 2 or 3” for “reference numbers 1, 2, 3 or 9”, and 20

(b) in the First Schedule thereto (which relates to indictable offences which may be dealt with summarily by the District Court)— 25

(i) at reference number 2, by the insertion in column (2) of “other than an indictable offence under *section 20* of the *Criminal Justice (Public Order) Act, 1993*” after “enforcement of the law”, and 30

(ii) by the deletion of the matter set out at reference number 9,

and the said column (2), as so amended, is set out in the Table to this section.

TABLE

An indictable offence consisting of any form of obstruction of the administration of justice or the enforcement of the law other than an indictable offence under *section 20* of the *Criminal Justice (Public Order) Act, 1993*. 35

PART III

CROWD CONTROL AT PUBLIC EVENTS

40

Interpretation
(*Part III*).

22.—In this Part—

“container” does not include a container for any medicinal product;

“disposable container” includes—

- (a) any bottle, can or other portable container or any part thereof (including any crushed or broken portable container or part thereof) for holding any drink which, when empty, is of a kind normally discarded or returned to, or left to be recovered by, the supplier, and
- (b) any crate or packaging designed to hold more than one such bottle, can or other portable container;

"event" has the meaning assigned to it by *section 23 (1)*;

"intoxicating liquor" includes any container containing intoxicating liquor, whether or not a disposable container.

23.—(1) If it appears to a member of the Garda Síochána not below the rank of superintendent that it is necessary in the interests of safety or for the purpose of preserving order to restrict the access of persons to a place where an event is taking or is about to take place which attracts, or is likely to attract, a large assembly of persons (in this Part referred to as the "event"), he may authorise any member of the Garda Síochána to erect or cause to be erected a barrier or a series of barriers on any road, street, lane, alley or other means of access to such a place in a position not more than one mile therefrom for the purpose of regulating the access of persons or vehicles thereto.

Control of access to certain events, etc.

(2) Where a barrier has been erected in accordance with *subsection (1)*, a member of the Garda Síochána in uniform may by oral or manual direction or by the exhibition of any notice or sign, or any combination thereof—

- (a) divert persons generally or particularly and whether in or on vehicles or on foot to another means of access to the event, including a means of access to that event on foot only, or
- (b) where possession of a ticket is required for entrance to the event, prohibit a person whether in or on vehicles or on foot from crossing or passing the barrier towards the event where the person has no such ticket, or
- (c) indicate that to proceed beyond the barrier while in possession of any intoxicating liquor, disposable drinks container or offensive article will render such liquor, container or article liable to confiscation.

(3) A member of the Garda Síochána shall not prohibit a person from crossing or passing a barrier erected under this section save for the purpose of diverting the person to another means of access to the event, if it appears to the member that the person is seeking do so for the purpose only of—

- (a) going to his dwelling or place of business or work in the vicinity of the event, or
- (b) going for any other lawful purpose to any place in the vicinity of the event other than the place where the event is taking place or is about to take place.

(4) A person who—

- (a) fails to obey a direction given by a member of the Garda

Síochána under *subsection (2)* for the purposes of *paragraph (a)* or *(b)* thereof, or

- (b) fails to comply with the terms of a notice or sign exhibited under *subsection (2)* for the purposes of *paragraph (a)* or *(b)* thereof,

5

shall be guilty of an offence.

(5) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500.

Surrender and
seizure of
intoxicating liquor,
etc.

24.—(1) Where in relation to an event—

- (a) a barrier has been erected under *section 23* and it appears to a member of the Garda Síochána that a person on foot or in a vehicle is seeking to cross or pass the barrier, or has crossed or passed the barrier, for the purpose of going to the place where the event is taking place or is about to take place, or

10

15

- (b) it appears to a member of the Garda Síochána that a person is about to enter, or has entered, the place where the event is taking place or is about to take place,

and the person has, or the member of the Garda Síochána suspects with reasonable cause that the person has, in his possession—

20

(i) any intoxicating liquor, or

(ii) any disposable container, or

- (iii) any other article which, having regard to the circumstances or the nature of the event, could be used to cause injury,

25

the member may exercise any one or more of the following powers—

- (I) search or cause to be searched that person or any vehicle in or on which he may be in order to ascertain whether he has with him any such liquor, container or other article,

30

- (II) refuse to allow that person to proceed to the event or to proceed further, as the case may be, unless that person surrenders permanently to a member of the Garda Síochána as directed by the member such liquor, container or other article.

35

(2) Where a member of the Garda Síochána refuses to allow a person to proceed to the event or to proceed further by virtue of *subsection (1) (II)* and the person does not surrender the alcoholic liquor, disposable container or other article concerned, the member may require the person to leave the vicinity in an orderly and peaceful manner as directed by the member.

40

(3) A person who, without lawful authority or reasonable excuse, fails to comply with a requirement under *subsection (2)* shall be guilty of an offence.

(4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500.

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PART IV

MISCELLANEOUS AND REPEALS

25.—(1) Where a member of the Garda Síochána finds any person committing an offence under a relevant provision, the member may arrest such person without warrant. Arrest without warrant.

(2) Where a member of the Garda Síochána is of the opinion that an offence has been committed under a relevant provision, the member may—

(a) demand the name and address of any person who the member suspects, with reasonable cause, has committed, or who the member finds committing, such an offence, and

(b) arrest without warrant any such person who fails or refuses to give his name and address when demanded, or gives a name or address which the member has reasonable grounds for believing is false or misleading.

(3) Any person who fails or refuses to give his name and address when demanded by virtue of *subsection (2)*, or gives a name or address when so demanded which is false or misleading, shall be guilty of an offence.

(4) A person guilty of an offence under *subsection (3)* shall be liable on summary conviction to a fine not exceeding £500 or to a term of imprisonment not exceeding 6 months or to both.

(5) In this section “relevant provision” means *section 4, 5, 6, 7, 8, 9, 12, 14, 15, 16, 17, 18, 19, or 20.*

26.—Any power conferred on a member of the Garda Síochána by this Act is without prejudice to any other power exercisable by such a member. Continuance of existing powers of Garda Síochána.

27.—The Acts specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule. Repeals.

SCHEDULE

Section 27

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
6 & 7 Will. 4, c. 29	Dublin Police Act, 1836	Section 9.
5 & 6 Vict., c. 24	Dublin Police Act, 1842	Paragraph numbered 13 of section 14.
13 & 14 Vict., c. 92	Summary Jurisdiction (Ireland) Act, 1851	Paragraph numbered 3 of section 13.
24 & 25 vict., c. 100	Offences against the Person Act, 1861	Section 38.
34 & 35 Vict., c. 112	Prevention of Crimes Act, 1871	Section 12.
8 Edw 7, c. 66	Public Meeting Act, 1908	The whole Act.
6 & 7 Geo. 5, c. 50	Larceny Act, 1916	Sections 29 to 31

AN BILLE UM CHEARTAS COIRIÚIL
(ORD POIBLÍ), 1993

BILLE

(*mar a tionscnaíodh*)

dá ngairtear

Acht do chealú cionta áirithe den dlí coiteann a bhaineann le hord poiblí agus do chur cionta reachtúla áirithe a bhaineann le hord poiblí ina n-ionad, do dhéanamh socrú i dtaobh cumhachtaí breise slua-rialaithe a bheith ag comhaltaí den Gharda Síochána i gcomharsanacht imeachtaí áirithe agus i dtaobh na gcomhaltaí sin do rialú rochtana ar an gcéanna, agus do dhéanamh socrú i dtaobh cionta a bhaineann leis sin, do dhéanamh socrú i dtaobh nithe eile a bhaineann le hord poiblí agus le fineálacha agus téarmaí príosúnachta maidir le cionta áirithe agus chun na gcríoch sin agus chun críoch eile do leasú an dlí agus an riaracháin choiriúil.

*An tAire Dlí agus Cirt a thíolaic,
25 Meitheamh, 1993*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,
Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath
2, nó trí aon díoltóir leabhar.

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CRIMINAL JUSTICE (PUBLIC ORDER)
BILL, 1993

BILL

(*as initiated*)

entitled

An Act to abolish certain common law offences relating to public order and to provide certain statutory offences relating to public order in lieu thereof, to provide for additional powers of crowd control by members of the Garda Síochána in, or of control by such members of access to, the vicinity of certain events and to provide for offences relating thereto, to provide for other matters relating to public order and to fines and terms of imprisonment in respect of certain offences and for those and other purposes to amend the criminal law and administration.

*Presented by the Minister for Justice,
25th June, 1993*

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