

Offences under the Dublin Police Acts and Related Offences

In July 1985, the Commission published its Report on [Offences under the Dublin Police Acts and Related Offences \(LRC 14–1985\)](#) as part of its First Programme of Law Reform. This Report recommended the repeal of provisions in the Dublin Police Acts concerning offences which are adequately covered by subsequent legislation. It also proposed the repeal of a number of other provisions to the Dublin Police Acts as being no longer appropriate to today's conditions.

The Report recommended that the existing provisions under which it is an offence to assault a policeman or other peace officer should be replaced by a new offence for which knowledge that, or recklessness as to whether, the victim was a peace officer and was acting in the execution of his duty would be required. The Report recommended that it should remain an offence to resist or willfully obstruct a Garda or other peace officer in the execution of his duty. It was recommended that in the proposed legislation the term "peace officer" should include members of the Garda Síochána, Prison Officers, members of the Defence Forces, Sheriffs and Traffic Wardens.

As regards the relevant road traffic offences, it appeared to the Commission that the only road traffic offence not adequately covered by the later *Road Traffic Act, 1961* legislation was the riding of a horse in a dangerous manner. Accordingly, the Report recommended that the provisions in the Dublin Police Act should be repealed and one enacted in its place making it an offence to ride an animal in a public place in a manner that is dangerous to the public. The Report recommended that provision should also be made for a new offence, to replace the existing offences of turning loose any animal or permitting it to wander in any public place.

The Report recommended that the existing provisions relating to the deposit of material such as stones and bricks in thoroughfares should be replaced by a new provision making it an offence without lawful authority or excuse to deposit anything on a public roadway or footpath

- (i) To the interruption of any roaduser; or
- (ii) In consequence of which a roaduser is injured or endangered

It was further recommended that the deposit of building materials and builders' skips and the making of an excavation on a street would be subject to permission of the appropriate road authority and the conditions attached to such permission. The Report recommended that the existing offence of depositing offensive matter in the thoroughfares should be replaced by a new offence of depositing dung, compost or any other offensive matter on a public roadway or footpath without lawful authority to excuse.

The Report recommended that the existing offences to use noisy instruments in any thoroughfare for certain purposes should be replaced by a new provision making it an offence:

- (i) For any person, for the purpose of hawking, selling, distributing or advertising any article, to use any noisy instrument in any public place in circumstance likely to cause annoyance to other persons in the neighbourhood;

- (ii) To use a loudspeaker in a street to advertise any entertainment, trade or business or for any purpose between the hours of 10pm and 7am;
- (iii) To use a loudspeaker on any premises at a volume or in a manner likely to cause annoyance to any person using the highway

The Report also recommended that the provision under which certain dangerous and annoying activities such as throwing stones or playing games are offences be replaced by a new offence without lawful authority or excuse to light any fire or discharge any stone or other missile on or within twenty metres of the centre of any public road so that a road user is injured or interrupted or endangered; it should also be an offence to play any game which is dangerous or causes substantial inconvenience to a user of a public road. The Report also recommended that provision should be made for an offence of deliberately setting fire to a chimney causing, or likely to cause, personal injury or damage to the property of another.

The Report recommended that the provisions under which drunkenness in a public place is an offence be repealed and a new provision enacted making it an offence to be found in a public place under the influence of intoxicating liquor or a drug in a condition which is a source of danger to another person or oneself.

In place of the existing offences of being “drunk and disorderly”, in a public place, “insulting behaviour”, and disorderly conduct at public meetings, the Report proposed that it should be an offence

- (i) in a public place to use or engage in any threatening, abusive or insulting words or behavior, or distribute or display any writing, sign or visible representation which is threatening, abusive or insulting with intent to provoke a breach of the peace of whereby a breach of the peace is likely to be occasioned; or
- (ii) at a public meeting to act in a disorderly manner for the purpose of preventing the transaction of the business of the meeting

The Report recommended that, in place of the existing provisions under which it is an offence to fail to control a dangerous dog, there should be a new provision making it an offence in a public place (i) to allow any dangerous dog to be at large, or (ii) to fail to exercise proper control over such a dog, or (iii) to set on or urge any dog to attack or worry any person or animal.

The Report also recommended that a new offence be created which would be committed by any person who delivers on retail sale, lease or hire, a mechanically propelled vehicle that has not been registered or has not fixed on it a mark indicating its registered number.

The Report also made the following recommendations relating to fines:

- (i) All courts should be enabled to impose a fine for all offences, whether summary or indictable; the maximum fine for a summary conviction should be £200;
- (ii) Where an enactment specifies a fixed, not a maximum, penalty (either by way of imprisonment or fine or both), it should be possible for a court to impose a lesser penalty.

Draft Legislation in Report

Draft legislative provisions are included in the Report.

Information on Implementation

Recommendations of the Commission were implemented by the *Criminal Justice (Public Order) Act 1994*.