Offences against the person

The Commission’s Report on *Non-Fatal Offences Against the Person (LRC 45 – 1994)* was published in February 1994 following a request by the then Attorney General in 1987.

The principal task of the Commission was to revise the provisions of the *Offences Against the Person Act, 1861* and its associated common law offences. It recommended reform of common law and statutory rules on non-fatal offences, including repeal of most of the *Offences Against the Person Act 1861*. The recommendations were implemented in the *Non-Fatal Offences Against the Person Act 1997* and included the following:

**(a) Crimes of Violence and Endangerment**

a. The offences of assault and battery at common law should be abolished, and replaced by a single statutory offence of assault;
b. Assault should be triable summarily only;
c. An offence of intentional or reckless assault causing harm should be created, punishable on conviction on indictment by a maximum penalty of 5 years imprisonment or a fine of £5,000 or both;
d. An offence of intentional or reckless assault causing serious harm should be created, punishable by a maximum penalty of imprisonment for life or a maximum of £100,000 or both;
e. An offence of threatening to kill or cause serious harm should be introduced;
f. An offence of harassment should be created;
g. For the purposes of assault and of all other acts of violence or endangerment to which consent can be given, a simple statutory definition of consent should be adopted;
h. The common law defence of necessary defence should be abolished, and replaced by a new statutory defence to the use of force;
i. An offence of endangerment should be created;
j. The common law offence of public nuisance should be abolished;
k. The common law offence of affray should be abolished and replaced with a statutory offence; and
l. A new statutory offence of torture should be enacted

**(b) Crimes against personal liberty**

a. The felony of kidnapping should be repealed and replaced by a statutory felony of false imprisonment; and
b. Consideration should be given to an offence of hostage-taking in Irish law.

**Draft Legislation in Report**

Draft legislative provisions are included in the Report.

**Information on Implementation**
Recommendations of the Commission were implemented by the *Non-Fatal Offences Against the Person Act 1997*. 