

## **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- a. The felony of kidnapping should be repealed and replaced by a statutory felony of false imprisonment; and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.

<b>Draft Legislation in Report</b>
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Draft legislative provisions are included in the Report.

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