

## **Intoxication**

In November 1995, the Commission published a [\*Report on Intoxication \(LRC 51-1995\)\*](#) following on from its Consultation Paper earlier that year, [\*Consultation Paper on Intoxication as a Defence to a Criminal Offence \(LRC CP 9-1995\)\*](#). In its First Programme for Law Reform, the Commission proposed to examine various aspects of the criminal law. Among those aspects was the law relating to “criminal responsibility, including such matters as intoxication, necessity duress and age”. This report examines the law relating to intoxication. Except to a very limited extent, the examination of the law and options for reform included in the Consultation Paper are not repeated in this report and the report and consultation paper should be read together.

This report recommends that:

- (i) Express provision be made that self-induced intoxication should never afford a defence to a charge;
- (ii) Involuntary intoxication should always afford a defence on the lines indicated in the judgement in R. v. Kingston;
- (iii) A person’s intoxication should be regarded as involuntary, inter alia, if the person took the intoxicant solely for a medicinal purpose, and either was not aware that taking it would or might give rise to aggressive or uncontrollable behaviour on her or his part or took it on medical advice and in accordance with any directions given to her or him by the person providing the advice.

<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 incorporated into the Programme of Work of Criminal Law Codification Advisory Committee: see <http://www.criminalcode.ie>