Interpretation.

4. In this Act—

The term "quarry" includes every pit or opening made for the purpose of getting stone, slates, lime, chalk, clay, gravel, or sand, but not any natural opening.

Extent of Act.

5. This Act shall not extend to Scotland and Ireland.

An Act to make better provision for the prevention and punishment of Crime in Ireland, and for other purposes relating thereto. [19th July 1887.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PRELIMINARY INQUIRY.

Inquiry by order of Attorney-General.

1.—(1.) Where a sworn information has been made that any offence to which this section applies has been committed in a proclaimed district, the Attorney-General for Ireland may, if he thinks fit, by order in writing under his hand, direct a resident magistrate, of whose legal knowledge and legal experience the Lord Chancellor shall be satisfied, to hold an inquiry under this section, and thereupon such resident magistrate may, if he so think fit, although no person may be charged before him with the commission of such crime, sit at a police court, when the offence has been committed in Dublin, or at the place where the petty sessions for the petty sessional district in which the said offence has been committed are usually held, and examine on oath concerning such offence any person whom he has reason to believe to be capable of giving material evidence concerning such offence, other than any person confessing himself or herself to be the offender or the husband or wife of such person, and shall take the deposition of such witness, and, if he see cause, may bind such witness by his own recognizance to appear and give evidence at the next petty sessions, or when called upon within three months from the date of such recognizance: Provided that no sitting of any inquiry under this section shall commence except between the hours of 10 A.M. and 6 P.M.: Provided also, that a shorthand writer shall be in attendance at such inquiries, and shall take down the questions of the magistrate, and the answers of each witness, and such questions and answers, when transcribed, shall be annexed to the deposition of the witness: Provided also, that upon any person being accused of a crime respecting which an inquiry under this section has been held, such accused person, on his being returned for trial, or his solicitor, shall forthwith be supplied with copies of all depositions taken at any inquiry under this section of any witness to be called against him.

(2.) The enactments contained in the Petty Sessions (Ireland) Act, 1851, section 13, relating to the compelling of the attendance

14 & 15 Vict. c. 93.

of a witness before a justice and to a witness attending before a justice and required to give evidence concerning the matter of an information or complaint for an indictable offence or concerning the matter of an information or complaint in respect of an offence punishable upon summary conviction, as the case may be, shall apply for the purposes of this section as if they were re-enacted herein and in terms made applicable thereto: Provided, that in case a warrant shall be issued for the arrest of any witness in the first instance, and without any summons having previously been served and disobeyed, such witness shall, on demand, be entitled to receive from the resident magistrate holding the inquiry a copy of the information or complaint on which the warrant for his arrest was issued.

(3.) Where a witness, examined at an inquiry under this section, is under the age of twelve years, the parent or guardian of such witness, or the relative or friend with whom such witness usually resides, shall be entitled to attend at such inquiry.

(4.) A resident magistrate, holding an inquiry under this section, shall himself conduct such inquiry, and shall not permit any other person to question or examine any witness.

(5.) A witness examined under this section shall not be excused from answering any question on the ground that the answer thereto may criminate, or tend to criminate, himself:

Provided that—

(A.) A witness who answers truly all questions which he is required to answer, shall be entitled to a certificate under the hand of the magistrate making such examination, stating that such witness has so answered, and such a certificate shall be a bar to all criminal proceedings against such witness in respect of any offence, not being a felony, as to which he has been examined in such inquiry; and

(B.) Any confession or answer by a person to a question put at such examination shall not, except in the case of any criminal proceeding for perjury committed at or after the holding of such inquiry, be, in any proceeding, civil or criminal, admissible in evidence against such person, or the husband or wife of such person;

(C.) Provided that if any person has been charged with the commission of the crime which is the subject of the inquiry, no witness, while the said charge is pending, shall be compelled to answer who has been called to give evidence for the defence of such accused person.

(6.) Except with the consent of the witness under examination, no person other than the magistrate and other official person, shall be present at such inquiry.

Save as aforesaid, a witness examined under this section concerning an offence shall not be required to answer any question which he might lawfully refuse to answer on the ground of privilege, if he were being examined as a witness at the trial of a person charged with that offence.

(7.) A magistrate who conducts the examination under this section of a person concerning any offence shall not, if such offence

is punishable on summary conviction, take part in the hearing and determination of a charge for that offence; and shall not, if such offence is an indictable offence, take part in the taking depositions against or committing for trial any person for such offence.

(8.) In case any witness examined under this section shall not speak English, the interpreter employed shall not be a policeman.

(9.) The offences to which this section applies are any felony or misdemeanor and any offence punishable under this Act, committed in a proclaimed district, whether committed before or after the passing of this Act, provided that no inquiry shall be held under this section concerning any offence punishable under this Act committed in any district before the proclamation of such district, unless such offence would have been indictable if this Act had not passed, and unless such offence was committed since the expiry of the Prevention of Crime (Ireland) Act, 1882. 45 & 46 Vict. c. 25.

(10.) Every summons under this section shall be in the form in the schedule to this Act, or to the like effect.

Every warrant to commit a witness to prison for refusing to answer a question put to him on an examination held under this section shall set out the question which the witness refused to answer.

There shall be published quarterly in the "Dublin Gazette" a return showing the number of inquiries held during the preceding quarter, the hours during which such inquiries have been held, the number of days occupied, the number of summonses issued, the number of witnesses examined, the names of, and the sentences on, the persons committed for contempt, and the result, if any, of each inquiry.

SUMMARY JURISDICTION.

Extension of summary jurisdiction.

2. Any person who shall commit an offence mentioned in sub-section 3 (*a*) of this section anywhere in Ireland, or shall commit any of the following offences in a Proclaimed District may be prosecuted before a court of summary jurisdiction under this Act—

(1.) Any person who shall take part in any criminal conspiracy now punishable by law to compel or induce any person or persons either not to fulfil his or their legal obligations, or not to let, hire, use, or occupy any land, or not to deal with, work for, or hire any person or persons in the ordinary course of trade, business, or occupation; or to interfere with the administration of the law:

(2.) Any person who shall wrongfully and without legal authority use violence or intimidation—

(*a*.) to or towards any person or persons with a view to cause any person or persons either to do any act which such person or persons has or have a legal right to abstain from doing, or to abstain from doing any act which such person or persons has or have a legal right to do; or

(*b*.) to or towards any person or persons in consequence, either of his or their having done any act which he or they had a

legal right to do, or of his or their having abstained from doing any act which he or they had a legal right to abstain from doing:

(3.)—(*a.*) Any person who shall take part in any riot or unlawful assembly; or

(*b.*) within twelve months after the execution of any writ of possession of any house or land shall wrongfully take or hold forcible possession of such house or land or any part thereof; or

(*c.*) shall assault, or wilfully and unlawfully resist or obstruct, any sheriff, constable, bailiff, process server, or other minister of the law, while in the execution of his duty, or shall assault him in consequence of such execution:

(4.) Any person who shall incite any other person to commit any of the offences herein-before mentioned.

SPECIAL JURY AND REMOVAL OF TRIAL

Order for special jury.

3. Where an indictment for a crime committed in a proclaimed district has been found against a defendant, or a defendant has been committed for trial for such crime, and the trial is to be by a jury before a court in Ireland other than a court of quarter sessions, the High Court shall on an application by or on behalf of the Attorney General for Ireland or a defendant make an order, as of course, that the trial of the defendant or the defendants if more than one shall be by a special jury.

Change of place of trial.

4.—(1.) Whereas it is expedient to amend the law relating to the place of trial of offences committed in Ireland, for securing more fair and impartial trials, and for relieving jurors from danger to their lives, property, and business, be it enacted:

Where an indictment for a crime committed in a proclaimed district has been found against a defendant, or a defendant has been committed for trial for such crime, and the trial is to be at a court of assize for any county in a proclaimed district, or at a court of quarter sessions for any county or borough in a proclaimed district, the High Court on an application by or on behalf of the Attorney General for Ireland, and upon his certificate that he believes that a more fair and impartial trial can be had at a court of assize in some county to be named in the certificate, shall make an order as of course that the trial shall be had at a court of assize in the county named in the certificate.

The defendant or any defendant, if more than one, may in the prescribed manner and within the prescribed time apply to the High Court to discharge or vary any such order for the removal of a trial, upon the ground that the trial can be more fairly and impartially had in a county other than the county named in the order of removal, and thereupon the High Court may order that the trial shall be had in any county in which it shall appear that the trial can be most fairly and impartially had; if the court discharge or vary any such order for the removal of a trial, the court shall award that the reasonable costs incurred by the defendant in making the application shall be paid by the Crown.

Proclamation of Districts.

Proclamation of districts for the purposes of the preceding enactments of this Act.

5. The Lord Lieutenant, by and with the advice of the Privy Council, may, from time to time, when it appears to him necessary for the prevention, detection, or punishment of crime and outrage, by proclamation declare the provisions of this Act which relate to proclaimed districts or any of those provisions to be in force within any specified part of Ireland as from the date of the proclamation; and the provisions of this Act which are mentioned in the proclamation shall after the said date be in force within such specified part of Ireland, and that part of Ireland shall be a proclaimed district within the meaning of the provisions so mentioned. Any such proclamation shall be deemed to have expired if an Address is presented to Her Majesty by either House of Parliament, praying that such proclamation shall not continue in force.

This section shall not apply to the provisions of this Act relating to dangerous associations.

When any of the provisions of section two of this Act, relating to summary jurisdiction, are declared by proclamation to be in force in a district, such provisions shall apply to offences committed in the district after the passing of this Act, whether before or after the date of the proclamation

When the provisions of section three or section four of this Act, relating to special juries or change of place of trial, are declared by proclamation to be in force in a district, such provisions shall apply to crimes committed in the district before or after the passing of this Act.

DANGEROUS ASSOCIATIONS.—ARMS.

Special proclamation putting into force the enactments of this Act relating to dangerous associations.

6. If the Lord Lieutenant is satisfied that any association—

(*a.*) formed for the commission of crimes; or

(*b.*) carrying on operations for or by the commission of crimes; or,

(*c.*) encouraging or aiding persons to commit crimes; or

(*d.*) promoting or inciting to acts of violence or intimidation; or

(*e.*) interfering with the administration of the law or disturbing the maintenance of law and order,

exists in any part of Ireland, the Lord Lieutenant, by and with the advice of the Privy Council, may from time to time by proclamation declare to be dangerous any such association or associations named or described in such proclamation.

(1.) A proclamation under the authority conferred upon the Lord Lieutenant by this section is in this Act referred to as a special proclamation.

(2.) A copy of every special proclamation shall be laid before each House of Parliament within seven days after the making thereof, if Parliament is then sitting, and if not, then within seven days after the next meeting of Parliament.

(3) If within a period of fourteen days after a special proclamation has been laid before Parliament an address is presented to Her Majesty by either House of Parliament praying that such special proclamation shall not continue in force as to an association or associations named or described therein, such special proclamation shall be deemed to have expired so far as the same relates to such association or associations.

(4.) Whenever any special proclamation is issued under this Act, if Parliament be then separated by such adjournment or prorogation as will not expire within twenty days, such special proclamation shall be deemed to have expired at the end of a week from the date thereof, unless during that week Parliament shall be summoned to meet within twenty days from the date of the summons.

(5.) When a special proclamation expires or is revoked, the powers conferred by the seventh section of this Act shall for the time being cease to be in force in respect of the association or associations as to which such special proclamation has expired or been revoked, and any order of the Lord Lieutenant made under such special proclamation shall also cease to be in force.

(6.) The expression "crime" in this section means any felony or misdemeanor, and any offence punishable under this Act.

Prohibition of dangerous associations.

7. From and after the date of such special proclamation and as long as the same continues unrevoked or unexpired, the Lord Lieutenant in Council may from time to time, by order to be published in the prescribed manner, prohibit or suppress in any district specified in the order any association named or described in such special proclamation, or any association which appears to the Lord Lieutenant to be a dangerous association, and to have been, after the date of such special proclamation, formed or first employed for any of the purposes of any association named or described in such special proclamation. From and after the date of such order, and during the continuance thereof, every assembly or meeting of such association, or of the members of it as such members, in the specified district, shall be an unlawful assembly, and the association itself shall be an unlawful association; and every person calling together a meeting of such association in the specified district, or of any members thereof as such members, or knowingly taking part in any such meeting, or publishing with a view to promoting the objects of such association any notice of the calling together of any such meeting, or of the proceedings at such meeting, or contributing or receiving or soliciting in the specified district any contribution for the purposes of such association, or in any way taking part in the proceedings thereof in the specified district, or of any branch or meeting of it in such district, shall be guilty of an offence and may be prosecuted before a court of summary jurisdiction under this Act.

In this section, the term "association" includes any combination of persons whether the same be known by any distinctive name or not.

The Lord Lieutenant in Council may from time to time wholly or in part revoke any order made under this section.

Continuance of 44 & 45 Vict. c. 5. 49 & 50 Vict. c. 24.

8.—(*a.*) The Peace Preservation (Ireland) Act, 1881, as amended by the Peace Preservation (Ireland) Continuance Act, 1886, shall continue in force for five years from the passing of this Act and until the end of the then next session of Parliament.

(*b.*) A warrant under the said Act directing a search for arms or ammunition in houses, buildings, or places in a proclaimed district as defined by that Act shall be valid in law, notwithstanding that the houses, buildings, or places to be searched are not specified therein, further than as being houses, buildings, or places situated in a specified townland or municipal ward.

Provisions as to Special Jury, and Removal of Trial.

Special jury to be sworn like ordinary juries. 39 & 40 Vict. c. 78.

9. Where under this Act a trial is had by a special jury, the special jurors shall be taken by ballot in the manner provided by the nineteenth section of the Juries Procedure (Ireland) Act, 1876, from all the jurors upon the panel returned by the sheriff from the special jurors book.

Proceedings on an order of removal in Ireland.

10.—(1.) If an order for the removal of the trial of a crime to any county in Ireland has been made under this Act before the indictment is found, such crime may be inquired of by a grand jury of, and may be heard and determined in, the county named in the order of removal in like manner as if the crime had been committed in such county, and if the order is made after the indictment is found, such crime may be heard and determined as if the indictment had been found in the court to which the trial is removed.

(2.) In either case the defendant may be convicted and sentenced as if the crime had been committed in the county named in the order of removal, but the sentence of the court shall be carried into effect as if he had been tried in the county in which he would have been tried if the order had not been made, and the defendant shall, if necessary, be removed accordingly in pursuance of an order of the court in which he has been tried made for the purpose.

Punishment, Procedure, and Definitions.

Procedure for offence against Act.

11.—(1.) A person prosecuted before a court of summary jurisdiction under this Act shall be liable on conviction to imprisonment with or without hard labour for a term not exceeding six months and shall have the same right of appeal as he would have under the Summary Jurisdiction Acts in the case of any other summary conviction.

(2.) If any person licensed under the Acts relating to intoxicating liquors, is convicted under this Act, such conviction shall be entered in the proper register of licences, and may be directed to be recorded on the licence of the offender in the same manner, and when so recorded shall have the same effect, as if the conviction were a conviction for an offence against those Acts.

(3.) If an offence is prosecuted summarily under this Act the same shall be prosecuted before a court of summary jurisdiction in manner provided by the Petty Sessions (Ireland) Act, 1851, and subject to the provisions thereof, save so far as they are altered by the provisions of this section.

(4.) The proceedings for enforcing the appearance of the person charged, and the attendance of witnesses for the prosecution shall be the same as if the offence were an indictable offence.

(5.) Upon every proceeding before a court of summary jurisdiction for an offence under this Act, the evidence for the prosecution and defence shall be taken as depositions in the same manner as if the offence were an indictable offence, and such depositions shall be admissible in evidence on any appeal.

(6.) The court of summary jurisdiction shall within the police district of Dublin metropolis, be a divisional justice of that district, and elsewhere be two resident magistrates in petty sessions, one of whom shall be a person of the sufficiency of whose legal knowledge the Lord Lieutenant shall be satisfied, and the expression "resident magistrate" means a magistrate appointed in pursuance of the Act of the session of the sixth and seventh years of the reign of King William the Fourth, chapter thirteen, intituled "An "Act to consolidate the laws relating to the constabulary force in "Ireland." One resident magistrate may act alone in adjourning or postponing a court, or in doing any other thing antecedent to the hearing of a charge under this Act.

(7.) In hearing and determining at any quarter sessions an appeal under this Act, the county court judge and chairman of quarter sessions, or the recorder shall sit and act as sole judge.

(8.) Subject to rules of the High Court any jurisdiction vested by this Act in the High Court shall be exercised by the Queen's Bench Division, and may be exercised by any judge thereof.

Supplemental provisions as to proclamations and orders.

12.—(1.) Any order, notice, or other document of the Lord Lieutenant under this Act may be signified under his hand or under the hand of the Chief Secretary to the Lord Lieutenant.

(2.) Every proclamation and every special proclamation under this Act, shall provide for the manner of the promulgation thereof. Every proclamation and every special proclamation, and a notice of the promulgation thereof in the manner provided, shall be published in the Dublin Gazette.

(3.) The production of a printed copy of the Dublin Gazette, purporting to be printed and published by the Queen's authority, and containing the publication of any proclamation, special proclamation, order, or notice under this Act, shall be conclusive evidence of the contents of such proclamation, special proclamation, order, or notice, and of the date thereof, and in the case of a proclamation that the district specified in such proclamation is a proclaimed district within the meaning of the provisions of this Act mentioned in the proclamation, and in the case of a proclamation or a special proclamation, that such proclamation or special proclamation has been duly promulgated, and in the case of an order that it has been duly made.

(4.) A copy of every proclamation, not being a special proclamation, shall be laid before each House of Parliament within fourteen days after the making thereof, if Parliament is then sitting; and if not within fourteen days after the next meeting of Parliament.

Revocation of proclamation, and of special proclamation and order.

13. The Lord Lieutenant, by and with the advice of the Privy Council, may from time to time by a further proclamation or order revoke any proclamation, or any special proclamation, or any order under this Act. A copy of each such further proclamation shall be laid before Parliament within fourteen days if Parliament is then sitting, and if not, within fourteen days after the next meeting of Parliament.

Allowances to witnesses and others.

14. There shall be paid out of moneys provided by Parliament such allowances to officers and other persons acting in pursuance of this Act, and such expenses incurred in reference to any court exercising jurisdiction under this Act, and such expenses of persons charged, counsel, and witnesses, payable in pursuance of this Act, as the Lord Lieutenant, with the approval of the Commissioners of Her Majesty's Treasury, may from time to time direct.

Rules for procedure and matters to be prescribed.

15.—(6.) The Lord Lieutenant may, from time to time, by and with the advice of the Privy Council make, and when made revoke, add to, and alter rules in relation to following matters:—

(1.) In the case where a special jury is required, or where a trial is removed to any county in Ireland, in relation to the attendance, authority, and duty of sheriffs, gaolers, officers, and persons, the removal and custody of prisoners, the alteration of any writs, precepts, indictments, recognizances, proceedings, and documents, the transmission of indictments, recognizances, and documents, and the expenses of witnesses and the carrying of sentences into effect; also, in the case where a special jury is required, the number of jurors to be returned on any panel; and

(2.) In the case of the removal of a trial to a court of assize for a county in Ireland, in relation to due provision being made by the prescribed Crown Solicitor in the prescribed manner for the advance of money to defray the necessary costs of the defence, so far as they are occasioned by the removal of the trial, and for enabling the defendant or defendants and the witnesses required for the defence to attend the trial.

(3.) In relation to forms for the purposes of this Act, and to any matter by this Act directed to be prescribed; and

(4.) In relation to any matters which appear to the Lord Lieutenant, by and with the advice aforesaid, to be necessary for carrying into effect the provisions of this Act;

and any rules made in pursuance of this Act shall be judicially noticed and be of the same validity as if they were contained in this Act.

Power of Act to be cumulative.

16. Any powers or jurisdiction conferred by this Act on any court or authority in relation to any trial, offence, or matter shall be deemed to be in addition to and not in derogation of any other powers or jurisdiction of any court or authority subsisting at common law or by Act of Parliament in relation to such trial, offence, or matter:

Provided that no person shall be punished twice for the same offence.

Saving for proclamation.

17. Save as provided by this Act, the expiration or revocation of any proclamation or special proclamation or order shall not affect the validity of anything previously done thereunder.

Saving for trade unions. 34 & 35 Vict. c. 31. 39 & 40 Vict. c. 22. 38 & 39 Vict. c. 86.

18. An agreement or combination which, under the Trade Union Acts, 1871 and 1876, or the Conspiracy and Protection of Property Act, 1875, is legal, shall not, nor shall any act done in pursuance of any such agreement or combination, be deemed to be an offence against the provisions of this Act respecting conspiracy, intimidation, and dangerous associations.

Definitions.

19. In this Act, unless there is something in the context repugnant thereto :—

The expression "Lord Lieutenant" means the Lord Lieutenant of Ireland or other Chief Governor or Governors of Ireland for the time being.

A defendant shall be deemed to be committed for trial who has entered into a recognizance conditioned to appear and plead to an indictment or to take his trial upon any criminal charge, or who has been committed to prison there to await his trial for any offence.

The expression "county" includes a county of a city and a county of a town.

The expression "court of assize" means a court created by a commission of assize, of oyer and terminer, and of gaol delivery, or any of such commissions.

The expression "Attorney General" means the Attorney General acting on behalf of the Crown, and includes, in the case of any vacancy in office or inability to act, the Solicitor General so acting.

The expression "the Summary Jurisdiction Acts" means in the Dublin Metropolitan Police District the Acts regulating the powers and duties of justices of the peace and of the police in that district, and elsewhere in Ireland means "The Petty Sessions (Ireland) Act, 1851," and the Acts amending it. 14 & 15 Vict. c. 93.

The expression "prescribed" means prescribed by rules to be made under this Act.

The expression "writ of possession" includes any decree, warrant, order, or other document issued from any court directing possession to be given, or authorising possession to be taken, of any house or land.

The expression "intimidation" includes any words or acts intended and calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of property, business, employment, or means of living.

The expression "the High Court" means the High Court of Justice in Ireland.

Short Title.

Short title.

20. This Act may be cited as the Criminal Law and Procedure (Ireland) Act, 1887.