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*Number 2 of 1994*

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**CRIMINAL JUSTICE (PUBLIC ORDER) ACT, 1994**

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ACTS REFERRED TO

Criminal Justice Act, 1951	No. 2 of 1951
Criminal Justice Act, 1960	No. 27 of 1960
Criminal Procedure Act, 1967	No. 12 of 1967
Defence Act, 1954	No. 18 of 1954
Offences against the State (Amendment) Act, 1940	No. 2 of 1940
Prevention of Crimes Act, 1871	34 & 35 Vict. c. 112
Prisoners of War and Enemy Aliens Act, 1956	No. 27 of 1956
Prisons Acts, 1826 to 1980	
Vagrancy Act, 1824	5 Geo. 4, c. 83



Number 2 of 1994

## CRIMINAL JUSTICE (PUBLIC ORDER) ACT, 1994

5 AN ACT TO ABOLISH CERTAIN COMMON LAW OFFENCES  
RELATING TO PUBLIC ORDER AND TO PROVIDE  
CERTAIN STATUTORY OFFENCES RELATING TO  
PUBLIC ORDER IN LIEU THEREOF, TO PROVIDE FOR  
ADDITIONAL POWERS OF CROWD CONTROL BY  
10 MEMBERS OF THE GARDA SÍOCHÁNA IN, OR OF CON-  
TROL BY SUCH MEMBERS OF ACCESS TO, THE VICIN-  
ITY OF CERTAIN EVENTS AND TO PROVIDE FOR  
OFFENCES RELATING THERETO, TO PROVIDE FOR  
OTHER MATTERS RELATING TO PUBLIC ORDER AND  
TO FINES AND TERMS OF IMPRISONMENT IN  
15 RESPECT OF CERTAIN OFFENCES AND FOR THOSE  
AND OTHER PURPOSES TO AMEND THE CRIMINAL  
LAW AND ADMINISTRATION. [3rd March, 1994]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

### PART I

#### PRELIMINARY AND GENERAL

- 20 1.—(1) This Act may be cited as the Criminal Justice (Public  
Order) Act, 1994. Short title,  
collective citation  
and  
commencement.
- (2) The Vagrancy Acts, 1824 and 1988, and *section 12* may be cited  
together as the Vagrancy Acts, 1824 to 1994.
- (3) This Act shall come into operation one month after its passing.
- 25 2.—(1) A reference in this Act to a Part or to a section is a  
reference to a Part or section of this Act unless it is indicated that a  
reference to some other Act is intended. Interpretation  
(general).
- 30 (2) A reference in this Act to a subsection or to a paragraph is to  
the subsection or paragraph of the provision in which the reference  
occurs unless it is indicated that a reference to some other provision  
is intended.



PART II

OFFENCES RELATING TO PUBLIC ORDER

Interpretation  
(Part II).

3.—In this Part, except where the context otherwise requires—

“dwelling” includes a building, vehicle or vessel ordinarily used for habitation; 5

“private place” means a place that is not a public place;

“public place” includes—

(a) any highway,

(b) any outdoor area to which at the material time members of the public have or are permitted to have access, whether as of right or as a trespasser or otherwise, and which is used for public recreational purposes, 10

(c) any cemetery or churchyard,

(d) any premises or other place to which at the material time members of the public have or are permitted to have access, whether as of right or by express or implied permission, or whether on payment or otherwise, and 15

(e) any train, vessel or vehicle used for the carriage of persons for reward.

Intoxication in  
public place.

4.—(1) It shall be an offence for any person to be present in any public place while intoxicated to such an extent as would give rise to a reasonable apprehension that he might endanger himself or any other person in his vicinity. 20

(2) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £100. 25

(3) Where a member of the Garda Síochána suspects, with reasonable cause, that an offence under this section or under section 5 or 6 is being committed, the member concerned may seize, obtain or remove, without warrant, any bottle or container, together with its contents, which— 30

(a) is in the possession, in a place other than a place used as a dwelling, of a person by whom such member suspects the offence to have been committed, and

(b) such member suspects, with reasonable cause, contains an intoxicating substance: 35

Provided that, in the application of this subsection to section 5 or 6, any such bottle or container, together with its contents, may only be so seized, obtained or removed where the member of the Garda Síochána suspects, with reasonable cause, that the bottle or container or its contents, is relevant to the offence under section 5 or 6 which the member suspects is being committed. 40

(4) In this section—

“bottle or container” does not include a bottle or container for a

substance which is in the possession of the person concerned for a purpose other than the intoxication of that or any other person;

- “intoxicated” means under the intoxicating influence of any alcoholic drink, drug, solvent or other substance or a combination of substances  
5 and cognate words shall be construed accordingly.

5.—(1) It shall be an offence for any person in a public place to engage in offensive conduct— Disorderly conduct in public place.

- (a) between the hours of 12 o'clock midnight and 7 o'clock in the morning next following, or  
10 (b) at any other time, after having been requested by a member of the Garda Síochána to desist.

(2) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500.

- (3) In this section “offensive conduct” means any unreasonable  
15 behaviour which, having regard to all the circumstances, is likely to cause serious offence or serious annoyance to any person who is, or might reasonably be expected to be, aware of such behaviour.

6.—(1) It shall be an offence for any person in a public place to use or engage in any threatening, abusive or insulting words or  
20 behaviour with intent to provoke a breach of the peace or being reckless as to whether a breach of the peace may be occasioned. Threatening, abusive or insulting behaviour in public place.

(2) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 3 months or to both.

7.—(1) It shall be an offence for any person in a public place to  
25 distribute or display any writing, sign or visible representation which is threatening, abusive, insulting or obscene with intent to provoke a breach of the peace or being reckless as to whether a breach of the peace may be occasioned. Distribution or display in public place of material which is threatening, abusive, insulting or obscene.

30 (2) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 3 months or to both.

8.—(1) Where a member of the Garda Síochána finds a person in a public place and suspects, with reasonable cause, that such person— Failure to comply with direction of member of Garda Síochána.

35 (a) is or has been acting in a manner contrary to the provisions of section 4, 5, 6, 7 or 9, or

(b) without lawful authority or reasonable excuse, is acting in a  
40 manner which consists of loitering in a public place in circumstances, which may include the company of other persons, that give rise to a reasonable apprehension for the safety of persons or the safety of property or for the maintenance of the public peace,



the member may direct the person so suspected to do either or both of the following, that is to say:

- (i) desist from acting in such a manner, and
- (ii) leave immediately the vicinity of the place concerned in a peaceable or orderly manner. 5

(2) It shall be an offence for any person, without lawful authority or reasonable excuse, to fail to comply with a direction given by a member of the Garda Síochána under this section.

(3) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 6 months or to both. 10

Wilful obstruction.

9.—Any person who, without lawful authority or reasonable excuse, wilfully prevents or interrupts the free passage of any person or vehicle in any public place shall be liable on summary conviction to a fine not exceeding £200. 15

Increase of penalty for common assault, etc.

10.—The Criminal Justice Act, 1951, is hereby amended by the substitution for subsection (2) of section 11 of the following:

“(2) A person convicted of common assault or battery shall be liable to a fine not exceeding £1,000 or, at the discretion of the Court, imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.”. 20

Entering building, etc., with intent to commit an offence.

11.—(1) It shall be an offence for a person—

- (a) to enter any building or the curtilage of any building or any part of such building or curtilage as a trespasser, or
- (b) to be within the vicinity of any such building or curtilage or part of such building or curtilage for the purpose of trespassing thereon, 25

in circumstances giving rise to the reasonable inference that such entry or presence was with intent to commit an offence or with intent to unlawfully interfere with any property situate therein. 30

(2) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 6 months or to both.

Amendment of Vagrancy Act, 1824.

12.—Section 4 (as applied to Ireland by the Prevention of Crimes Act, 1871) of the Vagrancy Act, 1824, is hereby amended by the deletion of “every person being found in or upon any dwelling house, warehouse, coach-house, stable, or outhouse, or in any enclosed yard, garden or area, for any unlawful purpose;”. 35

Trespass on building, etc.

13.—(1) It shall be an offence for a person, without reasonable

excuse, to trespass on any building or the curtilage thereof in such a manner as causes or is likely to cause fear in another person.

5 (2) (a) Where a member of the Garda Síochána finds a person in a place to which *subsection (1)* relates and suspects, with reasonable cause, that such person is or has been acting in a manner contrary to the provisions of that subsection, then the member may direct the person so suspected to do either or both of the following, that is to say:

(i) desist from acting in such a manner, and

10 (ii) leave immediately the vicinity of the place concerned in a peaceable or orderly manner.

(b) It shall be an offence for any person, without lawful authority or reasonable excuse, to fail to comply with a direction given by a member of the Garda Síochána under this section.

15 (3) (a) A person who is guilty of an offence under *subsection (1)* shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 12 months or to both.

20 (b) A person who is guilty of an offence under *subsection (2)* shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 6 months or to both.

14.—(1) Where—

Riot.

25 (a) 12 or more persons who are present together at any place (whether that place is a public place or a private place or both) use or threaten to use unlawful violence for a common purpose, and

30 (b) the conduct of those persons, taken together, is such as would cause a person of reasonable firmness present at that place to fear for his or another person's safety,

then, each of the persons using unlawful violence for the common purpose shall be guilty of the offence of riot.

(2) For the purposes of this section—

35 (a) it shall be immaterial whether or not the 12 or more persons use or threaten to use unlawful violence simultaneously at any place;

(b) the common purpose may be inferred from conduct;

40 (c) no person of reasonable firmness need actually be, or be likely to be, present at that place.

(3) A person guilty of an offence of riot shall be liable on conviction on indictment to a fine or to imprisonment for a term not exceeding 10 years or to both.

(4) The common law offence of riot is hereby abolished.



Violent disorder.

15.—(1) Where—

- (a) three or more persons who are present together at any place (whether that place is a public place or a private place or both) use or threaten to use unlawful violence, and
- (b) the conduct of those persons, taken together, is such as would cause a person of reasonable firmness present at that place to fear for his or another person's safety, 5

then, each of the persons using or threatening to use unlawful violence shall be guilty of the offence of violent disorder.

(2) For the purposes of this section— 10

- (a) it shall be immaterial whether or not the three or more persons use or threaten to use unlawful violence simultaneously;
- (b) no person of reasonable firmness need actually be, or be likely to be, present at that place. 15

(3) A person shall not be convicted of the offence of violent disorder unless the person intends to use or threaten to use violence or is aware that his conduct may be violent or threaten violence.

(4) A person guilty of an offence of violent disorder shall be liable on conviction on indictment to a fine or to imprisonment for a term not exceeding 10 years or to both. 20

(5) A reference, however expressed, in any enactment passed before the commencement of this Act—

- (a) to the common law offence of riot, or
- (b) to the common law offence of riot and to tumult, 25

shall be construed as a reference to the offence of violent disorder.

(6) The common law offence of rout and the common law offence of unlawful assembly are hereby abolished.

Affray.

16.—(1) Where—

- (a) two or more persons at any place (whether that place is a public place or a private place or both) use or threaten to use violence towards each other, and 30
- (b) the violence so used or threatened by one of those persons is unlawful, and
- (c) the conduct of those persons taken together is such as would cause a person of reasonable firmness present at that place to fear for his or another person's safety, 35

then, each such person who uses or threatens to use unlawful violence shall be guilty of the offence of affray.

(2) For the purposes of this section— 40

- (a) a threat cannot be made by words alone;



- (b) no person of reasonable firmness need actually be, or be likely to be, present at the place where the use or threat of violence occurred.
- 5 (3) A person shall not be convicted of the offence of affray unless the person intends to use or threaten to use violence or is aware that his conduct may be violent or threaten violence.
- (4) A person guilty of an offence of affray shall be liable—
- 10 (a) on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 12 months or to both,
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 5 years or to both.
- (5) The common law offence of affray is hereby abolished.

15 17.—(1) It shall be an offence for any person who, with a view to gain for himself or another or with intent to cause loss to another, makes any unwarranted demand with menaces.

Blackmail,  
extortion and  
demanding money  
with menaces.

- (2) For the purposes of this section—
- (a) a demand with menaces shall be unwarranted unless the person making it does so in the belief—
- 20 (i) that he has reasonable grounds for making the demand, and
- (ii) that the use of the menaces is a proper means of reinforcing the demand;
- 25 (b) the nature of the act or omission demanded shall be immaterial and it shall also be immaterial whether or not the menaces relate to action to be taken by the person making the demand.

- (3) A person guilty of an offence under this section shall be liable—
- 30 (a) on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 12 months or to both,
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 14 years or to both.

35 18.—(1) Any person who assaults any person with intent to cause bodily harm or to commit an indictable offence shall be guilty of an offence.

Assault with intent  
to cause bodily harm  
or commit  
indictable offence.

- (2) A person guilty of an offence under this section shall be liable—
- 40 (a) on summary conviction, to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 12 months or to both,

- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 5 years or to both.

Assault or  
obstruction of  
peace officer.

19.—(1) Any person who—

- (a) assaults a peace officer acting in the execution of the peace officer's duty, knowing that he is, or being reckless as to whether he is, a peace officer acting in the execution of his duty, or 5
- (b) assaults any other person acting in the aid of a peace officer, or
- (c) assaults any other person with intent to resist or prevent the lawful apprehension or detention of himself or any other person for any offence, 10

shall be guilty of an offence.

(2) A person guilty of an offence under *subsection (1)* shall be liable— 15

- (a) having elected for summary disposal of the offence, on summary conviction, to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 12 months, or to both,
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 5 years or to both. 20

(3) Any person who resists or wilfully obstructs a peace officer acting in the execution of his duty or a person assisting a peace officer in the execution of his duty, knowing that he is or being reckless as to whether he is, a peace officer acting in the execution of his duty, shall be guilty of an offence. 25

(4) A person guilty of an offence under *subsection (3)* shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 6 months or to both.

(5) The provisions of this section are in addition to and not in substitution of any provision in any other enactment relating to assault or obstruction of a peace officer. 30

(6) In this section—

“peace officer” means a member of the Garda Síochána, a prison officer or a member of the Defence Forces; 35

“prison” means any place for which rules or regulations may be made under the Prisons Acts, 1826 to 1980, section 7 of the Offences against the State (Amendment) Act, 1940, section 233 of the Defence Act, 1954, section 2 of the Prisoners of War and Enemy Aliens Act, 1956, or section 13 of the Criminal Justice Act, 1960; 40

“prison officer” includes any member of the staff of a prison and any person having the custody of, or having duties in relation to the custody of, a person detained in prison.



PART III

CROWD CONTROL AT PUBLIC EVENTS

20.—In this Part—

Interpretation  
(Part III).

“container” does not include a container for any medicinal product;

5 “disposable container” includes—

(a) any bottle, can or other portable container or any part thereof  
(including any crushed or broken portable container or  
part thereof) for holding any drink which, when empty, is  
of a kind normally discarded or returned to, or left to be  
10 recovered by, the supplier, and

(b) any crate or packaging designed to hold more than one such  
bottle, can or other portable container;

“event” has the meaning assigned to it by *section 21 (1)*;

15 “intoxicating liquor” includes any container containing intoxicating  
liquor, whether or not a disposable container.

21.—(1) If it appears to a member of the Garda Síochána not below  
the rank of superintendent that it is necessary in the interests of safety  
or for the purpose of preserving order to restrict the access of persons  
to a place where an event is taking or is about to take place which  
20 attracts, or is likely to attract, a large assembly of persons (in this  
Part referred to as the “event”), he may authorise any member of the  
Garda Síochána to erect or cause to be erected a barrier or a series  
of barriers on any road, street, lane, alley or other means of access  
to such a place in a position not more than one mile therefrom for  
25 the purpose of regulating the access of persons or vehicles thereto.

Control of access to  
certain events, etc.

(2) Where a barrier has been erected in accordance with *subsection*  
(1), a member of the Garda Síochána in uniform may by oral or  
manual direction or by the exhibition of any notice or sign, or any  
combination thereof—

30 (a) divert persons generally or particularly and whether in or on  
vehicles or on foot to another means of access to the  
event, including a means of access to that event on foot  
only, or

35 (b) where possession of a ticket is required for entrance to the  
event, prohibit a person whether in or on vehicles or on  
foot from crossing or passing the barrier towards the event  
where the person has no such ticket, or

40 (c) indicate that to proceed beyond the barrier while in pos-  
session of any intoxicating liquor, disposable drinks con-  
tainer or offensive article will render such liquor, container  
or article liable to confiscation.

(3) A member of the Garda Síochána shall not prohibit a person  
from crossing or passing a barrier erected under this section save for  
the purpose of diverting the person to another means of access to the  
45 event, if it appears to the member that the person is seeking to do so  
for the purpose only of—

- (a) going to his dwelling or place of business or work in the vicinity of the event, or
- (b) going for any other lawful purpose to any place in the vicinity of the event other than the place where the event is taking place or is about to take place. 5

(4) A person who—

- (a) fails to obey a direction given by a member of the Garda Síochána under *subsection (2)* for the purposes of *paragraph (a)* or *(b)* thereof, or
- (b) fails to comply with the terms of a notice or sign exhibited under *subsection (2)* for the purposes of *paragraph (a)* or *(b)* thereof, 10

shall be guilty of an offence.

(5) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500. 15

Surrender and  
seizure of  
intoxicating liquor,  
etc.

22.—(1) Where in relation to an event—

- (a) a barrier has been erected under *section 21* and it appears to a member of the Garda Síochána that a person on foot or in a vehicle is seeking to cross or pass the barrier, or has crossed or passed the barrier, for the purpose of going to the place where the event is taking place or is about to take place, or 20
- (b) it appears to a member of the Garda Síochána that a person is about to enter, or has entered, the place where the event is taking place or is about to take place, 25

and the person has, or the member of the Garda Síochána suspects with reasonable cause that the person has, in his possession—

- (i) any intoxicating liquor, or
- (ii) any disposable container, or
- (iii) any other article which, having regard to the circumstances or the nature of the event, could be used to cause injury, 30

the member may exercise any one or more of the following powers—

- (I) search or cause to be searched that person or any vehicle in or on which he may be in order to ascertain whether he has with him any such liquor, container or other article, 35
- (II) refuse to allow that person to proceed to the event or to proceed further, as the case may be, unless that person surrenders permanently to a member of the Garda Síochána as directed by the member such liquor, container or other article. 40

(2) Where a member of the Garda Síochána refuses to allow a person to proceed to the event or to proceed further by virtue of *subsection (1) (II)* and the person does not surrender the alcoholic 45



liquor, disposable container or other article concerned, the member may require the person to leave the vicinity in an orderly and peaceful manner as directed by the member.

- 5 (3) A person who, without lawful authority or reasonable excuse, fails to comply with a requirement under *subsection (2)* shall be guilty of an offence.

(4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500.

#### PART IV

10

#### MISCELLANEOUS AND REPEALS

- 23.—(1) A person who publishes or causes to be published or distributes or causes to be distributed an advertisement which advertises a brothel or the services of a prostitute in the State or any premises or service in the State in terms, circumstances or manner  
15 which gives rise to the reasonable inference that the premises is a brothel or that the service is one of prostitution shall be guilty of an offence.

Prohibition of  
advertising of  
brothels and  
prostitution.

(2) A person who is guilty of an offence under *subsection (1)* shall be liable—

- 20 (a) on summary conviction to a fine not exceeding £1,000,  
(b) on conviction on indictment to a fine not exceeding £10,000.

- (3) In any proceedings for an offence under *subsection (1)* it shall be a defence for the accused to show that he is a person whose business it is to publish or distribute or to arrange for the publication  
25 or distribution of advertisements and that he received the advertisement in question for publication or distribution in the ordinary course of business and did not know and had no reason to suspect that the advertisement related to a brothel or to the services of a prostitute.

- 30 (4) Where an offence under *subsection (1)* is committed by a body corporate or by a person purporting to act on behalf of a body corporate or an unincorporated body of persons and is proved to have been committed with the consent or approval of, or to have been attributable to any neglect on the part of, any person who, when the  
35 offence was committed, was a director, member of the committee of management or other controlling authority of the body concerned, or the manager, secretary or other officer of the body, or who was purporting to act in any such capacity, that person, as well as the body, shall be guilty of an offence and shall be liable to be proceeded  
40 against and punished as if that person were guilty of the first-mentioned offence.

(5) In this section—

- “advertisement” includes every form of advertising or promotion, whether in a publication or by the display of notices or posters or  
45 by the means of circulars, leaflets, pamphlets or cards or other documents or by way of radio, television, computer monitor, telephone, facsimile transmission, photography or cinematography or other like means of communication;

"distribute" means distribute to the public or a section of the public and cognate words shall be construed accordingly;

"publish" means publish to the public or a section of the public and cognate words shall be construed accordingly.

Arrest without  
warrant.

24.—(1) Where a member of the Garda Síochána finds any person committing an offence under a relevant provision, the member may arrest such person without warrant. 5

(2) Where a member of the Garda Síochána is of the opinion that an offence has been committed under a relevant provision, the member may— 10

(a) demand the name and address of any person whom the member suspects, with reasonable cause, has committed, or whom the member finds committing, such an offence, and

(b) arrest without warrant any such person who fails or refuses to give his name and address when demanded, or gives a name or address which the member has reasonable grounds for believing is false or misleading. 15

(3) Any person who fails or refuses to give his name and address when demanded by virtue of subsection (2), or gives a name or address when so demanded which is false or misleading, shall be guilty of an offence. 20

(4) A person guilty of an offence under subsection (3) shall be liable on summary conviction to a fine not exceeding £500 or to a term of imprisonment not exceeding 6 months or to both. 25

(5) In this section "relevant provision" means section 4, 6, 7, 8, 11, 13, 14, 15, 16, 17, 18 or 19.

Continuance of  
existing powers of  
Garda Síochána.

25.—Any power conferred on a member of the Garda Síochána by this Act is without prejudice to any other power exercisable by such a member. 30

Repeals.

26.—The Acts specified in the *Schedule* to this Act are hereby repealed to the extent specified in the *third column* of that *Schedule*.



SCHEDULE

Section 26.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
6 & 7 Will. 4, c. 29	Dublin Police Act, 1836	Section 9.
5 & 6 Vict., c. 24	Dublin Police Act, 1842	Paragraph numbered 13 of section 14.
13 & 14 Vict., c. 92	Summary Jurisdiction (Ireland) Act, 1851	Paragraph numbered 3 of section 13.
24 & 25 Vict., c. 100	Offences against the Person Act, 1861	Section 38.
34 & 35 Vict., c. 112	Prevention of Crimes Act, 1871	Section 12.
6 & 7 Geo. 5, c. 50	Larceny Act, 1916	Sections 29 to 31.