

Criminal Law in Ireland

Seán E. Quinn

*B.A. (Hons.), H. Dip. in Ed., M. Litt.,
of King's Inns, Barrister-at-Law.*

With a Foreword by

The Honorable Justice Susan Denham

Senior Ordinary Judge of the Supreme Court

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Foreword

This is an excellent source book on criminal law. Sean Quinn decided that he would take up the challenge of writing a book where people could find the criminal law of the State. He has achieved his objective; *Criminal Law in Ireland* is a comprehensive overview of the criminal justice system in Ireland.

This is a wide ranging book, considering matters of procedure and the substantive law. While not attempting to identify all areas addressed by the author, the whole panoply of criminal law is laid out. Long established crimes, such as murder, manslaughter, infanticide, theft and burglary, are discussed in detail. In addition, there are chapters on the misuse of computers, money laundering and corruption offences. The matter of organised crime, a very topical issue, is examined, as are public order offences. An area of significant importance, the misuse of drugs, is described in detail. The chapter on road traffic offences will be of particular assistance to practitioners.

It is often difficult to trace the precise penalty for an offence. The author has done us all a great service by drawing up his extensive table on penalties. The offences are set out alphabetically, followed by their source, and then the penalty. A table such as this is the product of a great deal of hard work. I am sure it will be appreciated by legal practitioners and students alike.

The author has taken great care to include the up-to-date legislation. He provides an important reference point. This illustrates the true nature of the publication, as a comprehensive source book.

This is a timely publication. Important changes in the law over recent years are considered. Thus, the introduction of the defence of diminished responsibility provided for in the Criminal Law (Insanity) Act, 2006 is addressed. Other recent developments, such as the Criminal Law (Human Trafficking) Act, 2008, the Criminal Law (Sexual Offences) Act, 2006 and the Criminal Justice Act, 2007 are analysed.

This publication will be of great assistance to legal practitioners and students. It is up to date. It addresses issues traditionally found in texts on the criminal law. It includes contemporary issues, such as children and the criminal law, and false accounting and related offences.

I congratulate the author. I recommend this book to readers of the law, and I have no doubt that it will be a success.

Susan Denham

The Supreme Court

8th July, 2009

*** Table of Constitutional Provisions**

*** Table of Statutes**

Secondary legislation

European

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*** Table of Penalties**

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How created

Penalty

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Emergency Powers Act 1976

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Criminal Justice (Drug Trafficking) Act 1996

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Statutes analysed include:

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Criminal Law (Insanity) Act 2006

Criminal Justice Act 2006

International Criminal Court Act 2006

Criminal Justice Act 2007

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Also reference to:

* *Fines Bill 2009*

* *Criminal Procedure Bill 2009*

* *Criminal Justice (Money Laundering & Terrorist Financing) Bill 2009*

*** 1888 pages in total (xcii + 1796)**

*** 683,383 words in text.**

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Chapter 56

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Table of Penalties

[56.02] The Table of Penalties following lists offences or classes of offences in alphabetical order. All indictable offences contained in the text are included as are some summary offences.

The information in respect of the offences listed is:

1. How created whether at common law or by statute and the section. The statute may be identified by reference to the Table of Statutes. Some common law offences have statutory provisions as to penalties.
2. The maximum penalty on indictment in respect of imprisonment (mts or yrs) or amount of fine, a fine is both an additional and an alternative penalty (a/o). Where no amount is specified "fine" means an unlimited fine. Note the provisions as to summary trial of indictable offences at [04.55], and as to where accused pleads guilty to indictable offences [04.60].
3. The maximum penalty on summary conviction (**S**) be it imprisonment or fine. Sometimes a summary penalty is dependent upon whether there is a first, second or subsequent conviction.
4. Where a fine is denominated in pounds the euro amount is given in brackets. The pound amount is the amount contained in the statute. Many penalties have been substituted in recent times by increased euro amounts.
5. The proposed class (A, B, C, D, E.) as provided for in the Fines Bill. If it is passed as initiated the fine penalties will be according to the designated class.
6. The paragraph number (**Para.**) where the offence may be found in the text, the actual penalty may be found in a different paragraph. Sometimes there are additional penalty provisions which cannot be properly abbreviated in a table.

In relation to Road Traffic Offences there are additional penalties [50.03]. These include: a contribution towards the costs and expenses incurred by the Bureau (Bureau Costs) as provided for by section 22 of the 1994 Act [50.118]; consequential disqualification order (CDO) as provided for by section 26 of the 1961 Act (for periods of disqualification see the Table in subsection 4 of such section) [50.163], there are in addition provisions as to ancillary disqualification orders provided by section 27 [50.165], and as to special disqualification orders provided by section 28 [50.166]; and penalty points (P) as provided for by the 2002 Act [50.176], see First Schedule to such at [50.189].

Offence	How created	Penalty	Para.
Abduction of child by parent of child	No. 26 of 1997, s. 16 No. 26 of 1997, s. 17	7 yrs a/o fine S 12 mts a/o £1,500 (€1,904.61) C 7 yrs a/o fine S 12 mts a/o £1,500 (€1,904.61) C	10.24 32.88 32.94
Abortion procuring a miscarriage supplying poison or instruments	24 & 25 V c. 100, s. 58 24 & 25 V c. 100, s. 59	(PS) Life (PS) 5 yrs	25.14 25.21
Aids, etc. indictable offence	No. 14 of 1997, s. 7(1)	as principal offender	17.28
Aircraft unlawful seizure / indictable act of violence, damage etc.	No. 29 of 1973, s. 11 No. 9 of 1975, ss. 3, 6	Life Life	52.41 52.44
Assaults etc. assault	No. 26 of 1997, s. 1	S 6 mts a/o £1,500 (€1,904.61) C	26.06
assault causing harm	No. 26 of 1997, s. 3	5 yrs a/o fine S 12 mts a/o £1,500 (€1,904.61) C	26.36
causing serious harm	No. 26 of 1997, s. 4	Life a/o fine	26.45
with intent to cause bodily harm	No. 2 of 1994, s. 18	5 yrs a/o fine S 12 mts a/o £1,000 (€1,269.74) C	45.38
assault or obstruction of peace officer	No. 2 of 1994, s. 19	7 yrs a/o fine S 12 mts a/o £1,000 (€1,269.74) C	45.41
Attempt, to commit any crime	Common law	Imp. a/o fine	18.04
Barratry	Common law	Imp. a/o fine	55.90
Bestiality (<i>Buggery</i>)	Common Law	(PS) Life	30.58
attempt	24 & 25 V c. 100, s. 61 24 & 25 V c. 100, s. 62	(PS) 10 yrs	30.62
Bigamy	24 & 25 V c. 100, s. 57	(PS) 7 yrs	54.37
Blackmail			

unwarranted demand with menaces	No. 50 of 2001, s. 17	14 yrs a/o fine S 12 mts a/o £1,000 (€1,269.74) C	37.24
Blasphemy	Article 40.6.1.i No. 32 of 2009, s. 36	€25,000	54.08 54.09
Broadcasting from ships and aircraft from marine structures acts connected acts facilitating	No. 35 of 1968, s. 2 No. 35 of 1968, s. 3 No. 35 of 1968, s. 4 No. 35 of 1968, s. 5	2 yrs a/o £20,000 S 3 mts a/o £1,000 (€1,269.74) A 2 yrs a/o £20,000 S 3 mts a/o £1,000 (€1,269.74) A 2 yrs a/o £20,000 S 3 mts a/o £1,000 (€1,269.74) A 2 yrs a/o £20,000 S 3 mts a/o £1,000 (€1,269.74) A	53.23 53.24 53.25 53.26
Breach of the peace	Common Law	Imp a/o fine	45.50
Bribery of public official	Common law	Imp a/o fine	55.78
Burglary	No. 50 of 2001, s. 12	14 yrs a/o fine	36.03
aggravated burglary	No. 50 of 2001, s. 13	Life	36.32
Challenge to fight	Common Law	Imp a/o fine	45.53
Champerty	Common law	Imp a/o fine	55.92
Chemical weapons produce, develop, retain, etc. contravene other provisions	No. 28 of 1997, s. 3 No. 28 of 1997, s. 13	Life S 2 yrs a/o £100,000 S 12 mts a/o £1,500(€1,904.61) C	52.88 52.90
Child pornography allowing child to be used producing, distributing etc. possession of	No. 22 of 1998, s. 4 No. 22 of 1998, s. 5 No. 22 of 1998, s. 6	14 yrs a/o £25,000 (€31,743.45) 14 yrs a/o fine S 12 mts a/o £1,500 (€1,904.61) C 5 yrs a/o £5,000 S 12 mts a/o £1,500(€1,904.61) C	32.45 32.46 32.47
Child trafficking for sexual exploitation meeting for sexual exploitation	No. 22 of 1998, s. 3 No. 22 of 1998, s. 3	Life a/o fine 14 yrs	32.37 32.40

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Available from:

Seán E. Quinn, 15 Rathclaren, Killarney, Bray, Co. Wicklow, Ireland.

Telephone + 353 (0)87 796 1577

