

CRIMINAL LAW ACT 1997

AN ACT TO ABOLISH ALL DISTINCTIONS BETWEEN FELONY AND MISDEMEANOUR AND TO AMEND AND SIMPLIFY THE LAW IN RESPECT OF MATTERS ARISING FROM OR RELATED TO ANY SUCH DISTINCTION, TO ABOLISH PENAL SERVITUDE, HARD LABOUR, PRISON DIVISIONS AND CORPORAL PUNISHMENT, AND TO PROVIDE FOR CERTAIN OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID.

[22nd April, 1997]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

(...)

Penalties for assisting offenders.

7. - (1) Any person who aids, abets, counsels or procures the commission of an indictable offence shall be liable to be indicted, tried and punished as a principal offender

(2) Where a person has committed an arrestable offence, any other person who, knowing or believing him or her to be guilty of the offence or of some other arrestable offence, does without reasonable excuse any act with intent to impede his or her apprehension or prosecution shall be guilty of an offence.

(3) If, upon the trial on indictment of an arrestable offence, it is proved that the offence charged, or some other offence of which the accused might on that charge be found guilty, was committed but it is not proved that the accused was guilty of it, the accused may be found guilty of an offence under subsection (2) of which it is proved that he or she is guilty in relation to the offence charged, or that other offence.

(4) A person committing an offence under subsection (2) with intent to impede another person's apprehension or prosecution shall be liable on conviction on indictment to imprisonment according to the gravity of the offence that the other person has committed or attempted to commit, as follows:

(a) if that offence is one for which the sentence is fixed by law, or for which the maximum sentence is imprisonment for life, he or she shall be liable to imprisonment for a term not exceeding ten years;

(b) if it is one for which a person of full capacity and not previously convicted may be sentenced to imprisonment for a term of fourteen years, he or she shall be liable to imprisonment for a term not exceeding seven years;

(c) If it is not one included in paragraph (a) or (b) but is one for which a person of full capacity and not previously convicted may be sentenced to imprisonment for a term of ten years, he or she shall be liable to imprisonment for a term not exceeding five years;

(d) in any other case, he or she shall be liable to imprisonment for a term not exceeding three years.

(5) Where a person is charged with an offence under subsection (2), no further proceedings in the matter (other than any, remand in custody or on bail) shall be taken except by or with the consent of the Director of Public Prosecutions.

(6) The references in the following provisions, namely subsection (1) of section 13 (which relates to a plea of guilty in the District Court of an indictable offence) and subsection (1) (f) of section 29 (which relates to bail in the case of certain offences) of the Criminal Procedure Act, 1967, to an accessory before or after the fact shall be construed as references to aiding, abetting, counselling or procuring the commission of an offence, and to an offence under subsection (2).

(7) The First Schedule to the Criminal Justice Act, 1951 (which specifies the indictable offences which may be tried summarily with the consent of the accused) is hereby amended by the insertion of the following reference:

"24. An offence under section 7 (2) of the Criminal Law Act, 1997."

Penalty for concealing offence.

8. - (1) Where a person has committed an arrestable offence, any other person who, knowing or believing that the offence or some other arrestable offence has been committed and that he or she has information which might be of material assistance in securing the prosecution or conviction of an offender for it, accepts or agrees to accept for not disclosing that information any consideration other than the making good of loss or injury caused by the offence, or the making of reasonable compensation

for that loss or injury, shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding three years

(2) No proceedings shall be instituted for an offence under this section except by or with the consent of the Director of Public Prosecutions.

(3) The compounding of an offence shall not be an offence otherwise than under this section.

(4) The First Schedule to the Criminal Justice Act, 1951 (which specifies the indictable offences which may be tried summarily with the consent of the accused) is hereby amended by the insertion of the following reference:

"25. An offence under section 8 of the Criminal Law Act, 1997."

(...)