

CRIMINAL LAW ACT 1976

AN ACT TO AMEND THE CRIMINAL LAW.

[24th September, 1976]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

(...)

Search warrants relating to commission of offences under Act of 1939 etc.

5. - The following section is hereby substituted for section 29 of the Act of 1939:

"29.(1) Where a member of the Garda Síochána not below the rank of superintendent is satisfied that there is reasonable ground for believing that evidence of or relating to the commission or intended commission of an offence under this Act or the Criminal Law Act, 1976, or an offence which is for the time being a scheduled offence for the purposes of Part V of this Act, or evidence relating to the commission or intended commission of treason, is to be found in any building or part of a building or in any vehicle, vessel, aircraft or hovercraft or in any other place whatsoever, he may issue to a member of the Garda Síochána not below the rank of sergeant a search warrant under this section in relation to such place.

(2) A search warrant under this section shall operate to authorise the member of the Garda Síochána named in the warrant, accompanied by any members of the Garda Síochána or the Defence Forces, to enter, within one week from the date of the warrant, and if necessary by the use of force, any building or part of a building or any vehicle, vessel, aircraft or hovercraft or any other place named in the warrant, and to search it and any person found there, and to seize anything found there or on such person.

(3) A member of the Garda Síochána or the Defence Forces acting under the authority of a search warrant under this section may—

(a) demand the name and address of any person found where the search takes place, 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 is false or misleading or which the member with reasonable cause suspects to be false or misleading.

(4) Any person who obstructs or attempts to obstruct any member of the Garda Síochána or the Defence Forces acting under the authority of a search warrant under this section or who fails or refuses to give his name and address when demanded, or gives a name or address which is false or misleading, shall be guilty of an offence and shall be liable—

(a) on summary conviction, to a fine not exceeding £500 or to imprisonment for a term not exceeding 12 months, or to both, or

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

(5) Any reference in subsection (1) of this section to an offence includes a reference to attempting or conspiring to commit the offence."

(...)

Power of Garda Síochána to search vehicles and persons in vehicles.

8. - (1) This section applies to:

(a) an offence under the Act of 1939 or an offence that is for the time being a scheduled offence for the purposes of Part V of that Act;

(b) an offence under section 2 of the Criminal Law (Jurisdiction) Act, 1976;

(c) murder, manslaughter or an offence under section 18 of the Offences against the Person Act, 1861;

(d) an offence under section 23, 23A or 23B of the Larceny Act, 1916,

(e) an offence of malicious damage to property involving the use of fire or of any explosive substance (within the meaning of section 7 (1) (e) of this Act);

(f) an offence under the Firearms Acts, 1925 to 1971;

(g) escape from lawful custody;

(h) an offence under section 11 of the Air Navigation and Transport Act, 1973, or under section 10 of the Criminal Law (Jurisdiction) Act, 1976;

(i) an offence under this Act.

(2) Where a member of the Garda Síochána who with reasonable cause suspects that an offence to which this section applies has been, is being or is about to be committed requires a person to stop a vehicle with a view to ascertaining whether—

(a) any person in or accompanying the vehicle has committed, is committing or is about to commit the offence, or

(b) evidence relating to the commission or intended commission of the offence by any person is in or on the vehicle or on any person in or accompanying it,

he may search the vehicle, and if (whether before or after the commencement of the search) he suspects with reasonable cause that any of the facts mentioned in paragraph (a) or (b) above exists, he may search any person in or accompanying the vehicle.

(3) A member of the Garda Síochána may use reasonable force in order to compel a person to comply with a requirement to stop a vehicle, and such force may include the placing of a barrier or other device in the path of vehicles.

(4) Any reference in subsection (1) of this section to an offence includes a reference to attempting or conspiring to commit the offence.

(...)