

SAORSTÁT ÉIREANN.

BILLE BUNREACHTA (LEASU UIMH. 17), 1931. CONSTITUTION (AMENDMENT NO. 17) BILL, 1931.

Mar do leasúíodh i gCoiste.

As amended in Committee.

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[No. 40a of 1931.]

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SAORSTAT EIREANN.

BILLE BUNREACHTA (LEASU UIMH. 17), 1931.
CONSTITUTION (AMENDMENT NO. 17) BILL, 1931.

BILL

5

entitled

AN ACT TO AMEND THE CONSTITUTION BY INSERTING
THEREIN AN ARTICLE MAKING BETTER PROVISION
FOR SAFEGUARDING THE RIGHTS OF THE PEOPLE
AND CONTAINING PROVISIONS FOR MEETING A
10 PREVALENCE OF DISORDER.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTAT
EIREANN AS FOLLOWS:—

1.—(1) The Constitution shall be and is hereby amended by the Amendment of
insertion therein, immediately after Article 2 thereof, of the the Constitution.
15 Article set forth in the Schedule to this Act.

(2) The said Article set forth in the Schedule to this Act and
by this Act inserted in the Constitution shall be numbered "2A"
and may be cited as Article 2A of the Constitution.

2.—This Act may be cited as the Constitution (Amendment No. Short title.
20 17) Act, 1931.

SCHEDULE.

ARTICLE 2A OF THE CONSTITUTION.

PART I.

PRELIMINARY AND GENERAL.

25 1.—(1) Parts II, III, IV, and V of this Article shall not be of Operation of
any force or effect unless or until the Executive Council makes an Parts II to V of
Order under this section declaring that Parts II, III, IV, and V of this Article.
of this Article shall come into force, but if and whenever and so
often as the Executive Council makes such order Parts II, III, IV,
30 and V of this Article shall come into and be of full force and
effect immediately upon the making of such order and shall con-
tinue in such force and effect until the Executive Council makes
an order under this section declaring that the said Parts of this
Article shall cease to be in force whereupon the said Parts of this
35 this Article shall cease to be in force but without prejudice to the
validity of anything previously done thereunder.

(2) Whenever the Executive Council is of opinion that circum-
stances exist which render it expedient that Parts II, III, IV, and
V of this Article should be brought into force, the Executive
40 Council may by order declare that Parts II, III, IV, and V of this
Article shall come into force.

(3) Whenever and so often as Parts II, III, IV, and V of this
Article are in force and the Executive Council is of opinion that
circumstances rendering it expedient that the said Parts of this
45 Article should be in force no longer exist, the Executive Council
may by order declare that Parts II, III, IV, and V shall cease to
be in force.

2.—Article 3 and every subsequent Article of this Constitution Construction of
shall be read and construed subject to the provisions of this this Article in
50 Article, and in the case of any inconsistency between this Article relation to other
and the said Article 3 or any subsequent Article, this Article Articles.
shall prevail.

3.—(1) In this Article—

the word “association” includes any combination of persons whether such combination is or is not known by a distinctive name;

the expression “treasonable or seditious documents” includes any 5 documents relating to or concerned with or issued or emanating from or appearing to issue or emanate from an unlawful association;

the word “offence” includes crime;

the word “periodical” means any newspaper, magazine, journal, 10 or other publication which is published or issued at regular or substantially regular intervals;

(2) The Interpretation Act 1923 (No. 46 of 1923), applies to the interpretation of this Article in like manner as it applies to the interpretation of an Act of the Oireachtas passed after the 15 1st day of January, 1924.

PART II.

THE CONSTITUTION (SPECIAL POWERS) TRIBUNAL.

Establishment of
the Constitution
(Special Powers)
Tribunal.

4.—(1) As soon as may be after every occasion on which this section of this Article comes into force, there shall be established 20 a tribunal (in this Article referred to as the Tribunal) to be known as and styled as the Constitution (Special Powers) Tribunal.

(2) The Tribunal shall consist of five members, all of whom shall be officers of the Defence Forces of Saorstát Éireann not below the rank of commandant and shall be appointed and be removable 25 at will by the Governor-General acting on the advice of the Executive Council.

(3) The Minister for Finance may appoint such registrar, clerks, and servants for the purposes of the Tribunal as he thinks proper and there may be paid to such registrar, clerks, and servants and 30 to the members of the Tribunal such remuneration and allowances as the Minister for Finance may determine.

The procedure of
the Tribunal.

5.—(1) At every sitting of the Tribunal three members and no more of the Tribunal shall be present and constitute the Tribunal for the purposes of such sitting, and every order made and act 35 done by such three members or a majority of them at such sitting shall for all purposes be the order or act (as the case may be) of the Tribunal.

(2) The Tribunal shall have full and absolute power to appoint the time and places of its sittings and full and absolute control of 40 its own procedure in all respects and, in particular, in respect of the admission or exclusion of the public to or from its sittings, the enforcing the attendance of witnesses and the production of documents.

(3) The Tribunal shall have full and absolute power to punish 45 in such manner as the Tribunal thinks proper all persons whom the Tribunal finds guilty of contempt of the Tribunal or any member thereof whether such contempt is or is not committed in the presence of the Tribunal.

(4) The Tribunal shall have an official seal which shall be 50 officially and judicially noticed and every document sealed with such seal and purporting to be an order or other act of the Tribunal shall be received in evidence in all Courts without further proof and be deemed to be an order or other act (as the case may require) of the Tribunal made or done with competent 55 jurisdiction.

(5) The Tribunal may act notwithstanding one or two (but not more than two) vacancies in its membership.

Jurisdiction of
the Tribunal.

6.—(1) The Tribunal shall have jurisdiction to try and to con- 60 vict or acquit all persons charged with an offence mentioned in the Appendix to this Article and brought before the Tribunal under this Article, and also jurisdiction to sentence every person convicted by the Tribunal of any such offence.

(2) The Tribunal shall have power to administer oaths to witnesses.

(3) The Tribunal shall have jurisdiction to order the detention of and to detain in custody, pending trial by the Tribunal and during and after such trial until conviction or acquittal, any person brought before the Tribunal and charged with an offence mentioned in the Appendix to this Article.

(4) The Tribunal shall have jurisdiction, in lieu of or in addition to inflicting any punishment on a person convicted by it of an offence, to require such person to enter into a recognisance before a Justice of the District Court, in such amount and with or without sureties as the Tribunal shall direct, to keep the peace for such period as the Tribunal shall specify.

(5) No appeal shall lie from any order, conviction, sentence, or other act of the Tribunal, and the Tribunal shall not be restrained or interfered with in the execution of its jurisdiction or powers under this Article by any court nor shall any proceedings before the Tribunal be removed by certiorari to any court.

7.—(1) Whenever the Tribunal finds any person guilty of an offence mentioned in the Appendix to this Article the Tribunal may, in lieu of the punishment provided by law (other than this Article) for such offence, sentence such person to suffer any greater punishment (including the penalty of death) if in the opinion of the Tribunal such greater punishment is necessary or expedient.

(2) Subject to the provisions of this Article in relation to the imprisonment of persons sentenced by the Tribunal to suffer imprisonment, the Tribunal may direct the manner in which and the authorities by whom any order made or sentence pronounced by the Tribunal is to be carried out and thereupon such authorities shall carry out such order or sentence in accordance with such direction.

(3) Where the Tribunal directs an order made or sentence pronounced by it to be carried out by the civil authorities, such order or sentence shall be carried out by the civil authorities and officers by whom and in the like manner as a like order or sentence of the Central Criminal Court is required by law to be carried out.

(4) Subject to the provisions of this Article, every order, conviction, and sentence of the Tribunal shall have the like consequences in law as a like order, conviction, or sentence of the Central Criminal Court would have and, in particular, every order and sentence of the Tribunal shall confer on the persons carrying out the same the like protections and immunities as would be possessed by the civil authorities and officers when carrying out an order or sentence of the Central Criminal Court.

(5) No coroner's inquest shall be held in relation to a death occasioned by the execution of a sentence of death pronounced by the Tribunal.

8.—(1) No action, prosecution, or other proceeding, civil or criminal, shall lie against any member of the Tribunal in respect of any order made, conviction or sentence pronounced, or other thing done by the Tribunal or in respect of any thing done by such member in the course of the performance of his duties or the exercise of his powers as a member of the Tribunal or otherwise in his capacity as a member of the Tribunal, whether such thing was or was not necessary to the performance of such duties or the exercise of such powers.

Immunities of members and officers of and witnesses before the Tribunal.

(2) No action or other proceeding for defamation shall lie against any person in respect of anything written or said by him in giving evidence, whether written or oral, before the Tribunal or for use in proceedings before the Tribunal.

(3) No action, prosecution, or other proceeding, civil or criminal, shall lie against any registrar, clerk, or servant of the Tribunal in respect of anything done by him in the course of the performance of his duties as such registrar, clerk, or servant, whether such thing was or was not necessary to the performance of such duties.

Perjury by witnesses before the Tribunal.

9.—Every person who, when giving, on oath or affirmation, evidence whether written or oral before the Tribunal or for use in proceedings before the Tribunal makes orally or in writing any statement as part of such evidence which he knows to be false or does not believe to be true shall be guilty of an offence triable by the Tribunal and shall be liable on conviction thereof to suffer such punishment as the Tribunal shall think proper to inflict.

Places and manner of detention and imprisonment under this Article.

10.—(1) In this section the word "prisoner" means a person who either—

- (a) is detained in custody under this Article pending his being brought before the Tribunal, or
- (b) is detained in custody by order of the Tribunal, whether before, during, or after his trial by the Tribunal, or
- (c) is suffering imprisonment in pursuance of a sentence of imprisonment imposed by the Tribunal.

(2) The Minister for Defence may make regulations for all or any of the following purposes, that is to say:—

- (a) prescribing the prisons, internment camps, and other places in which prisoners may be detained or imprisoned;
- (b) providing for the efficient management, sanitation, control, and guarding of such prisons, camps, and other places;
- (c) providing for the enforcement and preservation of discipline amongst prisoners;
- (d) providing for the medical, surgical and nursing care of prisoners;
- (e) providing for the segregation of prisoners who are awaiting trial or whose trial has not been completed from prisoners who have been tried, convicted, and sentenced;
- (f) providing for the prevention of the escape of prisoners and authorising the doing in respect of a prisoner attempting to escape or any person assisting a prisoner in such attempt of anything which may be necessary to prevent him effecting such escape;
- (g) providing for the re-capture of prisoners who have escaped and authorising the making of all searches and inquiries necessary for such re-capture;
- (h) prescribing or providing for any other matter or thing relating to the efficient detention or imprisonment of prisoners.

(3) Every prisoner shall, notwithstanding anything contained in any Act, be detained or imprisoned (as the case may be) under and in accordance with the regulations made by the Minister for Defence under this section and for the time being in force.

(4) Every person who aids or abets the escape of a prisoner from a place of detention or imprisonment prescribed by regulations made under this section shall be guilty of an offence triable by the Tribunal and shall be liable on conviction thereof to suffer such punishment as the Tribunal shall think proper to inflict.

Transfer of trials to the Tribunal.

11.—(1) Whenever a person charged with an offence mentioned in the Appendix to this Article has (whether before or after this Article was inserted in this Constitution or before or after this section comes into force) been sent forward for trial on such charge by the Central Criminal Court or the Circuit Court and is awaiting trial by such Court on such charge, the Tribunal may, on the application of a member of the Garda Síochána not below the rank of inspector, order that the trial of such person on such charge be transferred to the Tribunal and thereupon such person shall be deemed to have been sent forward for trial by the Tribunal on the said charge at such time and place as the Tribunal shall direct.

(2) Whenever any person charged with an offence mentioned in the Appendix to this Article is (whether before or after this Article was inserted in this Constitution or before or after this section comes into force) remanded in custody or on bail by a Justice of the District Court or a Peace Commissioner, the Tribunal may, on the application of a member of the *Gárda Síochána* not below the rank of inspector, order that the trial of such person on such charge be transferred to the Tribunal, and thereupon such person shall be deemed to have been sent forward for trial by the Tribunal on the said charge at such time and place as the Tribunal shall direct.

(3) Whenever the Tribunal orders under this section that the trial of a person be transferred to the Tribunal the following provisions shall have effect, that is to say:—

- (a) such person shall be brought before the Tribunal for trial at such time and place as the Tribunal shall direct;
- (b) if such person is in custody when such order is made, he may be detained in custody until brought before the Tribunal for trial;
- (c) if such person is at liberty on bail when such order is made, he shall be bound to surrender himself into custody at some station of the *Gárda Síochána* within seventy-two hours after notice in writing of such order has been given to him or his surety or one of his sureties by a member of the *Gárda Síochána*;
- (d) if a person who is bound under the foregoing paragraph of this subsection to surrender himself into custody does so surrender himself he may be detained in custody until brought before the Tribunal for trial and if he does not so surrender himself within the time limited by the said paragraph he may be arrested without warrant by any member of the *Gárda Síochána* and be detained in custody until brought before the Tribunal for trial.

12.—(1) The Executive Council may, at their absolute discretion, at any time freely pardon any person convicted by the Tribunal for any offence and wholly remit the punishment imposed by the Tribunal on such person.

Power of the Executive Council to pardon, remit punishment, etc.

(2) The Executive Council may, at their absolute discretion, at any time remit in whole or in part or modify (by way of mitigation only) or defer (conditionally or unconditionally) any punishment imposed by the Tribunal.

PART III.

SPECIAL POWERS FOR THE POLICE.

13.—(1) Whenever any member of the *Gárda Síochána* or of the Defence Forces of Saorstát Éireann observes a person whom he suspects of having committed or being about to commit or being or having been concerned in the commission of an offence mentioned in the Appendix to this Article or of having knowledge of the commission or intended commission of any such offence, such member (but in the case of a non-commissioned member of the said Defence Forces only if he is authorised (either generally or specially) by the Minister for Defence to exercise the powers conferred by this section) may stop such person and search and interrogate him and may there and then apprehend such person without warrant, and may use for such stopping, search, and apprehension or any of them such force as may be necessary.

Power of arrest on suspicion in certain cases.

(2) Whenever a member of the *Gárda Síochána* or of the Defence Forces of Saorstát Éireann apprehends a person under this section he shall remove such person to a convenient station of the *Gárda Síochána* or any other place under the charge of a member of the *Gárda Síochána* and may use for such removal such force as may be necessary.

(3) Whenever a person is removed to a station of the *Gárda Síochána* or other place under this section, the member of the *Gárda Síochána* then in charge of such station or place shall communicate the fact of such removal to a member of the *Gárda Síochána* not below the rank of inspector and thereupon such last-mentioned member shall, within thirty-six hours after the said removal of such person to such station, either direct such person to be detained under this Article or cause such person to be charged with an offence and dealt with accordingly or to be released from detention.

(4) a person removed to a station of the *Gárda Síochána* or other place under this section may be detained in such station or place until dealt with in accordance with the next preceding sub-section of this section but shall not be detained by virtue of this sub-section for more than thirty-six hours after such removal.

(5) The statement on oath in any Court of Justice by a member of the *Gárda Síochána* or of the Defence Forces of Saorstát Éireann that, when he stopped and interrogated a particular person under this section he suspected such person of having committed or being about to commit or of being or having been concerned in the commission of an offence mentioned in the Appendix to this Article or of having knowledge of the commission or intended commission of any such offence (without specifying such offence) shall be conclusive evidence, incapable of being rebutted or questioned by cross-examination, rebutting evidence, or otherwise, that such member did at that time so suspect such person and was then entitled to stop and interrogate such person under this section.

Power of detention on suspicion in certain cases.

14.—(1) A person who has been apprehended and removed to a station of the *Gárda Síochána* under this Article may, on the direction of a member of the *Gárda Síochána* not below the rank of inspector given within thirty-six hours after such removal, be detained in custody in any station of the *Gárda Síochána*, or any prison, or any other convenient place until whichever of the following events first happens, that is to say:—

- (a) such person is informed in writing by a member of the *Gárda Síochána* that he will be brought before the Tribunal; or
- (b) the expiration of seventy-two hours from the said apprehension of such person.

(2) The statement on oath in any Court of Justice by a member of the *Gárda Síochána* not below the rank of inspector that within thirty-six hours after the apprehension of a person under this Article he directed such person to be detained in custody shall be conclusive evidence, incapable of being rebutted or questioned by cross-examination, rebutting evidence, or otherwise that such member gave such direction within the said period and that the detention of such person in pursuance of such direction was lawful.

(3) References in this Article to detention on suspicion under this Article shall be construed as referring to detention in custody under this section.

Examination of person detained on suspicion.

15.—(1) Whenever a person is detained on suspicion under this Article it shall be lawful for any member of the *Gárda Síochána*, while such person is so detained, to do all or any of the following things, that is to say:—

- (a) to search such person or cause him to be searched;
- (b) to photograph such person or cause him to be photographed;
- (c) to take or cause to be taken the finger-prints of such person;
- (d) to demand of such person his name and his address and a full account of his movements and actions during any specified period;

(e) to demand of such person all or any information in his possession in relation to the commission or intended commission by another person of any of the offences mentioned in the Appendix to this Article.

5 (2) Every person detained on suspicion under this Article who, while he is so detained, does any of the following things, that is to say:—

10 (a) obstructs or impedes a member of the *Gárda Síochána* in the exercise of any of the powers conferred by this section of searching, photographing, or taking the finger-prints of such person; or

15 (b) when his name or his address is demanded of him by a member of the *Gárda Síochána* under this section, fails or refuses to give such name or such address or gives a name or an address which is false or misleading; or

20 (c) when an account of his movements or actions is demanded of him under this section by a member of the *Gárda Síochána*, fails or refuses to give such account or gives an account which is incomplete, false, or misleading; or

25 (d) when any information in his possession is demanded of him under this section by a member of the *Gárda Síochána*, fails or refuses to give such information or gives information which is false, incomplete, inaccurate, or misleading; or

(e) assaults any member of the *Gárda Síochána*; or

(f) injures any property; or

(g) behaves in a disorderly manner; or

30 (h) without the permission of a member of the *Gárda Síochána*, leaves the place in which he is so detained;

shall be guilty of an offence triable by the Tribunal and shall be liable on conviction thereof to suffer such punishment as the Tribunal shall think proper to inflict.

35 **16.**—(1) Whenever a person is in lawful detention in custody (otherwise than by way of detention on suspicion under this Article) in any prison, station of the *Gárda Síochána*, or other place, it shall be lawful for any member of the *Gárda Síochána* to enter such place, interview such person, and demand of him a full account of his movements and actions during any specified
40 period and any information in his possession in relation to the commission or intended commission by another person of any of the offences mentioned in the Appendix to this Article.

Examination of persons in custody.

(2) Every person who is interviewed by a member of the *Gárda Síochána* under this section and—

45 (a) when an account of his movements or actions is demanded of him under this section at such interview by such member of the *Gárda Síochána*, fails or refuses to give such account or gives an account which is incomplete, false, or misleading;

50 or

(b) when any information in his possession is demanded of him under this section at such interview by such member of the *Gárda Síochána*, fails or refuses to give such information or gives information which is false, incomplete, inaccurate, or misleading;

55

shall be guilty of an offence triable by the Tribunal and shall be liable on conviction thereof to suffer such punishment as the Tribunal shall think proper to inflict.

60 **17.**—(1) Any member of the *Gárda Síochána* may, within seventy-two hours after the apprehension of a person under this Article, give to such person, while he is detained on suspicion under this Article, notice in writing that he will be brought before the Tribunal.

Power to bring detained person before the Tribunal.

(2) When notice is given to a person under the foregoing sub-section of this section, such person shall, within one month after the giving of such notice to him, be brought before the Tribunal and shall there be charged with one or more of the offences mentioned in the Appendix to this Article. 5

(3) When notice has been given to a person under the first sub-section of this section, such person shall be detained in custody until he is brought before the Tribunal in pursuance of the second sub-section of this section.

Power to stop
and search
vehicles.

18.—(1) Any member of the *Gárda Síochána* may at any time 10 without warrant search any vehicle and interrogate the person in charge of such vehicle and any person in such vehicle and may, for the purpose of making such search and interrogation, stop any vehicle which is in motion, and may use for such search and such stopping or either of them such force as may be 15 necessary.

(2) Any member of the *Gárda Síochána* may at any time without warrant search any ship, boat, or other vessel on the inland, coastal, or territorial waters of *Saorstát Éireann* and interrogate the person in command or charge of such vessel and 20 any person in such vessel and may, for the purpose of making such search and interrogation, stop any ship, boat, or other vessel which is in motion on the said waters, and may use for such search and such stopping or either of them such force as may be necessary. 25

PART IV.

UNLAWFUL ASSOCIATIONS.

Unlawful
associations.

19.—(1) Every association which does any of the following things shall be an unlawful association, that is to say:—

- (a) has amongst its professed objects, or advocates or en- 30 courages, or professes to encourage the overthrow by force of the Government of *Saorstát Éireann* or the alteration by force of this Constitution or the law; or
- (b) without lawful authority organises or maintains or endeavours or purports to organise or maintain an armed 35 force; or
- (c) promotes or encourages the unlawful possession of fire-arms by its members; or
- (d) engages in, promotes, encourages, or advocates any act, enterprise, or course of action of a treasonable or sedi- 40 tious character, or promotes, encourages, or advocates the attainment of any object of a treasonable or seditious character; or
- (e) promotes, encourages, or advocates the commission of offences or the obstruction or interference with the ad- 45 ministration of justice or with the enforcement of the law; or
- (f) promotes, encourages, or advocates the non-payment of moneys payable to the Central Fund or any other public fund whether by way of taxation or otherwise 50 or the non-payment of local taxation.

(2) An order made by the Executive Council declaring that a specified association is, in the opinion of the Executive Council, an unlawful association shall be conclusive evidence for all purposes that such association is an unlawful association. 55

(3) Every such order as is referred to in the next foregoing sub-section of this section shall be published in the *Iris Oifigiúil* as soon as may be after it is made.

Penalty for
membership of
unlawful
association.

20. Every person who is a member of an unlawful association shall be guilty of an offence triable by the Tribunal and shall be 60 liable on conviction thereof to suffer such punishment as the Tribunal shall think proper to inflict.

21. If any document (of whatsoever date or bearing no date) issued by or emanating from an unlawful association or appearing to be issued or so to emanate or purporting to aid or abet an unlawful association or otherwise relating to or connected with an unlawful association is found on or in the possession of or on or in lands or premises belonging to, occupied by, or under the control of any person, such person, unless he is an officer of the State and has possession or custody of such document in the course of his duties as such officer or he satisfies the Court or the Tribunal (as the case may be) that he did not know such document was in his possession or on or in such lands or premises or that he did not know the nature or contents of such document, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment or, on conviction thereof by the Tribunal, such punishment as the Tribunal shall think proper to inflict.

Possession of documents relating to unlawful association.

22.—(1) Whenever a person is charged with the offence of being a member of an unlawful association and it is proved to the satisfaction of the Tribunal that a document (of whatsoever date or bearing no date) issued by or emanating from or appearing to be issued by or to emanate from an unlawful association or purporting to aid or abet an unlawful association or otherwise relating to or connected with an unlawful association was found on or in the possession of such person or on or in lands or premises belonging to or occupied by him or under his control such person shall be deemed to be a member of the unlawful association to or with which such document relates or is connected unless he proves that he is not then a member of such association and was not a member of such association at any time after this Article was inserted in this Constitution.

Proof of membership of unlawful association.

(2) A person who is deemed by virtue of this section to be a member of an unlawful association shall not be deemed to have proved that he is not then a member of such association and was not a member thereof since this Article was inserted in this Constitution unless (in addition to such other evidence as satisfies the Tribunal of such non-membership) he declares on oath (which declaration the Tribunal shall give him an opportunity of making) that he is not then a member of such unlawful association and was not a member thereof at any time since this Article was inserted in this Constitution.

23.—(1) It shall not be lawful to print, publish, distribute, sell or offer or expose for sale any book, newspaper, magazine, periodical, pamphlet, leaflet, circular or other document which is issued or published on behalf of an unlawful association.

Prohibition of printing, etc., of certain classes of documents.

(2) Every person who shall print, publish, distribute, sell or offer or expose for sale any book, newspaper, magazine, periodical, pamphlet, leaflet, circular, or other document in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds or, at the discretion of the Court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment or, on conviction by the Tribunal, such punishment as the Tribunal shall think proper to inflict, and also in any case to forfeiture of every copy of such document in his possession and also, in the case of a person found guilty of the offence of printing any such document, to forfeiture of all printing machinery in his possession.

(3) In this section references to printing include any mode of representing or reproducing words in a visible form and the words "print" and "printing" shall be construed accordingly.

PART V.

MISCELLANEOUS.

Power to proclaim public meetings.

24.—(1) Whenever it appears to the Executive Council that the holding of public meetings in or in the vicinity of any particular building or any particular road or street is likely to lead to a breach of the peace or to be prejudicial to the maintenance of law and order, the Executive Council may issue a proclamation prohibiting the holding in or within a specified area (including such building, road, or street and not extending more than one mile therefrom) during a specified period (not exceeding three months) from the date of the proclamation of either (as the Executive Council shall think proper to specify) any public meeting whatsoever or any public meeting held otherwise than under specified conditions or for specified objects.

(2) Whenever it appears to an Executive Minister that any proposed public meeting is likely to promote or incite to the commission of acts of violence or intimidation or to interfere with the administration of the law or the maintenance of law and order, such Executive Minister may issue a proclamation prohibiting the holding of such meeting at the place and time at which it was proposed to be held or at any other place within three days before or after such time.

(3) Whenever a proclamation is issued under this section by the Executive Council or by an Executive Minister, every person who shall hold or take part or be concerned in the holding of a public meeting in contravention of such proclamation or shall take part in or be present at any meeting held in contravention of such proclamation shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds or, at the discretion of the Court, to imprisonment for any term not exceeding one month or, on conviction thereof by the Tribunal, to such punishment as the Tribunal shall think proper to inflict.

(4) Every proclamation issued under this section shall be made public in such manner as the Executive Council or the Executive Minister issuing such proclamation (as the case may be) shall direct with a view to bringing such proclamation to the notice of all persons concerned, but no omission of or insufficiency in such publication shall prejudice or affect the validity of such proclamation.

(5) In this section—
the word "meeting" includes any assembly, procession, or other coming together of persons for any purpose; and
the expression "public meeting" means a meeting at which all members of the public or any particular class or section or classes or sections of the public are invited or permitted or proposed to be permitted to be present.

Powers of Governor-General when member prevented attending the Oireachtas.

25.—(1) Whenever the Executive Council is satisfied that a member of either House of the Oireachtas has died in consequence, directly or indirectly, of an unlawful act of another person or is prevented by physical incapacity arising, directly or indirectly, from the unlawful act of another person or by unlawful imprisonment or by threats or intimidation from appearing at and taking part in the sittings of the House of the Oireachtas of which he is a member, the Governor-General on the advice of the Executive Council may do either or both of the following things, that is to say:—

(a) by order appoint such person as the Governor-General on the advice aforesaid and having regard to the known opinions of the member so deceased or so prevented (as the case may be) shall think proper to name in such order to be a member of the said House of the Oireachtas in place of the said member;

(b) by order adjourn either or both Houses of the Oireachtas for such period not exceeding one month as the Governor-General on the advice aforesaid shall think proper to specify in such order.

(2) A person appointed by an order made under this section to be a member of a House of the Oireachtas shall, immediately upon the making of such order, become and be until his membership is terminated under this section, a member of such House in all respects and for all purposes and with all the rights, privileges, and immunities of a member of such House but shall not be entitled to take his seat in such House until he has taken in accordance with Article 17 of this Constitution the oath mentioned in that Article.

10 (3) A person appointed by an order made under this section to be a member of a House of the Oireachtas in the place of a member thereof who has died shall cease to be a member of such House on the happening of whichever of the following events first happens, that is to say:—

15 (a) the issue of a writ or the making of an order (as the case may require) for the holding of an election to fill the place of the said deceased member; or

(b) the dissolution of Dáil Eireann.

(4) A person appointed by an order made under this section to be a member of a House of the Oireachtas in the place of a member thereof who is prevented from attending the sittings of such House shall cease to be a member of such House on the happening of whichever of the following events shall first happen, that is to say:—

25 (a) the member in whose place the said person was so appointed appearing in person at a sitting of the said House; or

(b) the dissolution of Dáil Eireann.

(5) When an order is made under this section adjourning either or both Houses of the Oireachtas, such House or Houses (as the case may be) shall stand adjourned for the period specified in such order and shall not sit or meet until the expiration of that period.

(6) Every order made under this section appointing a person to be a member of a House of the Oireachtas or adjourning one only of the Houses of the Oireachtas shall be communicated to the Clerk of such House and shall be entered by the Clerk of such House in the Journal of such House.

(7) Every order made under this section adjourning both Houses of the Oireachtas shall be communicated to the Clerk of each such House and shall be entered by each such Clerk in the Journal of the House of which he is Clerk.

26.—(1) The Tribunal may, on the application of a member of the Garda Síochána not below the rank of inspector, make an order declaring any book, issue of a periodical, pamphlet, poster, or other document to be seditious.

Power of the Tribunal to declare that a periodical etc. is seditious.

(2) Whenever the Tribunal makes an order under this section declaring a document to be seditious, any member of the Garda Síochána may seize and remove any copy of such document which he finds in any place and may for that purpose enter on any lands or premises in which he knows or suspects that there is a copy of such document and may there search for such copy.

27.—(1) Whenever it appears to the Tribunal, on the application of a member of the Garda Síochána not below the rank of inspector, that any building is being or has been used for the purpose of or in relation to the commission of an offence mentioned in the Appendix to this Article, the Tribunal may make an order (in this section referred to as a closing order) closing such premises for such period (in this section referred to as the close period) not exceeding six months from the date of the order as the Tribunal shall specify in such order.

Power of the Tribunal to close buildings.

(2) Whenever the Tribunal has made a closing order, the Tribunal may at any time during the close period specified in such order amend such order by terminating or reducing the said close period.

(3) Whenever the Tribunal makes a closing order it shall not be lawful for any person to use or occupy during the close period specified in such order the building or any part of the building to which such order relates.

(4) Every person who uses or occupies a building or any part of a building in contravention of this section shall be guilty of an offence triable by the Tribunal and shall be liable on conviction thereof to suffer such punishment as the Tribunal shall think proper to inflict.

(5) Any member of the *Gárda Síochána* not below the rank of inspector may take all such steps as he shall consider necessary or expedient to prevent any particular building or any part thereof from being used or occupied in contravention of this section.

(6) References in this section to a building shall be construed as including all yards, gardens and out-offices within the curtilage of such building.

Trial of civil actions against members of the *Gárda Síochána*.

28.—No party to an action or other civil proceeding in the High Court or the Circuit Court against a member of the *Gárda Síochána*, either alone or jointly with other persons, shall be entitled to a jury for the trial of such proceedings where the relief claimed in such proceedings is or includes damages or other relief on account of alleged illegal detention, or an alleged assault, or an alleged conspiracy.

Carriage of treasonable or seditious documents.

29.—(1) Any member of the *Gárda Síochána* may stop and search and may also arrest without warrant any person whom he knows or suspects to be carrying any treasonable or seditious documents, and whether arresting him or not, may seize and detain all documents carried by him which appear to such member to be treasonable or seditious.

(2) The statement on oath in any Court of Justice by any member of the *Gárda Síochána* that when he stopped, searched or arrested (as the case may be) any person under this section he suspected such person of carrying treasonable or seditious documents shall be conclusive and final evidence, incapable of being rebutted or questioned by cross-examination, rebutting evidence or otherwise that such member did so suspect such person and was then entitled to stop, search, and arrest such person under this section.

Search orders.

30.—(1) If a member of the *Gárda Síochána* not below the rank of inspector is of opinion that there is reasonable ground for suspecting that there are treasonable or seditious documents, firearms, or ammunition in any place or premises, he may issue an order in writing (in this section referred to as a search order) to any one or more members of the *Gárda Síochána* named therein to search any place or premises named in such order.

(2) A search order shall operate to authorise the member or members of the *Gárda Síochána* named therein to enter the place or premises to which such order relates at any time within twenty-four hours after the issuing of such search order, and if need be by force, and to search such place or premises for treasonable or seditious documents, firearms, and ammunition and to seize and remove all documents found on such search which appear to such member or members to be treasonable or seditious and all firearms and ammunition found on such search.

(3) Any member of the *Gárda Síochána* making a search under a search order may do all or any one or more of the following things, that is to say:—

(a) search any person found in the place or premises to which the order relates;

- (b) demand the name and address of any person found in such place or premises and (without prejudice to any other power to arrest vested in him by law or by virtue of any lawful warrant) arrest without warrant any such person who refuses to give his name or his address to such member or gives a name or address which such member knows or suspects to be false or misleading; or
- (c) arrest without warrant any person found in such place or premises whom such member suspects of having had in his possession any treasonable or seditious document, firearm, or ammunition in such place or premises.
- (4) In this section the word "firearm" and the word "ammunition" have the meanings assigned to them respectively in the Firearms Act, 1925 (No. 17 of 1925).

31.—(1) Whenever a person convicted while this section is in force of an offence mentioned in the Appendix to this Article holds at the time of such conviction an office or employment remunerated out of the Central Fund or moneys provided by the Oireachtas or moneys raised by local taxation, or in or under or as a paid member of a board or body established by or under an Act of the Oireachtas, such person shall immediately on such conviction forfeit such office, employment, place, or emolument and the same shall forthwith become and be vacant.

Forfeitures and disqualifications on certain convictions.

(2) Whenever a person convicted while this section is in force of an offence mentioned in the Appendix to this Article is at the time of such conviction in receipt of a pension or superannuation allowance payable out of the Central Fund or moneys provided by the Oireachtas or moneys raised by local taxation, or the funds of a board or body established by or under an Act of the Oireachtas, such person shall immediately upon such conviction forfeit such pension or superannuation allowance and such pension or superannuation allowance shall forthwith cease to be payable.

(3) Every person convicted while this section is in force of an offence mentioned in the Appendix to this Article shall from and after such conviction be for seven years from the date of such conviction disqualified for holding any office or employment remunerated out of the Central Fund or moneys provided by the Oireachtas or moneys raised by local taxation or in or under or as a paid member of a board or body established by or under an Act of the Oireachtas.

(4) Whenever a conviction which occasions by virtue of this section any forfeiture or disqualification is quashed or annulled or the convicted person is granted a free pardon such forfeiture or disqualification shall be annulled, in the case of a quashing or annulment, as from the date of the conviction and, in the case of a free pardon, as from the date of such pardon.

32.—(1) Every document seized by a member of the Garda Síochána in exercise of a power conferred by or under this Article shall be deemed to be in the custody of the Commissioner of the Garda Síochána and, until destroyed or returned or otherwise disposed of under this section, shall be retained by such person and in such place as the said Commissioner shall direct.

Disposal of documents seized under this Act.

(2) Any person who claims to be the owner of a document which is deemed by this section to be in the custody of the Commissioner of the Garda Síochána may, within one month after such seizure, apply to the said Commissioner for the return of such document to him and thereupon the said Commissioner may, as he shall think proper, either return such document to such person or apply to the Tribunal for directions and dispose of such document in such manner as the Tribunal shall order.

(3) The Commissioner of the Garda Síochána may cause every document which is deemed by this section to be in his custody and is not returned to the owner thereof, to be destroyed or otherwise disposed of as soon, but not less than one month after the seizure of such document, as the said Commissioner shall consider that

such document is not required for the purpose of criminal proceedings under this Article or otherwise.

Exclusion of
section 8 of the
Law of Libel
Amendment Act,
1888.
Expenses.

33.—Section 8 of the Law of Libel Amendment Act, 1888, shall not apply in respect of any criminal prosecution for seditious libel brought before the Tribunal. 5

34.—All expenses incurred in carrying this Article into effect shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

APPENDIX TO THE FOREGOING ARTICLE.

1. Any offence (whether committed before or after this Article was inserted in this Constitution or before or after sections 4 to 34 of this Article came into force) which is declared by the Treasonable Offences Act, 1925 (No. 18 of 1925), to be treason or a felony or a misdemeanour. 10

2. Any offence under the Juries (Protection) Act, 1929 (No. 33 of 1929), whether committed before or after this Article was inserted in this Constitution or before or after sections 4 to 34 of this Article came into force. 15

3. The offence under the Firearms Act, 1925 (No. 17 of 1925), of having possession of or using or carrying a firearm without holding a firearm certificate therefor or any offence under that Act in relation to a prohibited weapon, in every case whether the offence is committed before or after this Article was inserted in this Constitution or before or after sections 4 to 34 of this Article came into force. 20 25

4. Seditious libel, whether committed before or after this Article was inserted in this Constitution or before or after sections 4 to 34 of this Article came into force.

5. An offence under any section of this Article.

6. Any offence which is specifically described by this Article as an offence triable by the Tribunal. 30

7. Any offence whatsoever (whether committed before or after this Article was inserted in this Constitution or before or after sections 4 to 34 of this Article came into force) in respect of which an Executive Minister certifies in writing under his hand that to the best of his belief the act constituting such offence was done with the object of impairing or impeding the machinery of government or the administration of justice. 35

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Saorstát Éireann.

BILLE BUNREACHTA (LEASU UIMH. 17),
1931.

BILLE

(mar do leasúidh i gCoiste)

dá ngairmtear

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An tUachtarán do thug isteach.

*Do hordúidh, ag Dáil Éireann, do chlóbhuála,
15adh Deire Fomhair, 1931.*

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Saorstát Éireann.

CONSTITUTION (AMENDMENT NO. 17)
BILL, 1931.

BILL

(as amended in Committee)

entitled

An Act to amend the Constitution by inserting therein an Article making better provision for safeguarding the rights of the people and containing provisions for meeting a prevalence of disorder.

Introduced by the President.

*Ordered, by Dáil Éireann, to be printed,
15th October, 1931.*

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