Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.

Number 32 *of* 1976

CRIMINAL LAW ACT 1976

REVISED

Updated to 23 July 2026

This Revised Act is an administrative consolidation of the *Criminal Law Act 1976*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Development (Strategic Gas Reserve) Act 2026* (36/2026), enacted 23 July 2026, and all statutory instruments up to and including the *EirGrid, Electricity and Turf (Amendment) Act 2022 (Section 10) Order 2026* (S.I. No. 385 of 2026), made 23 July 2026, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

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ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Penalties for certain offences under Act of 1939.
3. Incitement or invitation to join etc. an unlawful organisation.
4. Amendment of section 25 of Act of 1939.
5. Search warrants relating to commission of offences under Act of 1939 etc.
6. Escape from custody.
7. Power of Garda Síochána in relation to certain arrested persons.
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9. Power to retain articles seized.
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11. Certain offences to be felonies.
12. Prohibition of giving certain false information.
13. Offence committed while serving sentence.
14. Restriction of meaning of "document" in sections 13 and 14 of Act of 1939.
15. Power of Defence Forces to arrest and search in certain circumstances.
16. Short title and application.

ACTS REFERRED TO

State Act, 1939	1939, No. 13
Defence Act, 1954	1954, No. 18
Prisons Act, 1970	1970, No. 11.
Prisons Act, 1972	1972, No. 7.
Explosive Substances Act, 1883	1883, c. 3.
Criminal Law (Jurisdiction) Act, 1976	1976, No. 14.
Person Act, 1861	1861, c. 100.
Larceny Act, 1916	1916, c. 50.

Air Navigation and Transport Act, 1973	1973, No. 29.
Police (Property) Act, 1897	1897, c. 30.
Criminal Justice Act, 1951	1951, No. 2.

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Updated to 23 July 2026

AN ACT TO AMEND THE CRIMINAL LAW. [24*th September*, 1976]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—In this Act—

"the Act of 1939" means the Offences against the State Act 1939;

"the Defence Forces" means the Permanent Defence Force within the meaning of the Defence Act 1954;

"prison" includes Saint Patrick's Institution, any place provided under section 2 of the Prisons Act 1970, any place in which persons are kept in military custody pursuant to section 2 of the Prisons Act 1972, or any place specified to be used as a prison under section 3 of that Act, and "governor" and "prison officer" shall be construed accordingly;

"unlawful organisation" means an organisation which is an unlawful organisation within the meaning and for the purposes of the Act of 1939.

Penalties for certain offences under Act of 1939.

2.—(1) The maximum penalty for a felony under section 6 of the Act of 1939 shall be imprisonment for 20 years and, accordingly, section 6 (1) of that Act is hereby amended by the substitution of "to imprisonment for a term not exceeding 20 years" for "to suffer penal servitude for a term not exceeding ten years or to imprisonment for a term not exceeding two years".

(2) The maximum penalty for a misdemeanour under section 6 of the Act of 1939 shall be imprisonment for 20 years and, accordingly, section 6 (2) of that Act is hereby amended by the substitution of "imprisonment for a term not exceeding 20 years" for "imprisonment for a term not exceeding two years".

(3) The maximum penalty for a felony under section 7 of the Act of 1939 shall be imprisonment for 20 years and, accordingly, section 7 (1) of that Act is hereby amended by the substitution of "to imprisonment for a term not exceeding 20 years" for "to suffer penal servitude for a term not exceeding seven years or to imprisonment for a term not exceeding two years".

(4) The maximum penalty for a misdemeanour under section 7 of the Act of 1939 shall be imprisonment for 20 years and, accordingly, section 7 (2) of that Act is hereby amended by the substitution of "imprisonment for a term not exceeding 20 years" for "imprisonment for a term not exceeding two years".

(5) The maximum penalty for an offence under section 15 of the Act of 1939 shall be imprisonment for 15 years and, accordingly, section 15 (3) of that Act is hereby amended by the substitution of "15 years" for "two years".

(6) The maximum penalty for an offence under section 21 of the Act of 1939 shall be, in the case of a conviction on indictment, imprisonment for 7 years and,

accordingly, section 21 (2) of that Act is hereby amended by the substitution in paragraph (*b*) of "7 years" for "two years".

(7) The maximum penalty for an offence under section 27 of the Act of 1939 shall be a fine of £500 or imprisonment for 12 months or both and, accordingly, section 27 (4) of that Act is hereby amended by the substitution of "£500" for "fifty pounds" and "12 months" for "three months".

Incitement or invitation to join etc. an unlawful organisation.

3.—Any person who recruits another person for an unlawful organisation or who incites or invites another person (or other persons generally) to join an unlawful organisation or to take part in, support or assist its activities shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding 10 years.

Amendment of section 25 of Act of 1939.

4.—Section 25 of the Act of 1939 is hereby amended—

(*a*) by the substitution of "12 months" for "three months" in subsections (1) and (2), and

(*b*) by the addition of the following subsection:

"(6) Whenever a closing order has been extended, a member of the Garda Síochána not below the rank of chief superintendent may extend the operation of such closing order for a further period or periods each of which shall not exceed 12 months, but a closing order shall not be in operation for more than three years.".

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.".

Escape from custody.

6.—(1) Any person who—

(*a*) aids any person in escaping or attempting to escape from lawful custody or, with intent to facilitate the escape of any person from lawful custody or enable a person after escape to remain unlawfully at large, or with intent to cause injury to persons or property in a place where a person is in lawful custody, conveys any article or thing into or out of such a place or to a person in such a place or places any article or thing inside or outside such a place, or

(*b*) makes, or takes part in, any arrangement for the purpose of enabling a person to escape from lawful custody, facilitating such an escape, enabling a person after escape to remain unlawfully at large, or causing injury to persons or property in a place where a person is in lawful custody,

shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding 10 years.

(2) Any person who, contrary to any rules or regulations in force in relation to a prison, conveys or attempts to convey any article or thing into or out of the prison or to a person in the prison, or places any article or thing in any place inside or outside the prison with intent that it shall come into the possession of a person in the prison, shall be guilty of an offence and shall be liable—

(*a*) on summary conviction, to a fine not exceeding F1**[**€3,000**]** 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.

(3) A prison officer may in the interests of security search any person at any time while he is in a prison or while he is in the custody of the governor of a prison.

Power of Garda Síochána in relation to certain arrested persons.

7.—(1) Where a person is in custody under the provisions of section 30 of the Act of 1939 or section 2 of the Emergency Powers Act, 1976, a member of the Garda Síochána may do all or any of the following in respect of him:

(*a*) demand of him his name and address;

(*b*) search him or cause him to be searched;

(*c*) photograph him or cause him to be photographed;

(*d*) take, or cause to be taken, his fingerprints and palm prints;

(*e*) F2**[**...**]**

(*f*) seize and retain for testing anything that he has in his possession.

(2) Any person who obstructs or attempts to obstruct any member of the Garda Síochána or any other person acting under the powers conferred by subsection (1) of 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 F3**[**£1,000**]** or to imprisonment for a term not exceeding 12 months, or to both, or

(*b*) F4**[**...**]**

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 or 3 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;

F5**[**(*i*) an offence under this Act;

(*j*) an offence under section 12 (1) of the Firearms and Offensive Weapons Act 1990;

(*k*) an offence under section 112 (2) of the Road Traffic Act 1961 (substituted by section 3 (7) of the Road Traffic (Amendment) Act 1984);

(*l*) an offence under section 2 of the Illegal Immigrants (Trafficking) Act 2000;**]**

F6**[**(*m*) an offence under section 6, 7 or 8 of the Criminal Justice (Smuggling of Persons) Act 2021.**]**

(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.

Power to retain articles seized.

9.—(1) Where in the course of exercising any powers under this Act or in the course of a search carried out under any other power, a member of the Garda Síochána, a prison officer or a member of the Defence Forces finds or comes into possession of anything which he believes to be evidence of any offence or suspected offence, it may be seized and retained for use as evidence in any criminal proceedings, or in any proceedings in relation to a breach of prison discipline, for such period from the date of seizure as is reasonable or, if proceedings are commenced in which the thing so seized is required for use in evidence, until the conclusion of the proceedings, and thereafter the Police (Property) Act, 1897, shall apply to the thing so seized in the same manner as that Act applies to property

which has come into the possession of the Garda Síochána in the circumstances mentioned in that Act.

(2) If it is represented or appears to a person proposing to seize or retain a document under this section that the document was, or may have been, made for the purpose of obtaining, giving or communicating legal advice from or by a barrister or solicitor, that person shall not seize or retain the document unless he suspects with reasonable cause that the document was not made, or is not intended, solely for any of the purposes aforesaid.

Prohibition of possession of photographs etc. of certain buildings.

10.—(1) A person in lawful custody in any prison, Garda station or courthouse shall not have in his possession any photograph, film, illustration, drawing, sketch, map, plan or other representation of or note concerning any part of the interior or exterior of any prison, Garda station or courthouse without the permission of the governor (if he is in a prison), of the member of the Garda Síochána in charge (if he is in a Garda station) or of the court before which the person in question is appearing or is to appear (if he is in a courthouse), and any such person who has any such representation or note in his possession without that permission shall, unless he has it in his possession when taken into custody and discloses that fact on being informed that possession of any such representation or note without permission is forbidden, be guilty of an offence.

(2) (*a*) A person who is in or in the precincts of a prison, Garda station or court-house and while there intends to visit or meet, or has visited or met, a person in lawful custody in that prison, station or courthouse shall not have in his possession any representation or note which is referred to in subsection (1) of this section without the permission specified in that subsection, and any person who has any such representation or note in his possession without that permission shall be guilty of an offence if he has been informed orally or by written notice that possession of any such representation or note without that permission is forbidden.

(*b*) Notwithstanding paragraph (*a*) of this subsection, if a person applies for the permission specified in subsection (1) of this section at the first available opportunity after arrival at the prison, Garda station or courthouse, he shall not be guilty of an offence under this subsection unless and until the permission is refused and he continues to retain possession of the representation or note.

(3) Nothing in this section shall make it unlawful for a person to have in his possession in a courthouse any representation or note which is referred to in subsection (1) of this section and is intended for production, use or reference in any proceedings that are taking place, are about to take place or have taken place in that court-house.

(4) A person guilty of an offence under this section 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.

Certain offences to be felonies.

11.—(1) The offences of kidnapping and false imprisonment and an offence under section 10 of the Criminal Law (Jurisdiction) Act 1976, shall be felonies.

(2) F7**[**...**]**

Prohibition of giving certain false information.

12.—Any person who—

(*a*) knowingly makes a false report or statement tending to show that an offence has been committed, whether by himself or another person, or tending to give rise to apprehension for the safety of persons or property, or

(*b*) knowingly makes a false report or statement tending to show that he has information material to any inquiries by the Garda Síochána and thereby causes the time of the Garda Síochána to be wastefully employed,

shall be guilty of an offence and shall be liable—

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

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

Offence committed while serving sentence.

13.—(1) Any sentence of penal servitude or imprisonment or of detention in Saint Patrick's Institution passed on a person for an offence committed while he is serving any such sentence shall be consecutive on the sentence that he is serving or, if he is serving or is due to serve more than one sentence, on the sentence last due to expire, so however that, where two or more consecutive sentences as required by this section are passed by the District Court, the aggregate term of imprisonment or detention in respect of those consecutive sentences shall not exceed F8**[**two years**]**.

(2) Subsection (1) of this section shall not apply in any case where the sentence being served or to be passed is a sentence of penal servitude for life or imprisonment for life.

(3) Subsection (1) of this section shall apply notwithstanding any thing contained in section 5 of the Criminal Justice Act, 1951.

Restriction of meaning of "document" in sections 13 and 14 of Act of 1939.

14.—In sections 13 and 14 of the Act of 1939, "document" does not include any of the things specified in the amendment of the definition of "document" made by section 5 of the Offences against the State (Amendment) Act, 1972.

Power of Defence Forces to arrest and search in certain circumstances.

15.—(1) The powers conferred by subsections (3) and (4) of this section may be exercised only in accordance with subsection (2) of this section.

(2) Whenever a member of the Garda Síochána not below the rank of superintendent requests an officer of the Defence Forces to make members of the Defence Forces available for the purpose of the exercise of the powers conferred by subsections (3) and (4) of this section during a period specified in the request, the officer may make—

(*a*) himself and one or more members of the Defence Forces under his command, or

(*b*) one or more members of the Defence Forces under his command,

available for the purpose aforesaid, and a member of the Defence Forces made available as aforesaid may, while on duty in uniform during the period specified in the request, exercise the powers conferred by the said subsections (3) and (4).

(3) (*a*) A member of the Defence Forces who with reasonable cause suspects that an offence to which section 8 of this Act applies has been, is being or is about to be committed may require a person to stop a vehicle with a view to ascertaining whether—

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

(ii) 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,

and 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 subparagraph (i) or (ii) above exists, he may search any person in or accompanying the vehicle.

(*b*) A member of the Defence Forces 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) (*a*) A member of the Defence Forces may arrest without warrant a person whom he, with reasonable cause, suspects to be in the act of committing, of having committed or of being about to commit an offence to which section 8 of this Act applies and in relation to which a member of the Garda Síochána would be entitled, if he so suspected, to arrest the person.

(*b*) For the purpose of arresting a person under this subsection, a member of the Defence Forces shall have the same power to enter and search any building or part of a building or any vehicle, vessel, aircraft or hovercraft or any other place as a member of the Garda Síochána would have in like circumstances.

(*c*) This subsection shall not prejudice any power of arrest conferred by law apart from this subsection.

(5) A person arrested under this section shall, as soon as may be, be delivered into the custody of the Garda Síochána or released and shall in any event, if he has not then been so delivered, be released upon the expiration of 6 hours from the time of his arrest.

(6) A person effecting an arrest under this section complies with any rule of law requiring him to state the ground of arrest if he states that he is effecting an arrest as a member of the Defence Forces because he suspects the person being arrested of being in the act of committing, of having committed or of being about to commit, as the case may be, an offence to which section 8 of this Act applies.

(7) (*a*) Where a power conferred by subsection (3) or (4) of this section is exercised, a certificate signed by an officer of the Defence Forces not below the rank of commandant and stating—

(i) that a request was made under subsection (2) of this section on a specified date by a member of the Garda Síochána not below the rank of superintendent named in the certificate to an officer of the Defence Forces named in the certificate,

(ii) that the power aforesaid was exercised by the officer named in the certificate or, as the case may be, by a member or members of the Defence Forces under his command or by that officer and a member or members of the Defence Forces under his command, and that, at the time of such exercise, those exercising the power were on duty in uniform and had been made available pursuant to the request aforesaid, and

(iii) that the power aforesaid was exercised during the period specified in the request.

shall, without proof of the signature of the person purporting to have signed the certificate or that he was an officer of the Defence Forces not below the rank of commandant, be evidence in any proceedings of the matters certified in and by the certificate.

(*b*) Where a power conferred by subsection (3) or (4) of this section is exercised, a certificate signed by a member of the Garda Síochána not below the rank of superintendent and stating that a request was made under subsection (2) of this section on a specified date by a member of the Garda Síochána not below the rank of superintendent named in the certificate to an officer of the Defence Forces named in the certificate shall, without proof of the signature of the person purporting to have signed the certificate or that he was a member of the Garda Síochána not below the rank of superintendent, be evidence in any proceedings of the matters certified in and by the certificate.

(8) This section shall have effect only as long as the Emergency Powers Act, 1976 is in force.

Short title and application.

16.—(1) This Act may be cited as the Criminal Law Act 1976.

(2) Sections 2 and 11 of this Act shall not apply in relation to offences committed before the passing of this Act and the reference in section 13 (1) of this Act to an offence is a reference to an offence committed after such passing.

Number 32 *of* 1976

CRIMINAL LAW ACT 1976

REVISED

Updated to 23 July 2026

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at
www.irishstatutebook.ie.