



Number 5 of 2011

CRIMINAL JUSTICE (PUBLIC ORDER) ACT 2011

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[No. 5.] *Criminal Justice (Public Order) Act* [2011.]
2011.

ACTS REFERRED TO

Children Act 2001	2001, No. 24
Criminal Justice (Public Order) Act 1994	1994, No. 2
Criminal Justice (Public Order) Acts 1994 and 2003	
Interpretation Act 2005	2005, No. 23



Number 5 of 2011

CRIMINAL JUSTICE (PUBLIC ORDER) ACT 2011

AN ACT TO PROHIBIT HARRASSMENT OR INTIMIDATION OF MEMBERS OF THE PUBLIC BY PERSONS WHO ENGAGE IN BEGGING; TO CONFER POWER ON MEMBERS OF THE GARDA SÍOCHÁNA TO GIVE DIRECTIONS TO PERSONS TO DESIST FROM BEGGING, IN CERTAIN CIRCUMSTANCES; TO PROHIBIT THE DIRECTION OR ORGANISATION OF BEGGING BY OTHERS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.

[2nd February, 2011]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act—

Interpretation.

“Act of 1994” means the Criminal Justice (Public Order) Act 1994;

“dwelling” has the same meaning as it has in Part II of the Act of 1994;

“enactment” has the same meaning as it has in the Interpretation Act 2005;

“private place” has the same meaning as it has in Part II of the Act of 1994.

(2) For the purposes of this Act, a person begs if—

- (a) other than in accordance with a licence, permit or authorisation (howsoever described) granted by or under an enactment, he or she requests or solicits money or goods from another person or other persons, or
- (b) while in a private place without the consent of the owner or occupier of the private place, he or she requests or solicits money or goods from another person or other persons.

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Offence.

2.—A person who, while begging in any place—

- (a) harasses, intimidates, assaults or threatens any other person or persons, or
- (b) obstructs the passage of persons or vehicles,

is guilty of an offence and is liable, on summary conviction, to a class E fine or imprisonment for a term not exceeding one month or both.

Power of member of Garda Síochána to give directions.

3.—(1) A member of the Garda Síochána may direct a person who is begging in any place and whom the member believes, upon reasonable grounds, to be acting or to have acted in a manner that—

- (a) constitutes an offence under *section 2*, or
- (b) gives rise to a reasonable apprehension for the safety of persons or property or for the maintenance of the public peace,

to desist from acting in such manner and to leave the vicinity of that place in a peaceable and orderly manner.

(2) A member of the Garda Síochána may direct a person who is begging at or near—

- (a) the entrance to a dwelling,
- (b) an automated teller machine,
- (c) a vending machine, or
- (d) a night safe,

to desist from begging and to leave the vicinity of that place in a peaceable and orderly manner.

(3) A member of the Garda Síochána may direct a person who is begging at or near the entrance to a business premises, at any time when that premises is open for the transaction of business with members of the public, to desist from begging and to leave the vicinity of that place in a peaceable and orderly manner, if the member has reasonable grounds for believing that, by reason of the person's behaviour or the number of persons begging at or near the premises, members of the public are being, or are likely to be, deterred from entering the premises.

(4) A member of the Garda Síochána may direct a person (other than the owner or occupier of the place subsequently referred to in this subsection) who is begging in a private place to desist from begging and to leave that place and the vicinity thereof in a peaceable and orderly manner.

(5) A person who contravenes a direction under this section is guilty of an offence and is liable, on summary conviction, to a class E fine.

(6) A member of the Garda Síochána shall, upon giving a direction under this section, inform the person to whom the direction is

given, in clear language, that if he or she fails to comply with the direction he or she shall be guilty of an offence.

(7) A member of the Garda Síochána shall not perform functions under this section while in a dwelling unless he or she is in the dwelling with the consent of the owner or occupier of the dwelling.

(8) This section shall not operate to limit the right of the owner or occupier of a private place to require a person who is begging at that place to—

- (a) desist from begging, or
- (b) leave that place.

(9) In this section—

“automated teller machine” means a machine designed to enable a person, by means of the use of a cash card, credit card or debit card, to—

- (a) withdraw cash from, or lodge cash to, an account (including a bank account), or
- (b) conduct other personal financial transactions;

“business premises” means a premises that is normally used for—

- (a) the carrying on of any professional, commercial or industrial undertaking, or
- (b) the provision of services to members of the public;

“night safe” means a device located on the external wall of a premises occupied by a bank or other financial services provider in which money, in whatever form, may be deposited by or on behalf of customers of that bank or financial services provider;

“vending machine” means a machine designed to enable a person to purchase goods or services by means of—

- (a) the use of a debit card or credit card, or
- (b) the deposit in the machine of money or tokens used as a substitute for money.

4.—(1) A member of the Garda Síochána may arrest without warrant any person whom he or she suspects, upon reasonable grounds, of having committed an offence under *section 2* or *3*. Power of arrest.

(2) A member of the Garda Síochána may require a person whom he or she suspects of having committed an offence under *section 2* or *3* to inform the member of his or her name and the address at which he or she resides.

(3) A person who—

- (a) fails or refuses to comply with a requirement under *subsection (2)*, or

- (b) in purported compliance with such requirement, provides a member of the Garda Síochána with information that is false or misleading in a material respect,

is guilty of an offence and is liable, on summary conviction, to a class E fine.

(4) A member of the Garda Síochána shall not perform functions under *subsection (1)* while in a dwelling unless he or she is in the dwelling with the consent of the owner or occupier of the dwelling.

(5) For the purposes of this section, a person resides at his or her main residence or, if he or she has no main residence, his or her usual place of abode or, if he or she has no usual place of abode, the place which he or she regularly visits.

Offence to direct or organise begging.

5.—(1) A person who—

- (a) controls or directs the actions of another person for the purposes of begging,
- (b) organises or is materially involved in the organisation of begging by another person,
- (c) forces another person to beg, or
- (d) otherwise causes another person to beg,

is guilty of an offence.

(2) A person guilty of an offence under this section is liable—

- (a) on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both, or
- (b) on conviction on indictment to a fine not exceeding €200,000 or imprisonment for a term not exceeding 5 years or both.

Offence to live off proceeds of begging.

6.—A person who derives a living, in whole or in part, from the proceeds of begging by another person and who, in relation to that person, commits an offence under *section 5* or aids and abets the commission of such an offence is guilty of an offence and is liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both.

Amendment of section 247 of Children Act 2001.

7.—(1) Section 247 of the Act of 2001 is amended—

- (a) in paragraph (a) of subsection (3), by the substitution of “€750” for “£250”, and
- (b) in paragraph (b) of that subsection, by the substitution of “€1,500” for “£500”.

(2) *Sections 5* and *6* are in addition to, and not in substitution for, section 247 of the Act of 2001.

(3) In this section “Act of 2001” means the Children Act 2001.

[2011.] *Criminal Justice (Public Order) Act* [No. 5.]
2011.

8.—(1) This Act may be cited as the Criminal Justice (Public Order) Act 2011. Short title and collective citation.

(2) The Criminal Justice (Public Order) Acts 1994 and 2003 and this Act may be cited together as the Criminal Justice (Public Order) Acts 1994 to 2011.