



**BILLE UM EIDE DO CHAITHEAMH (SRIAN), 1934.
WEARING OF UNIFORM (RESTRICTION) BILL, 1934.**

*Mar do tugadh isteach.
As introduced.*

ARRANGEMENT OF SECTIONS.

Section.

1. Definitions.
2. Prohibition of certain classes of uniform, etc.
3. Prohibition of military titles in political parties.
4. Power of Executive Council to make certain orders.
5. Proclamation by Commissioner, etc., of *Gárda Síochána*.
6. Prohibition of carrying weapons in certain circumstances.
7. Prohibition of publication of certain statements and pictures.
8. Dispersal of certain assemblies.
9. Search orders.
10. Powers of arrest and detention.
11. Power to seize uniforms and badges illegally worn.
12. Punishments and trials.
13. Short title.

SAORSTÁT EIREANN

BILLE UM EIDE DO CHAITHEAMH (SRIAN), 1934.
WEARING OF UNIFORM (RESTRICTION) BILL, 1934.

BILL

entitled

5

AN ACT TO RESTRICT THE WEARING OR CARRYING OF UNIFORM, BADGES, BANNERS, AND OTHER SUCH ARTICLES AND THE USE OF MILITARY TITLES, TO MAKE CERTAIN PROVISION WITH A VIEW TO PREVENTING BREACHES OF THE PEACE AT PUBLIC PROCESSIONS AND PUBLIC MEETINGS AND TO PROVIDE FOR DIVERS MATTERS CONNECTED WITH THE MATTERS AFORESAID. 10

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:— 15

Definitions.

1.—In this Act—

the word “uniform” includes any special or distinctive article of apparel whether it is or is not of the nature of a uniform; the word “badge” includes any armlet, emblem, or other distinctive mark and also any flag, banner, or device; 20
the word “wear” includes carry;
the word “association” means any combination or association of persons, whether having or not having a definite organisation or having or not having a definite name.

Prohibition of certain classes of uniform, etc.

2.—(1) It shall not be lawful for any person to wear any uniform or badge which is indicative of membership of, affiliation to, or support of a political party or an association ancillary to a political party. 25

(2) Every person who wears any uniform or badge in contravention of the foregoing sub-section of this section shall be guilty of an offence under this section. 30

Prohibition of military titles in political parties.

3.—(1) It shall not be lawful for any person to receive, take, or use any military title or title of a military character by virtue or on account of membership of or the holding of any office or position in a political party or an association ancillary to a political party. 35

(2) Every person who shall receive, take, or use a title in contravention of this section shall be guilty of an offence under this section.

Power of Executive Council to make certain orders.

4.—(1) It shall be lawful for the Executive Council by order to declare that a particular association is a political party within the meaning of this Act, and, if and whenever the Executive Council makes any such order, such order shall be conclusive evidence for all purposes that the particular association mentioned in such order is a political party within the meaning aforesaid. 40 45

(2) It shall be lawful for the Executive Council by order to declare that a particular association is ancillary within the meaning of this Act to a particular political party, and, if and whenever the Executive Council makes any such order, such order shall be conclusive evidence for all purposes that the particular 50

association mentioned in such order is ancillary within the meaning aforesaid to the particular political party mentioned in such order.

5 (3) The Executive Council may at any time by order revoke or amend any order previously made by them under this section.

(4) Every order made by the Executive Council under this section shall be published in the *Iris Oifigiúil* as soon as may be after it is made.

10 5.—(1) The Commissioner of the *Gárda Síochána* in respect of the whole of Saorstát Éireann, and any Chief Superintendent of the *Gárda Síochána* in respect of his functional area, may by proclamation prohibit the wearing in Saorstát Éireann or in such functional area (as the case may be) of any particular uniform or particular badge specified in such proclamation, either
15 generally or at all or on specified occasions or in specified circumstances.

Proclamation by Commissioner, etc., of *Gárda Síochána*.

20 (2) Every proclamation made under this section shall, as soon as may be after it is made, be published in the *Iris Oifigiúil* and also be made public in whatever manner appears to the Commissioner or Chief Superintendent by whom it is made to be best calculated to reach all persons concerned.

(3) Whenever a proclamation is made under this section it shall not be lawful for any person to wear in Saorstát Éireann or the area to which such proclamation applies (as the case may
25 be) any uniform or badge in contravention of such proclamation.

(4) Every person who shall wear any uniform or badge in contravention of this section shall be guilty of an offence under this section.

30 6.—(1) It shall not be lawful for any person to carry any weapon at, near, or on the way to or from any public procession or public meeting.

Prohibition of carrying weapons in certain circumstances.

(2) Every person who carries a weapon in contravention of this section shall be guilty of an offence under this section.

35 (3) Whenever a person is charged with having committed an offence under this section, it shall be a good defence to such charge for such person to prove that on the occasion on which such offence is alleged to have been committed such person was—

40 (a) in lawful possession of the weapon in relation to which such charge is made and was carrying such weapon for a lawful purpose, and

(b) was engaged on lawful business or pleasure or otherwise proceeding on his lawful occasions, and

45 (c) was not, on such occasion, taking part in or attending or otherwise acting in relation to any public procession or public meeting.

(4) In this section the word "weapon" includes a club, stick, truncheon, cudgel, stone, or other implement or missile capable of being used for the purpose of inflicting bodily harm.

50 7.—(1) It shall not be lawful for any person to publish any statement in writing, or any painting, drawing, photograph, or other picture or pictorial representation which directly or indirectly incites to, encourages, or condones the commission of offences or any particular offence under this Act or any section thereof.

Prohibition of publication of certain statements and pictures.

55 (2) It shall not be lawful for any person to publish in any book, pamphlet, newspaper, periodical, or other publication any painting, drawing, photograph, or other picture or pictorial representation of or including a person wearing a uniform or badge the wearing of which is prohibited by or under this Act.

(3) Every person who shall publish any statement, picture, or pictorial representation 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.

5

(4) Whenever a person is charged with having committed an offence under this section and the act alleged to constitute such offence consisted of the publication of a statement in writing in contravention of this section, it shall be a good defence to such charge for such person to prove that the said statement was privileged by virtue of section 3 or section 4 of the Law of Libel Amendment Act, 1888.

10

Dispersal of certain assemblies.

8.—(1) Any assembly of persons who are or some of whom are committing an offence under any section of this Act may be dispersed by force by members of the *Gárda Síochána* or of the Defence Forces of Saorstát Éireann.

15

(2) Save where the giving of any warning is not reasonably practicable, it shall not be lawful to disperse an assembly of persons by force under this section without giving to such assembly, in such manner and so far as may reasonably be possible in the circumstances of the case, warning of the intention to effect such dispersal.

20

Search orders.

9.—(1) If a member of the *Gárda Síochána* not below the rank of inspector is of opinion that there is reasonable ground for supposing that there are, in any place or premises, uniforms or badges the wearing of which is prohibited by or under this Act, 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* under his command and named therein to search such place or premises.

25

30

(2) A search order issued under this section shall operate to authorise the member or members of the *Gárda Síochána* named therein to enter, either alone or accompanied by other members of the *Gárda Síochána*, the place or premises to which such search 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 uniforms and badges the wearing of which is prohibited by or under this Act and to seize and remove all such uniforms and badges found on such search.

35

40

(3) A member of the *Gárda Síochána* searching any place or premises under a search order issued under this section may demand of any person found in such place or premises during such search his name and address, and may arrest without warrant any such person who on such demand refuses to give his name or to give his address or gives a name or an address which such member believes to be false or misleading.

45

(4) Every person who—

(a) obstructs or interferes with a member of the *Gárda Síochána* in the exercise of his powers under a search order issued under this section, or

50

(b) on demand made of him under this section refuses to give his name or to give his address or gives a name or an address which is false or misleading,

shall be guilty of an offence under this section.

55

Powers of arrest and detention.

10.—(1) Any member of the *Gárda Síochána* may, at the time or within twenty-four hours after the commission of the offence, arrest without warrant any person whom he suspects of committing or having committed an offence under any section of this Act.

60

(2) Any person arrested under this section may be removed to and detained in custody in any prison, station of the *Gárda Síochána*, or other place authorised by law for the detention in custody of persons awaiting trial.

5 (3) Section 19 of the Courts of Justice Act, 1928 (No. 15 of 1928), shall not apply in respect of any person arrested under this section, and in lieu thereof it is hereby enacted that every person so arrested shall, as soon as may be practicable, be brought before a Justice of the District Court and charged with an
10 offence under some section of this Act, and may, until he is so brought before such Justice, be detained in custody under this section.

11.—Whenever a member of the *Gárda Síochána* sees a person wearing a uniform or badge in contravention of this Act, it shall
15 be lawful for such member, if he so thinks proper in the circumstances and whether he does or does not arrest such person, to take from such person and remove, if need be by force, such uniform or badge.

Power to seize uniforms and badges illegally worn.

12.—(1) Every person who is found guilty on summary conviction of an offence under any section of this Act in respect of which no other punishment is provided by this Act shall be liable, in the case of a first offence under this Act, to a fine not exceeding twenty-five pounds or, at the discretion of the Court, to imprisonment for any term not exceeding three months or to
20 both such fine and such imprisonment and, in the case of a second or any subsequent offence under this Act, to a fine not exceeding fifty 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.

Punishments and trials.

20 (2) The decision of the District Court on the trial of any person charged with an offence under any section of this Act shall be final and (notwithstanding anything to the contrary in any other Act) no appeal shall lie therefrom nor shall the order of the District Court on any such trial be removed by certiorari
35 into any other Court.

(3) A Justice of the District Court may hear, try and determine at any place in his district a charge of having committed an offence under any section of this Act.

13.—This Act may be cited as the Wearing of Uniform Short title.
40 (Restriction) Act, 1934.

Saorstát Éireann

BILLE UM EIDE DO CHAITHEAMH
(SRIAN), 1934.

BILLE

(*mar do tugadh isteach*)

dá ngairmtear

Acht chun srian do chur le héide, suaithcantaí, brait agus earraí eile den tsórt san do chaitheamh no d'iompar agus le teidil mhíleata d'úsáid, chun socrúithe áirithe do dhéanamh d'fhonn briseadh na síochána ag mórshiúlta puiblí agus ag cruinnithe puiblí do chos agus chun socrúithe do dhéanamh i dtaobh nithe iomdha bhaineas leis na nithe roimhráite.

An tAire Dlí agus Cirt do thug isteach.

*Do hordúiodh, ag Dáil Éireann, do chlo-
bhualadh, 23ad Feabhra, 1934.*

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN tSOLATHAIR.

Le ceannach tré aon díoltóir leabhar, no díreach ó Oifig Díolta Foillseacháin Rialtais, 5 Sráid Thobair Phádraig, Baile Atha Cliath, C.2.

Cló-bhuailte ag CAHILL & Co., LTD.

[*Dhá Phinginn Glan.*]

Saorstát Éireann.

WEARING OF UNIFORM (RESTRICTION)
BILL, 1934.

BILL

(*as introduced*)

entitled

An Act to restrict the wearing or carrying of uniform, badges, banners, and other such articles and the use of military titles, to make certain provision with a view to preventing breaches of the peace at public processions and public meetings and to provide for divers matters connected with the matters aforesaid.

Introduced by the Minister for Justice.

*Ordered, by Dáil Éireann, to be printed,
23rd February, 1934.*

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through any bookseller, or directly from the Government Publications Sale Office, 5 Nassau Street, Dublin, C.2.

Printed by CAHILL & Co., LTD.

[*Twopence Net.*]