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You may wish to see

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F. 2.

The British ambassador in conversation a few days ago stressed the unfortunate

political consequences which would in all probability follow from prison sentences.

Mr. Nally

You asked me to establish what penalties might be imposed on the members of the British Special Air Services Regiment against whom charges have been preferred as a result of incidents on 5th/6th May, 1976.

These men have been charged with

- (i) possession of (specified) arms and ammunition with intent to endanger life
- (ii) having the weapons and ammunition without authorisation under the Firearms Acts.

There are two Firearms Act, of 1925 and 1964. I have looked through them and it is clear that the later Act is not relevant in this case. The first charge is clearly preferred under Section 15 of the 1925 Act which is as follows:-

"Any person who after the passing of this Act has in his possession or under his control any firearms or ammunition -

- (a) with intent to endanger life or cause serious injury to property, or
- (b) with intent to enable any other person by means of such firearm or ammunition to endanger life or cause serious injury to property,

shall, whether any injury to person or property has or has not been caused thereby, be guilty of felony, and on conviction thereof shall be liable to suffer penal servitude for a term not exceeding twenty years, or imprisonment with or without hard labour for a term not exceeding two years, and the firearm or ammunition aforesaid shall be forfeited."

It would appear that if the defendants are convicted on this charge the Court will have no option but to sentence them to a prison term.

The second charge arises under Section 2 of the 1925 Act, sub-sections (1) and (2) of which run as follows:-

- "(1) Subject to the exceptions from this section hereinafter mentioned, it shall not be lawful for any person after the commencement of this Act to have in his possession, use, or carry any firearm or ammunition save in so far as such possession, use, or carriage is authorised by a firearm certificate granted under this Act and for the time being in force.
- (2) Save in any of the cases hereinafter excepted from this section, every person who after the commencement of this Act has in his possession, uses, or carries any firearm without holding a firearm certificate therefor or otherwise than as authorised by such certificate or purchases, uses, has in his possession, or carries any ammunition without holding a firearm certificate therefor or in quantities in excess of

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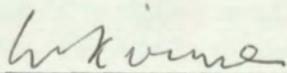
those authorised by such certificate, or fails to comply with any conditions subject to which a firearm certificate was granted to him, shall be guilty of an offence under this Act and shall be punishable accordingly. "

Punishment on conviction on this charge is governed by Section 25 of the 1925 Act which is as follows:-

"Any person who commits an offence under this Act in respect of which no other punishment is provided by this Act shall be liable in respect of each such offence -

- (a) on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the court, to imprisonment with or without hard labour for a term not exceeding six months, or to both such fine and such imprisonment; or
- (b) on conviction thereof on indictment, to a fine not exceeding one hundred pounds or, at the discretion of the court, to imprisonment with or without hard labour for a term not exceeding two years or to both such fine and such imprisonment".

There may be some other aspect of this matter which a lawyer would pick up but the above is the prima facie position.



11 June, 1976.