

OBSTRUCTING POLICE

Police (NI) Act 1998

66. – (1) Any person who assaults, resists, obstructs or impedes a constable in the execution of his duty, or a person assisting a constable in the execution of his duty, shall be guilty of an offence.

Maximum Sentence:

Police (NI) Act 1998, Art.66(2)

Summarily: 6 months imprisonment and/or to the statutory maximum fine (£5,000)

Indictment: 2 years imprisonment

Assessment of Offence

(starting points and ranges based on 1st time offender convicted following contest)

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
Attempt to prevent arrest or impede police action OR Giving false details	Fine	Conditional Discharge to Fine

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
1. Premeditated action 2. Aggressive words / threats	1. Genuine mistake or misjudgement

Relevant Cases:

NI Cases:

Murtagh v Fitzpatrick [1989] 8 NIJB 78.

Attorney General's Reference (No 1 of 1991) (Gallagher) [1991] NI 218

R v Robinson [2001] 8 BNIL 85

English Cases:

R v Black & Anor [1998] EWCA Crim 1535

R v Nixon [1999] EWCA Crim 2072

Notes:

1. A 'specified offence' for the purposes of a 'Violent Offender Prevention Order' – Section 55 of the Justice Act (NI) 2015