

## 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 1<sup>st</sup> 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:**