

RESISTING 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>
Attempting to prevent arrest or other police action without physical resistance/intervention	Fine	Conditional Discharge to Fine
Physical resistance/intervention falling short of assault	Fine	Fine to Community Order

Examples of Possible Aggravating Factors of Offence

1. Premeditated action
2. Aggressive words / threats
3. Aggressive group action

Examples of Possible Mitigating Factor of Offence

1. Genuine mistake or misjudgement

Relevant Cases:

NI Cases:

[In the Matter of Tennyson \[2001\] NICA 38](#)

[R v Beckett \[2008\] NICC 10](#)

[Murtagh v Fitzpatrick \[1989\] 8 NIJB 78](#)

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

[Robinson \(1999\) \[2001\] 8 BNIL 85](#)

English Cases:

N/A

Notes: