



STATUTORY INSTRUMENTS

S.I. No. 25 of 2008



DISTRICT COURT (CRIMINAL JUSTICE ACT 2006) (No. 2) RULES
2008

(Prn. A8/0222)

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The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961 and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice, Equality and Law Reform, make the following rules of court:—

Dated this 3rd day of December 2007.

Miriam Malone Chairperson

Uinsin Mac Gruairc

Mary C Devins

Brian Sheridan

Hugh O'Neill

Roy Pearson

Noel A Doherty

I concur in the making of the following rules of court.

Dated this 13 day of February 2008

Signed: BRIAN LENIHAN

Minister for Justice, Equality and Law Reform

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 19th February, 2008.*

1. These rules may be cited as the District Court (Criminal Justice Act 2006) (No. 2) Rules 2008.
2. These rules shall come into operation on the 12 day of March 2008 and shall be read together with all other District Court Rules for the time being in force.
3. The District Court Rules 1997 (S.I. No. 93 of 1997) shall be amended by the substitution for rule 8 of Order 28A of the following:
 - “8. (1) Where the Court convicts a person to whom an order made under section 99(1) of the Act applies, and remands such person in custody or on bail under section 99(9) of the Act, the Court shall make an order in the Form 28A.14. On the making of such order, the Clerk shall send a certified copy of the order by post to the Registrar, County Registrar or Clerk (as the case may be) of the court to which the person so convicted is to be remanded.*
 - (2) Where an order under section 99(9) of the Act is made remanding the convicted person in custody in accordance with sub-rule (1), the Court shall issue a warrant in the Form 28A.15.*
 - (3) Where an order under section 99(9) of the Act is made remanding a convicted person on bail, and the recognisance cannot be entered into immediately, the warrant in the Form 28A.15 shall include the consent to, and conditions of, release in the form of Part B of Form 28A.15*
 - (4) Where the Court makes an order under section 99(10) of the Act, in respect of a convicted person remanded to appear before it (under section 99(9) of the Act), and remands such person in custody or on bail under section 99(10A) of the Act, the order shall be in the Form 28A.16. On the making of such order, the Clerk shall send a certified copy of the order by post to the Registrar, County Registrar or Clerk (as the case may be) of the court to which such person is to be remanded.*
 - (5) Where an order is made remanding such person in custody under section 99(10A) of the Act, the Court shall issue a warrant in the Form 28A.17.*
 - (6) Where an order is made remanding such person on bail under section 99(10A) of the Act, and the recognisance cannot be entered into immediately, the court warrant in the Form 28A.17 shall include the consent to, and conditions of, release in Part B of Form 28A.17*
 - (7) Where the Court makes an order under section 99(17) of the Act revoking an order made under section 99(1) of the Act, the Court shall forthwith issue the appropriate warrant of committal in accordance with Order 25, rule 3, in the Form 25.8, with such modifications, if any, as may be necessary.”*
4. The Forms in Schedule 1 hereof shall be added to the Forms in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997).

Schedule 1

No. 28A.14

SCHEDULE B
O.28A, r.8

CRIMINAL JUSTICE ACT 2006, SECTION 99(9),

(as amended by section 60, Criminal Justice Act 2007)

ORDER CONVICTING A PERSON AND REMANDING SUCH PERSON
IN CUSTODY OR ON BAIL

District Court Area of

District No.

.....Prosecutor

.....Accused

WHEREAS the above-named accused was this day convicted before the Court that (s)he did

AND WHEREAS the Court is satisfied that the above-named accused is a person to whom an order made under section 99(1) of the above-mentioned Act of 2006 applies, such order having been made by the Court sitting at on the day of 20 and that the conviction by this Court occurred during the period of suspension of the sentence concerned.

THE COURT HEREBY ORDERS in accordance with section 99(9) of the above-mentioned Act that the accused be remanded *in custody *on conditional release as set out hereunder, to appear before the

*next *present sitting of the Court at.....,

**sitting of the District Court at [if in Dublin Metropolitan District, specify Court No. If outside Dublin Metropolitan District, specify District and Area] on the day of..... 20....., at *a.m. *p.m.*

*AND THE COURT FURTHER ORDERS that until the said conditions or release are fulfilled, the accused be detained in custody.

Dated this day of 20

Signed.....

Judge of the District Court

To the Superintendent of the Garda Síochána

At.....

†CONSENT TO AND CONDITIONS OF RELEASE

The Court hereby consents to the above named accused being conditionally released on his/her entering into a recognisance

*himself/herself in the sum of €_____ *(of which €_____ cash to be lodged)*

and one sufficient surety in the sum of € _____ (of which €_____ cash to be lodged) or two sufficient sureties in the sum of €_____ each (of which €_____ cash to be lodged by each) and

*and to sign on daily/weekly at _____ Garda station between _____ a.m. and _____ p.m. and

*and the Court further consents that in lieu of such surety or sureties lodgment of the sum of €..... be accepted

*and [insert any other condition]

and the accused shall not commit any offence while so conditionally released.

Dated this day of 20.....

Signed.....

Judge of the District Court

* Delete where inapplicable

† Delete where inapplicable

CRIMINAL JUSTICE ACT 2006, SECTION 99(10A)

(as inserted by section 60, Criminal Justice Act 2007)

WARRANT ON REMAND TO COURT REFERRED TO IN SECTION
99(9)

District Court Area of

District No.

.....Prosecutor

.....Accused

PART A

WHEREAS the above-named accused was this day convicted before the Court that (s)he did

AND WHEREAS the Court is satisfied that the above-named accused is a person to whom an order made under section 99(1) of the above-mentioned Act of 2006 applies, such order having been made by theCourt sitting at on the day of 20..... and that the conviction by this Court occurred during the period of suspension of the sentence concerned.

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the accused..... of in the *(prison) *(remand centre, (s)he being a person who is not less than sixteen years of age) at there to be detained by the *Governor / *person in charge thereof until the

*next *present sitting of the Court at,

*sitting of the District Court at [*if in Dublin Metropolitan District, specify Court No. If outside Dublin Metropolitan District, specify District and Area*].....on theday of 20....., at* a.m. *p.m.

when you are required to convey him/her before that Court to be further dealt with according to law.

Dated this day of..... 20.....

Signed.....
Judge of the District Court

To the Superintendent of the Garda Síochána

At.....

†PART B

CONSENT TO AND CONDITIONS OF RELEASE

The Court hereby consents to the above named accused being conditionally released on his/her entering into a recognisance

*himself/herself in the sum of €_____ *(of which €_____ cash to be lodged)*

and one sufficient surety in the sum of € _____ (of which €_____ cash to be lodged) or two sufficient sureties in the sum of €_____ each (of which €_____ cash to be lodged by each)

*and to sign on daily/weekly at _____ Garda station between_____ a.m. and _____ p.m. and

*and the Court further consents that in lieu of such surety or sureties lodgment of the sum of €..... be accepted

*and *[insert any other condition]*

and the accused shall not commit any offence while so conditionally released.

Dated this day of20.....

Signed.....
Judge of the District Court

*Delete where inapplicable

† Delete where inapplicable

CRIMINAL JUSTICE ACT 2006, SECTION 99(10) AND SECTION 99(10A)

(as amended by section 60, Criminal Justice Act 2007)

ORDER MAKING DETERMINATION AS TO REVOCATION OF SUSPENSION OF SENTENCE AND REMANDING IN CUSTODY OR ON BAIL

District Court Area of

District No.

.....Prosecutor

.....Accused

WHEREAS the above-named accused was remanded by Order of the Court dated day of 20..... to the sitting of this Court on theday of 20.....

AND upon reading the said Order of the Court from which it appears that the accused was convicted before the Court on the day of..... 20..... and that such conviction occurred during the period of suspension of a sentence of [insert period of sentence] imposed by this Court on the day of 20..... in the above entitled proceedings

THE COURT HEREBY ORDERS in accordance with section 99(10) of the above-mentioned Act that the suspension of the sentence of this Court aforementioned

*be revoked and that the accused shall serve *the entire *[insert part of sentence period as determined by Court] of the period of imprisonment originally imposed by this Court‡

*shall not be revoked

AND THE COURT FURTHER ORDERS in accordance with section 99(10A) of the abovementioned Act that the accused be remanded *in custody *on conditional release as set out hereunder, to appear before the

*next *present sitting of the Court at.....,

*sitting of the District Court at [if in Dublin Metropolitan District, specify Court No. If outside Dublin Metropolitan District, specify District and Area]on the day of 20..... at*a.m. *p.m.

*AND THE COURT FURTHER ORDERS that until the said conditions of release are fulfilled the accused be detained in custody

Dated this day of..... 20.....

Signed.....
Judge of the District Court

To the Superintendent of the Garda Síochána

At.....

† CONSENT TO AND CONDITIONS OF RELEASE

The Court hereby consents to the above named accused being conditionally released on his/her entering into a recognisance

*himself/herself in the sum of €_____ *(of which €_____ cash to be lodged)

*and one sufficient surety in the sum of €_____ (of which €_____ cash to be lodged) or two sufficient sureties in the sum of €_____ each (of which €_____ cash to be lodged by each)

*and to sign on daily/weekly at _____ Garda station between _____ a.m. and _____ p.m.

*and the Court further consents that in lieu of such surety or sureties lodgment of the sum of €..... be accepted

*and [insert any other condition]

and the accused shall not commit an offence while so conditionally released

Dated this day of..... 20.....

Signed.....
Judge of the District Court

* Delete where inapplicable

† Delete where inapplicable

‡Note: In the event of revocation of the suspension, any period of the sentence already served in prison and any period spent in custody other than any period spent in custody in respect of the conviction arising during suspension of the sentence should be deducted from the period to be served: section 99(10) of the Criminal Justice Act 2006 (as amended by section 60, Criminal Justice Act 2007).

SECTION 99(10A), CRIMINAL JUSTICE ACT 2006

(as inserted by section 60, Criminal Justice Act 2007)

WARRANT ON REMAND TO COURT REFERRED TO IN SECTION
99(10A)

District Court Area of

District No.

.....Prosecutor

.....Accused

PART A

WHEREAS the above-named accused is a person to whom an order made under section 99(1) of the above-mentioned Act of 2006 applies, such order having been made by this Court on the day of 20 and whereas the said accused was this day before the Court having been remanded under section 99(9) of the said Act of 2006 to appear before the Court and the Court made an order under section 99(10) of the above-mentioned Act of 2006 [*set out order made, e.g. revoking the Court's order made under section 99(1) of the Act of 2006*]

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the accused of in the *(prison)

*(remand centre, (s)he being a person who is not less than sixteen years of age) at there to be detained by the *Governor / *person in charge thereof until the

*next *present sitting of the Court at,

*sitting of the District Court at [*if in Dublin Metropolitan District, specify Court No. If outside Dublin Metropolitan District, specify District and Area*]..... on theday of 20..... at *a.m. *p.m.

when you are required to convey him/her before that Court for the purpose of that court imposing sentence on the said accused for the offence referred to in section 99(9) of the said Act of 2006 and to be further dealt with according to law.

Dated thisday of..... 20.....

Signed.....

Judge of the District Court

To the Superintendent of the Garda Síochána

At.....

†PART B

CONSENT TO AND CONDITIONS OF RELEASE

The Court hereby consents to the above named accused being conditionally released on his/her entering into a recognisance

*himself/herself in the sum of €_____ *(of which €_____ cash to be lodged)

*and one sufficient surety in the sum of € _____ (of which €_____ cash to be lodged) or two sufficient sureties in the sum of €_____ each (of which €_____ cash to be lodged by each)

*and to sign on daily/weekly at _____ Garda station between _____ a.m. and _____ p.m.

*and the Court further consents that in lieu of such surety or sureties lodgment of the sum of €..... be accepted

*and *[insert any other condition]*

and the accused shall not commit an offence while so conditionally released

Dated this day of..... 20.....

Signed.....

Judge of the District Court

* Delete where inapplicable

† Delete where inapplicable

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Rules, which amend rule 8 of Order 28A, provide procedure and forms in relation to the operation of section 99 of the Criminal Justice Act 2006, as amended by section 60 of the Criminal Justice Act 2007, in relation to suspended sentences.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
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