



STATUTORY INSTRUMENTS

S.I. No. 10 of 2009



RULES OF THE SUPERIOR COURTS (CRIMINAL JUSTICE ACTS 2006
AND 2007) 2009

(Prn. A9/0061)

S.I. No. 10 of 2009

RULES OF THE SUPERIOR COURTS (CRIMINAL JUSTICE ACTS 2006
AND 2007) 2009

We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, by virtue of the powers conferred upon us by The Courts of Justice Act 1924, section 36, and the Courts of Justice Act 1936, section 68 (as applied by the Courts (Supplemental Provisions) Act 1961, section 48), and the Courts (Supplemental Provisions) Act 1961, section 14, and of all other powers enabling us in this behalf, do hereby make the following Rules of Court.

Dated this 30 day of October, 2008.

RICHARD JOHNSON

PATRICK GROARKE

JOSEPH FINNEGAN

PATRICK O' CONNOR

ELIZABETH DUNNE

NOEL RUBOTHAM

PAUL MC GARRY

MAEVE KANE

MARY CUMMINS

I concur in the making of the following Rules of Court.

Dated this 12 day of January, 2009.

DERMOT AHERN

Minister for Justice, Equality and Law Reform

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 20th January, 2009.*

S.I. No. 10 of 2009

RULES OF THE SUPERIOR COURTS (CRIMINAL JUSTICE ACTS 2006
AND 2007) 2009

1. The Rules of the Superior Courts are hereby amended:

(i) by the substitution for the title of Order 58 of “Appeals and References to the Supreme Court”;

(ii) by the insertion immediately following rule 23 of Order 58 of the following:

“24. (1) Where an appeal is made to the Supreme Court in accordance with section 29(2) of The Courts of Justice Act 1924, the appellant shall serve a notice, in the Form No. 1, Appendix FF, on the prosecutor and shall lodge the original certificate as to the point of law of exceptional public importance concerned in the Office of the Registrar of the Supreme Court when entering the notice of appeal in accordance with rule 11.

(2) Where an appeal is made to the Supreme Court in accordance with section 29(3) of The Courts of Justice Act 1924, the appellant shall serve a notice in the Form No. 2, Appendix FF, together with a copy of the certificate as to the point of law of exceptional public importance concerned, on the accused person concerned and shall lodge the original of such certificate in the Office of the Registrar of the Supreme Court when entering the notice of appeal in accordance with rule 11.

(3) Where, in an appeal made to the Supreme Court in accordance with section 29(3) of The Courts of Justice Act 1924, the accused person concerned intends to be heard on the appeal, he or his legal representative shall give notice in writing of this intention to the Registrar of the Supreme Court not later than fourteen days after service on him of the notice mentioned in sub-rule (2), and give a copy of such notice to the appellant within the same period.

25. (1) In the case of any appeal under section 29(2) or section 29(3) of The Courts of Justice Act 1924, the notice of appeal shall be served not later than twenty-one days from the issuing of the certificate referred to in section 29(2) or section 29(3) of that Act, as the case may be.

(2) The Supreme Court, whether on an application made by a party on notice to every other person entitled to be heard, or of its own motion, may make such orders and give such directions as to the conduct of the appeal as seem appropriate.

(3) Where, in any appeal under section 29(2) or section 29(3) of The Courts of Justice Act 1924, the appellant wishes to seek a determination in relation to any part of the decision of the Court of Criminal Appeal concerned other than the point of law of exceptional public importance which is the subject of a certificate, the appellant shall apply to the Supreme Court,

by motion on notice to every other person entitled to be heard, for an order granting leave for argument to be heard and a determination made in relation to such part.

(4) In a case to which sub-rule (3) applies, the notice of appeal shall specify the part of the decision other than such point of law of exceptional public importance concerned, and the determination sought on such part.

(5) In the case of an appeal under section 29(3) of that Act, an order assigning counsel under section 29(5) of that Act shall, where either of the circumstances referred to in paragraphs (a) or (b) of section 29(5) of that Act applies, be made on an application made under sub-rule (2), or otherwise at any time of the Supreme Court's own motion.

26. (1) Where a question of law is referred to the Supreme Court for determination in accordance with section 34 of the Criminal Procedure Act 1967, the Attorney General or Director of Public Prosecutions (as appropriate) shall serve a notice in the Form No. 3, Appendix FF, together with a copy of the statement of the question of law concerned, on the acquitted person concerned and shall lodge a copy of that notice, together with the original statement referred to in section 34(2) of that Act, duly signed, in the Office of the Registrar of the Supreme Court within seven days of the service of the notice.

(2) Where the acquitted person concerned intends to be heard on the reference, he or his legal representative shall give notice in writing of that intention to the Registrar of the Supreme Court not later than fourteen days after service on him of the notice mentioned in sub-rule (1), and give a copy of such notice to the Attorney General or Director of Public Prosecutions (as appropriate) within the same period.

(3) The Supreme Court may, on the application of any person entitled to be heard on the reference, on notice to every other person so entitled to be heard, make such orders and give such directions as to the conduct of the reference as seem appropriate.

(4) An order assigning counsel under section 34(4) of that Act shall, where either of the circumstances referred to in paragraphs (a) or (b) of section 34(4) of that Act applies, be made on such an application, or otherwise be made at any time of the Supreme Court's own motion.

(5) The moving party shall without delay lodge in the Office of the Registrar of the Supreme Court five books each containing copies of all documents required for the hearing of the reference with a sufficient index, unless the Court shall otherwise require.

27. Where a certificate referred to in section 96(4) of the Criminal Justice Act 2006 requires to be issued on the determination of an appeal, such certificate shall be in the form set out in Form No. 28 in Appendix U with such modifications as may be appropriate, and shall be transmitted forthwith

by or on behalf of the Registrar of the Supreme Court to each of the persons referred to in section 96(6) of that Act.”;

- (iii) by the insertion, immediately following rule 27 of Order 84 of the following:

“28. Where a certificate referred to in section 96(4) of the Criminal Justice Act 2006 requires to be issued otherwise than on the determination of an appeal, such certificate shall be in the Form No. 28 in Appendix U with such modifications as may be appropriate, and shall be transmitted forthwith by or on behalf of the Registrar to each of the persons referred to in section 96(6) of that Act.”;

- (iv) in the definition of “relevant authority” in sub-rule (1) of rule 1 of Order 84B by the deletion of “or” immediately following paragraph (f) of that definition and by the insertion immediately following paragraph (g) of that definition of the following:

“or

(h) any appointed person within the meaning of section 42(13) of the Garda Síochána Act 2005,”;

- (v) by the insertion immediately following rule 11 of Order 85 of the following:

“12. (1) In this rule, “the Act” means the Criminal Justice Act 2006.

(2) Where the conviction of a person gives rise to a requirement to issue a certificate referred to in section 96(1) of the Act, such certificate shall be in the Form No. 2 in Appendix DD, and shall be transmitted forthwith by or on behalf of the Registrar to each of the persons referred to in section 96(6) of the Act.

(3) Where the sentencing of a person gives rise to a requirement to issue a certificate referred to in section 96(2) of the Act, such certificate shall be in the Form No. 3 in Appendix DD, and shall be transmitted forthwith by or on behalf of the Registrar to each of the persons referred to in section 96(6) of the Act.

(4) Where any notice referred to in section 99(15), section 100(5) or section 100(8) of the Act requires to be given, the notice shall be, respectively, in the Forms Nos. 4, 5 and 6 in Appendix DD.

(5) Where the Central Criminal Court makes an order under section 9(2)(c) of the Bail Act 1997, a copy of the Court’s order shall be served on the entity concerned by such person as the Court directs.

(6) Where the Central Criminal Court, having appointed a receiver under section 9(2)(d) of the Bail Act 1997, directs the receiver to account to any person in respect of the receivership, the account shall, subject to any modifications which may be necessary or as the Court may direct, be in the Form No. 20 in Appendix G and the affidavit verifying the account shall, subject to any modifications which may be necessary, be in the Form No. 24 in Appendix G.”;

(vi) by the insertion in rule 5 of Order 86 immediately following the words “Form No. 27. ” of the words “Every notice of appeal under section 24 of the Criminal Justice Act 2006 shall be served on the Registrar within the period referred to in section 24(2) of that Act and shall be in the Form No. 29.”;

(vii) by the substitution for sub-rule (1) of rule 8 of Order 86 of the following:

“(1) Subject to any relevant provision of statute, the Court shall have power to enlarge the time appointed for doing any act or taking any proceeding upon such terms (if any) as the justice of the case may require, and any such enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed.”;

(viii) by the insertion immediately following sub-rule (6) of rule 31 of Order 86 of the following:

“(7) Every application for a certificate of the Court referred to in section 29(2) or section 29(3) of The Courts of Justice Act 1924 shall be made upon the delivery of the Court’s judgment on the appeal concerned or within twenty-one days thereafter.”;

(ix) by the insertion immediately following rule 38 of Order 86 of the following:

“39. Where a certificate referred to in section 96(4) of the Criminal Justice Act 2006 requires to be issued on the determination of an appeal, such certificate shall be in the Form No. 28 in Appendix U, and shall be transmitted forthwith by or on behalf of the Registrar to each of the persons referred to in section 96(6) of that Act.”, and

(x) by the insertion immediately following Order 137 of the following Order:

“Order 138

Applications under the Criminal Justice Act 2006

1. In this Order, “the Act” means the Criminal Justice Act 2006.

Applications under section 5 of the Act

2. (1) Subject to sub-rules (2) and (3), an application for an order under section 5(11) of the Act shall, save in the circumstances referred to in section 5(12)(b) of the Act, be made by motion on such notice as is reasonably practicable to the occupier or owner of the place concerned and grounded upon an affidavit. The Court may adjourn the application so as to give the owner or occupier of the place concerned an opportunity to be heard on the application in accordance with section 5(13) of the Act.

(2) The provisions of Order 52, rule 6 shall not apply to an application under this rule.

(3) Where the Court is satisfied that the urgency of the case so requires, it may direct that the application be heard on oral evidence.

Applications under section 182 of the Act

3. (1) Subject to sub-rule (4), an application by a member of the Garda Síochána not below the rank of superintendent to a judge of the High Court for an order under section 182(1) of the Act may, save where the Court otherwise directs, be made by originating motion ex parte grounded upon an affidavit sworn by or on behalf of the moving party. The originating motion shall be entitled:

“The High Court

In the Matter of section 182 of the Criminal Justice Act 2006

On the Application of AB”.

(2) In addition to any other order which may be made on the hearing of the originating motion, the Court may, at such hearing:

(a) make such orders or give such directions as seem appropriate as to the giving of notice of the application to any person;

(b) make such orders or give such directions as seem appropriate for the delivery of further affidavits and for the hearing of the application.

(3) Where the Court is satisfied that the urgency of the case so requires, it may direct that the application be heard on oral evidence.

(4) Where the Court makes an order in accordance with sub-rule (1), a copy of the order, the originating motion, the affidavit and any exhibits thereto shall be served on each of the trustees of the trust and on the person suspected of having committed an arrestable offence. The Court may direct service of such documents on such other person or persons as it considers just.

4. (1) An application under section 182(4) of the Act to vary or discharge an order made under that section shall be made by motion on notice.

(2) Subject to sub-rule (3), unless the Court otherwise directs or permits, an application referred to in this rule shall be grounded upon an affidavit sworn by or on behalf of the moving party. Notice of the motion shall be given by delivering copies of the notice of motion and grounding affidavit and any exhibits thereto to the respondent or (as the case may be) the applicant named in the originating notice of motion, not later than four clear days before the return date for the motion.

(3) Where the Court is satisfied that the urgency of the case so requires, it may direct that the application be heard on oral evidence. ”

2. The Rules of the Superior Courts are hereby amended:

(i) by the insertion of the forms in Schedule 1 in Appendix U immediately following Form No. 27;

(ii) by the insertion of the forms in Schedule 2 in Appendix DD immediately following Form No. 1, and

(iii) by the insertion of the forms in Schedule 3 as Appendix FF.

3. These rules shall come into operation on the 9 day of February 2009.

4. These rules shall be construed together with the Rules of the Superior Courts 1986 to 2008 and may be cited as the Rules of the Superior Courts (Criminal Justice Acts 2006 and 2007) 2009.

SCHEDULE 1

O. 58, r. 27; O. 84, r. 27; O. 86, r.39

[SUPREME COURT][COURT OF CRIMINAL APPEAL] *[HIGH COURT]

No. 28

CERTIFICATE OF QUASHING OF CONVICTION OR VARIATION OF SENTENCE

(Section 96(4), Criminal Justice Act 2006)

Certificate no

The People at the suit of the Director of Public Prosecutions —v-

Case/ Bill No

Defendant’s name

Defendant’s address

Defendant’s date of birth

Date of Conviction

Trial Court Venue

Date of determination of appeal by appeal court

Offence(s) of which the person was originally convicted	Effect of appeal court’s decision on conviction	Sentence(s) following appeal court’s decision

This is to certify for the purposes of Part 9 of the Criminal Justice Act 2006 that the above named defendant’s
 *conviction of the above offence(s) was quashed
 *sentence(s) for the above offence(s) was/were varied
 on the above date.

.....
 Date

.....
 Registrar

To be transmitted immediately to:

(1) **The Detective Chief Superintendent, Garda National Drugs Unit, Dublin Castle, Dublin 2 Fax (01) 6669985

(2) The person convicted of the offence(s)

* * Address and fax no. are current as of 2009 and may be subject to change

* Insert as appropriate

10 [10]

(3) *The person in charge of the place to which the person has been ordered to be imprisoned

This form is to be used where a person's conviction on indictment of a drug trafficking offence within the meaning of the Criminal Justice Act 2006 has been quashed, or sentence imposed in respect of a drug trafficking offence varied, on appeal or otherwise.

* Insert as appropriate

COURT OF CRIMINAL APPEAL

O. 86, r.5

No. 29

NOTICE OF APPEAL AGAINST AN ORDER FOR COSTS
(Section 24, Criminal Justice Act 2006)

The People at the suit of the Director of Public Prosecutions —v-

To the Registrar of the Court of Criminal Appeal

....., having been *acquitted *convicted of the offence of [state offence] by theCourt sitting at.....on theday of.....20....., the *Director of Public Prosecutions *Attorney General does hereby give you notice of appeal to the Court of Criminal Appeal against the order for costs made by the trial court against him in favour of the accused person, on the grounds that:

[Specify grounds of appeal]

Dated theday of.....20.....

Signed.....
for appellant

* Insert as appropriate

SCHEDULE 2

CENTRAL CRIMINAL COURT

O. 85, r.12

No. 2

CERTIFICATE ISSUING AFTER CONVICTION
(Section 96(1), Criminal Justice Act 2006)

Certificate No

The People at the suit of the Director of Public Prosecutions —v-

Case/ Bill no

Defendant's name

Defendant's address

Defendant's date of birth

Date of Conviction

Court Venue

Date of Sentence (if different)

Offence(s) of which the person was convicted	Sentence(s)

The above named defendant was convicted of the above offence(s) on the above date and *[has become] * [may become] subject to the requirements of Part 9 of the Criminal Justice Act 2006.

.....
Date

.....
Registrar

To be transmitted immediately to:

(1) **The Detective Chief Superintendent, Garda National Drugs Unit, Dublin Castle, Dublin 2 Fax (01) 6669985

(2) The person convicted of the offence(s)

(3) *The person in charge of the place to which the person has been ordered to be imprisoned.

This form is to be used where a person has been convicted on indictment of a drug trafficking offence within the meaning of the Criminal Justice Act 2006.

** Address and fax no. are current as of 2009 and may be subject to change

* Insert as appropriate

CENTRAL CRIMINAL COURT

O. 85, r.12

No. 3

CERTIFICATE ISSUING AFTER SENTENCE
(Section 96(2), Criminal Justice Act 2006)

Certificate no.....

People (D.P.P.) —v-

Case/ Bill no

Defendant’s name

Defendant’s Address

Defendant’s date of birth

Date of Conviction

Court Venue

Date of Sentence (if different)

Offence(s) of which the person was convicted	Sentence(s)

The above named defendant was convicted of the above offence(s) on the above date and has become subject to the requirements of Part 9 of the Criminal Justice Act 2006.

.....
Date

.....
Registrar

To be transmitted immediately to:

(1) **The Detective Chief Superintendent, Garda National Drugs Unit, Dublin Castle, Dublin 2 Fax (01) 6669985

(2) The person convicted of the offence(s)

(3) *The person in charge of the place to which the person has been ordered to be imprisoned

This form is to be used where a person has been convicted on indictment of, and sentenced for, a drug trafficking offence within the meaning of the Criminal Justice Act 2006.

** Address and fax no. are current as of 2009 and may be subject to change

* Insert as appropriate

CENTRAL CRIMINAL COURT

No. 4

NOTICE OF HEARING OF AN APPLICATION FOR AN ORDER
REVOKING AN ORDER SUSPENDING A SENTENCE OF
IMPRISONMENT

(Section 99(15), Criminal Justice Act 2006)

People (D.P.P.) —v-
Case/ Bill no
To.....
of.....

An order was made by the Central Criminal Court under section 99(1) of the Criminal Justice Act 2006 on the day of20... suspending *the whole of *part of a sentence of imprisonment imposed on you. You were bound by a recognisance entered into by you under section 99 of the Criminal Justice Act 2006, to comply with the conditions of, or imposed in relation to that order, that

[here insert conditions of, or imposed by, the order under Section 99(1) of the Criminal Justice Act 2006]

TAKE NOTICE THAT of.....

*a member of An Garda Síochána *a prison governor has applied under section 99(13) of the Criminal Justice Act 2006

*a probation and welfare officer has applied under section 99(14) of the Criminal Justice Act 2006

to fix a date for the hearing of an application for an order revoking the order made by the Court suspending *the whole of *part of the sentence of imprisonment imposed on you.

AND FURTHER TAKE NOTICE THAT you are required to appear before the Central Criminal Court aton the day of20... ata.m./p.m. for the hearing of the application for an order revoking the order aforementioned.

IF YOU fail to appear before the Central Criminal Court, as required by this notice, the Court may issue a warrant for your arrest.

Dated the day of20.....

Signed
Register

* Delete if unapplicable

CENTRAL CRIMINAL COURT

No. 5

NOTICE TO ATTEND SITTING OF THE COURT
(Section 100(5), Criminal Justice Act 2006)

People (D.P.P.) —v-

Case/ Bill no

To.....
of.....

An order was made by the Central Criminal Court under section 100(1)(b) of the Criminal Justice Act 2006 on the ...day of.....20.. deferring the passing of a sentence of imprisonment on you in respect of the offence(s) of which you were convicted. That order specified that the Court proposed to impose on the ...day of.....20... a term of imprisonment ofon you in respect of such offence(s) should you fail or refuse to comply with the condition(s) specified in that order.

TAKE NOTICE THAT you are required to appear at a sitting of the Central Criminal Court aton the.....day of 20.. at ...a.m./p.m..

IF YOU fail to appear at that sitting of the Central Criminal Court, as required by this notice, the Court may issue a warrant for your arrest.

Dated the day of20.....

Signed
Register

CENTRAL CRIMINAL COURT

No. 6

NOTICE OF HEARING OF AN APPLICATION FOR AN ORDER IMPOSING A SENTENCE OF IMPRISONMENT

(Section 100(8), Criminal Justice Act 2006)

People (D.P.P.) —v-

Case/ Bill no

To.....

of.....

An order was made by the Central Criminal Court under section 100(1) of the Criminal Justice Act 2006 on the day of20... deferring the imposition on you of a sentence of imprisonment of in respect of the offence(s) of which you were convicted. That order specified that the Court proposed to impose on theday of.....20... a term of imprisonment ofon you in respect of such offence(s) should you fail or refuse to comply with the condition(s) specified in that order

[here insert conditions specified in the order made under Section 100(1) of the Criminal Justice Act 2006]

TAKE NOTICE THAT of

a member of An Garda Síochána has applied under section 100(7) of the Criminal Justice Act 2006 to fix a date for the hearing of an application for an order imposing on you the term of imprisonment specified in that order, alleging that (s)he has reasonable grounds for believing that you have contravened the following condition(s):

[here insert conditions alleged to have been contravened]

AND FURTHER TAKE NOTICE THAT you are required to appear before the Central Criminal Court aton the day of20... ata.m./p.m. for the hearing of the application for an order imposing on you the term of imprisonment aforementioned.

IF YOU fail to appear before the Central Criminal Court, as required by this notice, the Court may issue a warrant for your arrest.

Dated the day of20.....

Signed
Register

SCHEDULE 3

APPENDIX FF

No. 1

THE SUPREME COURT

O.58, r. 24(1)

NOTICE OF APPEAL

The Courts of Justice Act 1924, Section 29(2)

The People at the suit of the Director of Public Prosecutions —v-

TAKE NOTICE that on the expiration of ten days from the service hereof or at the first available opportunity thereafter the appellant will apply to the Supreme Court by way of appeal from the judgment and order of the Court of Criminal Appeal given and made on20., for the following order(s) and determination(s):

[insert particulars of order(s) sought]

The *[Court of Criminal Appeal] *[Attorney General] *[Director of Public Prosecutions] has certified that the decision of the Court of Criminal Appeal aforementioned involves a point of law of exceptional public importance and that it is desirable in the public interest that the appellant should take an appeal to the Supreme Court.

AND TAKE NOTICE that the grounds of this appeal are as follows:
[set out grounds of appeal]

[where the appellant is applying to the Supreme Court pursuant to Order 58, rule 25(3), for an order granting leave for argument to be heard and a determination made in relation to a part of the decision of the Court of Criminal Appeal concerned other than the point of law of exceptional public importance which is the subject of a certificate, the appellant shall specify here the part of the decision concerned, the determination sought, and the grounds for seeking such determination].

AND FURTHER TAKE NOTICE that the said appeal will be grounded on the proceedings already had herein, the judgment and order of the Court of Criminal Appeal, the nature of the case and the reasons to be offered

Dated 20
Signed

To of
And to the Registrar of the Supreme Court

* Insert as appropriate

THE SUPREME COURT
NOTICE OF APPEAL
The Courts of Justice Act 1924, Section 29(3)

The People at the suit of the Director of Public Prosecutions —v-

TAKE NOTICE that on the expiration of ten days from the service hereof or at the first available opportunity thereafter the *[Attorney General] *[Director of Public Prosecutions] will apply to the Supreme Court by way of appeal, which appeal is without prejudice to the decision in favour of the above-named accused person, from the judgment and order of the Court of Criminal Appeal given and made on20., for the following order(s) and determination(s):

[insert particulars of order(s) sought]

The *[Court of Criminal Appeal] *[Attorney General] *[Director of Public Prosecutions] has certified that the decision of the Court of Criminal Appeal aforementioned involves a point of law of exceptional public importance and that it is desirable in the public interest that the Attorney General or the Director of Public Prosecutions, as may be appropriate, should take an appeal to the Supreme Court. A copy of that certificate is served together with this notice.

AND TAKE NOTICE that the grounds of this appeal are as follows:
[set out grounds of appeal]

[where the appellant is applying to the Supreme Court pursuant to Order 58, rule 25(3), for an order granting leave for argument to be heard and a determination made in relation to a part of the decision of the Court of Criminal Appeal concerned other than the point of law of exceptional public importance which is the subject of a certificate, the appellant shall specify here the part of the decision concerned, the determination sought, and the grounds for seeking such determination.]

AND FURTHER TAKE NOTICE that the said appeal will be grounded on the proceedings already had herein, the judgment and order of the Court of Criminal Appeal, the nature of the case and the reasons to be offered

Dated 20
Signed

To of
And to the Registrar of the Supreme Court

The Supreme Court will, in such appeal, hear argument, if the accused person so wishes, by counsel on his or her behalf or, with the leave of the Supreme Court, by the accused person himself or herself.

Note: section 29(8) of the above-mentioned Act provides that the accused person may, in relation to such appeal, apply for a legal aid (Supreme Court) certificate to the Supreme Court either—

* Insert as appropriate

- (a) by letter addressed to the Registrar of the Supreme Court setting out the facts of the case and the grounds of the application, or
- (b) to the Supreme Court itself

and that the Court shall grant the certificate if (but only if) it appears to the Court that the means of the accused person are insufficient to enable him or her to obtain legal aid.

If a legal aid (trial on indictment) certificate was granted in respect of the accused person in relation to the trial on indictment concerned, a legal aid (Supreme Court) certificate shall be deemed to have been granted in respect of the accused person in relation to such appeal.

If the accused person intends to be heard on the appeal, he or she or his or her legal representative should give notice in writing of this intention to the Registrar of the Supreme Court not later than fourteen days after service of this notice, and give a copy of such notice to the person named above within the same period.

THE SUPREME COURT

NOTICE OF REFERENCE OF QUESTION OF LAW
Criminal Procedure Act 1967, Section 34

The People at the suit of the Director of Public Prosecutions —v-

TAKE NOTICE that the *[Attorney General] *[Director of Public Prosecutions] will apply to the Supreme Court for the determination of a question of law arising during the trial of the above proceedings.

A copy of the statement of the question of law *[and the observations of the trial judge/ member of the Court who pronounced the decision] is served together with this notice.

Dated 20
Signed

To of
And to the Registrar of the Supreme Court

The Supreme Court will, on such reference, hear argument, if the acquitted person so wishes, by counsel on his or her behalf or, with the leave of the Supreme Court, by the acquitted person himself or herself.

Note: section 34(7) of the above-mentioned Act provides that the acquitted person may, in relation to such reference, apply for a legal aid (Supreme Court) certificate to the Supreme Court either—

- (a) by letter addressed to the Registrar of the Supreme Court setting out the facts of the case and the grounds of the application, or
- (b) to the Supreme Court itself

and that the Court shall grant the certificate if (but only if) it appears to the Court that the means of the acquitted person are insufficient to enable him or her to obtain legal aid.

If a legal aid (trial on indictment) certificate was granted in respect of the acquitted person in relation to the trial on indictment concerned, a legal aid (Supreme Court) certificate shall be deemed to have been granted in respect of him or her in relation to such reference.

If the acquitted person intends to be heard on the reference, he or she or his or her legal representative should give notice in writing of this intention to the Registrar of the Supreme Court not later than fourteen days after service of this notice, and give a copy of such notice to the person named above within the same period.

* Insert as appropriate

EXPLANATORY NOTE

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

These Rules contain amendments to a number of Rules of the Superior Court to facilitate the operation of certain provisions of the Criminal Justice Acts 2006 and 2007. In particular these rules amend Order 58 (Appeals and References to the Supreme Court), Order 84 (Judicial Review and Orders Affecting Personal Liberty), Order 84B (Procedure in Statutory Applications), Order 85 (Central Criminal Court), Order 86 (Court of Criminal Appeal) and create Order 138 (Applications under the Criminal Justice Act 2006).

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,
(Teil: 01 - 6476834/37 nó 1890 213434; Fax: 01 - 6476843 nó 094 - 9378964)
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