



STATUTORY INSTRUMENTS.

**S.I. No. 330 of 2010**



POST-RELEASE (RESTRICTIONS ON CERTAIN ACTIVITIES)  
ORDERS SCHEME 2010

**(Prn. A10/0979)**

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I, DERMOT AHERN, Minister for Justice and Law Reform, in exercise of the powers conferred on me by section 26A(10) (inserted by section 14 of the Criminal Justice (Amendment) Act 2009 (No. 32 of 2009)) of the Criminal Justice Act 2007 (No. 29 of 2007), hereby make the following scheme with respect to which, pursuant to section 26A(10) of that Act, a draft has been laid before each House of the Oireachtas and a resolution approving of the draft has been passed by each such House:

1. This Scheme may be cited as the Post-Release (Restrictions on Certain Activities) Orders Scheme 2010.

2. The categories of restrictions and conditions set out in the Schedule are specified for the purposes of section 26A(10) of the Criminal Justice Act 2007 (No. 29 of 2007) as categories of restrictions and conditions that a court may impose on an offender when making a post-release (restrictions on certain activities) order.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 9th July, 2010.*

## SCHEDULE

Article 2

CATEGORIES OF RESTRICTIONS AND CONDITIONS THAT MAY BE  
IMPOSED BY POST-RELEASE (RESTRICTIONS ON CERTAIN  
ACTIVITIES) ORDERS*Restrictions and conditions on offender's movements or actions*

1. Restrictions and conditions on an offender's movements requiring that the offender concerned shall (other than in the case of a medical emergency)—

- (a) refrain from attending at such premises, place or locality either at all or at such times and subject to such conditions as may be specified by the court, or
- (b) attend at such premises, place or locality at such times and subject to such conditions as the court may specify.

2. Restrictions and conditions on an offender's movements requiring that—

- (a) an offender who intends to leave the State for a continuous period of 7 days or more shall—
  - (i) attend in person at a Garda station in the district in which the home of the offender is located and notify orally a member of the Garda Síochána at that station of his or her intention to leave the State and, if known, the address of the place outside the State where he or she intends to reside or stay at, and
  - (ii) on returning to the State, attend in person at the station referred to in clause (i) and notify orally a member of the Garda Síochána at that station of that fact,

and

- (b) subject to paragraph 3, an offender who is outside the State for a continuous period of 7 days or more and who did not intend, on leaving the State, to be outside the State for such a continuous period, shall—
  - (i) before the expiry of a further period of 7 days, reckoned from the 7th day that the offender concerned is so outside the State, notify orally a member of the Garda Síochána at a Garda station in the district in which the home of the offender is located that he or she is outside the State and the address of the place outside the State where he or she is residing or staying at, and
  - (ii) on returning to the State, attend in person at the Garda station referred to in clause (i) and notify orally a member of the Garda Síochána at that station of that fact.

3. Subparagraph (b) of paragraph 2 shall not apply if the offender concerned has returned to the State before the expiry of the further period of 7 days referred to in clause (i) of that subparagraph.

4. Restrictions and conditions on an offender's actions that require an offender, if the offender uses one or more names other than the name under which the offender was convicted and where the conviction concerned is the subject of a post-release (restrictions on certain activities) order, to—

- (a) before the expiry of 7 days reckoned from the date on which the post-release (restrictions on certain activities) order concerned comes into force, attend in person at a Garda station in the district in which the home of the offender is located and notify orally a member of the Garda Síochána at the station of that name or those names, as the case may be, and
- (b) before the expiry of 7 days reckoned from the date on which the offender concerned uses a name or names which is not the name, or one of the names, last previously notified by him or her to the Garda Síochána in accordance with restrictions or conditions referred to in this paragraph, attend in person at the station referred to in subparagraph (a) and notify orally a member of the Garda Síochána at that station of that name or those names, as the case may be.

5. Restrictions and conditions on an offender's movements and actions requiring that an offender shall attend in person at a Garda station in the district in which the home of the offender is located and shall—

- (a) before the expiry of 7 days reckoned from the date on which the post-release (restrictions on certain activities) order concerned comes into force, notify orally a member of the Garda Síochána at the station of the address at which the offender has his or her home, and
- (b) before the expiry of 7 days reckoned from the date that the offender concerned ceases to reside at the address notified to the Garda Síochána under subparagraph (a) or an address subsequently notified to the Garda Síochána under this subparagraph, notify orally a member of the Garda Síochána at the station of the new address at which the offender has his or her home.

*Restrictions and conditions on offender's activities*

6. Restrictions and conditions on an offender's activities requiring that the offender concerned shall—

- (a) refrain from such activities as the court may specify, or
- (b) if engaging in specified activities, do so only subject to such conditions as the court may specify.

*Restrictions and conditions on offender's association with others*

7. Restrictions and conditions on an offender's association with others requiring that the offender concerned shall, subject to paragraph 8, refrain from contacting, or otherwise associating with, specified persons either at all or on such conditions as may be specified by the court.

8. Nothing in paragraph 7 shall operate to impose restrictions on an offender in relation to the offender's association with a member of his or her immediate family.



GIVEN under my Official Seal,  
5 July 2010.

DERMOT AHERN,  
Minister for Justice and Law Reform.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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