



STATUTORY INSTRUMENTS.

S.I. No. 278 of 2014



RULES OF THE SUPERIOR COURTS (PROVISION OF TRANSCRIPTS
OF SENTENCING HEARINGS) 2014

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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 24th day of October, 2013.

Susan Denham
John Edwards
Anthony Barr
Paul McGarry
Michael Kavanagh
Mary Cummins
Noel Rubotham
John Mahon

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

Dated this 10th day of June, 2014.

FRANCES FITZGERALD
Minister for Justice and Equality

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 20th June, 2014.*

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1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Provision of Transcripts of Sentencing Hearings) 2014, shall come into operation on the 7th day of July 2014.

(2) These Rules shall be construed together with the Rules of the Superior Courts.

(3) The Rules of the Superior Courts as amended by these Rules may be cited as the Rules of the Superior Courts 1986 to 2014.

2. The Rules of the Superior Courts are amended:

(i) by the insertion immediately following rule 12 of Order 85 of the following rule:

“13. (1) In this rule:

“administering state” has the meaning assigned to it by section 1(1) of the Transfer of Sentenced Persons Act 1995;

“designated country” has the meaning assigned to it by section 5 of the Transfer of Execution of Sentences Act 2005;

the “Minister” means the Minister for Justice and Equality;

“Parole Board” includes any body established under statute or by administrative scheme the functions or purposes of which include the review of the cases of sentenced prisoners and the provision of recommendations or advice in relation to the administration of the sentences of such prisoners.

(2) On the application of the Minister in writing (which may be made by electronic means) for that purpose to the Registrar, the Registrar shall, subject to the payment by the Minister of any costs of producing and copying such transcript, provide to the Minister for the purposes of sub-rule (3) a transcript certified by the transcript writer to be a complete and correct transcript of the record (within the meaning of Order 86, rule 1) of a hearing before the Central Criminal Court for the purposes of the consideration or imposition by that Court of a sentence on a convicted person, and shall provide a copy of such transcript to the convicted person concerned.

(3) A transcript provided in accordance with sub-rule (2) (or a copy thereof) may be provided to and retained and used by:

- (a) the Parole Board for the purpose of making any recommendation or giving any advice in relation to a convicted person to whom the transcript relates;
 - (b) the authorities, who perform functions the same as or similar to those performed by the Parole Board, of an administering state to which the convicted person to whom the transcript relates has been transferred in accordance with the Transfer of Sentenced Persons Acts 1995 and 1997, for the purposes of the performance of those functions; or
 - (c) the authorities, who perform functions the same as or similar to those performed by the Parole Board, of a designated country in which the convicted person is serving a sentence or remainder of a sentence in accordance with the Transfer of Execution of Sentences Act 2005, for the purposes of the performance of those functions.
- (4) An application referred to in sub-rule (2):
- (a) may be made in respect of several convicted persons;
 - (b) may be made notwithstanding that no consideration by the Parole Board or by the authorities referred to in sub-rule (3)(b) and (c) of the case of a convicted person concerned is contemplated when the application is made.”, and
- (ii) by the insertion immediately following sub-rule (4) of rule 14 of Order 86 of the following sub-rule:

“(5) In any case in which the Court imposes a sentence in accordance with section 3(1)(d) or section 3(2) of the Criminal Procedure Act 1993, the provisions of Order 85, rule 13 shall apply as if the reference in that rule to the Central Criminal Court were a reference to the Court and the Registrar shall respond to any application for a transcript of the hearing concerned in accordance with that rule.”

EXPLANATORY NOTE

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

These rules amend the Rules of the Superior Courts, Order 85, rule 13 and Order 86, rule 14(5) to provide for the release of transcripts of sentencing hearings in criminal proceedings for the Parole Board and to the parole authorities of a foreign administration receiving a sentenced person under the Transfer of Sentenced Persons Acts 1995 and 1997, and those of a designated country in which the convicted person is serving a sentence or remainder of a sentence in accordance with the Transfer of Execution of Sentences Act 2005.

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