



STATUTORY INSTRUMENTS

**S.I. No. 105 of 2009**



DISTRICT COURT (CRIMINAL JUSTICE ACT 2006) RULES 2009

**(Prn. A9/0430)**

S.I. No. 105 of 2009

DISTRICT COURT (CRIMINAL JUSTICE ACT 2006) RULES 2009

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 17th day of November 2008.

Miriam Malone                      Chairperson

Uinsin Mac Gruairc

Mary C Devins

Thomas E O'Donnell

Brian Sheridan

Fiona Twomey

Noel A Doherty

Michelle Johnston

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

Dated this 27th day of March 2009

DERMOT AHERN  
Minister for Justice, Equality and Law Reform

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 3rd April, 2009.*

S.I. No. 105 of 2009

DISTRICT COURT (CRIMINAL JUSTICE ACT 2006) RULES 2009

1. These rules may be cited as the District Court (Criminal Justice Act 2006) Rules 2009.

2. These rules shall come into operation on the 24th day of April 2009 and shall be construed together with the District Court Rules 1997 to 2009.

3. The District Court Rules 1997 (S.I. No. 93 of 1997) are amended:

(i) by the substitution for sub-rule (2) of rule 4 of Order 17 of the following:

*“(2) A sum of money equivalent to the amount of bail may be accepted in lieu of a surety or sureties. In such cases the recognisance and the money shall be deposited by the member of the Garda Síochána receiving it with the Clerk of the Court before which the person is bound by recognisance to appear.”*

(ii) by the substitution for sub-rule (4) of rule 5 of Order 18 of the following:

*“(4) On lodgement of the required sums or security with—*

*(a) the clerk of the court area in which the order admitting to bail was made, or*

*(b) the Governor or a prison officer designated in accordance with section 22 of the Criminal Procedure Act 1967 of the prison wherein the accused is in custody, payment of which money or security to whom shall be deemed to be a payment into court,*

*and on completion of the recognisance in the Form 18.1, 18.2, 18.2A, 18.2B or 18.3 as appropriate, the person shall be released if he or she is in custody for no other cause than the offence in respect of which bail is granted.”*

(iii) by the substitution for sub-rule (3) of rule 8 of Order 28A of the following:

*“(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 and the recognisance shall be in the Form 18.2A.”, and*

(iv) by the substitution for sub-rule (6) of rule 8 of Order 28A of the following:

*“(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 and the recognisance shall be in the Form 18.2B.”*

4. The Forms in Schedule 1 shall be added to the Forms in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997).

5. The Form in Schedule 2 shall be substituted for the Form bearing the like number in the Forms in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997).

6. The Form 17.3 shall be deleted from Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997).

SCHEDULE 1

SCHEDULE B  
O.18, r. 5(4),  
O.28A, r. 8(3)

No. 18.2A

BAIL ACT 1997, Sections 5 and 6  
CRIMINAL JUSTICE ACT 2006, Section 99(9)

BAIL RECOGNISANCE

District Court Area of

District No.

.....Prosecutor

.....Accused

Whereas the above-named accused was on the ... day of.....20..convicted by the .....Court sitting at..... in proceedings under record no. ....of the offence of ..... and whereas the sentence imposed on the said accused was suspended by the said Court under section 99(1) of the Criminal Justice Act 2006

And whereas the above-named accused was on the ... day of.....20..convicted of the offence of .....on charge sheet .....

And whereas the said accused was remanded on bail under section 99(9) of the Criminal Justice Act 2006 to the next sitting of the said .....Court sitting at.....

I the above-named accused agree to be bound by and comply with the following conditions of this recognisance.

1	I the above-named accused shall not commit any offence while on bail.	
*2	<p>*I.....of .....Accused *and.....of.....Surety *and.....of.....Surety</p> <p>*(severally) acknowledge myself/ourselves to owe the State the several sums following, that is to say</p> <p>the said.....the sum of €.....and the said.....the sum of €.....and the said.....the sum of €.....</p> <p>to the use of the Minister for Finance and pursuant to the direction of the Judge I/we have lodged the following sums</p> <p>the said.....the sum of €.....and the said.....the sum of €.....and the said.....the sum of €.....</p>	*This condition is required where a money or security condition is included in a bail bond
	Or In lieu of surety/sureties I have pursuant to the direction of the Judge lodged the sum of €.....	

	Or In lieu of the lodgement of cash in the sum of €.....the Court has accepted the following instrument as security.....from the said.....:	*Insert details of any instrument accepted as security
	And I/we further acknowledge that the said sums are liable to be forfeited or estreated as appropriate if I/the above-named accused fail(s) in any of the further conditions set out hereunder	
*3	I the above-named accused shall appear before the *present/*next sitting of *[the Central Criminal Court]*[the Special Criminal Court] *[the Circuit Court for..... for the disposal of criminal business] *[the District Court for..... for the disposal of criminal business] and will not depart from the said Court without leave and will attend there in person from day to day during the time the said Court shall be so held or any adjournment thereof for the purposes of the said Court making an order under section 99(10) of the Criminal Justice Act 2006.	
*4	And.....	*Insert here any further conditions imposed by the Court

Signed.....Accused

\*Signed.....Surety

\*Signed.....Surety

Acknowledged before me this.....day of.....20...

Signed.....

\*Judge of the District Court

\*District Court Clerk

\*Peace Commissioner designated by order of the Minister for Justice, Equality and Law Reform

\*Governor of.....prison

\*Prison officer at .....prison designated in accordance with section 22(3) of the Criminal Procedure Act 1967 by the Governor of said prison.

**The accused may apply to the Court at any time to have a condition of the recognisance varied or revoked.**

No. 18.2B

BAIL ACT 1997, Sections 5 and 6  
CRIMINAL JUSTICE ACT 2006, Section 99(10A)

BAIL RECOGNISANCE

District Court Area of

District No.

.....Prosecutor

.....Accused

Whereas the above-named accused was on the ... day of.....20..convicted by this Court sitting at..... of the offence of .....on charge sheet .....and whereas a sentence of..... imposed on the said accused was suspended under section 99(1) of the Criminal Justice Act 2006

And whereas the said accused was on the ... day of.....20..convicted by the..... Court sitting at..... of the offence of ..... and the said accused was remanded under section 99(9) of the Criminal Justice Act 2006 to the next sitting of this Court at.....

And whereas this Court made an order under section 99(10) of the Criminal Justice Act 2006

\*revoking its order under section 99(1) of the Criminal Justice Act 2006 suspending the sentence which had been imposed on the said accused

\*[or recite the terms of any other order made under section 99(10) of the Criminal Justice Act 2006]

And whereas the said accused has been remanded on bail under section 99(10A) of the Criminal Justice Act 2006 to the next sitting of the said .....Court sitting at..... (being the Court referred to in section 99(9) of the said Act)

I the above-named accused agree to be bound by and comply with the following conditions of this recognisance.

1	I the above-named accused shall not commit any offence while on bail.	
*2	<p>*I.....of .....Accused  *and.....of.....Surety  *and.....of.....Surety</p> <p>*(severally) acknowledge myself/ourselves to owe the State the several sums following, that is to say  the said.....the sum of €.....and  the said.....the sum of €.....and  the said.....the sum of €.....</p> <p>to the use of the Minister for Finance and pursuant to the direction of the Judge  I/we have lodged the following sums  the said.....the sum of €.....and  the said.....the sum of €.....and  the said.....the sum of €.....</p>	*This condition is required where a money or security condition is included in the bail bond
	Or In lieu of surety/sureties I have pursuant to the direction of the Judge lodged the sum of €.....	
	Or In lieu of the lodgement of cash in the sum of €.....the Court has accepted the following instrument as security.....from the said.....:	*Insert details of any instrument accepted as security
	And I/we further acknowledge that the said sums are liable to be forfeited or estreated as appropriate if I/the above-named accused fail(s) in any of the further conditions set out hereunder	
*3	I the above-named accused shall appear before the *present/*next sitting of *[the Central Criminal Court]*[the Special Criminal Court] *[the Circuit Court for..... for the disposal of criminal business] *[the District Court for..... for the disposal of criminal business] and will not depart from the said Court without leave and will attend there in person from day to day during the time the said Court shall be so held or any adjournment thereof for the purposes of the said Court imposing sentence on me for the offence referred to in section 99(9) of the Criminal Justice Act 2006.	
*4	And.....	*Insert any further conditions imposed by the Court

Signed.....Accused

\*Signed.....Surety

\*Signed.....Surety

Acknowledged before me this.....day of.....20...

Signed.....

\*Judge of the District Court

\*District Court Clerk

\*Peace Commissioner designated by order of the  
Minister for Justice, Equality and Law Reform

\*delete where inapplicable



\*Governor of.....prison

\*Prison officer at .....prison designated in accordance with section 22(3) of the Criminal Procedure Act 1967 by the Governor of said prison.

**The accused may apply to the Court at any time to have a condition of the recognisance varied or revoked.**

\*delete where inapplicable

SCHEDULE 2

No. 18.4

CRIMINAL PROCEDURE ACT 1967, Section 22  
BAIL ACT 1997, Section 6A (as inserted by CRIMINAL JUSTICE ACT  
2007, Section 10)

BAIL RECOGNISANCE (ON APPEAL)

District Court Area of

District No.

.....Prosecutor

.....Accused

I the above-named accused agree to be bound by and comply with the following conditions of this recognisance.

1	I the above-named accused shall not commit any offence while on bail.	
*2	<p>*I.....of .....Accused                  *and.....of.....Surety                  *and.....of.....Surety</p> <p>*(severally) acknowledge myself/ourselves to owe the State the several sums following, that is to say</p> <p>the said.....the sum of €.....and                  the said.....the sum of €.....and                  the said.....the sum of €.....</p> <p>to the use of the Minister for Finance and pursuant to the direction of the Judge I/we have lodged the following sums</p> <p>the said.....the sum of €.....and                  the said.....the sum of €.....and                  the said.....the sum of €.....</p>	*This condition is required where a money or security condition is included in any bail bond
	Or In lieu of surety/sureties I have pursuant to the direction of the Judge lodged the sum of €.....	
	Or In lieu of the lodgement of cash in the sum of €.....the Court has accepted the following instrument as security.....from the said.....:	*Insert details of any instrument accepted as security
	And I/we further acknowledge that the said sums are liable to be forfeited or estreated as appropriate if I/the above-named accused fail(s) in any of the further conditions set out hereunder	
*3	I the above-named accused shall prosecute the appeal pending in this proceeding to the Circuit Judge at the *present/*next sitting of the Circuit Court for..... for the disposal of criminal business and attend personally at the sitting of such Court, until such appeal shall have been determined, and abide and perform the judgment of the Circuit Judge thereon, and pay such costs as may be awarded against the accused and not abscond pending the execution of the order of the Circuit Judge or the Judge of the District Court.	
*4	And.....	*Insert here any further conditions imposed by the Court

Signed.....Accused  
 \*Signed.....Surety  
 \*Signed.....Surety

Acknowledged before me this.....day of.....20...

Signed.....  
 \*Judge of the District Court  
 \*Peace Commissioner

**The accused may apply to the Court at any time to have a condition of the recognisance varied or revoked.**

\*delete where inapplicable

EXPLANATORY NOTE

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

These Rules amend Order 17, 18, and 28A in relation to Forms of Recognisance in respect of suspended sentences and appeal, and deletes form 17.3.

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,  
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