



STATUTORY INSTRUMENTS.

S.I. No. 33 of 2010



DISTRICT COURT (CRIMINAL JUSTICE (AMENDMENT) ACT 2009)
RULES 2010

(Prn. A10/0142)

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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 16th day of November 2009.

Miriam Malone Chairperson

Uinsin MacGruairc

Mary C Devins

Thomas E O'Donnell

Brian Sheridan

Fiona Twomey

Roy Pearson

Noel A Doherty

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

Dated this 1st day of February 2010.

DERMOT AHERN,
Minister for Justice, Equality and Law Reform.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 5th February, 2010.*

S.I. No. 33 of 2010

DISTRICT COURT (CRIMINAL JUSTICE (AMENDMENT) ACT 2009)
RULES 2010

1. These rules may be cited as the District Court (Criminal Justice (Amendment) Act 2009) Rules 2010.

2. These rules shall come into operation on the 1st day of March 2010 and shall be construed together with all other District Court Rules 1997 to 2010.

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

(i) by the insertion immediately following rule 26 of Order 12 of the following rule:

“27. Where the hearing of any application is required by law to be held otherwise than in public or the hearing of any application or evidence is directed to be held otherwise than in public or with certain persons excluded from the Court, and the hearing would in the opinion of the Judge be more conveniently and expeditiously disposed of in Chambers than in Court, the hearing may be held and any such application made to and determined by the Judge in Chambers.”

(ii) by the substitution for Order 14 of the Order in Schedule 1;

(iii) by the substitution for rule 10 of Order 17 of the following rule:

“10. (1) An application under paragraph (g) of section 2(2) of the Criminal Justice (Drug Trafficking) Act 1996 by a member of the Garda Síochána not below the rank of Chief Superintendent or under paragraph (h) of section 2(2) of the Criminal Justice (Drug Trafficking) Act 1996 by a member of the Garda Síochána not below the rank of Chief Superintendent for a warrant to further detain a person detained pursuant to that Act shall be by information on oath and in writing and shall be in the Form 17.11 Schedule B. A warrant issued on foot of such information shall be in the Form 17.12, Schedule B.

(2) An application for a warrant to arrest under section 4 of the Criminal Justice (Drug Trafficking) Act 1996 shall be by the information on oath and in writing in the Form 17.12A Schedule B of a member of the Garda Síochána not below the rank of Superintendent. A warrant issued on foot of such information shall be in the Form 17.12B Schedule B.”;

(iv) by the insertion immediately following rule 13 of Order 17 of the following rule:

“14. A certificate for the purposes of paragraph (i) of:

- (a) section 30(4D) of the Offences Against the State Act 1939,
- (b) section 2(7A) of the Criminal Justice (Drug Trafficking) Act 1996 or, as the case may be,
- (c) section 50(9) of the Criminal Justice Act 2007

shall be in the Form 17.19 Schedule B.”;

(v) by the substitution for rule 2 of Order 18 of the following rule:

“†2. A person charged with any of the following offences shall not be admitted to bail except by order of the High Court:

- (a) treason,
- (b) an offence under section 2 and 3 of the Treason Act 1939,
- (c) an offence under section 6, 7 and 8 of the Offences Against the State Act 1939,
- (d) a grave breach such as is referred to in section 3(1)(i) of the Geneva Conventions Acts 1962,
- (e) an offence under section 9 of the Official Secrets Act 1963 or an offence under Part II of that Act committed in a manner prejudicial to the safety or preservation of the State,
- (f) murder, attempt to murder, conspiracy to murder or piracy, including an accessory before or after the fact,
- (g) an offence under section 3, as amended, of the Geneva Conventions Act 1962 or an offence under section 7 or 8 of the International Criminal Court Act 2006,
- (h) an offence under the Criminal Justice (United Nations Convention against Torture) Act 2000,
- (i) the offence of murder under section 2 of the Criminal Justice (Safety of United Nations Workers) Act, 2000, or an attempt or conspiracy to commit that offence,
- (j) the offence of killing or attempted killing under paragraph (h) or (j) of section 2(1) of the Maritime Security Act 2004,

- (k) the offence of murder under section 6 or 11 of the Criminal Justice (Terrorist Offences) Act 2005 or an attempt to commit such offence,
- (l) an offence under section 71, 71A, 72 or 73 of the Criminal Justice Act 2006.”;

(vi) by the substitution for rule 5 of Order 24 of the following rule:

“Sending forward for sentence on a plea of guilty: Criminal Procedure Act 1967, section 13(2)(b)

5. (1) Where an accused person is before the Court charged with an indictable offence not being an offence mentioned in sub-rule (2), nor an offence being dealt with summarily, and the Court is satisfied that the accused person understands the nature of the offence and the facts alleged, then, if the accused signs a plea of guilty (Form 24.1, Schedule B), and the Director of Public Prosecutions consents, the Judge may by order (Form 24.2, Schedule B) send him or her forward for sentence with that plea to the court to which, if he or she had pleaded not guilty, the accused would lawfully have been sent forward for trial.

(2) Sub-rule (1) does not apply to the following offences:

- (a) an offence under the Treason Act 1939,
- (b) murder, attempt to murder, conspiracy to murder, piracy,
- (c) an offence under section 7 (genocide, crimes against humanity and war crimes) or 8 (ancillary offences) of the International Criminal Court Act 2006,
- (d) an offence under the Criminal Justice (United Nations Convention against Torture) Act 2000,
- (e) the offence of murder under section 2 of the Criminal Justice (Safety of United Nations Workers) Act 2000, or an attempt or conspiracy to commit that offence,
- (f) the offence of killing or attempted killing under paragraph (h) or (j) of section 2 (1) of the Maritime Security Act 2004,
- (g) the offence of murder under section 6 or 11 of the Criminal Justice (Terrorist Offences) Act 2005 or an attempt to commit such offence,
- (h) an offence under section 71, 71A, 72 or 73 of the Criminal Justice Act 2006.

(i) a grave breach such as is referred to in section 3(1)(i) of the Geneva Conventions Act 1962,

including an offence by an accessory before or after the fact.”,
and

(vii) by the substitution for rules 4 and 5 of Order 31 of the following rules:

“Application for order to arrest

4. An application under section 10 of the Act of 1984 for a warrant to arrest shall be made by the information on oath and in writing, in the Form 31.3, Schedule B, of a member of the Garda Síochána not below the rank of Superintendent.

Order to arrest

5. The warrant of the Court where such an application is granted shall be in the Form 31.4, Schedule B.”

4. The Forms numbered 17.4, 17.5, 17.6, 17.7, 17.12, 17.14, 17.15, 17.16, 17.18, 31.3 and 31.4 in Schedule 2 are respectively substituted for the Forms bearing the like numbers in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997). The Forms numbered 17.12A and 17.12B in Schedule 2 are added to Schedule B of the District Court Rules 1997 immediately following Form 17.12. The Form numbered 17.19 in Schedule 2 is added to Schedule B of the District Court Rules 1997 immediately following Form 17.18.

Schedule 1

“ORDER 14

ADMISSION TO COURT AND PUBLICATION OF PROCEEDINGS

Proceedings to be in open Court: Article 34 of the Constitution of Ireland and Criminal Procedure Act 1967, section 4I(1)

1. Save where otherwise provided by law, the place in which the Court shall sit for hearing summary proceedings and for the conduct of proceedings under Part 1A of the Criminal Procedure Act 1967 shall be deemed an open Court to which, subject to the provisions of this Order, the public generally may have access so far as the same can conveniently accommodate them.

Power to exclude public: Criminal Justice Act 1951, section 20(3) and (4)

2. (1) In any criminal proceedings for an offence which is, in the opinion of the Court, of an indecent or obscene nature, the Court may, subject to sub-rule (2), exclude from the Court during the hearing all persons except officers of the Court, persons directly concerned in the proceedings, *bona fide* representatives of the Press and such other persons as the Court may in its discretion permit to remain.

(2) In any such proceedings—

(a) where the accused is a person under the age of eighteen years, or

(b) where the offence is of an indecent or obscene nature and the person with or against whom it is alleged to have been committed is under that age or is a female,

a parent or other relative or friend of that person shall be entitled to remain in Court during the whole of the hearing.

Power to exclude public: Criminal Procedure Act 1967, section 4I(2) (inserted by Criminal Justice Act 1999, section 9); Bail Act 1997, section 4(2)(b)

3. (1) During the conduct of proceedings under Part 1A of the Criminal Procedure Act 1967 where the Court is satisfied that, because of the nature or circumstances of the case or otherwise in the interests of justice it is desirable to do so, or in proceedings relating to applications under section 2(1) of the Bail Act 1997 the Court may, subject to sub-rule (2), exclude the public or any particular portion of the public or any particular person or persons, except *bona fide* representatives of the Press, from the Court during the proceedings.

(2) Sub-rule (1) is without prejudice to the right of a parent, relative or friend of the accused or of an injured party to remain in court in any case to which section 20(4) of the Criminal Justice Act 1951, or section 6 of the Criminal Law (Rape) Act 1981 (as substituted by section 11 of the Criminal Law (Rape) (Amendment) Act 1990) applies.

Power to exclude public:

Offences Against the State Act 1939, section 30(4BA) (inserted by Criminal Justice (Amendment) Act 2009, section 21)

Criminal Justice (Drug Trafficking) Act 1996, section 2(3A) (inserted by Criminal Justice (Amendment) Act 2009, section 22)

Criminal Justice Act 2007, section 50(4A) (inserted by Criminal Justice (Amendment) Act 2009, section 23)

4. (1) Where a Judge hearing an application under:

- (a) section 30(4) of the Offences Against the State Act 1939,
- (b) section 2(2) of the Criminal Justice (Drug Trafficking) Act 1996 or, as the case may be,
- (c) section 50(3) of the Criminal Justice Act 2007,

is satisfied, in order to avoid a risk of prejudice to the investigation concerned, that it is desirable to do so, he may—

- (i) direct that the application be heard otherwise than in public, or
- (ii) exclude from the Court during the hearing all persons except officers of the Court, persons directly concerned in the proceedings, *bona fide* representatives of the Press and such other persons as the Court may permit to remain.

(2) On the hearing of an application mentioned in sub-rule (1), the Judge may, of his own motion or on application by the officer of the Garda Síochána making the application, where it appears that the circumstances mentioned in:

- (a) sub-paragraphs (i) and (ii) of paragraph (b) of subsection (4BA) of section 30 of the Offences Against the State Act 1939, or
- (b) sub-paragraphs (i) and (ii) of paragraph (b) of subsection (3A) of section 2 of the Criminal Justice (Drug Trafficking) Act 1996 or, as the case may be,
- (c) sub-paragraphs (i) and (ii) of paragraph (b) of subsection (4A) of section 50 of the Criminal Justice Act 2007,

apply, direct that, in the public interest, the particular evidence shall be given in the absence of every person, including the person to whom the application relates and any legal representative (whether of that person or the applicant), other than—

- (I) the member or members of the Garda Síochána whose attendance is necessary for the purpose of giving the evidence to the Judge; and
- (II) if the Judge deems it appropriate, such one or more of the Clerks of the Court as the Judge determines.

Prohibition of publication of proceedings: Criminal Procedure Act 1967, section 4J(1)

5. (1) No person shall publish or cause to be published any information about a proceeding under Part 1A of the Criminal Procedure Act 1967 other than a statement of the fact that the proceeding has been brought by a named person in relation to a specified charge against a named person and any decision resulting from the proceeding.

Prohibition of publication of proceedings: Bail Act 1997, sections 1A(9), 2A(3) and 4(3)

(2) In proceedings under section 2(1) of the Bail Act 1997 no information relating to the criminal record of the person applying for bail shall be published in a written publication available to the public or be broadcast.

(3) An order under section 1A(9) or 2A(3) of the Bail Act 1997 may be made of the court's own motion or on the application of the applicant or of the prosecutor. The terms of any direction given under section 1A(8) or order made under section 1A(9) or section 2A(3) of the Bail Act 1997 shall be pronounced in open court.

Prohibition of publication of proceedings:

Offences Against the State Act 1939, section 30(4BA)(d) (inserted by Criminal Justice (Amendment) Act 2009, section 21)

Criminal Justice (Drug Trafficking) Act 1996, section 2(3A)(d) (inserted by Criminal Justice (Amendment) Act 2009, section 22)

Criminal Justice Act 2007, section 50(4A)(d) (inserted by Criminal Justice (Amendment) Act 2009, section 23)

(4) No person shall publish or broadcast or cause to be published or broadcast any information about an application under:

(a) section 30(4) of the Offences Against the State Act 1939, or

(b) section 2(2) of the Criminal Justice (Drug Trafficking) Act 1996 or, as the case may be,

(c) section 50 of the Criminal Justice Act 2007

other than a statement of (i) the fact that the application has been made by the Garda Síochána (or, in the case of an application under section 50 of the Criminal Justice Act 2007, the fact that the application has been brought by a named person) in relation to a particular investigation and (ii) any decision resulting from the application.

Form of certificate

6. A certificate pursuant to Section 4J(2) of the Criminal Procedure Act, 1967, shall be in accordance with Form 14.1 Schedule B.

Anonymity of witnesses

7. Notice of a party's intention to make an application under section 181 of the Criminal Justice Act 2006 may be given otherwise than in writing and the Judge may deem the notice given sufficient in any case. Where an order is made on foot of any such application, the party on whose application the order was made may request the Judge to confirm the existence of such order on any occasion on which the proceedings to which the order relates are before the Court."

Schedule 2

Schedule B
O17. r.7(1)

17.4

OFFENCES AGAINST THE STATE ACT 1939, Section 30(4)
(as substituted by the Offences against the State (Amendment) Act 1998)

APPLICATION FOR ISSUE OF WARRANT

District Court Area of

District No.

THE APPLICATION OF
of

who says

I am a member of the Garda Síochána not below the rank of Superintendent

..... was arrested on the.....day of.....20...
at.....am/pm pursuant to the provisions of Section 30 of the above-mentioned
Act on suspicion of having committed an offence to wit;

.....
.....
and is presently detained pursuant to a direction under Section 30(3) of the
said Act.

Said period of detention will expire on the.....day of.....20....
at.....a.m./p.m.

I have reasonable grounds for believing that the detention of the said person
for a further period not exceeding 24 hours is necessary for the proper investi-
gation of the said offence.

My grounds for so believing are as follows:

.....
.....

I hereby apply for the issue of a warrant authorising a further period of deten-
tion not exceeding 24 hours.

Signed.....
Informant

Sworn before me this.....day of.....20...

Signed.....
Judge of the District Court

OFFENCES AGAINST THE STATE ACT 1939, Section 30(4A)
(as inserted by Offences Against the State (Amendment) Act 1998)

WARRANT TO DETAIN

District Court Area of

District No.

WHEREAS from the application of of.....a member of the Garda Síochána not below the rank of Superintendent, it appears that was arrested on the.....day of.....20... ata.m./p.m. pursuant to the provisions of section 30 of the above-mentioned Act on suspicion of having committed an offence, to wit

.....
.....
and is at present detained pursuant to a direction under section 30(3) of the said Act,

AND WHEREAS on the hearing of said application pursuant to section 30(4) of the said Act for a warrant authorising the further detention of..... whose current period of detention expires on theday of.....20...ata.m./p.m. or on the determination of said application

THE SAID, being the person to whom the application relates, having been produced before me,

*HAVING HEARD the oral evidence on oath of the said applicant and what was submitted on behalf of the said applicant

*AND, considering it to be in the interests of justice to do so, having directed that another member of the Garda Síochána, namely of, give oral evidence, having adjourned the hearing of the application for the purpose of receiving such evidence and having received and heard that evidence

*HAVING HEARD the oral evidence on oath of *(and on behalf of) the said person to whom the application relates and what was submitted on behalf of the said person

I AM SATISFIED THAT such further detention is necessary for the proper investigation of the offence concerned and that the investigation is being conducted diligently and expeditiously.

I HEREBY AUTHORISE the detention offor a further period ofhours, such period of detention to commence at the expiry of the period of detention authorised by section 30(3) of the said Act or, if later, on the determination of the application by the issuing of this warrant.

Dated and issued thisday of.....20...ata.m./p.m.

Signed.....
Judge of the District Court

To: Superintendent of the Garda Síochána at.....

*Delete where inapplicable

OFFENCES AGAINST THE STATE ACT 1939, Section 30A(1)
(as substituted by the Criminal Justice Act 2009, section 21)

INFORMATION

District Court Area of

District No.

The information of.....of.....
a member of the Garda Síochána not below the rank of Superintendent who says
on oath:

.....of.....was arrested pursuant to the
provisions of Section 30 of the above-mentioned Act on the.....day of.....20
...at.....am/pm and was detained pursuant to a direction under Section 30(3)
of the said Act on suspicion of having committed an offence to wit;

.....
contrary to
and was released without any charge having been made against him.

*FURTHER information has come to the knowledge of the Garda Síochána since
the release of the said as to *his/*her suspected partici-
pation in

*the said offence to which the detention related,
*the following offence (being another offence of which, at the time of
the first arrest, the member of the Garda Síochána by whom he was
arrested, suspected, or ought reasonably to have suspected, *him/*her
of having committed), to wit:
.....
contrary to

*Notwithstanding that the Garda Síochána had knowledge, prior to the release of
the said, of *his/*her suspected participation in an offence, to wit:

.....
contrary to
for which offence *his/*her arrest is now sought in this application, the questioning
of the said person in relation to that offence, prior to his release, would not have
been in the interests of the proper investigation of the offence.

*The said further information is as follows/*My reasons for so saying are as follows:

.....
.....

And I hereby apply for the issue of a warrant for the arrest of
.....

Signed.....
Informant

Sworn before me this.....day of.....20....

Signed.....
Judge of the District Court

*Delete where inapplicable

OFFENCES AGAINST THE STATE ACT 1939, Section 30A(1)
(as substituted by the Criminal Justice Act 2009, section 21)

WARRANT TO ARREST

District Court Area of

District No.

WHEREAS from the information on oath and in writing sworn before me by....., a member of the Garda Síochána not below the rank of Superintendent, it appears that..... was arrested pursuant to the provisions of section 30 of the above-mentioned Act on the.....day of.....20..... atam/pm and detained pursuant to a direction under Section 30(3) of the Act on suspicion of having committed an offence to wit;

.....
.....
contrary to
and was released without any charge having been made against him.

AND WHEREAS FROM SAID INFORMATION I AM SATISFIED THAT

*FURTHER information has come to the knowledge of the Garda Síochána since the release of the said as to *his/*her suspected participation in

*the said offence to which the detention related,
*the following offence (being another offence of which, at the time of the first arrest, the member of the Garda Síochána by whom he was arrested, suspected, or ought reasonably to have suspected, *him/*her of having committed), to wit:

.....
contrary to

*Notwithstanding that the Garda Síochána had knowledge, prior to the release of the said, of *his/*her suspected participation in an offence, to wit:

.....
contrary to
for which offence *his/*her arrest was sought in this application, the questioning of the said person in relation to that offence, prior to his release, would not have been in the interests of the proper investigation of the offence.

THIS IS TO AUTHORISE YOU to whom this warrant is addressed to arrest the said.....of.....

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

Signed.....
Judge of the District Court

To Superintendent.....
of the Garda Síochána at.....

*Delete where inapplicable

CRIMINAL JUSTICE (DRUG TRAFFICKING) ACT 1996, SECTION
*2(2)(g) *2(2)(h)

WARRANT TO EXTEND DETENTION

District Court Area of

District No.

WHEREAS from the application of, it appears that, of....., was arrested on the...-.....day of.....20..... ata.m./p.m. on suspicion of having committed a drug trafficking offence, to wit: and is at present detained at.....pursuant to

*a direction under paragraph (c) of section 2(2) of the above-mentioned Act,

*a warrant under paragraph (g)(ii) of section 2(2) of the above-mentioned Act,

which said period of detention will expire on the.....day of.....20..... at.....a.m./p.m. or the determination of the within application

AND WHEREAS on the hearing of the said application pursuant to

*paragraph (g) of section 2(2) of the said Act by, a member of the Garda Síochána not below the rank of Chief Superintendent, for a warrant authorising the further detention of..... for a further period not exceeding 72 hours

*paragraph (h) of section 2(2) of the said Act by, a member of the Garda Síochána not below the rank of Chief Superintendent for a warrant authorising the further detention offor a further period not exceeding 48 hours

THE SAID, being the person to whom the application relates, having been produced before me,

*AND HAVING HEARD the evidence adduced and what was submitted by the said applicant and said person

*AND, considering it to be in the interests of justice to do so, having directed that another member of the Garda Síochána, namely of, give oral evidence, having adjourned the hearing of the application for the purpose of receiving such evidence and having received and heard that evidence

I AM SATISFIED THAT such further detention is necessary for the proper investigation of the offence concerned and that the investigation is being conducted diligently and expeditiously.

I HEREBY AUTHORISE the detention offor a further period ofhours, such further period of detention to commence at the expiry of the period of detention authorised by

*the direction under paragraph (c) of section 2(2) of the said Act,

*the warrant under paragraph (g)(ii) of section 2(2) of the said Act

or, if later, on the determination of the application by the issuing of this warrant

Dated and issued thisday of.....20...ata.m./p.m.

Signed.....
Judge of the District Court

To: *Chief Superintendent of the Garda Síochána at.....

*Person in charge of the place of detention at.....

CRIMINAL JUSTICE (DRUG TRAFFICKING) ACT 1996, SECTION 4(1)
(as substituted by the Criminal Justice (Amendment) Act 2009, section 22)

INFORMATION

District Court Area of

District No.

.....Prosecutor

.....Accused

The information of
of.....a member of the Garda Síochána not below the
rank of Superintendent who says on oath:

.....of.....was arrested pursuant to the
provisions of Section 2 of the above-mentioned Act on.....day of.....20
...at.....am/pm and was detained pursuant to a direction under Section 2(2) of the
said Act on suspicion of having committed an offence to wit;

.....
contrary to
and was released without any charge having been made against him.

*FURTHER information has come to the knowledge of the Garda Síochána since
the release of the said as to *his/*her suspected participation
in an offence to wit:
contrary to

*Notwithstanding that the Garda Síochána had knowledge, prior to the release of
the said, of *his/*her suspected participation in an offence, to wit:
.....
contrary to
for which offence *his/*her arrest is now sought in this application, the questioning
of the said person in relation to that offence, prior to his release, would not have
been in the interests of the proper investigation of the offence.

*The said further information is as follows/*My reasons for so saying are as follows:
.....
.....

And I hereby apply for the issue of a warrant for the arrest of
.....

Signed.....
Informant

Sworn before me this.....day of.....20....

Signed.....
Judge of the District Court

*Delete where inapplicable

CRIMINAL JUSTICE (DRUG TRAFFICKING) ACT 1996, SECTION 4(1)
(as substituted by the Criminal Justice (Amendment) Act 2009, section 22)

WARRANT TO ARREST

District Court Area of

District No.

WHEREAS from the information on oath and in writing sworn before me by....., a member of the Garda Síochána not below the rank of Superintendent, it appears thatwas arrested pursuant to the provisions of section 2 of the above-mentioned Act on the.....day of.....20...at.....am/pm and detained pursuant to a direction under Section 2(2) of the Act on suspicion of having committed an offence to wit;

.....
.....
contrary to
and was released without any charge having been made against him.

AND WHEREAS FROM SAID INFORMATION I AM SATISFIED THAT

*FURTHER information has come to the knowledge of the Garda Síochána since the release of the said as to *his/*her suspected participation in an offence, to wit
contrary to

*Notwithstanding that the Garda Síochána had knowledge, prior to the release of the said, of *his/*her suspected participation in an offence, to wit:
.....
contrary to
for which offence *his/*her arrest was sought in this application, the questioning of the said person in relation to that offence, prior to his release, would not have been in the interests of the proper investigation of the offence.

THIS IS TO AUTHORISE YOU to whom this warrant is addressed to arrest the said.....of.....

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

Signed.....
Judge of the District Court

To Superintendent.....
of the Garda Síochána at.....

*Delete where inapplicable

CRIMINAL JUSTICE ACT 2007, SECTION 50

WARRANT TO EXTEND DETENTION

District Court Area of

District No.

WHEREAS from the application by information on oath and in writing by....., a member of the Garda Síochána not below the rank of Chief Superintendent pursuant to

*section 50(3)(g)(i) of the above-mentioned Act, for a warrant authorising the further detention of..... for a further period not exceeding 72 hours

*section 50(3)(h)(i) of the above-mentioned Act, for a warrant authorising the further detention of..... for a further period not exceeding 48 hours

it appears that, of....., was arrested on the.....day of.....20... at.....a.m./p.m. on suspicion of having committed an offence to which section 50 of the Criminal Justice Act 2007 applies, namely.....and is at present detained at.....pursuant to

*a direction under paragraph (c) of section 50(3) of the above Act, which said period of detention will expire on the.....day of.....20... at.....a.m./p.m.

*a warrant under paragraph (g)(ii) of section 50(3) of the above Act, authorising the extension of a period of detention, which said authorised period of detention will expire on the.....day of.....20... at.....a.m./p.m.

AND WHEREAS HAVING RECEIVED SAID INFORMATION

THE SAID, being the person to whom the application relates, having been produced before me,

*AND HAVING HEARD the evidence adduced and what was submitted by the said applicant and said person

*AND, considering it to be in the interests of justice to do so, having directed that another member of the Garda Síochána, namely of, give oral evidence, having adjourned the hearing of the application for the purpose of receiving such evidence and having received and heard that evidence

I AM SATISFIED THAT the further detention of the saidis necessary for the proper investigation of the offence concerned and that the investigation is being conducted diligently and expeditiously.

I HEREBY AUTHORISE the detention of.....for a further period of.....hours, such further period of detention to commence at the expiry of the period of detention authorised by

*the direction under section 50(3)(c) of the Act,

*the warrant under section 50(3)(g)(i) of the Act,

or, if later, on the determination of the application by the issuing of this warrant

Dated and issued this.....day of.....20.... at.....a.m./p.m.

Signed.....
Judge of the District Court

To: *Chief Superintendent of the Garda Síochána at.....

*Person in charge of the place of detention at.....

CRIMINAL JUSTICE ACT 2007, SECTION 51(1)
(as substituted by the Criminal Justice (Amendment) Act 2009, section 23)

INFORMATION

District Court Area of

District No.

THE INFORMATION of
of....., a member of the Garda Síochána not below the
rank of Superintendent who swears that:

....., of....., was arrested *(at.....) *(in
Garda Síochána station) on the.....day of 20..... ata.m./p.m on sus-
picion of having committed an offence to which section 50 of the above-named Act
applies, namely and *(was taken to and detained in) *(was detained in)
..... Garda Síochána station.

The saidwas released without any charge having been made
against *him/*her on the.....day of 20..... ata.m./p.m

*FURTHER information has come to the knowledge of the Garda Síochána since
the release of the said as to *his/*her suspected participation in
an offence, to wit:
contrary to

*Notwithstanding that the Garda Síochána had knowledge, prior to the release of
the said, of *his/*her suspected participation in an offence, to wit:
.....
contrary to
for which offence *his/*her arrest is now sought in this application, the questioning
of the said person in relation to that offence, prior to his release, would not have
been in the interests of the proper investigation of the offence.

*The said further information is as follows/*My reasons for so saying are as follows:
.....
.....

AND I HEREBY apply for the issue of a warrant for the arrest of the said
.....

Signed.....
Informant

SWORN before me this.....day of.....20...

Signed.....
Judge of the District Court

*Delete where inapplicable

CRIMINAL JUSTICE ACT 2007, SECTION 51(1)
(as substituted by the Criminal Justice (Amendment) Act 2009, section 23)

WARRANT TO ARREST

District Court Area of

District No.

WHEREAS from the information on oath and in writing sworn on this day before me by....., of....., a member of the Garda Síochána not below the rank of Superintendent, it appears that , of....., was arrested *(at.....) *(in Garda Síochána station) on the.....day of 20..... ata.m./p.m on suspicion of having committed an offence to which section 50 of the above-named Act applies, namely and *(was taken to and detained in) *(was detained in) Garda Síochána station

and that the saidwas released without any charge having been made against him/her on the.....day of 20..... ata.m./p.m

AND WHEREAS FROM SAID INFORMATION I AM SATISFIED THAT

*FURTHER information has come to the knowledge of the Garda Síochána since the release of the said as to *his/*her suspected participation in an offence, to wit: contrary to

*Notwithstanding that the Garda Síochána had knowledge, prior to the release of the said, of *his/*her suspected participation in an offence, to wit: contrary to for which offence *his/*her arrest was sought in this application, the questioning of the said person in relation to that offence, prior to his release, would not have been in the interests of the proper investigation of the offence.

THIS IS TO AUTHORISE YOU to whom this warrant is addressed to arrest the said

*THE SAID.....is to be brought before *a judge of the District Court /*a judge of the Circuit Court

*upon arrest

*ata.m./p.m on the.....day of 20..... *and thereafter at.....

Dated and issued this.....day of.....20.....at.....a.m./p.m.

Signed.....
Judge of the District Court

To: Superintendent of the Garda Síochána at.....

*Delete where inapplicable

CRIMINAL JUSTICE ACT 2007, SECTION 50

WARRANT TO EXTEND DETENTION OF RE-ARRESTED PERSON

District Court Area of

District No.

WHEREAS from an application by information on oath and in writing by....., a member of the Garda Síochána not below the rank of Chief Superintendent pursuant to

*section 50(3)(c) of the above-mentioned Act as applied by Section 51(3)(a) of the said Act for a warrant authorising the detention of the said person for a further period not exceeding 24 hours,

*section 50(3)(g)(i) of the above-mentioned Act as applied by Section 51(3)(b) of the said Act for a warrant authorising the detention of the said person for a further period not exceeding 72 hours,

*section 50(3)(h)(i) of the above-mentioned Act as applied by Section 51(3) of the said Act for a warrant authorising the detention of the said person for a further period not exceeding 48 hours,

it appears that, of....., was arrested on the..... day of..... 20... at.....a.m./p.m. on foot of a warrant under section 51(1) of the Criminal Justice Act 2007 (having previously been released following arrest) on suspicion of having committed an offence to which section 50 of the Criminal Justice Act 2007 applies, namely and is at present detained at.....pursuant to

*a direction under section 50(3)(b) of the above Act, as applied by Section 51(3) of the said Act, which said authorised period of detention will expire on the.....day of.....20... at.....a.m./p.m.

*a warrant under section 50(3)(d) of the above Act, as applied by Section 51(3)(a) of the said Act, authorising the extension of a period of detention, which said authorised period of detention will expire on the.....day of.....20... at.....a.m./p.m.

*a warrant under section 50(3)(g)(ii) of the above Act, as applied by Section 51(3) of the said Act, authorising the extension of a period of detention, which authorised period of detention will expire on the.....day of.....20... at.....a.m./p.m.

AND WHEREAS HAVING RECEIVED SAID INFORMATION

THE SAID, being the person to whom the application relates, having been produced before me,

*AND HAVING HEARD the evidence adduced and what was submitted by the said applicant and said person.....

*AND, considering it to be in the interests of justice to do so, having directed that another member of the Garda Síochána, namely of, give oral evidence, having adjourned the hearing of the application for the purpose of receiving such evidence and having received and heard that evidence

I AM SATISFIED THAT the further detention of the saidis necessary for the proper investigation of the offence concerned and that the investigation is being conducted diligently and expeditiously.

I HEREBY AUTHORISE the detention of.....for a further period of.....hours, such further period of detention to commence at the expiry of the period of detention authorised by

*the direction under section 50(3)(b) of the Act, as applied by section 51(3) of the Act

*the warrant under section 50(3)(d) of the Act as applied by section 51(3)(a) of the Act,

*the warrant under section 50(3)(g)(i) of the Act as applied by section 51(3) of the Act,

or, if later, on the determination of the application by the issuing of this warrant

Dated and issued this.....day of.....20.... at.....a.m./p.m.

Signed.....
Judge of the District Court

To: *Chief Superintendent of the Garda Síochána at
*Person in charge of the place of detention at

17.19

Schedule B
O17. r.14(1)

- *OFFENCES AGAINST THE STATE ACT 1939, section 30(4D)
- *CRIMINAL JUSTICE (DRUG TRAFFICKING) ACT 1996, section 2(7A)
- *CRIMINAL JUSTICE ACT 2007, section 50(9)

CERTIFICATE

District Court Area of

District No.

I certify that I was the court clerk in attendance at the District Court at the court house (within the meaning of the above-mentioned section) at on theday of20....., and I certify that a person to whom an application under that section related, namely....., arrived at the said court house on that date ata.m./p.m.

Dated the day of20.....

Signed.....
District Court Clerk assigned to the said Area

*Delete where inapplicable

CRIMINAL JUSTICE ACT 1984, SECTION 10(1)
(as amended by the Criminal Justice (Amendment) Act 2009, section 24)

INFORMATION

District Court Area of

District No.

THE INFORMATION of
of
who says on oath—

I am a member of the Garda Síochána not below the rank of superintendent and I lay this information pursuant to section 10 of the above-mentioned Act.

*(From my own knowledge) *(From information which I have received and which I believe to be true) I say

that the above-named person..... was on the...day of.....20....at.....a.m./p.m. arrested by, a member of the Garda Síochána at..... *(in the court (area and) district aforesaid) on suspicion of having committed *(in the court (area and) district aforesaid) an offence to which section 4 of the said Act applies, to wit;

.....
contrary to

that the said person was taken to and detained in.....Garda Síochána station,

and that *he/*she was at..... a.m./p.m. on the.....day of.....20..... released in accordance with the provisions of the said section 4 without any charge having been made against *him/*her.

*THAT FURTHER information has come to the knowledge of the Garda Síochána since the release of the said as to *his/*her suspected participation in

- *the said offence to which the detention related,
 - *the following offence (being another offence of which, at the time of the first arrest, the member of the Garda Síochána by whom he was arrested, suspected, or ought reasonably to have suspected, *him/*her of having committed), to wit:
- contrary to

*THAT notwithstanding that the Garda Síochána had knowledge, prior to the release of the said, of *his/*her suspected participation in an offence, to wit

contrary to
for which offence *his/*her arrest is sought in this application, the questioning of the said person in relation to that offence, prior to his release, would not have been in the interests of the proper investigation of the offence.

*The said further information is as follows/*My reasons for so saying are as follows:
.....
.....

I hereby apply for a warrant to arrest that person for the said last-mentioned offence.

Signed.....
Informant

SWORN before me this.....day of.....20....
at

Signed.....
Judge of the District Court

*Delete where inapplicable

CRIMINAL JUSTICE ACT 1984, SECTION 10(1)
(as amended by the Criminal Justice (Amendment) Act 2009, section 24)

WARRANT TO ARREST

District Court Area of

District No.

WHEREAS from the information on oath and in writing sworn before me on this day pursuant to section 10 of the above-mentioned Act by of..... a member of the Garda Síochána not below the rank of superintendent, it appears

THAT the above-named person,....., was at a.m./p.m. on the.....day of..... 20..... arrested by..... of the Garda Síochána at..... *(in court (area and) district aforesaid) on suspicion of having committed *(in the court (area and) district aforesaid) an offence to which section 4 of the said Act applies, to wit; contrary to

THAT *he/*she was taken to and detained in..... Garda Síochána station

AND THAT *he/*she was, at.....a.m./p.m. on the....day of.....20.... released in accordance with the provisions of section 4 of the said Act without any charge having been made against *him/*her.

AND WHEREAS FROM SAID INFORMATION I AM SATISFIED

*THAT FURTHER information has come to the knowledge of the Garda Síochána since the release of the said as to *his/*her suspected participation in

*the said offence to which the detention related,

*the following offence (being another offence of which, at the time of the first arrest, the member of the Garda Síochána by whom he was arrested, suspected, or ought reasonably to have suspected, *him/*her of having committed), to wit: contrary to

*THAT notwithstanding that the Garda Síochána had knowledge, prior to the release of the said, of *his/*her suspected participation in an offence, to wit: contrary to

for which offence *his/*her arrest is sought in this application, the questioning of the said person in relation to that offence, prior to his release, would not have been in the interests of the proper investigation of the offence.

THIS IS TO AUTHORISE YOU to whom this warrant is addressed to arrest the said person,..... of

in accordance with the provisions of section 10 of the Criminal Justice Act 1984 for the said last-mentioned offence.

Dated this day of20....

Signed.....
Judge of the District Court

To: Superintendent of the Garda Síochána at.....

*Delete where inapplicable

EXPLANATORY NOTE

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

These rules substitute Order 14 and amend Orders 12, 17, 18, 24 and 31 to provide forms and procedure in relation to the Criminal Justice (Amendment) Act 2009.

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 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
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