



STATUTORY INSTRUMENTS.

**S.I. No. 154 of 2011**



DISTRICT COURT (CRIMINAL LAW (INSANITY) ACT 2010) RULES  
2011

**(Prn. A11/0518)**

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DISTRICT COURT (CRIMINAL LAW (INSANITY) ACT 2010) RULES  
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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 and Law Reform, make the following rules of court.

Dated this 7th day of February 2011.

Miriam Malone Chairperson

Mary C. Devins

Thomas E. O'Donnell

Brian Sheridan

David Riordan

Fiona Twomey

Roy Pearson

Noel A. Doherty

Michelle Johnston

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

Dated this 31st day of March 2011.

ALAN SHATTER,  
Minister for Justice and Law Reform.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 5th April, 2011.*

S.I. No. 154 of 2011

DISTRICT COURT (CRIMINAL LAW (INSANITY) ACT 2010) RULES  
2011

1. (1) These Rules, which may be cited as the District Court (Criminal Law (Insanity) Act 2010) Rules 2011, shall come into operation on the 28th day of April 2011.

(2) These Rules shall be construed together with the District Court Rules 1997 (S.I. No. 93 of 1997) and all other District Court Rules.

(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2011.

2. The District Court Rules 1997 are amended:

(i) by the substitution for rule 3 of Order 23A of the following rule:

*“3. (1) Where the Court makes an order pursuant to section 4(6)(a) of the Act committing an accused person who is unfit to be tried to a specified designated centre for a period of not more than 14 days and directs that the accused person concerned be examined by an approved medical officer at that centre, the warrant of committal and the direction shall be in the Form 23A.2, Schedule B.*

*(2) Where the Court makes an order pursuant to section 4(6)(a) of the Act directing that an accused person who is unfit to be tried attend a designated centre as an out-patient on such day or days as the court may direct and directs that the accused person concerned be examined by an approved medical officer at that centre, the order and the direction shall be in the Form 23A.2A, Schedule B.”, and*

(ii) by the substitution for rule 7 of Order 23A of the following rule:

*“7. Where the Court makes an order pursuant to section 5(2) of the Act committing an accused person who has been found not guilty by reason of insanity to a specified designated centre pending the making of an order under section 13 or section 13A of the Act, the warrant of committal shall be in the Form 23A.9, Schedule B.”*

3. (1) The Form 23A.2A in the Schedule shall be added to the Forms in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997) immediately following Form 23A.2.

(2) The Form 23A.3, 23A.4, 23A.5 and 23A.9 in the Schedule shall be substituted for the forms bearing the like numbers respectively in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997).

AN CHÚIRT DHÚICHE

THE DISTRICT COURT

CRIMINAL LAW (INSANITY) ACT 2006, Section 4(6)

DIRECTION TO ATTEND FOR EXAMINATION AND DIRECTION FOR EXAMINATION

District Court Area of

District No.

.....Prosecutor

.....Accused

WHEREAS the above-named accused person was this day before the Court charged with the offence(s) set out on the attached copy Charge Sheet(s)/Summons(es).

AND WHEREAS the Court has determined that the said accused person is unfit to be tried, the hearing of the said charge(s) has been adjourned to the sitting of the District Court at ..... on the ... day of ..... 20... at ..... a.m./p.m.

THIS ORDER DIRECTS YOU the accused person to attend the designated centre at ..... as an out-patient on the ... day of ..... 20... at ..... a.m./p.m \*(and on the ... day of ..... 20... at ..... a.m./p.m), being within a period of 14 days from the date of the making of this order

AND THE COURT DIRECTS THAT you the said accused person be examined by an approved medical officer at the said designated centre and the approved medical officer concerned is required by section 4(6)(b) of the said Act of 2006 to report within the period of ..... following such examination (as is hereby authorised by the Court) to the Court on whether in his or her opinion the said accused person is suffering from a mental disorder (within the meaning of the Mental Health Act 2001) and is in need of in-patient care or treatment in a designated centre or suffering from a mental disorder (within the meaning of the said Act of 2006) or from a mental disorder (within the meaning of the Mental Health Act 2001) and is in need of out-patient care or treatment in a designated centre.

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

Signed.....  
Judge of the District Court assigned to the said District

To: The above-named accused person

And: Clinical Director at .....

\*delete where inapplicable

23A.3

AN CHÚIRT DHÚICHE

THE DISTRICT COURT

CRIMINAL LAW (INSANITY) ACT 2006, Section 4(3)(b)(i)

COMMITTAL WARRANT

District Court Area of

District No.

.....Prosecutor

.....Accused

WHEREAS the above-named accused person was this day before the Court charged with the offence(s) set out on the attached copy Charge Sheet(s)/Summons(es).

AND WHEREAS the Court has determined that the said accused person is unfit to be tried, the hearing of the said charge(s) has been adjourned until further order.

AND WHEREAS the Court is satisfied,

\*having considered the evidence of an approved medical officer adduced pursuant to Section 4(6) of the above-mentioned Act of 2006

\*having considered other evidence adduced

that the accused person is suffering from a mental disorder (within the meaning of the Mental Health Act 2001) and is in need of in-patient care or treatment in a designated centre.

THIS IS TO COMMAND YOU to whom this warrant is addressed to deliver the said accused person to the designated centre at ..... and to lodge the said accused person in the said designated centre for in-patient care or treatment pending the making of an order under section 13 or section 13A of the said Act of 2006.

NOTE: Where the clinical director of the above-mentioned designated centre forms the opinion in relation to the said accused person that said person is no longer unfit to be tried for an offence, the clinical director shall forthwith notify the Clerk of the Court in writing by electronic mail and by registered post in the Form 23A.4.

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

Signed .....

Judge of the District Court assigned to the said District

To: Superintendent of the Garda Síochána at

And: Clinical Director at .....

\*delete where inapplicable

AN CHÚIRT DHÚICHE

THE DISTRICT COURT

CRIMINAL LAW (INSANITY) ACT 2006, Section 13(2)(a)

NOTICE TO THE COURT

District Court Area of

District No.

.....Prosecutor

.....Accused

TAKE NOTICE that I, ....., Clinical Director of ....., a designated centre within the meaning of Section 3 of the above Act hereby give notice that I have formed the opinion that, one ..... of ....., a patient detained in the said designated centre pursuant to Section 4 of the above Act is no longer unfit to be tried for the offence(s) of .....

Dated: .....

Signed: .....

Clinical Director

To: .....

Clerk of .....

the Court that committed the said ..... to the said designated centre.

23A.5

AN CHÚIRT DHÚICHE

THE DISTRICT COURT

CRIMINAL LAW (INSANITY) ACT 2006, Section 13(2)(a)

ORDER TO BRING TO COURT

District Court Area of

District No.

.....Prosecutor

.....Accused

TAKE NOTICE that the District Court, District Court Area of ..... District No. .... hereby orders that one ..... of ....., a patient committed, pursuant to section 4 of the above Act, to the ..... designated centre at ....., be brought before the District Court sitting at ..... at ..... a.m./p.m. on the ..... day of .....20... to be dealt with as the Court finds proper, the Clinical Director of the said designated centre having formed the opinion that the said ..... is no longer unfit to be tried for the offence(s) of .....

Dated: .....

Signed: .....  
Judge of the District Court

To: .....

Clinical Director of .....

To: Solicitor for the Accused

To: Prosecutor

AN CHÚIRT DHÚICHE

THE DISTRICT COURT

CRIMINAL LAW (INSANITY) ACT 2006, Section 5(2)

COMMITTAL WARRANT (NOT GUILTY BY REASON OF INSANITY)

District Court Area of

District No.

.....Prosecutor

.....Accused

WHEREAS the above-named accused was this day before the Court charged with the offence(s) set out on the attached copy Charge Sheet(s)/Summons(es).

AND WHEREAS the Court has returned a special verdict pursuant to Section 5(1) of the Criminal Law (Insanity) Act 2006 to the effect that the accused person is not guilty by reason of insanity.

AND WHEREAS the Court considers that the accused person found not guilty by reason of insanity is suffering from a mental disorder (within the meaning of the Mental Health Act 2001) and is in need of in-patient care or treatment in a designated centre.

THIS IS TO COMMAND YOU to whom this warrant is addressed to deliver the said accused person to the designated centre at ..... and to lodge the said accused person in the said designated centre for in-patient care or treatment pending the making of an order under section 13 or section 13A of the said Act of 2006.

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

Signed .....  
Judge of the District Court assigned to the said District

To: Superintendent of the Garda Síochána at

And: Clinical Director at .....



EXPLANATORY NOTE

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

These rules amend Order 23A of the District Court Rules to facilitate the operation of the Criminal Law (Insanity) Act 2010.

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)  
nó trí aon díoltóir leabhar.

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