



STATUTORY INSTRUMENTS.

S.I. No. 226 of 2019



DISTRICT COURT (ORDER 24) RULES 2019

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District Court (Order 24) Rules 2019

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, section 24 of the Interpretation Act 2005, and of all other powers enabling them in this behalf, do hereby, with the concurrence of the Minister for Justice and Equality, make the following rules of court.

Dated this 3rd day of December 2018.

Rosemary Horgan

Chairperson

Brian Sheridan

Conal Gibbons

Anne Watkin

Shane McCarthy

Noel A. Doherty

Michelle Johnston.

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

Dated this 22nd day of May 2019.

CHARLES FLANAGAN
Minister for Justice and Equality

S.I. No. 226 of 2019

District Court (Order 24) Rules 2019

1. (1) These Rules, which shall come into operation on the 19th day of June 2019, may be cited as the District Court (Order 24) Rules 2019.

(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 2019.

2. The District Court Rules 1997 (S.I. No. 93 of 1997) are amended by the substitution for of Order 24 of the Order set out in the Schedule.

Schedule

“Order 24

Proceedings Relating to Indictable Offences

In this Order "the Act" means the Criminal Procedure Act, 1967 (No.12 of 1967) as amended by the Criminal Justice Act 1999 (No. 10 of 1999).

Summary trial of Indictable Offences

*1. Where an accused person is before the Court charged with an indictable offence with which the Court has jurisdiction to deal summarily if the accused does not object, the Judge shall inform the accused of his or her right to be tried by a jury and if the accused, on being informed by the Court of his or her right to be tried with a jury, does not object to being tried summarily, and the Director of Public Prosecutions consents to the accused being tried summarily for such offence, and if, after hearing such facts as may be alleged in support of the charge the Judge is of opinion that they constitute a minor offence fit to be so tried, the Judge shall take the accused's plea and try him or her summarily.

*Criminal Justice Act 1951 [s. 2(2)(a)] as substituted by section 8 of the Criminal Justice (Miscellaneous Provisions) Act 1997.

Summary disposal on a plea of guilty - D.P.P. consenting

+ 2. Where an accused person is before the Court charged with an indictable offence with which the Court has jurisdiction to deal summarily if the accused pleads guilty and the Director of Public Prosecutions consents, the Judge, on being satisfied that the accused understands the nature of the offence and the facts alleged, may deal with the case summarily if the accused pleads guilty and the Director so consents.

+Criminal Procedure Act, 1967 [s.13(2)(a)].

Summary trial with consent of D.P.P.

#3. Where an accused person is before the Court charged with an indictable offence requiring the consent of the Director of Public Prosecutions to summary trial, then, on such consent being conveyed to the Court, the Court shall proceed in accordance with the provisions of rule 1 hereof.

#Criminal Procedure Act, 1967 [s.19].

Consent of D.P.P.

@4. The consent of the Director of Public Prosecutions under any provision of this Order may be conveyed in writing signed by the Director or orally by a person prosecuting at the suit of or appearing on behalf of the said Director.

@Criminal Procedure Act, 1967 [s.20].

Sending forward for sentence on a plea of guilty

^m5.(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.

^m Criminal Procedure Act 1967, section 13(2)(b)

Indictable Offences

6. Where an accused person is before the Court charged with an indictable offence not being dealt with in accordance with rules 1, 2, 3, or 5 hereof and the prosecutor consents to the accused being sent forward for trial the Judge

shall remand the accused to a further sitting of the Court to allow service of the documents specified in section 4B(1) of the Act

Times for service of documents

7. (1) The documents specified in section 4B(1) of the Act shall be in accordance with Forms 24.3 to 24.7, Schedule B and shall be served personally upon the accused or upon his solicitor, if any, at the earliest opportunity, but shall not, subject to any extension granted by the Court in accordance with section 4B(3) of the Act, be served later than 42 days from the date on which—

(i) the accused, on being informed in accordance with rule 1 by the Court of his or her right to be tried by a jury, objects to being tried summarily or the Director of Public Prosecutions informs the Court that he or she does not consent to the accused being tried summarily for the offence concerned or,

(ii) in the case of an offence in respect of which the Director of Public Prosecutions may elect to prosecute either summarily or on indictment, the Director of Public Prosecutions elects to try the offence on indictment, or

(iii) the Court determines that the facts alleged do not constitute a minor offence and are not fit to be tried summarily.

Lodgement of documents

(2) Copies of the said documents together with a statutory declaration as to service thereof shall be lodged with the Clerk within eight days of such service.

Further statements

8. Any further statement served upon the accused pursuant to section 4C(1) of the Act shall be in accordance with Form 24.8, Schedule B.

Exhibits

9. The accused shall have the right to inspect all exhibits.

Order sending forward for trial

10. When the documents specified in section 4B(1) of the Act have been served on the accused the Judge shall, having informed the accused of the requirements of section 20 of the Criminal Justice Act 1984 and, where appropriate, section 3 of the Offences Against the State (Amendment) Act 1998 by order (Form 24.9, Schedule B) send him or her forward for trial.

Transmission of documents to County Registrar

11. Where the Court makes an order sending an accused forward for trial or sentence, the Clerk for the court area where such order was made shall transmit to the appropriate County Registrar within fourteen days from the making of such order, or forthwith where the trial of the accused is imminent,

- (a) the documents specified in Section 4B of the Act and lodged by the prosecutor pursuant to rule 7(2)
- (b) the order of the Judge sending the accused forward for trial or sentence,
- (c) any recognisance taken in relation to the case, or money lodged in lieu of surety or sureties;
- (d) a plea of guilty (if any).

Sending Forward in custody or on bail

12. Where the Court makes an order sending a person forward for trial or sentence, the Court may by warrant (Form 24.10, Schedule B) commit such person to prison to await his or her trial or sentence or release that person conditionally on his or her entering into a recognisance (Form 18.2 or 18.4, Schedule B, as the case may be).

Provisions of O.18 regarding bail to apply

13. The provisions regarding bail, contained in Order 18 of these Rules, in respect of a person charged before the Court with an offence, shall also apply in the case of a person sent forward for trial or sentence with consent to bail.

Witness summons warrant

14. A summons or warrant issued by the Judge on foot of an Order of the trial court under Section 4F(2) of the Act shall be in accordance with the Form 24.11 or 24.12, Schedule B as the case may be.

Failure to answer summons warrant to issue

15. A warrant for the arrest of a person who fails to attend in answer to a summons issued under rule 14 shall be in accordance with Form 24.13, Schedule B.

Securing attendance of accused

16. A summons or warrant for securing the attendance of the accused before the Judge pursuant to an Order of the trial court under section 4F(3) of the Act shall be in accordance with Form 24.14 or 24.15 Schedule B, as the case may

be. Where the accused is in custody the warrant shall be in the Form 24.16, Schedule B.

Failure to attend on summons

17. A warrant for the arrest of an accused who fails to attend in answer to a summons issued under rule 16 shall be in accordance with Form 24.17, Schedule B.

Deposition

18.(1) A deposition taken pursuant to section 4F of the Act shall be in accordance with the Form 24.18, Schedule B.

Transmission of further documents.

(2) Where, after an accused person has been sent forward for trial, a deposition is taken under section 4F of the Act the Clerk shall transmit the deposition to the appropriate County Registrar.

Transmitting a person to another district

19. Where a person is charged before the Court with an indictable offence and it appears to the Court that evidence (or further evidence) will be available before the Court in some other District, the Court may remand such person either in custody or on bail to appear before the Court in such other District. Where the remand in custody is for a period not exceeding four days the Court may commit such person to the custody of a member of the Garda Síochána. The warrant of committal shall be in accordance with Form 24.19 or 24.20, Schedule B, as the case may be. Where such person is remanded on bail the recognisance shall be in accordance with Form 18.1 or 18.3, Schedule B, as the case may be.”

EXPLANATORY NOTE

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

These rules substitute Order 24 regulating the procedure in respect of proceedings relating to indictable offences.

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