



Number 36 of 2021

Criminal Justice (Amendment) Act 2021



Number 36 of 2021

CRIMINAL JUSTICE (AMENDMENT) ACT 2021

CONTENTS

Section

1. Amendment of section 49 of Dublin Police Magistrates Act 1808
2. Amendment of section 40 of Illicit Distillation (Ireland) Act 1831
3. Amendment of section 32 of Refreshment Houses (Ireland) Act 1860
4. Amendment of section 15 of Firearms Act 1925
5. Amendment of Firearms Act 1964
6. Amendment of section 27 of Misuse of Drugs Act 1977
7. Amendment of section 12A of Firearms and Offensive Weapons Act 1990
8. Amendment of section 25 of Criminal Justice Act 2007
9. Amendment of section 24 of Parole Act 2019
10. Retrospective application of certain amendments
11. Short title and commencement

ACTS REFERRED TO

Criminal Justice Act 2007 (No. 29)

Dublin Police Magistrates Act 1808 (47 Geo. 3. c. 140)

Firearms Act 1925 (No. 17)

Firearms Act 1964 (No. 1)

Firearms and Offensive Weapons Act 1990 (No. 12)

Illicit Distillation (Ireland) Act 1831 (2 Wm. 4. c. 55)

Misuse of Drugs Act 1977 (No. 12)

Parole Act 2019 (No. 28)

Refreshment Houses (Ireland) Act 1860 (23 Vict. c. 107)



Number 36 of 2021

CRIMINAL JUSTICE (AMENDMENT) ACT 2021

An Act to amend the Dublin Police Magistrates Act 1808, the Illicit Distillation (Ireland) Act 1831, the Refreshment Houses (Ireland) Act 1860, the Firearms Act 1925, the Firearms Act 1964, the Misuse of Drugs Act 1977, the Firearms and Offensive Weapons Act 1990, the Criminal Justice Act 2007 and the Parole Act 2019; to provide for the retrospective application of certain of these amendments in certain circumstances; and to provide for related matters. [8th December, 2021]

Be it enacted by the Oireachtas as follows:

Amendment of section 49 of Dublin Police Magistrates Act 1808

1. Section 49 of the Dublin Police Magistrates Act 1808 is amended—
 - (a) by the substitution of “for every subsequent offence a sum not exceeding” for “for every subsequent offence the sum of”, and
 - (b) by the deletion of “or, if he or she shall be unable to pay the same, shall be committed to prison, without bail or mainprize, for any time not less than three or more than six calendar months for the first offence, nor less than six nor more than twelve calendar months for every subsequent offence;”.

Amendment of section 40 of Illicit Distillation (Ireland) Act 1831

2. Section 40 of the Illicit Distillation (Ireland) Act 1831 is amended—
 - (a) by the substitution of “shall impose a penalty not exceeding” for “shall not mitigate the penalty incurred to any less amount than”,
 - (b) by the substitution of “last convicted:” for “last convicted,”,
 - (c) by the deletion of “and in default of immediate payment such person shall be committed to the gaol or prison of the county or place for not less than double the period for which such person was committed or liable to be committed on such preceding conviction; and the justice or justices committing any such person convicted of any such subsequent offence shall in the warrant of commitment direct such person to be kept to hard labour, unless it shall be made to appear to such justice or justices that such person had paid at least one half of the penalty adjudged against such person on his previous conviction:”, and
 - (d) by the deletion of “, nor shall any person be committed in default of payment for any longer period than twelve calendar months”.

Amendment of section 32 of Refreshment Houses (Ireland) Act 1860

3. Section 32 of the Refreshment Houses (Ireland) Act 1860 is amended by the substitution of “pay a sum not exceeding” for “pay the sum of”.

Amendment of section 15 of Firearms Act 1925

4. Section 15 of the Firearms Act 1925 is amended—
- (a) in subsection (2)(a), by the deletion of “or, where subsection (8) of this section applies, to that subsection”,
 - (b) by the deletion of subsections (7) and (8), and
 - (c) in subsection (9), by the deletion of “or (8)”.

Amendment of Firearms Act 1964

5. The Firearms Act 1964 is amended—
- (a) in section 26, by—
 - (i) the deletion, in subsection (2)(a), of “or, where subsection (8) of this section applies, to that subsection”,
 - (ii) the deletion of subsections (7) and (8), and
 - (iii) the deletion, in subsection (10), of “or (8)”,
 - (b) in section 27, by—
 - (i) the deletion, in subsection (2)(a), of “or, where subsection (8) of this subsection applies, to that subsection”,
 - (ii) the deletion of subsections (7) and (8), and
 - (iii) the deletion, in subsection (9), of “or (8)”,
 - (c) in section 27A, by—
 - (i) the deletion, in subsection (2)(a), of “or, where subsection (8) of this section applies, to that subsection”,
 - (ii) the deletion of subsection (7), and
 - (iii) the deletion, in subsection (9), of “or (8)”,and
 - (d) in section 27B, by—
 - (i) the deletion, in subsection (2)(a), of “or, where subsection (8) of this section applies, to that subsection”,
 - (ii) the deletion of subsections (7) and (8), and
 - (iii) the deletion, in subsection (10), of “or (8)”.

Amendment of section 27 of Misuse of Drugs Act 1977

6. Section 27 of the Misuse of Drugs Act 1977 is amended—
- (a) in subsection (3A)(a), by the deletion of “or, where subsection (3F) of this section applies, to that subsection”,
 - (b) in subsection (3G), by the deletion of “or (3F), as may be appropriate,” and
 - (c) in subsection (3J)(b), by the deletion of “or (3F), as may be appropriate,”.

Amendment of section 12A of Firearms and Offensive Weapons Act 1990

7. Section 12A of the Firearms and Offensive Weapons Act 1990 is amended—
- (a) in subsection (7)(a), by the deletion of “or, where subsection (13) of this section applies, to that subsection”,
 - (b) by the deletion of subsections (12) and (13), and
 - (c) in subsection (14), by the deletion of “or (13)”.

Amendment of section 25 of Criminal Justice Act 2007

8. Section 25 of the Criminal Justice Act 2007 is amended by the deletion of paragraphs (b) to (e) of subsection (2).

Amendment of section 24 of Parole Act 2019

9. Section 24 of the Parole Act 2019 is amended in subsection (12) by the deletion of “or (3F)”.

Retrospective application of certain amendments

10. (1) Subject to *subsection (2)*, the amendments effected by this Act (other than those effected by *subparagraphs (i) and (iii) of section 5(c)* and by *section 6*) shall apply in respect of a relevant offence committed before the date of the coming into operation of this Act, including a relevant offence in respect of which proceedings had commenced before that date.
- (2) *Subsection (1)* shall not apply in respect of a relevant offence committed prior to the date of the coming into operation of this Act where final judgment was given before that date in the proceedings in respect of the relevant offence.
- (3) In this section “relevant offence” means—
- (a) an offence to which section 49 of the Dublin Police Magistrates Act 1808 refers,
 - (b) a subsequent offence referred to in section 40 of the Illicit Distillation (Ireland) Act 1831,
 - (c) a third offence referred to in section 32 of the Refreshment Houses (Ireland) Act 1860,

- (d) an offence to which section 15(8) of the Firearms Act 1925 applied, immediately before its repeal by *section 4(b)*,
- (e) an offence to which section 26(8), section 27(8) or section 27B(8) of the Firearms Act 1964 applied, immediately before their repeal by *section 5*, or
- (f) an offence to which section 12A(13) of the Firearms and Offensive Weapons Act 1990 applied, immediately before its repeal by *section 7(b)*.

Short title and commencement

- 11.** (1) This Act may be cited as the Criminal Justice (Amendment) Act 2021.
- (2) This Act shall come into operation on such day or days as the Minister for Justice may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.