Number 12 *of* 1967

CRIMINAL PROCEDURE ACT 1967

REVISED

Updated to 28 February 2022

This Revised Act is an administrative consolidation of the *Criminal Procedure Act 1967.* It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Maritime Area Planning Act 2021* (50/2021), enacted 23 December 2021, and all statutory instruments up to and including the *Criminal Procedure Act 2021 (Commencement) Order 2022* (S.I. No. 79 of 2022), made 23 February 2022, were considered in the preparation of this Revised Act.

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CRIMINAL PROCEDURE ACT 1967

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ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Commencement.
3. Repeals.
4. Prosecutor.

PART IA

PROCEEDINGS RELATING TO INDICTABLE OFFENCES

Section

4A. Accused to be sent forward for trial.
4B. Service of documents on accused, etc.
4C. Additional documents.
4D. Examination of exhibits.
4E. Application by accused for dismissal of charge.
4F. Taking of evidence by District Court.
4G. Admissibility of deposition or videorecording.
4H. Legal Aid.
4I. Power to exclude public.
4J. Proceedings not to be published or broadcast.
4K. Witness order.
4L. Witness summons.
4M. Amendment of charges.
4N. Joinder of unrelated charges.
4O. Correction of defect in charge.
4P. Transfer of proceedings from Circuit Court to Central Criminal Court.

4Q. Jurisdiction of Circuit Court to remand accused to alternative circuit and hear applications.

PART II

GUILTY PLEAS AND OTHER MATTERS

5. Procedure. *(repealed)*
6. Documents to be served on accused. *(repealed)*
7. Preliminary examination. *(repealed)*
8. Decision on preliminary examination. *(repealed)*
9. Witness order. *(repealed)*
10. Witness summons. *(repealed)*
11. Additional documents. *(repealed)*
12. Waiver by accused of preliminary examination. *(repealed)*
13. Procedure where accused pleads guilty in District Court to indictable offence.
14. Further power to take depositions. *(repealed)*
15. Deposition as evidence. *(repealed)*
16. Power to exclude public. *(repealed)*
17. Prohibition of publication of proceedings. *(repealed)*
18. Inclusion of further counts in indictment. *(repealed)*
19. Amendment of Criminal Justice Act, 1951, and Criminal Justice (Legal Aid) Act, 1962.
20. Consent of Attorney General.

PART III

REMAND

21. Power to remand.
22. Remand in custody or on bail by the District Court.
23. Form of recognisance.
24. Period of remand.
25. Remand to custody of Garda Síochána.
26. Acceptance of deposit in lieu of sureties.
27. Sufficiency of bailsmen. *(repealed)*
28. Provisions as to admission to bail.
29. Bail in case of treason, murder and certain other offences.
30. Endorsement on warrants as to release on bail. *(repealed)*
31. Release on bail in certain cases by members of Garda Síochána.
32. Proceedings to estreat recognisance.
33. Arrest of accused about to abscond. *(repealed)*

PART IV

MISCELLANEOUS

34. Reference of question of law to Supreme Court.
35. Amendment of section 52 of Extradition Act, 1965.
36. Explanation of "imprisonment" in Part III of Extradition Act, 1965.
37. Offences under the law of Scotland. *(repealed)*
38. Offences under the laws of the Channel Islands.

SCHEDULE

ENACTMENTS REPEALED

ACTS REFERRED TO

Criminal Justice Act, 1951	1951, No. 2
Treason Act, 1939	1939, No. 10
Geneva Conventions Act, 1962	1962, No. 11
Wireless Telegraphy Act, 1926	1926, No. 45
Criminal Justice (Legal Aid) Act, 1962	1962, No. 12
Offences Against the State Act, 1939	1939, No. 13
Defence Act, 1954	1954, No. 18
Official Secrets Act, 1963	1963, No. 1
Extradition Act, 1965	1965, No. 17

Number 12 *of* 1967

CRIMINAL PROCEDURE ACT 1967

REVISED

Updated to 28 February 2022

AN ACT TO ESTABLISH A NEW PROCEDURE FOR THE PRELIMINARY EXAMINATION OF INDICTABLE OFFENCES AND FOR THIS AND OTHER PURPOSES TO AMEND CRIMINAL LAW AND ADMINISTRATION. [13*th June*, 1967]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Annotations

Modifications (not altering text):

C1 Application of Act restricted by *The Courts of Justice Act 1924* (10/1924) s. 79(3) as inserted (15.12.1995) by *Courts and Court Officers Act 1995* (31/1995) s. 41, commenced on enactment.

Exercise by the Justices severally of jurisdictions.

79.— ...

(3) A judge of the District Court exercising jurisdiction under subsection (2) of this section shall not have jurisdiction to conduct a preliminary examination under the provisions of the Criminal Procedure Act, 1967, unless that jurisdiction is exercised in the District Court District—

(a) where the crime was committed, or

(b) where the accused resides or was arrested.

...

PART I

PRELIMINARY

Short title.

1.—This Act may be cited as the Criminal Procedure Act, 1967.

Commencement.

2.—Section 3 and Parts II and III shall come into operation on such day as the Minister for Justice by order appoints.

Annotations

Editorial Notes:

E1 Power pursuant to section exercised (1.08.1967) by *Criminal Procedure Act, 1967 (Commencement of Section 3 and Parts II and III) Order 1967* (S.I. No. 182 of 1967).

2. The 1st day of August, 1967, is hereby appointed as the day on which section 3 and Parts II and III of the Criminal Procedure Act, 1967, shall come into operation.

Repeals.

3.—Each of the enactments mentioned in the Schedule is hereby repealed to the extent specified in the third column.

F1**[**Interpretation.

4.—(1) In this Act 'the prosecutor' means, in relation to an offence—

(*a*) in Part IA and section 13, the Director of Public Prosecutions, and

(*b*) in Parts II and III, other than section 13—

(i) the Director of Public Prosecutions,

(ii) a person prosecuting the offence at the suit of the Director of Public Prosecutions, or

(iii) a person authorised by law to prosecute the offence.

(2) Notwithstanding subsection (1), references to the prosecutor in Parts IA, II and III shall be construed, in relation to offences for which proceedings may not be F2**[**instituted or continued except by the Attorney General**]** as references to the Attorney General.**]**

Annotations

Amendments:

F1 Substituted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 8, S.I. No. 193 of 2001.

F2 Substituted (1.09.2010) by *Criminal Procedure Act 2010* (27/2010), s. 37(a), S.I. No. 414 of 2010.

F3**[**PART IA

Proceedings Relating to Indictable Offences**]**

Annotations

Amendments:

F3 Part IA (ss. 4A-4Q) inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 9, S.I. No. 193 of 2001.

Modifications (not altering text):

C2 Application of part extended (1.06.2015) by *Companies Act 2014* (38/2014), s. 868(2), S.I. No. 169 of 2015.

Prosecution of companies on indictment

868. (1) ...

(2) The company may appear, at all stages of the proceedings, by a representative and the answer to any question put to a person charged with an indictable offence may be made on behalf of the company by that representative but if the company does not so appear it shall not be necessary to put the questions and the District Court may, notwithstanding its absence, send forward the company for trial and exercise any of its other powers under Part 1A of the Criminal Procedure Act 1967, including the power to take depositions.

C3 Conditions for application of Part extended by *Criminal Justice Act 1984* (22/1984), s. 18 as substituted (1.07.2007) by *Criminal Justice Act 2007* (29/2007), s. 28(1), S.I. No. 236 of 2007.

Inferences from failure or refusal to account for objects, marks, etc.

[18.—(1) Where in any proceedings against a person for an arrestable offence evidence is given that the accused—

(a) at any time before he or she was charged with the offence, on being questioned by a member of the Garda Síochána in relation to the offence, or

(b) when being charged with the offence or informed by a member of the Garda Síochána that he or she might be prosecuted for it,

was requested by the member to account for any object, substance or mark, or any mark on any such object, that was—

(i) on his or her person,

(ii) in or on his or her clothing or footwear,

(iii) otherwise in his or her possession, or

(iv) in any place in which he or she was during any specified period,

and which the member reasonably believes may be attributable to the participation of the accused in the commission of the offence and the member informed the accused that he or she so believes, and the accused failed or refused to give an account, being an account which in the circumstances at the time clearly called for an explanation from him or her when so questioned, charged or informed, as the case may be, then, the court, in determining whether a charge should be dismissed under Part IA of the Criminal Procedure Act 1967 or whether there is a case to answer and the court (or, subject to the judge's directions, the jury) in determining whether the accused is guilty of the offence charged (or of any other offence of which he or she could lawfully be convicted on that charge) may draw such inferences from the failure or refusal as appear proper; and the failure or refusal may, on the basis of such inferences, be treated as, or as capable of amounting to, corroboration of any evidence in relation to which the failure or refusal is material.

...**]**

Other provisions relating to the drawing of inferences and referring to Part 1A include:

- (20.11.2015) *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* (11/2014), s. 19, S.I. No. 508 of 2015 (inferences from refusal to consent, or withdrawal of consent, to taking of intimate sample);
- *Offences Against the State (Amendment) Act 1998* (39/1998), s. 2, as substituted and inserted (1.07.2007) by *Criminal Justice Act 2007* (29/2007), s. 31, S.I. No. 236 of 2007 (membership of an unlawful organisation: inferences that may be drawn);
- *Criminal Justice Act 1984* (22/1984), s. 19 as substituted (1.07.2007) by *Criminal Justice Act 2007* (29/2007), s. 29(1), S.I. No. 236 of 2007 (inferences from failure or refusal to account for accused's presence at a particular place);
- *Criminal Justice Act 1984* (22/1984), s. 19A as inserted (1.07.2007) by *Criminal Justice Act 2007* (29/2007), s. 30, S.I. No. 236 of 2007 (inferences from failure of accused to mention particular facts); and
- *Criminal Justice (Forensic Evidence) Act 1990* (34/1990), s. 3 as substituted (26.05.1999) by *Criminal Justice Act 1999* (10/1999), s. 17, S.I. No. 154 of 1999 (inferences from refusal to consent to taking a sample).

C4 Application of Part extended (1.05.2002) by *Children Act 2001* (24/2001), s. 75 (7) (b)(i), S.I. No. 151 of 2002.

Jurisdiction to deal summarily with indictable offences.

75.— ...

(7) ...

(b) In that event—

(i) the court shall enter a plea of not guilty, which shall have the same effect in all respects as if the child had been sent forward for trial to that court on that charge in accordance with Part 1A (inserted by the Criminal Justice Act, 1999) of the Act of 1967,

...

C5 Application of Part restricted by *Criminal Law (Rape) Act 1981* (10/1981), s. 4 as substituted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 15, S.I. No. 193 of 2001.

[Proceedings under Part IA of the Criminal Procedure Act, 1967.

4.—(1) In a proceeding under Part IA of the Criminal Procedure Act, 1967, relating to—

(*a*) the dismissal of a charge of a sexual assault offence, or

(*b*) the taking of a person's evidence by way of deposition in the case of a sexual assault offence.

then, except with leave of the judge conducting the proceeding, evidence shall not be adduced and a question shall not be asked which, if the proceeding were a trial such as is mentioned in section 3(1), could not be adduced or asked without leave in pursuance of that section.

...**]**

F4**[**Accused to be sent forward for trial.

4A.— (1) Where an accused person is before the District Court charged with an indictable offence, the Court shall send the accused forward for trial to the court before which he is to stand trial (the trial court) unless—

(*a*) the case is being tried summarily,

(*b*) the case is being dealt with under section 13, or

(*c*) F5**[**...**]**

(2) The accused shall not be sent forward for trial under subsection (1) without the consent of the prosecutor.

(3) Where the prosecutor refuses to give a consent required under subsection (2) in relation to an indictable offence, the District Court shall strike out the proceedings against the accused in relation to that offence.

(4) The striking out of proceedings under subsection (3) shall not prejudice the institution of proceedings against the accused by the prosecutor.

(5) The accused shall not be sent forward for trial under subsection (1) until the documents mentioned in section 4B(1) have been served F6**[**in accordance with that section**]**.**]**

Annotations

Amendments:

F4 Pt. 1A (ss. 4A-4Q) inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 9, S.I. No. 193 of 2001.

F5 Repealed by *Criminal Law (Insanity) Act 2006* (11/2006), s. 25 and sch. 2 item 10, as substituted (8.02.2011) by *Criminal Law (Insanity) Act 2010* (40/2010), s. 9, S.I. No. 50 of 2011.

F6 Substituted (28.02.2022) by *Criminal Procedure Act 2021* (7/2021), s. 13, S.I. No. 79 of 2022.

Modifications (not altering text):

C6 Application of section extended, applied with modifications (1.06.2006) by *Criminal Law (Insanity) Act 2006* (11/2006), s. 4(4)(c), (e), S.I. No. 273 of 2006.

Fitness to be tried.

4.— ...

(4) ...

(c) If the determination under paragraph (b) is that the accused person is fit to be tried, the provisions of the Criminal Procedure Act 1967, shall apply as if an order returning the person for trial had been made by the Court under section 4A of that Act (inserted by section 9 of the Criminal Justice Act 1999) on the date the determination was made but, in any case where section 13 of that Act applies, the person shall be returned for trial.

...

(e) Where the court subsequently determines that the person is fit to be tried the provisions of the Criminal Procedure Act 1967, shall apply as if an order returning the person for trial had been made by the Court on the date the determination was made.

...

F7**[**Service of documents on accused, etc.

4B.—F8**[**(1) (*a*) Subject to subsection (3), the prosecutor shall cause the documents specified in paragraph (*b*) to be served on the accused or his or her solicitor (if any) not later than 42 days from the date on which—

(i) the accused, on being informed by the District Court of his or her right to be tried by a jury, objects to being tried summarily or the prosecutor informs the court that he or she does not consent to the person being tried summarily for the offence concerned or,

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

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

(*b*) The documents referred to in paragraph (*a*) are:

(i) a statement of the charges against the accused;

(ii) a copy of any sworn information in writing upon which the proceedings were initiated;

(iii) a list of the witnesses the prosecutor proposes to call at the trial;

(iv) a statement of the evidence that is expected to be given by each of them;

(v) a copy of any document containing information which it is proposed to give in evidence by virtue of Part II of the Criminal Evidence Act 1992;

(vi) where appropriate, a copy of a certificate under section 6(1) of that Act;

(vii) a list of the exhibits (if any). **]**

(2) As soon as the documents mentioned in subsection (1) are served, the prosecutor shall furnish copies of them to the District Court.

(3) On application by the prosecutor, the District Court may extend the period within which the documents mentioned in subsection (1) are to be served if it is satisfied that—

(*a*) there is good reason for doing so, and

(*b*) it would be in the interests of justice to do so.

(4) An application may be made and an extension may be granted under subsection (3) before or after the expiry of—

(*a*) the period of 42 days mentioned in subsection (1), or

(*b*) any extension of that period granted under subsection (3).

(5) Where it refuses to grant an extension, the District Court shall strike out the proceedings against the accused in relation to the offence.

(6) The striking out of proceedings under subsection (5) shall not prejudice the institution of any proceedings against the accused by the prosecutor.**]**

Annotations

Amendments:

F7 Inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 9, S.I. No. 193 of 2001.

F8 Substituted (1.09.2010) by *Criminal Procedure Act 2010* (27/2010), s. 37(b), S.I. No. 414 of 2010.

Modifications (not altering text):

C7 Application of section extended (30.07.2013) by *European Union (Birds and Natural Habitats) (Sea-fisheries) Regulations 2013* (S.I. No. 290 of 2013), reg. 20(2) and (3).

Matters relating to indictable offences

20.— ...

(2) Where a person elects to be sent forward for trial in the Circuit Court on a plea of not guilty under paragraph (1), the prosecutor shall cause to be served on the accused person or the solicitor (if any) for that person, not later than 42 days after the not guilty plea is entered (or such longer period as the District Court determines under paragraph (3)), any documents that under section 4B (as amended by section 37 of the Criminal Procedure Act 2010 (No. 27 of 2010)) and 4C (inserted by section 9 of the Criminal Justice Act 1999 (No. 10 of 1999)) of the Criminal Procedure Act 1967 (No. 12 of 1967) are required to be served and have not already been served, and a copy of those documents is to be furnished to the District Court.

(3) The District Court may, on the application of the prosecutor, extend the period within which a document required under section 4B of the Criminal Procedure Act 1967 is to be served, where satisfied that—

(*a*) there is good reason for doing so, and

(*b*) it would be in the interests of justice to do so.

...

C8 Application of section extended (4.04.2006) by *Sea-Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 27, commenced on enactment.

Option for accused persons as regards proceedings in relation to indictable offences under Sea-Fisheries Acts 2003 and 2006.

27.— (1) (*a*) A person charged with an indictable offence under Chapter 2 or the Act of 2003 may, with the consent of the prosecutor, elect to be sent forward for trial in the Circuit Court on a plea of not guilty.

(*b*) In that event, the prosecutor shall cause to be served on the accused person or the solicitor (if any) for that person, within 42 days after the not guilty plea is entered (or such longer period as the District Court may determine under *subsection (2)(a)*), any documents that under section 4B or 4C (inserted by section 9 of the Act of 1999) of the Act of 1967 are required to be served and have not already been served and a copy of those documents to be furnished to the District Court.

(2) (*a*) The District Court may, on the application of the prosecutor, extend the period within which any documents required under section 4B of the Act of 1967 are to be served, if satisfied that—

(i) there is good reason for doing so, and

(ii) it would be in the interests of justice to do so.

(*b*) An application may be made and an extension may be granted under *paragraph (a)* before or after the expiry of—

(i) the period of 42 days mentioned in *subsection (1)*, or

(ii) any extension of that period granted under *paragraph (a)*.

(*c*) Where it refuses to grant an extension, the District Court shall strike out the proceedings against the accused in relation to the offence.

(*d*) The striking out of proceedings under *paragraph (c)* does not prejudice the institution of any further proceedings against the accused by the prosecutor.

C9 Application of section extended (1.05.2002) by *Children Act 2001* (24/2001), s. 75 (7)(b)(ii) and (iii), S.I. No. 151 of 2002.

Jurisdiction to deal summarily with indictable offences.

75.— ...

(7) (*a*) Where a child is sent forward for sentence under this section, he or she may withdraw the written plea and plead not guilty to the charge.

(*b*) In that event—

(i) the court shall enter a plea of not guilty, which shall have the same effect in all respects as if the child had been sent forward for trial to that court on that charge in accordance with Part 1A (inserted by the Criminal Justice Act, 1999) of the Act of 1967,

(ii) the prosecutor shall cause to be served on the child any documents that under section 4B or 4C (as so inserted) of that Act are required to be served and have not already been served, and

(iii) the period referred to in subsection (1) of the said section 4B shall run from the date on which the not guilty plea is entered.

Editorial Notes:

E2 Previous affecting provision: application of section extended (27.08.2009) by *European Communities (Habitats and Birds) (Sea-fisheries) Regulations 2009* (S.I. No. 346 of 2009), reg. 15(2) and (3); revoked (30.07.2013) by *European Union (Birds and Natural Habitats) (Sea-fisheries) Regulations 2013* (S.I. No. 290 of 2013), reg. 33(1)(a).

F9[Additional documents.

4C.—(1) At any time after service of the documents mentioned in section 4B(1), the prosecutor shall cause the following documents to be served on the accused or his solicitor, if any:

(*a*) a list of any further witnesses the prosecutor proposes to call at the trial;

(*b*) a statement of the evidence that is expected to be given by each witness whose name appears on the list of further witnesses;

(*c*) a statement of any further evidence that is expected to be given by any witness whose name appears on the list already served under section 4B(1)(*c*);

(*d*) any notice of intention to give information contained in a document in evidence under section 7(1)(*b*) of the Criminal Evidence Act, 1992, together with a copy of the document;

(*e*) where appropriate, a copy of a certificate under section 6(1) of the Criminal Evidence Act, 1992;

(*f*) a copy of any deposition taken under section 4F;

(*g*) a list of any further exhibits.

(2) As soon as any documents are served in accordance with this section, the prosecutor shall furnish copies of them to the trial Court.**]**

Annotations

Amendments:

F9 Inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 9, S.I. No. 193 of 2001.

Modifications (not altering text):

C10 Application of section extended (30.07.2013) by *European Union (Birds and Natural Habitats) (Sea-fisheries) Regulations 2013* (S.I. No. 290 of 2013), reg. 20(2).

Matters relating to indictable offences

20.— ...

(2) Where a person elects to be sent forward for trial in the Circuit Court on a plea of not guilty under paragraph (1), the prosecutor shall cause to be served on the accused person or the solicitor (if any) for that person, not later than 42 days after the not guilty plea is entered (or such longer period as the District Court determines under paragraph (3)), any documents that under section 4B (as amended by section 37 of the Criminal Procedure Act 2010 (No. 27 of 2010)) and 4C (inserted by section 9 of the Criminal Justice Act 1999 (No. 10 of 1999)) of the Criminal Procedure Act 1967 (No. 12 of 1967) are required to be served and have not already been served, and a copy of those documents is to be furnished to the District Court.

...

C11 Application of section extended (4.04.2006) by *Sea-Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 27, commenced on enactment.

Option for accused persons as regards proceedings in relation to indictable offences under Sea-Fisheries Acts 2003 and 2006.

27.— (1) (*a*) A person charged with an indictable offence under Chapter 2 or the Act of 2003 may, with the consent of the prosecutor, elect to be sent forward for trial in the Circuit Court on a plea of not guilty.

(*b*) In that event, the prosecutor shall cause to be served on the accused person or the solicitor (if any) for that person, within 42 days after the not guilty plea is entered (or such longer period as the District Court may determine under *subsection (2)(a)*), any documents that under section 4B or 4C (inserted by section 9 of the Act of 1999) of the Act of 1967 are required to be served and have not already been served and a copy of those documents to be furnished to the District Court.

(2) (*a*) The District Court may, on the application of the prosecutor, extend the period within which any documents required under section 4B of the Act of 1967 are to be served, if satisfied that—

(i) there is good reason for doing so, and

(ii) it would be in the interests of justice to do so.

(*b*) An application may be made and an extension may be granted under *paragraph (a)* before or after the expiry of—

(i) the period of 42 days mentioned in *subsection (1)*, or

(ii) any extension of that period granted under *paragraph (a)*.

(*c*) Where it refuses to grant an extension, the District Court shall strike out the proceedings against the accused in relation to the offence.

(*d*) The striking out of proceedings under *paragraph (c)* does not prejudice the institution of any further proceedings against the accused by the prosecutor.

C12 Application of section extended (1.05.2002) by *Children Act 2001* (24/2001), s. 75(7)(b)(ii), S.I. No. 151 of 2002.

Jurisdiction to deal summarily with indictable offences.

75.— ...

(7) (*a*) Where a child is sent forward for sentence under this section, he or she may withdraw the written plea and plead not guilty to the charge.

(*b*) In that event—

(i) the court shall enter a plea of not guilty, which shall have the same effect in all respects as if the child had been sent forward for trial to that court on that charge in accordance with Part 1A (inserted by the Criminal Justice Act, 1999) of the Act of 1967,

(ii) the prosecutor shall cause to be served on the child any documents that under section 4B or 4C (as so inserted) of that Act are required to be served and have not already been served, and

...

Editorial Notes:

E3 Previous affecting provision: application of section extended (27.08.2009) by *European Communities (Habitats and Birds) (Sea-fisheries) Regulations 2009* (S.I. No. 346 of 2009), reg. 15(2); revoked (30.07.2013) by *European Union (Birds and Natural Habitats) (Sea-fisheries) Regulations 2013* (S.I. No. 290 of 2013), reg. 33(1)(a).

F10[Examination of exhibits.

4D.—The accused shall have the right to inspect all exhibits mentioned in the list of exhibits served on the accused or his solicitor under section 4B or 4C.**]**

Annotations

Amendments:

F10 Inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 9, S.I. No. 193 of 2001.

F11[Application by accused for dismissal of charge.

4E.—(1) F12[Subject to subsection (1A), at any time**]** after the accused is sent forward for trial, the accused may apply to the trial court to dismiss one or more of the charges against the accused.

F13[(1A) Where—

(*a*) a court makes a relevant order within the meaning of Part 2 of the Criminal Procedure Act 2021 at a preliminary trial hearing (within the meaning of that Part) to the effect that evidence shall not be admitted at trial, and

(*b*) the order is appealed under section 7 of that Act,

the accused may not make an application under subsection (1) to dismiss a charge to which the order relates until that appeal is determined or withdrawn.**]**

(2) Notice of an application under subsection (1) shall be given to the prosecutor not less than 14 days before the date on which the application is due to be heard.

(3) The trial court may, in the interests of justice, determine that less than 14 days notice of an application under subsection (1) may be given to the prosecutor.

(4) If it appears to the trial court that there is not a sufficient case to put the accused on trial for any charge to which the application relates, the court shall dismiss the charge.

(5) (*a*) Oral evidence may be given on an application under subsection (1) only if it appears to the trial court that such evidence is required in the interests of justice.

(*b*) In paragraph (*a*) "oral evidence" includes—

(i) any evidence given through a live television link pursuant to Part III of the Criminal Evidence Act, 1992, or section 39 of the Criminal Justice Act, 1999, or

(ii) a videorecording of any evidence given through a live television link pursuant to that Part or section in proceedings under F14**[**section 4F, or**]**

F15**[**(iii) any other videorecording, or an audiorecording, which may be admitted by the trial court as evidence of any fact stated in it.**]**

(6) Where the trial court is satisfied that it is in the interests of justice that any document required under this Part to be served on the accused or his solicitor be served at the hearing of an application under this section—

(*a*) the prosecutor shall serve the document on the accused or his solicitor, if any, at the hearing, and

(*b*) the court may, if it considers it appropriate to do so, adjourn the hearing for that purpose.

(7) Where a charge is dismissed by the trial court under subsection (4), the prosecutor may, within 21 days after the dismissal date, appeal against the dismissal to the Court of Criminal Appeal.

(8) On an appeal under subsection (7), the Court of Criminal Appeal may—

(*a*) affirm the decision of the trial court, or

(*b*) quash the decision of the trial court, in which case the trial of the accused may proceed as if the charge had never been dismissed.**]**

Annotations

Amendments:

F11 Inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 9, S.I. No. 193 of 2001.

F12 Substituted (28.02.2022) by *Criminal Procedure Act 2021* (7/2021), s. 14(a), S.I. No. 79 of 2022.

F13 Inserted (28.02.2022) by *Criminal Procedure Act 2021* (7/2021), s. 14(b), S.I. No. 79 of 2022.

F14 Substituted (1.08.2006) by *Criminal Justice Act 2006* (26/2006), s. 20(a), S.I. No. 390 of 2006.

F15 Inserted (1.08.2006) by *Criminal Justice Act 2006* (26/2006), s. 20(b), S.I. No. 390 of 2006.

Editorial Notes:

E4 Provision made for destruction of certain fingerprints, palm prints and photographs where proceedings for certain offences have been instituted and the charge against the person is dismissed under section by *Criminal Justice Act 1984* (22/1984), s. 8(2)(a)(ii)(II), as inserted (20.11.2015) by *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* (11/2014), s. 103, S.I. No. 508 of 2015.

E5 Provision made for removal of certain DNA profiles from reference index of DNA Database System where proceedings for certain offences have been instituted and the charge against the person is dismissed under section (20.11.2015) by *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* (11/2014), s. 80(1)(a)(ii)(II), S.I. No. 508 of 2015.

E6 Provision made for destruction of intimate samples and non-intimate samples where proceedings for certain offences have been instituted and the charge against the person is dismissed under section (20.11.2015) by *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* (11/2014), s. 76(1)(a)(ii)(II), S.I. No. 508 of 2015.

E7 Power granted to judges hearing an application under section to consider statements made by persons in certain videorecordings if the person is available for cross-examination at the hearing of the application by *Criminal Evidence Act 1992* (12/1992), s. 15(2), as substituted (9.08.2013) by *Criminal Law (Human Trafficking) (Amendment) Act 2013* (24/2013), s. 4(a)(ii), commenced on enactment.

F16**[**Taking of evidence by District Court.

4F.—(1) At any time after the accused is sent forward for trial, the prosecutor or the accused may apply to the trial court for an order requiring a person to appear before a judge of the District Court so that the person's evidence may be taken either—

(*a*) by way of sworn deposition, or

(*b*) in case the person's evidence is to be given through a live television link pursuant to Part III of the Criminal Evidence Act, 1992, or section 39 of the Criminal Justice Act, 1999, through such a link.

whether or not the person's name appears in the list of witnesses served on the accused under section 4B or 4C.

(2) If satisfied that it would be in the interests of justice to do so, the trial court may order a person who is the subject of an application under subsection (1) to attend before a judge of the District Court in the district court district—

(*a*) in which the offence was committed, or

(*b*) in which the accused was arrested or resides,

so that the judge may take the person's evidence accordingly.

(3) The following rules shall apply to the taking of evidence under this section—

(*a*) when the evidence is being taken, both the accused and a judge of the District Court shall be present;

(*b*) before it is taken, the judge shall inform the accused of the circumstances in which it may be admitted in evidence at the accused's trial;

(*c*) the witness may be cross-examined and re-examined;

(*d*) where the evidence is taken by way of sworn deposition, the deposition and any cross-examination and re-examination of the deponent shall be recorded, read to the deponent and signed by the deponent and the judge.

(4) A judge of the District Court shall have the same powers for—

(*a*) enforcing compliance by a prospective witness with this section or with an order under this section, and

(*b*) securing the attendance of the accused,

as the District Court has in relation to witnesses in criminal proceedings.**]**

Annotations

Amendments:

F16 Inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 9, S.I. No. 193 of 2001.

Modifications (not altering text):

C13 Application of section restricted by *Criminal Law (Jurisdiction) Act 1976* (14/1976), s. 18, as substituted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 14, S.I. No. 193 of 2001.

Restriction of section 4F of Criminal Procedure Act, 1967.

18.—Section 4F of the Criminal Procedure Act, 1967, shall not entitle a judge of the District Court to require the attendance of a person before that Court for the purpose of taking the person's evidence by way of a sworn deposition if it appears to the judge that—

(*a*) the person is outside the State, and

(*b*) it is not reasonably practicable to secure his attendance before the Court.

C14 Application of section modified under certain conditions (1.05.2002) by *Children Act 2001* (24/2001), s. 255(1), S.I. No. 151 of 2002.

Power to take deposition of child.

255.—(1) Without prejudice to section 4F of the Act of 1967, where a judge of the District Court is satisfied on the evidence of a registered medical practitioner that the attendance before a court of any child, in respect of whom an offence under this Part, or any offence mentioned in Schedule 1, is alleged to have been committed, would involve serious danger to the safety, health or wellbeing of the child, the judge may take the evidence either—

(*a*) by way of sworn deposition, or

(*b*) in case the evidence is to be given through a live television link pursuant to Part III of the Criminal Evidence Act, 1992, or section 39 of the Criminal Justice Act, 1999, through such a link.

(2) The rules mentioned in section 4F(3) of the Act of 1967 shall apply and have effect in relation to the taking of evidence under subsection (1).

(3) A deposition taken under subsection (1) or a videorecording of evidence given by a child under paragraph (b) of that subsection shall be deemed to have been taken under section 4F of the said Act of 1967, and section 4G (admissibility of deposition or videorecording) shall apply and have effect accordingly.

...

F17**[**Admissibility of deposition or videorecording.

4G.—(1) A deposition taken under section 4F may be considered by the trial court on an application under section 4E(1).

(2) Such a deposition may be admitted in evidence at the trial of the accused if it is proved that—

(*a*) the witness—

(i) is dead,

(ii) is unable to attend to give evidence at the trial,

(iii) is prevented from so attending, or

(iv) does not give evidence at the trial through fear or intimidation,

(*b*) the accused was present at the taking of the evidence, and

(*c*) an opportunity was given to crossexamine and re-examine the witness;

unless the court is of opinion that to do so would not be in the interests of justice.

(3) Subject to section 16 (admissibility at trial of videorecording of evidence given by witness under 17) of the Criminal Evidence Act, 1992, a videorecording of evidence given through a live television link in proceedings under section 4F shall, if the accused was present at the taking of the evidence and an opportunity was given to cross-examine and re-examine the witness, be admissible at the trial of the offence with which the accused is charged as evidence of any fact stated therein of which direct oral evidence by the witness would be admissible, unless the court is of opinion that in the interests of justice the videorecording ought not to be so admitted.**]**

Annotations

Amendments:

F17 Inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 9, S.I. No. 193 of 2001.

Modifications (not altering text):

C15 Application of section extended (1.05.2002) by *Children Act 2001* (24/2001), s. 255(3), S.I. No. 151 of 2002.

Power to take deposition of child.

255.— ...

(3) A deposition taken under subsection (1) or a videorecording of evidence given by a child under paragraph (b) of that subsection shall be deemed to have been taken under section 4F of the said Act of 1967, and section 4G (admissibility of deposition or videorecording) shall apply and have effect accordingly.

...

F18**[**Legal Aid.

4H.—(1) The provision for legal aid made by section 2 of the Criminal Justice (Legal Aid) Act, 1962, shall extend to the accused in relation to all proceedings conducted under this Part before the District Court.

(2) The provision for legal aid made by section 3 of the Criminal Justice (Legal Aid) Act, 1962, shall extend to the accused in relation to all proceedings conducted under this Part before the trial court, the Court of Criminal Appeal or an alternative court referred to in section 4Q.**]**

Annotations

Amendments:

F18 Inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 9, S.I. No. 193 of 2001.

F19**[**Power to exclude public.

4I.—(1) Subject to this section and any other enactment, a proceeding under this Part shall be conducted in open court.

(2) Where a court conducting a proceeding under this Part is satisfied, because of the nature or circumstances of the case or otherwise in the interests of justice, that it is desirable to do so, it may exclude from the court during the proceeding—

(*a*) the public or any portion of the public, or

(*b*) any particular person or persons,

except bona fide representatives of the Press.

F20**[**(3) *Subsection (2)* is without prejudice to the right of—

(a) a parent, relative or friend of the accused or of an injured party, or

(b) a support worker chosen by an injured party,

to remain in court in any case to which section 20(4) of the Criminal Justice Act 1951, section 6 of the Criminal Law (Rape) Act 1981, section 8 of the Criminal Justice (Female Genital Mutilation) Act 2012 or section 20 of the Criminal Justice (Victims of Crime) Act 2017 applies.**]]**

F21**[**(4) In this section, 'support worker' means a volunteer of, or an individual employed under a contract of service or under a contract for services by, an organisation which provides support to victims of crime.**]**

Annotations

Amendments:

F19 Inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 9, S.I. No. 193 of 2001.

F20 Substituted (27.11.2017) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 28(a), S.I. No. 530 of 2017.

F21 Inserted (27.11.2017) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 28(b), S.I. No. 530 of 2017.

F22**[**Proceedings not to be published or broadcast.

4J.—(1) No person shall publish or broadcast or cause to be published or broadcast any information about a proceeding under this Part other than—

(*a*) a statement of—

(i) the fact that the proceeding has been brought by a named person in relation to a specified charge against a named person, and

(ii) any decision resulting from the proceeding,

and

(*b*) in the case of an application under section 4E for the dismissal of a charge against the accused, any information that the judge hearing the application permits to be published or broadcast at the request of the accused.

(2) If, on application by the prosecutor, it appears to a judge of the District Court that a person has contravened subsection (1), the judge may certify to that effect to the High Court.

(3) On receiving a certificate under subsection (2), the High Court may—

(*a*) inquire into the matter to which the certificate relates, and

(*b*) after hearing any witnesses and after considering any statement that may be offered in defence of the person alleged to have contravened subsection (1), punish, or take steps for the punishment of, that person in the like manner as if he had been guilty of contempt of the Court.

(4) This section shall not affect—

(*a*) the operation of any other enactment that imposes further restrictions on the extent to which information relating to court proceedings may be published or broadcast, or

(*b*) any power conferred on a court by such an enactment to make an order authorising the publication or broadcast of such information.

(5) In this section—

'broadcast' means the transmission, relaying or distribution by wireless telegraphy of communications, sounds, signs, visual images or signals, intended for direct reception by the general public whether or not such communications, sounds, signs, visual images or signals are actually received;

'publish' means publish to the public or a portion of the public.**]**

Annotations

Amendments:

F22 Inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 9, S.I. No. 193 of 2001.

F23**[**Witness order.

4K.—(1) The trial court may, in relation to the trial of the accused, make an order requiring a person whose statement of evidence was served on the accused or whose deposition was taken to—

(*a*) attend before the trial court and give evidence at the trial of the accused, and

(*b*) produce to that court any document or thing specified in the order.

(2) A person who without just excuse disobeys a witness order shall be guilty of contempt of the trial court.

(3) If, on application by the prosecutor or the accused, the trial court is satisfied by evidence on oath that any person is unlikely to comply with a witness order, the court—

(*a*) may bind the person by recognisance to appear at the trial,

(*b*) if the person refuses to be so bound, may, by warrant, commit him to custody until the trial or until he enters into a recognisance, and

(*c*) shall have the same powers for enforcing the person's attendance before the trial court for the purposes of this subsection as that court has in relation to witnesses in criminal proceedings.

(4) In this section, 'witness order' means an order made under subsection (1).**]**

Annotations

Amendments:

F23 Inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 9, S.I. No. 193 of 2001.

F24**[**Witness summons.

4L.—(1) On application by the prosecutor or the accused, a summons may be issued out of the trial court requiring the person to whom the summons is directed to—

(*a*) attend before the trial court and give evidence at the trial of the accused, and

(*b*) produce to that court any document or thing specified in the summons,

unless the court is satisfied that the person proposed to be summoned cannot give any material evidence or, as the case may be, produce any document or thing likely to be material evidence.

(2) A person who without just excuse disobeys a witness summons shall be guilty of contempt of the court out of which the summons was issued.

(3) This section is without prejudice to any other powers for enforcing the attendance of witnesses at the trial.

(4) In this section, 'witness summons' means a summons issued under subsection (1).**]**

Annotations

Amendments:

F24 Inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 9, S.I. No. 193 of 2001.

F25**[**Amendment of charges.

4M.—Where the accused has been sent forward for trial in accordance with this Part, the indictment against the accused may include, either in substitution for or in addition to counts charging the offence for which he has been sent forward, any counts that—

(*a*) are founded on any of the documents served on the accused under section 4B or 4C, and

(*b*) may lawfully be joined in the same indictment.**]**

Annotations

Amendments:

F25 Inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 9, S.I. No. 193 of 2001.

F26**[**Joinder of unrelated charges.

4N.—Where the accused has been sent forward for trial in accordance with this Part, the indictment against the accused may, with the consent of the accused and notwithstanding any other enactment, include counts that—

(*a*) charge an offence justiciable within the State, other than the offence for which the accused was sent forward, and

(*b*) are not founded on the documents served on the accused under section 4B or 4C,

and section 25 (3) of the Courts (Supplemental Provisions) Act, 1961, shall be construed accordingly.**]**

Annotations

Amendments:

F26 Inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 9, S.I. No. 193 of 2001.

F27**[**Correction of defect in charge.

4O.—Where the accused has been sent forward for trial in accordance with this Part, the trial court may correct any defect in a charge against the accused unless it considers that the correction would result in injustice.**]**

Annotations

Amendments:

F27 Inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 9, S.I. No. 193 of 2001.

F28**[**Transfer of proceedings from Circuit Court to Central Criminal Court.

4P.—Where, after being sent forward for trial in accordance with this Part to the Circuit Court for an indictable offence (the original offence), the accused is sent forward for trial to the Central Criminal Court for another indictable offence connected with or arising from the circumstances that gave rise to the original offence, the Circuit Court may, unless it considers it would not be in the interests of justice to do so, transfer the trial of the original offence to the Central Criminal Court.**]**

Annotations

Amendments:

F28 Inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 9, S.I. No. 193 of 2001.

F29**[**Jurisdiction of Circuit Court to remand accused to alternative circuit and hear applications.

4Q.—(1) Notwithstanding any other enactment, where the accused has been sent forward for trial in accordance with this Part to the Circuit Court, it may remand the accused in custody to appear at a sitting of the Circuit Court ('alternative court') in the circuit of the Circuit Court in which is situated the prison or place of detention where the accused is to be held in custody.

(2) If the accused is remanded under this section to a sitting of an alternative court—

(*a*) the alternative court may, from time to time as occasion requires, further remand the accused, in custody or on bail, to that court or another alternative court,

(*b*) a reference in section F30**[**...**]** 4E or 4P to the trial court shall be read as a reference to the alternative court to which the accused is remanded, and

(*c*) the alternative court shall have the same power to correct any defect in the charge against the accused as the trial court has under section 4O.

(3) An alternative court shall, for the purposes of the trial of the offence, remand the accused to a sitting of the Circuit Court in the circuit of the Circuit Court—

(*a*) in which the offence was committed, or

(*b*) in which the accused was arrested or resides.**]**

Annotations

Amendments:

F29 Inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 9, S.I. No. 193 of 2001.

F30 Deleted (28.02.2022) by *Criminal Procedure Act 2021* (7/2021), s. 15, S.I. No. 79 of 2022.

PART II

F31**[**GUILTY PLEAS AND OTHER MATTERS**]**

Annotations

Amendments:

F31 Substituted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 10(1), S.I. No. 193 of 2001.

Modifications (not altering text):

C16 Part subject to transitional provisions (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 23, S.I. No. 193 of 2001.

Transitional provision.

23.—If, before the commencement of this Part, any steps have been taken under Part II of the Act of 1967 in relation to the prosecution of an accused person, the applicable provisions of the enactments amended or repealed by this Part shall continue to apply to all matters connected with or arising out of the prosecution of the accused, as if those enactments had not been so amended or repealed.

C17 Application of Part II extended (12.07.1986) by *Courts (No.2) Act 1986* (26/1986), s. 8 (1), commenced on enactment.

Amendment of Criminal Procedure Act, 1967.

8.—(1) Where under Part II of the Criminal Procedure Act, 1967, a preliminary examination of an indictable offence is being conducted by a particular justice of the District Court and, owing to the illness of that justice or for any other reason, is continued by another justice, a deposition or statement taken or signed by the former may for the purposes of that Act be treated by the latter as if it had been taken or signed by him.

...

C18 References in Part II of the Act construed under certain conditions (4.07.1978) by *Fisheries (Amendment) Act 1978* (18/1978), s. 18(2)(b), commenced on enactment. References similarly construed (19.06.1996) by *Dumping at Sea Act 1996* (14/1996), ss. 11(2) and 12(2), commenced on enactment.

Prosecution of offences by Minister and Attorney General.

18.— ...

(b) References in Part II of the Criminal Procedure Act, 1967, section 62 of the Courts of Justice Act, 1936, and section 6 of the Courts Act, 1964, to the Director of Public Prosecutions shall, in so far as that Part and those sections apply in relation to the offences referred to in paragraph (a) of this subsection or to any functions referred to in that paragraph, be construed as references to the Attorney General.

...

Procedure.

5.—F32**[**...**]**

Annotations

Amendments:

F32 Repealed (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 10(2), S.I. No. 193 of 2001.

Documents to be served on accused.

6.—F33**[**...**]**

Annotations

Amendments:

F33 Repealed (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 10(2), S.I. No. 193 of 2001.

Editorial Notes:

E8 Previous affecting provision: subs. (1)(d), (e), (f) and (g) substituted (7.10.1992) by *Criminal Evidence Act 1992* (12/1992), s. 10(a), commenced as per s. 1(2); repealed as per F-note above.

E9 Section was repealed two months before the purported insertion in subs. (1)(e) (19.12.2001) by *Criminal Justice (Theft and Fraud Offences) Act 2001* (50/2001), s. 52(6)(c), commenced on enactment; see F-note above.

Preliminary examination.

7.—F34**[**...**]**

Annotations

Amendments:

F34 Repealed (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 10(2), S.I. No. 193 of 2001.

Editorial Notes:

E10 Previous affecting provision: application of subs. (2) restricted (1.06.1976) by *Criminal Law (Jurisdiction) Act 1976* (14/1976), s. 18, S.I. No. 112 of 1976; section repealed as per F-note above.

E11 Previous affecting provision: subs. (4) repealed (1.03.1985) by *Criminal Justice Act 1984* (22/1984), s. 23(3)(b), S.I. No. 17 of 1985.

E12 Previous affecting provision: application of subss. (1) and (2) modified (3.5.1993) by *Criminal Justice Act 1993* (6/1993), s. 11(a), commenced as per s. 14; section repealed as per F-note above.

Decision on preliminary examination.

8.—F35**[**...**]**

Annotations

Amendments:

F35 Repealed (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 10(2), S.I. No. 193 of 2001.

Editorial Notes:

E13 Previous affecting provision: subs. (2) amended (1.03.1985) by *Criminal Justice Act 1984* (22/1984), s. 23(3)(b), S.I. No. 17 of 1985.

Witness order.

9.—F36**[**...**]**

Annotations

Amendments:

F36 Repealed (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 10(2), S.I. No. 193 of 2001.

Editorial Notes:

E14 Previous affecting provision: application of section modified (3.5.1993) by *Criminal Justice Act 1993* (6/1993), s. 11(b), commenced as per s. 14; section repealed as per F-note above.

Witness summons.

10.—F37**[...]**

Annotations

Amendments:

F37 Repealed (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 10(2), S.I. No. 193 of 2001.

Additional documents.

11.—F38**[...]**

Annotations

Amendments:

F38 Repealed (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 10(2), S.I. No. 193 of 2001.

Editorial Notes:

E15 Previous affecting provision: section substituted (7.10.1992) by *Criminal Evidence Act 1992* (12/1992), s. 10(b), commenced as per s. 1(2).

E16 Section was repealed two months before the purported insertion in subs. (1)(e) (19.12.2001) by *Criminal Justice (Theft and Fraud Offences) Act 2001* (50/2001), s. 52(6)(c), commenced on enactment; see F-note above.

Waiver by accused of preliminary examination.

12.—(1) F39**[...]**

Annotations

Amendments:

F39 Repealed (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 10(2), S.I. No. 193 of 2001.

Editorial Notes:

E17 Previous affecting provision: application of section modified (31.07.1973) by *Criminal Procedure (Amendment) Act 1973* (16/1973), s. 2(a), commenced on enactment.

Procedure where accused pleads guilty in District Court to indictable offence.

[1951, ss. 3, 4].

13.—(1) This section applies to all indictable offences except the following—an offence under the Treason Act, 1939, murder, attempt to murder, conspiracy to murder, piracy, F40**[**an offence under section 7 (genocide, crimes against humanity and war crimes) or 8 (ancillary offences) of the International Criminal Court Act 2006**]** F41**[**, an offence under the Criminal Justice (United Nations Convention against Torture) Act, 2000,**]** F42**[**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,**]** F43**[**or the offence of killing or attempted killing under paragraph (h) or (j) of section 2(1) of the Maritime Security Act 2004**]** F44**[**or the offence of murder under section 6 or 11 of the Criminal Justice (Terrorist Offences) Act 2005 or an attempt to commit such offence **]** F45**[**or an offence under section 71, F46**[**71A,**]** 72 or 73 of the Criminal Justice Act 2006**]** or 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.

F47**[**(2) If at any time the District Court ascertains that a person charged with an offence to which this section applies wishes to plead guilty and the court is satisfied that he understands the nature of the offence and the facts alleged, the Court—

(*a*) may, with the consent of the prosecutor, deal with the offence summarily, in which case the accused shall be liable to the penalties provided for in subsection (3), or

(*b*) if the accused signs a plea of guilty, may, subject to subsection (2A), send him forward for sentence with that plea to that court to which, but for that plea, he would have been sent forward for trial.

(2A) The accused shall not be sent forward for sentence under this section without the consent of the prosecutor.**]**

(3) (*a*) On conviction by the District Court for an offence dealt with summarily under subsection (2) (*a*), the accused shall be liable to a F48**[**class A fine within the meaning of Part 2 of the Fines Act 2010**]** or, at the discretion of the Court, to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

(b) F49**[**...**]**

(4) (*a*) Where a person is sent forward for sentence under this section he may withdraw his written plea and plead not guilty to the charge.

F50**[**(*b*) In that event—

(i) the court shall enter a plea of not guilty, which shall have the same effect in all respects as if the accused had been sent forward for trial to that court on that charge in accordance with Part IA,

(ii) the prosecutor shall cause to be served on the accused any documents that under section 4B or 4C are required to be served and have not already been served, and

(iii) the period referred to in section 4B(1) shall run from the date on which the not guilty plea is entered.**]**

(5) This section shall not affect the jurisdiction of the Court under section 2 of the Criminal Justice Act, 1951.

Annotations

Amendments:

F40 Substituted (31.10.2006) by *International Criminal Court Act 2006* (30/2006), s. 66, sch. 3 para. (5)(a), commenced on enactment.

F41 Inserted (14.06.2000) by *Criminal Justice (United Nations Convention Against Torture) Act 2000* (11/2000), s. 8(a), commenced on enactment.

F42 Inserted (28.06.2000) by *Criminal Justice (Safety of United Nations Workers) Act 2000* (16/2000), s. 7(a), commenced on enactment.

F43 Inserted (19.07.2004) by *Maritime Security Act 2004* (29/2004), s. 10(a), commenced on enactment.

F44 Inserted (8.03.2005) by *Criminal Justice (Terrorist Offences) Act 2005* (2/2005), s. 59(a), commenced on enactment.

F45 Inserted (1.08.2006) by *Criminal Justice Act 2006* (26/2006), s. 78(a), S.I. No. 390 of 2006.

F46 Inserted (23.07.2009) by *Criminal Justice (Amendment) Act 2009* (32/2009), s. 17(a), commenced on enactment.

F47 Substituted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 10(3), S.I. No. 193 of 2001.

F48 Substituted (4.01.2011) by *Fines Act 2010* (8/2010), s. 10, S.I. No. 662 of 2010.

F49 Repealed (31.12.1988) by *Broadcasting and Wireless Telegraphy Act 1988* (19/1988), s. 12(3), commenced as per s. 21(2).

F50 Substituted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 10(4), S.I. No. 193 of 2001.

Modifications (not altering text):

C19 Application of section extended (7.10.2019) by *Legal Services Regulation Act 2015* (65/2015), s. 80(10), S.I. No. 502 of 2019.

Powers of Disciplinary Tribunal as to taking of evidence, etc.

80. (1) ...

(10) Section 13 of the Criminal Procedure Act 1967 shall apply in relation to an offence under this section as if, in lieu of the penalties specified in subsection (3) of that section, there were specified therein the penalties provided for by *subsection (9)*, and the reference in subsection (2) (a) of that section to the penalties provided for in subsection (3) of that section shall be construed accordingly.

C20 Application of section extended (31.12.2016) by *Customs Act 2015* (18/2015), s. 14(3), S.I. No. 611 of 2016.

Offences relating to improper importation or exportation of goods

14. (1) ...

(3) Section 13 of the Criminal Procedure Act 1967 applies in relation to an offence under this section as if, in place of the penalties specified in subsection (3) of the said section 13, there were specified in that subsection the penalties provided for by *subsection (2)(a)*, and the reference in section 13(2)(a) of the Criminal Procedure Act 1967 to the penalties provided for in subsection (3) of that section shall be construed and apply accordingly.

C21 This section is applied with modifications made by the provisions set out below. The following sample is typical of the wording used, but there are many variations:

Section 13 of the Criminal Procedure Act, 1967, shall apply in relation to an offence to which paragraph (a) of this subsection relates as if, in lieu of the penalties provided for in subsection (3) of the said section, there were specified therein the penalties provided for in the said paragraph (a) and the reference in subsection (2) (a) of the said section 13 to the penalties provided for in the said subsection (3) shall be construed and have effect accordingly.

- *Finance Act 1992* (9/1992), s. 139(7), as inserted (18.12.2013) by *Finance (No. 2) Act 2013* (41/2013), s. 56(b), commenced on enactment.
- *Sea Pollution (Hazardous Substances) (Compensation) Act 2005* (9/2005), s. 6(2) and (3), not commenced as of date of revision.

- *Finance Act 2005* (5/2005), s. 78A(5) as inserted (27.03.2013) by *Finance Act 2013* (8/2013), s. 56(c), commenced on enactment.
- (8.05.2012) by *European Union (Textile Fibre Names and Related Labelling and Marking of the Fibre Composition of Textile Products) Regulations 2012* (S.I. No. 142 of 2012), reg. 11(4), commenced as per reg. 1(2).
- (1.01.2012) by *Dog Breeding Establishments Act 2010* (29/2010), s. 6(3), S.I. No. 699 of 2011.
- *Taxes Consolidation Act 1997* (39/1997), s. 851A(10), as inserted (6.02.2011) by *Finance Act 2011* (6/2011), s. 77, commenced on enactment.
- (27.09.2010) by *European Communities (Names and Labelling of Textile Products) Regulations 2010* (S.I. No. 485 of 2010).
- (3.04.2010) by *Finance Act 2010* (5/2010), s. 95(2), commenced on enactment.
- *Customs Act 1956* (7/1956), s. 3(4) as inserted (3.04.2010) by *Finance Act 2010* (5/2010), s. 96, commenced on enactment.
- *Finance Act 2005* (5/2005), s. 78(5A) as inserted (3.04.2010) by *Finance Act 2010* (5/2010), s. 101(b), commenced on enactment.
- *Finance Act 2003* (3/2003), s. 79(8A) as inserted (3.04.2010) by *Finance Act 2010* (5/2010, s. 100(d), commenced on enactment.
- *Finance Act 2001* (7/2001), s. 119(4) as inserted (3.04.2010) by *Finance Act 2010* (5/2010), s. 99(b), commenced on enactment.
- *Finance Act 1999* (2/1999), s. 102(8) as substituted (3.04.2010) by *Finance Act 2010* (5/2010), s. 98(b), commenced on enactment.
- (11.04.2009) by *European Communities (Pre-packed Products) Regulations 2008*, reg. 10(3), S.I. No. 566 of 2008.
- (21.11.2008) by *Sea Pollution (Miscellaneous Provisions) Act 2006* (29/2006), s. 17(2), S.I. No. 120 of 2008.
- (20.09.2004) by *Civil Liability and Courts Act 2004* (31/2004), s. 29(4), S.I. No. 544 of 2004.
- (29.3.2004) by *Public Health (Tobacco) Act 2002* (6/2002), s. 5(4), S.I. No. 110 of 2004.
- by *Prevention of Corruption (Amendment) Act 2001* (27/2001), s. 8A(9), as inserted (15.12.2010) by *Prevention of Corruption (Amendment) Act 2010* (33/2010), s. 4, commenced on enactment.
- (11.09.1998) by *Air Navigation and Transport (Amendment) Act 1998* (24/1998), s. 7(4), S.I. No. 327 of 1998.
- (Various dates) by *Taxes Consolidation Act 1997* (39/1997), s. 1078(4), commencement date subject to s. 1097.
- (Various dates) by *Taxes Consolidation Act 1997* (39/1997), s. 1079(8), commencement date subject to s. 1097.
- (19.06.1996) by *Dumping at Sea Act 1996* (14/1996), s. 10(3), commenced on enactment.
- (Various dates) by *Finance Act 1995* (8/1995), s. 172(6), commencement date subject to s. 172(11).
- *Solicitors (Amendment) Act 1960* (37/1960), s. 15(4)(b) as substituted (12.05.1995) by *Solicitors (Amendment) Act 1994* (27/1994), s. 25, S.I. No. 124 of 1995.
- (1.06.1992) by *Building Control Act 1990* (3/1990), s. 17(3), S.I. No. 304 of 1991.
- (19.04.1989) by *Data Protection Act 1988* (25/1988), s. 31(4), S.I. No. 349 of 1988.
- (22.03.1989) by *International Carriage of Perishable Foodstuffs Act 1987* (20/1987), s. 11(3), S.I. No. 51 of 1989.
- (1.01.1989) by *Bankruptcy Act 1988* (27/1988), s. 132(2), S.I. No. 348 of 1988.
- (22.06.1988) by *Air Navigation and Transport Act 1988* (15/1988), ss. 28(4) and 29(3), commenced on enactment.
- *Road Traffic Act 1961* (24/1961), s. 101D(7)(c) as inserted (1.01.1988) by *Dublin Transport Authority (Dissolution) Act 1987* (34/1987), s. 9, commenced as per s.15(5).

- (1.09.1987) by *Air Pollution Act 1987* (6/1987), s. 12(2), S.I. No. 201 of 1987.
- (12.11.1986) by *Dublin Transport Authority Act 1986* (15/1986), s. 53(3), S.I. No. 357 of 1986.
- (11.03.1986) by *Canals Act 1986* (3/1986), s. 7(4), commenced on enactment.
- (13.12.1983) by *Control of Exports Act 1983* (35/1983), s. 3(7), commenced on enactment.
- (13.10.1983) by *Companies (Amendment) Act 1983* (13/1983), s. 57(5), S.I. No. 288 of 1983.
- (13.07.1983) by *Postal and Telecommunications Services Act 1983* (24/1983), s. 4(3), commenced on enactment.
- (8.06.1983) by *Finance Act 1983* (15/1983), s. 94(4), commenced on enactment.
- (12.04.1983) by *Transport (Tour operators and Travel Agents) Act 1982* (3/1982), s. 20(5), S.I. No. 99 of 1983.
- (25.01.1983) by *Merchant Shipping Act 1981* (33/1981), s. 4(5), S.I. No. 15 of 1983.
- (28.07.1982) by *Local Government (Planning and Development) Act 1982* (21/1982), s. 9(2), commenced on enactment.
- (1.01.1982) by *Fire Services Act 1981* (30/1981), s. 5(4), S.I. No. 430 of 1981.
- (1.09.1981) by *Merchant Shipping (Certification of Seamen) Act 1979* (37/1979), s. 5(3), S.I. No. 11 of 1981.
- (10.08.1981) by *Dumping at Sea Act 1981* (8/1981), s. 8(3), S.I. No. 268 of 1981.
- (6.06.1981) by *Criminal Law (Rape) Act 1981* (10/1981), s. 12(2), commenced as per s. 13(2).
- (1.04.1981) by *Packaged Goods (Quantity Control) Act 1980* (11/1980), s. 19(4), S.I. No. 41 of 1981.
- (12.02.1981) by *Casual Trading Act 1980* (43/1980), s. 15(3), S.I. No. 43 of 1981.
- (1.12.1980) by *Pyramid Selling Act 1980* (27/1980), s. 6(3), S.I. No. 340 of 1980.
- (1.11.1980) by *Health (Family Planning) Act 1979* (20/1979), s. 14(4), S.I. No. 247 of 1980.
- (26.09.1980) by *Housing (Miscellaneous Provisions) Act 1979* (27/1979), s.18(15)(c), S.I. No. 297 of 1980.
- (9.07.1980) by *Trading Stamps Act 1980* (23/1980), s. 2(5), commenced on enactment.
- *Fisheries (Amendment) Act 1978* (18/1978), s. 2(4) as substituted (18.03.1980) by *Fisheries Act 1980* (1/1980), s.75(b), commenced on enactment.
- (19.12.1979) by *Occasional Trading Act 1979* (35/1979), s. 9(3), S.I. No. 404 of 1979.
- *Tribunals of Inquiry (Evidence) Act 1921*, (11 & 12 Geo. 5 c.7), s. 1(2A)(c) as inserted (27.02.1979) by *Tribunals of Inquiry (Evidence) (Amendment) Act 1979* (3/1979), s. 3, commenced on enactment.
- (6.12.1978) by *Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Act 1978* (27/1978), s. 3(3), commenced on enactment.

C22 Application of subs. (2)(a) excluded and application of subs. (2)(b) confirmed by *Misuse of Drugs Act 1977* (12/1977), s. 27(3L) as substituted (18.05.2007) by *Criminal Justice Act 2007* (29/2007), s. 33, S.I. No. 236 of 2007.

Penalties.

27.— ...

(3L) Paragraph (a) of section 13(2) of the Criminal Procedure Act 1967 shall not apply in relation to an offence under section 15A or 15B of this Act, but each of those offences shall be deemed for the purposes of paragraph (b) of section 13(2) of that Act to be an offence to which section 13 of that Act applies.

...

C23 Application of section extended (1.05.2007) by *Consumer Protection Act 2007* (19/2007), s. 79(9), S.I. No. 178 of 2007.

Fines and penalties.

79.— ...

(9) Section 13 of the Criminal Procedure Act 1967 applies in relation to an offence under this Act except that the following range of fines and penalties are to be substituted for those provided in section 13(3)(a) of the Criminal Procedure Act 1967:

(a) if it is a first conviction for an offence under this Act, the accused is liable to a fine not exceeding €3,000 or imprisonment for a term not exceeding 6 months or both;

(b) if it is not a first conviction for an offence under this Act, the accused is liable to a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both.

C24 Application of subss. (1) to (3) excluded and subs. (4) extended (4.04.2006) by *Sea-Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 28(4), commenced on enactment.

Penalties and forfeiture for certain indictable fishery offences.

28.— ...

(4) Section 13(1) to (3) of the Act of 1967 does not apply in relation to an offence referred to in subsection (1). In subsection 13(4) (as amended by section 10 of the Act of 1999) of the Act of 1967 a reference to a person sent forward for trial under paragraph (a) of that section shall be read as including a reference to a person sent forward for trial under subsection (3)(b) of this section.

...

C25 Application of section extended (1.10.2001) by *Finance Act 1999* (2/1999), s. 102(8), S.I. No. 412 of 2001 (the Chapter deals with Mineral Oil Tax.)

Offences.

102.— ...

(8) Section 13 (as amended by section 17 of the Criminal Justice Act, 1984) of the Criminal Procedure Act, 1967, shall apply in relation to an offence under this section.

...

C26 Application of subs. (2) extended by *Criminal Procedure (Amendment) Act 1973* (16/1973), s. 2 as substituted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 13, S.I. No. 193 of 2001.

[Correction of defect in charge after accused is sent forward for sentence.

2.—Where under section 13(2) of the Criminal Procedure Act, 1967, an accused person is sent forward for sentence on any charge with a plea of guilty—

(a) any defect in the charge may be corrected by the court to which the accused has been sent forward, and

(b) the plea of guilty shall be treated as a plea of guilty to the charge so corrected,

unless such correction would, in the opinion of the court, result in injustice.**]**

C27 Application of subs. (2)(a) excluded and subs. (2)(b) confirmed by *Misuse of Drugs Act 1977* (12/1977), s. 27(3I) as inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 5, S.I. No. 193 of 2001. Note that this provision has been effectively superseded by subs. (3L), see C-note above.

Penalties.

27.— ...

(3I) Paragraph (a) of section 13(2) of the Criminal Procedure Act, 1967, shall not apply in relation to an offence under section 15A of this Act, but that offence shall be deemed for the purposes of paragraph (b) of section 13(2) of that Act to be an offence to which section 13 of that Act applies.

C28 Application of subs. (1) construed to clarify provision (22.07.1997) by *Criminal Law Act 1997* (14/1997), s. 7(6), commenced as per s. 1.

Penalties for assisting offenders.

7.— ...

(6) The references in the following provisions, namely subsection (1) of section 13 (which relates to a plea of guilty in the District Court of an indictable offence) and subsection (1) (f) of section 29 (which relates to bail in the case of certain offences) of the Criminal Procedure Act, 1967, to an accessory before or after the fact shall be construed as references to aiding, abetting, counselling or procuring the commission of an offence, and to an offence under subsection (2).

...

C29 Application of subs. (2) construed (22.07.1997) by *Criminal Law Act 1997* (14/1997), s. 10(5), commenced as per s. 1.

Powers of dealing with offenders.

10.— ...

(5) A person sent forward to a court for sentence under section 13 (2) of the Criminal Procedure Act, 1967 with a plea of guilty of an offence may be dealt with in all respects as if he or she had been convicted on indictment of the offence by that court.

C30 Application of subs. (2)(a) excluded and application of subs. (2)(b) confirmed (18.01.1991) by *Criminal Law (Rape) (Amendment) Act 1990* (32/1990), s. 20, commenced as per s. 22(3).

Amendment of Criminal Procedure Act, 1967.

20.—(a) Paragraph (a) of subsection (2) of section 13 of the Criminal Procedure Act, 1967, shall not apply in relation to rape, rape under section 4 (within the meaning of the Criminal Law (Rape) (Amendment) Act, 1990) or aggravated sexual assault (within the meaning of the Criminal Law (Rape) (Amendment) Act, 1990).

(b) Notwithstanding paragraph (a), the offences referred to therein shall be deemed, for the purposes of paragraph (b) of the said subsection (2), to be offences to which the said section 13 applies.

C31 Application of section extended (25.05.1988) by *Finance Act 1988* (12/1988), s. 57(4), commenced on enactment.

Removal of substances mixed with goods liable to excise duty.

57.— ...

(4) Section 13 of the Criminal Procedure Act, 1967, as amended by section 17 of the Criminal Justice Act, 1984, shall apply in relation to an offence under subsection (2) as if the references in subsection (3) (a) of the said section 13 to a fine were references to an excise penalty.

...

Editorial Notes:

E18 Previous affecting provision: subs. (3)(a) amended (1.03.1985) by *Criminal Justice Act 1984* (22/1984), s. 17, S.I. No. 17 of 1985; substituted as per F-note above.

E19 Previous affecting provision: term "genocide" inserted (18.12.1973) by *Genocide Act 1973* (28/1973), s. 6, commenced on enactment, substituted as per F-note above.

E20 Previous affecting provision: application of section extended (18.12.1973) by *Genocide Act 1973* (28/1973), s. 6, commenced on enactment.

E21 Previous related provision: section applied with modifications by *Health (Mental Services) Act 1981* (17/1981), s. 8(3), not commenced before repeal (1.11.2006) by *Mental Health Act 2001* (25/2001), s. 6 and sch., S.I. No. 411 of 2006.

Further power to take depositions.

14.—(1) F51**[**...**]**

Annotations

Amendments:

F51 Repealed (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 10(5), S.I. No. 193 of 2001.

Deposition as evidence. [1951, s. 9].

15.—(1) F52**[**...**]**

Annotations

Amendments:

F52 Repealed (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 10(5), S.I. No. 193 of 2001.

Power to exclude public. [1951, s. 20(1)(*a*)].

16.—(1) F53**[**...**]**

Annotations

Amendments:

F53 Repealed (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 10(5), S.I. No. 193 of 2001.

Prohibition of publication of proceedings. [cf. 1951, s. 20].

17.—(1) F54**[**...**]**

Annotations

Amendments:

F54 Repealed (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 10(5), S.I. No. 193 of 2001.

Inclusion of further counts in indictment.

18.—F55**[**...**]**

Annotations

Amendments:

F55 Repealed (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 10(5), S.I. No. 193 of 2001.

Amendment of Criminal Justice Act, 1951, and Criminal Justice (Legal Aid) Act, 1962.

19.—(1) Section 2 (2) of the Criminal Justice Act, 1951, is hereby amended by the substitution, for paragraph (*b*), of the following paragraph:

"(*b*) A person shall not be tried summarily for an offence specified in the First Schedule at reference numbers 1, 2, 3 or 9 or for an offence specified therein at reference number 8 or 15 which involves property the value of which, in the opinion of the Court, exceeds two hundred pounds or for an attempt to

commit any of the aforesaid offences unless the Attorney General has consented to his being so tried."

(2) The First Schedule to the Criminal Justice Act, 1951 (which specifies the indictable offences which may be tried summarily with the consent of the accused) is hereby amended—

(*a*) by the deletion of the matter set out at reference numbers 8, 14 and 15 and the insertion of—

"8. An offence under the Larceny Act, 1861.

14. An offence under section 25, 26, 27 or 28 of the Larceny Act, 1916.

15. An offence under any provision (other than sections 25, 26, 27 and 28) of the Larceny Act, 1916.";

(*b*) by the deletion of the matter set out at reference number 18;

(*c*) by the insertion of the following additional references:

"22. An offence under section 13 of the Debtors (Ireland) Act, 1872.

23. An offence under sections 20, 21, 22, 23 or 51 of the Malicious Damage Act, 1861."

(3) F56**[**...**]**

Annotations

Amendments:

F56 Repealed (31.07.1973) by *Criminal Procedure (Amendment) Act 1973* (16/1973), s. 3(3), commenced on enactment.

Consent of Attorney General.

20.—The consent of the Attorney General under any provision of this Part may be conveyed in writing signed by the Attorney General or orally by a person prosecuting at the suit of the Attorney General or appearing on his behalf.

PART III

REMAND

Annotations

Modifications (not altering text):

C32 Part applied with modifications (5.02.2021) by *Criminal Justice (Mutual Recognition of Decisions on Supervision Measures) Act 2020* (21/2020), s. 11(6), S.I. No. 15 of 2021.

Power of court to make supervision decision

11. ...

(6) (*a*) Subject to *subsection (3)*, where bail is granted under *subsection (2)* by the District Court, Part III of the Act of 1967 shall, with all necessary modifications, apply to such bail as that Part applies to bail granted under section 22 of that Act.

(*b*) An appeal may be made under section 28(3)(a) of the Act of 1967 against—

(i) a refusal by the District Court to make a supervision decision under *subsection (2)*, or

(ii) the supervision measures specified in a supervision decision made under *subsection (2)*.

Power to remand.

21.—Where an accused person is before the District Court in connection with an offence the Court may, subject to the provisions of this Part, remand the accused from time to time as occasion requires.

Remand in custody or on bail by the District Court.

22.—(1) Where the District Court remands a person or sends him forward for trial or sentence, the Court may—

(*a*) commit him to prison or other lawful custody, or

(*b*) release him conditionally on his entering into a recognisance, with or without sureties.

In this Part, references to "custody" are to a committal under paragraph (*a*) and references to "bail" are to a conditional release under paragraph (*b*).

F57**[**(1A) The Court may admit a person to bail without imposing a condition in the recognisance as to payment of moneys into court by the person if it considers it appropriate to do so, having regard to the circumstances of the case, including the means of the person and the nature of the offence in relation to which the person is in custody.**]**

F58**[**(1B) A recognisance to which subsection (1) applies may be taken by—

(*a*) any judge of the District Court, or

(*b*) any District Court clerk.**]**

F59**[**(2) The Court may, instead of taking a recognisance from a person in accordance with subsection (1)—

(*a*) determine the conditions to be contained in the recognisance, including the amount of any moneys to be paid into court under it, with a view to its being subsequently taken, and

(*b*) in the meantime commit the person concerned to custody in accordance with paragraph (*a*) of that subsection. **]**

F60**[**(3) A recognisance to which subsection (2) applies may be taken by—

(*a*) any judge of the District Court,

(*b*) any District Court clerk,

(*c*) a peace commissioner designated for that purpose by order of the Minister for Justice, Equality and Law Reform,

(*d*) the governor of a prison, or

(*e*) a prison officer designated for that purpose by the governor of a prison.**]**

(4) Where a person is brought before the Court after remand under subsection (1) the Court may further remand him.

F61**[**(5) In this section 'prison' has the same meaning as it has in the Prisons Act 2007.**]**

Annotations

Amendments:

F57 Inserted (1.07.2007) by *Criminal Justice Act 2007* (29/2007), s. 18(a), S.I. No. 236 of 2007.

F58 Inserted (4.12.2009) by *Courts and Court Officers Act 2009* (36/2009), s. 25, S.I. No. 477 of 2009.

F59 Substituted (1.07.2007) by *Criminal Justice Act 2007* (29/2007), s. 18(b), S.I. No. 236 of 2007.

F60 Substituted (25.10.2007) by *Criminal Procedure (Amendment) Act 2007* (36/2007), s. 1(a), commenced on enactment.

F61 Inserted (25.10.2007) by *Criminal Procedure (Amendment) Act 2007* (36/2007), s. 1(b), commenced on enactment.

Editorial Notes:

E22 Previous affecting provision: words inserted into subs. (3) (1.05.2007) by *Prisons Act 2007* (10/2007), s. 41(2), S.I. No. 10 of 2007;substituted as per F-note above.

E23 Previous affecting provision: subs. (3) substituted (1.07.2007) by *Criminal Justice Act 2007* (29/2007), s. 18(b), S.I. No. 236 of 2007; substituted as per F-note above.

Form of recognisance.

23.—(1) Where a person is remanded on bail under section 22 the recognisance shall be conditioned for his appearance before the Court at the end of the period of remand and at every place and time to which during the course of the proceedings the hearing may be adjourned.

(2) The fixing at any time of the time for the next appearance shall be deemed to be a remand.

(3) Nothing in subsection (1) or (2) shall deprive the Court of power at any subsequent hearing to remand him afresh.

Period of remand.

F62**[24.—** (1) The Court shall not remand a person, on the occasion of that person's first appearance before the Court charged with a particular offence, for a period exceeding eight days, except where this section otherwise provides.

(2) The Court may remand a person on bail for a period that is longer than eight days if the person and the prosecutor consent.

(3) The Court may remand a person in custody (other than on the occasion of that person's first appearance before the Court charged with a particular offence) for a period not exceeding fifteen days, save that where the Court is of opinion that in all the circumstances it would be unreasonable to remand the person in custody for a period of fifteen days, the period of remand shall be such period of less than fifteen days as the Court considers appropriate.

(4) The Court may remand a person in custody (other than on the occasion of that person's first appearance before the Court charged with a particular offence), for a period exceeding fifteen days but not exceeding thirty days, if the person and the prosecutor consent.

(5) F63**[**(*a*) If the Court is satisfied that a person who has been remanded in custody is unable to be brought before the Court at the expiration of the period of remand—

(i) by reason of illness or accident, or

(ii) for any other good and sufficient reason,

the Court may, in that person's absence, remand the person for such further period, which may exceed fifteen days, as the Court considers reasonable. **]**

(*b*) If the Court is satisfied that a person who has been remanded on bail is unable by reason of illness or accident to appear before the Court at the expiration of the period of remand, the Court may, in that person's absence, remand that person for such further period, which may exceed eight days, as the Court considers reasonable.

(6) (*a*) Where a person has been remanded in custody and there is no sitting of the Court on the day to which he has been remanded, that person shall stand so remanded to the sitting of the Court next held in the same District Court District.

(*b*) Where a person has been remanded on bail and there is no sitting of the Court on the day to which he has been remanded, that person shall stand so remanded to the sitting of the Court next held in the same District Court Area.**]**

Annotations

Amendments:

F62 Substituted (4.04.1997) by *Criminal Justice (Miscellaneous Provisions) Act 1997* (4/1997), s. 4, commenced as per s. 21.

F63 Substituted (1.09.2010) by *Criminal Procedure Act 2010* (27/2010), s. 37(c), S.I. No. 414 of 2010.

Editorial Notes:

E24 Previous affecting provision: subs. (5) substituted (12.07.1986) by *Courts (No.2) Act 1986* (26/1986), s. 8(2), commenced on enactment; substituted as per F-note above.

Remand to custody of Garda Síochána.

25.—(1) The Court may, where it remands a person in custody for a period not exceeding four days, commit him to the custody of a member of the Garda Síochána.

(2) Outside the Dublin Metropolitan Police District the Court, before so remanding him, shall satisfy itself that suitable facilities are available for the custody of such person during the period of remand.

Acceptance of deposit in lieu of sureties.

26.—Where a justice of the District Court F64**[**...**]** decides to admit to bail a person charged with an offence, he may direct that a sum of money equivalent to the amount of bail be accepted in lieu of a surety or sureties.

Annotations

Amendments:

F64 Deleted (15.05.2000) by *Bail Act 1997* (16/1997), s. 11(a), S.I. No. 118 of 2000.

Sufficiency of bailsmen.

27.—F65**[**...**]**

Annotations

Amendments:

F65 Repealed (15.05.2000) by *Bail Act 1997* (16/1997), s. 12, S.I. No. 118 of 2000.

Provisions as to admission to bail.

28.—(1) A justice of the District Court F66**[**...**]** shall admit to bail a person charged before him with an offence, other than an offence to which section 29 applies, if it appears to him to be a case in which bail ought to be allowed.

(2) Refusal of bail at a particular appearance before the District Court shall not prevent a renewal of the application for bail at a subsequent appearance or while the accused is in custody awaiting trial.

F67**[**(3) (*a*) An applicant for bail or the prosecutor may appeal to the High Court if dissatisfied with a refusal or grant of the application for bail or, where bail is granted, with any matter relating to the bail. **]**

(4) When a justice F68**[**...**]** grants bail to an accused person who is in custody that person shall, on completion of the recognisance, be released if he is in custody for no other cause than the offence in respect of which bail is granted.

Annotations

Amendments:

F66 Deleted (15.05.2000) by *Bail Act 1997* (16/1997), s.11(b)(i), S.I. No. 118 of 2000.

F67 Substituted (1.05.2009 para. (a) only) by *Criminal Justice Act 2007* (29/2007), s. 19, commenced as regards s. 28(3)(a) by *Criminal Justice Act 2007 (Commencement) Order 2009* (S.I. No. 165 of 2009), but not commenced as regards subs. (3)(b)-(d) as of 7.05.2013.

F68 Deleted (15.05.2000) by *Bail Act 1997* (16/1997), s. 11(b)(ii), S.I. No. 118 of 2000.

Modifications (not altering text):

C33 Subs. (3)(b), (c) and (d) inserted by *Criminal Justice Act 2007* (29/2007), s. 19, not commenced as of 7.05.2013.

F67**[**(3) (*a*) ...

(*b*) Where the applicant has been remanded in custody by the District Court and the offence with which the applicant is charged is triable by the Circuit Court, the High Court may transfer the appeal to the judge of the Circuit Court for the circuit in which the prison or place of detention to which the applicant has been remanded is situated.

(*c*) The judge of the Circuit Court referred to in paragraph (*b*) shall exercise jurisdiction in respect of the appeal.

(*d*) An appeal against a decision by the Circuit Court under this section lies to the High Court at the instance of the applicant or prosecutor.**]**

Editorial Notes:

E25 Subs. (3) was substituted by the *Criminal Justice Act 2007* (29/2007), s. 19. However, only subs.(3)(a) is commenced (see F-note above). This would appear to be sufficient to give effect to the substitution.

Bail in case of treason, murder and certain other offences.

29.—(1) This section applies to each of the following offences—

(*a*) treason,

(*b*) an offence under section 2 or 3 of the Treason Act, 1939,

(*c*) an offence under section 6, 7 or 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 Act, 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.

F69**[**(*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.**]**

F70**[**(*h*) an offence under the Criminal Justice (United Nations Convention against Torture) Act, 2000.**]**

F71**[**(*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.**]**

F72**[**(*j*) the offence of killing or attempted killing under paragraph (h) or (j) of section 2(1) of the Maritime Security Act 2004.**]**

F73**[**(*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.**]**

F74**[**(*l*) an offence under section 71, F75**[**71A,**]** 72 or 73 of the Criminal Justice Act 2006.**]**

(2) A person charged with an offence to which this section applies shall not be admitted to bail except by order of the High Court.

(3) If in the course of proceedings, including proceedings on appeal, in relation to the grant of bail to a person charged with an offence under paragraph (*a*), (*b*), (*c*) or (*e*) of subsection (1), application is made by the prosecutor, on the ground that the publication of any evidence or statement to be given or made during any part of the hearing would be prejudicial to the safety or preservation of the State, that that part of the proceedings should be *in camera*, the Court shall make an order to that effect, but the decision of the Court shall be announced in public.

Annotations

Amendments:

F69 Substituted (31.10.2006) by *International Criminal Court Act 2006* (30/2006), s. 66 and sch. para. 3(5)(b), commenced on enactment.

F70 Inserted (14.06.2000) by *Criminal Justice (United Nations Convention Against Torture) Act 2000* (11/2000), s. 8(b), commenced on enactment.

F71 Inserted (28.06.2000) by *Criminal Justice (Safety of United Nations Workers) Act 2000* (16/2000), s. 7(b), commenced on enactment.

F72 Inserted (19.07.2004) by *Maritime Security Act 2004* (29/2004), s. 10(b), commenced on enactment.

F73 Inserted (8.03.2005) by *Criminal Justice (Terrorist Offences) Act 2005* (2/2005), s. 59(b), commenced on enactment.

F74 Inserted (1.08.2006) by *Criminal Justice Act 2006* (26/2006), s. 78(b), S.I. No. 390 of 2006.

F75 Inserted (23.07.2009) by *Criminal Justice (Amendment) Act 2009* (32/2009), s. 17(b), commenced on enactment.

Editorial Notes:

E26 Previous affecting provision: subs. (1)(g) inserted (18.12.1973) by *Genocide Act 1973* (28/1973), s. 7, commenced on enactment; substituted by F-note above.

Endorsement on warrants as to release on bail.

30.—F76**[**...**]**

Annotations

Amendments:

F76 Repealed (15.05.2000) by *Bail Act 1997* (16/1997), s. 12, S.I. No. 118 of 2000.

Release on bail in certain cases by members of Garda Síochána. [1951, s. 14].

31.—F77**[**(1) Whenever a person is brought in custody to a Garda Síochána station by a member of the Garda Síochána, the sergeant or other member in charge of the station may, if he considers it prudent to do so and no warrant directing the detention of that person is in force, release him on bail and for that purpose take from him a recognisance, with or without sureties, for his due appearance—

(*a*) before the District Court at the next sitting thereof in the District Court Area in which that person has been arrested or at any subsequent sitting thereof in that District Court Area during the period of thirty days immediately following such next sitting, or

(*b*) in the case of the District Court in the Dublin Metropolitan District, before the next sitting of that Court or at any subsequent sitting thereof during the period of thirty days immediately following such next sitting.**]**

(2) The recognisance may be estreated in the like manner as a recognisance entered into before a justice is estreated.

F78**[**(3) If the recognisance is conditioned for the payment of a sum of money, that sum may be accepted in lieu of a surety or sureties.**]**

F79**[**(3A) Any recognisance taken under this section, or any sum of money accepted under this section in lieu of a surety or sureties, shall be given, by the member of the Garda Síochána taking the said recognisance or receiving the said sum of money, to the District Court clerk for the District Court Area in which the sitting of the Court to which the person has been remanded is situated.**]**

(4) This section does not apply to a person arrested under section 251 of the Defence Act, 1954, on suspicion of being a deserter or an absentee without leave from the Defence Forces.

F80**[**(5) The provisions of this section are without prejudice to the provisions of section 94 of the Children Act, 1908.**]**

Annotations

Amendments:

F77 Substituted (4.04.1997) by *Criminal Justice (Miscellaneous Provisions) Act 1997* (4/1997), s. 3(a), commenced as per s. 21.

F78 Substituted (18.05.2007) by *Criminal Justice Act 2007* (29/2007), s. 20, S.I. No. 236 of 2007.

F79 Inserted (4.04.1997) by *Criminal Justice (Miscellaneous Provisions) Act 1997* (4/1997), s. 3(c), commenced as per s. 21.

F80 Inserted (4.04.1997) by *Criminal Justice (Miscellaneous Provisions) Act 1997* (4/1997), s. 3(d), commenced as per s. 21.

Modifications (not altering text):

C34 Application of section extended under certain conditions by *Criminal Justice (Public Order) Act 1994* (2/1994), s. 23B(2) as inserted (1.08.2006) by *Criminal Justice Act 2006* (26/2006), s. 184, S.I. No. 390 of 2006.

Fixed charge offences.

23B.— ...

(2) Where—

(a) a person to whom this section applies is arrested and brought to a Garda Síochána station, and

(b) he or she is a person whom the member of the Garda Síochána in charge of the station is authorised by section 31 of the Criminal Procedure Act 1967 to release on bail,

the member may, instead of releasing the person on bail, release him or her unconditionally after serving on the person personally a notice in the prescribed form stating the matters specified in section 23A(5) or causing it to be so served.

...

C35 Application of section to children excluded (1.05.2002) by *Children Act 2001* (24/2001), ss. 68 and 254(3), S.I. No. 151 of 2002.

Release on bail by member of Garda Síochána.

68.— ...

(7) Section 31 (which deals with release on bail by members of the Garda Síochána) of the Criminal Procedure Act, 1967, shall cease to have effect in relation to a child.

...

Powers of arrest without warrant, etc.

254.— ...

(3) Section 68 (which empowers members of the Garda Síochána to release a child on bail in certain cases) shall apply to a child arrested under this section and section 31 of the Act of 1967 shall apply to an adult so arrested.

...

Editorial Notes:

E27 Previous affecting provision: the second sentence of subs. (3) was deleted (4.04.1997) by *Criminal Justice (Miscellaneous Provisions) Act 1997* (4/1997), s. 3(b), commenced as per s. 21; substituted as per F-note above.

Proceedings to estreat recognisance.

32.—Where a person has failed to appear before a court in accordance with his recognisance, any proceedings to estreat the recognisance shall be taken in that court.

Arrest of accused about to abscond.

33.—F81**[**...**]**

Annotations

Amendments:

F81 Repealed (15.05.2000) by *Bail Act 1997* (16/1997), s. 12, S.I. No. 118 of 2000.

Editorial Notes:

E28 Previous affecting provision: words "or a peace commissioner" deleted (15.05.2000) by *Bail Act 1997* (16/1997), s. 11(c), S.I. No. 118 of 2000.

PART IV

MISCELLANEOUS

F82[Reference of question of law to Supreme Court.

34.—(1) Where a person tried on indictment is acquitted (whether in respect of the whole or part of the indictment) the Attorney General in any case or, if he or she is the prosecuting authority in the trial, the Director of Public Prosecutions F83[may, without prejudice to the verdict or decision in favour of the accused person, refer a question of law arising during the trial to the Court of Appeal for determination or, in the case of a person who is tried on indictment in the Central Criminal Court, make application to the Supreme Court under Article 34.5.4° of the Constitution to refer a question of law arising during the trial to it for determination].

(2) Where a question of law is referred to F83[the Court of Appeal or the Supreme Court, as the case may be,] under subsection (1), the statement of the question shall be settled by the Attorney General or the Director of Public Prosecutions, as may be appropriate, after consultation with the trial judge concerned or, in the case of a Special Criminal Court, with the member of that Court who pronounced the decision of the Court in the trial concerned following consultation by that member with the other members of the Court concerned and shall include any observations which the judge or that member, as may be appropriate, may wish to add.

(3) For the purpose of considering a question referred to it under this section, F83[the Court of Appeal or the Supreme Court, as the case may be,] shall hear argument—

(*a*) by, or by counsel on behalf of, the Attorney General or the Director of Public Prosecutions, as may be appropriate,

(*b*) if the acquitted person so wishes, by counsel on his or her behalf or, with the leave of the Court, by the acquitted person himself or herself, and

(*c*) if counsel are assigned under subsection (4), such counsel.

(4) F83[The Court of Appeal or the Supreme Court, as the case may be,] shall assign counsel to argue in support of the decision if—

(*a*) the acquitted person waives his or her right to be represented or heard under subsection (3)(*b*), or

(*b*) notwithstanding the fact that the acquitted person exercises his or her right to be represented or heard under subsection (3)(*b*), the Court considers it desirable in the public interest to do so.

(5) F83[The Court of Appeal or the Supreme Court, as the case may be,] shall ensure, in so far as it is reasonably practicable to do so, that the identity of the acquitted person in proceedings F83[referred to in this section] is not disclosed in connection with the proceedings unless the person agrees to the use of his or her name in the proceedings.

F83**[**(6) If the acquitted person wishes to be represented in proceedings referred to in this section before the Court of Appeal or the Supreme Court, as the case may be, and a legal aid (appeal) certificate, or as the case may be, a legal aid (Supreme Court) certificate, is granted under subsection (7) or is deemed to have been granted under subsection (8), he or she shall be entitled to free legal aid in the preparation and presentation of any argument that he or she wishes to make to the Court of Appeal or the Supreme Court, as the case may be, and to have a solicitor and counsel assigned to him or her for that purpose in the manner prescribed by regulations under section 10 of the Criminal Justice (Legal Aid) Act 1962.**]**

F83**[**(7) The acquitted person may, in relation to proceedings referred to in this section, apply for a legal aid (appeal) certificate to the Court of Appeal or a legal aid (Supreme Court) certificate to the Supreme Court, as the case may be, either—

(a) by letter to the registrar of the Court of Appeal or, as the case may be, the registrar of the Supreme Court, setting out the facts of the case and the grounds of the application, or

(b) to the Court of Appeal, or the Supreme Court, itself, as the case may be,

and the Court concerned shall grant the certificate if (but only if) it appears to the Court that the means of the person are insufficient to enable him or her to obtain legal aid.**]**

(8) If a legal aid (trial on indictment) certificate was granted in respect of the acquitted person in relation to the trial on indictment concerned, F83**[**a legal aid (appeal) certificate or a legal aid (Supreme Court) certificate, as the case may be,**]** shall be deemed to have been granted in respect of him or her in relation to proceedings F83**[**referred to in**]** section.

(9) In this section 'legal aid (Supreme Court) certificate'F84**[**, 'legal aid (appeal) certificate'**]** and 'legal aid (trial on indictment) certificate' have the meanings they have in the Criminal Justice (Legal Aid) Act 1962.**]**

Annotations

Amendments:

F82 Substituted (1.08.2006) by *Criminal Justice Act 2006* (26/2006), s. 21, S.I. No. 390 of 2006.

F83 Substituted (28.10.2014) by *Court of Appeal Act 2014* (18/2014), ss. 47(a)-(h), S.I. No. 479 of 2014.

F84 Inserted (28.10.2014) by *Court of Appeal Act 2014* (18/2014), s. 47(i), S.I. No. 479 of 2014.

Editorial Notes:

E29 Previous affecting provision: appeal under section from the Central Criminal Court was made the exclusive means of appeal to the Supreme Court except for constitutional cases (29.12.1993) by *Criminal Procedure Act 1993* (40/1993), s. 11, commenced on enactment; repealed (28.10.2014) by *Court of Appeal Act 2014* (18/2014), s. 73 and sch. 1 item 8, S.I. No. 479 of 2014. Appeal under section from Central Criminal Court's decision to acquit made the exclusive means of appeal to the Supreme Court by *Courts and Court Officers Act 1995* (31/1995), s. 44, not commenced as of date of revision.

E30 Previous affecting provision: application of section extended (19.01.1975) by *Prosecution of Offences Act 1974* (22/1974), s. 3(4), S.I. No. 3 of 1975; superseded by substitution and F-note above.

Amendment of section 52 of Extradition Act, 1965.

35.—Section 52 of the Extradition Act, 1965, is hereby amended by the insertion of the following subsection:

"(2A) A recognisance may be taken from a person under this section by the member of the Garda Síochána into whose custody he has been committed."

Explanation of "imprisonment" in Part III of Extradition Act, 1965.

36.—In order to remove doubts it is hereby declared that references to imprisonment in Part III of the Extradition Act, 1965, whether in relation to the State or to any other place, include references to any form of lawful custody of the person affected.

Offences under the law of Scotland.

37.—F85**[...]**

Annotations

Amendments:

F85 Repealed (26.05.1999) by *Criminal Justice Act 1999* (10/1999), s. 32(5), commenced on enactment.

Offences under the laws of the Channel Islands.

38.—(1) This section applies in relation to the Channel Islands, namely, Jersey and the Bailiwick of Guernsey.

(2) For the purposes of Part III of the Extradition Act, 1965, an offence punishable under the law of Jersey or of any part of the Bailiwick of Guernsey by death or by imprisonment for a maximum period of at least six months shall be treated as being an indictable offence and not also a summary offence if it is certified by the Attorney General for Jersey or Guernsey, as the case may be, that the offence is an indictable offence and that it is punishable by death or by such imprisonment.

(3) A certificate appearing to be given by the appropriate Attorney General may without further evidence—

(*a*) be accepted by the Commissioner of the Garda Síochána,

(*b*) be admitted in any proceedings, unless the court sees good reason to the contrary,

as evidence of the matters so certified.

(4) In this section "Attorney General" includes a person for the time being exercising the functions of that office.

(5) This section shall be construed as one with Part III of the Extradition Act 1965.

Section 3.

SCHEDULE

Enactments Repealed

Session and Chapter or Number and Year	Short title	Extent of repeal
12 & 13 Vict. c. 69.	Indictable Offences (Ireland) Act, 1849.	In section 16, the words "within the Jurisdiction of such Justice", and "for the Prosecution". Sections 17 to 25 and 27.
14 & 15 Vict. c. 93.	Petty Sessions (Ireland) Act, 1851.	Section 9 (2). In section 13 the words "within the Jurisdiction of such Justice" and "for the Prosecution". Sections 13.6, 14 to 17 and 19.
4 & 5 Geo. 5 c. 58.	Criminal Justice Administration Act, 1914.	Sections 19, 20, 21 and 43 (1) (*d*).
No. 48 of 1936.	Courts of Justice Act, 1936.	In section 62, the words "to receive informations in relation to such charge or".
No. 2 of 1951.	Criminal Justice Act, 1951.	Section 3. In section 4, the words "or for an indictable offence dealt with under section 3 of this Act". Sections 9 and 14. Section 20 (1), (2).

Number 12 *of* 1967

CRIMINAL PROCEDURE ACT 1967

REVISED

Updated to 28 February 2022

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Criminal Procedure Act 2021* (7/2021)
- *Criminal Justice (Victims of Crime) Act 2017* (28/2017)
- *Legal Services Regulation Act 2015* (65/2015)
- *Customs Act 2015* (18/2015)
- *Companies Act 2014* (38/2014)
- *Court of Appeal Act 2014* (18/2014)

- *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* (11/2014)
- *Finance (No. 2) Act 2013* (41/2013)
- *Criminal Law (Human Trafficking) (Amendment) Act 2013* (24/2013)
- *Finance Act 2013* (8/2013)
- *Finance Act 2011* (6/2011)
- *Criminal Law (Insanity) Act 2010* (40/2010)
- *Prevention of Corruption (Amendment) Act 2010* (33/2010)
- *Dog Breeding Establishments Act 2010* (29/2010)
- *Criminal Procedure Act 2010* (27/2010)
- *Fines Act 2010* (8/2010)
- *Finance Act 2010* (5/2010)
- *Courts and Court Officers Act 2009* (36/2009)
- *Criminal Justice (Amendment) Act 2009* (32/2009)
- *Criminal Procedure (Amendment) Act 2007* (36/2007)
- *Criminal Justice Act 2007* (29/2007)
- *Consumer Protection Act 2007* (19/2007)
- *Prisons Act 2007* (10/2007)
- *International Criminal Court Act 2006* (30/2006)
- *Sea Pollution (Miscellaneous Provisions) Act 2006* (29/2006)
- *Criminal Justice Act 2006* (26/2006)
- *Criminal Law (Insanity) Act 2006* (11/2006)
- *Sea-Fisheries and Maritime Jurisdiction Act 2006* (8/2006)
- *Sea Pollution (Hazardous Substances) (Compensation) Act 2005* (9/2005)
- *Criminal Justice (Terrorist Offences) Act 2005* (2/2005)
- *Finance Act 2005* (5/2005)
- *Civil Liability and Courts Act 2004* (31/2004)
- *Maritime Security Act 2004* (29/2004)
- *Public Health (Tobacco) Act 2002* (6/2002)
- *Criminal Justice (Theft and Fraud Offences) Act 2001* (50/2001)
- *Prevention of Corruption (Amendment) Act 2001* (27/2001)
- *Children Act 2001* (24/2001)
- *Criminal Justice (Safety of United Nations Workers) Act 2000* (16/2000)
- *Criminal Justice (United Nations Convention Against Torture) Act 2000* (11/2000)
- *Criminal Justice Act 1999* (10/1999)
- *Finance Act 1999* (2/1999)
- *Air Navigation and Transport (Amendment) Act 1998* (24/1998)
- *Taxes Consolidation Act 1997* (39/1997)
- *Bail Act 1997* (16/1997)
- *Criminal Law Act 1997* (14/1997)
- *Criminal Justice (Miscellaneous Provisions) Act 1997* (4/1997)
- *Dumping at Sea Act 1996* (14/1996
- *Courts and Court Officers Act 1995* (31/1995)
- *Finance Act 1995* (8/1995)
- *Solicitors (Amendment) Act 1994* (27/1994)
- *Criminal Procedure Act 1993* (40/1993)
- *Criminal Justice Act 1993* (6/1993)
- *Criminal Evidence Act 1992* (12/1992)
- *Criminal Law (Rape) (Amendment) Act 1990* (32/1990)
- *Building Control Act 1990* (3/1990)
- *Bankruptcy Act 1988* (27/1988)
- *Data Protection Act 1988* (25/1998)
- *Broadcasting and Wireless Telegraphy Act 1988* (19/1988)
- *Air Navigation and Transport Act 1988* (15/1988)
- *Finance Act 1988* (12/1988)
- *Dublin Transport Authority (Dissolution) Act 1987* (34/1987)
- *International Carriage of Perishable Foodstuffs Act 1987* (20/1987)
- *Air Pollution Act 1987* (6/1987)
- *Courts (No.2) Act 1986* (26/1986)
- *Dublin Transport Authority Act 1986* (15/1986)
- *Canals Act 1986* (3/1986)
- *Criminal Justice Act 1984* (22/1984)
- *Control of Exports Act 1983* (35/1983)
- *Postal and Telecommunication Services Act 1983* (24/1983)
- *Finance Act 1983* (15/1983)
- *Companies (Amendment) Act 1983* (13/1983)
- *Local Government (Planning and Development) Act 1982* (21/1982)

- *Transport (Tour Operators and Travel Agents) Act 1982* (3/1982)
- *Merchant Shipping Act 1981* (33/1981)
- *Fire Services Act 1981* (30/1981)
- *Health (Mental Services) Act* (17/1981)
- *Criminal Law (Rape) Act 1981* (10/1981)
- *Dumping At Sea Act 1981* (8/1981)
- *Casual Trading Act 1980* (43/1980)
- *Pyramid Selling Act 1980* (27/1980)
- *Trading Stamps Act 1980* (23/1980)
- *Packaged Gods (Quantity Control) Act 1980* (11/1980)
- *Fisheries Act 1980* (1/1980)
- *Merchant Shipping (Certification of Seamen) Act 1979* (37/1979)
- *Occasional Trading Act 1979* (35/1979)
- *Housing (Miscellaneous Provisions) Act 1979* (27/1979)
- *Health (Family Planning) Act 1979* (20/1979)
- *Tribunals of Inquiry (Evidence) (Amendment) Act 1979* (3/1979)
- *Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Act 1978* (27/1978)
- *Fisheries (Amendment) Act 1978* (18/1978)
- *Criminal Law (Jurisdiction) Act 1976* (14/1976)
- *Prosecution of Offences Act 1974* (22/1974)
- *Genocide Act 1973* (28/1973)
- *Criminal Procedure (Amendment) Act 1973* (16/1973)
- *Courts of Justice Act 1924* (10/1924)

All Acts up to and including *Maritime Area Planning Act 2021* (50/2021), enacted 23 December 2021, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *European Union (Birds and Natural Habitats) (Sea-fisheries) Regulations 2013* (S.I. No. 290 of 2013)
- *European Union (Textile Fibre Names and Related Labelling and Marking of the Fibre Composition of Textile Products) Regulations 2012* (S.I. No. 142 of 2012)
- *European Communities (Names and Labelling of Textile Products) Regulations 2010* (S.I. No. 485 of 2010)
- *European Communities (Habitats and Birds) (Sea-fisheries) Regulations 2009* (S.I. No. 346 of 2009)
- *European Communities (Pre-packed Products) Regulations 2008* (S.I. No. 566 of 2008)
- *Criminal Procedure Act 1967 (Commencement of Section 3 and Parts II and III) Order 1967* (S.I. No. 182 of 1967)

All statutory instruments up to and including *Criminal Procedure Act 2021 (Commencement) Order 2022* (S.I. No. 79 of 2022), made 23 February 2022, were considered in the preparation of this revision.