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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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:—

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.

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3.—Each of the enactments mentioned in the Schedule is hereby repealed to the extent specified in the third column.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

F3[PART IA

PROCEEDINGS RELATING TO INDICTABLE OFFENCES**]**

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**]**.**]**

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.**]**

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.**]**

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.**]**

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.**]**

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.**]**

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.**]**

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.**]**

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.**]**

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.**]**

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).**]**

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).**]**

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.**]**

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.**]**

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.**]**

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.**]**

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.**]**

PART II

F31**[**Guilty Pleas and Other Matters**]**

Procedure.

5.—F32**[**...**]**

Documents to be served on accused.

6.—F33**[**...**]**

Preliminary examination.

7.—F34**[**...**]**

Decision on preliminary examination.

8.—F35**[**...**]**

Witness order.

9.—F36**[**...**]**

Witness summons.

10.—F37**[**...**]**

Additional documents.

11.—F38**[**...**]**

Waiver by accused of preliminary examination.

12.—(1) F39**[**...**]**

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.

Further power to take depositions.

14.—(1) F51**[**...**]**

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

15.—(1) F52**[**...**]**

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

16.—(1) F53**[**...**]**

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

17.—(1) F54**[**...**]**

Inclusion of further counts in indictment.

18.—F55**[**...**]**

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**[**...**]**

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

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.**]**

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.**]**

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.

Sufficiency of bailsmen.

27.—F65**[**...**]**

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.

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.

Endorsement on warrants as to release on bail.

30.—F76**[**...**]**

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.**]**

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**[**...**]**

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.**]**

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**[**...**]**

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 not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

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. 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.