



Number 8 of 2017

Courts Act 2017



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COURTS ACT 2017

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[No. 8.]

Courts Act 2017.

[2017.]

ACTS REFERRED TO

Courts (No. 3) Act 1986 (No. 33)

Courts (Supplemental Provisions) Acts 1961 to 2015

Road Traffic Act 2010 (No. 25)

Road Traffic Act 2016 (No. 21)



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COURTS ACT 2017

An Act to amend the Courts (No. 3) Act 1986 in respect of the issue of summonses in relation to offences; to provide for the issuing of summonses under that Act in respect of certain offences alleged to have been committed by members of the Garda Síochána; and to provide for related matters. [17th May, 2017]

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act “Act of 1986” means the Courts (No. 3) Act 1986.

Amendment of section 1 of Act of 1986

2. Section 1 of the Act of 1986 is amended—

(a) by the insertion of the following subsection after subsection (2):

“(2A) (a) The issue of a summons by electronic means in accordance with subsection (2) shall be deemed to have been effected where the appropriate office transmits by electronic means all of the information necessary to create the summons in an automatic manner and, accordingly, the issue of the summons shall be deemed to have occurred on the date of such transmission.

(b) The validity of a summons, the issue of which is deemed to have been effected in the manner specified in paragraph (a), shall not be affected by reason of the date of its issue falling on a date that is earlier than the date of its creation.

(c) Where the procedure for the issue of a summons specified in paragraph (a) is used and more than one document is created in an automatic manner in respect of the same alleged offence and each document so created is identical to each other document so created as to both form and content, then, each such document shall be the summons.

(d) A reference in this subsection to the creation in an automatic manner of a summons shall be construed as a reference to the creation of the summons on paper in legible form by electronic means.”,

(b) by the insertion of the following subsection after subsection (4):

“(4A) This section shall not operate to prevent—

- (a) a transmission under subsection (2) (including one that effects the issue of a summons in accordance with subsection (2A)) containing information relating to different summonses, or
- (b) a transmission under subsection (4) containing more than one application referred to in subsection (3).”

(c) by the insertion of the following subsection after subsection (8):

“(8A) Where the issue of a summons is effected in accordance with subsection (2A), references in any enactment relating to the service of summonses shall—

- (a) in the case of references to an original summons (whether the references employ the word ‘summons’ or the expression ‘original document’), be construed as references to a summons to which subsection (2A) applies, and
- (b) in the case of references to a true copy of a summons, be construed as references to a summons to which subsection (2A) applies.”

(d) by the substitution of the following subsection for subsection (9):

“(9) In any proceedings it shall be presumed, unless the contrary is shown, that—

- (a) a document purporting to be a summons is a summons duly applied for and issued, and
- (b) the date specified in the summons as being the application date is the application date.”

and

(e) by the insertion of the following subsection after subsection (9) (inserted by paragraph (d)):

“(9A) In any proceedings it shall be presumed, unless the contrary is shown, that a summons to which subsection (2A) applies was created in an automatic manner on the basis of information transmitted as specified in paragraph (a) of that subsection.”

Summons in respect of certain offences alleged to have been committed by member of Garda Síochána

3. (1) Notwithstanding any other enactment or rule of law, a summons may be issued under and in accordance with the Act of 1986 in respect of a fixed charge offence within the meaning of Part 3 (amended by Part 5 of the Road Traffic Act 2016) of the Act of 2010 in the circumstances provided for by the Act of 2010 where the fixed charge

offence is alleged to have been committed by a person who is a member of the Garda Síochána.

- (2) In this section “Act of 2010” means the Road Traffic Act 2010.

Short title, collective citation, construction and commencement

- 4.** (1) This Act may be cited as the Courts Act 2017.
- (2) The Courts (Supplemental Provisions) Acts 1961 to 2015 and this Act may be cited together as the Courts (Supplemental Provisions) Acts 1961 to 2017 and shall be construed together as one.
- (3) This Act shall come into operation on such day or days as the Minister for Justice and Equality may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.