



AN BILLE UM NÓS IMEACHTA COIRIÚIL, 1995
CRIMINAL PROCEDURE BILL, 1995

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Commencement.
3. Repeals.
4. Interpretation.
5. Procedure for preparation for trial of indictable offences.
6. Documents to be served on accused.
7. Amendment of section 20 of Criminal Justice Act, 1984.
8. Commencement of trial.
9. Application for transfer of trial.

SCHEDULE

ACTS REFERRED TO

Criminal Justice Act, 1984	1984, No. 22
Criminal Law (Jurisdiction) Act, 1976	1976, No. 14
Criminal Law (Rape) (Amendment) Act, 1990	1990, No. 32
Criminal Procedure Act, 1967	1967, No. 12
Larceny Act, 1916	6 & 7 Geo. 5, c. 50
Misuse of Drugs Acts, 1977 and 1984	



AN BILLE UM NÓS IMEACHTA COIRIÚIL, 1995
CRIMINAL PROCEDURE BILL, 1995

BILL

entitled

5 AN ACT TO PROVIDE FOR THE PROMPT HEARING OF
CRIMINAL TRIALS AND TO ESTABLISH A NEW PRO-
CEDURE FOR THE PREPARATION FOR TRIAL OF
INDICTABLE OFFENCES AND FOR THIS AND OTHER
10 PURPOSES TO AMEND CRIMINAL LAW AND ADMIN-
ISTRATION.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—This Act may be cited as the Criminal Procedure Act, 1995. Short title.

2.—This Act shall come into operation on such day as the Minister Commencement.
for Justice appoints.

15 3.—Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of the Repeals.
Criminal Procedure Act, 1967 are hereby repealed as of the date
appointed by the Minister for Justice under *section 2* of this Act.

4.—In this Act “the prosecutor”, in relation to an offence, means Interpretation.
the person by whom the offence is being prosecuted, being the Direc-
20 tor of Public Prosecutions, a person prosecuting at the suit of the
Director of Public Prosecutions or a person authorised by law to
prosecute.

5.—(1) Where an accused person is before the District Court Procedure for
charged with an indictable offence the Judge shall, not later than the preparation for trial
25 second appearance by the accused person before the court in respect of indictable
of that charge, conduct an examination into whether the case is one offences.
which will be tried on indictment or by summary hearing.

(2) If, on the conclusion of the examination, the Judge is satisfied
that the case must be heard on indictment (by reason of the election
30 of the accused or the prosecutor in accordance with law or by reason
of a finding that the offence is not a minor offence fit to be tried
summarily) he shall forthwith send the accused person forward to
the appropriate court for trial.

(3) A case which has been sent forward to the appropriate court
35 for trial pursuant to *subsection (2)* of this section shall be listed for

mention before the court of trial not later than 14 days from the date of the District Court order returning the accused person for trial.

(4) On the date upon which the case is first listed for mention before the court of trial, or on a subsequent date not later than 28 days from the date on which the case was first listed for mention before the court of trial, the prosecutor shall cause the documents specified in *section 6* of this Act to be served on the accused. 5

Documents to be served on accused.

6.—(1) The prosecutor shall cause the following documents to be served on the accused—

(a) a statement of the charges against him, 10

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

(c) a list of witnesses whom it is proposed to call at the trial,

(d) a statement of the evidence that is to be given by each of them, and 15

(e) a list of exhibits (if any).

(2) Copies of the documents shall also be furnished to the Court.

(3) The accused shall have the right to inspect all exhibits.

(4) A prosecutor may cause to be served on the accused and furnished to the Court, not later than 7 days before the date for trial, or if after 7 days before the trial not without the leave of the Court granted after hearing an application by the prosecutor grounded on affidavit setting out the reason why the evidence was not previously served, a further statement of the evidence to be given by any witness a statement of whose evidence has already been supplied. 20 25

(5) On the hearing of an application of the type mentioned in *subsection (4)* of this section, the Court shall not grant leave to serve the further statement of evidence unless it is satisfied that there is a good and substantial reason as to why the evidence could not have been served earlier and that the interest of justice requires that the evidence be allowed. 30

Amendment of section 20 of Criminal Justice Act, 1984.

7.—(1) Section 20 of the Criminal Justice Act, 1984 is hereby amended in *subsection (3)* by the substitution of the following for paragraphs (a), (b) and (c):

“by notice served by the prosecutor on the accused at the time of service of the documents required by *section 6* of the *Criminal Procedure Act, 1995*.”. 35

(2) Section 20 of the Criminal Justice Act, 1984 is hereby amended by the substitution of the following subsection for *subsection (6)*:

“(6) A notice under *subsection (1)* shall be given in writing to the solicitor for the prosecutor.”. 40

(3) Section 20 of the Criminal Justice Act, 1984 is hereby amended in *subsection (8)* by the substitution of the following for paragraphs (a), (b), (c) and (d) of the definition of “prescribed period”:

“the period of 14 days from the service of the documents required by *section 6* of the *Criminal Procedure Act, 1995* on the accused person.”. 45

8.—(1) A trial of any offence specified in the *Schedule* to this Act shall commence not later than 90 days from the date of the accused person's first appearance before the District Court unless a Judge of the High Court grants an extension of that period on the hearing of an application by either the prosecutor or the accused. Commencement of trial.

(2) On the hearing of any application for an extension of the time within which a trial must commence the High Court Judge shall not grant an extension unless he is satisfied by evidence presented on affidavit, or orally if directed by the Judge, that there is a good and substantial reason as to why the extension should be granted and that the interests of justice require that such an extension be granted.

(3) No extension granted on the hearing of an application under subsection (2) of this section shall be for a period greater than 30 days.

(4) Either the prosecutor or the accused may make more than one application under subsection (2) of this section.

9.—(1) Either the prosecutor or the accused may, in respect of any case which has been returned for trial to a Circuit Criminal Court, apply to the High Court for an order directing the transfer of that trial from the Circuit Criminal Court to the Central Criminal Court. Application for transfer of trial.

(2) At the hearing of an application made under subsection (1) of this section the High Court shall not make an order transferring the case for trial unless it is satisfied that, by reason of the seriousness and complexity of the charge or by reason of there being a substantial point of law of public importance involved in the case, the interests of justice require that the trial be held before the Central Criminal Court.

SCHEDULE

Section 8.

OFFENCES TO WHICH section 8 RELATES

1. Rape.
2. Rape contrary to section 4 of the Criminal Law (Rape) (Amendment) Act, 1990.
3. Aggravated sexual assault contrary to section 3 of the Criminal Law (Rape) (Amendment) Act, 1990.
4. Robbery contrary to section 23 of the Larceny Act, 1916 as inserted by section 5 of the Criminal Law (Jurisdiction) Act, 1976.
5. Possession of a controlled drug for the purposes of sale or supply contrary to section 15 of the Misuse of Drugs Acts, 1977 and 1984.

AN BILLE UM NÓS IMEACHTA COIRIÚIL,
1995

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú chun trialacha coiriúla a éisteacht go pras agus do bhunú nós imeachta nua chun cionta indíotáilte a ullmhú le haghaidh trialach agus chun na críche sin agus chun críoch eile do leasú an dlí choiriúil agus a riaracháin.

An Teachta Seán Ó Donnchú a thug isteach

*Ordaíodh ag Dáil Éireann a chlóbhualadh,
8 Meitheamh, 1995*

CRIMINAL PROCEDURE BILL, 1995

BILL

(as initiated)

entitled

An Act to provide for the prompt hearing of criminal trials and to establish a new procedure for the preparation for trial of indictable offences and for this and other purposes to amend criminal law and administration.

Introduced by Deputy John O'Donoghue

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