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**AN BILLE UM CHEARTAS COIRIÚIL (FORÁLACHA  
ILGHNÉITHEACHA), 1996**  
**CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS)**  
**BILL, 1996**

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*Mar a ritheadh ag dhá Theach an Oireachtais  
As passed by both Houses of the Oireachtas*

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**ARRANGEMENT OF SECTIONS**

**Section**

1. Interpretation.
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4. Extending periods of remand in custody.
5. Jurisdiction of District Court and place of remand.
6. Certificates of evidence relating to certain matters.
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8. Consent of Director of Public Prosecutions to summary disposal of certain offences.
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10. Search warrants in relation to serious offences.
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12. Amendment of section 28 of Criminal Justice Act, 1984.
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14. Amendment of section 32 of Act of 1994.
15. Amendment of Act of 1994.
16. Amendment of section 2 of Criminal Evidence Act, 1992.
17. Amendment of section 23 of Act of 1951.
18. Amendment of section 15 of Act of 1951.
19. Power to make Prison Rules.
20. Amendment of Courts Act, 1971.
21. Commencement.
22. Expenses.
23. Repeal of enactments.
24. Short title.

**FIRST SCHEDULE**

**SECOND SCHEDULE**

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# ACTS REFERRED TO

Children Act, 1908	8 Edw. 7. c.67
Courts Act, 1971	1971, No. 36
Courts (No. 2) Act, 1986	1986, No. 26
Courts and Court Officers Act, 1995	1995, No. 31
Courts of Justice Act, 1924	1924, No. 10
Courts of Justice Act, 1953	1953, No. 32
Criminal Evidence Act, 1992	1992, No. 12
Criminal Justice Act, 1951	1951, No. 2
Criminal Justice Act, 1960	1960, No. 27
Criminal Justice Act, 1984	1984, No. 22
Criminal Justice Act, 1993	1993, No. 6
Criminal Justice Act, 1994	1994, No. 15
Criminal Justice (Legal Aid) Act, 1962	1962, No. 12
Criminal Law Act, 1976	1976, No. 32
Criminal Law Amendment Act, 1885	48 & 49 Vict. c.69
Criminal Law Amendment Act, 1935	1935, No. 6
Criminal Law (Incest Proceedings) Act, 1995	1995, No. 12
Criminal Law (Rape) (Amendment) Act, 1990	1990, No. 32
Criminal Law (Sexual Offences) Act, 1993	1993, No. 20
Criminal Procedure Act, 1967	1967, No. 12
General Prisons (Ireland) Act, 1877	40 & 41 Vict. c.49
Penal Servitude (Ireland) Act, 1891	54 & 55 Vict. c.69
Prisons Acts, 1826 to 1956	
Prisons (Ireland) Act, 1907	7 Edw. 7. c.19
Prisons (Visiting Committees) Act, 1925	1925, No. 11
Probation of Offenders Act, 1907	7 Edw. 7. c.17
Punishment of Incest Act, 1908	8 Edw. 7. c.45
Road Traffic Act, 1961	1961, No. 24
Road Traffic (Amendment) Act, 1984	1984, No. 16





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# BILL

5

*entitled*

AN ACT TO AMEND THE LAW RELATING TO PRO-  
CEEDINGS IN CRIMINAL MATTERS IN THE DISTRICT  
COURT, FOR THAT AND OTHER PURPOSES TO  
10 AMEND THE COURTS OF JUSTICE ACT, 1924, THE  
CRIMINAL JUSTICE ACT, 1951, THE CRIMINAL PRO-  
CEDURE ACT, 1967, AND OTHER ENACTMENTS, TO  
GIVE EFFECT TO ARTICLE 11 OF COUNCIL DIREC-  
TIVE 91/308/EEC OF 10 JUNE 1991 OF THE COUNCIL OF  
15 THE EUROPEAN COMMUNITIES ON PREVENTION OF  
THE USE OF THE FINANCIAL SYSTEM FOR THE PUR-  
POSE OF MONEY LAUNDERING, TO MAKE PRO-  
VISION FOR THE AFFIXING OF A SEAL TO ORDERS  
OF THE DISTRICT COURT, TO ENABLE THE MINISTER  
20 FOR JUSTICE TO MAKE RULES FOR THE REGU-  
LATION AND GOOD GOVERNMENT OF PRISONS, AND  
TO PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act—

Interpretation.

25 “Act of 1924” means the Courts of Justice Act, 1924;

“Act of 1951” means the Criminal Justice Act, 1951;

“Act of 1967” means the Criminal Procedure Act, 1967;

“Act of 1994” means the Criminal Justice Act, 1994;

“member” means a member of the Garda Síochána.

30 (2) A reference in this Act to a subsection, paragraph or subpara-  
graph is a reference to the subsection, paragraph or subparagraph of  
the provision in which the reference occurs, unless it is indicated that  
reference to some other provision is intended.

35 (3) A reference in this Act to an enactment shall be construed as  
a reference to that enactment as amended or adapted, whether  
before or after the commencement of this section, by or under any  
subsequent enactment, including this Act.



2.—The Criminal Justice Act, 1984, is hereby amended, in section 4—

(a) by the insertion in subsection (2), after “without warrant”,  
of “or pursuant to an authority of a judge of the District  
Court under section 10 (1)”,

(b) by the substitution of the following subsections for subsection (5): 5

“(5) If at any time during the detention of a person  
pursuant to this section there are no longer reasonable  
grounds for believing that his detention is necessary for  
the proper investigation of the offence to which the  
detention relates, he shall, subject to subsection (6), be 10  
released from custody forthwith unless he is charged or  
caused to be charged with an offence and is brought  
before a court as soon as may be in connection with such  
charge or his detention is authorised apart from this Act. 15

(6) If at any time during the detention of a person pur-  
suant to this section a member of the Garda Síochána,  
with reasonable cause, suspects that person of having  
committed an offence to which this section applies, other  
than an offence to which the detention relates, and the 20  
member of the Garda Síochána then in charge of the  
Garda Síochána station has reasonable grounds for  
believing that the continued detention of that person is  
necessary for the proper investigation of that other  
offence, the person may continue to be detained in 25  
relation to the other offence as if that offence was the  
offence for which the person was originally detained.”

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

“(8A) Where a person detained pursuant to subsection 30  
(2) is taken to a court in connection with an appli-  
cation relating to the lawfulness of his detention, the time  
during which he is absent from the station for that pur-  
pose shall be excluded in reckoning a period of detention  
permitted by this section.”, and 35

(d) by the substitution, in subsection (9), of “subsection (6), (8)  
or (8A)” for “subsection (6) or (8)”.

Station bail.

3.—Section 31 of the Act of 1967 is hereby amended by—

(a) the substitution of the following subsection for subsection  
(1): 40

“(1) Whenever a person is brought in custody to a  
Garda Síochána station by a member of the Garda Síoch-  
ána, 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, 45  
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 there-  
of in the District Court Area in which that per- 50  
son has been arrested or at any subsequent sit-



ting thereof in that District Court Area during the period of thirty days immediately following such next sitting, or

- 5 (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.”,

(b) the deletion of the second sentence in subsection (3),

- 10 (c) the insertion of the following subsection:

15 “(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.”, and

(d) by the insertion of the following subsection:

- 20 “(5) The provisions of this section are without prejudice to the provisions of section 94 of the Children Act, 1908.”.

4.—The Act of 1967 is hereby amended by the substitution of the following section for section 24 (amended by section 8 (2) of the Courts (No. 2) Act, 1986):

Extending periods of remand in custody.

- 25 “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.

- 30 (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.

- 35 (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.

- 40 (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.

- 45 (5) (a) If the Court is satisfied that a person who has been remanded in custody is unable by reason of illness or accident to be brought 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 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. 5 10

(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. 15

(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.". 20

Jurisdiction of District Court and place of remand.

5.—(1) Notwithstanding section 27 (3) of the Courts of Justice Act, 1953, the court before which a person first appears charged with a particular offence or a judge of the District Court exercising jurisdiction under subsection (2) of section 79 of the Act of 1924 (inserted by section 41 of the Courts and Court Officers Act, 1995) may remand that person in custody to appear at a sitting of the District Court ("alternative court") in the District Court District in which the prison or place of detention where he or she is to be held in custody is situated or a District Court District adjoining the first-mentioned District Court District. 25 30

(2) The alternative court may, from time to time, as occasion requires, further remand a person, referred to in subsection (1) of the said section 79, in custody or on bail, to that court or to another alternative court.

(3) An alternative court shall, for the purposes of the conduct of a preliminary examination under the Act of 1967 in relation to a person, or, as the case may be, the trial of a person, remand the person to a sitting of the court in the District Court District— 35

(a) in which the offence to which the preliminary examination or trial relates was committed, or 40

(b) in which the person resides or was arrested.

(4) The said section 79 is hereby amended by the substitution of the following subsection for subsection (3):

"(3) A judge of the District Court exercising jurisdiction under subsection (2) shall not have jurisdiction to— 45

(a) conduct a preliminary examination under the provisions of the Criminal Procedure Act, 1967, or

(b) try an accused for an offence,



unless that jurisdiction is exercised in the District Court District—

(i) in which the offence was committed, or

(ii) in which the accused resides or was arrested.”.

5 (5) Subsection (4) of the said section 79 shall not apply to an alternative court.

(6) Section 2 of the Criminal Justice (Legal Aid) Act, 1962, is hereby amended by the substitution of the following subsection for subsection (1):

10 “(1) If it appears to the District Court before which a person is charged with an offence or an alternative court within the meaning of *section 5 of the Criminal Justice (Miscellaneous Provisions) Act, 1997* before which a person is appearing—

15 (a) that the means of the person before it are insufficient to enable him to obtain legal aid, and

(b) that by reason of the gravity of the offence with which he is charged or of exceptional circumstances it is essential in the interests of justice that he should have legal aid in the preparation and conduct of his defence before it,

20 the said District Court or the alternative court, as may be appropriate, shall, on application being made to it in that behalf, grant a certificate, in respect of him, for free legal aid (in this Act referred to as a legal aid (District Court) certificate) and thereupon he shall be entitled to such aid and to have a solicitor and (where he is charged with murder and the said District Court or the alternative court, as the case may be, thinks fit) counsel assigned to him for that purpose in such manner as may be prescribed by regulations under section 10 of this Act.”.

30 6.—(1) Where a person, who has been arrested otherwise than under a warrant, first appears before the District Court charged with an offence, a certificate purporting to be signed by a member and stating that that member did, at a specified time and place, any one or more of the following namely—

Certificates of evidence relating to certain matters.

35 (a) arrested that person for a specified offence,

(b) charged that person with a specified offence, or

(c) cautioned that person upon his or her being arrested for, or charged with, a specified offence,

shall be admissible as evidence of the matters stated in the certificate.

40 (2) In any criminal proceedings a certificate purporting to be signed by a member and stating that—

(a) that member did any one or more of the following namely—

(i) commenced duty, or replaced a specified member on duty, at a specified time at a place—



- (I) where the offence to which such proceedings relate is alleged to have been committed,
- (II) adjacent to the place referred to in *clause 1* of this subparagraph, or
- (III) containing evidence of the offence to which the proceedings relate, 5

or

- (ii) remained on duty at a place referred to in *subparagraph (i)* until a specified time or until replaced at a specified time by a specified member, 10

or

- (b) in relation to a place referred to in *paragraph (a)* no person entered upon that place during a specified period without the permission of that member and that no evidence at that place was disturbed while he or she was on duty at that place, 15

shall be admissible as evidence of the matters stated in the certificate.

(3) Where a person enters upon a place referred to in *paragraph (a)* of *subsection (2)* at a time when a member is on duty at that place, a certificate referred to in the said subsection shall state the name of that person and the purpose for which that person was permitted to enter upon that place. 20

(4) In any criminal proceedings the court may, if it considers that the interests of justice so require, direct that oral evidence of the matters stated in a certificate under this section be given, and the court may for the purpose of receiving oral evidence adjourn the proceedings to a later date. 25

(5) A certificate under this section shall be tendered in evidence by a member not below the rank of sergeant.

(6) Upon the laying of a charge sheet and recognisance before the District Court, the court shall require the person (if any) present and to whom the charge sheet and recognisance relate, to identify himself or herself, and accordingly, on being so required, the person shall identify himself or herself, as the case may be, to the court. 30

(7) The Minister for Justice may, by regulations, prescribe the form of a certificate under this section. 35

Recording of evidence.

7.—The Act of 1924 is hereby amended by the substitution of the following section for section 33:

“33. (1) The appeal, in case such certificate or leave to appeal is granted, shall be heard and determined by the Court of Criminal Appeal (‘the court’) on— 40

- (a) a record of the proceedings at the trial and on a transcript thereof verified by the judge before whom the case was tried, and



5 (b) where the trial judge is of opinion that the record or transcript referred to in *paragraph (a)* of this subsection does not reflect what took place during the trial, a report by him as to the defects which he considers such record or transcript, as the case may be, contains,

with power to the court to hear new or additional evidence, and to refer any matter for report by the said judge.

10 (2) Where the court is of opinion that either the record or the transcript thereof is defective in any material particular, it may determine the appeal in such manner as it considers, in all the circumstances, appropriate.

(3) In this section, 'record' includes, in addition to a record in writing—

15 (a) shorthand notes, or a disc, tape, soundtrack or other device in which information, sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in legible or audible form,

20 (b) a film tape or other device in which visual images are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in visual form, and

(c) a photograph.

(4) Section 97 of the Act of 1924 is hereby repealed.”.

25 8.—Section 2 of the Act of 1951 (amended by section 19 of the Act of 1967) is hereby amended by the substitution of the following subsection for subsection (2):

Consent of Director of Public Prosecutions to summary disposal of certain offences.

“(2) The District Court may try summarily a person charged with a scheduled offence if—

30 (a) the Court is of opinion that the facts proved or alleged constitute a minor offence fit to be tried summarily,

35 (b) the accused, on being informed by the Court of his right to be tried with a jury, does not object to being tried summarily, and

(c) the Director of Public Prosecutions consents to the accused being tried summarily for such offence.”.

9.—Section 8 of the Act of 1951 is hereby amended by the substitution of the following subsection for subsection (1):

Consent of Director of Public Prosecutions to other offences being taken into consideration in awarding punishment.

40 “(1) Where a person, on being convicted of an offence, admits himself guilty of any other offence and asks to have it taken into consideration in awarding punishment, the Court may, if the Director of Public Prosecutions consents, take it into consideration accordingly.”.



10.—(1) A judge of the District Court, on hearing evidence on oath given by a member not below the rank of inspector, may, if he or she is satisfied that there are reasonable grounds for suspecting that evidence of, or relating to the commission of—

- (a) an indictable offence involving the death of or serious bodily injury to any person, 5
- (b) an offence of false imprisonment,
- (c) an offence of rape, or
- (d) an offence under an enactment set out in the *First Schedule* to this Act, 10

is to be found in any place, issue a warrant for the search of that place and any persons found at that place.

(2) A warrant under this section shall be expressed to and shall operate to authorise a named member, accompanied by any other member, to enter, within one week of the date of issuing of the warrant (if necessary by the use of reasonable force), the place named on the warrant, and to search it and any persons found at that place and seize anything found at that place, or anything found in the possession of a person present at that place at the time of the search, which the said member reasonably believes to be evidence of or relating to an offence referred to in *subsection (1)*. 15 20

(3) A member acting under the authority of a warrant under this section may—

- (a) require any person present at the place where the search is carried out to give to the member his or her name and address, and 25
- (b) arrest otherwise than on foot of a warrant any person—
  - (i) who obstructs or attempts to obstruct that member in the carrying out of his or her duties,
  - (ii) who fails to comply with a requirement under *paragraph (a)*, or 30
  - (iii) who gives a name or address which the member has reasonable cause for believing is false or misleading.

(4) A person who obstructs or attempts to obstruct a member acting under the authority of a warrant under this section, who fails to comply with a requirement under *paragraph (a)* of *subsection (3)* or who gives a false name or address to a member shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500, or to imprisonment for a period not exceeding 6 months, or to both. 35 40

(5) The power to issue a warrant under this section is in addition to and not in substitution for any other power to issue a warrant for the search of any place or person.

(6) In this section—

“commission” in relation to an offence, includes an attempt to commit such offence; and 45

“place” includes a dwelling.



11.—(1) A power under any enactment, whether passed before or after the passing of this Act, to take the fingerprints or palmprints of any person shall include the power to record an image of that person's fingerprints or palmprints by electronic means or in any other manner.

Electronic recording of fingerprints and palmprints.

(2) A photograph, or an image of any fingerprint or palmprint attached to or contained in a certificate purporting to be signed by the member who took such photograph or recorded such image and stating that—

(a) the said photograph is that of a specified person, or

(b) the said image is that of the fingerprint or palmprint, as the case may be, of a specified person,

and was taken or recorded, as the case may be, by the said member, shall, unless the contrary is proved, be evidence of the matters stated in the certificate.

12.—The Criminal Justice Act, 1984, is hereby amended by the substitution of the following section for section 28:

Amendment of section 28 of Criminal Justice Act, 1984.

"Taking of fingerprints, palmprints or photographs of person dealt with under Probation of Offenders Act, 1907, or convicted.

28. (1) Where a person, on being prosecuted for an indictable offence, is the subject of an order under subsection (1) or (2) of section 1 of the Probation of Offenders Act, 1907, or is convicted and otherwise dealt with, a member of the Garda Síochána may—

(a) at any convenient place, take the fingerprints, palmprints or photograph of that person, within 7 days of the making of such order or his being convicted, or

(b) require, in writing, that person to attend, within 7 days of the making of such order or his being convicted, at a named Garda Síochána station for the purpose of having his fingerprints, palmprints or photograph taken:

Provided that where a person has made it impracticable for his fingerprints, palmprints or photograph to be taken within the said period of 7 days, a member of the Garda Síochána may require (or in the case of a person attending a Garda Síochána station pursuant to a requirement under this section, further require) in writing, that person to attend at a named Garda Síochána station on a specified day for the purpose of having his fingerprints, palmprints or photograph taken.

(2) A member of the Garda Síochána may take the fingerprints, palmprints or photograph of a person on his attendance at a Garda Síochána station pursuant to a requirement under this section.



(3) The provisions of section 8 shall apply to fingerprints, palmprints or photographs taken pursuant to this section of a person who is the subject of an order under subsection (1) or (2) of section 1 of the Probation of Offenders Act, 1907, as they apply to fingerprints, palmprints or photographs taken in pursuance of the powers conferred by section 6. 5

(4) Any person who refuses to comply with a requirement under this section or to allow his fingerprints, palmprints or photograph to be taken pursuant to this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months or to both.”. 10 15

Extension of section 8 of Criminal Law Act, 1976.

13.—Section 8 of the Criminal Law Act, 1976, is hereby amended by the insertion in subsection (1), after paragraph (j), of the following paragraph:

“(k) an offence under section 112 (2) of the Road Traffic Act, 1961 (substituted by section 3 (7) of the Road Traffic (Amendment) Act, 1984).”.

Amendment of section 32 of Act of 1994.

14.—Section 32 of the Act of 1994 is hereby amended by the insertion of the following subsections:

“(9A) A designated body shall, in relation to the carrying on of its business, adopt measures to prevent and detect the commission of an offence under section 31 of this Act. 25

(9B) Measures adopted under subsection (9A) of this section shall include—

(a) the establishment of procedures to be followed by directors or other officers, and employees in the conduct of the business of the designated body, 30

(b) the giving of instructions to directors or other officers, and employees on the application of Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering<sup>1</sup>, and on the effect of Part IV of this Act and sections 57 and 58 of this Act, and 35

(c) the training of directors or other officers, and employees for the purpose of enabling them to identify transactions which may relate to the commission of an offence under section 31 of this Act, and the giving of instructions to them on how a director, other officer or employee should proceed once he or she, as the case may be, has identified such a transaction. 40 45

<sup>1</sup> O.J. No. L 166/77, 28 June, 1991



(9C) In subsection (9B) of this section references to 'directors', 'officers' or 'employees' shall be construed as references to directors, officers or employees, as the case may be, of a designated body."

5     **15.—The Act of 1994 is hereby amended by—**

Amendment of Act  
of 1994.

- (a) the substitution of the following subsection for subsection (4) of section 55:

10                     “(4) No application for a warrant under this section, or for an order under section 63 of this Act as adapted by subsection (2) of this section, shall be made except in pursuance of a direction given by the Minister in response to a request received by him from the government of a country in relation to which this section applies, or a person acting on the authority of such government, and made on behalf of—

15                     (a) a court or tribunal exercising criminal jurisdiction in the country in question or a prosecuting authority in that country, or

20                     (b) any other authority in that country which appears to the Minister to be an appropriate authority for the purposes of this section,

25                     and any evidence seized or obtained by a member of the Garda Síochána by virtue of this section shall be furnished by him to the Minister for transmission to the government or person concerned or, if that government or person so requests, to the court, tribunal or authority for which it has been seized or obtained.”, and

- (b) the addition in Part VII of the following new section:

30                     “Revenue offences.     56A. (1) For the avoidance of doubt it is hereby declared that, in relation to an offence under the law of a country or territory other than the State, references in Part VII to an offence shall be construed as including references to a revenue offence.

35                     (2) In this section ‘revenue offence’ means an offence in connection with taxes, duties or exchange control.”.

40     **16.—Section 2 of the Criminal Evidence Act, 1992, is hereby amended by the substitution of the following definition for the definition of “sexual offence”:**

Amendment of  
section 2 of  
Criminal Evidence  
Act, 1992.

45                     “‘sexual offence’ means rape, an offence under section 3 of the Criminal Law (Sexual Offences) Act, 1993, sexual assault (within the meaning of section 2 of the Criminal Law (Rape) (Amendment) Act, 1990), aggravated sexual assault (within the meaning of section 3 of that Act), rape under section 4 of the Criminal Law (Rape) (Amendment) Act, 1990 or an offence under—

- (a) section 3 (as amended by section 8 of the Act of 1935) or 6 (as amended by section 9 of the Act of 1935) of the Criminal Law Amendment Act, 1885,



- (b) section 4 of the Criminal Law (Sexual Offences) Act, 1993,
  - (c) section 1 (as amended by section 12 of the Criminal Justice Act, 1993 and section 5 of the Criminal Law (Incest Proceedings) Act, 1995) or 2 (as amended by section 12 of the Act of 1935) of the Punishment of Incest Act, 1908, 5
  - (d) section 17 (as amended by section 11 of the Act of 1935) of the Children Act, 1908,
  - (e) section 1 or 2 of the Act of 1935, or
  - (f) section 5 of the Criminal Law (Sexual Offences) Act, 1993,
- excluding an attempt to commit any such offence;". 10

Amendment of  
section 23 of Act of  
1951.

17.—The Act of 1951 is hereby amended by—

- (a) the deletion of subsection (3) of section 23, and
- (b) the insertion of the following section:

"23A (1) The Government, may by order, delegate to the Minister for Justice any power of the Government under section 23 of this Act. 15

(2) The Government may, by order, revoke an order under this section."

Amendment of  
section 15 of Act of  
1951.

18.—The Act of 1951 is hereby amended by the substitution of the following section for section 15 (substituted by section 26 of the Criminal Justice Act, 1984): 20

"15. (1) A person arrested pursuant to a warrant shall on arrest be brought, as soon as practicable, before a judge of the District Court having jurisdiction to deal with the offence concerned. 25

(2) A person arrested without warrant shall, on being charged with an offence, be brought, as soon as practicable, before a judge of the District Court having jurisdiction to deal with the offence concerned.

(3) Where a person is arrested pursuant to a warrant later than the hour of 5 o'clock on any evening or, having been arrested without warrant, is charged after that hour and a judge of the District Court is due to sit in the District Court District in which the person was arrested not later than noon on the following day, it shall be sufficient compliance with subsection (1) or (2) of this section, as the case may be, if he is brought before a judge of the District Court sitting in that District Court District at the commencement of the sitting. 30 35

(4) If the accused is remanded on bail and there and then finds bail, the case shall be remitted to the next sitting of the District Court. 40

(5) In any other event, the case shall be remitted to a sitting of the District Court at a named place to be held within a period not exceeding 8 days of the arrest.



(6) This section is without prejudice to the provisions of any enactment relating to proceedings after arrest or charge in particular cases.”.

19.—(1) The Minister for Justice may make rules for the regulation  
5 and good government of prisons. Power to make  
Prison Rules.

(2) For the purposes of this section “prison” means a place of custody administered by the Minister for Justice.

(3) Without prejudice to the generality of the foregoing, rules under this section may provide for—

10 (a) the duties and conduct of the governor and officers of a prison,

(b) the classification of persons detained in a prison,

(c) the treatment of persons detained in a prison, including the diet, clothing, maintenance, employment, instruction, discipline and correction of such persons,  
15

(d) the provision of facilities and services to persons detained in prison, including educational facilities, medical services, and services relating to the general moral and physical welfare of such persons,

20 (e) the imposition of penalties by the governor of a prison or an officer of that prison acting on his or her behalf for such breaches of prison discipline as may be specified in such rules by persons detained in a prison,

(f) remission for good conduct of a portion of a convicted person’s sentence,  
25

(g) the photographing and measuring of persons detained in a prison and the taking of fingerprints and palmprints from such persons during their detention in a prison.

(4) The governor of a prison or an officer of that prison acting on  
30 his or her behalf may furnish the Garda Síochána with copies of photographs, measurements, fingerprints or palmprints obtained in accordance with rules made under this section.

(5) Section 3 of the Prisons (Visiting Committees) Act, 1925, is hereby amended by the substitution of the following subsection for  
35 subsection (3):

“(3) An appeal from a decision of the governor of a prison or an officer of that prison acting on his or her behalf to impose a penalty on a person, in accordance with rules made under section 19 of the *Criminal Justice (Miscellaneous Provisions) Act, 1997*, may be heard by a visiting committee subject to and in accordance with rules made under this Act.”.  
40

(6) Subsection (3) of section 13 of the Criminal Justice Act, 1960, is hereby amended by—



- (a) the substitution of the following paragraph for paragraph (a):

“(a) the Prisons Acts, 1826 to 1956 (other than section 12 of the General Prisons (Ireland) Act, 1877, the Prisons (Ireland) Act, 1907, and section 8 of the Penal Servitude (Ireland) Act, 1891) and the rules made thereunder, whether made before or after the commencement of this Act,”

and

- (b) the insertion of the following paragraph: 10

“(aa) rules made under section 19 of the *Criminal Justice (Miscellaneous Provisions) Act, 1997*, and”.

(7) Rules made under this section shall be laid before each House of the Oireachtas as soon as may be after they are made, and if a resolution annulling the rules is passed by either such House within the next 21 days on which that House has sat after the rules are laid before it, the rules shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 15

(8) Rules made under section 12 of the General Prisons (Ireland) Act, 1877, and the Prisons (Ireland) Act, 1907, and regulations made under section 8 of the Penal Servitude (Ireland) Act, 1891, that were in force immediately before the commencement of this Act, shall continue in force as if made under this section and may be amended or revoked accordingly. 20

Amendment of  
Courts Act, 1971.

20.—The Courts Act, 1971, is hereby amended by— 25

- (a) the insertion of the following section:

“District Court  
seal.

13A. (1) The District Court shall, as soon as may be after the passing of the *Criminal Justice (Miscellaneous Provisions) Act, 1997*, provide itself with one or, as may be appropriate, more than one seal— 30

(a) in respect of each District Court Area,  
and

(b) in respect of the Dublin Metropolitan  
District, 35

for use in the District Court Area concerned or the Dublin Metropolitan District, as the case may be.

(2) A seal under this section shall be inscribed with the number of the District Court District and the name of the District Court Area to which it relates or, in the case of the Dublin Metropolitan District, with the name of that District. 40

(3) Where there is more than one seal in respect of a District Court Area each such seal shall, in addition to the number it is required to bear under subsection (2), bear a number distinguishing it from all other seals in respect of that District Court Area. 50



(4) Each seal in respect of the Dublin Metropolitan District shall, in addition to the name it is required to bear under subsection (2), bear a number distinguishing it from all other seals in respect of that District.

(5) Rules of court may make provision for the custody of a seal under this section.”

and

(b) the substitution of the following section for section 14:

“14. (1) In any legal proceedings regard shall not be had to any record, relating to a decision of a judge of the District Court in any case of summary jurisdiction, other than an order which, when an order is required, shall be drawn up by the District Court clerk and either—

(a) signed by the judge who made the order, or

(b) affixed with the seal of the District Court in respect of the District Court Area in which the order was made or, where the order was made by a judge of the District Court sitting in the Dublin Metropolitan District, affixed with the seal of that District,

or a copy thereof certified in accordance with rules of court.

(2) A seal of the District Court when affixed to an order drawn up in accordance with this section shall be authenticated by the signature of the judge who made the order or the District Court clerk who drew up the order.”

21.—Sections 3 to 10, 12 and 18 shall come into operation one month after the passing of this Act. Commencement.

22.—The expenses incurred by the Minister for Justice in the administration of this Act, shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses.

23.—The enactments specified in the *Second Schedule* to this Act are hereby repealed. Repeal of enactments.

24.—This Act may be cited as the Criminal Justice (Miscellaneous Provisions) Act, 1997. Short title.



Section 10.

## FIRST SCHEDULE

Number and Year (1)	Enactment (2)	
8 Edw.7. c.45	Section 1 of the Punishment of Incest Act, 1908	
No. 6 of 1935	Sections 1 and 2 of the Criminal Law Amendment Act, 1935	5
No. 32 of 1990	Sections 3 and 4 of the Criminal Law (Rape) (Amendment) Act, 1990	
No. 20 of 1993	Sections 3 and 5 of the Criminal Law (Sexual Offences) Act, 1993	

Section 23.

## SECOND SCHEDULE

10

Number and Year (1)	Enactment (2)	
40 & 41 Vict. c.49	Section 12 of the General Prisons (Ireland) Act, 1877	
54 & 55 Vict. c.69	Section 8 of the Penal Servitude (Ireland) Act, 1891	
7 Edw. 7. c.19	Section 1 of the Prisons (Ireland) Act, 1907	15



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## BILLE

*dá ngairtear*

Acht do leasú an dlí a bhaineann le himeachtaí in ábhair choiriúla sa Chúirt Dúiche, chun na críche sin agus chun críoch eile do leasú an Achta Cúirteanna Breithiúnais, 1924, an Achta um Cheartas Coiriúil, 1951, an Achta um Nós Imeachta Coiriúil, 1967, agus acht-achán eile, do thabhairt éifeachta d'Airteagal 11 de Threoir na Comhairle 91/308/CEE an 10 Meitheamh 1991 ó Chomhairle na gComhphobal Eorpach maidir le cosc a chur le húsáid an chórais airgeadais le haghaidh sciúradh airgid, do dhéanamh socrú chun séala a ghreamú d'orduithe Cúirte Dúiche, dá chumasú don Aire Dlí agus Cirt rialacha a dhéanamh maidir le rialáil agus dea-rialú príosún, agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*Ritheadh ag dhá Theach an Oireachtais,  
26 Feabhra, 1997*

## BILL

*entitled*

An Act to amend the law relating to proceedings in criminal matters in the District Court, for that and other purposes to amend the Courts of Justice Act, 1924, the Criminal Justice Act, 1951, the Criminal Procedure Act, 1967, and other enactments, to give effect to Article 11 of Council Directive 91/308/EEC of 10 June 1991 of the Council of the European Communities on prevention of the use of the financial system for the purpose of money laundering, to make provision for the affixing of a seal to orders of the District Court, to enable the Minister for Justice to make rules for the regulation and good government of prisons, and to provide for related matters.

*Passed by both Houses of the Oireachtas,  
26th February, 1997*

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
4 - 5 BÓTHAR FHEARCHAIR, BAILE ÁTHA CLIATH 2,  
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