



DÁIL ÉIREANN

AN BILLE UM CHEARTAS COIRIÚIL 2004 CRIMINAL JUSTICE BILL 2004

LEASUITHE COISTE COMMITTEE AMENDMENTS

SECOND ADDITIONAL LIST TO SECOND
COMPOSITE LIST OF AMENDMENTS
DATED 16TH MAY 2006

DÁIL ÉIREANN

AN BILLE UM CHEARTAS COIRIÚIL 2004 —ROGHCHOISTE

CRIMINAL JUSTICE BILL 2004 —SELECT COMMITTEE

Leasuithe Breise agus Ionadacha Additional and Substitute Amendments

**References to section numbers, indicated in amendments by an asterisk, are to sections inserted by other amendments in the list.*

SECTION 24

237. In page 25, before section 24, but in Part 4, to insert the following new section:

“New section 257F
in Act of 2001.

160.—The following section is inserted in the Act of 2001 after section 257E:

“Offences.

257F.—(1) A child commits an offence who—

- (a) fails to give a name and address when required to do so under section 257B(4) or gives a name or address that is false or misleading in response to that requirement, or
- (b) without reasonable excuse, does not comply with a behaviour order to which the child is subject.

(2) A member of the Garda Síochána may arrest a child without warrant if the member has reasonable grounds to believe that the child has committed an offence under subsection (1)(b).

(3) A child who is guilty of an offence under this section is liable on summary conviction—

- (a) in the case of an offence under subsection (1)(a), to a fine not exceeding €200, and
- (b) in the case of an offence under subsection (1)(b), to a fine not exceeding €800 or detention in a children detention school for a period not exceeding 3 months or both.

(4) If a child is ordered to pay a fine and costs on conviction of an offence under subsection (1)(b), the aggregate of the fine and costs shall not exceed €1,500.”.”

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[This amendment is in substitution for amendment no.237 on the second composite list of amendments circulated on the 16th of May 2006.]

[SECTION 24]

Amendment to Amendment No. 237

1.

In the inserted section 257F(2), to delete “the Garda Síochána” and substitute “an Garda Síochána”.

—Jim O’Keeffe.

SECTION 27

a251a. In page 28, before section 27, to insert the following new section:

“Exercise of certain powers by judge of District Court outside district court district.”

27.—The Courts (Supplemental Provisions) Act 1961 is amended by the insertion of the following section after section 32:

“Exercise of certain powers by judge of District Court outside district court district.”

32A.—(1) This section applies to the following powers of a judge of the District Court:

- (a) the power to issue a warrant for the arrest of a person;
- (b) the power to issue a warrant to a member of the Garda Síochána or, if appropriate, any other person authorising the entry to, and search of, any place or premises (including a dwelling) and, if appropriate, the search of any person found at such place or premises for all or any of the following purposes:
 - (i) the gathering of evidence of, or relating to, the commission or attempted commission of any criminal offence;
 - (ii) the gathering of evidence of, or relating to, the contravention in any other respect of any provision of an enactment;
 - (iii) ascertaining whether there is or has been compliance with any provision of an enactment;
 - (iv) the gathering of evidence of, or relating to, assets or proceeds deriving from criminal conduct (within the meaning of section 1(1) of the Criminal Assets Bureau Act 1996) or to their identity or whereabouts;
- (c) the power to make an order, upon the application of a member of the Garda Síochána or, if appropriate, any other person, directing another person to produce, make available for inspection or to give access to any particular document, material or thing, or documents, material or things of a particular description, for the purposes of investigating—
 - (i) any criminal offence,

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- (ii) whether there is or has been a contravention in any other respect of any provision of an enactment, or
- (iii) whether a person has benefited from assets or proceeds deriving from criminal conduct (within the meaning of section 1(1) of the Criminal Assets Bureau Act 1996) or is in receipt of or controls such assets or proceeds.

(2) A judge of the District Court may, in relation to a relevant district, exercise while in any place in the State outside that relevant district any of the powers to which this section applies for the time being conferred on him or her by law if, but only if, he or she would be entitled to exercise the power concerned at a sitting of the District Court in that relevant district.

(3) Without prejudice to the generality of paragraph (b) of subsection (1) of this section, a warrant may fall within that paragraph notwithstanding that the warrant or the power under which it is issued authorises all or any of the following:

- (a) the entry, if necessary by the use of force, to a place or premises (including a dwelling);
- (b) the doing of acts in addition to the acts specified in subsection (1)(b) of this section;
- (c) the execution of the warrant by a person other than the member of the Garda Síochána or, if appropriate, any other person to whom it is issued;
- (d) the accompaniment of the person executing the warrant by any other persons during the execution thereof.

(4) Without prejudice to the generality of paragraph (c) of subsection (1) of this section, an order may fall within that paragraph notwithstanding that the order or the power under which it is made authorises all or any of the following:

- (a) a member of the Garda Síochána or any other person to enter a place for the purpose of inspecting or getting access to any document, material or thing or documents, material or things of a particular description;
- (b) the execution of the order by a person other than the member of the Garda Síochána or, if appropriate, any other person who applies for it;
- (c) the retention, or copying, for the purposes of proceedings (criminal or civil) by a member of the Garda Síochána or any other person of any document, material or thing, or documents, material or things of a particular description, produced, made available for inspection or to which access is given.

(5) In this section—

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‘enactment’ means a statute or an instrument made under a power conferred by statute;

‘district’ means a district court district;

‘relevant district’, in relation to a judge of the District Court, means a district—

- (a) to which he or she is permanently assigned under paragraph 2 of the Sixth Schedule to this Act,
- (b) to which he or she is temporarily assigned under subparagraph (1) or (2) of paragraph 3 of the said Schedule, or
- (c) in relation to which he or she is acting in the circumstances specified in subparagraph (1), (2) or (3) of paragraph 4 of the said Schedule for another judge of the District Court who is permanently assigned to the district.”

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 37

284a. In page 37, line 8, to delete “the courthouse in which” and substitute “the place where”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.