



# **DÁIL ÉIREANN**

---

## **AN BILLE UM CHEARTAS COIRIÚIL 2004 CRIMINAL JUSTICE BILL 2004**

### **LEASUITHE A RINNE AN SEANAD AMENDMENTS MADE BY THE SEANAD**

---



# DÁIL ÉIREANN

---

## AN BILLE UM CHEARTAS COIRIÚIL 2004 CRIMINAL JUSTICE BILL 2004

---

*Leasuithe a rinne an Seanad  
Amendments made by the Seanad*

---

### SECTION 5

1. In page 16, subsection (8)(a), line 40, “practicable.” deleted and the following substituted:

“practicable but a failure to record the direction shall not by itself render any evidence inadmissible.”.

### SECTION 6

2. In page 20, line 18, “includes a dwelling” deleted and the following substituted:

“means a physical location and includes—

- (a) a dwelling, residence, building or abode,
- (b) a vehicle, whether mechanically propelled or not,
- (c) a vessel, whether sea-going or not,
- (d) an aircraft, whether capable of operation or not, and
- (e) a hovercraft”.

### SECTION 42

3. In page 54, lines 19 to 21, all words from and including “term” in line 19 down to and including “and” in line 21 deleted and the following substituted:

“term as the court may determine, subject to subsections (4) to (6) of this section or, where subsection (8) of this section applies, to that subsection, and”.

4. In page 55, line 20, “Subsections (2)” deleted and “Subsections (4)” substituted.

5. In page 55, line 21, after “effect”, “only” inserted.

[ SECTION 42 ]

6. In page 55, lines 28 to 39 deleted and the following substituted:

“(8) Where a person (except a person under the age of 18 years)—

(a) is convicted of a second or subsequent offence under this section,

(b) is convicted of a first offence under this section and has been convicted of an offence under section 26, 27, 27A or 27B of the Firearms Act 1964 or section 12A of the Firearms and Offensive Weapons Act 1990,

the court shall, in imposing sentence, specify a term of imprisonment of not less than 10 years as the minimum term of imprisonment to be served by the person.”.

SECTION 57

7. In page 63, lines 15 to 17, all words from and including “term” in line 15 down to and including “and” in line 17 deleted and the following substituted:

“term as the court may determine, subject to subsections (4) to (6) of this section or, where subsection (8) of this section applies, to that subsection, and”.

8. In page 64, line 19, “Subsections (2)” deleted and “Subsections (4)” substituted.

9. In page 64, line 20, after “effect”, “only” inserted.

10. In page 64, lines 27 to 39 deleted and the following substituted:

“(8) Where a person (except a person under the age of 18 years)—

(a) is convicted of a second or subsequent offence under this section,

(b) is convicted of a first offence under this section and has been convicted of an offence under section 15 of the Principal Act, section 27, 27A or 27B of this Act or section 12A of the Firearms and Offensive Weapons Act 1990,

the court shall, in imposing sentence, specify a term of imprisonment of not less than 5 years as the minimum term of imprisonment to be served by the person.”.

SECTION 58

11. In page 65, lines 17 to 19, all words from and including “term” in line 17 down to and including “and” in line 19 deleted and the following substituted:

“term as the court may determine, subject to subsections (4) to (6) of this section or, where subsection (8) of this section applies, to that subsection, and”.

[ SECTION 58 ]

12. In page 66, line 19, “Subsections (2)” deleted and “Subsections (4)” substituted.

13. In page 66, line 20, after “effect”, “only” inserted.

14. In page 66, lines 27 to 39 deleted and the following substituted:

“(8) Where a person (except a person under the age of 18 years)—

(a) is convicted of a second or subsequent offence under this section,

(b) is convicted of a first offence under this section and has been convicted of an offence under section 15 of the Principal Act, section 26, 27A or 27B of this Act or section 12A of the Firearms and Offensive Weapons Act 1990,

the court shall, in imposing sentence, specify a term of imprisonment of not less than 10 years as the minimum term of imprisonment to be served by the person.”.

SECTION 59

15. In page 67, lines 7 to 9, all words from and including “term” in line 7 down to and including “and” in line 9 deleted and the following substituted:

“term as the court may determine, subject to subsections (4) to (6) of this section or, where subsection (8) of this section applies, to that subsection, and”.

16. In page 68, line 9, “Subsections (2)” deleted and “Subsections (4)” substituted.

17. In page 68, line 10, after “effect”, “only” inserted.

18. In page 68, lines 17 to 28 deleted and the following substituted:

“(8) Where a person (except a person under the age of 18 years)—

(a) is convicted of a second or subsequent offence under this section,

(b) is convicted of a first offence under this section and has been convicted of an offence under section 15 of the Principal Act, section 26, 27 or 27B of this Act or section 12A of the Firearms and Offensive Weapons Act 1990,

the court shall, in imposing sentence, specify a term of imprisonment of not less than 5 years as the minimum term of imprisonment to be served by the person.”.

[ SECTION 60 ]

SECTION 60

19. In page 69, lines 5 to 7, all words from and including “term” in line 5 down to and including “and” in line 7 deleted and the following substituted:

“term as the court may determine, subject to subsections (4) to (6) of this section or, where subsection (8) of this section applies, to that subsection, and”.

20. In page 70, line 7, “Subsections (2)” deleted and “Subsections (4)” substituted.

21. In page 70, line 8, after “effect”, “only” inserted.

22. In page 70, lines 15 to 26 deleted and the following substituted:

“(8) Where a person (except a person under the age of 18 years)—

(a) is convicted of a second or subsequent offence under this section,

(b) is convicted of a first offence under this section and has been convicted of an offence under section 15 of the Principal Act, section 26, 27 or 27A of this Act or section 12A of the Firearms and Offensive Weapons Act 1990,

the court shall, in imposing sentence, specify a term of imprisonment of not less than 5 years as the minimum term of imprisonment to be served by the person.”.

SECTION 65

23. In page 72, lines 37 and 38, all words from and including “term” in line 37 down to and including “and” in line 38 deleted and the following substituted:

“term as the court may determine, subject to subsections (9) to (11) of this section or, where subsection (13) of this section applies, to that subsection, and”.

24. In page 73, line 41, “Subsections (7)” deleted and “Subsections (9)” substituted.

25. In page 73, line 42, after “effect”, “only” inserted.

[ SECTION 65 ]

26. In page 73, lines 49 and 50 and in page 74, lines 1 to 9 deleted and the following substituted:

“(13) Where a person (except a person under the age of 18 years)—

(a) is convicted of a second or subsequent offence under this section,

(b) is convicted of a first offence under this section and has been convicted of an offence under section 15 of the Principal Act or section 26, 27A or 27B of the Firearms Act 1964,

the court shall, in imposing sentence, specify a term of imprisonment of not less than 5 years as the minimum term of imprisonment to be served by the person.”.

SECTION 84

27. In page 86, paragraph (a), lines 17 to 19 deleted and the following substituted:

“(ii) by the substitution of the following paragraph for paragraph (a):

“(a) to imprisonment for life or such shorter period as the court may determine, subject to subsections (3B) to (3CC) of this section or, where subsection (3CCCC) of this section applies, to that subsection, and”.

28. In page 86, line 41, “Subsections (3A)” deleted and “Subsections (3B)” substituted.

29. In page 86, line 42, after “effect”, “only” inserted.

30. In page 87, line 1, “A person” deleted and “Where a person” substituted.

31. In page 87, line 3, “who” deleted.

32. In page 87, line 6, “who” deleted.

33. In page 87, lines 9 and 10 deleted and the following substituted:

“the court shall, in imposing sentence, specify as the minimum period of imprisonment to be served by that person a period of not less than 10 years.”.

[ SECTION 148 ]

SECTION 148

**34.** In page 128, line 36, “educational” deleted and “education” substituted.

NEW SECTION

**35.** In page 164, before Schedule 1, the following new section inserted:

“Amendment of  
section 13 of the  
Criminal Law  
(Insanity) Act 2006.

197.—(1) Section 13 of the Criminal Law (Insanity) Act 2006 is amended by the deletion of subsection (1).

(2) Accordingly the following consequential amendments to that section have effect:

- (a) subsections (2) to (10) are renumbered as subsections (1) to (9);
- (b) in the renumbered subsection (4), “subsection (3)” is substituted for “subsection (4)” where it occurs;
- (c) in the renumbered subsection (6), “subsection (5)” is substituted for “subsection (6)” where it occurs; and
- (d) in the renumbered subsection (9), “subsection (7) or (8)” is substituted for “subsection (8) or (9)”.