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**BILLE NA gCÚIRTEANNA (CLÁR PIANBHREITHEANNA)  
2006**  
**COURTS (REGISTER OF SENTENCES) BILL 2006**

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*Mar a tionscnaíodh  
As initiated*

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**ARRANGEMENT OF SECTIONS**

**Section**

1. Short title.
2. Definition.
3. Commencement.
4. Register of sentences.
5. Maintenance of the Register.
6. Access to the Register.

ACTS REFERRED TO

Courts Service Act 1998

1998, No. 8

Freedom of Information Acts 1997 to 2003



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# **BILL**

5 *entitled*

AN ACT TO ESTABLISH A REGISTER OF SENTENCES.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—This Act may be cited as the Courts (Register of Sentences) Short title.  
Act 2006.

10 2.—In this Act— Definition.

“Freedom of Information Acts” means the Freedom of Information  
Acts 1997 to 2003;

15 “law terms” refers to the four periods (to wit Michaelmas, Hilary,  
Easter and Trinity) of prescribed sittings for the Superior Courts, as  
defined in Order 118, rule 1 of the Rules of the Superior Courts;

“the Register” means the Register of Sentences established by  
*section 4*;

“the Service” means the body established by the Courts Service  
Act 1998;

20 “time already served” means the period of time, prior to conviction,  
during which the convicted person was detained in custody without  
bail and which is counted against a custodial sentence.

25 3.—This Act shall come into force on such day as the Minister Commencement.  
shall by order appoint, but shall come into force within one year of  
its passing into law.

4.—(1) On the establishment day, a comprehensive register of Register of  
sentences, to be known as the Register of Sentences, or in the Irish sentences.  
language as an Clár Pianbhreitheanna, shall be established.

30 (2) The Register shall hold the following information pertaining  
to each and every sentence handed down in Ireland:

(a) the case number;

- (b) the offence;
- (c) the particulars of the offence;
- (d) any mitigating factors relied upon by the convicted person or his or her defence counsel;
- (e) the convicted person's previous convictions (if any); 5
- (f) details of what sentence or sentences were handed down, including—
  - (i) sentences where the Probation Act was applied, or
  - (ii) sentences where no custodial sentence was given;
 and 10
- (g) details of what sentence or sentences were handed down, including, where applicable, all of the following data:
  - (i) in the case of multiple convictions, if the sentences were consecutive or concurrent;
  - (ii) what non-custodial elements were given; 15
  - (iii) how much time had already been served by the accused (where applicable), and if that time was taken as time already served;
  - (iv) the length of time served by the accused;
  - (v) if the non-custodial elements of the sentence (if any) were executed; 20
  - (vi) if early release was granted; and
  - (vii) what portion of the sentence (if any) was remitted.

Maintenance of the Register.

**5.—**(1) The maintenance of the Register shall be the responsibility of the Service. 25

(2) The Register shall be updated as often and as regularly as is practicable but at least on a weekly basis during law terms.

Access to the Register.

**6.—**(1) The Register shall be publicly available.

(2) The following organisations, their employees, and the following persons shall have a statutory right of access to the Register: 30

- (a) the Service;
- (b) An Garda Síochána;
- (c) the Attorney General;
- (d) the Probation and Welfare Service;
- (e) the Prisons Service; 35
- (f) the Department of Justice, Equality and Law Reform;

- (g) Members of Oireachtas Éireann;
  - (h) Members of the Bar Council of Ireland;
  - (i) Members of the Law Society of Ireland;
  - (j) the Irish Human Rights Commission;
  - 5 (k) the Law Reform Commission;
  - (l) the Inspector of Prisons and Places of Detention.
- (3) Nothing in this section shall be used to—
- (a) impede or otherwise prevent the publication of information contained in the Register, or
  - 10 (b) prevent access to the Register under the Freedom of Information Acts.
- (4) The Courts Service shall, in terms of the Register, be subject to the terms of the Freedom of Information Acts.
- 15 (5) The Courts Service shall put in place such measures as it deems necessary and appropriate to make the Register publicly available and such measures may include making an electronic copy of the Register publicly available.