

# DÁIL ÉIREANN

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## AN BILLE UM CHEARTAS COIRIÚIL (LEASÚ) 2009

### CRIMINAL JUSTICE (AMENDMENT) BILL 2009

#### —COMMITTEE STAGE

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*Leasuithe Breise*  
*Additional Amendments*

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#### SECTION 7

**2a.** In page 9, lines 21 to 23, to delete all words from and including “of” in line 21 down to and including “expertise” in line 23 and substitute the following:

“of—

- (a) any member of the Garda Síochána, or
- (b) any former member of the Garda Síochána,

who appears to the Court to possess the appropriate expertise (in this section referred to as the “appropriate expert”).

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

**3a.** In page 9, line 21, after “Síochána” to insert “not below the rank of Chief Superintendent”.

—Pat Rabbitte, Seán Sherlock.

**4a.** In page 9, lines 30 and 31, to delete all words from and including “the member” in line 30 down to and including “subsection” in line 31 and substitute “the appropriate expert”.

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

**5a.** In page 9, line 32, to delete “member” and substitute “expert”.

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

**5b.** In page 9, line 35, to delete “member” and substitute “expert”.

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

#### SECTION 9

**8a.** In page 12, to delete lines 30 to 44 and substitute the following:

“(7) In this section “any question material to the investigation of the offence” means:

- (a) a question requesting that the defendant give a full account of his or her movements, actions, activities or associations during any specified period relevant to the offence being investigated; and
- (b) whichever one, or more than one, of the following is relevant to the offence being investigated—

[ SECTION 9 ]

- (i) a question relating to any statement or conduct of the type referred to in section 71A(3);
- (ii) a question relating to any benefit of the type referred to in section 71A(4)(b)(i) or 71B(4)(b) which the member of the Garda Síochána concerned reasonably believes was received by the defendant or on his or her behalf;
- (iii) a question relating to articles, or documents or other records, of the type referred to in section 71A(4)(b)(ii) or (5)(a);
- (iv) a question relating to any document or other record of the type referred to in section 71B(4)(a)—
  - (I) created or purporting to be created by the defendant, or
  - (II) found in the possession of the defendant on or about the time of his or her arrest or found on foot of a lawful search of any premises or vehicle occupied by the defendant;
- (v) a question relating to the suspected use by the defendant in a document of, or the suspected reference by him or her in a document to, a name, word, symbol or other representation of the type referred to in section 71B(4)(a)(iii);
- (vi) a question relating to—
  - (I) the possession by the defendant, or
  - (II) the presence in a vehicle referred to in section 72(6)(a)(ii) and in the circumstances involving the defendant referred to in that provision,

of any article or item referred to in the Table to section 72:

provided that no question shall be regarded as being material to the investigation of the offence unless the member of the Garda Síochána concerned reasonably believed that the question related to the participation of the defendant in the commission of the offence.

(8) In this section references to a failure to answer include references to the giving of an answer that is false or misleading and references to the silence or other reaction of the defendant shall be construed accordingly.

(9) This section shall not apply in relation to a”.

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

SECTION 14

**10a.** In page 15, to delete lines 17 to 19 and substitute the following:

“nature and extent, that—

- (i) are determined by the court to be no more than is reasonably to be imposed in the public interest, and
- (ii) fall into a category of restrictions and conditions specified in a scheme made under subsection (10)\*.”.

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

[ SECTION 14 ]

[\*Note: This is the appropriate reference if amendment No.11a is accepted.]

**11a.** In page 16, to delete line 17 and substitute the following:

“(10) (a) As soon as practicable, but not later than 6 months, after the commencement of *section 14* of the *Criminal Justice (Amendment) Act 2009*, the Minister shall prepare a scheme specifying 2 or more categories of restrictions and conditions that may be imposed by post-release (restrictions on certain activities) orders and lay a draft of the scheme before each House of the Oireachtas.

(b) If the draft of the scheme, so laid, is approved by a resolution passed by each such House, the Minister shall make the scheme as soon as practicable thereafter.

(11) In this section ‘home’, in relation to the”.

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