



DÁIL ÉIREANN

**BILLE NA gCÚIRTEANNA AGUS NA NOIFIGEACH CÚIRTE
2009**

COURTS AND COURT OFFICERS BILL 2009

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

DÁIL ÉIREANN

BILLE NA gCÚIRTEANNA AGUS NA NOIFIGEACH CÚIRTE 2009 [BILLE DÁIL ARNA LEASU AG AN SEANAD]

COURTS AND COURT OFFICERS BILL 2009 [DÁIL BILL AMENDED BY THE SEANAD]

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

*The page and line references in
this list of amendments are to
the text of the Bill as passed by
Dáil Éireann.*

SECTION 5

1. In page 4, to delete lines 14 to 17 and substitute the following:

““holding area officer” means—

- (a) a governor, or a member of the Garda Síochána, in whose temporary custody a person is placed under *section 6*,
- (b) a person who assumes the duties of a holding area officer under *section 11 (6)*,
- (c) a member in charge who assumes the powers and functions of a holding area officer under *paragraph (a) of section 11(7)#*, or
- (d) a member of the Garda Síochána to whom the powers and functions referred to in *paragraph (c)* are transferred under *paragraph (b) of section 11(7)#*.”

[#This is a reference to the subsection inserted by amendment No. 3.]

2. In page 4, between lines 17 and 18, to insert the following:

““member in charge” means a member of the Garda Síochána who is in charge of a Garda Síochána station referred to in *section 11(7)#*.”

[#This is a reference to the subsection inserted by amendment No. 3.]

SECTION 11

3. In page 6, after line 42, to insert the following subsections:

“(7) Where *section 6(1)* applies, and the prisoner placed in temporary custody is or has been placed in a Garda Síochána station, then notwithstanding that any other member of the Garda Síochána is also a holding area officer under this Part, the member in charge of that Garda Síochána station—

- (a) shall assume the powers and functions of a holding area officer under this Part, and

[SECTION 11]

(b) where he or she considers it necessary for the performance of any of his or her functions, and for such period or periods as he or she considers necessary, may authorise the transfer of any or all of the powers and functions assumed under *paragraph (a)* to another member of the Garda Síochána.

(8) Where *subsection (7)(b)* applies, the transfer of the powers and functions concerned to a member of the Garda Síochána shall be construed as reserving to the member in charge the right to exercise those powers and to perform those functions concurrently with that member.”.