



SEANAD ÉIREANN

**BILLE NA GCÚIRTEANNA AGUS NA NOIFIGEACH CÚIRTE
2009**

COURTS AND COURT OFFICERS BILL 2009

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

BILLE NA GCÚIRTEANNA AGUS NA NOIFIGEACH CÚIRTE 2009 —AN COISTE

COURTS AND COURT OFFICERS BILL 2009 —COMMITTEE STAGE

Leasuithe Amendments

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 proposed to be inserted by amendment No. 5.*]

* 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 proposed to be inserted by amendment No. 5.*]

SECTION 7

3. In page 4, line 40, after “person” to insert “who is lawfully in custody”.

—*Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan.*

4. In page 5, paragraph (b), line 1, to delete “or in another capacity”.

—*Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan.*

SECTION 11

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

[SECTION 11]

“(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
- (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.”.

SECTION 12

6. In page 7, line 1, after “prescribe” to insert the following:

“, in accordance with the standards already provided for in respect of persons held lawfully in Garda custody or under the Prison Rules 2007 (S.I. No. 252 of 2007)”.

—*Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan.*