



# **DÁIL ÉIREANN**

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**BILLE NA gCÚIRTEANNA (UIMH. 2), 2016  
COURTS (NO. 2) BILL 2016**

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# DÁIL ÉIREANN

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## BILLE NA gCÚIRTEANNA (UIMH. 2), 2016 —ROGHCHOISTE

### COURTS (NO. 2) BILL 2016 —SELECT COMMITTEE

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*Leasuithe  
Amendments*

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#### SECTION 2

1. In page 3, to delete lines 15 to 32, and in page 4, to delete lines 1 to 8 and substitute the following:

- “(2A) (a) The issue of a summons by electronic means in accordance with subsection (2) shall be deemed to have been effected where the appropriate office transmits by electronic means all of the information necessary to create the summons in an automatic manner and, accordingly, the issue of the summons shall be deemed to have occurred on the date of such transmission.
- (b) The validity of a summons, the issue of which is deemed to have been effected in the manner specified in paragraph (a), shall not be affected by reason of the date of its issue falling on a date that is earlier than the date of its creation.
- (c) Where the procedure for the issue of a summons specified in paragraph (a) is used and more than one document is created in an automatic manner in respect of the same alleged offence and each document so created is identical to each other document so created as to both form and content, then, each such document shall be the summons.
- (d) A reference in this subsection to the creation in an automatic manner of a summons shall be construed as a reference to the creation of the summons on paper in legible form by electronic means.”

—An Tánaiste agus Aire Dlí agus Cirt agus Comhionannais.

2. In page 4, to delete lines 10 to 16 and substitute the following:

“(4A) This section shall not operate to prevent—

- (a) a transmission under subsection (2) (including one that effects the issue of a summons in accordance with subsection (2A)) containing information relating to different summonses, or

[SECTION 2]

- (b) a transmission under subsection (4) containing more than one application referred to in subsection (3).”,”.

—An Tánaiste agus Aire Dlí agus Cirt agus Comhionannais.

3. In page 4, to delete lines 17 and 18 and substitute the following:

“(c) by the insertion of the following subsection after subsection (8):

“(8A) Where the issue of a summons is effected in accordance with subsection (2A), references in any enactment relating to the service of summonses shall—

- (a) in the case of references to an original summons (whether the references employ the word ‘summons’ or the expression ‘original document’), be construed as references to a summons to which subsection (2A) applies, and
- (b) in the case of references to a true copy of a summons, be construed as references to a summons to which subsection (2A) applies.”,”.

—An Tánaiste agus Aire Dlí agus Cirt agus Comhionannais.

4. In page 4, to delete lines 19 to 24 and substitute the following:

“(d) by the substitution of the following subsection for subsection (9):

“(9) In any proceedings it shall be presumed, unless the contrary is shown, that—

- (a) a document purporting to be a summons is a summons duly applied for and issued, and
- (b) the date specified in the summons as being the application date is the application date.”,

and

(e) by the insertion of the following subsection after subsection (9) (inserted by paragraph (d)):

“(9A) In any proceedings it shall be presumed, unless the contrary is shown, that a summons to which subsection (2A) applies was created in an automatic manner on the basis of information transmitted as specified in paragraph (a) of that subsection.”,”.

—An Tánaiste agus Aire Dlí agus Cirt agus Comhionannais.

5. In page 4, to delete lines 25 to 37, and in page 5, to delete lines 1 to 3.

—An Tánaiste agus Aire Dlí agus Cirt agus Comhionannais.

SECTION 3

6. In page 5, lines 6 to 12, to delete all words from and including “Notwithstanding” in line 6 down to and including line 12 and substitute the following:

“Notwithstanding any other enactment or rule of law, a summons may be issued under

[SECTION 3]

and in accordance with the Act of 1986 in respect of a fixed charge offence within the meaning of Part 3 (amended by Part 5 of the Road Traffic Act 2016) of the Act of 2010 in the circumstances provided for by the Act of 2010 where the fixed charge offence is alleged to have been committed by a person who is a member of the Garda Síochána.””.

—An Tánaiste agus Aire Dlí agus Cirt agus Comhionannais.