



An Bille um Cheartas Coiriúil (Formhaoirsiú Barántas Cuardaigh), 2023
Criminal Justice (Search Warrant Oversight) Bill 2023

Mar a tionscnaíodh

As initiated



**AN BILLE UM CHEARTAS COIRIÚIL (FORMHAOIRSIÚ BARÁNTAS
CUARDAIGH), 2023**
CRIMINAL JUSTICE (SEARCH WARRANT OVERSIGHT) BILL 2023

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CONTENTS

Section

1. Interpretation
2. Amendment of Act of 1925
3. Amendment of Act of 1939
4. Amendment of Act of 1963
5. Amendment of Act of 1977
6. Short title and commencement

ACTS REFERRED TO

Criminal Justice (Drug Trafficking) Act 1996 (No. 29)

Firearms Act 1925 (No. 17)

Misuse of Drugs Act 1977 (No. 12)

Offences against the State Act 1939 (No. 13)

Official Secrets Act 1963 (No. 1)



**AN BILLE UM CHEARTAS COIRIÚIL (FORMHAOIRSIÚ BARÁNTAS
CUARDAIGH), 2023
CRIMINAL JUSTICE (SEARCH WARRANT OVERSIGHT) BILL 2023**

Bill

entitled

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An Act to amend the various acts to remove the ability for members of An Garda Síochána to issue authority to search premises without sworn information being required.

Be it enacted by the Oireachtas as follows:

Interpretation

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1. In this Act—

“Act of 1925” means the Firearms Act 1925, as amended;

“Act of 1939” means the Offences against the State Act 1939, as amended;

“Act of 1963” means the Official Secrets Act 1963, as amended;

“Act of 1977” means the Misuse of Drugs Act 1977, as amended.

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Amendment of Act of 1925

2. The Act of 1925 is amended, in section 24, by the deletion of subsections (1) and (2).

Amendment of Act of 1939

3. The Act of 1939 is amended by the repeal of section 29.

Amendment of Act of 1963

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4. The Act of 1963 is amended, in section 16, by the deletion of subsection (2).

Amendment of Act of 1977

5. The Act of 1977 is amended, in section 26, by the substitution of the following subsection for subsection (1):

“(1) If a Justice of the District Court or a Peace Commissioner is satisfied by information on oath of a member of the Garda Síochána or if, subject to the provisions of subsections (2) and (2A) of section 8 of the Criminal Justice (Drug Trafficking) Act 1996, that—

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- (a) a person is in possession in contravention of this Act on any premises of a controlled drug, a forged prescription or a duly issued prescription which has been wrongfully altered and that such drug or prescription is on a particular premises or other land,
 - (b) opium poppy, a plant of the genus Cannabis or a plant of the genus Erythroxylon is being cultivated contrary to section 17 of this Act on or in any premises or other land, or 5
 - (c) a document directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would if carried out be, an offence under this Act, or in the case of a transaction or dealing carried out or intended to be carried out in a place outside the State, an offence against a provision of a corresponding law within the meaning of section 20 of this Act and in force in that place, is in the possession of a person on any premises, 10 15
- such Justice or Commissioner may issue a search warrant mentioned in subsection (2).”.

Short title and commencement

6. (1) This Act may be cited as Criminal Justice (Search Warrant Oversight) Act 2023.
- (2) This Act comes into operation 6 months after the date of its passing or on such earlier date than the said 6 months as the Minister for Justice may by order appoint either generally or with reference to any purpose or provision and different days may be so appointed for different purposes and different provisions. 20

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú na nAchtanna éagsúla chun nach mbeidh comhaltaí den Gharda Síochána i gcumas údarú a eisiúint chun cuardach a dhéanamh ar áitreabh gan faisnéis faoi mhionn a bheith riachtanach chuige sin.

An Teachta Pádraig Ó Coistealbha a thug isteach,
5 Iúil, 2023

BILL

(as initiated)

entitled

An Act to amend the various acts to remove the ability for members of An Garda Síochána to issue authority to search premises without sworn information being required.

Introduced by Deputy Patrick Costello,
5th July, 2023

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
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