



**An Bille um an Dlí Coiriúil agus an Dlí Sibhialta (Forálacha Ilghnéitheacha),
2026**

Criminal Law and Civil Law (Miscellaneous Provisions) Bill 2026

Mar a tionscnaíodh

As initiated



**AN BILLE UM AN DLÍ COIRIÚIL AGUS AN DLÍ SIBHIALTA (FORÁLACHA
ILGHNÉITHEACHA), 2026
CRIMINAL LAW AND CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL 2026**

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Bail Act 1997 (No. 16)
Children Act 2001 (No. 24)
Civil Law (Miscellaneous Provisions) Act 2021 (No. 14)
Courts (No. 2) Act 1986 (No. 26)
Courts of Justice Act 1936 (No. 48)
Courts Service Act 1998 (No. 8)
Criminal Evidence Act 1992 (No. 12)
Criminal Justice (Community Service) Act 1983 (No. 23)
Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 (No. 11)
Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (No. 6)
Criminal Justice (Theft and Fraud Offences) Act 2001 (No. 50)
Criminal Justice Act 1999 (No. 10)
Criminal Justice Act 2006 (No. 26)
Criminal Law (Sexual Offences) Act 2017 (No. 2)
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International Criminal Court Act 2006 (No. 30)
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Policing, Security and Community Safety Act 2024 (No. 1)
Prisons Act 2007 (No. 10)
Registration of Clubs (Ireland) Act 1904 (4 Edw. 7, c. 9)
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**AN BILLE UM AN DLÍ COIRIÚIL AGUS AN DLÍ SIBHIALTA (FORÁLACHA
ILGHNÉITHEACHA), 2026**
CRIMINAL LAW AND CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL 2026

Bill

entitled

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An Act to amend the Firearms Act 1925 and the Prisons Act 2007 in relation to the possession, use or carriage of incapacitant spray by prison officers; to amend the Courts of Justice Act 1936 and the Courts Service Act 1998 in relation to certain non-judicial functions of the Chief Justice; to provide for a power of provisional arrest without warrant in relation to extradition requests in certain circumstances and for that and other purposes to amend the Extradition Act 1965; to make further provision in relation to community service orders and for that purpose to amend the Criminal Justice (Community Service) Act 1983; to amend the Criminal Evidence Act 1992 and the Criminal Justice Act 1999 in relation to evidence in certain proceedings; to make further provision in relation to certification of citizenship in certain proceedings and for that purpose to amend the Criminal Justice (Theft and Fraud Offences) Act 2001, the Maritime Security Act 2004, the International Criminal Court Act 2006, the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 and the European Union (Market Abuse) Regulations 2016; to make further provision in relation to DNA profiles and for that purpose to amend the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014; to make provision for offences relating to accommodation offered in exchange for sexual activity and for that purpose to amend the Criminal Law (Sexual Offences) Act 2017; to make provision for the licensing of outdoor seating areas of licensed premises in certain circumstances and for transitional arrangements for certain outdoor seating areas temporarily licensed under the Civil Law (Miscellaneous Provisions) Act 2021; to make further provision in respect of orders relating to anti-social behaviour and for that and other purposes to amend the Children Act 2001 and the Criminal Justice Act 2006; to amend the Criminal Procedure Act 1967, the Bail Act 1997 and the Multi-Unit Developments Act 2011; and to provide for related matters.

Be it enacted by the Oireachtas as follows:

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PART 1

PRELIMINARY AND GENERAL

Short title, collective citations and commencement

1. (1) This Act may be cited as the Criminal Law and Civil Law (Miscellaneous Provisions) Act 2026. 5
- (2) The Licensing Acts 1833 to 2018 and *Part II*, in so far as it amends and extends those Acts, may be cited together as the Licensing Acts 1833 to 2026 and shall be construed together as one.
- (3) The Registration of Clubs Acts 1904 to 2008 and *Part II*, in so far as it amends and extends those Acts, may be cited together as the Registration of Clubs Acts 1904 to 2026 and shall be construed together as one. 10
- (4) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions. 15

Definitions

2. In this Act—
 - “Act of 2006” means the Criminal Justice Act 2006;
 - “Minister” means the Minister for Justice, Home Affairs and Migration.

Expenses

3. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, be paid out of moneys provided by the Oireachtas. 20

PART 2

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POSSESSION, USE OR CARRIAGE OF INCAPACITANT SPRAY BY PRISON OFFICERS

Amendment of Firearms Act 1925

4. The Firearms Act 1925 is amended—
 - (a) in section 1(1), by the insertion of the following definition:
 - “ ‘Irish Prison Service’ means the prison service of the Department of Justice, Home Affairs and Migration which is charged with the management of prisons (within the meaning of the Prisons Act 2007);” 30
 - (b) in section 2(3)—

- (i) in paragraph (b), by the substitution of “member of garda staff (within the meaning of the Policing, Security and Community Safety Act 2024)” for “member of the civilian staff of the Garda Síochána”, and
- (ii) by the insertion of the following paragraph after paragraph (ba):
 - “(bb) the possession, use, or carriage of an incapacitant spray, in accordance with rules made under section 35 of the Prisons Act 2007, by a prison officer in the performance of his or her duty as such an officer;”,
- (c) in section 10(6)(a), by the insertion of “, authorised by the Minister to effect a transaction relating to incapacitant spray for the purposes of the Irish Prison Service” before “or authorised by the Minister to effect”,
- (d) in section 16, by the insertion of the following subsection after subsection (5):
 - “(6) This section shall not apply to any consignment of incapacitant spray belonging to or purchased or intended for the use of the Irish Prison Service.”,
- and
- (e) in section 17, by the insertion of the following subsection after subsection (8):
 - “(9) This section shall not apply to the importation into the State of incapacitant spray which is so imported under the authority of the Minister for the use of the Irish Prison Service.”.

Amendment of Prisons Act 2007

- 5. Section 35(2) of the Prisons Act 2007 is amended by the insertion of the following paragraph after paragraph (c):

- “(ca) the possession, use, or carriage of an incapacitant spray by a prison officer in the performance of his or her duty as such an officer.”.

PART 3

NON-JUDICIAL FUNCTIONS OF CHIEF JUSTICE

Amendment of section 67 of Courts of Justice Act 1936

- 6. Section 67 of the Courts of Justice Act 1936 is amended—

- (a) in subsection (2), by the substitution of “8 nominated members” for “10 nominated members”,
- (b) in subsection (3), by the substitution of the following paragraph for paragraph (a):
 - “(a) the Chief Justice who shall be the chairperson of the Committee or a judge nominated by the Chief Justice under subsection (9)(a),”,

(c) in subsection (4), by the substitution of the following paragraphs for paragraphs (a) and (aa):

“(a) 1 shall be an ordinary judge of the Supreme Court nominated by the Chief Justice;

(aa) 1 shall be an ordinary judge of the Court of Appeal nominated by the President of the Court of Appeal;” 5

and

(d) in subsection (9), by the substitution of the following paragraph for paragraph (a):

“(a) in the case of the Chief Justice, an ordinary judge of the Supreme Court, Court of Appeal or High Court, who shall be the chairperson of the Committee.”. 10

Amendment of section 11 of Courts Service Act 1998

7. Section 11 of the Courts Service Act 1998 is amended—

(a) in subsection (1), by the substitution of the following paragraph for paragraph (a): 15

“(a) the Chief Justice for the time being or a judge of the Supreme Court, the Court of Appeal, the High Court, the Circuit Court or the District Court nominated by the Chief Justice;”,

and

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(b) by the substitution of the following subsection for subsection (4):

“(4) The Chief Justice shall be the chairperson of the Board or, if the Chief Justice is not a member, the judge of the Supreme Court, the Court of Appeal, the High Court, the Circuit Court or the District Court nominated under subsection (1)(a) shall be the chairperson.”. 25

PART 4

AMENDMENT OF EXTRADITION ACT 1965

Definition (*Part 4*)

8. In this Part, “Act of 1965” means the Extradition Act 1965.

Amendment of section 26 of Act of 1965

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9. Section 26(1)(b) of the Act of 1965 is amended by the substitution of “under section 27 or the person has already been brought before the Court under section 27(6)” for “under section 27”.

Amendment of section 27 of Act of 1965

10. Section 27 of the Act of 1965 is amended—

- (a) in subsection (3A), by the substitution of “the provisions of subsections (1) and (2)” for “the provisions of subsection (2) of this section”,
- (b) by the insertion of the following subsections after subsection (3A): 5
 - “(3AA) A member of An Garda Síochána may, without a warrant, arrest any person whom the member believes, on reasonable grounds, to be a person named in an alert.
 - (3AB) A person arrested under subsection (3AA) shall—
 - (a) upon the person’s arrest, be informed, in ordinary language, of the reason for the arrest, and 10
 - (b) as soon as may be after the person’s arrest, be furnished with a copy of the alert.”,
- (c) in subsection (6), by the substitution of “A person arrested under this section shall, other than where the person is arrested under a warrant issued under this section and the warrant is cancelled under subsection (5)” for “A person arrested under a warrant issued under this section shall, unless the warrant is cancelled under subsection (5)”, 15
- (d) in subsection (7), by the substitution of “released from custody or the terms of his bail” for “released”, 20
- (e) in subsection (9)—
 - (i) in paragraph (a), by the substitution of “issued,” for “issued, or”,
 - (ii) in paragraph (b), by the substitution of “refused, or” for “refused.”, and
 - (iii) by the insertion of the following paragraph after paragraph (b):
 - “(c) that person was arrested under subsection (3AA) and subsequently released from custody or the terms of his or her bail in accordance with subsection (7).”, 25
- (f) in subsection (11), by the deletion of “under a warrant issued”,
- (g) by the insertion of the following subsection after subsection (11):
 - “(11A) Where a person arrested under this section is the subject of an alert, the High Court shall direct the Commissioner of An Garda Síochána to request the SIRENE Bureau concerned to add a flag to the alert where— 30
 - (a) the person has been remanded on bail,
 - (b) the extradition of the person is prohibited by or refused under any provision of this Part, or 35
 - (c) the person has been released from custody or the terms of his or her bail in accordance with subsection (7).”,

and

- (h) in subsection (12)—
- (i) by the deletion of the definition of “Council Decision”,
 - (ii) in the definition of “Schengen Convention”, by the substitution of “SIS Regulation” for “Council Decision”,
 - (iii) in the definition of “SIS”, by the substitution of “SIS Regulation” for “Council Decision”, and 5
 - (iv) by the insertion of the following definitions:
 - “ ‘flag’ means the addition to an alert by the SIRENE Bureau concerned to the effect that an action to be taken on the basis of the alert in accordance with Article 24, 25 or 26 of the SIS Regulation shall not be taken in the State; 10
 - ‘SIRENE Bureau’ means the authority designated by the Swiss Confederation or the Principality of Liechtenstein, as the case may be, in accordance with Article 7 of the SIS Regulation to perform the functions referred to in that Article; 15
 - ‘SIS Regulation’ means Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018¹, as amended by Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019², Regulation (EU) 2021/1133 of the European Parliament and of the Council of 7 July 2021³, Regulation (EU) 2021/1150 of the European Parliament and of the Council of 7 July 2021⁴ and Regulation (EU) 2022/1190 of the European Parliament and of the Council of 6 July 2022⁵.”; 20

Amendment of section 36 of Act of 1965

- 11.** Section 36(1) of the Act of 1965 is amended— 25
- (a) by the substitution of “section 26 or 27, or otherwise making an arrest under section 27,” for “section 26 or section 27”, and
 - (b) in paragraph (b)(i), by the deletion of “under the warrant”.

PART 5

AMENDMENT OF CRIMINAL JUSTICE (COMMUNITY SERVICE) ACT 1983 30

Amendment of Criminal Justice (Community Service) Act 1983

- 12.** The Criminal Justice (Community Service) Act 1983 is amended—
- (a) in section 3—

1 OJ No. L 312, 7.12.2018, p. 56
 2 OJ No. L 135, 22.5.2019, p. 85
 3 OJ No. L 248, 13.7.2021, p. 1
 4 OJ No. L 249, 14.7.2021, p. 1
 5 OJ No. L 185, 12.7.2022, p. 1

- (i) in subsection (1)—
 - (I) in paragraph (a), by the substitution of “24 months” for “12 months”,
 - (II) by the insertion of the following paragraph after paragraph (a):
 - “(aa) Where a court considers that a community service order under paragraph (a) should not be made, the court shall give reasons for its decision.”, 5
 - and
 - (III) in paragraph (b), by the substitution of “24 months” for “12 months”,
- (ii) in subsection (1D), by the substitution of “relevant officer” for “probation officer”, and 10
- (iii) in subsection (2)(a), by the substitution of “480” for “240”,
- (b) in section 4(1)(a)(ii), by the substitution of “relevant officer” for “probation officer”,
- (c) in section 5(1), by the substitution of “480” for “240”,
- (d) in section 7— 15
 - (i) by the substitution of the following subsection for subsection (2):
 - “(2) Subject to section 9, the work to be performed under a community service order shall be performed—
 - (a) where the total number of hours the offender is required to work under that order does not exceed 240 hours, in the period of one year beginning on the date of the order, or 20
 - (b) where the total number of hours the offender is required to work under that order exceeds 240 hours, in the period of 2 years beginning on the date of the order,
 - but, unless revoked, the order shall remain in force until the offender has worked under it for the number of hours specified in it.”, and 25
 - (ii) in subsection (5), by the substitution of “relevant officer” for “probation officer”,
- and
- (e) in section 11(1), by the substitution of “relevant officer” for “probation officer”. 30

PART 6

CRIMINAL EVIDENCE

Amendment of section 19A of Criminal Evidence Act 1992

- 13.** (1) Section 19A of the Act of 1992 is amended by the deletion of subsection (17).

(2) Notwithstanding the amendment by *subsection (1)* of section 19A of the Act of 1992, subsection (17) of that section shall continue to apply in respect of an express waiver by a complainant or witness of his or her right to non-disclosure of a counselling record without leave of the court, given pursuant to that subsection prior to the coming into operation of *subsection (1)*. 5

(3) In this section—

“Act of 1992” means the Criminal Evidence Act 1992;

“complainant” has the same meaning as it has in section 19A of the Act of 1992;

“counselling record” has the same meaning as it has in section 19A of the Act of 1992. 10

Amendment of section 30 of Criminal Justice Act 1999

14. Section 30(1) of the Criminal Justice Act 1999 is amended by the substitution of “a member of garda personnel (within the meaning of the Policing, Security and Community Safety Act 2024, other than Part 6 of that Act) and stating that the member of garda personnel” for “a member of the Garda Síochána and stating that the member”. 15

PART 7

CERTIFICATION OF CITIZENSHIP

Amendment of section 60 of Criminal Justice (Theft and Fraud Offences) Act 2001

15. Section 60 of the Criminal Justice (Theft and Fraud Offences) Act 2001 is amended by the substitution of the following subsection for subsection (2): 20

“(2) For the purposes of section 38(1) and section 45—

(a) a certificate purporting to be signed by an officer of the Minister for Foreign Affairs and Trade and stating that a passport was issued by that Minister of the Government to a person on a specified date, and 25

(b) a certificate purporting to be signed by an officer of the Minister for Justice, Home Affairs and Migration and stating that, to the best of the officer’s knowledge and belief, the person has not ceased to be an Irish citizen,

shall be admissible in any proceedings, without further proof, as evidence that the person was an Irish citizen on the date on which the offence concerned is alleged to have been committed, unless the contrary is shown.”. 30

Amendment of section 8 of Maritime Security Act 2004

16. Section 8 of the Maritime Security Act 2004 is amended by the substitution of the following subsection for subsection (1): 35

- “(1) In any proceedings relating to an offence under section 2—
- (a) a certificate purporting to be signed by an officer of the Minister for Foreign Affairs and Trade and stating that a passport was issued by that Minister of the Government to a person on a specified date, and 5
 - (b) a certificate purporting to be signed by an officer of the Minister for Justice, Home Affairs and Migration and stating that, to the best of the officer’s knowledge and belief, the person has not ceased to be an Irish citizen,
- is evidence that the person was an Irish citizen on the date on which the offence concerned is alleged to have been committed, unless the contrary is shown.”. 10

Amendment of section 75 of Act of 2006

17. Section 75 of the Act of 2006 is amended—

- (a) by the substitution of the following subsection for subsection (1): 15
 - “(1) In any proceedings for an offence under section 71 or 74—
 - (a) a certificate that is signed by an officer of the Minister for Foreign Affairs and Trade and stating that a passport was issued by that Minister of the Government to a person on a specified date, and
 - (b) a certificate that is signed by an officer of the Minister and stating that, to the best of the officer’s knowledge and belief, the person has not ceased to be an Irish citizen, 20

is evidence that the person was an Irish citizen on the date on which the offence concerned is alleged to have been committed, unless the contrary is shown.”, 25
- (b) by the insertion of the following subsection after subsection (1):
 - “(1A) In any proceedings for an offence under section 71, a certificate that is signed by the Director of Public Prosecutions or by a person authorised by him or her and that states any of the matters specified in paragraph (a), (b) or (c) of section 74(3) is evidence of the facts stated in the certificate, unless the contrary is shown.”, 30

and
- (c) in subsection (2)—
 - (i) by the substitution of “subsection (1) or (1A)” for “subsection (1)”, and
 - (ii) in paragraph (c), by the substitution of “Minister for Foreign Affairs and Trade, the Minister” for “Minister for Foreign Affairs”. 35

Amendment of section 63 of International Criminal Court Act 2006

18. Section 63 of the International Criminal Court Act 2006 is amended by the substitution of

the following subsection for subsection (2):

“(2) In any proceedings against a person for an offence under this Act—

(a) a certificate purporting to be signed by an officer of the Minister for Foreign Affairs and Trade and stating that a passport was issued by that Minister of the Government to the person on a specified date, and 5

(b) a certificate purporting to be signed by an officer of the Minister and stating that, to the best of the officer’s knowledge and belief, the person has not ceased to be an Irish national,

is admissible, without further proof, as evidence that the person was an Irish national on the date the person is alleged to have committed the offence.”. 10

Amendment of section 14 of Criminal Justice (Money Laundering and Terrorist Financing) Act 2010

19. Section 14 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 is amended by the substitution of the following subsection for subsection (4): 15

“(4) In any proceedings for an offence under section 8 committed in the circumstances referred to in section 8(1)(c)(i)—

(a) a certificate purporting to be signed by an officer of the Minister for Foreign Affairs and Trade and stating that a passport was issued by that Minister of the Government to a person on a specified date, and 20

(b) a certificate purporting to be signed by an officer of the Minister and stating that, to the best of the officer’s knowledge and belief, the person has not ceased to be an Irish citizen, 25

is evidence that the person was an Irish citizen on the date on which the offence is alleged to have been committed, and is taken to have been signed by the person purporting to have signed it, unless the contrary is shown.”.

Amendment of Regulation 8 of European Union (Market Abuse) Regulations 2016 30

20. Regulation 8 of the European Union (Market Abuse) Regulations 2016 (S.I. No. 349 of 2016) is amended by the substitution of the following paragraph for paragraph (4):

“(4) In any proceedings for an offence under this Regulation—

(a) a certificate purporting to be signed by an officer of the Minister for Foreign Affairs and Trade and stating that a passport was issued by that Minister of the Government to a person on a specified date, and 35

(b) a certificate purporting to be signed by an officer of the Minister for Justice, Home Affairs and Migration and stating that, to the best

of the officer’s knowledge and belief, the person has not ceased to be an Irish citizen,

is evidence that the person was an Irish citizen on the date on which the offence is alleged to have been committed, and is taken to have been signed by the person purporting to have signed it, unless the contrary is shown.”. 5

PART 8

AMENDMENT OF ACT OF 2006

Amendment of Act of 2006

- 21.** The Act of 2006 is amended— 10
- (a) in section 99, by the insertion of the following subsection after subsection (1):
 - “(1A) Where a person from whom a recognisance referred to in subsection (1) is to be taken is for the time being in custody in a prison, the recognisance may be taken in the prison by the governor of that prison or a prison officer designated for that purpose by that governor.”. 15
 - (b) in section 113(1), by the deletion of the definition of “senior member of the Garda Síochána”,
 - (c) in section 115, by the substitution—
 - (i) other than in subsection (4), of “member of An Garda Síochána not below the rank of inspector” for “senior member of the Garda Síochána” in each place where it occurs, and 20
 - (ii) in subsection (4), of “member of An Garda Síochána concerned” for “senior member of the Garda Síochána”,
- and 25
- (d) in section 116(2), by the substitution of “member of An Garda Síochána not below the rank of inspector” for “senior member of the Garda Síochána”.

PART 9

AMENDMENT OF CRIMINAL JUSTICE (FORENSIC EVIDENCE AND DNA DATABASE SYSTEM) ACT 2014

Amendment of section 2 of Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 30

- 22.** Section 2(1) of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 is amended by the substitution of the following definition for the definition of “DNA profile”:

“ ‘DNA profile’, in relation to a person, means— 35

- (a) subject to paragraphs (b) and (c), information comprising a set of identification characteristics of the non-coding part of DNA derived from an examination and analysis of a sample of biological material that is clearly identifiable as relating to the person and that is capable of comparison with similar information derived from an examination and analysis of another sample of biological material for the purpose of determining whether or not that other sample could relate to that person, 5
- (b) where the sample is taken from, or in relation to, the person or the body of the person under section 48, 49 or 50, information comprising a set of identification characteristics of the DNA derived from an examination and analysis of a sample of biological material that is clearly identifiable as relating to the person and that is capable of comparison with similar information derived from an examination and analysis of another sample of biological material for the purpose of determining whether or not that other sample could relate to that person, or 10
- (c) in the case of a DNA profile received pursuant to section 143(1) or 144(1)(b), information comprising a set of identification characteristics of the DNA derived from an examination and analysis of a sample of biological material that is clearly identifiable as relating to the person and that is capable of comparison with similar information derived from an examination and analysis of another sample of biological material for the purpose of determining whether or not that other sample could relate to that person.”. 20 25

Generation of more than one profile from sample

23. The Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 is amended by the insertion of the following section after section 51:

“51A. Where a sample is taken under this Part, more than one DNA profile may be generated from the sample for the purposes of providing information comprising a particular set of identification characteristics of the DNA.”. 30

PART 10

AMENDMENT OF CRIMINAL LAW (SEXUAL OFFENCES) ACT 2017

Offences relating to accommodation offered in exchange for sexual activity 35

24. The Criminal Law (Sexual Offences) Act 2017 is amended by the insertion of the following section after section 45:

“45A. (1) A person who offers a tenancy of, or a licence in relation to, relevant accommodation, which tenancy or licence is of a type that would ordinarily be granted in exchange for payment, to another person in exchange for a person engaging in sexual activity with another person 40

in lieu of payment in respect of the tenancy or licence shall be guilty of an offence.

- (2) Subject to subsection (3), a person who advertises, or causes the advertisement of, an offer of a tenancy of, or a licence in relation to, relevant accommodation, which tenancy or licence is of a type that would ordinarily be granted in exchange for payment, where the tenancy or licence is offered by a person in exchange for a person engaging in sexual activity with another person in lieu of payment in respect of that tenancy or licence, shall be guilty of an offence. 5
- (3) In any proceedings for an offence under subsection (2), it shall be a defence for the accused to show that he or she did not know and had no reason to suspect that the advertisement related to an offer of a tenancy of, or licence in relation to, relevant accommodation, in exchange for a person engaging in sexual activity with another person in lieu of payment in respect of the tenancy or licence. 10 15
- (4) A person guilty of an offence under this section shall be liable on summary conviction to a class A fine.
- (5) In this section—
- ‘advertisement’ includes every form of advertisement, whether or not to the public, in a newspaper or other publication, on television or radio, by display of a notice, by electronic communication, including by means of the internet, or by any other means; 20
- ‘licence’ means, in relation to a residential property, a licence, whether oral or in writing or implied, given by a person (whether or not the owner of the residential property concerned) permitting another person to enter and reside in the residential property, or part thereof; 25
- ‘relevant accommodation’ means a self-contained residential property, or part thereof, that is, or is capable of being, the subject of a tenancy or a licence;
- ‘residential property’ means any building which is in use as, or is suitable for use as, a dwelling; 30
- ‘tenancy’ includes—
- (a) a periodic tenancy,
- (b) a tenancy for a fixed term, and
- (c) a sub-tenancy, 35
- whether oral or in writing or implied.”.

PART 11

OUTDOOR SEATING AREAS FOR LICENSED PREMISES

Definitions (*Part 11*)

25. In this Part—

- “Act of 1904” means the Registration of Clubs (Ireland) Act 1904; 5
- “Act of 2000” means the Planning and Development Act 2000;
- “Act of 2021” means the Civil Law (Miscellaneous Provisions) Act 2021;
- “Act of 2024” means the Planning and Development Act 2024;
- “certified copy”, in relation to a street furniture licence, means a copy of the street furniture licence that is certified to be a true copy of the street furniture licence by— 10
- (a) an officer of the planning authority that granted the street furniture licence,
 - (b) a commissioner for oaths,
 - (c) a practising solicitor (within the meaning of the Legal Services Regulation Act 2015), or
 - (d) a member of An Garda Síochána; 15
- “club” means a club registered under the Registration of Clubs Acts;
- “Licensing Acts” means the Licensing Acts 1833 to 2018;
- “outdoor seating area” means, in relation to a licensed premises, an outdoor area in relation to which the following matters apply:
- (a) the number of seated patrons who can be accommodated in the area does not exceed the number of patrons who may be accommodated in the licensed premises; 20
 - (b) the area contains sufficient seating to accommodate the number of seated patrons referred to in *paragraph (a)*;
 - (c) the area does not contain any counter or barrier across which intoxicating liquor can be served to the public; 25
 - (d) the sale or supply of intoxicating liquor by the licensee to patrons in the area is an ancillary part of the business carried on on that premises;
- “planning authority” has the meaning assigned to it by the Act of 2024;
- “Registration of Clubs Acts” means the Registration of Clubs Acts 1904 to 2008; 30
- “street furniture licence” means a licence granted to a licensee of a licensed premises under section 254 of the Act of 2000 or section 13 of the Act of 2024 in respect of tables and chairs, prescribed under section 254(1)(g) of the Act of 2000 or section 13(2)(h) of the Act of 2024, situated outside the premises.

Licensed premises with street furniture licence to include outdoor seating area

26. (1) This section applies to—
- (a) an outdoor seating area of a licensed premises that is lawfully used by the licensee of the licensed premises pursuant to a street furniture licence, and
 - (b) an outdoor seating area (within the meaning of the Act of 2021) where— 5
 - (i) *paragraphs (a) and (b) of section 29(1)* apply, and
 - (ii) the outdoor seating area is lawfully used by a licensee of a licensed premises pursuant to a street furniture licence.
- (2) Subject to this section and notwithstanding any other enactment, an outdoor seating area to which this section applies shall be part of the licensed premises concerned. 10
- (3) Subject to this section and notwithstanding any other enactment, the Licensing Acts and, where a licensed premises is a club, the Registration of Clubs Acts, shall apply to an outdoor seating area to which this section applies as they apply to the licensed premises concerned and, without prejudice to the generality of the foregoing—
- (a) it shall be lawful for the licensee of that licensed premises to sell or supply 15intoxicating liquor in the outdoor seating area on the same basis that it is lawful to sell or supply intoxicating liquor under the licence, or, in respect of a club, the certificate of registration under the Act of 1904 in force, attaching to that premises, and
 - (b) for the purposes of the renewal— 20
 - (i) of the licence concerned under section 4 of the Courts (No. 2) Act 1986, failure to operate the outdoor seating area in accordance with this section or the Licensing Acts shall be grounds for objection to the renewal of the licence, or
 - (ii) of the certificate of registration concerned under section 3 of the Act of 1904, 25failure to operate the outdoor seating area in accordance with this section, the Licensing Acts or the Registration of Clubs Acts shall be a basis for objection to the renewal of the certificate under section 5 of the Act of 1904.
- (4) *Subsection (3)(b)* shall apply to the renewal of the licence or certificate of registration, as the case may be, referred to in that subsection irrespective of whether, at the time 30of such renewal, the licensee has ceased to operate the outdoor seating area concerned.
- (5) Notwithstanding the type of licence held by a licensee, or, in respect of a club, that a certificate of registration under the Act of 1904 is in force, in respect of a licensed premises, the sale or supply of intoxicating liquor in an outdoor seating area shall not 35be lawful where the intoxicating liquor is sold or supplied for consumption off the premises.
- (6) Notwithstanding the type of licence held by a licensee, or, in respect of a club, that a certificate of registration under the Act of 1904 is in force, in respect of a licensed premises, the sale or supply of intoxicating liquor in an outdoor seating area shall be 40lawful only—

- (a) subject to *paragraph (b)*, within the times permitted by the Licensing Acts and, where the licensed premises is a club, the Registration of Clubs Acts, in respect of the licence or the certificate of registration, or
 - (b) where any one or more than one of such times has been restricted by or under any enactment, within the time or times concerned as so restricted. 5
- (7) *Subsection (2)* shall not be construed as authorising—
- (a) a use, in relation to an outdoor seating area, that would be—
 - (i) an unauthorised use within the meaning of the Act of 2000, or
 - (ii) an unauthorised use within the meaning of the Act of 2024,
 or 10
 - (b) any activity in an outdoor seating area that is otherwise unlawful.
- (8) In this section, “enactment” has the same meaning as it has in the Interpretation Act 2005.

Street furniture licence: duties of licensee and District Court clerk

27. (1) Where a street furniture licence is granted to the licensee of a licensed premises, the licensee shall, as soon as practicable after the licence is granted, give notice in writing of its granting to the District Court clerk in the licensing area in which the premises are situated. 15
- (2) A notice under *subsection (1)* shall state the name of the licensee and the name and address of the licensed premises and shall be accompanied by— 20
- (a) a certified copy of the street furniture licence, and
 - (b) a map of the outdoor seating area to which the street furniture licence relates.
- (3) As soon as practicable after receiving a notice under *subsection (1)*, the District Court clerk concerned shall record the particulars of the street furniture licence in the entry for the licensed premises concerned in the register of licences kept under the Licensing Acts, or where the licensed premises is a club, in the register of clubs kept under the Registration of Clubs Acts. 25

Withdrawal or variation of street furniture licence: duties of licensee and District Court clerk

28. (1) This section applies where a street furniture licence relating to licensed premises is withdrawn or varied by the planning authority concerned. 30
- (2) A licensee shall, within 21 days of the withdrawal or variation of a street furniture licence, give notice in writing of the withdrawal or variation to the District Court clerk in the licensing area in which the premises are situated.
- (3) A notice under *subsection (2)* shall state the name of the licensee and the name and address of the licensed premises and, where it relates to the variation of a street furniture licence, shall be accompanied by— 35
- (a) a certified copy of the street furniture licence as so varied, and

- (b) a map of the outdoor seating area to which the street furniture licence relates.
- (4) As soon as practicable after receiving a notice under *subsection (2)*, the District Court clerk concerned shall record the particulars of the street furniture licence in the entry for the licensed premises concerned in the register of licences kept under the Licensing Acts, or where the licensed premises is a club, in the register of clubs kept under the Registration of Clubs Acts. 5

Transitional provision: outdoor seating area licensed under Act of 2021

- 29. (1) Subject to *subsection (2)*, this section applies to an outdoor seating area (within the meaning of the Act of 2021) of a licensed premises where on the coming into operation of this section— 10
 - (a) the Act of 2021 (other than section 8 of that Act) remains in operation in accordance with a resolution passed under section 9(4) of that Act, and
 - (b) the outdoor seating area is, in accordance with section 2 of that Act, part of the licensed premises.
- (2) This section shall not apply to an outdoor seating area referred to in *section 26(1)(b)*. 15
- (3) On the expiration of the period of time specified in the resolution referred to in *subsection (1)(a)*—
 - (a) an outdoor seating area to which this section applies shall be deemed to be part of the licensed premises for a further period, beginning on the expiration of the period specified in that resolution and expiring on the commencement of the next sitting of the annual licensing District Court, after such expiration, in the licensing area in which the licensed premises concerned is situated, and 20
 - (b) the Act of 2021 shall, notwithstanding the expiration of the period specified in that resolution, continue to apply in respect of that outdoor seating area during that further period. 25

PART 12

MISCELLANEOUS AMENDMENTS

Amendment of section 22 of Criminal Procedure Act 1967

- 30. Section 22(1B) of the Criminal Procedure Act 1967 is amended—
 - (a) in paragraph (a), by the substitution of “District Court,” for “District Court, or”, 30
 - (b) in paragraph (b), by the substitution of “District Court clerk, or” for “District Court clerk.”, and
 - (c) by the insertion of the following paragraph after paragraph (b):
 - “(c) where the person entering into the recognisance is for the time being in custody in a Garda Síochána station, the sergeant or other member of An Garda Síochána in charge of the station, in that station.”. 35

Amendment of Schedule to Bail Act 1997

31. The Schedule to the Bail Act 1997 is amended by—

- (a) the substitution of the following subparagraph for subparagraph (c) of paragraph 19:

“(c) section 112(2) (using or taking a mechanically propelled vehicle without lawful authority).” 5

and

- (b) the insertion of the following paragraph after paragraph 40:

“Offences under the Domestic Violence Act 2018

40A. Any offence under the following provisions of the Domestic Violence Act 2018: 10

(a) section 38 (forced marriage);

(b) section 39 (coercive control).”.

Amendment of section 257D of Children Act 2001

32. Section 257D of the Children Act 2001 is amended by the substitution of “inspector” for “superintendent” in both places where it occurs. 15

Amendment of Multi-Unit Developments Act 2011

33. The Multi-Unit Developments Act 2011 is amended—

- (a) in section 3(8), in the definition of “prescribed”, by the deletion of “having consulted the Minister for the Environment, Heritage and Local Government”, 20
and

- (b) in section 33, by the deletion of “and the Minister for the Environment, Heritage and Local Government”.

An Bille um an Dlí Coiriúil agus an Dlí
Sibhialta (Forálacha Ilghnéitheacha), 2026

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú Acht na nArm Teine, 1925 agus Acht na bPríosún, 2007 i ndáil le hoifigigh phríosúin do shealbhú, d'úsáid nó d'iompar sprae éagumasaithe; do leasú an Achte Cúirteanna Breithiúnais, 1936 agus an Achte um Sheirbhís Chúirteanna, 1998 i ndáil le feidhmeanna neamhbhreithiúnacha áirithe de chuid an Phríomh-Bhreithimh; do dhéanamh socrú maidir le cumhacht gabhála sealadaí gan bharántas i ndáil le hiarrataí ar eiseachadh in imthosca áirithe agus, chun na críche sin agus chun críoch eile, do leasú an Achte um Eiseachadh, 1965; do dhéanamh socrú breise i ndáil le horduithe seirbhíse pobail agus, chun na críche sin, do leasú an Achte um Cheartas Coiriúil (Seirbhís Pobail), 1983; do leasú an Achte um Fhianaise Choiriúil, 1992 agus an Achte um Cheartas Coiriúil, 1999 i ndáil le fianaise in imeachtaí áirithe; do dhéanamh socrú breise i ndáil le deimhniúchán saoránachta in imeachtaí áirithe agus, chun na críche sin, do leasú an Achte um Cheartas Coiriúil (Cionta Gadaíochta agus Calaoise), 2001, an Achte um Shlándaíl Mhuiri, 2004, an Achte um an gCúirt Choiriúil Idirnáisiúnta, 2006, an Achte um Cheartas Coiriúil (Sciúradh Airgid agus Maoiniú Sceimhlitheoireachta), 2010 agus Rialachán an Aontais Eorpaigh (Drochúsáid Mhargaidh), 2016; do dhéanamh socrú breise i ndáil le próifílí DNA agus, chun na críche sin, do leasú an Achte um Cheartas Coiriúil (Fianaise Dlí-Eolaíochta agus Córas Bunachair Sonraí DNA), 2014; do dhéanamh socrú maidir le cionta a bhaineann le cóiríocht a thairiscint mar mhalairt ar ghníomhaíocht ghnéasach agus, chun na críche sin, do leasú an Achte um an Dlí Coiriúil (Cionta Gnéasacha), 2017; do dhéanamh socrú maidir le láithreacha sui lasmuigh áirithe ama gceadúnú go sealadach faoin Acht um an Dlí Sibhialta (Forálacha Ilghnéitheacha), 2021; do dhéanamh socrú breise maidir le horduithe a bhaineann le hiompar frithshóisialta agus, chun na críche sin agus chun críoch eile, do leasú Acht na Leanaí, 2001 agus an Achte um Cheartas Coiriúil, 2006; do leasú an Achte um Nós Imeachta Coiriúil, 1967, an Achte um Bannaí, 1997 agus an Achte um Fhorbairtí Ilaonad, 2011; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An tAire Dlí agus Cirt, Gnóthaí Baile agus Imirce a
thíolaic,

9 Eanáir, 2026

Criminal Law and Civil Law (Miscellaneous
Provisions) Bill 2026

BILL

(as initiated)

entitled

An Act to amend the Firearms Act 1925 and the Prisons Act 2007 in relation to the possession, use or carriage of incapacitant spray by prison officers; to amend the Courts of Justice Act 1936 and the Courts Service Act 1998 in relation to certain non-judicial functions of the Chief Justice; to provide for a power of provisional arrest without warrant in relation to extradition requests in certain circumstances and for that and other purposes to amend the Extradition Act 1965; to make further provision in relation to community service orders and for that purpose to amend the Criminal Justice (Community Service) Act 1983; to amend the Criminal Evidence Act 1992 and the Criminal Justice Act 1999 in relation to evidence in certain proceedings; to make further provision in relation to certification of citizenship in certain proceedings and for that purpose to amend the Criminal Justice (Theft and Fraud Offences) Act 2001, the Maritime Security Act 2004, the International Criminal Court Act 2006, the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 and the European Union (Market Abuse) Regulations 2016; to make further provision in relation to DNA profiles and for that purpose to amend the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014; to make provision for offences relating to accommodation offered in exchange for sexual activity and for that purpose to amend the Criminal Law (Sexual Offences) Act 2017; to make provision for the licensing of outdoor seating areas of licensed premises in certain circumstances and for transitional arrangements for certain outdoor seating areas temporarily licensed under the Civil Law (Miscellaneous Provisions) Act 2021; to make further provision in respect of orders relating to anti-social behaviour and for that and other purposes to amend the Children Act 2001 and the Criminal Justice Act 2006; to amend the Criminal Procedure Act 1967, the Bail Act 1997 and the Multi-Unit Developments Act 2011; and to provide for related matters.

Presented by the Minister for Justice, Home Affairs
and Migration,

9th January, 2026

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8, D08 XAO6.

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