



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

Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Bill 2026

*athraithe ó
changed from*

AN BILLE UM AN DLÍ COIRIÚIL AGUS AN DLÍ SIBHIALTA (FORÁLACHA ILGHNÉITHEACHA),
2026

CRIMINAL LAW AND CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL 2026

Mar a leasaíodh sa Roghchoiste um Dhlí agus Ceart, Gnóthai Baile agus Imirce

As amended in the Select Committee on Justice, Home Affairs and Migration



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

Bill

5

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 and to amend the Firearms Act 1925 in relation to the seizure and detention of firearms or ammunition by An Garda Síochána in the interest of public safety, security or peace; to amend the Courts of Justice Act 1936, the Courts Service Act 1998 and the Judicial Council Act 2019 in relation to certain non-judicial functions of the Chief Justice; to amend the Defence Act 1954 to provide for certain powers of the Defence Forces in relation to safeguarding, protecting and defending the security of the State, the deployment of the Defence Forces in aid of the civil power, and the protection of military installations by the Defence Forces; 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 amend the European Arrest Warrant Act 2003 to give further effect to Council Framework Decision of 13 June 2002¹ on the European arrest warrant and the surrender procedures between Member States, as amended by Council Framework Decision of 26 February 2009² amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial; to make further provision in relation to DNA profiles and for that purpose to amend the Criminal Justice

¹ OJ No. L 190, 18.07.2002, p. 1

² OJ No. L 81, 27.3.2009, p. 81

(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 Civil Legal Aid Act 1995, the Bail Act 1997, the Multi-Unit Developments Act 2011, the Prisons Act 2015, the Criminal Justice (Mutual Recognition of Custodial Sentences) Act 2023 and the Judicial Appointments Commission Act 2023; and to provide for related matters. 5 10

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL 15

Short title, collective citations and commencement

1. (1) This Act may be cited as the Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Act 2026.
- (2) The Licensing Acts 1833 to 2018 and *Part 13*, 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. 20
- (3) The Registration of Clubs Acts 1904 to 2008 and *Part 13*, 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.
- (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. 25

Definitions

2. In this Act— 30
 - “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, 35

Public Service Reform and Digitalisation, be paid out of moneys provided by the Oireachtas.

PART 2

AMENDMENT OF FIREARMS ACT 1925 AND PRISONS ACT 2007

Amendment of Firearms Act 1925	5
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);”,	10
(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	15
(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;”,	20
(c) by the insertion of the following section after section 4C:	
“Seizure and detention of firearms or ammunition by An Garda Síochána in interest of public safety, security or peace	
4D. (1) Where a member of An Garda Síochána who is—	
(a) in a public place,	25
(b) in any other place—	
(i) under a power of entry authorised by law, or	
(ii) to which he or she was expressly or impliedly invited or permitted to be,	
or	30
(c) carrying out a search authorised by law,	
finds or comes into possession of any firearm or ammunition and has reasonable grounds for suspecting that, in connection with the firearm or ammunition, there is a danger to the public safety, security or the peace, he or she may seize and detain said firearm or ammunition for a period not exceeding 14 days.	35

- (2) Where a member of An Garda Síochána has seized and detained a firearm or ammunition in accordance with subsection (1), a member of An Garda Síochána not below the rank of superintendent may, before the expiration of the period specified in subsection (1), if he or she is satisfied that— 5
- (a) there are reasonable grounds for suspecting that the possession, use or carriage of the firearm or ammunition will endanger the public safety, security or the peace, and
- (b) there are sufficient grounds, having regard to paragraph (a), to consider revocation under section 5 of the firearm certificate in respect of the firearm or ammunition seized and detained under subsection (1), 10
- authorise the detention of the firearm or ammunition for a further period not exceeding 21 days so that an issuing person may determine whether the firearm certificate should be revoked under section 5. 15
- (3) A person who obstructs or impedes a member of An Garda Síochána in the exercise of his or her powers under subsection (1) shall be guilty of an offence under this section and shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding six months or to both. 20
- (4) This section shall not affect any other power, under any enactment or the common law, to seize or detain a firearm or ammunition.
- (5) In this section, ‘enactment’ has the same meaning as it has in the Interpretation Act 2005.”,
- (d) 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”, 25
- (e) 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.”, 30
- and
- (f) 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.”. 35

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,”. 40

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”, 5
 - (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),”, 10
 - (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;”, 15
- 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,”. 20

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):
 - “(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 30
- (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.”. 35

Amendment of Judicial Council Act 2019

8. The Judicial Council Act 2019 is amended—

(a) in section 12—

(i) in subsection (1)(a), by the substitution of “or their replacements nominated under subsection (2A) or (3), as the case may be” for “or their replacements nominated under subsection (3)”, 5

(ii) in subsection (2)(a), by the deletion of “, who shall act as chairperson of the Board”,

(iii) by the insertion of the following subsections after subsection (2):

“(2A) The Chief Justice may, from time to time, nominate in writing a judge (other than a judge who is a member of the Board) of the Supreme Court, Court of Appeal, High Court, Circuit Court or District Court to perform the functions of the Chief Justice as such *ex officio* member during such period or on such occasion or occasions as are specified in the nomination. 10 15

(2B) The Chief Justice shall be the chairperson of the Board and—

(a) shall nominate another member of the Board to act as chairperson during the period or on such occasion or occasions referred to in subsection (2A), and

(b) may, at any other time, nominate another member of the Board to act as chairperson during such period or on such occasion or occasions as are specified in the nomination concerned.”, 20

and

(iv) in subsection (3)—

(I) by the substitution of “An *ex officio* member of the Board, other than the Chief Justice, may” for “An *ex officio* member of the Board may”, and 25

(II) by the substitution of “of which he or she is President” for “of which he or she is Chief Justice or President, as the case may be,”,

and

(b) in section 44— 30

(i) in subsection (1)(a), by the substitution of “their replacements nominated under subsection (2A) or (3), as the case may be” for “their replacements nominated under subsection (3)”,

(ii) in subsection (2)(a), by the deletion of “, who shall act as chairperson of the Committee”, 35

(iii) by the insertion of the following subsections after subsection (2):

“(2A) The Chief Justice may, from time to time, nominate in writing a judge (other than an elected member of the Judicial Conduct Committee) of the Supreme Court, Court of Appeal, High Court, Circuit Court or District Court to perform the functions of the Chief Justice as such *ex* 40

officio member during such period or on such occasion or occasions as are specified in the nomination and a reference in this Act to the Chief Justice as such *ex officio* member of the Judicial Conduct Committee shall, during such period or in respect of such occasion or occasions, be taken to be a reference to a judge so nominated. 5

(2B) The Chief Justice shall be the chairperson of the Judicial Conduct Committee and—

(a) shall nominate another member of the Judicial Conduct Committee who is a judge to act as chairperson of that Committee during the period or on such occasion or occasions referred to in subsection (2A), and 10

(b) may, at any other time, nominate another member of the Judicial Conduct Committee who is a judge to act as chairperson during such period or on such occasion or occasions as are specified in the nomination concerned.”, 15

and

(iv) in subsection (3)—

(I) by the substitution of “An *ex officio* member of the Judicial Conduct Committee, other than the Chief Justice, may” for “An *ex officio* member of the Judicial Conduct Committee may”, and 20

(II) by the substitution of “of which he or she is President” for “of which he or she is Chief Justice or President, as the case may be,”.

PART 4

AMENDMENT OF DEFENCE ACT 1954

Insertion of Part IIIA in Defence Act 1954

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9. The Defence Act 1954 is amended by the insertion of the following Part after section 40:

“PART IIIA

SAFEGUARDING, PROTECTING AND DEFENDING SECURITY OF THE STATE, AID OF CIVIL POWER AND PROTECTION OF MILITARY INSTALLATIONS

Safeguarding, protecting and defending by Defence Forces

30

40A. (1) Without prejudice to any other powers of a member of the Defence Forces in that behalf, a member of the Defence Forces shall have all such powers as are necessary or expedient, including the power to use such force as is reasonable, proportionate and necessary, for the purposes of safeguarding, protecting and defending the security of the State in either or both of the following circumstances: 35

- (a) where the passage or any activity of a foreign ship in the territorial sea or internal waters is considered to be prejudicial to such security;
 - (b) where there is considered to be a risk to the sovereign rights and jurisdiction of the State in the exclusive economic zone. 5
- (2) The Chief of Staff shall, with the consent of the Minister, prepare and issue guidance to members of the Defence Forces on the exercise of any power by a member of the Defence Forces pursuant to this section.
- (3) The Chief of Staff shall, as soon as is reasonably practicable, regarding the exercise of any power by a member of the Defence Forces pursuant to this section, provide the Minister with such information as may be required by the Minister. 10
- (4) In this section—
- ‘Act of 2021’ means the Maritime Jurisdiction Act 2021;
 - ‘exclusive economic zone’ shall be construed in accordance with section 13 of the Act of 2021; 15
 - ‘foreign ship’ has the same meaning as it has in the Act of 2021;
 - ‘internal waters’ shall be construed in accordance with section 8 of the Act of 2021;
 - ‘sovereign rights and jurisdiction of the State in the exclusive economic zone’ means the sovereign rights and jurisdiction of the State provided for in section 14 of the Act of 2021; 20
 - ‘territorial sea’ shall be construed in accordance with section 7 of the Act of 2021.

Aid of civil power 25

- 40B.** (1) The Minister may, subject to subsection (2), following a request to the Minister from the Minister for Justice, Home Affairs and Migration, direct the deployment of a member of the Defence Forces in aid of the civil power.
- (2) The Minister may, subject to such conditions as he or she may specify, give general approval for the deployment of a member of the Defence Forces in aid of the civil power for such class or classes of assistance as may be agreed with the Minister for Justice, Home Affairs and Migration. 30
- (3) A member of the Defence Forces deployed in aid of the civil power may use such force as is reasonable, proportionate and necessary in the performance of his or her duties. 35
- (4) The Chief of Staff shall, with the consent of the Minister, prepare and issue guidance to members of the Defence Forces deployed in aid of the civil power. 40

- (5) In this section, ‘aid of the civil power’ means assistance provided by the Defence Forces to An Garda Síochána under this section.

Protection of military installations

- 40C.** (1) A member of the Defence Forces engaged in security duties within a military installation may use such force as is reasonable, proportionate and necessary to protect the military installation and any persons within the installation. 5
- (2) The Chief of Staff shall, with the consent of the Minister, prepare and issue guidance to members of the Defence Forces engaged in security duties referred to in subsection (1). 10
- (3) In this section, ‘military installation’ means—
- (a) a State ship,
 - (b) a service aircraft, or
 - (c) a building or place (or portion thereof) occupied by, used by, or under the control (whether temporarily or otherwise) of, the Defence Forces, 15
- and includes the airspace above the military installation.”.

PART 5

AMENDMENT OF EXTRADITION ACT 1965

Definition (*Part 5*) 20

- 10.** In this Part, “Act of 1965” means the Extradition Act 1965.

Amendment of section 26 of Act of 1965

- 11.** 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”. 25

Amendment of section 27 of Act of 1965

- 12.** 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): 30
 - “(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
 - (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)”, 5
- (d) by the substitution of the following subsection for subsection (7): 10
 - “(7) If, within the period of 28 days after such person’s arrest, no such certificate is produced, he shall be released from custody or the terms of his bail.”,
- (e) in subsection (9)—
 - (i) in paragraph (a), by the substitution of “issued,” for “issued, or”, 15
 - (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).”, 20
- (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— 25
 - (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
 - (c) the person has been released from custody or the terms of his or her bail in accordance with subsection (7).”, 30
- 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”, 35
 - (iii) in the definition of “SIS”, by the substitution of “SIS Regulation” for “Council Decision”, and

(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; 5

‘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;

‘SIS Regulation’ means Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018³, as amended by Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019⁴, Regulation (EU) 2021/1133 of the European Parliament and of the Council of 7 July 2021⁵, Regulation (EU) 2021/1150 of the European Parliament and of the Council of 7 July 2021⁶ and Regulation (EU) 2022/1190 of the European Parliament and of the Council of 6 July 2022⁷;

Amendment of section 29A of Act of 1965

13. Section 29A(6) of the Act of 1965 is amended by the substitution of “the period specified in section 27(7)” for “the period of 18 days specified in section 27(7)”. 20

Amendment of section 36 of Act of 1965

14. Section 36(1) of the Act of 1965 is amended—

(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”. 25

PART 6

AMENDMENT OF CRIMINAL JUSTICE (COMMUNITY SERVICE) ACT 1983

Amendment of Criminal Justice (Community Service) Act 1983

15. The Criminal Justice (Community Service) Act 1983 is amended—

(a) in section 3— 30

(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):

3 OJ No. L 312, 7.12.2018, p. 56

4 OJ No. L 135, 22.5.2019, p. 85

5 OJ No. L 248, 13.7.2021, p. 1

6 OJ No. L 249, 14.7.2021, p. 1

7 OJ No. L 185, 12.7.2022, p. 1

- “(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.”,
- and
- (III) in paragraph (b), by the substitution of “24 months” for “12 months”, 5
- (ii) in subsection (1D), by the substitution of “relevant officer” for “probation officer”, and
- (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”, 10
- (c) in section 5(1), by the substitution of “480” for “240”,
- (d) in section 7—
- (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— 15
- (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
- (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 20 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
- (ii) in subsection (5), by the substitution of “relevant officer” for “probation officer”, 25
- and
- (e) in section 11(1), by the substitution of “relevant officer” for “probation officer”.

PART 7

CRIMINAL EVIDENCE

30

Amendment of section 19A of Criminal Evidence Act 1992

16. (1) Section 19A of the Act of 1992 is amended—

(a) in subsection (1)—

(i) by the insertion of the following definitions:

“ ‘Act of 1950’ means the Nurses Act 1950;

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‘Act of 1985’ means the Nurses Act 1985;

‘Act of 2005’ means the Health and Social Care Professionals Act 2005;

‘Act of 2011’ means the Nurses and Midwives Act 2011;

‘applicable record’, in relation to criminal proceedings for a sexual offence, means a child protection record, a counselling record, a medical record or a social work record— 5

- (a) in relation to which there is a reasonable expectation of privacy,
- (b) which was not compiled for the purposes of, or in contemplation of, the investigation into, or the prosecution of, the sexual offence concerned, and 10
- (c) whether or not the service the subject of the record was provided for remuneration;

‘child protection’ means an intervention or a series of interventions designed to safeguard children from abuse, neglect, violence, exploitation or harm and to promote their safety, wellbeing and rights; 15

‘child protection professional’ means a person who has undertaken training or study resulting in a qualification, or who has professional experience, relevant to child protection;

‘child protection record’ means any record, or part of a record, made by any means, by a person who was a child protection professional at the time of the making of the record, in the course of investigating or managing concerns, or carrying out assessments or interventions, in relation to the safety, welfare, or protection of a complainant when the complainant was a child; 20 25

‘complainant’ means a person in respect of whom a sexual offence is alleged to have been committed;

‘disclosure application’ has the meaning assigned to it by subsection (2);

‘medical professional’ means— 30

- (a) a registered medical practitioner,
- (b) a registered nurse, or
- (c) a registered midwife;

‘medical record’ means any record, or part of a record, made by any means, relating to the medical treatment of a complainant by, or ordered or initiated by, a person who was a medical professional at the time of the making of the record; 35

‘registered medical practitioner’, in relation to a particular point in time, means a person—

- (a) who was a registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007,
- (b) whose name was entered in the General Register of Medical Practitioners established under section 26 of the Medical Practitioners Act 1978, or 5
- (c) who was registered in the Register of Medical Practitioners prepared and established under the Medical Practitioners Act 1927, at that point in time;
- ‘registered midwife’, in relation to a particular point in time, means a person whose name was entered in— 10
- (a) the midwives division of the register of nurses and midwives established under section 46(1) of the Act of 2011,
- (b) the midwives division of the register of nurses established under section 27 of the Act of 1985, or
- (c) the midwives division of the register of nurses maintained under section 41 of the Act of 1950, 15
- at that point in time;
- ‘registered nurse’, in relation to a particular point in time, means a person—
- (a) whose name was entered in the nurses division of the register of nurses and midwives established under section 46(1) of the Act of 2011, 20
- (b) other than a registered midwife, whose name was entered in the register of nurses established under section 27 of the Act of 1985,
- (c) other than a registered midwife, whose name was entered in the register of nurses maintained under section 41 of the Act of 1950, or 25
- (d) who was registered in the register kept in pursuance of the Nurses Registration (Ireland) Act 1919,
- at that point in time; 30
- ‘social care worker’—
- (a) in relation to a particular point in time prior to the establishment under section 36 of the Act of 2005 of the register of members of the profession of social care worker, means a person who was practising as such and who held a qualification that is listed 35
- opposite the profession of social care worker in the third column of Schedule 3 to the Act of 2005 or a qualification that is a corresponding qualification, within the meaning of Part 9 of that Act, to that qualification, or

- (b) in relation to a particular point in time following the establishment of that register, means a person whose name was entered in that register,
at that point in time;
'social worker'— 5
- (a) in relation to a particular point in time prior to the establishment under section 36 of the Act of 2005 of the register of members of the profession of social worker, means a person who was practising as such and who held a qualification that is listed opposite the profession of social worker in the third column of Schedule 3 to the Act of 2005 or a qualification that is a corresponding qualification, within the meaning of Part 9 of that Act, to that qualification, or 10
- (b) in relation to a particular point in time following the establishment of that register, means a person whose name was entered in that register, 15
at that point in time;
'social work record' means any record, or part of a record, made by any means, by a person who was a social worker or social care worker at the time of the making of the record, as part of a professional practice relating to assessing or supporting the welfare of a complainant or any related intervention by the social worker or social care worker.”, 20
- (ii) in the definition of “counselling”, by the deletion of “(whether or not for remuneration)”, and
- (iii) by the substitution of the following definition for the definition of “counselling record”: 25
“ ‘counselling record’ means any record, or part of a record, made by any means, by a competent person in connection with the provision of counselling to a complainant;”,
- (b) by the substitution of the following subsections for subsection (2), (3), (4), (5) and (6): 30
- “(2) Where, in criminal proceedings for a sexual offence, the prosecutor or the accused is of the opinion that an applicable record ought to be disclosed to the accused under subsection (11), the prosecutor or the accused, as the case may be, shall make an application (in this section referred to as a ‘disclosure application’), in writing, to the court stating the reasons grounding the application. 35
- (3) Where the prosecutor intends to make a disclosure application under subsection (2), he or she shall, not later than the beginning of such period as may be prescribed in rules of court, notify the accused of his or her intention to make the application. 40

- (4) Where the accused intends to make a disclosure application under subsection (2), he or she shall, not later than the beginning of such period as may be prescribed in rules of court, notify the prosecutor of his or her intention to make the application.
- (5) Where a disclosure application is made under subsection (2), the court shall consider the application and where it is satisfied that the grounds relied upon in the application— 5
- (a) establish that the record is likely to be relevant to an issue at trial, the court shall order that a hearing referred to in subsection (8) be held, or 10
- (b) do not establish that the record is likely to be relevant to an issue at trial, the court shall refuse the application.
- (6) Where the court orders, under subsection (5)(a), that a hearing referred to in subsection (8) be held—
- (a) the court may order that the person who has possession or control of the applicable record concerned shall produce the record to the prosecutor not later than the beginning of such period in advance of the hearing as may be prescribed in rules of court, and 15
- (b) without prejudice to subsection (7), the prosecutor shall, not later than the beginning of such period as may be prescribed in rules of court, notify the person who has possession or control of the applicable record concerned, the complainant, and any other person to whom the prosecutor believes the applicable record relates of the order of the court under subsection (5)(a) and, where applicable, paragraph (a).”, 20 25
- (c) in subsections (7) and (8), by the substitution of “applicable record” for “counselling record” in each place it occurs,
- (d) in subsection (9)—
- (i) by the substitution of “applicable record” for “counselling record”, and
- (ii) by the substitution of “applicable records” for “counselling records”, 30
- (e) in subsection (10)—
- (i) by the substitution of “applicable record” for “counselling record”, and
- (ii) in paragraph (f), by the substitution of “to engage with the provision of services by a child protection professional, a competent person, a medical professional, a social care worker or a social worker” for “to seek counselling”, 35
- (f) by the substitution of the following subsection for subsection (11):
- “(11) Subject to subsection (12), a court shall not, after the hearing referred to in subsection (8), order disclosure of the content of the applicable record concerned to the accused, and where applicable, the prosecutor, unless the court is satisfied, having examined the record, that— 40

- (a) the record is likely to be relevant to an issue at trial, and
 - (b) one or both of the following apply:
 - (i) there would be a real risk of an unfair trial in the absence of such disclosure;
 - (ii) it is otherwise in the interests of justice to so order.”, 5
 - (g) in subsections (12), (13) and (16), by the substitution of “applicable record” for “counselling record” in each place it occurs, and
 - (h) by the deletion of subsection (17).
- (2) (a) The amendment of section 19A of the Act of 1992 effected by *subsection (1)* shall not apply in respect of criminal proceedings for a sexual offence (within the meaning of the said section 19A) that were instituted prior to the coming into operation of *subsection (1)*. 10
- (b) For the purposes of *paragraph (a)*, criminal proceedings are instituted—
- (i) when a summons or warrant of arrest is issued in respect of an offence,
 - (ii) when a person is arrested without a warrant, or 15
 - (iii) when a person is remanded for trial pursuant to Chapter IV of Part V of the Defence Act 1954.
- (3) In this section, “Act of 1992” means the Criminal Evidence Act 1992.

Amendment of section 30 of Criminal Justice Act 1999

17. 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”. 20

PART 8

CERTIFICATION OF CITIZENSHIP 25

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

18. Section 60 of the Criminal Justice (Theft and Fraud Offences) Act 2001 is amended by the substitution of the following subsection for subsection (2):
- “(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 30
 - (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 35

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.”. 5

Amendment of section 8 of Maritime Security Act 2004

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

“(1) In any proceedings relating to an offence under section 2— 10

(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

(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, 15

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.”. 20

Amendment of section 75 of Act of 2006

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

(a) by the substitution of the following subsection for subsection (1):

“(1) In any proceedings for an offence under section 71 or 74— 25

(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, 30

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.”,

(b) by the insertion of the following subsection after subsection (1): 35

“(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.”,

and

(c) in subsection (2)—

(i) by the substitution of “subsection (1) or (1A)” for “subsection (1)”, and 5

(ii) in paragraph (c), by the substitution of “Minister for Foreign Affairs and Trade, the Minister” for “Minister for Foreign Affairs”.

Amendment of section 63 of International Criminal Court Act 2006

21. Section 63 of the International Criminal Court Act 2006 is amended by the substitution of the following subsection for subsection (2): 10

“(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 15

(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.”. 20

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

22. 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): 25

“(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 30

(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,

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.”. 35

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

23. 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 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, 10

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.”. 15

PART 9

AMENDMENT OF EUROPEAN ARREST WARRANT ACT 2003

Definition (*Part 9*)

24. In this Part, “Act of 2003” means the European Arrest Warrant Act 2003. 20

Application of Part

25. (1) The amendments to the Act of 2003 effected by this Part shall apply to a relevant arrest warrant and a true copy thereof, that is—

(a) endorsed in accordance with section 13(2) of the Act of 2003,

(b) produced to the High Court under section 14(4) of the Act of 2003, or 25

(c) issued under section 33(1) of the Act of 2003,

on or after the date on which this Part comes into operation.

(2) In this section, “relevant arrest warrant” and “true copy” have the same meanings, respectively, as they have in the Act of 2003.

Amendment of section 13 of Act of 2003

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26. Section 13 of the Act of 2003 is amended—

(a) in subsection (1), by the substitution of “produce, or cause to be produced, the relevant arrest warrant” for “apply, or cause an application to be made,”, and

(b) in subsection (2), by the substitution of “The High Court shall, in relation to a relevant arrest warrant produced to it under subsection (1)” for “Upon an 35

application under subsection (1), the High Court shall, in relation to a relevant arrest warrant”.

Amendment of section 14B of Act of 2003

27. The Act of 2003 is amended by the substitution of the following section for section 14B:

“Warrant for temporary transfer of person to issuing state 5

14B. (1) The High Court shall, on the grant of an order under section 14A(3)(a), issue a warrant under this section for the temporary transfer of the person the subject of the order out of the State for the purpose of ensuring that that person is heard in the issuing state pursuant to the applicable relevant provisions (within the meaning of section 14A). 10

(2) A warrant issued under this section is authority for—

(a) where the person the subject of an order under section 14A(3)(a) is remanded in custody or on bail in the State at the time of the making of the order, the taking of that person from the place where he or she is detained or by arrangement where he or she is on bail, 15

(b) the delivering of the person the subject of an order under section 14A(3)(a) into the custody of a person representing the issuing state at a place of departure from the State,

(c) the detaining of the person in the issuing state, and 20

(d) where the person the subject of an order under section 14A(3)(a) was remanded in custody in the State immediately before that person was delivered into the custody of a person representing the issuing state, the bringing of the person back to the State and returning him or her to the place where he or she was detained. 25

(3) A warrant under this section may not be issued unless an assurance is given by the issuing state that the person the subject of an order under section 14A(3)(a) will not be proceeded against, sentenced, detained or subjected to any other restriction on his or her personal freedom in respect of any offence under the law of the issuing state committed before the person’s departure from the State. 30

(4) A person the subject of an order under section 14A(3)(a) is deemed to be in lawful custody when being taken from a place where he or she is detained or to a place where he or she is to be detained under a warrant under this section. 35

(5) A person the subject of an order under section 14A(3)(a) who escapes from custody or is unlawfully at large may be arrested without warrant by a member of An Garda Síochána and taken in custody to a place where he or she is to be detained.

(6) A person (other than a member of An Garda Síochána) who is authorised to have custody of a person the subject of an order under 40

section 14A(3)(a) is deemed to be such a member for the purposes of this section.”.

Amendment of section 30A of Act of 2003

28. Section 30A of the Act of 2003 is amended—

(a) in subsection (1), by the substitution of “the High Court shall, without delay,” for “the High Court shall”, and 5

(b) by the insertion of the following subsection after subsection (1):

“(1A) Where the High Court has requested the consent of a third country under subsection (1), it shall remand a person to whose surrender the consent relates in custody or on bail (and, for that purpose, the High Court shall have the same powers in relation to remand as it would have if the person were brought before it charged with an indictable offence).” 10

Amendment of section 35A of Act of 2003

29. Section 35A of the Act of 2003 is amended, in subsection (2), by the substitution of “in relation to such detention, upon request of the person concerned and, for that purpose, the High Court shall have the same powers in relation to remand as it would have if the person were brought before it charged with an indictable offence” for “in relation to such detention”. 15

Amendment of section 45 of Act of 2003

30. Section 45 of the Act of 2003 is amended by the insertion of the following subsection after subsection (2): 20

“(3) A request under subsection (2) for a copy of the judgment shall not—

(a) extend, suspend or otherwise affect the time limits specified in section 15 or 16 in relation to the person who made the request, 25

(b) warrant the postponement of the surrender, under section 18, of the person who made the request, or

(c) operate as a stay on proceedings under this Act relating to the person who made the request.”.

PART 10

30

AMENDMENT OF ACT OF 2006

Amendment of Act of 2006

31. The Act of 2006 is amended—

(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.”, 5
- (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 10
- (ii) in subsection (4), of “member of An Garda Síochána concerned” for “senior member of the Garda Síochána”,
- and
- (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”. 15

PART 11

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 20

32. 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—

- (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, 25 30
- (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 35

for the purpose of determining whether or not that other sample could relate to that person, or

- (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.”.

Generation of more than one profile from sample

33. 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.”.

PART 12

AMENDMENT OF CRIMINAL LAW (SEXUAL OFFENCES) ACT 2017

Offences relating to accommodation offered in exchange for sexual activity

34. 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 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.
- (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.

(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— 5

‘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;

‘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; 10

‘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; 15

‘residential property’ means any building which is in use as, or is suitable for use as, a dwelling;

‘tenancy’ includes—

(a) a periodic tenancy, 20

(b) a tenancy for a fixed term, and

(c) a sub-tenancy,

whether oral or in writing or implied.”.

PART 13

OUTDOOR SEATING AREAS FOR LICENSED PREMISES 25

Definitions (*Part 13*)

35. In this Part—

“Act of 1904” means the Registration of Clubs (Ireland) Act 1904;

“Act of 2000” means the Planning and Development Act 2000;

“Act of 2021” means the Civil Law (Miscellaneous Provisions) Act 2021; 30

“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—

(a) an officer of the planning authority that granted the street furniture licence,

(b) a commissioner for oaths, 35

- (c) a practising solicitor (within the meaning of the Legal Services Regulation Act 2015), or
 - (d) a member of An Garda Síochána;
- “club” means a club registered under the Registration of Clubs Acts;
- “Licensing Acts” means the Licensing Acts 1833 to 2018; 5
- “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; 10
 - (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;
 - (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; 15
- “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;
- “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. 20

Licensed premises with street furniture licence to include outdoor seating area

36. (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 25
 - (b) an outdoor seating area (within the meaning of the Act of 2021) where—
 - (i) *paragraphs (a) and (b) of section 39(1)* apply, and
 - (ii) the outdoor seating area is lawfully used by a licensee of a licensed premises pursuant to a street furniture licence. 30
- (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.
- (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— 35
- (a) it shall be lawful for the licensee of that licensed premises to sell or supply intoxicating 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—
 - (i) of the licence concerned under section 4 of the Courts (No. 2) Act 1986, 5
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,
failure to operate the outdoor seating area in accordance with this section, 10
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
of such renewal, the licensee has ceased to operate the outdoor seating area 15
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
be lawful where the intoxicating liquor is sold or supplied for consumption off the 20
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
lawful only— 25
 - (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. 30
- (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 35
 - (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

37. (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. 5
- (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—
- (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. 10

Withdrawal or variation of street furniture licence: duties of licensee and District Court clerk 15

38. (1) This section applies where a street furniture licence relating to licensed premises is withdrawn or varied by the planning authority concerned.
- (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. 20
- (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—
- (a) a certified copy of the street furniture licence as so varied, and 25
 - (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. 30

Transitional provision: outdoor seating area licensed under Act of 2021

39. (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— 35
- (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 36(1)(b)*.
- (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 5
 - (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. 10

PART 14

MISCELLANEOUS AMENDMENTS

Amendment of section 22 of Criminal Procedure Act 1967

- 40.** Section 22(1B) of the Criminal Procedure Act 1967 is amended— 15
- (a) in paragraph (a), by the substitution of “District Court,” for “District Court, or”,
 - (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.”. 20

Amendment of section 28 of Civil Legal Aid Act 1995

- 41.** Section 28 of the Civil Legal Aid Act 1995 is amended by the substitution of the following subsection for subsection (5C): 25
- “(5C) Notwithstanding any other provision of this Act, the Board shall grant a legal aid certificate to a complainant or witness for the purpose of his or her being represented in relation to a disclosure application (within the meaning of section 19A of the Criminal Evidence Act 1992) that concerns him or her and of which he or she has been notified under subsection (6)(b) or (7) of that section.”. 30

Amendment of Schedule to Bail Act 1997

- 42.** The Schedule to the Bail Act 1997 is amended by—
- (a) the substitution of the following subparagraph for subparagraph (c) of paragraph 19: 35

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

and

(b) the insertion of the following paragraphs after paragraph 45:

“*Offences under the Criminal Justice Act 1999* 5

46. An offence under section 41 of the Criminal Justice Act 1999.

“*Offences under the Sex Offenders Act 2001*

47. An offence under section 12 of the Sex Offenders Act 2001.

“*Offences under the Domestic Violence Act 2018*

48. An offence under section 38 or 39 of the Domestic Violence Act 2018.” 10

Amendment of section 257D of Children Act 2001

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

Amendment of Multi-Unit Developments Act 2011

15

44. 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”, and

(b) in section 33, by the deletion of “and the Minister for the Environment, Heritage and Local Government”. 20

Amendment of section 24 of Prisons Act 2015

45. Section 24(2)(a) of the Prisons Act 2015 is amended by the substitution of “two years of the term of imprisonment concerned remain” for “one year of the term of imprisonment concerned remains”. 25

Amendment of section 34 of Criminal Justice (Mutual Recognition of Custodial Sentences) Act 2023

46. Section 34(1)(b) of the Criminal Justice (Mutual Recognition of Custodial Sentences) Act 2023 is amended by the substitution of “English language, or a translation of the Certificate in the Irish language or the English language,” for “English language”. 30

Amendment of section 34 of Judicial Appointments Commission Act 2023

47. Section 34(1) of the Judicial Appointments Commission Act 2023 is amended—

(a) in paragraph (a), by the substitution of “Part 4,” for “Part 4, or”,

(b) in paragraph (b), by the substitution of “57(5), or” for “57(5)”, and

(c) by the insertion of the following paragraph after paragraph (b):

“(c) the Judicial Appointments Advisory Board that was transferred to the Commission under section 68(2),”.

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

athraithe ó

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

BILLE

(mar a leasíodh sa Roghchoiste um Dhli agus Ceart, Gnóthaí Baile agus Imirce)

dá ngairtear

Acht do leasú Acht na nArm Teine, 1925 agus Acht na bPriosáin, 2007 i ndáil le hoiligh phriosáin do shealbú, d'úsáid nó d'iompar sprae éagumaisithe agus do leasú Acht na nArm Teine, 1925 i ndáil leis an nGarda Síochána d'urghabháil agus do choinneáil airm tine nó armóin ar mhaith le sábháilteacht an pobaí, le stáid an pobaí nó leis an tsíocháin pobaí; do leasú an Acta Cúirteanna Breithiúnais, 1936, an Acta um Sheibris Chúirteanna, 1998 agus an Acta um Chomhairle na mBreithiúnais, 2019 i ndáil le feidhmeanna neamhbheithiúnacha áirithe de chuid an Phríomh-Breithiúnaí; do leasú an Acta Cosanta, 1954 chun socrú a dhéanamh maidir le cumhachtaí áirithe de chuid Óglaigh na hÉireann i ndáil le stáid an Stáit a shlánoimeid, a choimirciú agus a chosaint, i ndáil le hÓglaigh na hÉireann a insaradh i gcaibhair ar an gcumhacht sibhialta, agus i ndáil le hÓglaigh na hÉireann do chosaint suiteilacha míleata; do dhéanamh socrú maidir le cumhachtaí gabhála sealadai gan bhuarántas i ndáil le huarratai ar enseachadh in imhosa áirithe agus, chun na críche sin agus chun críoch eile, do leasú an Acta um Eiseachadh, 1965; do dhéanamh socrú breise i ndáil le horduithe seirbhíse pobail agus, chun na críche sin, do leasú an Acta um Cheartas Coiriúil (Seirbhís Pobail), 1983; do leasú an Acta um Fhianais Choiriúil, 1992 agus an Acta um Cheartas Coiriúil, 1999 i ndáil le fianais in imeachtaí áirithe; do dhéanamh socrú breise i ndáil le deimhniúcháin saoráidh in imeachtaí áirithe agus, chun na críche sin, do leasú an Acta um Cheartas Coiriúil (Cionta Gadaíochta agus Calaoise), 2001, an Acta um Sliandáil Mhuirí, 2004, an Acta um an gCúirt Choiriúil Idirnáisiúnta, 2006, an Acta um Cheartas Coiriúil (Sciúradh Airgid agus Maoiní Scéimlítheoireachta), 2010 agus Rialacháin an Aontais Eorpach (Drochúisid Mhargaidh), 2016; do leasú an Acta um Barántas Gabhála Eorpach, 2003 chun tuilleadh éifeachta a thabhairt do Chinnadh Réime on gComhairle an 13 Meitheamh 2002 maidir leis an mbuarántas gabhála Eorpach agus leis na nósanna imeachta tabhartha suas idir Ballstáit, arna leasú le Cinnadh Réime on gComhairle an 26 Feabhra 2009 lena leasítear Cúirt Réime 2002/584/CGB, 2005/214/CGB, 2006/783/CGB, 2008/909/CGB agus 2008/947/CGB, agus lena ndéantar, ar an tsli sin, cearta níos imeachta daoine a fheabhsú agus feidhmí phriosáin aitheantas thriathpháirteach a chosú maidir le breithanna arna dtabhairt i gcás an duine lena mbaineann a bheith as láthair ón trial; do dhéanamh socrú breise i ndáil le próifílí DNA agus, chun na críche sin, do leasú an Acta um Cheartas Coiriúil (Fianais Dlí-Folaíochta agus Córas Bunsachair Socráil DNA), 2014; do dhéanamh socrú maidir le cionta a bhaineann le cúlúcháin a thairiscint mar mhálaí ar ghluinleáid ghéasach agus, chun na críche sin, do leasú an Acta um an Dlí Coiriúil (Cionta Géasacha), 2017; do dhéanamh socrú maidir le láithreacha sui lasmugh de chuid áirithe cheadúnaithe a chosú in imhosa áirithe agus do dhéanamh socrú maidir le socrúcháin idirbheithiúnacha maidir le láithreacha sui lasmugh áirithe arna gceadú go sealadach faoi Acht um an Dlí Sibhialta (Forálacha Ilghnéitheacha), 2021; do dhéanamh socrú breise maidir le horduithe a bhaineann le hionpar frithshóisialta agus, chun na críche sin agus chun críoch eile, do leasú Acht na Leanaí, 2001 agus an Acta um Cheartas Coiriúil, 2006; do leasú an Acta um Nós Imeachta Coiriúil, 1967, an Acta um Chinnadh Dlíthiúil Sibhialta, 1995, an Acta um Bannai, 1997, an Acta um Fhorbairt Ilaonad, 2011, Acht na bPriosáin, 2015, an Acta um Cheartas Coiriúil (Aitheantas Frithpháirteach do Phianbheithiúnas Coimeáda), 2023 agus an Acta faoi Choinneáil um Cheapacháin Bheithiúnacha, 2023; agus do dhéanamh socrú a dtabharfaidh gealltáir.

Ordáidh ag an Roghchoiste a chlóbhualadh,
19 Bealtaine, 2026

Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Bill 2026

changed from

Criminal Law and Civil Law (Miscellaneous Provisions) Bill 2026

BILL

(as amended in the Select Committee on Justice, Home Affairs and Migration)

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 and to amend the Firearms Act 1925 in relation to the seizure and detention of firearms or ammunition by An Garda Síochána in the interest of public safety, security or peace; to amend the Courts of Justice Act 1936, the Courts Service Act 1998 and the Judicial Council Act 2019 in relation to certain non-judicial functions of the Chief Justice; to amend the Defence Act 1954 to provide for certain powers of the Defence Forces in relation to safeguarding, protecting and defending the security of the State, the deployment of the Defence Forces in aid of the civil power, and the protection of military installations by the Defence Forces; 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 amend the European Arrest Warrant Act 2003 to give further effect to Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, as amended by Council Framework Decision of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial; 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 Civil Legal Aid Act 1995, the Bail Act 1997, the Multi-Unit Developments Act 2011, the Prisons Act 2015, the Criminal Justice (Mutual Recognition of Custodial Sentences) Act 2023 and the Judicial Appointments Commission Act 2023; and to provide for related matters.

Ordered by the Select Committee to be printed,
19th May, 2026

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

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