

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

ADMINISTRATIVE REPRINT

Bille Dála arna leasú i gCoiste ag Seanad Éireann

Dáil Bill as amended in Committee by Seanad Éireann

This administrative reprint incorporates amendments made at Committee Stage by Seanad Éireann. It has been produced for ease of reference only, given that amendments made by Seanad Éireann to a Bill initiated in Dáil Éireann cannot have legislative effect unless agreed to by Dáil Éireann.

**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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Dáil Bill as amended in Committee by Seanad Éireann

10

Bill

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
Wireless Telegraphy Act 1926 to enable members of An Garda Síochána to use certain
apparatus for wireless telegraphy to interfere with unmanned aircraft systems for the
purposes of carrying out the function of An Garda Síochána; 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 Criminal Justice Act 2006, 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 5
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 give effect to the ratification by the State of certain amendments to the Rome Statute of the International Criminal Court, to further enable authorities in the State to co-operate with the International Criminal Court, and for those 10
and other related purposes to amend the International Criminal Court Act 2006; 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 15
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 provide that the Minister for Justice, Home Affairs and Migration may, in respect of applications made to the Minister, issue to certain persons certificates of disregard in respect of certain historical 20
convictions and other determinations relating to consensual sexual activity; 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 Social Welfare Consolidation Act 2005, the Multi-Unit Developments Act 2011, 25
the Prisons Act 2015, the Criminal Justice (Mutual Recognition of Custodial Sentences) Act 2023, the Criminal Justice (Miscellaneous Provisions) Act 2023, the Judicial Appointments Commission Act 2023 and the Family Courts Act 2024; and to provide for related matters.

Be it enacted by the Oireachtas as follows: 30

PART 1

PRELIMINARY AND GENERAL

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. 35

¹ OJ No. L 190, 18.07.2002, p. 1

² OJ No. L 81, 27.3.2009, p. 81

- (2) The Licensing Acts 1833 to 2018 and *Part 15*, 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 15*, 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. 5
- (4) This Act (other than *Part 5* and *section 75*) 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. 10

Definitions

2. In this Act—

“Act of 2007” means the Prisons Act 2007;

“Act of 2017” means the Criminal Law (Sexual Offences) Act 2017;

“Minister” means the Minister for Justice, Home Affairs and Migration. 15

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

AMENDMENT OF FIREARMS ACT 1925 AND ACT OF 2007

Amendment of Firearms Act 1925

4. The Firearms Act 1925 is amended—

- (a) in section 1(1), by the insertion of the following definition: 25

“ ‘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);”,

- (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 30

- (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 35

2007, by a prison officer in the performance of his or her duty as such an officer;”,

(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

5

4D. (1) Where a member of An Garda Síochána who is—

(a) in a public place,

(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,

10

or

(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.

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(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—

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(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

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(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),

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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.

(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.

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(4) This section shall not affect any other power, under any enactment or the common law, to seize or detain a firearm or ammunition.

40

(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”,	5
(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.”,	
and	10
(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.”.	
Amendment of Act of 2007	15
5. Section 35(2) of the Act of 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	20
AMENDMENT OF WIRELESS TELEGRAPHY ACT 1926	
Definition (<i>Part 3</i>)	
6. In this Part, “Act of 1926” means the Wireless Telegraphy Act 1926.	
Amendment of section 2 of Act of 1926	
7. Section 2 of the Act of 1926 is amended by the insertion of the following definition:	25
“ ‘Act of 2024’ means the Policing, Security and Community Safety Act 2024;”.	
Amendment of section 3(6) of Act of 1926	
8. Section 3(6) of the Act of 1926 is amended by the insertion of the following paragraph after paragraph (a):	30
“(aa) a radio frequency jammer kept by or in the possession of An Garda Síochána or a member of An Garda Síochána for the purposes of working or using such radio frequency jammer in accordance with section 12(1B) and 12B(1B),”.	

Commission and An Garda Síochána to agree memorandum of understanding on information sharing

9. The Act of 1926 is amended by the insertion of the following section after section 3:

- “3B.** (1) The Commission, having regard to its function under section 10(1)(b) of the Communications Regulation Act 2002, and the Garda Commissioner, having regard to the function of An Garda Síochána referred to in section 9 of the Act of 2024, may agree a memorandum of understanding concerning the sharing between them of information on radio frequency jammers—
- (a) kept by, or in the possession of, An Garda Síochána or a member of An Garda Síochána, and
- (b) worked or used by a member of An Garda Síochána to interfere with the working of or otherwise injuriously affect any UAS.
- (2) Without prejudice to the generality of subsection (1), the Commission and the Garda Commissioner may agree that the memorandum of understanding referred to in that subsection provide for the sharing between them of information relating to any of the following:
- (a) the procurement, storage, calibration, testing and maintenance of radio frequency jammers by An Garda Síochána;
- (b) standard operating procedures internal to An Garda Síochána relating to the use of radio frequency jammers;
- (c) the types of radio frequency jammers kept or used by An Garda Síochána, including the radio frequencies used by the radio frequency jammers and the power limits of the radio frequency jammers;
- (d) instances of the use of radio frequency jammers by An Garda Síochána.
- (3) Without prejudice to subsection (1), the Commission and the Garda Commissioner shall agree a memorandum of understanding referred to in that subsection within the period of two months beginning on the date on which this section comes into operation.
- (4) Where a memorandum of understanding is not agreed in accordance with subsection (3)—
- (a) the Commission shall notify the Minister for Culture, Communications and Sport, and
- (b) the Garda Commissioner shall notify the Minister for Justice, Home Affairs and Migration,
- of that fact.
- (5) The Commission and the Garda Commissioner shall keep under review the operation of a memorandum of understanding agreed under this section and may agree such amendments to, or revocations of, the memorandum as appear to them to be necessary or desirable.”.

Amendment of section 12 of Act of 1926

10. Section 12 of the Act of 1926 is amended—

- (a) in subsection (1), by the substitution of “Subject to subsections (1A) and (1B)” for “Subject to subsection (1A)”, and

- (b) by the insertion of the following subsection after subsection (1A): 5

“(1B) It shall be lawful for a member of An Garda Síochána to work or use a radio frequency jammer to interfere with the working of or otherwise injuriously affect any UAS where the member reasonably believes such work or use to be necessary for the purposes of carrying out the function of An Garda Síochána referred to in section 9 of the Act of 2024.”. 10

Amendment of section 12B of Act of 1926

11. Section 12B of the Act of 1926 is amended—

- (a) in subsection (1), by the substitution of “Subject to subsections (1A) and (1B)” for “Subject to subsection (1A)”, and 15

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

“(1B) Subsection (1) shall not apply to the use by a member of An Garda Síochána of a radio frequency jammer for the purpose of interfering with a UAS where that member reasonably believes such use to be necessary for the purposes of carrying out the function of An Garda Síochána referred to in section 9 of the Act of 2024.”. 20

PART 4

NON-JUDICIAL FUNCTIONS OF CHIEF JUSTICE

Amendment of section 67 of Courts of Justice Act 1936

12. Section 67 of the Courts of Justice Act 1936 is amended— 25

- (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),” 30

- (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; 35

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

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,”.

Amendment of section 11 of Courts Service Act 1998

13. 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

(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.”.

Amendment of Judicial Council Act 2019

14. 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)”,

(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.

(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.”, 5
- 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 10
 - (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—
 - (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)”, 15
 - (ii) in subsection (2)(a), by the deletion of “, who shall act as chairperson of the Committee”,
 - (iii) by the insertion of the following subsections after subsection (2): 20
 - “(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 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. 25
 - (2B) The Chief Justice shall be the chairperson of the Judicial Conduct Committee and— 30
 - (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 35
 - (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.”,
- and 40
- (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
- (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,”. 5

PART 5

AMENDMENT OF DEFENCE ACT 1954

Insertion of Part IIIA in Defence Act 1954

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

“PART IIIA 10

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

Safeguarding, protecting and defending by Defence Forces

- 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: 15
- (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; 20
 - (b) where there is considered to be a risk to the sovereign rights and jurisdiction of the State in the exclusive economic zone.
- (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. 25
- (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. 30
- (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; 35
 - ‘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;

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‘territorial sea’ shall be construed in accordance with section 7 of the Act of 2021.

Aid of civil power

- 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. 10
- (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. 15
- (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. 20
- (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.
- (5) In this section, ‘aid of the civil power’ means assistance provided by the Defence Forces to An Garda Síochána under this section. 25

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. 30
- (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).
- (3) In this section, ‘military installation’ means—
- (a) a State ship, 35
- (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,
- and includes the airspace above the military installation.”. 40

PART 6

AMENDMENT OF EXTRADITION ACT 1965

Definition (*Part 6*)

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

Amendment of section 26 of Act of 1965

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17. 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

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

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(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):

“(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.

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(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.”,

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(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)”,

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(d) by the substitution of the following subsection for subsection (7):

“(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.”,

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(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).”,
- (f) in subsection (11), by the deletion of “under a warrant issued”, 5
- (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— 10
 - (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).”, 15
- 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”, 20
 - (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; 25
 - ‘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; 30
 - ‘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 35

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

Amendment of section 29A of Act of 1965

19. 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)”. 5

Amendment of section 36 of Act of 1965

20. 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”. 10

PART 7

AMENDMENT OF CRIMINAL JUSTICE (COMMUNITY SERVICE) ACT 1983

Amendment of Criminal Justice (Community Service) Act 1983

21. The Criminal Justice (Community Service) Act 1983 is amended—
- (a) in section 3— 15
 - (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.”,
 - 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 25
 - (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— 30
 - (i) by the substitution of the following subsection for subsection (2):

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

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

- “(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 5
 - (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.”, 10
- and
- (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”. 15

PART 8

CRIMINAL EVIDENCE

Amendment of section 19A of Criminal Evidence Act 1992

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

- (a) in subsection (1)— 20
 - (i) by the insertion of the following definitions:
 - “ ‘Act of 1950’ means the Nurses Act 1950;
 - ‘Act of 1985’ means the Nurses Act 1985;
 - ‘Act of 2005’ means the Health and Social Care Professionals Act 2005; 25
 - ‘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—
 - (a) in relation to which there is a reasonable expectation of privacy, 30
 - (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
 - (c) whether or not the service the subject of the record was provided for remuneration; 35

‘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;

‘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; 5

‘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; 10

‘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); 15

‘medical professional’ means—

- (a) a registered medical practitioner,
- (b) a registered nurse, or
- (c) a registered midwife; 20

‘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;

‘registered medical practitioner’, in relation to a particular point in time, means a person— 25

- (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 30
- (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— 35

- (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 40

(c) the midwives division of the register of nurses maintained under section 41 of the Act of 1950,

at that point in time;

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

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(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,

(b) other than a registered midwife, whose name was entered in the register of nurses established under section 27 of the Act of 1985,

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(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

(d) who was registered in the register kept in pursuance of the Nurses Registration (Ireland) Act 1919,

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at that point in time;

‘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 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

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(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’—

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(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

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(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,

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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.”, 5
- (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”: 10
- “ ‘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 subsections (2), (3), (4), (5) and (6): 15
- “(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. 20
- (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. 25
- (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— 30
- (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 35
- (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 40

- (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).” 5
- (c) in subsections (7) and (8), by the substitution of “applicable record” for “counselling record” in each place it occurs,
- (d) in subsection (9)— 10
 - (i) by the substitution of “applicable record” for “counselling record”, and
 - (ii) by the substitution of “applicable records” for “counselling records”,
- (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”, 15
- (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— 20
 - (a) the record is likely to be relevant to an issue at trial, and
 - (b) one or both of the following apply: 25
 - (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.”,
- (g) in subsections (12), (13) and (16), by the substitution of “applicable record” for “counselling record” in each place it occurs, and 30
- (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)*. 35
- (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

(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 Criminal Justice Act 1993

23. The Criminal Justice Act 1993 is amended by the insertion of the following section after section 5B: 5

“Requirement for sworn character evidence in respect of indictable offences

5C. (1) Where a person is convicted of an indictable offence and intends to adduce character evidence for the purpose of the determination of sentence, such evidence shall— 10

(a) where given orally, be given on oath, or

(b) where not given orally, be given by affidavit.

(2) Subsection (1) applies whether the evidence is given by the convicted person or by any other person on his or her behalf. 15

(3) Subsection (1) shall apply only in respect of a person who is convicted of an indictable offence after the coming into operation of this Act.”.

Amendment of section 30 of Criminal Justice Act 1999

24. 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 9

CERTIFICATION OF CITIZENSHIP

Amendment of section 60 of Criminal Justice (Theft and Fraud Offences) Act 2001 25

25. 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 sections 38(1) and 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 of the officer’s knowledge and belief, the person has not ceased to be an Irish citizen, 35

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.”.

Amendment of section 8 of Maritime Security Act 2004

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- 26.** 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—

(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 10

(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.”.

Amendment of section 75 of Criminal Justice Act 2006

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- 27.** Section 75 of the Criminal Justice Act 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—

(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 25

(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,

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.”, 30

(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.”, 35

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”.

Amendment of section 63 of International Criminal Court Act 2006

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28. 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

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(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,

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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.”.

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

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29. 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):

“(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

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(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,

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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.”.

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

30. 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 10

AMENDMENT OF EUROPEAN ARREST WARRANT ACT 2003

Definition (*Part 10*)

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

Application of Part

32. (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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33. 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

34. 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

35. 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

36. Section 35A of the Act of 2003 is amended— 15

- (a) 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”, and 20
- (b) by the insertion of the following subsection after subsection (2):
 - “(3) A retrial or appeal referred to in subsection (2) shall commence without delay.”.

Amendment of section 45 of Act of 2003

37. Section 45 of the Act of 2003 is amended by the insertion of the following subsection after subsection (2): 25

- “(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,
 - (b) warrant the postponement of the surrender, under section 18, of the person who made the request, or 30
 - (c) operate as a stay on proceedings under this Act relating to the person who made the request.”.

PART 11

AMENDMENT OF CRIMINAL JUSTICE ACT 2006

Amendment of Criminal Justice Act 2006

38. The Criminal Justice Act 2006 is amended—

- (a) in section 99, by the insertion of the following subsection after subsection (1): 5
“(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.”, 10
- (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 15
 - (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”. 20

PART 12

AMENDMENT OF INTERNATIONAL CRIMINAL COURT ACT 2006

Definition (*Part 12*)

39. In this Part, “Act of 2006” means the International Criminal Court Act 2006. 25

Amendment of section 2 of Act of 2006

40. Section 2 of the Act of 2006 is amended—

- (a) in subsection (1)—
 - (i) by the substitution of the following definition for the definition of “Statute”:
“ ‘Statute’, subject to section 64A, means the Rome Statute of the International Criminal Court, done at Rome on 17 July 1998, as amended by the text set out— 30
- (a) in Annex I of Resolution RC/Res.5, adopted on 10 June 2010 pursuant to Article 121 (the text of which amendment in the

- English language is set out in paragraph 1 of Part 1 of Schedule 1A),
- (b) in Annex I of Resolution RC/Res.6, adopted on 11 June 2010 pursuant to Article 121 (the text of which amendment in the English language is set out in Part 2 of Schedule 1A), 5
 - (c) in Annexes I to III of Resolution ICC-ASP/16/Res.4, adopted on 14 December 2017 pursuant to Article 121 (the text of which amendment in the English language is set out in paragraph 2 of Part 1 of Schedule 1A), and
 - (d) in Annex I of Resolution ICC-ASP/18/Res.5, adopted on 6 December 2019 pursuant to Article 121 (the text of which amendment in the English language is set out in paragraph 3 of Part 1 of Schedule 1A);”, 10
- and
- (ii) by the insertion of the following definitions: 15
 - “ ‘crime of aggression’ has the same meaning as it has in Article 8 *bis*;
 - ‘crime within the jurisdiction of the International Criminal Court’ means, subject to subsection (1B), any of the following:
 - (a) genocide (within the meaning of section 6(1));
 - (b) a crime against humanity (within the meaning of section 6(1)); 20
 - (c) a war crime (within the meaning of section 6(1));
 - (d) subject to subsection (1A), the crime of aggression;
 - (e) the intentional committing of any of the acts specified in Article 70.1 (offences against the administration of justice);
 - (f) an act specified in a relevant amendment and prescribed in an order made under section 64A; 25
- ‘relevant amendment’ has the meaning assigned to it by section 64A;”,
- and
- (b) by the insertion of the following subsections after subsection (1):
 - “(1A) For the purposes of paragraph (d) of the definition of crime within the jurisdiction of the International Criminal Court, the reference to Article 8 *bis* in the definition of crime of aggression shall not be construed as a reference to that Article as amended by a relevant amendment. 30
 - (1B) In this Act, a reference to a crime within the jurisdiction of the International Criminal Court shall be construed as including any act in respect of which a person who commits such an act is by virtue of Article 25, 27 or 28 criminally responsible for any of the acts referred to in paragraphs (a) to (f) of the definition of crime within the jurisdiction of the International Criminal Court in subsection (1).”. 35 40

Amendment of section 6 of Act of 2006

41. Section 6 of the Act of 2006 is amended by the insertion of the following subsection after subsection (2):

“(3) A reference in this section to an Article shall not be construed as a reference to that Article as amended by a relevant amendment.”.

5

Amendment of section 8 of Act of 2006

42. Section 8 of the Act of 2006 is amended—

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

“(1) Subject to subsection (1A), any person who does any act specified in Article 25.3 (individual criminal responsibility), other than an act in relation to the crime of aggression, is guilty of an offence (in this Act referred to as an ‘ancillary offence’).”.

10

and

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

“(1A) For the purposes of subsection (1), a reference in Article 25.3 to a crime within the jurisdiction of the Court shall not be construed in accordance with the text of the Statute as amended by a relevant amendment.”.

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Amendment of section 9 of Act of 2006

43. Section 9 of the Act of 2006 is amended by the insertion of the following subsection after subsection (4):

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“(5) Without prejudice to the generality of subsection (4), proceedings may not be taken in respect of—

(a) an alleged war crime in respect of an alleged infringement of subparagraph (b)(xxvii), (b)(xxviii), (b)(xxix), (e)(xiii), (e)(xiv), (e)(xv), (e)(xvi), (e)(xvii), (e)(xviii) or (e)(xix) of Article 8.2, or

25

(b) an alleged ancillary offence relating to an alleged infringement referred to in paragraph (a),

where such alleged infringement or alleged ancillary offence, as the case may be, is in respect of conduct that occurred before the coming into operation of *paragraph (a)(i) of section 40 of the Criminal Law, Civil Law and Defence (Miscellaneous Provisions) Act 2026*.”.

30

Amendment of section 12 of Act of 2006

44. Section 12 of the Act of 2006 is amended by the insertion of the following subsection after subsection (4):

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“(4A) The reference in subsection (2)(a) to Article 8.2 shall not be construed as a reference to that Article as amended by a relevant amendment.”.

Amendment of section 62 of Act of 2006

45. Section 62(1) of the Act of 2006 is amended by the substitution of “an ICC offence, offence under section 11(1) or other serious offence” for “an ICC offence or other serious offence”.

Order for purpose of definition of crime within jurisdiction of International Criminal Court 5

46. The Act of 2006 is amended by the insertion of the following section after section 64:

- “64A. (1) The Government, on the request of the Minister made after consultation with the Minister for Foreign Affairs and Trade, may by order prescribe as a crime within the jurisdiction of the International Criminal Court an act specified in an amendment adopted under Article 121 or 123, on or after the coming into operation of this section, to Article 6, 7, 8 or 8 *bis* (in this Act referred to as a ‘relevant amendment’), whether or not such relevant amendment has entered into force. 10 15
- (2) Where an order has been made under subsection (1), references to the Statute in the following provisions shall be construed as references to the Statute as amended by the relevant amendment:
- (a) section 3, except in so far as that section relates to proceedings for an offence under Part 2; 20
- (b) section 4;
- (c) Parts 3 to 5;
- (d) sections 58 to 59;
- (e) section 63.
- (3) Where an order is proposed to be made under this section, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving the draft has been passed by each such House.”. 25

Further amendment of Act of 2006: crimes within jurisdiction of International Criminal Court 30

47. The Act of 2006 is amended—

- (a) in section 4(1)(b), by the substitution of “crimes within the jurisdiction of the International Criminal Court” for “offences within the jurisdiction of the Court”,
- (b) in section 19, by the substitution of “a crime within the jurisdiction of the International Criminal Court” for “an ICC offence” in both places where it occurs, 35
- (c) in section 22(1)(c)(i), by the substitution of “a crime within the jurisdiction of the International Criminal Court” for “an ICC offence or an offence under section 11(1)(a)”,

- (d) in section 31(1)(b), by the substitution of “a crime within the jurisdiction of the International Criminal Court” for “an ICC offence”,
- (e) in section 37, in paragraph (a) of the definition of “gift caught by this Part”, by the substitution of “a crime within the jurisdiction of the International Criminal Court” for “an ICC offence”, 5
- (f) in section 38, by the substitution of “a crime within the jurisdiction of the International Criminal Court” for “an ICC offence” in each place where it occurs,
- (g) in section 50—
 - (i) in subsection (1B), by the substitution of “crime within the jurisdiction of the International Criminal Court” for “ICC offence”, 10
 - (ii) in subsection (1L), by the substitution of “crime within the jurisdiction of the International Criminal Court” for “ICC offence”,
 - (iii) in subsection (3)(a), by the substitution of “a crime within the jurisdiction of the International Criminal Court” for “an ICC offence”, and
 - (iv) in subsection (12), by the substitution of “a crime within the jurisdiction of the International Criminal Court” for “an ICC offence” in each place where it occurs, 15
- (h) in section 50A, by the substitution of “crime within the jurisdiction of the International Criminal Court” for “ICC offence” in both places where it occurs,
- (i) in section 51(7)(d), by the substitution of “a crime within the jurisdiction of the International Criminal Court” for “an ICC offence”, 20
- (j) in section 52, by the substitution of “a crime within the jurisdiction of the International Criminal Court” for “an ICC offence” in each place where it occurs,
- (k) in section 53(1), by the substitution of “a crime within the jurisdiction of the International Criminal Court” for “an ICC offence”, and 25
- (l) in section 63(3)(b), by the substitution of “crimes within the jurisdiction of the International Criminal Court” for “offences within the jurisdiction of the Court”.

Amendment of Act of 2006 – insertion of Schedule 1A

- 48. The Act of 2006 is amended by the insertion of the text set out in the *Schedule* as Schedule 1A to that Act. 30

PART 13

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

- 49. 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”: 35

“ ‘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, 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 15
- (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

- 50.** The Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 is amended by the insertion of the following section after section 51: 30

“**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 14

AMENDMENT OF ACT OF 2017 35

Offences relating to accommodation offered in exchange for sexual activity

- 51.** The Act of 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 40

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—

‘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;

‘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;

‘tenancy’ includes—

 - (a) a periodic tenancy,
 - (b) a tenancy for a fixed term, and
 - (c) a sub-tenancy,

whether oral or in writing or implied.”.

PART 15

OUTDOOR SEATING AREAS FOR LICENSED PREMISES

Definitions (*Part 15*)

52. 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

53. (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 56(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 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, and15
 - (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, failure 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 1904.25
- (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 concerned.30
- (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 premises.35
- (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—40

- (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, 10
 - or
 - (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

54. (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

55. (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

- 56.** (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 53(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 16

DISREGARD OF CERTAIN HISTORICAL CONVICTIONS AND OTHER DETERMINATIONS

Interpretation (*Part 16*)

- 57.** In this Part—
- “Act of 1907” means the Probation of Offenders Act 1907; 30
 - “Act of 2010” means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;
 - “additional information”, in relation to an application, includes a media report (howsoever described), relating to the arrest, questioning, cautioning, charging, proceedings on foot of the charge but preliminary to the conviction, prosecution, conviction or sentencing of a person, in respect of which the applicable conviction or other determination relates; 35

“applicable activity” means, in relation to an application, the sexual activity or activities to which an applicable conviction or other determination concerned relates;	
“applicable conviction or other determination” means a conviction or other determination the subject of an application;	
“applicant” has the meaning assigned to it by <i>section 59</i> ;	5
“application” has the meaning assigned to it by <i>section 58</i> ;	
“caution” means a formal written warning or notice administered to a person by a member of An Garda Síochána in lieu of the person being charged with an offence;	
“certificate of disregard” has the meaning assigned to it by <i>section 63</i> ;	
“circumstances ancillary” means, in relation to a conviction or other determination, any or all of the following:	10
(a) the offence the subject of the conviction or other determination;	
(b) the conduct constituting that offence;	
(c) any arrest, questioning or cautioning of the relevant person prior to being charged with the offence;	15
(d) the charging of the relevant person with the offence;	
(e) any proceedings on foot of the charge but preliminary to the conviction or other determination;	
(f) any penalty or other order of a court concerned, made on foot of the conviction;	
(g) any proceedings, by way of appeal or otherwise, for reviewing the conviction or other determination or any penalty imposed on foot of the conviction;	20
(h) anything done in pursuance of, or undergone in compliance with, any order made in connection with or as a result of the conviction or other determination;	
“civil partner” shall be construed in accordance with section 3 of the Act of 2010;	
“cohabitant” means a cohabitant within the meaning of section 172(1) of the Act of 2010;	25
“consent” has the same meaning as it has in section 9 of the Criminal Law (Rape) (Amendment) Act 1990;	
“conviction”, in relation to a person, means the conviction by a court of the person of an offence or, in the case of an appeal whether against conviction or sentence or both, the final determination by a court of the appeal, or the withdrawal of the appeal;	30
“disregard” shall be construed in accordance with <i>section 64</i> ;	
“disregarded conviction or other determination” means a conviction or other determination in respect of which a certificate of disregard is in effect;	
“enactment” has the same meaning as it has in the Interpretation Act 2005;	
“guardian” means, in relation to a relevant person who is deceased, a person who—	35
(a) was a guardian of the relevant person pursuant to the Guardianship of Infants Act 1964, or	

- (b) was appointed to be the guardian of the relevant person by—
 - (i) a deed or will, or
 - (ii) an order of a court in the State,
 and was not removed from office;
- “immediate family member” means, in relation to a relevant person who is deceased, a parent, step-parent, guardian, spouse, civil partner, cohabitant, partner or child of the relevant person; 5
- “independent assessor” has the meaning assigned to it by *section 66*;
- “independent assessor’s recommendation” has the meaning assigned to it by *section 66*;
- “independent person” has the meaning assigned to it by *section 60*; 10
- “independent person’s recommendation” has the meaning assigned to it by *section 62*;
- “independent reviewer” has the meaning assigned to it by *section 60*;
- “independent reviewer’s recommendation” has the meaning assigned to it by *section 65*;
- “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 section 2 of the Act of 2007; 15
- “notice of revocation” has the meaning assigned to it by *section 67*;
- “other determination” means, in relation to a person—
 - (a) a caution administered to the person, or
 - (b) an order made by a court in respect of the person under section 1(1) of the Act of 1907; 20
- “participant” means a person who participated in any of the applicable activity or whose participation was sought by whatever means;
- “partner” means, in relation to a relevant person who is deceased, a person who was in an intimate and committed personal relationship with the relevant person immediately prior to the relevant person’s death; 25
- “Probation Service” means those officers of the Minister assigned to perform functions in the part of the Department of State for which the Minister is responsible, commonly known by that name;
- “public body” means— 30
 - (a) An Garda Síochána,
 - (b) the Courts Service,
 - (c) the Defence Forces,
 - (d) the Irish Prison Service,
 - (e) the Office of the Attorney General, 35
 - (f) the Office of the Chief State Solicitor,

(g) the Office of the Director of Public Prosecutions, or

(h) the Probation Service;

“record” includes a part of a record and a copy of a record;

“relative” means, in relation to a relevant person who is deceased, a brother, step-brother, sister, step-sister, grandchild, uncle, aunt, niece, nephew, grandniece or grandnephew of the relevant person; 5

“relevant conviction or other determination”, in relation to a person, means—

(a) the conviction of the person on or after 6 December 1922 by a court of criminal or military jurisdiction—

(i) of the offence of buggery, or 10

(ii) of an offence under—

(I) section 62 of the Offences against the Person Act 1861,

(II) section 11 of the Criminal Law Amendment Act 1885, or

(III) section 1(1)(b) of the Vagrancy Act 1898,

or 15

(b) an other determination in relation to an offence referred to in *paragraph (a)*;

“relevant person” has the meaning assigned to it by *section 58*;

“sexual activity” includes alleged or attempted sexual activity or the solicitation of such activity;

“transferred record” means a record transferred by a public body to the National Archives under the National Archives Act 1986. 20

Application for certificate of disregard

58. (1) A person (in this Part referred to as a “relevant person”) who has a relevant conviction or other determination, or if the relevant person is deceased, a person referred to in *section 59(1)(c)* or *(d)*, may apply to the Minister under *section 59* for a certificate of disregard in respect of that relevant conviction or other determination (in this Part referred to as an “application”) where— 25

(a) the conduct constituting the offence was sexual activity between persons of the same sex, and

(b) the relevant person, or, where appropriate, a person referred to in *section 59(1)(c)* or *(d)* considers that— 30

(i) each of the criteria specified in *subsection (2)* is satisfied, or

(ii) *subsection (3)* applies in relation to the relevant person.

(2) The criteria referred to in *subsection (1)(b)(i)* are the following:

(a) the relevant person did not cause, or attempt to cause, another person to participate in any of the sexual activity concerned without the consent of that other person; 35

- (b) the relevant person did not engage, or attempt to engage, in any of the sexual activity concerned with another person who—
 - (i) subject to *subsection (4)*, was under the age of 17 years, or
 - (ii) bore the characteristics of a protected person (within the meaning of section 21 of the Act of 2017);
- (c) the relevant person was not, at the time of any of the sexual activity concerned, a person in authority (within the meaning of section 1 of the Criminal Law (Sexual Offences) Act 2006) in relation to another participant in the sexual activity concerned who—
 - (i) was over the age of 17 years but under the age of 18 years, or
 - (ii) bore the characteristics of a relevant person (within the meaning of section 22 of the Act of 2017);
- (d) the relevant person did not, in the course of the sexual activity, engage in conduct referred to in section 5 of the Act of 2017;
- (e) the relevant person did not pay, give, offer, or promise to pay or give another person money or any other form of remuneration or consideration for the purpose of participating in any of the sexual activity concerned;
- (f) the sexual activity would not, if occurring in the same circumstances at the time that the relevant person makes the application, constitute an offence.
- (3) The criteria specified in *subsection (2)* shall not apply in circumstances where the relevant person was compelled, coerced or deceived into participating in the sexual activity or otherwise did not consent to the sexual activity the subject of the conviction or other determination, as the case may be.
- (4) *Subsection (2)(b)(i)* shall not apply where any person under the age of 17 years, with whom the relevant person engaged in any of the sexual activity, was at the time the activity concerned took place—
 - (a) either—
 - (i) older than the relevant person, or
 - (ii) not more than 2 years younger than the relevant person,
 - (b) not under 15 years of age, and
 - (c) not the subject of a relationship which involved intimidation or exploitation by the relevant person.
- (5) Notwithstanding *subsection (2)(f)*, the relevant person or, where appropriate, a person referred to in *section 59(1)(c)* or *(d)*, may make an application where he or she believes—
 - (a) (for such reasons as shall be stated in the application) that the relevant person would not have been cautioned or prosecuted, as the case may be, in relation to the sexual activity concerned had the sexual activity been heterosexual in nature, and
 - (b) the criteria specified in *paragraphs (a) to (e)* of *subsection (2)* are satisfied.

Procedure for making applications

59. (1) An application may be made to the Minister—

- (a) by the relevant person concerned,
- (b) by a person nominated in writing by the relevant person to make the application on the relevant person's behalf, 5
- (c) where the relevant person is deceased, by an immediate family member, or
- (d) where the relevant person is deceased but there is no immediate family member who can or wishes to make an application, by a relative, other than where there is an objection by an immediate family member to such an application being made in respect of the relevant person, 10

and a person who makes an application shall in this Part be referred to as an “applicant”.

(2) An application shall be in writing and in such form and contain such information as the Minister may specify and—

- (a) may include such additional information as the applicant considers relevant to the application, 15
- (b) may be accompanied by a statutory declaration made by the relevant person, or another participant in the sexual activity concerned, stating that the relevant conviction or other determination which is the subject of the application satisfies the criteria under *section 58* for a certificate of disregard, and 20
- (c) shall, where an application is one to which *section 58(5)* applies, set out the reasons as to why the relevant person or, where appropriate, a person referred to in *subsection (1)(c)* or *(d)*, believes that the relevant person would not have been cautioned or prosecuted, as the case may be, in relation to the sexual activity concerned had the sexual activity been heterosexual in nature. 25

(3) An application shall be made within a period of 24 months of the commencement of this Part, however, the Minister may, at his or her discretion, accept and consider an application made after the expiry of this period.

(4) A fee shall not be payable to the Minister in relation to an application.

Appointment of persons to consider applications and undertake reviews

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60. (1) The Minister shall appoint one or more persons on such terms and conditions as the Minister may determine for the following purposes:

- (a) to consider applications under *sections 61* and *62* (in this Part referred to as an “independent person”);
- (b) to carry out reviews under *section 65* (in this Part referred to as an “independent reviewer”). 35

(2) A person shall not be appointed under *subsection (1)* unless the Minister is satisfied that the person is suitable to be so appointed by reason of his or her possessing such relevant experience, qualifications or specialist knowledge, or satisfying such other

criteria, as the Minister considers appropriate having regard to the functions of the person under this Part.

- (3) The Minister may request in writing a person appointed under this section to provide the Minister with such information, and within such period as the Minister may specify in the request, in relation to the carrying out by the person of his or her functions under this Part and, where the Minister makes such a request, the person shall comply with that request. 5

Preliminary assessment of applications

61. (1) An independent person shall, in respect of any application before him or her, consider the application and may request from any person such further information as the independent person reasonably considers necessary to verify— 10
- (a) the identity of the applicant,
 - (b) where applicable, the relationship of the applicant to the relevant person, and
 - (c) where *section 59(1)(d)* applies, confirmation of the circumstances giving rise to the application being brought by the applicant concerned. 15
- (2) Where the independent person, having had regard to the application and such information, if any, as he or she has obtained under this section, is not satisfied that the applicant is a person who may make the application in accordance with *section 59(1)*, the independent person shall not consider the application further and shall notify in writing— 20
- (a) the applicant, informing him or her of the decision and the reasons for that decision, and that he or she may make a request in writing to the Minister, within 28 days of the date of the notification, to seek a review of the decision under *section 65*, and
 - (b) the Minister, informing him or her of the decision, accompanied by the application and such other information, if any, that the independent person obtained in relation to the application. 25
- (3) Where the independent person, having had regard to such information, if any, as he or she has obtained under this section, is satisfied that the applicant is a person who may make the application in accordance with *section 59(1)*, the independent person shall proceed to consider the application under *section 62*. 30

Consideration by independent person of application

62. (1) An independent person may, for the purposes of considering an application, request in writing a public body to furnish him or her with copies of any records that the public body may hold or any transferred records that the public body may formerly have held, which are, or may be, relevant to the consideration of the application, including any record relating to or referencing the arrest, questioning, caution, charge, prosecution, making of an order under section 1(1) or (2) of the Act of 1907, conviction, sentencing, imprisonment or probation supervision of any person in connection with the application concerned. 35 40

- (2) Where a public body receives a request from an independent person under *subsection (1)*, the public body shall within 60 days of the date of the request or such longer period as the independent person may allow—
- (a) provide the independent person with a copy of any record requested, or
 - (b) where the public body is unable to locate any such record, notify the independent person of that fact. 5
- (3) Having had regard to such information as is contained in the application and such further information, if any, as the independent person may have obtained from a public body under *subsection (2)*, the independent person shall, if he or she considers it necessary, make all further reasonable efforts to locate and obtain such additional information as may assist the independent person to— 10
- (a) verify the existence of the applicable conviction or other determination,
 - (b) determine whether the applicable conviction or other determination is a relevant conviction or other determination, or
 - (c) consider whether the relevant conviction or other determination satisfies the criteria under *section 58* for a certificate of disregard. 15
- (4) An independent person may consult with any person whom the independent person reasonably considers may be appropriate by reason of that other person's experience, qualifications, specialist knowledge or knowledge of the matters being considered by the independent person. 20
- (5) An independent person, in considering an application, shall consider whether the criteria in *section 58* are satisfied and shall consider all other information in his or her possession pursuant to this section for those purposes.
- (6) Without prejudice to the generality of *subsection (5)*, in a case of an application to which *section 58(5)* applies, the independent person shall consider— 25
- (a) whether it is likely that the relevant person would not have been cautioned or prosecuted, as the case may be, in relation to the sexual activity concerned had that activity been heterosexual in nature, and
 - (b) in considering *paragraph (a)*, whether a person, other than a person engaging in the sexual activity concerned, would have been able to observe the sexual activity without actively seeking out the said activity for the purpose of so observing. 30
- (7) An independent person shall, having considered the application concerned in accordance with this section, make a recommendation in writing (in this Part referred to as an “independent person's recommendation”), providing reasons for that recommendation, to the Minister within 4 months of receipt of the application or such longer period as the Minister may allow, advising the Minister that the independent person— 35
- (a) is satisfied that the applicable conviction or other determination should be disregarded and that he or she is recommending that a certificate of disregard be issued, or 40

- (b) is not satisfied that the applicable conviction or other determination should be disregarded and that he or she is recommending that a certificate of disregard should not be issued.
- (8) An independent person's recommendation shall be accompanied by the application, all records and any other information that the independent person obtained in relation to the application. 5

Consideration by Minister of recommendations, etc.

63. (1) Where the Minister receives an independent person's recommendation he or she shall consider the recommendation concerned and shall—
- (a) if satisfied that the applicable conviction or other determination should be disregarded, issue to the applicant a certificate (in this Part referred to as a "certificate of disregard") in respect of the relevant conviction or other determination, or 10
 - (b) if not satisfied that the applicable conviction or other determination should be disregarded, notify, in writing, the applicant— 15
 - (i) that the Minister proposes to refuse to issue a certificate of disregard, giving reasons for that decision, and
 - (ii) that he or she may in writing, within 28 days of the date of the notification, request a review of the proposed refusal under *section 65*.
- (2) A certificate of disregard shall bear the official seal of the Minister and shall have effect from the date of issue. 20
- (3) Where the Minister issues a certificate of disregard under *subsection (1)(a)*—
- (a) the Minister shall, as soon as practicable, notify, or cause to be notified, each public body which holds or may hold (or which may have transferred to the National Archives) a record relating to the disregarded conviction or other determination or any circumstances ancillary thereto of the certificate of disregard in respect of the conviction or other determination concerned, and 25
 - (b) each public body notified under *paragraph (a)* shall, as soon as practicable, annotate any such record (including any transferred record) in order to record the disregard of the applicable conviction or other determination in such manner as does not in any way amend or otherwise alter the record itself but which ensures that, if such record is subsequently consulted or processed for any purpose, the fact of such disregard is clearly and immediately visible. 30

General effect of certificate of disregard and related matters

64. (1) A person shall not be required— 35
- (a) by any enactment or rule of law,
 - (b) pursuant to the exercise of any law of the State or of another state, or
 - (c) by the provisions of any agreement or arrangement with any party in the State or another state which purports to require the person to disclose a conviction or

- other determination incurred by the person or any circumstances ancillary thereto,
- to disclose a disregarded conviction or other determination or any circumstances ancillary thereto.
- (2) Notwithstanding any other enactment or rule of law, where a question is put to a person purporting to seek information in relation to the person's previous convictions or other determinations or any circumstances ancillary thereto— 5
- (a) the question shall be regarded as not applying to a disregarded conviction or other determination and the person may respond accordingly, and
- (b) the person shall not incur any liability or be otherwise prejudiced in law because that person did not disclose the disregarded conviction or other determination or circumstances ancillary thereto. 10
- (3) Notwithstanding any other enactment or rule of law, in any proceedings before a court—
- (a) no evidence shall be admissible to show that a person has— 15
- (i) committed,
- (ii) been arrested in relation to,
- (iii) received a caution in relation to,
- (iv) been charged with,
- (v) been prosecuted for, 20
- (vi) received a conviction for,
- (vii) been the subject of an order under section 1(1) or (2) of the Act of 1907, or
- (viii) been sentenced in respect of,
- an offence, the subject of a disregarded conviction or other determination, and
- (b) in any such proceedings the person shall not be asked, and if asked shall not be required to answer, any question which cannot be answered without disclosing the disregarded conviction or other determination or circumstances ancillary thereto. 25
- (4) *Subsections (1) to (3)* are without prejudice to the right of a person to disclose a disregarded conviction or other determination of which the person is the subject. 30
- (5) Notwithstanding any other enactment or rule of law, where an enquiry is put to An Garda Síochána under any procedure whereby a person may lawfully seek information regarding any conviction or other determination incurred by another person, An Garda Síochána shall not, in response to such enquiry, disclose a disregarded conviction or other determination or any circumstances ancillary thereto. 35
- (6) Where An Garda Síochána provides a copy of a person's criminal record at that person's request, An Garda Síochána shall not include information relating to a disregarded conviction unless so requested by the person and, if so requested, shall

provide such information separately from information concerning that person's other convictions (if any).

- (7) Where a conviction or other determination has been disregarded, the fact of such conviction or other determination, or any circumstances ancillary thereto, shall not be a proper ground for dismissing or excluding the person the subject of said conviction or other determination from any office, profession, occupation or employment, or for prejudicing him or her in any way in any occupation or employment. 5
- (8) This section applies to a response given on or after the date of issue of a certificate of disregard to—
- (a) a request made (either orally or in writing), or 10
- (b) a requirement notified (either orally or in writing),
- before or after the said date seeking, or requiring, as the case may be, information in relation to a person's previous convictions or other determinations where the information sought or required, as the case may be, relates to a conviction or other determination to which the said certificate of disregard applies. 15
- (9) In this section—
- “court” means any court in the State exercising jurisdiction under civil, criminal or military law;
- “state”, in relation to a state other than the State, includes a territory, whether in the state or outside it, for whose external relations the state or its government is wholly or partly responsible and references to a state shall be construed as including references to a subdivision of the government of the state or a national, regional or local entity of the state. 20

Reviews of decisions and proposed refusals

65. (1) An applicant may request in writing a review of a decision in accordance with *section 61(2)* or a proposed refusal under *section 63(1)(b)*, and where he or she does so, the request shall include reasons for seeking the review and may be accompanied by such supporting documentation as the applicant considers appropriate for the purpose of the review. 25
- (2) Where the Minister receives a request for a review under *subsection (1)* he or she shall, unless he or she reasonably considers the request to be frivolous, vexatious or otherwise manifestly unfounded, appoint a person, other than the independent person who made the decision under *section 61(2)* or the recommendation under *section 62*, as the case may be, as an independent reviewer for the purposes of carrying out a review. 30 35
- (3) The Minister shall, upon appointing an independent reviewer, provide him or her with a copy of the application, any records or information obtained by the independent person under *section 61* or *section 62*, as the case may be, and where applicable, the independent person's recommendation under *section 62*.
- (4) *Section 61(1)* shall apply to a review of a decision under *section 61(2)* as it applies to a consideration by an independent person of an application under that section, with any necessary modifications. 40

- (5) *Subsections (3) to (6) of section 62 shall apply to a review of a proposed refusal under section 63(1)(b) as they apply to a consideration by an independent person of an application under that section, with any necessary modifications.*
- (6) An independent reviewer shall, having reviewed the documentation provided under *subsection (3)* and any information obtained under this section, make a recommendation in writing (in this Part referred to as an “independent reviewer’s recommendation”), providing reasons for that recommendation, to the Minister within 28 days after the independent reviewer was appointed or such longer period as the Minister may allow, as to whether or not the Minister should—
- (a) affirm the decision made under *section 61(2)*, or
- (b) affirm the proposed refusal to issue a certificate of disregard under *section 63(1)(b)*.
- (7) The Minister, having considered an independent reviewer’s recommendation made under *subsection (6)(a)*, may—
- (a) decide to affirm the decision made under *section 61(2)* and refuse to consider the application further, in which case the Minister shall inform in writing the applicant of the decision and give reasons for that decision, or
- (b) decide to refuse to affirm the decision made under *section 61(2)*, in which case the Minister shall inform in writing the applicant of the decision.
- (8) Where *subsection (7)(b)* applies, the Minister shall, under *section 60(1)(a)*, appoint a person (other than the independent person who made the decision under *section 61(2)* or the independent reviewer who considered or reviewed the decision concerned) to proceed to consider the application under *section 62*.
- (9) The Minister, having considered an independent reviewer’s recommendation made under *subsection (6)(b)*, may—
- (a) refuse to issue a certificate of disregard, in which case the Minister shall inform in writing the applicant and give reasons for the decision, or
- (b) issue a certificate of disregard, in which case the Minister shall, accordingly, issue such certificate under *section 63*.

Revocation of certificate of disregard

66. (1) Where, subsequent to the issuance of a certificate of disregard in respect of a relevant person, the Minister—
- (a) having received information which causes him or her to reasonably believe that an application upon which the certificate of disregard was granted included, or was supported by, false or misleading information or documentation, and
- (b) having consulted with such persons as he or she reasonably considers may be appropriate by reason of that other person’s experience, qualifications, specialist knowledge or knowledge of the matters concerned,
- is no longer satisfied that the disregarded conviction or other determination concerned should be the subject of a certificate of disregard, the Minister shall notify in writing the applicant concerned that he or she proposes to revoke the certificate of disregard.

- (2) A notification under *subsection (1)* shall—
 - (a) set out the reasons for the Minister’s belief that the certificate of disregard in respect of the disregarded conviction or other determination concerned should be revoked, and
 - (b) inform the applicant that he or she may in writing, within 28 days of the date of the notification, request a review of the proposed revocation. 5
- (3) An applicant may in writing request a review under *subsection (2)(b)* and any such request—
 - (a) shall include the reasons why the applicant considers that the certificate of disregard should not be revoked, and 10
 - (b) may be accompanied by such supporting documentation as the applicant considers appropriate.
- (4) Where the Minister receives a request for a review of a proposed revocation under *subsection (3)*, he or she shall, subject to *subsection (5)*, unless he or she reasonably considers the request to be frivolous, vexatious or otherwise manifestly unfounded, appoint a person (in this Part referred to as an “independent assessor”), other than the independent person who considered the application under *section 61* or *62* or, where applicable, the independent reviewer who carried out a review under *section 65*, to carry out such review of the proposed revocation. 15
- (5) The Minister shall appoint on such terms and conditions as he or she may determine a retired judge of the Circuit Court, the High Court, the Court of Appeal or the Supreme Court to be an independent assessor to undertake a review under this section. 20
- (6) The Minister shall, upon appointing an independent assessor, provide him or her with—
 - (a) a copy of the application together with any records or information obtained under *section 62* and the recommendation under that section, and where applicable, any information obtained under *section 65*, and 25
 - (b) the information referred to in *subsection (1)*.
- (7) An independent assessor shall, if he or she considers it necessary, make such further reasonable efforts to locate and obtain such additional information as may assist the independent assessor to carry out a review of a proposed revocation. 30
- (8) An independent assessor may consult with any person whom the independent assessor reasonably considers may be appropriate by reason of that other person’s experience, qualifications, specialist knowledge or knowledge of the matters being considered by the independent assessor. 35
- (9) An independent assessor shall, within 14 days of his or her appointment or such longer period as the Minister may allow, review the documentation provided under *subsection (6)* and any information obtained under this section, and shall consider whether he or she is satisfied—
 - (a) that the application included, or was supported by, false or misleading information or documentation, and 40

- (b) that in all the circumstances, it is likely that the independent person would not have recommended that a certificate of disregard should be issued in respect of the relevant conviction or other determination concerned had the application not included, or had not been supported by, such false or misleading information or documentation. 5
- (10) Where an independent assessor has completed his or her assessment under *subsection (9)*, he or she shall furnish the Minister with a recommendation in writing (in this Part referred to as an “independent assessor’s recommendation”) recommending—
 - (a) where the independent assessor is not satisfied of the matters specified in *paragraphs (a) and (b) of subsection (9)*, that the certificate of disregard should not be revoked, giving reasons for the recommendation, or 10
 - (b) where the independent assessor is satisfied of the matters specified in *paragraphs (a) and (b) of subsection (9)*, that the certificate of disregard should be revoked, giving reasons for the recommendation. 15
- (11) The Minister may request in writing a person appointed under *subsection (4)* to provide the Minister with such information, and within such period as the Minister may specify in the request, in relation to the carrying out by the person of his or her functions under this Part and, where the Minister makes such a request, the person shall comply with that request. 20
- (12) For the purposes of this section and *section 67*, where the relevant person is alive but is not the applicant, “applicant” shall be construed as a reference to both the applicant and the relevant person.

Notice of revocation

- 67. (1) Where the Minister receives an independent assessor’s recommendation he or she shall consider the recommendation concerned and shall— 25
 - (a) if satisfied that the certificate of disregard should be revoked, issue to the applicant a notice (in this Part referred to as a “notice of revocation”) and any such notice shall be accompanied by reasons in writing for the decision to revoke the certificate of disregard concerned, or 30
 - (b) if not satisfied that the certificate of disregard should be revoked, notify, in writing, the applicant of his or her decision not to revoke the certificate of disregard concerned.
- (2) Where the Minister issues a notice of revocation—
 - (a) he or she shall, as soon as practicable, notify, or cause to be notified, each public body that holds or may hold (or which may have transferred to the National Archives) a record relating to the previously disregarded conviction or other determination or any circumstances ancillary thereto, and 35
 - (b) each public body notified under *paragraph (a)* shall, as soon as practicable, annotate any such record in order to reflect the revocation of the disregard in such manner as ensures that, where any such record (including any transferred 40

record) is processed for any purpose, the fact of such revocation is clearly and immediately visible.

- (3) A notice of revocation shall bear the official seal of the Minister and shall have effect from the date of issue.

Public awareness of Part

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68. The Minister shall make such reasonable efforts, including by the holding of a public information campaign, as he or she considers appropriate to promote awareness among the public, and in particular relevant persons, including among persons residing outside the State, of this Part, including the process for the making and consideration of applications and the effect of *section 64*.

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Personal data under Part

69. (1) Personal data processed for the purposes of the performance of their respective functions under this Part by the Minister, a public body, or an independent person, independent reviewer or independent assessor appointed by the Minister under this Part shall be so processed in accordance with the Data Protection Regulation and the Data Protection Act 2018.

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- (2) The Minister is designated as data controller in relation to personal data processed by an independent person, independent reviewer or independent assessor for the purposes of the performance by the independent person, independent reviewer or independent assessor of his or her functions under this Part.

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- (3) Where the Minister, independent person, independent reviewer or independent assessor receives or obtains a copy of a record or any other written information (other than a media report) under *section 59, 61, 62, 65 or 66*, he or she shall redact from such copy or from such other written information—

- (a) any information relating to any other offence committed, or alleged to have been committed, by the relevant person unless—

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- (i) such information may, in the opinion of the Minister or the independent person, independent reviewer or independent assessor (as the case may be), assist in considering whether the applicable conviction or other determination should be the subject of a certificate of disregard, or

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- (ii) the relevant person is deceased,

and

- (b) in such manner as to avoid hindering a consideration of whether the applicable conviction or other determination should be the subject of a certificate of disregard, any information which may identify, or could be used to identify, a living person other than the relevant person in connection with the applicable activity or any other offence or alleged offence.

35

- (4) In this section—

“data controller” has the meaning it has in the Data Protection Regulation;

“Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016⁸ on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

“personal data” has the same meaning as it has in the Data Protection Regulation. 5

Limitation of Part

70. Nothing in this Part shall operate to—

- (a) confer any right on any person,
- (b) create any cause of action, or
- (c) impose any liability on the State or on any person. 10

PART 17

MISCELLANEOUS AMENDMENTS

Amendment of section 22 of Criminal Procedure Act 1967

71. 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”, 15
- (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

72. 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

73. 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 paragraphs after paragraph 45:

“Offences under the Criminal Justice Act 1999

46. An offence under section 41 of the Criminal Justice Act 1999. 10

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.”. 15

Amendment of section 257D of Children Act 2001

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

Amendment of Schedule 5 to Social Welfare Consolidation Act 2005

75. Schedule 5 to the Social Welfare Consolidation Act 2005 is amended in paragraph 1(4) 20 by the insertion of “the Courts Service,” after “the Companies Registration Office,”.

Amendment of Multi-Unit Developments Act 2011

76. 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”, 25 and

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

Amendment of section 24 of Prisons Act 2015

77. 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”. 30

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

78. 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”. 5

Amendment of section 37 of Criminal Justice (Miscellaneous Provisions) Act 2023

79. Section 37(1) of the Criminal Justice (Miscellaneous Provisions) Act 2023 is amended by the substitution of “section 96 of the Family Courts Act 2024” for “section 40 of the Civil Liability and Courts Act 2004”.

Amendment of section 34 of Judicial Appointments Commission Act 2023 10

80. 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 15
the Commission under section 68(2),”.

Amendment of section 95 of Family Courts Act 2024

81. Section 95 of the Family Courts Act 2024 is amended, in the definition of “relevant enactment”, by the insertion of the following paragraph after paragraph (l):

“(la) section 37 of the Criminal Justice (Miscellaneous Provisions) Act 20
2023;”.

SCHEDULE

AMENDMENTS TO ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

“SCHEDULE 1A <i>AMENDMENTS TO ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT</i>	5
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PART 1

AMENDMENTS TO ARTICLE 8 OF STATUTE

1. Amendment to Statute set out in Annex I of Resolution RC/Res.5, adopted on 10 June 2010 pursuant to Article 121 of the Statute	
Amendment to article 8	10
<i>Add to article 8, paragraph 2 (e), the following:</i>	
“(xiii) Employing poison or poisoned weapons;	
(xiv) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;	
(xv) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions.”	15
2. Amendment to Statute set out in Annexes I to III of Resolution ICC-ASP/16/Res.4, adopted on 14 December 2017 pursuant to Article 121 of the Statute	20
Annex I	
Amendment to be inserted as article 8-2-b)xxvii) and article 8-2-e)xvi) of the Rome Statute	
Employing weapons, which use microbial or other biological agents, or toxins, whatever their origin or method of production;	25
Annex II	
Amendment to be inserted as article 8-2-b)xxviii) and article 8-2-e)xvii)	30
Employing weapons the primary effect of which is to injure by fragments which in the human body escape detection by X-rays;	
Annex III	
Amendment to be inserted as article 8-2-b)xxix) and article 8-2-e)xviii)	35

Employing laser weapons specifically designed, as their sole combat function or as one of their combat functions, to cause permanent blindness to unenhanced vision, that is to the naked eye or to the eye with corrective eyesight devices;

3. Amendment to Statute set out in Annex I of Resolution ICC-ASP/18/Res.5, adopted on 6 December 2019 pursuant to Article 121 of the Statute 5

Amendment to be inserted as article 8-2-e)-xix) of the Rome Statute

Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies. 10

PART 2

AMENDMENT TO STATUTE SET OUT IN ANNEX I OF RESOLUTION RC/RES.6, ADOPTED ON 11 JUNE 2010 PURSUANT TO ARTICLE 121 OF THE STATUTE 15

1. *Article 5, paragraph 2, of the Statute is deleted.*
2. *The following text is inserted after article 8 of the Statute:*

Article 8 bis

Crime of aggression

1. For the purpose of this Statute, “crime of aggression” means the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations. 20 25
2. For the purpose of paragraph 1, “act of aggression” means the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations. Any of the following acts, regardless of a declaration of war, shall, in accordance with United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974, qualify as an act of aggression: 30
 - a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof; 35
 - b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State; 40

- c) The blockade of the ports or coasts of a State by the armed forces of another State;
 - d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;
 - e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement; 5 10
 - f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;
 - g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein 15
3. *The following text is inserted after article 15 of the Statute:* 20

Article 15 bis

Exercise of jurisdiction over the crime of aggression (State referral, *proprio motu*)

- 1. The Court may exercise jurisdiction over the crime of aggression in accordance with article 13, paragraphs (a) and (c), subject to the provisions of this article. 25
- 2. The Court may exercise jurisdiction only with respect to crimes of aggression committed one year after the ratification or acceptance of the amendments by thirty States Parties.
- 3. The Court shall exercise jurisdiction over the crime of aggression in accordance with this article, subject to a decision to be taken after 1 January 2017 by the same majority of States Parties as is required for the adoption of an amendment to the Statute. 30
- 4. The Court may, in accordance with article 12, exercise jurisdiction over a crime of aggression, arising from an act of aggression committed by a State Party, unless that State Party has previously declared that it does not accept such jurisdiction by lodging a declaration with the Registrar. The withdrawal of such a declaration may be effected at any time and shall be considered by the State Party within three years. 35 40
- 5. In respect of a State that is not a party to this Statute, the Court shall not exercise its jurisdiction over the crime of aggression when committed by that State's nationals or on its territory. 45

6. Where the Prosecutor concludes that there is a reasonable basis to proceed with an investigation in respect of a crime of aggression, he or she shall first ascertain whether the Security Council has made a determination of an act of aggression committed by the State concerned. The Prosecutor shall notify the Secretary-General of the United Nations of the situation before the Court, including any relevant information and documents. 5
 7. Where the Security Council has made such a determination, the Prosecutor may proceed with the investigation in respect of a crime of aggression. 10
 8. Where no such determination is made within six months after the date of notification, the Prosecutor may proceed with the investigation in respect of a crime of aggression, provided that the Pre-Trial Division has authorized the commencement of the investigation in respect of a crime of aggression in accordance with the procedure contained in article 15, and the Security Council has not decided otherwise in accordance with article 16. 15
 9. A determination of an act of aggression by an organ outside the Court shall be without prejudice to the Court's own findings under this Statute. 20
 10. This article is without prejudice to the provisions relating to the exercise of jurisdiction with respect to other crimes referred to in article 5. 25
4. *The following text is inserted after article 15 bis of the Statute:*

Article 15 *ter*

Exercise of jurisdiction over the crime of aggression (Security Council referral)

1. The Court may exercise jurisdiction over the crime of aggression in accordance with article 13, paragraph (b), subject to the provisions of this article. 30
2. The Court may exercise jurisdiction only with respect to crimes of aggression committed one year after the ratification or acceptance of the amendments by thirty States Parties. 35
3. The Court shall exercise jurisdiction over the crime of aggression in accordance with this article, subject to a decision to be taken after 1 January 2017 by the same majority of States Parties as is required for the adoption of an amendment to the Statute. 40
4. A determination of an act of aggression by an organ outside the Court shall be without prejudice to the Court's own findings under this Statute.

5. This article is without prejudice to the provisions relating to the exercise of jurisdiction with respect to other crimes referred to in article 5.
5. *The following text is inserted after article 25, paragraph 3, of the Statute:* 5
 - 3 *bis*. In respect of the crime of aggression, the provisions of this article shall apply only to persons in a position effectively to exercise control over or to direct the political or military action of a State
6. *The first sentence of article 9, paragraph 1, of the Statute is replaced by the following sentence:* 10
 1. Elements of Crimes shall assist the Court in the interpretation and application of articles 6, 7, 8 and 8 *bis*.
7. *The chapeau of article 20, paragraph 3, of the Statute is replaced by the following paragraph; the rest of the paragraph remains unchanged:* 15
 3. No person who has been tried by another court for conduct also proscribed under article 6, 7, 8 or 8 *bis* shall be tried by the Court with respect to the same conduct unless the proceedings in the other court:”. 20

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

BILLE

(mar a leasaíodh i gCoiste)

dá ngairtear

Acht do leasú Acht na nArm Teine, 1925 agus Acht na bPríosún, 2007 i ndáil le hoifigigh phríosúin do shealbú, d'úsáid nó d'iompar sprae cágumasaíthe agus do leasú Acht na nArm Teine, 1925 i ndáil leis an nGarda Síochána d'ughabháil agus do chóimeáil airm tine nó armóin ar ríabhaile le sibhialteach an phobail, le slándáil an phobail nó leis an tsíocháin phobail; do leasú an Acha Radio-Thleagrafaíochta, 1926 chun a chumasó do chomhaltaí den Gharda Síochána gléasanna raidió-thleagrafaíochta áirithe a úsáid chun cur isteach ar chórais aeríarthai gan fóiream d'fhonn feidhm an Gharda Síochána a chomall; do leasú an Acha Cúirteanna Breithiúnais, 1936, an Acha um Sheirbhís Chlúirteanna, 1998 agus an Acha um Chomhairle na míreálaína, 2019 i ndáil le feidhmeanna neamhbhreithiúnacha áirithe de chuid an Phríomh-Breithiúin, do leasú an Acha Cosanta, 1954 chun socrú a dhéanamh maidir le cumhachtaí áirithe de chuid Oglagha na hÉireann i ndáil le slándáil an Stáit a shlánchoimeád, a choimreáil agus a chosaint, i ndáil le hOglagha na hÉireann a imscaradh i gabhair ar an geombacht shibhialta, agus i ndáil le hOglagha na hÉireann do chosaint suiteilacha míleata; do dhéanamh socrú maidir le cumhachtaí gabhála sealadai gan bliantais i ndáil le hiarrataí ar eiseachadh in imthosa áirithe agus, chun na críche sin agus chun críoch eile, do leasú an Acha um Eiseachadh, 1965; do dhéanamh socrú breise i ndáil le horduithe scríbhse pobail agus, chun na críche sin, do leasú an Acha um Chearta Coiriúil (Scríbhse Pobail), 1983; do leasú an Acha um Phianaise Chóiriúil, 1992 agus an Acha um Chearta Coiriúil, 1999 i ndáil le fianaise in imeachtaí áirithe; do dhéanamh socrú breise i ndáil le deimhniúcháin socráidh in imeachtaí áirithe agus, chun na críche sin, do leasú an Acha um Chearta Coiriúil (Cionta Gadaíochta agus Calaoise), 2001, an Acha um Shláidíú Mhuirí, 2004, an Acha um Chearta Coiriúil, 2006, an Acha um an gCúirt Chóiriúil Idimáistanta, 2006, an Acha um Chearta Coiriúil (Sciúradh Arigid agus Maoinú Scéimhlitheoireachta), 2010 agus Rialacháin an Aontais Eorpach (Drochúsáid Mhargaidh), 2016; do leasú an Acha um Barintais Gabhála Eorpach, 2003 chun tuilleadh eifeachta a thabhairt do Chinnadh Réine de gComhairle an 13 Meitheamh 2002 maidir leis an nbarintais gabhála Eorpach agus leis na nósanna imeachta tabartha suas idir Ballstáit, ama leasú le Cinnadh Réine ón gComhairle an 26 Feabhra 2009 lena leasaithe Cinrit Réine 2002/584/CGB, 2005/214/CGB, 2006/783/CGB, 2008/909/CGB agus 2008/947/CGB, agus lena ndéantar, ar an tslí sin, cearta níos imeachta dastine a fheabhsú agus feidhmíú phríosabail an aitheantais fírlíthpháirtigh a chodú maidir le breitheanna arna dubhairt i geis an daine lena bfuinneamh a bheith as láthair ón trial; do thabhairt eifeacht do dhainiúil leasuithe áirithe ar Reacht na Róimhe den Chúirt Chóiriúil Idimáistanta ag an Stát, dá chumasú tuilleadh d'údairis sa Stát comhoibréir leis an gCúirt Chóiriúil Idimáistanta agus, chun na gcríoch sin agus chun críoch gaolmhar eile, do leasú an Acha um an gCúirt Chóiriúil Idimáistanta, 2006; do dhéanamh socrú breise i ndáil le próifíil DNA agus, chun na críche sin, do leasú an Acha um Chearta Coiriúil (Fianaise Dí-Eolaíochta agus Córs Bunachair Sonraí DNA), 2014; do dhéanamh socrú maidir le cionta a bhaineann le cioróid a thaircint mar mhólaírt ar ghníomhaíocht ghnoasach agus, chun na críche sin, do leasú an Acha um an Dlí Coiriúil (Cionta Gnoasacha), 2017; do dhéanamh socrú maidir le láithreacha sui lasmuigh de chuid áirithe cheadúnaithe a cheadú in imthosa áirithe agus do dhéanamh socrú maidir le socrúithe idirtheinmíseacha maidir le láithreacha sui lasmuigh áirithe arna gceadú go seiladach faoin Acht um an Dlí Sibhialta (Forálacha Ilghnéitheacha), 2021; do dhéanamh socrú chun go bhfeidhídh an Aire Dlí agus Cirt, Gnóthaí Baile agus Imroie, i leith iarratais ama ndéanamh chug an Aire, deimhniú neamhairde a eisiúint chug doine áirithe i leith ciontuithe stairiúla áirithe agus cinnti eile a bhaineann le gníomhaíocht ghnoasach chomhoibríúil, do dhéanamh socrú breise maidir le horduithe a bhaineann le hionmpar fírlíthshóisialta agus, chun na críche sin agus chun críoch eile, do leasú Acht na Leanaí, 2001 agus an Acha um Chearta Coiriúil, 2006; do leasú an Acha um Nis Imeachta Coiriúil, 1967, an Acha um Chlámanh Dlíthiúil Sibhialta, 1995, an Acha um Bannat, 1997, an Acha Comhdhlúite Leasa Shóisialaigh, 2005, an Acha um Fhorbairtí Ilaonad, 2011, Acht na bPríosún, 2015, an Acha um Chearta Coiriúil (Aitheantas Fírlíthpháirtach do Phianbheithneanna Coimeáid), 2023, an Acha um Chearta Coiriúil (Forálacha Ilghnéitheacha), 2023, an Acha fa Chóimisiún um Chéaspacháin Bhreithiúnacha, 2023 agus Acht na gCúirteanna Teaghlacha, 2024; agus do dhéanamh socrú i dnoibh nith gaolmhar.

ATHCHLÓ RIARACHÁIN

Bille Dála arna leasú i gCoiste ag Seanad Éireann,

25 Meitheamh, 2026

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

BILL

(as amended in Committee)

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 Wireless Telegraphy Act 1926 to enable members of An Garda Síochána to use certain apparatus for wireless telegraphy to interfere with unmanned aircraft systems for the purposes of carrying out the function of An Garda Síochána; 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 Criminal Justice Act 2006, 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 give effect to the ratification by the State of certain amendments to the Rome Statute of the International Criminal Court, to further enable authorities in the State to co-operate with the International Criminal Court, and for those and other related purposes to amend the International Criminal Court Act 2006; 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 provide that the Minister for Justice, Home Affairs and Migration may, in respect of applications made to the Minister, issue to certain persons certificates of disregard in respect of certain historical convictions and other determinations relating to consensual sexual activity; 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 Social Welfare Consolidation Act 2005, the Multi-Unit Developments Act 2011, the Prisons Act 2015, the Criminal Justice (Mutual Recognition of Custodial Sentences) Act 2023, the Criminal Justice (Miscellaneous Provisions) Act 2023, the Judicial Appointments Commission Act 2023 and the Family Courts Act 2024; and to provide for related matters.

ADMINISTRATIVE REPRINT

Dáil Bill as amended in Committee by Seanad Éireann,

25th June, 2026

This administrative reprint incorporates amendments made at Committee Stage by Seanad Éireann. It has been produced for ease of reference only, given that amendments made by Seanad Éireann to a Bill initiated in Dáil Éireann cannot have legislative effect unless agreed to by Dáil Éireann.