



**Tithe an
Oireachtais**
Houses of the
Oireachtas

**An Comhchoiste um Dhlí
agus Ceart**
Teach Laighean
Baile Átha Cliath 2

**Joint Committee on
Justice**

Leinster House
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Minister for Justice,
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By e-mail to: PXMcCabe@justice.ie

Our Ref: JC4/5/E

RE: General Scheme of the Criminal Justice (Miscellaneous Provisions) Bill 2020

Dear Minister,

I am writing to you in relation to the General Scheme of the *Criminal Justice (Miscellaneous Provisions) Bill 2020* which was referred to the Committee for Pre-Legislative Scrutiny (PLS).

The Committee was provided with a written briefing from your Departmental officials (see Appendix 1) which clarified a number of matters for Members.

The Committee agreed, at its meeting on Wednesday 15th December 2021, that it has now concluded PLS on this General Scheme and looks forward to further engagement and debate on this Bill in the course of its consideration and passage through both Houses.

Yours sincerely,

James Lawless TD
Cathaoirleach

16th December 2021

Cuirfear fáilte roimh chomhfhreagras i nGaeilge

APPENDIX 1

GENERAL SCHEME OF THE CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) BILL 2020

Note for the Oireachtas Justice Committee

The General Scheme was referred to the Committee on 22 January 2021.

The General Scheme includes a number of provisions identified by the Department of Justice and other stakeholders as requiring amendment. The proposed measures are listed in 26 separate Heads of Bill across 11 separate Parts.

Part 1 – Firearms and Explosives Acts

Head 1: exemption for Forensic Science Ireland (FSI) from the restrictions on possession, use and carriage of firearms as provided for in s. 2 of the Firearms Act 1925.

Head 2: introduction of a cap on the licensing of centre-fire semi-automatic rifles.

Heads 3 to 5: to enable Ireland to ratify the United Nations Protocol on Firearms:

- Head 3: introduction of a new offence for persons falsifying or illicitly obliterating, removing or altering the marking of firearms.
- Head 4: providing for the marking of imported firearms permitting identification of the country of import and the year of import.
- Head 5: provide for the destruction of firearms and ammunition which have been illicitly manufactured or trafficked.

Head 6: providing an exemption for the keeping of small quantities of certain low hazard explosives in certain circumstances.

Part 2 – Conspiracy to murder

Heads 7 and 8 provide for an increase the penalty on conviction for conspiracy to murder from 10 years (as currently provided for) to one of up to life imprisonment. A consequential amendment is made to section 71 (Offence of conspiracy) of the Criminal Justice Act 2006.

Part 3 – Appeal against sentence

Heads 9 to 11 concern the sentencing powers of the Court of Appeal in relation to offenders who are under the age of 18 at the time of initial sentence but who have attained the age of majority when the appeal against sentence is heard. The amendment allows the Court of Appeal to impose a sentence of imprisonment in such cases.

Cuirfear fáilte roimh chomhfhreagras i nGaeilge

Part 4 – European Arrest Warrant

NB. Heads 12, 13 and 14 no longer form part of this General Scheme. These proposals have been moved to the General Scheme of the European Arrest Warrant (Amendment) Act 2003. The Justice Committee confirmed it had completed pre legislative scrutiny of this General Scheme on 22 September 2021.

Part 5 – Amendment of Criminal Justice Acts

Head 15 provides for the application of the Fixed Charge Penalty notice system to certain public order offences, as an alternative to prosecution.

Head 16 clarifies that the provisions of s.16 of the Criminal Justice Act 2006, which deal with the admissibility of witness statements in circumstances where a witness subsequently refuses to give evidence, apply to persons brought before the Special Criminal Court.

Head 17 provides that section 12 (Corruption occurring outside State) of the Criminal Justice (Corruption Offences) Act 2018 is a relevant offence for the purpose of Schedule 1 of the Criminal Justice Act 2011. The 2011 Act deals with a number of criminal law issues relating to detention, documents and withholding of information.

Part 6 – Amendments to Offences against the State Acts

Heads 18 and 19 amend the Offences against the State Acts. Head 18 amends section 30 of the Offences against the State Act (OASA) 1939, in relation to powers of arrest. The aim of Head 19 is to clarify the meaning of “serious offence” in the Offences Against the State Act 1998, to include the meaning as provided for in the OASA 1939.

Part 7 – Amendment to Mutual Legal Assistance Act 2008

Head 20 amends section 75 of the Mutual Legal Assistance Act 1988 in order to allow the Garda Síochána to respond to mutual assistance requests for access to evidential material stored in the Cloud.

Part 8 – Amendment of Prisons Act 2007

Head 21 provides for the repeal of Part 4 of the Prisons Act 2007, which relates to the construction of prison buildings. This is being progressed on foot of an EU infringement case against the existing legislation.

Part 9 – Amendment of the Misuse of Drugs Act 1984

Head 22 extends the use of certificates of receipt, handling, transmission and storage to all evidential items submitted to Forensic Science Ireland for analysis.

Part 10 – Miscellaneous

Head 23 is a technical amendment to correct a typing error contained in the Bail Act 1997.

Head 24 is a technical amendment to correct an incorrect reference in the Parole Act 2019.

Head 25 was originally included in the General Scheme but has subsequently been moved to section 9 of the Criminal Justice (Amendment) Act 2021, which is currently before Seanad Éireann.

Part 11 - Head 26 – this provides for the short title and commencement.

Criminal Legislation
Department of Justice
8 October 2021