



STATUTORY INSTRUMENTS

S.I. No. 41 of 2008



DISTRICT COURT (CRIMINAL JUSTICE ACT 2007) RULES 2008

(Prn. A8/0259)

DISTRICT COURT (CRIMINAL JUSTICE ACT 2007) RULES 2008

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961 and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice, Equality and Law Reform, make the following rules of court.

Dated this 3rd day of December 2007.

MIRIAM MALONE Chairperson

UINSIN Mac GRUAIRC

MARY C DEVINS

BRIAN SHERIDAN

HUGH O'NEILL

ROY PEARSON

NOEL A DOHERTY

ELIZABETH HUGHES Secretary

I concur in the making of the following rules of court.

Dated this 20 day of February 2008

BRIAN LENIHAN
Minister for Justice, Equality and Law Reform

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 26th February, 2008.*

S.I. No. 41 of 2008

DISTRICT COURT (CRIMINAL JUSTICE ACT 2007) RULES 2008

1. These rules may be cited as the District Court (Criminal Justice Act 2007) Rules 2008.

2. These rules shall come into operation on the 19 day of March 2008 and shall be read together with all other District Court Rules for the time being in force.

3. Order 13 of the District Court Rules 1997 (S.I. No. 93 of 1997) shall be amended by the substitution for rule 1 of the following:

“1. Criminal proceedings shall be brought, heard and determined—

- (a) in the court area wherein the offence charged or, if more than one offence is stated to have been committed within a Judge’s district, any one of such offences is stated to have been committed; or*
- (b) in criminal cases where no offence has been charged, in the court area wherein the offence is stated to have been committed; or*
- (c) in the court area wherein the accused has been arrested; or*
- (d) in the court area wherein the accused resides; or*
- (e) in the court area specified by order made pursuant to the provisions of section 15 of the Courts Act 1971; or*
- (f) in a case to which section 79A(1) of the Courts of Justice Act 1924 (inserted by section 178 of the Criminal Justice Act 2006) applies, in any court area within any of the districts referred to in that subsection, or*
- (g) in the case of proceedings under any provision of the Companies Acts referred to in section 240A of the Companies Act 1963 against a company or an officer of a company, in the court area in which the registered office of the company is situated or in any other court area permitted by that section.”*

4. Order 14 of the District Court Rules 1997 (S.I. No. 93 of 1997) is hereby amended:

- (i) by the insertion immediately following sub-rule (2) of rule 5 of the following:

“(3) An order under section 1A(9) or 2A(3) of the Bail Act 1997 may be made of the court’s own motion or on the application of the applicant or of the prosecutor. The terms of any direction given under section 1A(8) or order made under section

1A(9) or section 2A(3) of the Bail Act 1997 shall be pronounced in open court.”

5. Order 17 of the District Court Rules 1997 (S.I. No. 93 of 1997) is hereby amended—

(i) by the substitution for rule 4(1) of the following:

“4. (1) Whenever a person is brought in custody to a Garda Síochána Station by a member of the Garda Síochána, the sergeant or other member in charge of the station may, if he or she considers it prudent to do so and no warrant directing the detention of that person is in force, release that person on bail and for that purpose take from him or her a recognisance in the Form 17.2, Schedule B with or without sureties approved by that member in such sum or sums (if any) as such member shall determine, for his or her due appearance—

(a) before the District Court at the next sitting thereof in the District Court Area in which that person has been arrested or at any subsequent sitting thereof in that District Court Area during the period of thirty days immediately following such next sitting, or

(b) in the case of the District Court in the Dublin Metropolitan District before the next sitting of that Court or at any subsequent sitting thereof during the period of thirty days immediately following such next sitting.”

(ii) by the substitution for rule 5 of the following:

“5. (1) Where the Court issues a warrant for the arrest of a person, the Court may by endorsement on the warrant direct that the person named in the warrant be on arrest released on his or her entering into a recognisance, with or without a surety or sureties, conditioned for his or her appearance before the Court on such date and at such time and place as may be specified in the endorsement, and the endorsement shall fix the amounts (if any) in which the person and his or her surety or sureties (if any) are to be bound and shall specify any other conditions of the recognisance.

(2) Where such an endorsement is made, the member of the Garda Síochána in charge of the Garda Síochána Station to which on arrest the person named in the warrant is brought shall discharge him or her upon his or her entering into a recognisance in the Form 18.2 Schedule B, with or without surety or sureties, approved by that member and upon the payment of such amount (if any) or proportion of the amount (if any) in which the person and his or her surety or sureties (if any) are to be bound as the Court has determined.

(3) *Any moneys paid to a member of the Garda Síochána under this rule shall be deposited by him or her with the District Court clerk for the District Court area where the courthouse at which the arrested person is conditioned to appear is situate.*”

(iii) by the insertion following rule 10 of the following:

“11. An application under section 50 of the Criminal Justice Act 2007 for a warrant to further detain a person detained pursuant to a direction or warrant under that section shall be by information on oath and in writing in the Form 17.13, Schedule B by a member of the Garda Síochána not below the rank of Chief Superintendent. A warrant issued on foot of such information shall be in the Form 17.14, Schedule B.

12. An information on oath for a warrant to arrest a person under Section 51(1) of the Criminal Justice Act 2007 shall be in writing in the Form 17.15, Schedule B by a member of the Garda Síochána not below the rank of superintendent. A warrant issued on foot of such information shall be in the Form 17.16, Schedule B.

13. An application under section 50 of the Criminal Justice Act 2007 as applied by section 51(3) of that Act for a warrant to further detain a person detained pursuant to a warrant under section 51(1) of that Act shall be by information on oath and in writing in the Form 17.17, Schedule B by a member of the Garda Síochána not below the rank of Chief Superintendent. A warrant issued on foot of such information shall be in the Form 17.18, Schedule B.”

6. Order 18 of the District Court Rules 1997 (S.I. No. 93 of 1997) is hereby amended—

(i) by the substitution for rule 1 of the following:

“1. Subject to rule 2, a Judge shall admit to bail a person charged before him or her with an offence if it appears to that Judge in accordance with the Criminal Procedure Act 1967 and Bail Act 1997 to be a case in which bail ought to be allowed and if such person is granted bail, the Judge shall determine the amount (if any) conditioned by such bail and whether the bail shall be with or without a surety or sureties, the amount (if any) in which each surety (if any) shall be bound, and any other conditions of bail. The provisions of this Order which relate to the payment of money or the giving of security shall not apply where bail is allowed otherwise than conditioned on an amount of money.”

(ii) by the substitution for rule 5(1) of the following:

“5. (1) Where a court admits a person who is in custody to bail the person shall not be released until there has been paid into court such amount (if any) or proportion of the amount (if any) in which the person and his or her surety or sureties (if any) are to be bound as the Court has determined.”

(iii) by the substitution for rule 5(3) of the following:

“(3) Where a court decides to admit a person to bail with one or more sureties it may direct that a sum of money equivalent to the amount of bail be accepted in lieu of such surety or sureties. Such sum is additional to any amount specified in accordance with rule 1. Where under the Criminal Procedure Act 1967 or the Bail Act 1997 any moneys are required to be paid into Court under a recognisance by a person in custody, or by any surety or sureties as a condition of that recognisance, or any security accepted in the court in lieu of such payment is required to be lodged in Court, such moneys so payable or such security so accepted by the Court shall be deemed to be paid into Court or lodged in Court when paid to or lodged with the Governor or a prison officer designated in accordance with section 22(3) of the Criminal Procedure Act 1967 of the prison in which the person is in custody, for and on behalf of the District Court Clerk for the District Court Area in which the order admitting to bail was made.”

(iv) by the substitution for rule 5(4) of the following:

“(4) On lodgement of the required sums or security with—

(a) the clerk of the court area in which the order admitting to bail was made, or

(b) the Governor or a prison officer designated in accordance with section 22 of the Criminal Procedure Act 1967 of the prison wherein the accused is in custody, payment of which money or security to whom shall be deemed to be a payment into court,

and on completion of the recognisance in the Form 18.1, 18.2 or 18.3 as appropriate, the person shall be released if he or she is in custody for no other cause than the offence in respect of which bail is granted.”,

(v) by the substitution in each of rules 5(5), 7, 8, and 9 for “Governor” of “Governor or prison officer designated in accordance with section 22 of the Criminal Procedure Act 1967”,

(vi) by the substitution for rules 10 and 11 of the following:

“10. (1) Where a person charged with an offence is admitted to bail by a court and—

- (a) *he or she is discharged in relation to that offence,*
- (b) *a nolle prosequi is entered by the prosecutor in respect of the offence, or*
- (c) *he or she is convicted or found not guilty of the offence charged or of some other offence of which the accused might on that charge be found guilty,*

and if all of the conditions of any recognisance entered into by a person in connection therewith have been duly complied with, the court before which the accused person was bound by his or her recognisance to appear shall make an order (Form 18.6) discharging the recognisance, directing that the amount of any moneys paid into court by any person in connection therewith shall be repaid to the person, discharging any order made under section 5(2) of the Bail Act 1997 and releasing any security accepted by the court under that subsection.

(2) Where the Court makes an order discharging a direction under section 5(2)(b) of the Bail Act 1997, the clerk shall serve a copy of said order in the Form 18.10 by prepaid ordinary post on the relevant bank, building society or credit union or An Post.

11. Where a recognisance is not perfected forthwith the Judge may certify on the committal warrant a consent to such person being bailed, stating the amount (if any) of bail required.”,

- (vii) by the substitution for each of the words “a Peace Commissioner at the prison or other place” in rule 13, the words “a Peace Commissioner attending at such prison” in rule 14, the words “a Peace Commissioner at a prison” in rule 15, and the words “a Peace Commissioner” in rule 16 of the words “a Judge, a District Court Clerk, a peace commissioner designated in accordance with section 22 of the Criminal Procedure Act 1967, the Governor or a prison officer designated in accordance with section 22 of the Criminal Procedure Act 1967 of the prison”, and
- (viii) by the substitution for the words “a Judge or Peace Commissioner having jurisdiction in the place where the proposed surety resides” in rule 14, of the words “a Judge, peace commissioner or District Court Clerk”.

7. Order 27 of the District Court Rules 1997 (S.I. No. 93 of 2001) is hereby amended—

- (i) by the substitution for rule 2 of the following:

“2. (1) Rules 2 to 7 inclusive of this Order shall apply only in any case in which section 9 of the Bail Act 1997 does not apply.

(2) In any such case, an application for an order to estreat such recognisance or to forfeit such sum of money shall be made by a superintendent of the Garda Síochána and may be made at any subsequent sitting of the Court at which the order directing that the recognisance be entered into was made or before which the principal party was bound by the recognisance to appear.”

(ii) by the insertion immediately following rule 6(2) of the following:

“(3) Notwithstanding rule 2(1), this rule shall apply to any surety to a recognisance entered into pursuant to the Bail Act 1997.”;

(iii) by the substitution for rules 8, 9 and 10 of the following:

“8. Where the Court makes an order under section 9(2) of the Bail Act 1997, notice of the order in the Form 27.9 Schedule B shall be served on the accused and on any surety or sureties by prepaid ordinary post.

9. An application to vary or discharge an order made under section 9(2) of the Bail Act 1997 may be made within 21 days from the date of the issue of the notice, and shall be in the Form 27.10, Schedule B. Notice of the application shall be served on the prosecutor by prepaid ordinary post at least seven days before the hearing of the application. Any order varying or discharging an order under section 9(2) of the Bail Act 1997 shall be in the Form 27.11, Schedule B.

10. A warrant of committal under section 9(13) of the Bail Act 1997 shall be in the Form 27.12 Schedule B, and the period of imprisonment to be specified shall be identified in accordance with the table to Order 23, rule 7 as if such table were reproduced in this rule.”

8. Order 31 of the District Court Rules 1997 (S.I. No. 93 of 1997) is hereby amended by the substitution for rules 2 and 3 thereof for the following:

“2. (1) An appeal under section 8(6) of the Act of 1984 against the Commissioner’s decision on an application to have records destroyed or their use limited shall be brought before the Court by the issue and service on the Commissioner as respondent of a notice of appeal in the Form 31.1, Schedule B. Such notice shall be served upon the respondent at least seven days before the date fixed for the hearing of the appeal. The original notice together with a statutory declaration as to service thereof shall be lodged with the Clerk at least four days before the date fixed for the hearing of the appeal.

(2) An appeal under section 8(6) of the Act of 1984 shall be heard otherwise than in public.

3. The order of the Court on the appeal shall be in the Form 31.2, Schedule B.”

9. Order 101 of the District Court Rules 1997 (S.I. No. 93 of 1997) is hereby amended by the substitution for rule 4 of the following:

“4. Subject to the provisions of Order 12, rule 20, where a person is desirous of appealing in criminal proceedings or in a case of an order for committal to prison under the Enforcement of Court Orders Acts 1926 and 1940, a recognisance for the purpose of appeal shall be fixed by the Court. The amount (if any) of the recognisance in which the appellant and the surety or sureties, if any, are to be bound shall be fixed by the Court and where an amount is so fixed, it shall be of such reasonable amount as the Court shall see fit. An application to the Court to fix the amount of a recognisance may be made ex parte. A sum of money equivalent to the amount (if any) conditioned by the recognisance may be accepted in lieu of a surety or sureties. The recognisance shall be in accordance with the Form 18.4, Schedule B, and shall be entered into within the fourteen day period fixed by rule 1 of this Order.”

10. The Forms in Schedule 1 hereof shall be substituted for the forms bearing the like numbers in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997).

11. The Forms in Schedule 2 hereof shall be added to the Forms in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997).

12. The Forms 17.10, Schedule B and 101.4, 101.5 and 101.6 in Schedule D of the District Court Rules 1997 (S.I. No. 93 of 1997) are hereby deleted.

SCHEDULE 1

No. 17.2.

CRIMINAL PROCEDURE ACT 1967, Section 31
(as amended by Criminal Justice Act 2007, Section 20)

RECOGNISANCE TAKEN BY MEMBER OF GARDA SÍOCHÁNA

District Court Area of

District No.

.....Prosecutor

.....Accused

The *Sergeant / *member in charge ofGarda Station consenting to my release on the terms of this recognisance, I the above-named accused agree to be bound by and to comply with the conditions of this recognisance.

1. *I.....ofAccused
*and.....of.....Surety
*and.....of.....Surety

*(severally) acknowledge myself/ourselves to owe the State the several sums following, that is to say

the said.....the sum of €.....and

the said.....the sum of €.....and

the said.....the sum of €.....

to the use of the Minister for Finance

Or

And in lieu of surety/sureties the said *Sergeant / *member in charge has accepted the sum of €.....

I/we acknowledge that the said sums are liable to be forfeited or estreated as appropriate if I/the above-named accused fail(s) in any of the further conditions set out hereunder.

2. I will appear before the District Court to be held at.....on theday of20... at.....am/pm to answer the charge(s)‡ that

and at every place and time to which during the course of the proceedings the hearing may be adjourned until my presence is no longer required to answer the said charge(s).

3. I shall not commit any offence while on bail.

Signed.....Accused

*Signed.....Surety

*Signed.....Surety

Acknowledged before me thisday of.....20....

Signed.....

Member of Garda Síochána

‡State nature of offence with time and place or “as set out in the charge-sheet attached”

*delete if inapplicable

CRIMINAL PROCEDURE ACT 1967, SECTION 22 (AS AMENDED BY
CRIMINAL PROCEDURE (AMENDMENT) ACT 2007, SECTION 1)

BAIL ACT 1997, Section 5 (as amended by CRIMINAL JUSTICE ACT
2007, Section 8)

BAIL RECOGNISANCE

District Court Area of

District No.

.....Prosecutor

.....Accused

I the above-named accused agree to be bound by and comply with the following conditions of this recognisance.

1	I the above-named accused shall not commit any offence while on bail.	
*2	<p>*I.....ofAccused *and.....of.....Surety *and.....of.....Surety</p> <p>*(severally) acknowledge myself/ourselves to owe the State the several sums following, that is to say</p> <p>the said.....the sum of €.....and the said.....the sum of €.....and the said.....the sum of €.....</p> <p>to the use of the Minister for Finance and pursuant to the direction of the Judge I/we have lodged the following sums</p> <p>the said.....the sum of €.....and the said.....the sum of €.....and the said.....the sum of €.....</p>	*This condition is required where a money or security condition is included in any bail bond
	<p>Or</p> <p>In lieu of surety/sureties I have pursuant to the direction of the Judge lodged the sum of €.....</p>	
	<p>Or</p> <p>In lieu of the lodgement of cash in the sum of €.....the Court has accepted the following instrument as security.....from the said.....:</p>	*Insert details of any instrument accepted as security
	<p>And I/we further acknowledge that the said sums are liable to be forfeited or estreated as appropriate if I/the above-named accused fail(s) in any of the further conditions set out hereunder</p>	
3	<p>I the above-named accused will appear before the District Court to be held at.....on theday of20.... at.....am/pm and at every place and time to which during the course of the proceedings the hearing may be adjourned until my presence is no longer required to answer the charge(s).</p>	

*4	And.....	*Insert here any further conditions imposed by the Court
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Signed.....Accused

*Signed.....Surety

*Signed.....Surety

Acknowledged before me this.....day of.....20....

- Signed.....
- *Judge of the District Court
- *District Court Clerk
- *Peace Commissioner designated by order of the Minister for Justice, Equality and Law Reform
- *Governor of.....prison
- *Prison officer atprison designated in accordance with section 22(3) of the Criminal Procedure Act 1967 by the Governor of said prison.

The accused may apply to the Court at any time to vary or revoke a condition of the recognisance.

*delete where inapplicable

CRIMINAL PROCEDURE ACT 1967, SECTION 30

BAIL ACT 1997, Section 5 (as amended by CRIMINAL JUSTICE ACT
2007, Section 8)BAIL ACT 1997, Section 8 (as amended by CRIMINAL JUSTICE ACT
2007, Section 14)BAIL RECOGNISANCE (ON EXECUTION OF WARRANT ENDORSED
FOR BAIL)

District Court Area of

District No.

.....Prosecutor

.....Accused

I the above-named accused agree to be bound by and comply with the following
conditions of this recognisance.

1	I the above-named accused shall not commit any offence while on bail.	
*2	<p>*I.....ofAccused *and.....of.....Surety *and.....of.....Surety</p> <p>*(severally) acknowledge myself/ourselves to owe the State the several sums following, that is to say</p> <p>the said.....the sum of €.....and the said.....the sum of €.....and the said.....the sum of €.....</p> <p>to the use of the Minister for Finance and pursuant to the direction of the Judge I/we have lodged the following sums</p> <p>the said.....the sum of €.....and the said.....the sum of €.....and the said.....the sum of €.....</p>	*This condition is required where a money or security condition is included in any bail bond
	Or	
	In lieu of surety/sureties I have pursuant to the direction of the Judge lodged the sum of €.....	
	Or	
	In lieu of the lodgement of cash in the sum of €.....the Court has accepted the following instrument as security.....from the said.....:	*Insert details of any instrument accepted as security
	And I/we further acknowledge that the said sums are liable to be forfeited or estreated as appropriate if I/the above-named accused fail(s) in any of the further conditions set out hereunder	
*3	I the above-named accused will appear before the District Court to be held at.....on theday of20.... at.....am/pm and at every place and time to which during the course of the proceedings the hearing may be adjourned until my presence is no longer required to answer the charge(s).	*This condition is required where a person is bailed to appear before the District Court

*4	And.....	*Insert here any further conditions imposed by the Court
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Signed.....Accused

*Signed.....Surety

*Signed.....Surety

Acknowledged before me this.....day of.....20....

Signed.....
Member in charge of the Garda Síochána
station at

The accused may apply to the Court at any time to vary or revoke a condition of the recognisance.

*delete where inapplicable

†recognisance given following execution of warrant endorsed for bail

CRIMINAL PROCEDURE ACT 1967, SECTION 22

BAIL ACT 1997

BAIL RECOGNISANCE (ON SENDING FORWARD)

District Court Area of

District No.

.....Prosecutor
Accused

I the above-named accused agree to be bound by and comply with the following conditions of this recognisance.

1	I the above-named accused shall not commit any offence while on bail.	
*2	<p>*I.....ofAccused *and.....of.....Surety *and.....of.....Surety</p> <p>*(severally) acknowledge myself/ourselves to owe the State the several sums following, that is to say</p> <p>the said.....the sum of €.....and the said.....the sum of €.....and the said.....the sum of €.....</p> <p>to the use of the Minister for Finance and pursuant to the direction of the Judge I/we have lodged the following sums</p> <p>the said.....the sum of €.....and the said.....the sum of €.....and the said.....the sum of €.....</p>	*This condition is required where a money or security condition is included in any bail bond
	<p>Or</p> <p>In lieu of surety/sureties I have pursuant to the direction of the Judge lodged the sum of €.....</p>	
	<p>Or</p> <p>In lieu of the lodgement of cash in the sum of €.....the Court has accepted the following instrument as security.....from the said.....:</p>	*Insert details of any instrument accepted as security
	And I/we further acknowledge that the said sums are liable to be forfeited or estreated as appropriate if I/the above-named accused fail(s) in any of the further conditions set out hereunder	
*3	I the above-named accused shall appear before the *present/*next sitting of the Circuit Court for.....for the disposal of criminal business [or Central Criminal Court or Special Criminal Court] and will not depart from the said Court without leave and will attend there in person from day to day during the time the said Court shall be so held or any adjournment thereof for the purposes of my trial/sentence and also attend any other Court to which my trial may be transferred until the charge against me shall be duly disposed of according to law.	
*4	And.....	*Insert here any further conditions imposed by the Court

Signed.....Accused
*Signed.....Surety
*Signed.....Surety

Acknowledged before me this.....day of.....20....

Signed.....
*Judge of the District Court
*District Court Clerk
*Peace Commissioner designated by order of the
Minister for Justice, Equality and Law Reform
*Governor of.....prison
*Prison officer atprison designated in
accordance with section 22(3) of the Criminal Procedure
Act 1967 by the Governor of said prison.

**The accused may apply to the Court at any time to have a condition of the
recognisance varied or revoked.**

*delete where inapplicable

CRIMINAL PROCEDURE ACT 1967, SECTION 22

BAIL ACT 1997, Section 6A (as inserted by CRIMINAL JUSTICE ACT
2007, Section 10)

BAIL RECOGNISANCE (ON APPEAL)

District Court Area of

District No.

.....Prosecutor

.....Accused

I the above-named accused agree to be bound by and comply with the following conditions of this recognisance.

1	I the above-named accused shall not commit any offence while on bail.	
*2	<p>*I.....ofAccused *and.....of.....Surety *and.....of.....Surety</p> <p>*(severally) acknowledge myself/ourselves to owe the State the several sums following, that is to say</p> <p>the said.....the sum of €.....and the said.....the sum of €.....and the said.....the sum of €.....</p> <p>to the use of the Minister for Finance and pursuant to the direction of the Judge I/we have lodged the following sums</p> <p>the said.....the sum of €.....and the said.....the sum of €.....and the said.....the sum of €.....</p>	*This condition is required where a money or security condition is included in any bail bond
	<p>Or</p> <p>In lieu of surety/sureties I have pursuant to the direction of the Judge lodged the sum of €.....</p>	
	<p>Or</p> <p>In lieu of the lodgement of cash in the sum of €.....the Court has accepted the following instrument as security.....from the said.....:</p>	*Insert details of any instrument accepted as security
	<p>And I/we further acknowledge that the said sums are liable to be forfeited or estreated as appropriate if I/the above-named accused fail(s) in any of the further conditions set out hereunder</p>	
*3	<p>I the above-named accused shall prosecute the appeal pending in this proceeding to the Circuit Judge at the *present/*next sitting of the Circuit Court for..... for the disposal of criminal business and attend personally at the sitting of such Court, until such appeal shall have been determined, and abide and perform the judgment of the Circuit Judge thereon, and pay such costs as may be awarded against the accused and not abscond pending the execution of the order of the Circuit Judge or the Judge of the District Court.</p>	

*4	And.....	*Insert here any further conditions imposed by the Court
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Signed.....Accused

*Signed.....Surety

*Signed.....Surety

Acknowledged before me this.....day of.....20....

Signed.....

*Judge of the District Court

*District Court Clerk

*Peace Commissioner designated by order of the Minister for Justice, Equality and Law Reform

*Governor of.....prison

*Prison officer atprison designated in accordance with section 22(3) of the Criminal Procedure Act 1967 by the Governor of said prison.

The accused may apply to the Court at any time to have a condition of the recognisance varied or revoked.

*delete where inapplicable

CERTIFICATE OF CONSENT TO BAIL

District Court Area of

District No.

.....Prosecutor

.....Accused

WHEREAS.....of.....

was on the..... day of..... 20..... committed by the Court to the *Prison
*remand institution..... at.....

The Court hereby consents to the above named accused being conditionally
released on his/her entering into a recognisance

*himself/herself in the sum of €..... *(of which €..... cash to
be lodged)

*and one sufficient surety in the sum of €..... (of which
€..... cash to be lodged) or two sufficient sureties in the sum of
€..... each (of which €..... cash to be lodged by
each)

and the accused is not to commit any offence

*and to sign on daily/weekly at..... Garda station between..... a.m.
and..... p.m.

and [list any further conditions imposed by the Court]

*And further consents that in lieu of such surety or sureties lodgment of the
sum of €..... be accepted.

Dated this day of 20.....

Signed.....

Judge of the District Court

*Delete where inapplicable

CRIMINAL PROCEDURE ACT 1967

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT 1997

COMMITTAL WARRANT (remand)

District Court Area of

District No.

PROSECUTOR: The D.P.P. at the suit of

ACCUSED:.....D.O.B.....

WHEREAS the above-named accused was this day before the Court charged that

AND WHEREAS the hearing of the said charges has been adjourned to the sitting of the District Court at..... on the..... day of..... 20... at..... am/pm *under the provisions of section 5 of the Criminal Justice (Miscellaneous Provisions) Act 1997

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the accused in the *(prison) *(remand institution he being a person who is not less than sixteen nor more than twenty-one years of age) at..... there to be detained by the Governor/the person in charge thereof until the above time of adjournment

- *(1) Being a period not exceeding eight days from the date hereof.
- *(2) Being a period not exceeding fifteen days from the date hereof and this not being the occasion of the first appearance of the accused before the court.
- *(3) Being a period exceeding 15 days but not exceeding thirty days from the date hereof, the accused and prosecutor so consenting and this not being the occasion of the first appearance of the accused before the Court,

When he shall have him/her at the said sitting to be further dealt with according to law.

Dated this day of 20.....

Signed.....

Judge of the District Court

To the Superintendent of the Garda Síochána at.....

†CONSENT AND CONDITIONS OF RELEASE

The Court hereby consents to the above named accused being conditionally released on his/her entering into a recognisance

*himself/herself in the sum of €..... *(of which €.....cash to be lodged)

*and one sufficient surety in the sum of €..... (of which €..... cash to be lodged) or two sufficient sureties in the sum of €..... each (of which €..... cash to be lodged by each)

and the accused is not to commit any offence

*and to sign on daily/weekly at..... Garda station between..... a.m. and..... p.m.

and [list any further conditions imposed by the Court]

*And further consents that in lieu of such surety or sureties lodgment of the sum of €..... be accepted.

Dated this day of 20.....

Signed.....

Judge of the District Court

*Delete where inapplicable

†Delete where inapplicable

CRIMINAL PROCEDURE ACT 1967

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT 1997

COMMITTAL WARRANT (remand in the absence of accused through illness or accident)

District Court Area of

District No.

PROSECUTOR: The D.P.P. at the suit of

ACCUSED:D.O.B.

WHEREAS the above-named accused was on this day due to appear before the Court on remand charged that

AND WHEREAS the Court is satisfied that the accused is by reason of illness or accident unable to appear before the Court on this date.

AND WHEREAS the Court, in the absence of the accused, and pursuant to section 24(4) of the Criminal Procedure Act 1967 has further remanded the accused and adjourned the hearing to the sitting of the District Court at..... on the..... day of..... 20.... at..... am/pm (being in the opinion of the Court a reasonable period in the circumstances).

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge/keep the accused in the *(prison) *(remand institution he being a person who is not less than sixteen nor more than twenty-one years of age at

..... there to be detained by the Governor/the person in charge thereof until the above time of adjournment

When he shall have him/her at the said sitting to be further dealt with according to law.

Dated this day of 20.....

Signed.....

Judge of the District Court

To the *Superintendent of the Garda Síochána/*Governor/*person in charge at.....

†CONSENT AND CONDITIONS OF RELEASE

The Court hereby consents to the above named accused being conditionally released on his/her entering into a recognisance

*himself/herself in the sum of €..... *(of which €..... cash to be lodged)

*and one sufficient surety in the sum of €..... (of which €..... cash to be lodged) or two sufficient sureties in the sum of €..... each (of which €..... cash to be lodged by each)

and the accused is not to commit any offence

*and to sign on daily/weekly at..... Garda station between..... a.m. and..... p.m.

and [list any further conditions imposed by the Court]

*And further consents that in lieu of such surety or sureties lodgment of the sum of €..... be accepted.

Dated this day of 20.....

Signed.....
Judge of the District Court

*Delete where inapplicable

†Delete where inapplicable

BAIL ACT 1997

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT 1997

COMMITTAL WARRANT (remand)

District Court Area of

District No.

PROSECUTOR: The D.P.P. at the suit of

ACCUSED: D.O.B.....

WHEREAS the above-named accused was this day before the Court on foot of a warrant alleging that he/she, having been admitted to bail, was about to contravene a condition or conditions of his/her recognisance, namely,

And whereas the order admitting the accused to bail was made at a sitting of the District Court at

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the accused in the *(prison) *(remand institution he being a person who is not less than sixteen nor more than twenty-one years of age) at..... there to be detained by the Governor/the person in charge thereof until the..... day of..... 20.....

*Under the provisions of section 5 of the Criminal Justice (Miscellaneous Provisions) Act 1997.

- * (1) Being a period not exceeding eight days from the date hereof.
- * (2) Being a period not exceeding fifteen days from the date hereof and this not being the occasion of the first appearance of the accused before the Court.
- * (3) Being a period exceeding 15 days but not exceeding thirty days from the date hereof, the accused and prosecutor so consenting and this not being the occasion of the first appearance of the accused before the Court.

When he shall have him/her at the sitting of the District Court at..... in District No.....to be further dealt with according to law.

Dated this.....day of 20.....

Signed.....

Judge of the District Court

To the Superintendent of the Garda Síochána at.....

†CONSENT AND CONDITIONS OF RELEASE

The Court hereby consents to the above named accused being conditionally released on his/her entering into a recognisance

*himself/herself in the sum of €..... *(of which €..... cash to be lodged)

*and one sufficient surety in the sum of €..... (of which €..... cash to be lodged) or two sufficient sureties in the sum of €..... each (of which €..... cash to be lodged by each)

and the accused is not to commit any offence

*and to sign on daily/weekly at..... Garda station between..... a.m. and..... p.m.

and [list any further conditions imposed by the Court]

*And further consents that in lieu of such surety or sureties lodgment of the sum of €..... be accepted.

Dated this day of 20.....

Signed.....
Judge of the District Court

*Delete where inapplicable

†Delete where inapplicable

No. 20.4

SCHEDULE B
O.20, r.1(3).

BAIL ACT 1997, SECTION 9

(as amended by Criminal Justice Act 2007, Section 15)

COMMITTAL WARRANT

(accused awaiting trial)

District Court Area of

District No.

PROSECUTOR: The D.P.P. at the suit of

ACCUSED: D.O.B.

WHEREAS the above-named accused was this day before the Court on foot of a warrant alleging that he/she, having been admitted to bail, was about to contravene a condition or conditions of his/her recognisance, namely,

AND WHEREAS the accused was by order dated the.....day of.....20 sent forward for trial to the *next/*present sitting of the..... Court at..... on a charge that:

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the accused in the *(prison) *(remand institution he being a person who is not less than sixteen nor more than twenty-one years of age) at..... there to be detained by the Governor/the person in charge thereof until his/her trial for the said offence and discharge in due course of law.

Dated this..... day of 20....

Signed.....

Judge of the District Court

To the Superintendent of the Garda Síochána at.....

†CONSENT AND CONDITIONS OF RELEASE

The Court hereby consents to the above named accused being conditionally released on his/her entering into a recognisance

*himself/herself in the sum of €..... *(of which €.....cash to be lodged)

*and one sufficient surety in the sum of €..... (of which €..... cash to be lodged) or two sufficient sureties in the sum of

€..... each (of which €..... cash to be lodged by each)

and the accused is not to commit any offence

*and to sign on daily/weekly at..... Garda station between..... a.m. and..... p.m.

and [list any further conditions imposed by the Court]

*And further consents that in lieu of such surety or sureties lodgment of the sum of €..... be accepted.

Dated this day of 20.....

Signed.....
Judge of the District Court

*Delete where inapplicable

†Delete where inapplicable

No. 20.5

SCHEDULE B
O.20, r.1(3).

BAIL ACT 1997

(as amended by Criminal Justice Act 2007)

COMMITTAL WARRANT (remand)

District Court Area of

District No.

PROSECUTOR: The D.P.P. at the suit of

ACCUSED: D.O.B.

WHEREAS the above-named accused was this day before the Court on foot of a warrant alleging that he/she, having been admitted to bail, was about to contravene a condition or conditions of his/her recognisance, namely

AND WHEREAS the accused stands remanded to the sitting of the District Court at..... on the..... day of..... 20... at..... a.m. / p.m. charged that

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the accused in the *(prison) *(remand institution he being a person who is not less than sixteen nor more than twenty-one years of age) at..... there to be detained by the Governor/the person in charge thereof until the above time of adjournment.

- *(1) Being a period not exceeding eight days from the date hereof.
- *(2) Being a period not exceeding fifteen days from the date hereof and this not being the occasion of the first appearance of the accused before the court.
- *(3) Being a period exceeding 15 days but not exceeding thirty days from the date hereof, the accused and prosecutor so consenting and this not being the occasion of the first appearance of the accused before the Court.

When he shall have him/her at the said sitting of the District Court to be further dealt with according to law.

Dated this..... day of 20....

Signed.....

Judge of the District Court

To the Superintendent of the Garda Síochána at.....

†CONSENT AND CONDITIONS OF RELEASE

The Court hereby consents to the above named accused being conditionally released on his/her entering into a recognisance

*himself/herself in the sum of €..... *(of which €.....cash to be lodged)

*and one sufficient surety in the sum of €..... (of which €..... cash to be lodged) or two sufficient sureties in the sum of €..... each (of which €..... cash to be lodged by each)

and the accused is not to commit any offence

*and to sign on daily/weekly at..... Garda station between..... a.m. and..... p.m.

and [list any further conditions imposed by the Court].

*And further consents that in lieu of such surety or sureties lodgment of the sum of €..... be accepted.

Dated this day of 20.....

Signed.....
Judge of the District Court

*Delete where inapplicable
†Delete where inapplicable

CRIMINAL PROCEDURE ACT 1967, SECTION 13(2)(B)

ORDER SENDING FORWARD ON A PLEA OF GUILTY

District Court Area of

District No.

.....Prosecutor

.....Accused

WHEREAS the above-named accused is before the Court charged that

AND WHEREAS the Court has ascertained that he/she wishes to plead guilty to the said charge

AND WHEREAS the Court is satisfied that the accused understands the nature of the offence and the facts alleged

AND WHEREAS the accused has signed a plea of guilty

AND the Director of Public Prosecutions consents to the accused being sent forward for sentence

THE COURT HEREBY ORDERS that he/she be sent forward for sentence on the aforesaid charge to the *next *present sitting of the..... Court..... at..... *in custody *on conditional release as set out hereunder.

*(THE COURT FURTHER ORDERS that until the said conditions of release are fulfilled the accused be detained in custody).

Dated this..... day of..... 20.....

Signed.....
Judge of the District Court

†CONSENT AND CONDITIONS OF RELEASE

The Court hereby consents to the above named accused being conditionally released on his/her entering into a recognisance

*himself/herself in the sum of €..... *(of which €..... cash to be lodged)

*and one sufficient surety in the sum of €..... (of which €..... cash to be lodged) or two sufficient sureties in the sum of €..... each (of which €..... cash to be lodged by each)

and the accused is not to commit any offence

*and to sign on daily/weekly at..... Garda station between..... a.m.
and..... p.m.

and [list any further conditions imposed by the Court].

*And further consents that in lieu of such surety or sureties lodgment of the
sum of €..... be accepted.

Dated this day of 20.....

Signed.....
Judge of the District Court

*Delete whichever inapplicable

†Delete where inapplicable

CRIMINAL PROCEDURE ACT 1967, SECTION 4A (1)

ORDER SENDING FORWARD FOR TRIAL

District Court Area of

District No.

.....Prosecutor

.....Accused

WHEREAS the above-named accused is before the Court charged with the offence(s) numberedas set out in the statement of charges in the book of evidence

AND WHEREAS the Director of Public Prosecutions consents to the accused being sent forward for trial and the documents specified in Section 4B(1) of the Act have been served on the accused

AND WHEREAS I have informed the accused of the requirements of Section 20 of the Criminal Justice Act 1984 *and Section 3 of the Offences against the State (Amendment) Act 1998

I HEREBY ORDER that the accused be sent forward for trial on the aforesaid offence(s) to the *next *present sitting of the.....Court at.....

*in custody / *on conditional release as set out hereunder.

†(I FURTHER ORDER that until the said conditions of the release are fulfilled the accused be detained in custody).

Dated this.....day of 20.....

Signed.....

Judge of the District Court

†CONSENT AND CONDITIONS OF RELEASE

The Court hereby consents to the above named accused being conditionally released on his/her entering into a recognisance

*himself/herself in the sum of €..... *(of which €.....cash to be lodged)

*and one sufficient surety in the sum of €..... (of which €..... cash to be lodged) or two sufficient sureties in the sum of €..... each (of which €..... cash to be lodged by each)

and the accused is not to commit any offence

*and to sign on daily/weekly at..... Garda station between..... a.m.
and..... p.m.

and [list any further conditions imposed by the Court]

*And further consents that in lieu of such surety or sureties lodgment of the
sum of €..... be accepted.

Dated this day of 20.....

Signed.....
Judge of the District Court

*Delete whichever inapplicable

†Delete where inapplicable

COMMITTAL WARRANT

(sending forward for trial or sentence)

District Court Area of

District No.

.....Prosecutor

.....Accused

WHEREAS the above-named accused was this day before the Court charged that

AND WHEREAS the accused has been sent forward for *trial *sentence on the said charge to the *next *present sitting of the..... Court at.....

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the accused of in the *(prison) *(remand institution, he being a person who is not less than sixteen nor more than twenty-one years of age) at..... there to be detained by the *Governor *person in charge thereof until his/her *trial *sentence for the said offence and his/her discharge in due course of law.

Dated this..... day of..... 20.....

Signed.....

Judge of the District Court

To the Superintendent of the Garda Síochána at

†CONSENT AND CONDITIONS OF RELEASE

The Court hereby consents to the above named accused being conditionally released on his/her entering into a recognisance

*himself/herself in the sum of €..... * (of which €.....cash to be lodged)

*and one sufficient surety in the sum of €..... (of which €..... cash to be lodged) or two sufficient sureties in the sum of €..... each (of which €..... cash to be lodged by each)

and the accused is not to commit any offence

*and to sign on daily/weekly at..... Garda station between a.m. and p.m.

and [list any further conditions imposed by the Court]

*And further consents that in lieu of such surety or sureties lodgment of the sum of €..... be accepted.

Dated this day of 20.....

Signed.....

Judge of the District Court

*Delete whichever inapplicable

†Delete where inapplicable

No. 24.19

SCHEDULE B
O.24, r.19 (1).

COMMITTAL WARRANT

(accused remanded to another district)

District Court Area of

District No.

.....Prosecutor

.....Accused

WHEREAS the above-named accused was this day before the Court charged that

AND WHEREAS the Court is satisfied that evidence *(further evidence) will be available at the sitting of the District Court at..... on the..... day of..... 20... ata.m. / p.m.

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the accused..... of..... in the *(prison) *(remand institution, he being a person who is not less than sixteen years nor more than twenty-one years of age) at..... there to be detained by the *Governor *person in charge thereof until the above time of sitting (being a period not exceeding eight days from the date hereof) when he shall have him/her at the said sitting to be further dealt with according to law.

Dated this day of..... 20.....

Signed.....

Judge of the District Court

To the Superintendent of the Garda Síochána at.....

†CONSENT AND CONDITIONS OF RELEASE

The Court hereby consents to the above named accused being conditionally released on his/her entering into a recognisance

*himself/herself in the sum of €..... *(of which €..... cash to be lodged)

*and one sufficient surety in the sum of €..... (of which €..... cash to be lodged) or two sufficient sureties in the sum of €..... each (of which €..... cash to be lodged by each)

and the accused is not to commit any offence

*and to sign on daily/weekly at..... Garda station between..... a.m.
and..... p.m.

and [list any further conditions imposed by the Court].

*And further consents that in lieu of such surety or sureties lodgment of the
sum of €..... be accepted.

Dated this day of 20.....

Signed.....
Judge of the District Court

*Delete whichever inapplicable

†Delete where inapplicable

BAIL ACT 1997, SECTION 8(1)

(as amended by Criminal Justice Act 2007, Section 14)

FORM OF ENDORSEMENT ON A WARRANT OF ARREST AS TO
RELEASE ON BAIL

I hereby direct that the person named in this warrant be conditionally released on arrest on entering into a recognisance, conditioned for the appearance of the said..... at the sitting of the District Court in District No..... next following the date of his arrest

*himself/herself in the sum of €..... *(of which €.....cash to be lodged)

*and one sufficient surety in the sum of €..... (of which €..... cash to be lodged) or two sufficient sureties in the sum of €..... each (of which €..... cash to be lodged by each)

and the accused is not to commit any offence

*and to sign on daily/weekly at..... Garda station between..... a.m. and..... p.m.

and [list any further conditions imposed by the Court]

*And further consent that in lieu of such surety or sureties lodgment of the sum of €..... be accepted.

Dated this day of 20.....

Signed.....
Judge of the District Court

*Delete whichever inapplicable

†Delete where inapplicable

NOTICE OF APPLICATION TO ESTREAT A RECOGNISANCE

District Court Area of

District No.

..... Applicant

..... Respondent(s)

TAKE NOTICE that an application will be made at a sitting of the District Court to be held at.....on the.....day of.....20... at.....a.m./p.m. by the above-named applicant ofGarda Síochána station, a Superintendent of the Garda Síochána, for an Order to estreat the recognisance entered into on the.....day of.....20...at..... by you

*..... (Principal Party) in the sum of €.....,

*..... (Surety) in the sum of €.....,

*..... (Surety) in the sum of €.....,

conditioned that the said principal party, of

*(would keep the peace and be of good behaviour for the period of.....)

*(would appear before a Judge of the District Court assigned to District No.....sitting atfor conviction and sentence, when called on at any time during the period of....., and would [*here set out further condition(s) of probation recognisance*])

IT HAVING BEEN CERTIFIED on the said recognisance by a Judge of the District Court that the condition thereof has not been performed.

Dated this.....day of.....20.....

Signed.....
Superintendent of the Garda Síochána

To.....of....., Principal Party

To.....of....., Surety

To.....of....., Surety

To: District Court Clerk at

*delete where inapplicable

No. 27.6B

SCHEDULE B
O.27, r.6(1).

WARRANT OF DISTRESS

(to enforce an Order to Estreat against a surety)

District Court Area of

District No.

..... Applicant

..... Respondent

Fine No:

CCTS No:

Charge Sheet

Complainant:

Surety:

Address:

WHEREAS at the sitting of the District Court at.....on the.....day of20....., the court, in accordance with section 9(2) of the Bail Act 1997, ordered that the recognisance entered into by you as Surety in the above case be estreated in the sum of €..... to be paid by theday of20..... and in default of payment of said sum within the said period, the court did order that the said sum be levied by distress and sale of the goods and chattels of the said Surety unless the said sum be sooner paid.

AND WHEREAS said order has not been complied with.

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to execute the said order against the said Surety as follows:

TO LEVY the said last mentioned sum by distress and sale of goods and chattels of said Surety and by taking said Surety's money, or by such distress and such taking of money if necessary unless said last mentioned sum be sooner paid.

And for this the present warrant shall be sufficient authority to all whom it may concern.

The sum levied to be paid to:

The District Court Clerk

.....

THIS WARRANT TO BE RETURNED IN SIX MONTHS IF NOT EXECUTED

To the Superintendent
An Garda Síochána
At.....
.....

Signed:.....
Judge of the District Court
Dated this:.....

BAIL ACT 1997 SECTION 9(10) (INSERTED BY CRIMINAL JUSTICE ACT 2007,
SECTION 15)

NOTIFICATION OF FORFEITURE AND ESTREATMENT OF BAIL
MONEYS

District Court Area of

District No.

Accused
of.....

*Case No:

*Fine No:.....

*Charge Sheet/Summons:

Please note that at a sitting of the District Court at.....on
the.....day of.....20.... the Court, in accordance with
section 9(2) of the Bail Act 1997 (as amended by section 15 Criminal Justice
Act 2007) ordered that the recognisance entered into by you as *accused/†surety
on the.....day of.....20.... be estreated as *you/†the
accused failed to comply with the conditions of the said recognisance.

The effect of this order is that:

*(i) an estreatment order has been made against you in the sum of €.....
to be paid within a period of..... If you fail to pay the said sum
within the period specified *a warrant for your committal to prison in default
of payment will be issued †the said sum will be levied by distress and sale of
your goods.

*(ii) the sum of €..... paid into court by you as *accused/†surety be for-
feited in the amount of €.....

*(iii) a *bank *building society *credit union *An Post deposit book having
been accepted as security for the amount of the recognisance, the said
*bank *building society *credit union *An Post is required to pay into court the
amount of €.....from the moneys held by you on deposit therein

*(iv) ofis appointed receiver to take possession or
control of your property and to manage or otherwise deal with it in accordance
with the directions of the court.

Payment by you on foot of the order of Estreatment should be made to the
District Court Clerk at the address below. Cheques, postal orders, or money
orders should be crossed and made payable to the said Clerk.

**An application to vary or discharge this Order may be made to the court within
21 days from the date of issue of this notice.**

Signed.....
District Court Clerk
District Court Office
at.....

To.....
of..... *Accused/†Surety

*delete where inapplicable †applies only to a surety.

BAIL ACT 1997, SECTION 9(11)

(as inserted by Criminal Justice Act 2007, Section 15)

APPLICATION TO VARY/DISCHARGE ORDER IN RESPECT OF
BAIL RECOGNISANCE

District Court Area of

District No.

Accused

of.....

*Case No:

*Fine No:.....

*Charge Sheet/Summons:

..... Applicant

I am the *accused/*surety to a recognisance entered into on the..... day
of..... 20..... in the above case

And whereas on the..... day of..... 20..... the Court made an
order in accordance with section 9(2) of the Bail Act 1997 in respect of the
said recognisance.

I hereby apply to the sitting of the District Court at..... on the.....
day of..... 20..... at..... a.m. / p.m. to vary/discharge the said
order.

Signed.....
Applicant

To..... Prosecutor

To: District Court Clerk
District Court Office at.....

BAIL ACT 1997, SECTION 9(10)

(as inserted by Criminal Justice Act 2007, Section 15)

ORDER VARYING/DISCHARGING ORDER IN RESPECT OF BAIL
RECOGNISANCE

District Court Area of

District No.

Accused

of.....

*Case No:

*Fine No:.....

*Charge Sheet/Summons:

..... Applicant

Whereas the above-named applicant entered into a recognisance on the..... day
of..... 20... in the above case as *accused/*surety

And whereas on the..... day of..... 20..... the Court made an
order in accordance with section 9(2) of the Bail Act 1997 in respect of the
said recognisance.

Upon hearing an application to the Court this day to vary/discharge the said
order.

THE COURT ORDERED:

Dated this..... day of..... 20

Signed.....

Judge of the District Court

CRIMINAL JUSTICE ACT 1984, SECTION 8(6)

(as substituted by CRIMINAL JUSTICE ACT 2007, Section 49)

NOTICE OF APPEAL AGAINST A DECISION OF COMMISSIONER ON
A REQUEST TO HAVE RECORDS DESTROYED OR THEIR USE
LIMITED

District Court Area of

District No.

..... Appellant

and

Commissioner of Garda Síochána Respondent

WHEREAS the above-named appellant of
in the court *(area and) district aforesaid was on the..... day of 20....
arrested by of the Garda Síochána aton suspicion
of having committed

*an offence to which section 4 of the above-mentioned Act of 1984 applies,
*an offence,
namely,

AND WHEREAS the said appellant was taken to and detained in.....
Garda Síochána station, and while so detained
*(he/she was photographed)
*(his/her fingerprints /palm prints were taken)
pursuant to *section 6 of the said Act of 1984 *section 6A of the said Act of
1984 *section 12 of the Criminal Justice Act 2006

AND WHEREAS

*proceedings for an offence to which section 4 of the said Act of 1984 relates
were not instituted against the appellant within the period of twelve months
from the date of the taking of the records, and the failure to institute such
proceedings within that period was not due to the fact that the appellant
absconded or could not be found,

*proceedings for an offence to which section 4 of the said Act of 1984 relates
were instituted and

- *the appellant was acquitted
- *the charge against the appellant was dismissed under section 4E of the
Criminal Procedure Act 1967
- *the said proceedings were discontinued

AND WHEREAS

the appellant requested the Commissioner of the Garda Síochána *to have the records concerned destroyed *to have the use of the records concerned limited

and the Commissioner by decision of theday of20.....notified in writing to the appellant on theday of20..... *refused the request *granted the request in part

TAKE NOTICE that the above-named appellant will apply by way of appeal to the District Court sitting at..... on the..... day of20..... at..... a.m./p.m. against the said decision for the following reasons:

Dated this day of 20.....

Signed.....
Appellant /Solicitor for appellant

To: Respondent at.....
and to District Court Clerk at.....

*delete where inapplicable

No. 31.2

SCHEDULE B
O.31, r.3.

CRIMINAL JUSTICE ACT 1984

Section 8(6)

(as substituted by CRIMINAL JUSTICE ACT 2007, Section 49)

ORDER ON APPEAL

District Court Area of

District No.

.....Appellant

and

Commissioner of Garda Síochána Respondent

UPON HEARING an appeal by the above-named appellant pursuant to section 8(6) of the above-named Act of 1984 against a decision of the Commissioner of the Garda Síochána of theday of20.....notified in writing to the appellant on theday of20.....*refusing *granting in part the appellant’s request pursuant to section 8(1) of the above-named Act of 1984

THE COURT having had regard to

- 1. the results of analysis (if any) of the records concerned
- 2. any previous convictions of the appellant, and
- 3. whether, in all the circumstances, it would be unjust not to allow the appeal

*REFUSES the appeal

*ORDERS that the following records, namely,..... be destroyed

*ORDERS that the following records, namely,..... be retained

*for the purpose of.....*for the period of.....from the date of this order.

Dated this day of 20.....

Signed.....

Judge of the District Court

*delete where inapplicable

SCHEDULE 2

SCHEDULE B
O. 17, r. 11.

No. 17.13

CRIMINAL JUSTICE ACT 2007, *SECTION 50(3)(g)(i) * SECTION
50(3)(h)(i)

INFORMATION FOR APPLICATION TO EXTEND DETENTION

District Court Area of

District No.

THE INFORMATION OF.....

of..... who says:

I am a member of the Garda Síochána not below the rank of Chief Superintendent.

....., of....., was arrested on the.....day of.....20.... at.....a.m./p.m. on suspicion of having committed an offence to which section 50 of the Criminal Justice Act 2007 applies, namely....., and is at present detained atpursuant to

*a direction under section 50(3)(c) of the above Act, which said period of detention will expire on the.....day of.....20.... at.....a.m./p.m.

*a warrant under section 50(3)(g)(ii) of the above Act, authorising the extension of a period of detention, which authorised period of detention will expire on the.....day of.....20.... at.....a.m./p.m.

I have reasonable grounds for believing that the detention of the said person

*for a further period not exceeding 72 hours

*for a further period not exceeding 48 hours

is necessary for the proper investigation of the offence concerned and I say that the investigation is being conducted diligently and expeditiously.

The basis for my so believing is as follows:

And I hereby apply

*under section 50(3)(g)(i) of the said Act for a warrant authorising the detention of the said person for a further period not exceeding 72 hours,

*under section 50(3)(h)(i) of the said Act for a warrant authorising the detention of the said person for a further period not exceeding 48 hours,

Signed.....
Informant

SWORN before me this.....day of.....20.....

Signed.....
Judge of the District Court

*Delete if inapplicable

CRIMINAL JUSTICE ACT 2007, SECTION 50

WARRANT TO EXTEND DETENTION

District Court Area of

District No.

WHEREAS on the hearing of an application by information on oath and in writing by....., a member of the Garda Síochána not below the rank of Chief Superintendent pursuant to

*section 50(3)(g)(i) of the above-mentioned Act, for a warrant authorising the further detention of..... for a further period not exceeding 72 hours

*section 50(3)(h)(i) of the above-mentioned Act, for a warrant authorising the further detention of..... for a further period not exceeding 48 hours

*and having heard the evidence adduced

*and having heard what was submitted by the said.....

I AM SATISFIED THAT, of....., was arrested on the.....day of.....20.... at.....a.m./p.m. on suspicion of having committed an offence to which section 50 of the Criminal Justice Act 2007 applies, namely.....and is at present detained at.....pursuant to

*a direction under paragraph (c) of section 50(3) of the above Act, which said period of detention will expire on the.....day of.....20.... at.....a.m./p.m.

*a warrant under paragraph (g)(ii) of section 50(3) of the above Act, authorising the extension of a period of detention, which said authorised period of detention will expire on the.....day of 20.... at a.m./p.m.

I AM SATISFIED THAT the further detention of the said is necessary for the proper investigation of the offence concerned and that the investigation is being conducted diligently and expeditiously.

I HEREBY AUTHORISE the detention of.....for a further period of.....hours, such further period of detention to commence at the expiry of the period of detention authorised by

*the direction under section 50(3)(c) of the Act,

*the warrant under section 50(3)(g)(i) of the Act,

or, if later, on the determination of the application by the issuing of this warrant

Dated and issued this.....day of.....20..... at.....a.m./p.m.

Signed.....
Judge of the District Court

To: *Chief Superintendent of the Garda Síochána at.....
*Person in charge of the place of detention at
*Delete if inapplicable

CRIMINAL JUSTICE ACT 2007, SECTION 51

INFORMATION

District Court Area of

District No.

THE INFORMATION ON OATH OF of
....., a member of the Garda Síochána not below
the rank of Superintendent who swears that:

....., of....., was arrested *(at.....) *(in
..... Garda Síochána station) on the.....day of 20.... at
.....a.m./p.m on suspicion of having committed an offence to which section 50 of
the above-named Act applies, namely and *(was taken to and
detained in) *(was detained in) Garda Síochána station.

The saidwas released without any charge having been made
against him/her on the.....day of 20.... ata.m./p.m

Further information has come to the knowledge of the Garda Síochána since
the release of the said as to his/her suspected participation in
the offence(s) offor which his/her arrest is sought.

The said further information is as follows:

AND I HEREBY apply for the issue of a warrant for the arrest of the said.....

Signed.....
Informant

SWORN before me this.....day of.....20....

Signed.....
Judge of the District Court

*Delete if inapplicable

CRIMINAL JUSTICE ACT 2007, SECTION 51

WARRANT TO ARREST

District Court Area of

District No.

WHEREAS from the information on oath and in writing sworn on this day before me by....., of....., a member of the Garda Síochána not below the rank of Superintendent

I AM SATISFIED THAT

....., of....., was arrested *(at.....) *(in Garda Síochána station) on the.....day of 20..... ata.m./p.m on suspicion of having committed an offence to which section 50 of the above-named Act applies, namely and *(was taken to and detained in) *(was detained in) Garda Síochána station.

The saidwas released without any charge having been made against him/her on the.....day of 20..... ata.m./p.m

Further information has come to the knowledge of the Garda Síochána since the release of the said as to his/her suspected participation in the offence(s) offor which his/her arrest is sought

THIS IS TO AUTHORISE YOU to whom this warrant is addressed to arrest the said

*THE SAID.....is to be brought before *a judge of the District Court /*a judge of the Circuit Court

*upon arrest

*ata.m./p.m on the.....day of 20..... *and thereafter at.....

Dated and issued this.....day of.....20.....at.....a.m./p.m.

Signed.....
Judge of the District Court

To: Superintendent of the Garda Síochána at

*Delete if inapplicable

CRIMINAL JUSTICE ACT 2007, *SECTION 50(3)(c) as applied by
SECTION 51(3)(a) *SECTION 50(3)(g)(i) as applied by SECTION 51(3)(b) *
SECTION 50(3)(h)(i) as applied by SECTION 51(3)

INFORMATION FOR APPLICATION TO EXTEND DETENTION OF
RE-ARRESTED PERSON

District Court Area of

District No.

THE INFORMATION ON OATH OF

ofwho says:

I am a member of the Garda Síochána not below the rank of Chief Superintendent.

....., of....., was re-arrested on the.....day of.....20... at.....a.m./p.m. on foot of a warrant under section 51(1) of the Criminal Justice Act 2007 (having previously been released following arrest), on suspicion of having committed an offence to which section 50 of the Criminal Justice Act 2007 applies, namely....., and is at present detained at.....pursuant to

*a direction under section 50(3)(b) of the above Act, as applied by Section 51(3) of the said Act, which said period of detention will expire on the.....day of.....20... at.....a.m./p.m.

*a warrant under section 50(3)(d) of the above Act, as applied by Section 51(3)(a) of the said Act, authorising the extension of a period of detention, which said authorised period of detention will expire on the.....day of.....20... at.....a.m./p.m.

*a warrant under section 50(3)(g)(ii) of the above Act, as applied by Section 51(3) of the said Act, authorising the extension of a period of detention, which authorised period of detention will expire on the.....day of.....20... at.....a.m./p.m.

I have reasonable grounds for believing that the detention of the said person

*for a further period not exceeding 24 hours

*for a further period not exceeding 72 hours

*for a further period not exceeding 48 hours

is necessary for the proper investigation of the offence concerned and I say that the investigation is being conducted diligently and expeditiously.

The basis for my so believing is as follows:

And I hereby apply

*under section 50(3)(c) of the said Act as applied by Section 51(3)(a) of the said Act for a warrant authorising the detention of the said person for a further period not exceeding 24 hours,

*under section 50(3)(g)(i) of the said Act as applied by Section 51(3)(b) of the said Act for a warrant authorising the detention of the said person for a further period not exceeding 72 hours,

*under section 50(3)(h)(i) of the said Act as applied by Section 51(3) of the said Act for a warrant authorising the detention of the said person for a further period not exceeding 48 hours,

Signed.....

Informant

SWORN before me this.....day of.....20.....

Signed.....

Judge of the District Court

*Delete if inapplicable

CRIMINAL JUSTICE ACT 2007, SECTION 50

WARRANT TO EXTEND DETENTION OF RE-ARRESTED PERSON

District Court Area of

District No.

WHEREAS on the hearing of an application by information on oath and in writing by, a member of the Garda Síochána not below the rank of Chief Superintendent pursuant to

*section 50(3)(c) of the above-mentioned Act as applied by Section 51(3)(a) of the said Act for a warrant authorising the detention of the said person for a further period not exceeding 24 hours,

*section 50(3)(g)(i) of the above-mentioned Act as applied by Section 51(3)(b) of the said Act for a warrant authorising the detention of the said person for a further period not exceeding 72 hours,

*section 50(3)(h)(i) of the above-mentioned Act as applied by Section 51(3) of the said Act for a warrant authorising the detention of the said person for a further period not exceeding 48 hours,

*and having considered the evidence adduced

*and having heard the submissions made

I AM SATISFIED THAT

....., of....., was arrested on the.....day of.....20.... at.....a.m./p.m. on foot of a warrant under section 51(1) of the Criminal Justice Act 2007 (having previously been released following arrest) on suspicion of having committed an offence to which section 50 of the Criminal Justice Act 2007 applies, namely and is at present detained at.....pursuant to

*a direction under section 50(3)(b) of the above Act, as applied by Section 51(3) of the said Act, which said authorised period of detention will expire on the.....day of.....20.... at.....a.m./p.m.

*a warrant under section 50(3)(d) of the above Act, as applied by Section 51(3)(a) of the said Act, authorising the extension of a period of detention, which said authorised period of detention will expire on the.....day of.....20.... at.....a.m./p.m.

*a warrant under section 50(3)(g)(ii) of the above Act, as applied by Section 51(3) of the said Act, authorising the extension of a period of detention, which authorised period of detention will expire on the.....day of.....20.... at.....a.m./p.m.

I AM SATISFIED THAT the further detention of the saidis necessary for the proper investigation of the offence concerned and that the investigation is being conducted diligently and expeditiously.

I HEREBY AUTHORISE the detention of.....for a further period of.....hours, such further period of detention to commence at the expiry of the period of detention authorised by

*the direction under section 50(3)(b) of the Act, as applied by section 51(3) of the Act

*the warrant under section 50(3)(d) of the Act as applied by section 51(3)(a) of the Act,

*the warrant under section 50(3)(g)(i) of the Act as applied by section 51(3) of the Act,

or, if later, on the determination of the application by the issuing of this warrant

Dated and issued this.....day of.....20.... at.....a.m./p.m.

Signed.....
Judge of the District Court

To: *Chief Superintendent of the Garda Síochána at

*Person in charge of the place of detention at

*Delete if inapplicable

BAIL ACT 1997, SECTION 9(13) (INSERTED BY CRIMINAL JUSTICE ACT 2007,
SECTION 15)

WARRANT OF COMMITTAL

(on non-compliance with an order under section 9(2))

District Court Area of

District No.

Accused

of.....

*Case No:

*Fine No:.....

*Charge Sheet/Summons:

WHEREAS a recognisance was entered into on theday of.....20....by
the above-named accused in the sum of €..... conditioned as
therein set out

AND WHEREAS at a sitting of the District Court at..... on
the..... day of..... 20....., the court *(made an order under
section 9(2)(a) of the Bail Act 1997) *(made an order under section 9(11) of
the Bail Act 1997 varying an order) estreating the said recognisance in the
amount of €..... against, and ordering that the said sum be
paid by the said..... within a period of..... in default
of payment a warrant for the committal of to prison
to be issued.

AND WHEREAS the said Order has not been complied with

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest
the said of and
to lodge him/her in the prison at..... to be imprisoned
there for the period of..... unless the said sum of €.....
be sooner paid.

Dated this..... day of.....20.....

Signed.....
Judge of the District Court

To the Superintendent of the Garda Síochána at.....

EXPLANATORY NOTE

(This note is not form part of the Instrument and does not purport to be a legal interpretation).

These Rules amend Orders 13, 14, 17, 18, 27, 31 and 101 to provide forms and procedure in respect of changes, mainly in relation to bail, arising from the entry into force of certain provisions of the Criminal Justice Act 2007 and to take account of the provisions of the Criminal Procedure (Amendment) Act 2007.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2
nó tríd an bpost ó
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