



STATUTORY INSTRUMENTS.

S.I. No. 536 of 2011



DISTRICT COURT (CRIMINAL JUSTICE (PSYCHOACTIVE
SUBSTANCES) ACT 2010) RULES 2011

(Prn. A11/1927)

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SUBSTANCES) ACT 2010) RULES 2011

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 and Equality, make the following rules of court.

Dated this 4th day of April 2011.

Miriam Malone Chairperson

Mary C Devins

Thomas E O'Donnell

Brian Sheridan

David Riordan

Roy Pearson

Noel A Doherty

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

Dated this 21st day of October 2011.

ALAN SHATTER,

Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 28th October, 2011.*

S.I. No. 536 of 2011

DISTRICT COURT (CRIMINAL JUSTICE (PSYCHOACTIVE
SUBSTANCES) ACT 2010) RULES 2011

1. (1) These Rules, which may be cited as the District Court (Criminal Justice (Psychoactive Substances) Act 2010) Rules 2011, shall come into operation on the 11th day of November 2011.

(2) These Rules shall be construed together with the District Court Rules 1997 (S.I. No. 93 of 1997) and all other District Court Rules.

(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2011.

2. The District Court Rules 1997 are amended:

- (i) by the substitution for rules 12 and 13 (as inserted by the District Court (Consumer Protection Act 2007) Rules 2009 (S.I. No. 106 of 2009)) and 13 (as inserted by the District Court (Public Order) Rules 2006 (S.I. No. 545 of 2006)) of Order 23 of the following heading and rules:

“

Part IV — PARTICULAR CASES

12. (1) Where the Court makes an order under section 3 of the Criminal Justice (Public Order) Act 2003, the order shall be in the Form 23.2, Schedule B. The Clerk shall send a copy of such order by ordinary prepaid post to the person who has been convicted at his or her last known or most usual place of abode, and to any other person the Court directs be given a copy of such order.

Order under section 3 of the Criminal Justice (Public Order) Act 2003

(2) A closure order under section 10 of the Criminal Justice (Psychoactive Substances) Act 2010 shall be in the Form 23.3, Schedule B. The Clerk shall send a copy of such order by ordinary prepaid post:

Order under section 10 of the Criminal Justice (Psychoactive Substances) Act 2010

(a) to the person who has been convicted, at his or her last known or most usual place of abode;

(b) to the owner or occupier of any place to which the order relates, at that place, and

(c) to any other person the Court directs in accordance with section 10(3)(c) of the Act of 2010 be given a copy of such order.

(3) An application to the Court pursuant to section 11 of the Criminal Justice (Psychoactive Substances) Act 2010 for an order varying or discharging a closure order may be made at any sitting of the Court for the court district in which are situated the premises to which the closure order relates. Save where the Court otherwise directs or permits, such an application shall be preceded by the issue of a notice of application in the Form 23.4, Schedule B. A copy of the notice of application (with a copy of the closure order appended) shall be served upon the prosecutor in the proceedings in which the closure order was made and on any other relevant person mentioned in section 11(3) of that Act not later than four days before the date fixed for the hearing of the application, and the original notice of application (with a copy of the closure order appended) shall be lodged with the Clerk not later than two days before the date fixed for the hearing of the application. Where the Court makes an order varying the closure order, the order shall be in the Form 23.5, Schedule B.

13. A written notice served by the accused on the prosecutor under and for the purposes of section 78(2) of the Consumer Protection Act 2007 (No 19 of 2007) in any proceedings which may be determined by the Court shall be in the Form 23.6, Schedule B. A copy of the notice together with proof of service thereof shall be lodged with the Clerk.

Notice under section 78(2) of the Consumer Protection Act 2007

14. The provisions of rules 4 to 11 of this Order shall also apply to indictable offences being dealt with summarily.

Provisions to apply to indictable offences dealt with summarily”

(ii) by the insertion immediately following rule 22 of Order 34 of the following:

“- Under section 12(4) of the Criminal Justice (Psychoactive Substances) Act 2010 (No. 22 of 2010)

23. An application by a member of the Garda Síochána not below the rank of sergeant for the issue of a warrant pursuant to section 12(4) of the Criminal Justice (Psychoactive Substances) Act 2010 may be made to the Judge of the District Court assigned

to the District Court District wherein the dwelling in respect of which the warrant is sought is situated. Such application shall be by information on oath and in writing of such member in the Form 34.54, Schedule B, and shall be made and heard in accordance with Order 12, rule 27. A warrant issued on foot of such information shall be in the Form 34.55, Schedule B.”, and

(iii) by the substitution for Order 96B of the Order set out in Schedule 1.

3. (1) The Form numbered 23.2 in Schedule B (as inserted by the District Court (Consumer Protection Act 2007) Rules 2009 (S.I. No. 106 of 2009)) is renumbered as Form 23.6 in Schedule B.

(2) The Forms numbered 23.3, 23.4 and 23.5 in Schedule 2 shall be added to the Forms in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997) immediately following Form 23.2 (as inserted by the District Court (Public Order) Rules 2006 (S.I. No. 545 of 2006)).

(3) The Forms numbered 34.54 and 34.55 in Schedule 2 shall be added to the Forms in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997) immediately following Form 34.53.

(4) The Forms numbered 96B.4, 96B.5, 96B.6 and 96B.7 in Schedule 2 shall be added to the Forms in Schedule C of the District Court Rules 1997 (S.I. No. 93 of 1997) immediately following Form 96B.3.

Schedule 1

“Order 96B

Orders concerning retail premises

Criminal Justice (Public Order) Act 2003

Criminal Justice (Psychoactive Substances) Act 2010

1. In this Order:

“the Act of 2003” means the Criminal Justice (Public Order) Act 2003 (No. 16 of 2003);

“the Act of 2010” means the Criminal Justice (Psychoactive Substances) Act 2010 (No. 22 of 2010);

“closure order” has the meaning given to it by section 2 of the Act of 2003;

“prohibition order” means an order under section 8 of the Act of 2010.

Criminal Justice (Public Order) Act 2003

2. An application pursuant to section 4 of the Act of 2003 for a closure order may be made at any sitting of the Court for the court district in which:

- (i) *in the case of a food stall or food vehicle, the stall or vehicle is used for the sale of food or is kept when not being so used, or*
- (ii) *in the case of any other catering premises, the catering premises are situated.*

3. Notice of an application for a closure order shall be in the Form 96B.1, Schedule C and there shall be attached to such notice a copy of the notice in writing which was served in accordance with section 4(2) of the Act of 2003. A copy of the notice of application shall be served upon the licensee or manager of the catering premises concerned not later than seven days before the date fixed for the hearing of the application. The original notice of application shall be lodged with the Clerk not later than two days before the date fixed for the hearing of the application. The Court may adjourn the hearing of such application and direct service of notice of the application upon such persons as the Court may direct. A closure order shall be in the Form 96B.2, Schedule C.

4. An application pursuant to section 7 of the Act of 2003 for an order extending a closure order may be made at any sitting of the Court for the court district in which the closure order was made. Save where the Court otherwise directs or permits, such an application shall be preceded by the issue of a notice of application in the Form 96B.3, Schedule C. A copy of the notice of application shall be served upon the licensee or manager of the catering premises concerned

not later than four days before the date fixed for the hearing of the application, and the original notice of application shall be lodged with the Clerk not later than two days before the date fixed for the hearing of the application. Where the Court makes an order extending the closure order, including where the Court makes any variation in the terms of the closure order, the period of such extension and the terms of any such variation may be indorsed upon the closure order and re-signed by the Judge.

Criminal Justice (Psychoactive Substances) Act 2010

5. An application pursuant to section 8 of the Act of 2010 for a prohibition order may be made at any sitting (including a sitting to which section 8(11) of the Act of 2010 applies) of the Court for the court district in which:

- (i) *the person who is the subject of the prohibition notice concerned ordinarily resides or carries on any profession, business or occupation, or*
- (ii) *any structure, stall or vehicle to which the prohibition notice relates is located or used, or*
- (iii) *any such structure, stall or vehicle is kept when not in use.*

6. Notice of an application for a prohibition order shall be in the Form 96B.4, Schedule C and there shall be attached to such notice a copy of the prohibition notice which was served in accordance with section 7 of the Act of 2010. A copy of the notice of application shall be served upon the person who is the subject of the prohibition notice concerned (in this rule, the “respondent”) not later than seven days before the date fixed for the hearing of the application. The original notice of application shall be lodged with the Clerk not later than two days before the date fixed for the hearing of the application. The Court may adjourn the hearing of such application and direct service of notice of the application upon such persons as the Court may direct in accordance with section 8(2) of the Act of 2010. A prohibition order shall be in the Form 96B.5, Schedule C. The applicant shall serve a copy of the order on the respondent. Where a prohibition order specifies any premises to which the order relates, and the owner of the premises is not the respondent, the applicant shall, where practicable, cause a copy of the prohibition order to be served by registered post on the owner of the premises concerned.

7. An application pursuant to section 9(1) of the Act of 2010 for an order varying a prohibition order may be made at any sitting of the Court for the court district in which the prohibition order was made. Save where the Court otherwise directs or permits, such an application shall be preceded by the issue of a notice of application in the Form 96B.6, Schedule C. A copy of the notice of application (with a copy of the prohibition order appended, where the person applying is in possession of a copy of that order) shall be served upon the member of the Garda Síochána who applied for the prohibition order concerned not later than four days before the date fixed for the hearing of the application, and the original notice of application shall be lodged with the Clerk not later than two days before the date fixed for the hearing of the application. The

member shall produce the prohibition order or a true copy at the hearing. Where the Court makes an order varying the prohibition order, the order shall be in the Form 96B.7.”

Schedule 2

Schedule B
O. 23, r. 12

No. 23.3

CRIMINAL JUSTICE (PSYCHOACTIVE SUBSTANCES) ACT 2010,
Section 10

CLOSURE ORDER

District Court Area of

District No.

.....Prosecutor

.....Accused

WHEREAS the above-named accused of, was on theday of20.... convicted of an offence under section *3 *4 *5 *8(6) of the Criminal Justice (Psychoactive Substances) Act 2010.

ON THE GROUNDS THAT.....

THE COURT HEREBY ORDERS pursuant to section 10 of the above mentioned Act of 2010 that the said accused be and is hereby prohibited:

at..... (*in the court area and district aforesaid)
*or at

*from operating any business of.....or engaging in any activity of, (which may reasonably be considered to be connected with the sale, importation or exportation or advertisement of psychoactive substances, *namely....., for human consumption)

*from the sale or advertisement of an object, *namely....., for use in cultivating by hydroponic means any plant in contravention of section 17 of the Misuse of Drugs Act 1977

*AND THE COURT CONSIDERING IT necessary or expedient in the circumstances to impose the following terms, conditions and restrictions, THE COURT HEREBY ORDERS

(insert particulars of any terms, conditions or restrictions imposed in the order)
.....

This order shall come into effect *immediately upon its service on you to whom it is addressed *on theday of20.... and shall have effect

during the period (being a period not exceeding five years) of, from that time.

†And the Court refuses an application for an order staying the operation of the above order pending the determination of an appeal to the Circuit Court by the said accused against the conviction or the above closure order.

††And the Court, having heard and allowed an application for an order staying the operation of the above order pending the determination of an appeal to the Circuit Court by the said accused against the conviction or the above closure order, orders that the operation of said closure order be and is hereby stayed pending the determination of the said appeal.

Dated this day of 20.....

Signed
Judge of the District Court

To:

of, the above-named accused

*To:

of, the owner of the place to which this order relates

*And to:

*Delete words inapplicable

†Insert only if a stay has been sought and has been refused by the District Court.

††Insert only if a stay has been sought and has been granted by the District Court.

No. 23.4

CRIMINAL JUSTICE (PSYCHOACTIVE SUBSTANCES) ACT 2010,
Section 11

NOTICE OF APPLICATION TO *VARY/*DISCHARGE A CLOSURE
ORDER

District Court Area of

District No.

.....Prosecutor

.....Accused

..... Applicant

WHEREAS the District Court sitting at.....on theday of..... 20.....,
on the conviction of.....of the offence of..... made
a closure order under section 10 of the above-mentioned Act concerning a place
in the court area and district aforesaid, prohibiting the said convicted person:

*from operating any business of.....or engaging in any
activity of (which may reasonably be considered
to be connected with the sale, importation or exportation or advertisement of
psychoactive substances, *namely....., for human
consumption)

*from the sale or advertisement of an object, *namely.....,
for use in cultivating by hydroponic means any plant in contravention of section
17 of the Misuse of Drugs Act 1977

at that place specified in said order, namely,
.....*(in the court area and district aforesaid)

during the period of, commencing on *the date of service of the said
order *the...day of.....20....

TAKE NOTICE that the above-named applicant, being

*the person who is subject to the closure order

*the owner of the said place which is specified in the closure order

*a member of the Garda Síochána not below the rank of superintendent

will apply to the District Court sitting at.....on the....day of.....20.....at
.....a.m./p.m. under section 11 of the above-mentioned Act for an order

*varying the said closure order to provide that

(specify variations sought)
.....

*discharging the said closure order

on the grounds that—

*(insert grounds relied upon)

Dated this day of 20.....

Signed
Applicant/solicitor for Applicant

To: District Court Clerk

At

*To: of the occupier of the said place

*To: of the owner of the said place

*To: Superintendent, Garda Síochána at.....

*delete if inapplicable

No. 23.5

CRIMINAL JUSTICE (PSYCHOACTIVE SUBSTANCES) ACT 2010,
Section 11

ORDER *VARYING/*DISCHARGING A CLOSURE ORDER

District Court Area of

District No.

.....Prosecutor

.....Accused

..... Applicant

WHEREAS the above-named accused of, was on theday of20... convicted of an offence under section *3 *4 *5 *8(6) of the Criminal Justice (Psychoactive Substances) Act 2010 and the Court made a closure order pursuant to section 10 of the above mentioned Act of 2010.

AND WHEREAS on application to the Court sitting aton theday of.....20.. of

*the person who is subject to the closure order

*the owner of the said place which is specified in the closure order

*a member of the Garda Síochána not below the rank of superintendent

for an order under section 11 of the above-mentioned Act *varying/*discharging the said closure order

THE COURT

BEING SATISFIED that notice of the application was duly served

HAVING REGARD to whether there would be a serious risk of injustice if the said closure order were not so varied /discharged

HAVING REGARD to the evidence and/or submissions on behalf of the said applicant *and the persons on notice of the application

HEREBY ORDERS pursuant to section 11 of the above mentioned Act of 2010 that the said closure order

*BE DISCHARGED.

*BE VARIED to provide instead that:

The said accused be and is hereby prohibited:

during the period (being a period not exceeding five years) of, commencing on *the date of its service on you to whom it is addressed *the...day of.....20....

at.....*(in the court area and district aforesaid)

*or at

*from operating any business of.....or engaging in any activity of, (which may reasonably be considered to be connected with the sale, importation or exportation or advertisement of psychoactive substances, *namely....., for human consumption)

*from the sale or advertisement of an object, *namely....., for use in cultivating by hydroponic means any plant in contravention of section 17 of the Misuse of Drugs Act 1977

*AND THE COURT CONSIDERING IT necessary or expedient in the circumstances to impose the following terms, conditions and restrictions, THE COURT HEREBY ORDERS

(insert particulars of any terms, conditions or restrictions imposed in the order)

.....

.....

Dated this day of 20.....

Signed

Judge of the District Court

To:

of, the above-named accused

*To: of the occupier of the said place

*To: of the owner of the said place

*To: Superintendent....., Garda Síochána at.....

*delete words inapplicable

No. 34.54

Criminal Justice (Psychoactive Substances) Act 2010, Section 12(4)

INFORMATION FOR SEARCH WARRANT

District Court Area of _____ District No. _____

THE INFORMATION of..... of.....

Who says on oath—

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

There are reasonable grounds for believing that—

*(a) evidence, namely,....., of, or relating to, the commission of an offence under the above-mentioned Act of 2010 is to be found in a dwelling, namely.....in court *(area and) district aforesaid

*(b) books, records or other documents (including documents stored in non-legible form) relating to the commission of an offence under the above-mentioned Act of 2010 are being stored or kept in a dwelling, namely.....in court *(area and) district aforesaid

*(c) a dwelling, namely.....in court *(area and) district aforesaid is occupied in whole or in part by a person, namely,, who is engaged in a trade, business or activity referred to in paragraph (a), (b) or (c) of section 12(1) of the above-mentioned Act of 2010, namely that of..... (*insert specified trade, business or activity*).....

The basis for such grounds is as follows:

.....
.....

*It is necessary that the member executing a warrant issued on foot of this information be accompanied by a person(s) namelyof....., because.....

And I hereby apply for the issue of a warrant under section 12(4) of the Criminal Justice (Psychoactive Substances) Act 2010 in respect of the said dwelling.

Signed.....
Informant

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

Signed
Judge of the District Court

*delete where inapplicable

No. 34.55

Criminal Justice (Psychoactive Substances) Act 2010, Section 12(4)

SEARCH WARRANT

District Court Area of

District No.

WHEREAS from the information on oath and in writing under section 12(4) of the above-mentioned Act of 2010 sworn before me on this day, by..... of....., a member of the Garda Síochána not below the rank of sergeant

I AM SATISFIED THAT there are reasonable grounds for believing that—

*(a) evidence, namely,....., of, or relating to, the commission of an offence under the above-mentioned Act of 2010 is to be found in a dwelling, namely.....in court *(area and) district aforesaid

*(b) books, records or other documents (including documents stored in non-legible form) relating to the commission of an offence under the above-mentioned Act of 2010 are being stored or kept in a dwelling, namely.....in court *(area and) district aforesaid

*(c) a dwelling, namely.....in court *(area and) district aforesaid is occupied in whole or in part by a person, namely,, who is engaged in a trade, business or activity referred to in paragraph (a), (b) or (c) of section 12(1) of the above-mentioned Act of 2010, namely that of..... (insert specified trade, business or activity).....

THIS IS TO AUTHORISE....., of....., a member of the Garda Síochána, *accompanied by such other members of the Garda Síochána as the member thinks necessary *accompanied by, as the member thinks necessary, at any time or times, within one month from the date of issue of this warrant, TO ENTER (if necessary by the use of reasonable force), the dwelling namely.....at.....in court *(area and) district aforesaid and TO PERFORM the functions under section 12(1) of the Criminal Justice (Psychoactive Substances) Act 2010.

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

Signed
Judge of the District Court

To: Garda.....

Garda Síochána at.....

*delete where inapplicable

No. 96B.4

CRIMINAL JUSTICE (PSYCHOACTIVE SUBSTANCES) ACT 2010

Section 8

NOTICE OF APPLICATION FOR PROHIBITION ORDER

District Court Area of

District No.

..... Applicant

..... Respondent

TAKE NOTICE that the above-named applicant, a member of the Garda Síochána not below the rank of superintendent, stationed at.....
....., will apply to the District Court sitting at.....on
theday of.....20.....ata.m./p.m. pursuant to section 8 of the
above-mentioned Act for a prohibition order in respect of the above-named
respondent prohibiting the said respondent from:

*engaging in or continuing to engage in the activity of selling or advertising, *a
substance, namely..... *an object namely.....,

*importing or exporting a substance namely.....

on the grounds that—

in my opinion the said respondent is not in compliance with a direction
contained in a prohibition notice served on *him/*her in accordance with
section 7 of the said Act by.....on theday of20... A copy
of that said prohibition notice in writing is attached.

*(specify any other grounds relied upon).....

Dated this day of 20.....

Signed
Applicant

To District Court Clerk

District Court Office at

To the Respondent at

*delete where inapplicable

No. 96B.5

CRIMINAL JUSTICE (PSYCHOACTIVE SUBSTANCES) ACT 2010,
Section 8

PROHIBITION ORDER

District Court Area of

District No.

..... Applicant

..... Respondent

WHEREAS UPON APPLICATION made to the Court today by the above-named applicant, a member of the Garda Síochána not below the rank of superintendent stationed at....., pursuant to section 8 of the above-mentioned Act, for a prohibition order in respect of the above-named respondent of*(in the court area and district aforesaid)

THE COURT

BEING SATISFIED THAT a prohibition notice in accordance with section 7 of the said Act was served on the respondent on theday of20..

BEING SATISFIED THAT notice of the application was duly served

HAVING CONSIDERED the evidence before it, ‡including a certificate of analysis in respect of the substance concerned, and

HAVING HAD REGARD to all the circumstances of the case,

‡including (a) any indication given by the respondent orally or in writing, by means of the internet or by electronic communication or any indication otherwise given by means of any packaging, leaflets, notices or by any other object or thing that the substance concerned may have psychoactive effects or that it may be consumed in a way similar to a controlled drug,

(b) any indication in or at any place specified in the application that suggests the consumption of controlled drugs, including the presence of any apparatus, equipment or thing which may reasonably be associated with the consumption of controlled drugs, and

(c) whether it is reasonable to find that the substance concerned is being *sold/*imported */exported, for an alternative lawful purpose, taking into account the cost and quantity of the substance being *sold/*imported */exported.

BEING SATISFIED THAT—

(i) the respondent has, after the service of the said prohibition notice on *him/*her,

*sold/*advertised *a psychoactive substance, namely,

*an object specified in the prohibition notice served on *him/*her, namely,

*imported/*exported a substance specified in the prohibition notice served on *him/*her, namely, and

(ii) it is necessary to prevent the respondent from engaging in or continuing to engage in the said activity,

AND THE COURT NOT CONSIDERING THAT making this order would be unjust in all the circumstances of the case

HEREBY ORDERS under section 8 of the above-mentioned Act that the said respondent.....be and is prohibited from

*engaging in or continuing to engage in the activity of *selling/*advertising by....., a psychoactive substance, namely,..... *at.....

*engaging in or continuing to engage in the activity of *selling/*advertising by....., an object, namely,..... *at.....

importing / exporting a psychoactive substance, namely,..... *at.....

*AND THE COURT CONSIDERING IT necessary or expedient in the circumstances to impose the following terms, conditions and restrictions, THE COURT HEREBY ORDERS

(insert particulars of any terms, conditions or restrictions imposed in the order)
.....

This prohibition order shall come into effect immediately upon its service on you, the respondent.

*Notice of this prohibition order to be given to the following person(s) who appear to the Court to be or who *is/*are affected by it:

.....of
.....of

The grounds for the making of this order are:

.....

†And the Court refuses an application for an order staying the operation of the above order pending the determination of an appeal to the Circuit Court by the said respondent against the above prohibition order.

††And the Court, having heard and allowed an application for an order staying the operation of the above order pending the determination of an appeal to the Circuit Court by the said respondent against the above prohibition order, orders that the operation of said prohibition order be and is hereby stayed pending the determination of the said appeal.

Dated this day of 20.....

Signed
Judge of the District Court

To the Respondent at

*And toof.....

*And toof.....

*Delete if inapplicable

‡Where the prohibition notice includes the opinion that the person is engaged in the activity of selling a psychoactive substance for human consumption, or of importing or exporting a psychoactive substance for human consumption (section 7(1) (a)(i) or (b))

†Insert only if a stay has been sought and has been refused by the District Court.

††Insert only if a stay has been sought and has been granted by the District Court.

No. 96B.6

CRIMINAL JUSTICE (PSYCHOACTIVE SUBSTANCES) ACT 2010,
Section 9

NOTICE OF APPLICATION TO VARY A PROHIBITION ORDER

..... Applicant

..... Respondent

On the application of Owner

WHEREAS the District Court sitting at on theday of.....
20..... made a prohibition order under section 8 of the above-mentioned Act
prohibiting the above-named respondent from:

*engaging in or continuing to engage in the activity of *selling/*advertising by
....., a psychoactive substance, namely,
*at

*engaging in or continuing to engage in the activity of *selling/*advertising by
....., an object, namely, *at

*importing /*exporting a psychoactive substance, namely,.....
*at.....

and subject to the further terms, conditions and restrictions set out in said order
†(a copy of which is appended to this notice of application).

TAKE NOTICE that the above-named, being the owner of the
place concerned in the said prohibition order, namely.....
at.....in court *(area and) district aforesaid, will apply to the District
Court sitting at.....on the.....day of.....20.....ata.m./p.m. under
section 9 of the above-mentioned Act for an order varying the
said prohibition order to provide that.....(*specify variations sought*)
.....

on the grounds that—

.....

**(insert grounds relied upon)*

Dated this day of 20.....

Signed.....

Owner/Solicitor for Owner

To: District Court Clerk

At.....

To:of, the person who is the subject of the prohibition order

To: Superintendent....., Garda Síochána at.....

*delete if inapplicable

†to be appended where the owner is in possession of a copy.

No. 96B.7

CRIMINAL JUSTICE (PSYCHOACTIVE SUBSTANCES) ACT 2010,
Section 9

ORDER VARYING A PROHIBITION ORDER

District Court Area of

District No.

..... Applicant

..... Respondent

On the application of Owner

WHEREAS on application to the Court sitting aton the
.....day of.....20... of the above-named applicant, a member of the Garda
Síochána not below the rank of superintendent stationed at....., pursu-
ant to section 8 of the above-mentioned Act, for a prohibition order in respect
of the above-named respondent of*(in the court area and
district aforesaid)

THE COURT ORDERED under section 8 of the above-mentioned Act that
the said respondent.....be prohibited from

*engaging in or continuing to engage in the activity of *selling/*advertising by
....., a psychoactive substance, namely,
*at

*engaging in or continuing to engage in the activity of *selling/*advertising by
....., an object, namely,
*at

importing / exporting a psychoactive substance, namely,
*at

*AND THE COURT imposed the following terms, conditions and restrictions
in said prohibition order (*insert particulars of any terms, conditions or restrictions
imposed in the order*)

*AND THE COURT ordered that notice of the prohibition order be given to
the following person(s):

.....of

.....of

AND WHEREAS on application to the Court sitting aton the
.....day of.....20... of, the owner of the place
concerned

THE COURT

BEING SATISFIED that notice of the application was duly served

HAVING REGARD to whether there would be a serious risk of injustice if the said prohibition order were not so varied

HAVING REGARD to the evidence and/or submissions on behalf of the said owner *and the persons on notice of the application

HEREBY ORDERS pursuant to section 9 of the above mentioned Act of 2010 that the said prohibition order BE VARIED to provide instead:

that the said respondent.....be and is prohibited from

*engaging in or continuing to engage in the activity of *selling/*advertising by....., a psychoactive substance, namely,..... *at.....

*engaging in or continuing to engage in the activity of *selling/*advertising by....., an object, namely,..... *at.....

importing / exporting a psychoactive substance, namely, *at

*AND THE COURT CONSIDERING IT necessary or expedient in the circumstances *to vary the terms, conditions and restrictions previously imposed/ * to impose the following terms, conditions and restrictions, THE COURT HEREBY ORDERS

(insert particulars of any terms, conditions or restrictions imposed in the order)
.....

This variation effected by this order shall come into effect immediately upon its service on the respondent.

*Notice of this order to be given to the following person(s) who appear to the Court to be or who *is/*are affected by it:

.....of

.....of

Dated this day of 20.....

Signed
Judge of the District Court

To the Respondent at

*And toof.....

*And toof.....

*Delete if inapplicable

EXPLANATORY NOTE

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

These rules amend Orders 23 and 34 and substitute Order 96B of the District Court Rules to prescribe procedure under the Criminal Justice (Psychoactive Substances) Act 2010.

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