



STATUTORY INSTRUMENTS.

**S.I. No. 260 of 2010**



DISTRICT COURT (CRIMINAL JUSTICE (MISCELLANEOUS  
PROVISIONS) ACT 2009) RULES 2010

**(Prn. A10/0779)**

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DISTRICT COURT (CRIMINAL JUSTICE (MISCELLANEOUS  
PROVISIONS) ACT 2009) RULES 2010

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 Law Reform, make the following rules of court.

Dated this 14th day of December 2009.

Miriam Malone    Chairperson

Uinsin MacGruairc

Mary C Devins

Thomas E O'Donnell

Brian Sheridan

Shalom Binchy

Roy Pearson

Noel A Doherty

Michelle Johnston

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

Dated this 3rd day of June 2010.

DERMOT AHERN,

Minister for Justice and Law Reform.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 15th June, 2010.*

S.I. No. 260 of 2010

DISTRICT COURT (CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT 2009) RULES 2010

1. These rules may be cited as the District Court (Criminal Justice (Miscellaneous Provisions) Act 2009) Rules 2010.

2. These rules shall come into operation on the 1st day of July 2010 and shall be construed together with all other District Court Rules 1997 to 2010.

3. The District Court Rules 1997 (S.I. No. 93 of 1997) are amended:

(i) by the substitution for sub-rules (1) and (2) of rule 8 of Order 16 of the following sub-rules:

“8. (1) In this rule, the expressions “alert”, “Central Authority in the State”, “European arrest warrant”, “Framework Decision”, “judicial authority”, and “Member State” have the meanings given to each of them by the European Arrest Warrant Act 2003 (the “Act of 2003”).

(2). An application to the District Court by or on behalf of the Director of Public Prosecutions, for the issue of a European arrest warrant (constituting a request for entry of an alert) pursuant to section 33 of the Act of 2003 in respect of a person shall be made by information on oath and in writing to a Judge of the District Court sitting in the District Court which has issued the domestic warrant. Such information shall be in the Form 16.2, Schedule B. Such information shall include the particulars required by sub-rule (3). The Judge may issue a European arrest warrant:

(a) where the Judge is satisfied that—

(i) a domestic warrant has been issued for the arrest of that person but has not been executed, and

(ii) the person is not in the State, and

(b) where—

(i) the person would, if convicted, be liable to a term of imprisonment or detention of 12 months or more than 12 months, or

(ii) a term of imprisonment or detention of not less than 4 months has been imposed on the person in respect of the offence concerned and the person is required to serve all or part of that term of imprisonment or detention.”;

- (ii) by the substitution for sub-rules (3), (4) and (5) of rule 5 of Order 18 of the following sub-rules:

“(3) Where the 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 may be paid into Court or lodged in Court in accordance with section 5(5) of the Bail Act 1997 by payment to or lodgment with:

- (a) a Judge of the District Court,
- (b) a District Court Clerk,
- (c) a peace commissioner designated for that purpose by order of the Minister for Justice and Law Reform,
- (d) the Governor of a prison, or
- (e) a prison officer designated for that purpose by the Governor of a prison in accordance with section 22(3) of the Criminal Procedure Act 1967,

taking the recognisance of that person or surety for and on behalf of the District Court Clerk for the District Court Area in which the order admitting to bail was made.

- (4) On lodgment 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) a person mentioned in sub-rule (3) with whom such lodgment is deemed to be a payment into court,

and on completion of the recognisance in the Form 18.1, 18.2, 18.2A, 18.2B 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.

(5) The Clerk or person mentioned in sub-rule (3) receiving such moneys shall issue a receipt for each lodgment and shall complete the certificate of such lodgment on the recognisance.”;

- (iii) by the substitution for rules 7, 8 and 9 of Order 18 of the following rules:

“7. A person mentioned in rule 5(3) shall deposit any money received by him in accordance with rule 5 with the Clerk of the court area in which is situate the Court before which such person is to appear.

8. Where the recognisance is conditioned for the appearance of such person before a Court other than a sitting of the District Court the money shall be deposited by the Clerk or person mentioned in rule 5(3) receiving it with the appropriate County Registrar or the appropriate officer of the Central Criminal Court or the Special Criminal Court as the case may be.

9. The Clerk or person mentioned in rule 5(3), as the case may be, shall give a receipt for the money lodged to the party entering into the recognisance.”;

- (iv) by the substitution in sub-rule (3) of rule 2 of Order 20 for the reference to “section 9(2) of the Bail Act 1997” of a reference to “section 9(4) of the Bail Act 1997”;

- (v) by the deletion from rule 6 of Order 27 of sub-rule (3);

- (vi) by the substitution for rules 8, 9 and 10 of Order 27 of the following rules:

“8. Where the Court makes an order under section 9(1) 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(1) 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(1) of the Bail Act 1997 shall be in the Form 27.11, Schedule B.

10. (1) A warrant of committal under section 9(12) 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.

(2) Where a warrant mentioned in sub-rule (1) has been issued but not executed and the amount specified in the estreatment order (or such order as varied) for payment by the person named in the warrant is paid to the Clerk, he or she shall forthwith notify the Superintendent of the Garda Síochána to whom the warrant was addressed that such

payment has been made and shall request the Superintendent to return the warrant for cancellation.

(3) Where section 9(13) of the Bail Act 1997 applies, the prosecutor may proceed in accordance with Order 37, rule 12.”, and

(vii) by the substitution for sub-rule (1) of rule 8 of Order 28A of the following sub-rule:

“8. (1) Where the Court convicts a person to whom an order made under section 99(1) of the Act applies of an offence committed after the making of the order under section 99(1), and remands such person in custody or on bail under section 99(9) of the Act, the Court shall make an order in the Form 28A.14. On the making of such order, the Clerk shall send a certified copy of the order by post to the Registrar, County Registrar or Clerk (as the case may be) of the court to which the person so convicted is to be remanded.”

4. The Forms numbered 16.2, 18.2A, 18.2B, 27.9, 27.12, 28A.14, 28A.15 and 28A.16 in the Schedule are respectively substituted for the Forms bearing the like numbers in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997). The Form numbered 27.6B is deleted from Schedule B of the District Court Rules 1997.

5. The Forms numbered 20.6 and 20.7 in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997) are amended by the substitution in each for the reference to “section 9(2)” of the Bail Act 1997 of a reference to “section 9(4)” of the Bail Act 1997.

Schedule

16.2

Schedule B  
O.16, r 8

EUROPEAN ARREST WARRANT ACT 2003, Section 33  
(as amended by Criminal Justice (Miscellaneous Provisions) Act 2009, Section 16)

INFORMATION FOR THE ISSUE OF A EUROPEAN ARREST  
WARRANT

District Court Area of \_\_\_\_\_ District No. \_\_\_\_\_

THE INFORMATION of .....

of .....

who says on oath—

I am ..... of ..... a .....  
.....and I am making an application for the issue of a European  
arrest warrant pursuant to the provisions of the above-named Act. I make the  
application herein on behalf of the Director of Public Prosecutions having been  
authorised to do so .....  
(\*state basis of authorisation) .....

I say that on the ..... day of ..... 20..... a domestic war-  
rant, within the meaning of section 31 of the above-named Act, was issued for  
the arrest of one ..... of ..... by the Dis-  
trict Court, District Court Area of ..... District No..... I  
say that the said domestic warrant has not been executed up to the date of the  
swearing of this information by me, being the ..... day of  
..... 20.....

I have attached hereto the said domestic warrant which I have read and con-  
sidered prior to the swearing of this my information and I say that the person  
named in the said domestic warrant as ..... of ..... is the  
person in respect of whom I am applying for a European arrest warrant herein.

\*I say that the said person would, if convicted of the offence concerned in the  
said domestic warrant, be liable to a term of imprisonment or detention of  
twelve months or more than twelve months.

\*I say that a term of imprisonment or detention of not less than four months  
has been imposed on the said person in respect of the offence concerned in the

said domestic warrant, and that the said person is required to serve all or part of that term of imprisonment or detention.

I say that I am aware of and I have provided all the information referred to in Section 33(2)(a) to (f) of the above-named Act and I have specified and set down said details in a written unsigned draft European arrest warrant.

I say further that the said draft European arrest warrant aforesaid is as far as is practicable in the form set out in the Annex to the Framework Decision and contains the information referred to in Section 33(2)(a) to (f) of the said Act and further contains such other information as is required in the form set out in the Annex to the said Framework Decision. I am aware of and I have provided the said other information.

I say that I have attached and pinned the said draft European arrest warrant to this information in writing prior to the swearing on Oath of this said information.

I say that I have read and considered the attached draft European arrest warrant prior to the swearing of this information and the information and details set down on the said draft European arrest warrant are correct within my knowledge and belief.

I hereby apply to the above-mentioned District Court, being the Court that issued the said domestic warrant, for the issue of a European arrest warrant pursuant to the provisions of Part 2, Chapter 2, Section 33 of the said Act.

Signed .....  
Informant

SWORN before me this day of 20....

at .....

Signed .....  
Judge of the District Court

\*delete where inapplicable



No. 18.2A

SCHEDULE B  
O.18, r. 5(4), O.28A, r. 8(3)

BAIL ACT 1997, Sections 5 and 6  
CRIMINAL JUSTICE ACT 2006, Section 99(9)

BAIL RECOGNISANCE

District Court Area of

District No.

.....Prosecutor

.....Accused

Whereas the above-named accused was on the ..... day of .....  
20..... convicted by the ..... Court sitting at .....  
in proceedings under record no. .... of the offence of ..... and  
whereas the sentence imposed on the said accused was suspended by order of  
the said Court under section 99(1) of the Criminal Justice Act 2006

And whereas the said accused was on the ..... day of .....  
20..... convicted by this Court sitting at ..... of the offence of  
....., on charge sheet ....., being an offence committed after the  
making of the said order of the ..... Court under section 99(1), and the  
conviction by this Court of the accused of said offence occurred during the  
period of suspension of the sentence imposed by the ..... Court

And whereas the said accused was remanded on bail under section 99(9) of the  
Criminal Justice Act 2006 to the next sitting of the said ..... Court  
sitting at .....

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 ..... of ..... Accused *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>*This condition is required where a money or security condition is included in a bail bond</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>	
	<p>Or  In lieu of surety/sureties I have pursuant to the direction of the Judge lodged the sum of €.....</p>	
	<p>Or  In lieu of the lodgement of cash in the sum of €..... the Court has accepted the following instrument as security.....from the said.....</p>	<p>*Insert details of any instrument accepted as security</p>
	<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 appear before the  *present/*next sitting of *[the Central Criminal Court]  *[the Special Criminal Court] *[the Circuit Court for..... for the disposal of criminal business]  *[the District Court at..... on the  .....day of .....20.... at .....*a.m. *p.m. for the disposal of criminal business] 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 the said Court making an order under section 99(10) of the Criminal Justice Act 2006.</p>	
*4	<p>And .....</p>	<p>*Insert here any further conditions imposed by the Court</p>

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 and Law Reform

\*Governor of.....prison

\*Prison officer at .....prison  
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

SCHEDULE B  
O.18, r. 5(4), O.28A, r. 8(6)

BAIL ACT 1997, Sections 5 and 6  
CRIMINAL JUSTICE ACT 2006, Section 99(10A)

BAIL RECOGNISANCE

District Court Area of

District No.

.....Prosecutor

.....Accused

Whereas the above-named accused was on the ..... day of .....  
20..... convicted by this Court sitting at ..... of the offence of  
..... on charge sheet ..... and whereas a sentence of .....  
imposed on the said accused was suspended by order made under section 99(1)  
of the Criminal Justice Act 2006

And whereas the said accused was on the ..... day of ..... 20.....  
convicted by the ..... Court sitting at ..... of the  
offence of ....., being an offence committed after the making of this  
Court's said order under section 99(1), and the conviction by the ..... Court  
of said offence occurred during the period of suspension of the sentence imposed  
by this Court and the said accused was remanded under section 99(9) of the  
Criminal Justice Act 2006 to the next sitting of this Court at  
.....

And whereas this Court made an order under section 99(10) of the Criminal  
Justice Act 2006

\*revoking its order under section 99(1) of the Criminal Justice Act 2006 sus-  
pending the sentence which had been imposed on the said accused

*\*[or recite the terms of any other order made under section 99(10) of the Criminal  
Justice Act 2006]*

And whereas the said accused has been remanded on bail under section 99(10A)  
of the Criminal Justice Act 2006 to the next sitting of the said .....Court sitting  
at..... (being the Court referred to in section 99(9) of the said Act)

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 ..... of ..... Accused          *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 the 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 shall appear before the *present/*next sitting of *[the Central Criminal Court] *[the Special Criminal Court] *[the Circuit Court for..... for the disposal of criminal business] *[the District Court at..... on the .....day of .....20... at .....*a.m. *p.m. for the disposal of criminal business] 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 the said Court imposing sentence on me for the offence referred to in section 99(9) of the Criminal Justice Act 2006.	

*4	And.....	*Insert 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 and Law Reform

\*Governor of.....prison

\*Prison officer at .....prison 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

BAIL ACT 1997 Section 9(9) (inserted by Criminal Justice (Miscellaneous Provisions) Act 2009, Section 48)

ORDER OF ESTREATMENT / FORFEITURE OF BAIL MONEYS

District Court Area of

District No.

Accused .....

of .....

†Surety .....

of .....

\*Case No: .....

\*Fine No: .....

\*Charge Sheet/Summons: .....

At a sitting of the District Court at.....on the ..... day of.....20..... the Court, in accordance with section 9(1) of the Bail Act 1997 (inserted by section 48 of the Criminal Justice (Miscellaneous Provisions) Act 2009) 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 the accused in the sum of €..... to be paid within a period of.....

†you the surety .....in the sum of €..... to be paid within a period of.....

Payment by you on foot of this 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.

**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 WITHOUT FURTHER NOTICE TO YOU.**

\*(ii) the sum of €..... paid into court by

\*you the accused be forfeited in the amount of €.....

†you the surety be forfeited 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) ..... of .....is 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.

**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.**

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

Signed.....

District Court Clerk

District Court Office at.....

To....., \*Accused/†Surety

of.....

\*delete where inapplicable

†applies only to a surety.



27.12

SCHEDULE B  
O.27, r 10

Bail Act 1997, Section 9(12) (inserted by Criminal Justice (Miscellaneous Provisions) Act 2009, Section 48)

WARRANT OF COMMITTAL

(on non-compliance with an order under section 9(1)(i) or section 9(10))

District Court Area of

District No.

\*Accused .....

of .....

†Surety .....

of .....

\*Case No: .....

\*Fine No: .....

\*Charge Sheet/Summons: .....

WHEREAS a recognisance was entered into on the .....day of.....20....by the

\*above-named accused in the sum of €.....

†above-named surety,....., 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(1) of the Bail Act 1997) \*(made an order under section 9(10) of the Bail Act 1997 varying an order) estreating the said recognisance in the amount of €..... against ....., the above-named \*accused, ...../†surety....., 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.

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

Signed.....

Judge of the District Court

To the Superintendent of the Garda Síochána

at.....

\*delete where inapplicable

†applies only to a surety.

No. 28A.14

SCHEDULE B  
O.28A, r.8

CRIMINAL JUSTICE ACT 2006, SECTION 99(9)  
(as amended by section 60, Criminal Justice Act 2007 and by section 51,  
Criminal Justice (Miscellaneous Provisions) Act 2009)

ORDER CONVICTING A PERSON AND REMANDING SUCH PERSON  
IN CUSTODY OR ON BAIL

District Court Area of

District No.

.....Prosecutor

.....Accused

WHEREAS this Court is satisfied that the above-named accused is a person to whom an order made under section 99(1) of the above-mentioned Act of 2006 applies, such order having been made by the ..... Court sitting at ..... on the ..... day of ..... 20.....

AND WHEREAS the above-named accused was this day convicted before this Court that (s)he did....., and this Court is satisfied that the said offence is an offence committed after the making of the said order under section 99(1) and that the conviction by this Court of said offence occurred during the period of suspension of the sentence concerned

THE COURT HEREBY ORDERS in accordance with section 99(9) of the above-mentioned Act that the accused be remanded \*in custody \*on conditional release as set out hereunder, to appear before

the \*next \*present sitting of the ..... Court at..... ,

\* the sitting of the District Court at [*if in Dublin Metropolitan District, specify Court No. If outside Dublin Metropolitan District, specify District and Area*].....on the ..... day of ..... 20....., at ..... \*a.m. \*p.m.

\*AND THE COURT FURTHER ORDERS that until the said conditions or release are fulfilled, the accused be detained in custody.

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

Signed.....  
Judge of the District Court

To the Superintendent of the Garda Síochána  
At.....

†CONSENT TO 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 to sign on daily/weekly at \_\_\_\_\_Garda station between \_\_\_\_\_a.m. and \_\_\_\_\_p.m.

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

\*and [*insert any other condition*]

and the accused shall not commit any offence while so conditionally released.

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

Signed.....  
Judge of the District Court

\*Delete where inapplicable  
†Delete where inapplicable.

No. 28A.15

SCHEDULE B  
O.28A, r.8

CRIMINAL JUSTICE ACT 2006, SECTION 99(10A)  
(as inserted by section 60, Criminal Justice Act 2007)

WARRANT ON REMAND TO COURT REFERRED TO IN SECTION  
99(9)

District Court Area of

District No.

.....Prosecutor

.....Accused

PART A

WHEREAS the above-named accused was this day convicted before the Court that (s)he did .....

WHEREAS this Court is satisfied that the above-named accused is a person to whom an order made under section 99(1) of the above-mentioned Act of 2006 applies, such order having been made by the .....Court sitting at ..... on the ..... day of ..... 20.....

AND WHEREAS the above-named accused was this day convicted before this Court that (s)he did....., and this Court is satisfied that the said offence is an offence committed after the making of the said order under section 99(1) and that the conviction by this Court occurred during the period of suspension of the sentence concerned

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the accused..... of..... in the \*(prison) \*(remand centre, (s)he being a person who is not less than sixteen years of age) at.....there to be detained by the \*Governor / \*person in charge thereof until

the \*next \*present sitting of the ..... Court at..... ,

\* the sitting of the District Court at [*if in Dublin Metropolitan District, specify Court No. If outside Dublin Metropolitan District, specify District and Area*].....on the ..... day of ..... 20....., at .....\*a.m. \*p.m.

when you are required to convey him/her before that 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.....

†PART B: CONSENT TO 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 to sign on daily/weekly at \_\_\_\_\_Garda station between \_\_\_\_\_a.m. and \_\_\_\_\_p.m.

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

\*and [*insert any other condition*]

and the accused shall not commit any offence while so conditionally released.

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

Signed.....  
Judge of the District Court

\*Delete where inapplicable

†Delete where inapplicable

No. 28A.16

SCHEDULE B  
O.28A, r.8

CRIMINAL JUSTICE ACT 2006, SECTION 99(10) AND SECTION  
99(10A)

(as amended by section 60, Criminal Justice Act 2007)

ORDER MAKING DETERMINATION AS TO REVOCATION OF  
SUSPENSION OF SENTENCE AND REMANDING IN CUSTODY OR  
ON BAIL

District Court Area of

District No.

.....Prosecutor

.....Accused

WHEREAS the above-named accused was remanded by Order of the .....  
Court dated ..... day of ..... 20..... to the sitting of this Court  
on the ..... day of ..... 20.....

AND upon reading the said Order of the ..... Court from which it  
appears that the accused was convicted before the .....Court on the .....  
day of ..... 20..... and that such conviction occurred during the  
period of suspension of a sentence of [*insert period of sentence*] imposed by  
this Court on the ..... day of ..... 20..... in the above-entitled  
proceedings and that such conviction was in respect of an offence committed  
after the making of this Court’s order suspending the sentence

THE COURT HEREBY ORDERS in accordance with section 99(10) of the  
above-mentioned Act that the suspension of the sentence of this Court afore-  
mentioned

\*be revoked and that the accused shall serve \*the entire \**[insert part of sentence  
period as determined by Court]* of the period of imprisonment originally imposed  
by this Court‡

\*shall not be revoked

AND THE COURT FURTHER ORDERS in accordance with section 99(10A)  
of the abovementioned Act that the accused be remanded \*in custody \*on con-  
ditional release as set out hereunder, to appear before

the \*next \*present sitting of the ..... Court at..... ..,

\*the sitting of the District Court at [*if in Dublin Metropolitan District, specify  
Court No. If outside Dublin Metropolitan District, specify District and  
Area*].....on the .....day of.....20... at .....\*a.m./\*p.m.

\*AND 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

To the Superintendent of the Garda Síochána

At.....

†CONSENT TO 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 to sign on daily/weekly at\_\_\_\_\_ Garda station between \_\_\_\_\_ a.m. and \_\_\_\_\_ p.m.

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

\*and [insert any other condition]

and the accused shall not commit an offence while so conditionally released

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

Signed.....  
Judge of the District Court

\*Delete where inapplicable

†Delete where inapplicable

‡Note: In the event of revocation of the suspension, any period of the sentence already served in prison and any period spent in custody other than any period spent in custody in respect of the conviction arising during suspension of the sentence should be deducted from the period to be served: section 99(10) of the Criminal Justice Act 2006 (as amended by section 60, Criminal Justice Act 2007).



EXPLANATORY NOTE

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

These Rules amend Orders 16, 18, 27 and 28A of the District Court Rules to facilitate the operation of provisions of the Criminal Justice (Miscellaneous Provisions) Act 2009.

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  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
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