



STATUTORY INSTRUMENTS.

S.I. No. 182 of 2016

OFFENCES AGAINST THE STATE ACTS 1939 to 1998

SPECIAL CRIMINAL COURT NO. 1 RULES 2016

OFFENCES AGAINST THE STATE ACTS 1939 to 1998

SPECIAL CRIMINAL COURT No. 1 RULES 2016.

WHEREAS it is enacted by section 38(1) of the Offences Against the State Act, 1939 (No. 13 of 1939) (hereinafter referred to as the “Act”) that as soon as may be after the coming into force of Part V of the Act, there shall be established for the purposes of that Part of the Act a Court which shall be styled and known, and is in the Act referred to, as a Special Criminal Court;

AND WHEREAS by a Proclamation dated the 26th day of May, 1972, the Government ordered that Part V of the Act should come into force;

AND WHEREAS a Special Criminal Court was established on the 30th day of May, 1972;

AND WHEREAS it is enacted by section 41(1) of the Act that every Special Criminal Court shall have power in its absolute discretion, to appoint the times and places of its sittings, and shall have control of its own procedure in all respects and shall for that purpose make, with the concurrence of the Minister for Justice and Equality, rules regulating its practice and procedure and may in particular provide by such rules for the issuing of summonses, the procedure for bringing (in custody or on bail) persons before it for trial, the admission or the exclusion of the public to or from its sittings, the enforcing of the attendance of witnesses, and the production of documents.

NOW THEREFORE the Special Criminal Court established on the 30th day of May, 1972, in pursuance of the power vested in it hereby makes, with the concurrence of the Minister for Justice and Equality the following Rules:

Dated the 21st day of April 2016

Signed: Members of the Special Criminal Court established on the 30th day of May, 1972.

Peter Kelly	Martin Nolan
Paul Butler	Miriam Malone
Deirdre Murphy	William G. Hamill
Tony Hunt	Cormac Dunne
Margaret Heneghan	Flannan Brennan
John O’Hagan	Ann Ryan
Alison Lindsay	

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 26th April, 2016.

I concur in the making of these Rules.

Dated the 21st day of April 2016

FRANCES FITZGERALD,
Minister for Justice and Equality.

OFFENCES AGAINST THE STATE ACTS 1939 to 1998

SPECIAL CRIMINAL COURT No.1 RULES 2016

1. (1) These Rules shall come into operation on the 25th day of April 2016, and may be cited as the Offences Against the State Acts 1939 to 1998 Special Criminal Court No.1 Rules 2016.

(2) These Rules shall apply, when appropriate, to all proceedings, taken on or after that day and in all cases then pending before the Special Criminal Court established on the 30th day of May, 1972.

(3) From the date on which these Rules come into operation, the Offences Against the State Acts 1939 to 1972, Special Criminal Court Rules 1975 and the Offences Against The State Acts 1939 to 1998 (Special Criminal Court Rules) 2001 shall stand annulled.

INTERPRETATION

2. The Interpretation Act 2005 shall apply to these Rules.

3. In these Rules:

the term “the Acts” means the Offences Against the State Acts 1939 to 1998 (and any other Act amending or extending the same;

the term “the Principal Act” means the Offences Against the State Act 1939;

the term “the Court” means the Special Criminal Court established by an Instrument made and published by the Government on the 30th day of May, 1972, which is referred to in these Rules, and may be known, as “Special Criminal Court No. 1”, and reference to the Court shall include, where the context so admits, reference to the members of the Court sitting for the purpose of the trial of any person or the making of any order, or the exercise of any other function or jurisdiction;

the term “Director of Public Prosecutions” means the person for the time being holding the Office of Director of Public Prosecutions by virtue of the Prosecution of Offences Act 1974 (No. 22 of 1974) where the context so permits or requires and shall include any person performing the functions of the Director of Public Prosecutions by virtue of that Act;

the word “exhibits” includes all books, papers and documents, and all other property, matters and things whatsoever connected with the proceedings against any person if the same have been transmitted to the Court or have been produced and used in evidence during such proceedings or on any application made to the Court in reference to any such proceedings or intended proceedings and any written statement handed into Court by such person but does not include the statement of evidence that is to be given by each of the witnesses, or the

original deposition of any witness examined before the Judge of the District Court or any indictment against any such person;

the word “person” includes a corporation;

the word “record” means a contemporaneous record of the proceedings concerned made by any one or more means, including, without limitation—

- (a) any shorthand or other note, whether written, typed or printed, and
- (b) any sound recording or other recording, capable of being reproduced in legible, audible or visual form, approved by the Court;

the term “the Registrar” means the Registrar of the Court;

the term “transcript writer” means any person (including a body corporate acting by its employee or contractor) appointed by the Courts Service to make a transcript of the record;

reference to a “trial” includes reference to a “re-trial”, where the context so admits or requires;

the term “triable person” has the same meaning as in section 49 of the Principal Act.

SITTINGS OF THE COURT

4. Sittings of the Court shall be held at such places and at such times as may be decided by the Court.

5. The Registrar shall give notice of the place and time of each sitting of the Court to the Chief Prosecution Solicitor and to persons to be tried at such sitting. If a person for trial is represented by a solicitor, the Registrar may also give such notice to the solicitor for such person.

6. (1) The members of the Court shall take their seats in such order as the Court may decide and the Court shall decide which member shall preside.

(2) The decision of the Court shall be pronounced by the presiding member.

7. (1) The Court shall be an open Court to the sittings of which the public generally shall have access so far as the same can conveniently be provided and subject to such conditions and limitations as the Court may at any time and from time to time impose.

(2) Without prejudice to the generality of the power to impose conditions provided in sub-rule (1) hereof the Court shall have power:

- (a) to limit the number of members of the public, other than bona fide representatives of the Press, who may have access to a sitting of the Court either generally or for the hearing of any particular trial or trials,

(b) to authorise members of the Garda Síochána to prevent from attending any sitting of the Court any person who the Court has reason to believe is likely to interfere with the proceedings,

(c) to direct the removal from the Court of any person interfering with its proceedings.

(3) Where the Court is satisfied that because of the special nature of, or of the circumstances of, any trial or proceeding before it, it is desirable in the interests of justice, or for the protection of the accused or any other person to do so, the Court may exclude from the hearing or from any specified portion of the hearing the public or any members of the public other than bona fide representatives of the Press.

(4) The Court may permit a witness to give his or her name and address in writing to the members of the Court and may also permit a witness including the accused to give the name and address of any person mentioned in his or her evidence in writing to the Court.

(5) The Court may direct that the name, address, or the evidence or any part of the evidence of any witness shall not be published.

8. The Court may direct that a witness shall not remain in Court while the evidence of another witness is being given and may make provision for the separation of witnesses from each other.

SELECTION OF SPECIAL CRIMINAL COURT

9. (1) An application to the Court for an order under section 49(1)(e) of the Principal Act shall be made *ex parte* on a motion docket.

(2) The Registrar shall transmit a certified copy of an order by the Court under section 49(1)(e) of the Principal Act to any High Court Registrar, County Registrar, Registrar of the Circuit Court or District Court Clerk who is required under any provision of these Rules to transmit any documents to the Registrar in connection with any trial.

(3) The Chief Prosecution Solicitor shall:

(a) where a person has been sent for trial or has been sent forward for trial by the District Court under section 46 of the Principal Act or the High Court has made an order under section 48 of the Principal Act for the transfer of the trial of a person on a charge to a Special Criminal Court, serve a copy of the order made by the Court under section 49(1)(e) of the Principal Act on the person to be tried by the Court;

(b) where it is intended that a person be brought before the Court under section 47 of the Principal Act and charged with an offence, unless that person was present in the Court when the order was made, cause notice to be given to that person (which notice may be given orally)

of the making of the order made by the Court under section 49(1)(e) of the Principal Act.

INDICTABLE CASES OTHER THAN CASES BROUGHT UNDER SECTION 47 OF THE PRINCIPAL ACT

10. (1) Where a person charged with an indictable offence has been sent forward by a Judge of the District Court for trial to the Central Criminal Court or to the Circuit Court on such charge, and:

- (a) the High Court makes an order under section 48 of the Principal Act for the transfer of the trial of such person on such charge to a Special Criminal Court, and
- (b) the Court makes an order under section 49(1)(e) of the Principal Act in respect of the trial concerned;

the registrar of the Central Criminal Court or, as the case may be, the appropriate County Registrar or Registrar of the Circuit Court, within seven days of the receipt under Rule 9(2) of a certified copy Order, shall transmit to the Registrar all documents and exhibits in his or her custody relating to the trial of such person on such charge together with the indictment (if any) which shall have been filed with him or her relating to such trial.

(2) In any such case the Chief Prosecution Solicitor shall file with the Registrar a certified copy of the order of the High Court.

11. (1) In the case of an indictable offence the Chief Prosecution Solicitor shall file with the Registrar an indictment containing the charges to be preferred against the person charged.

(2) The provisions of the Criminal Justice Administration Act 1924 shall, with necessary modifications, apply to every such indictment.

12. Where, in the case of an indictable offence,

- (a) a person is sent forward to a Special Criminal Court for trial by a Judge of the District Court, or
- (b) the High Court has under section 48 of the Principal Act transferred the trial of any person to a Special Criminal Court,

and the Court makes an order under section 49(1)(e) of the Principal Act in respect of the trial concerned, such person shall be entitled, on applying therefor to the Registrar, to receive from the Registrar free of charge:

- (i) a copy of the indictment, and
- (ii) copies of the depositions (if any) relating to the offences with which the person is charged.

13. In the case of an indictable offence, where a person has been sent forward to a Special Criminal Court for trial and the Court makes an order under section 49(1)(e) of the Principal Act in respect of the trial concerned, the Director of Public Prosecutions shall cause to be served on the person a list of any further witnesses whom the Director of Public Prosecutions proposes to call at the trial, with a statement of the evidence that is to be given by each of them, a list of any further exhibits, a statement of any further evidence that is to be given by any witness whose name appears on the list of witnesses already supplied, and copies of any statement recorded, or any deposition taken under section 4F of the Criminal Procedure Act 1967.

14. (1) Where a person charged with an indictable offence is sent forward by a Judge of the District Court to a Special Criminal Court for trial, the Clerk for the District Court Area where such order was made shall, within seven days of the receipt under Rule 9(2) of the certified copy order under section 49(1)(e) of the Principal Act in respect of the trial concerned, transmit to the Registrar such of the following documents as are relevant to the case:—

- (a) a statement of the charges against the person;
- (b) a copy of any sworn information in writing upon which the proceedings were initiated;
- (c) a list of the witnesses the prosecutor proposes to call at the trial;
- (d) a statement of the evidence that is expected to be given by each of them;
- (e) a copy of any document containing information which it is proposed to give in evidence by virtue of Part II of the Criminal Evidence Act 1992;
- (f) where appropriate, a copy of a certificate under section 6(1) of the Criminal Evidence Act 1992;
- (g) a list of the exhibits (if any);
- (h) any exhibit put in evidence and handed in to Court;
- (i) the order of the Judge of the District Court sending the person forward for trial;
- (j) any recognisance taken in accordance with section 22 of the Criminal Procedure Act 1967 in relation to the case.

(2) Where a deposition has been taken under section 4F of the Criminal Procedure Act 1967, the Clerk for the District Court Area concerned shall transmit the deposition to the Registrar.

SUMMARY CASES OTHER THAN CASES UNDER SECTION 47 OF THE PRINCIPAL ACT

15. Where a person is brought before a Judge of the District Court charged with an offence which such Judge had jurisdiction to dispose of summarily, and:

- (i) such Judge has sent such person to a Special Criminal Court for trial, and
- (ii) the Court makes an order under section 49(1)(e) of the Principal Act in respect of the trial concerned, the following provisions shall apply—
 - (a) the Chief Prosecution Solicitor, within seven days of the making of such order by the Judge of the District Court, shall furnish to such person a list of the charges to be preferred against him or her with a summary of the evidence to be given at his or her trial. Such summary shall not preclude the production of such further evidence as may be adduced by the prosecution at the trial.
 - (b) the Clerk of the District Court Area where such order was made, within seven days of the receipt under Rule 9(2) of the certified copy order under section 49(1)(e) of the Principal Act in respect of the trial concerned, shall transmit to the Registrar:
 - (i) a statement of the charges upon which such person was sent for trial;
 - (ii) the order of the Judge of the District Court sending such person to the Court for trial;
 - (iii) any recognisance taken in accordance with section 22 of the Criminal Procedure Act 1967 in relation to the case;
 - (iv) any exhibit handed in to the District Court;
 - (v) any sworn information in writing upon which the proceedings were initiated.

CASES UNDER SECTION 47 OF THE PRINCIPAL ACT

16. (1) Where a person is brought before the Court under section 47 of the Principal Act and charged with an indictable offence, the Chief Prosecution Solicitor shall furnish to such person or to such person's solicitor so authorised by him or her:

- (a) a list of the charges to be preferred against the person;
- (b) a list of the witnesses to be called;
- (c) a statement of the evidence that is to be given by each of them, and

(d) a list of the exhibits (if any).

(2) An accused person, or his or her solicitor (if authorised by the accused person so to do) shall have the right to inspect all exhibits.

(3) Copies of the documents referred to in sub-rule (1) shall also be furnished to the Court.

(4) Where on the trial of such person the Director of Public Prosecutions proposes to call further witnesses, or to adduce further evidence from a witness on the list of witnesses already supplied, the Chief Prosecution Solicitor shall furnish to the Court and to such person or such person's solicitor so authorised by him or her:

(a) a list of further witnesses with a statement of evidence from each;

(b) a statement of any further evidence from a witness whose name appears on the list of witnesses already supplied.

In either case the Chief Prosecution Solicitor shall furnish a list of any further exhibits that are to be produced.

(5) (a) In the case of an indictable offence the Chief Prosecution Solicitor shall file with the Registrar an indictment containing the charges to be preferred against the person charged and the accused person shall be entitled, on applying to the Registrar therefor, to receive free of charge a copy of such indictment.

(b) The provisions of the Criminal Justice Administration Act 1924 shall, with necessary modifications, apply to every such indictment.

17. Where a person is brought before the Court pursuant to either section 47(1) or section 47(2) of the Principal Act and charged with a summary offence then:

(a) the procedure provided by Rule 16 of these Rules in respect of a person charged before the Court with an indictable offence shall apply;

(b) in any case where such a person is also charged before the Court with an indictable offence such person may, unless the Court otherwise orders, be indicted at his or her trial on an indictment which includes a count in respect of the summary offence.

18. (1) Where under section 47 of the Principal Act:

(a) the Director of Public Prosecutions directs that a person intended to be charged with an offence which is a scheduled offence within the meaning of the Principal Act shall be brought before a Special Criminal Court and there charged with the offence, or

- (b) the Director of Public Prosecutions certifies that the ordinary courts are, in his or her opinion, inadequate to secure the effective administration of justice and the preservation of public peace and order in relation to the trial of a person whom it is intended to charge with an offence which is not a scheduled offence within the meaning of the Principal Act and the Director of Public Prosecutions then directs that such person whom it is intended to charge with such offence shall be brought before a Special Criminal Court and there charged with such offence:

the Court may on information, or evidence, relating to such offence being given before it, order the issue of a summons (Form 17 or such similar form as the circumstances may require) ordering that such person shall attend before the Court and there be charged with such offence.

(2) The attendance of a person before the Court who has failed to appear in answer to a summons duly served upon him or her may be procured by the issue of a warrant (Form 18) under an order of the Court.

(3) The direction of the Director of Public Prosecutions under section 47(1) of the Principal Act shall be conveyed to the Court either in writing signed by the Director of Public Prosecutions or orally by a person appearing on his or her behalf, or prosecuting in his or her name.

(4) The Court may order the issue of a warrant (in such variation of Form 5 or 6 as applicable) for the arrest of such person and the bringing of such person in custody to the Court. Nothing in these Rules shall be construed to prohibit the Court from ordering the issue of a warrant whether or not a summons has already been issued.

(5) Where under section 47 of the Principal Act, a person has been brought before the Court either in custody or in answer to a summons, the Court may by warrant (Form 10) commit the person to prison or to military custody as the case may be to be there kept until his or her trial for the offence with which he or she is charged or admit the person to bail in such recognisances and with such sureties as the Court shall direct, conditioned to surrender for his or her trial by the Court as the Court shall direct, and thereupon the provisions of Rules 21 and 22 shall apply *mutatis mutandis*.

(6) Where a person is brought before the Court under section 47 of the Principal Act by summons under these Rules, the Chief Prosecution Solicitor shall furnish to such person and to the Court a summary of the evidence to be given at his or her trial.

TRANSFER

19. (1) Without prejudice to the power exercisable by the Court under section 49(2) of the Principal Act on its own motion, an application to the Court under that subsection by a triable person or the Director of Public Prosecutions

to transfer a trial that is to be heard before the Court to another Special Criminal Court shall be made by Notice of Motion bearing the title of the proceedings to which the application relates.

(2) Where an application pursuant to sub-rule (1) is brought by a triable person, notice of the application shall be given (by service of a copy of the Notice of Motion) to the Director of Public Prosecutions not less than 14 days before the date on which the application is due to be heard and in a case where two or more triable persons are to be tried jointly, such notice shall also be given (by service of a copy of the Notice of Motion) to each other triable person.

(3) In the case of an application pursuant to sub-rule (1) brought by the Director of Public Prosecutions, notice of the said application shall be served (by service of a copy of the Notice of Motion) on the triable person or all of them, if more than one, not less than 14 days before the date upon which the application is due to be heard.

(4) In any case where, on an *ex parte* application made to it for that purpose, the Court is satisfied that the interests of justice so require, it may direct that any application pursuant to sub-rule (1) be made on such shorter period of notice than that required pursuant to sub-rule (2) or (3).

(5) The Court may give directions for the filing of affidavits or oral evidence as it thinks proper in the circumstances or such other directions as to service as appear appropriate.

(6) Where the Court makes an order transferring a trial to another Special Criminal Court:

- (a) the order shall specify the Special Criminal Court to which the trial is transferred, and
- (b) the Registrar shall transmit to the Registrar of the Special Criminal Court to which the trial is transferred all documents and exhibits in his or her custody relating to the trial together with the indictment (if any) which shall have been filed with him or her relating to such trial, together with a copy of the order transferring the trial.

20. Where a trial that was to be heard before another Special Criminal Court is transferred to the Court under section 49 of the Principal Act:

- (a) the Registrar of the Special Criminal Court by which the trial was transferred shall transmit to the Registrar all documents and exhibits in his or her custody relating to the trial together with the indictment (if any) which shall have been filed with him or her relating to such trial, together with a copy of the order transferring the trial;
- (b) the Registrar may cause the matter to be listed before the Court on a date fixed by the Registrar for the purpose of the consideration by the Court of the giving of further directions, and the hearing of any applications for the Court's directions concerning the trial;

- (c) the Registrar shall notify the Director of Public Prosecutions and each triable person concerned of the transfer of the trial to the Court and of any date fixed for the purpose of the consideration by the Court of the giving of further directions, and the hearing of any applications for the Court's directions concerning the trial.

ATTENDANCE AT COURT

21. (1) The Governor of the Prison or other place in which a person who is to be tried before the Court is detained, shall on receipt of a body warrant (Form 1) produce the said person on the day, at the place and at the hour set out in such warrant.

(2) Where it is required that a person for the time being in custody in prison should be charged pursuant to section 47 of the Principal Act, with any offence, the attendance of such person before the Court may be procured by the issue of a warrant (in such variation of Form 7 or 8 as is applicable), under an order of the Court.

22. (1) Where a person who is to be tried before the Court is on bail, and has been served with a Notice (Form 2) as to the date, time and place of the sitting of the Court for his or her trial the person shall surrender himself or herself accordingly to such persons as the Court shall, from time to time, direct, and thereupon shall be searched by them, and shall be detained in custody or released on bail as the Court shall direct.

(2) Where such person having been duly served with such Notice fails to surrender himself or herself for his or her trial as required by this Rule the Court may issue a warrant (in such variation of Form 3 or 4 as applicable) for the apprehension of such person and detention of such person in prison pending his or her trial or until further order of the Court, and may estreat his or her recognisances where the same have been entered into under section 43(1)(f) or section 48(v) of the Principal Act.

23. Upon the adjournment by the Court of the trial of any person or the postponement of verdict or sentence, the Court may by warrant (Form 11) order the detention of such person in custody pending and until the date of the adjourned hearing of such trial or such postponement.

24. (1) Whenever it shall be made to appear to the Registrar that any person is able to give material evidence either for the prosecution or the defence on any trial, the Registrar may issue a summons (Form 12) to such person requiring such person to attend at a time and place mentioned in such summons to give evidence on such trial and to produce on such trial such accounts, papers or other documents as shall be in his or her possession or powers of procurement and as shall be deemed necessary by the Registrar; but whenever the Court shall be satisfied by evidence on oath that it is probable that such person will not attend to give evidence without being compelled to do so, the Court may issue a warrant (Form 13) to arrest such person and to bring such person to give

evidence on such trial and to produce such accounts, papers and documents as may be required.

(2) Where a person to whom such summons has been issued fails to comply with the requirements of such summons, then upon proof of service of the summons or on being satisfied on evidence on oath that such person is evading service thereof the Court may issue the like warrant as is provided for by the preceding sub-rule of this Rule.

(3) Where it is required that a person who is for the time being in custody in prison should attend to give evidence before the Court, the attendance of such person may be procured by the issue of a warrant (Form 9) under an order of the Court.

25. (1) Service of a Notice referred to in Rules 5, 20 and 22 of these Rules, or of a Notice of Motion referred to in Rule 19 of these Rules, may be effected either by serving the same upon the accused person personally, or by sending the same by prepaid ordinary post addressed to the person to be served at his or her last or usual place of abode, or to the person's solicitor, and thereupon it shall be deemed to have been served at the time at which it would have been delivered in the ordinary course of post.

(2) In the case of a summons issued pursuant to Rule 18, or a witness summons issued under Rule 24, such summons shall be served either by a member of the Garda Síochána, by such other person or in such manner as the Court may direct:

(a) by delivering to the person to be served a copy of such summons or by leaving such copy for him or her at the person's usual or last place of abode or at his or her office or place of business, with the spouse, or a child, parent, brother, sister or other relation of such person, or with the person's agent, clerk or servant, not being under the age of sixteen years, and such last mentioned service shall be deemed sufficient except where personal service shall be specially required by the Court,

(b) where the person to be charged is a body corporate, by leaving a copy of such summons at, or sending such copy by prepaid ordinary post to, the registered office of the body corporate within the State or any such office or place within the State at which such body corporate trades or carries on business, or by such other form of substituted service as the Court may direct.

26. Proof of service of a summons or notice may be given by statutory declaration (Form 14) of the person effecting the service, made before a person authorised by law to take and receive statutory declarations. Such declaration shall be endorsed upon the back of the original summons or notice and shall be exempt from stamp duty. Provided always that the Court may require the person who had effected the service of such summons or notice to attend before the Court to give evidence touching such service.

MISCELLANEOUS

27. When an accused person is not represented by counsel or solicitor he or she shall, at the close of the case for the prosecution be informed by the presiding member of the Court that:—

- (a) he or she may give evidence in his or her defence on oath and would then be liable to be cross-examined and to be questioned by the Court;
- (b) he or she is not obliged to give evidence;
- (c) he or she may address the court otherwise than on oath on any matter on which, if he or she were so represented, his or her counsel or solicitor could address the court on his or her behalf but is not obliged to do so;
- (d) he or she may call witnesses in his or her defence.

28. (1) The transcript writer shall produce a typewritten or printed transcript of the record of any trial or proceeding in the Court or any part of such trial or proceeding and shall certify the same to be a complete and correct transcript of the whole of such record, or of the part required, and shall lodge the same with the Registrar.

(2) For the purpose of section 44 of the Principal Act the record of the proceedings at the trial shall consist of the evidence and any objection taken in the course thereof, all submissions made by counsel in the course of the trial, any statement made by the accused person, the verdict of the Court, any submissions made in mitigation of sentence, and the sentence of the Court.

29. (1) Where the Court, on an application made to the Court for bail heard using live television link pursuant to section 33 of the Prisons Act 2007, admits the applicant to bail—

- (a) the applicant, and any surety or sureties directed by the Court, may at the hearing orally enter into a recognisance directed by the Court and
- (b) the applicant shall be released when the following conditions have been complied with—
 - (i) the acknowledgement in writing by the applicant of the recognisance entered into in accordance with paragraph (a) of this sub-rule before the Governor of the Prison or other place in which the applicant is detained or a prison officer designated for that purpose by the Governor,
 - (ii) where the Court has required a surety, or sureties, as a condition of bail-

- (I) the entering into by such surety, or sureties, of the recognisance directed by the Court before the Registrar,
 - (II) in a case where the surety, or sureties, has entered into the recognisance in accordance with paragraph (a) of this sub-rule, the acknowledgement in writing by the surety, or sureties, of that recognisance before the Governor of the Prison or other place in which the applicant is detained or a prison officer designated for that purpose by the Governor,
 - (iii) where a surety enters into a recognisance before the Registrar, receipt by the Governor of the Prison or other place aforementioned of notification from the Registrar by facsimile transmission or electronic mail that that recognisance has been entered into.
- (2) A copy of the recognisance containing the conditions of the recognisance shall be given to the applicant for bail and any surety or sureties.
30. (1) A recognisance entered into before the Court shall be in Form 15, or in such similar form as the circumstances require.
- (2) An acknowledgement in writing of a recognisance entered into in accordance with paragraph (a) of Rule 29(1) shall be in Form 16, or in such similar form as the circumstances require.
31. (1) The Office of the Registrar shall be at the Criminal Courts of Justice, Parkgate Street, in the City of Dublin, or such other place as shall be fixed by the Court from time to time.
- (2) The Registrar shall keep custody of all documents transmitted to or received by him or her in his or her capacity as Registrar and all exhibits directed by the Court to be retained by him or her.
- (3) The Registrar shall keep a register containing particulars of all cases for trial by the Court.
32. The oath shall be administered on behalf of the Court by the Registrar, or such other person as the Court shall direct, in the presence of the Court.
33. The Court may abridge or extend the time for doing any act and may adjourn the hearing of any trial or application to the Court or postpone verdict or sentence as it shall think fit.
34. The Court may grant certificates for free legal aid under the Criminal Justice (Legal Aid) Act 1962 (No. 12 of 1962), or any Act amending or extending the same or in substitution thereof, and the Regulations made thereunder, as if the Court were the Central Criminal Court, and as if the person sent, sent forward or transferred to the Court for trial, or brought and charged before the Court, had been returned to the Central Criminal Court for trial.

35. (1) Non-compliance with any of these Rules shall not render any proceedings void, but in case of such non-compliance the Court may direct that the proceedings be treated as void, or that they be set aside in part as irregular, or that they be amended or otherwise dealt with in such manner or upon such terms as the Court thinks fit.

(2) No departure from any of the forms, or omission of any of the particulars required thereby, or use of any other words than those indicated in such forms, shall vitiate or make void the proceedings or matter to which such forms relate, if the form or the words used be otherwise sufficient in substance and effect.

36. Unless previously given before another court in the proceedings, a notice given under section 19(1) of the Criminal Law (Insanity) Act 2006 in any proceedings which may be determined by the Court shall be in the form set out in Form 19. A copy of the notice together with proof of service of the notice shall be lodged with the Registrar.

SCHEDULE OF FORMS

FORM 1

Rule 21(1)

OFFENCES AGAINST THE STATE ACTS 1939 TO 1998

SPECIAL CRIMINAL COURT NO. 1

BODY WARRANT

(Title)

To the Governor of.....Prison

Send to in custody, the body of the said
..... (defendant) (committed on the
..... day of
20.....) for trial by this Court on the day of
..... 20 at*[a.m.] *[p.m.].

By Order of the Court.

Dated this day of 20.....

Signed.....

Registrar

Special Criminal Court No. 1

*Delete where inapplicable

FORM 2

Rule 22(1)

OFFENCES AGAINST THE STATE ACTS 1939 TO 1998

SPECIAL CRIMINAL COURT NO. 1

NOTICE TO ACCUSED PERSON TO ATTEND FOR TRIAL

(Title)

Youare hereby required to attend for your trial at the sitting of the Court to be held at on the day of 20... at *[a.m.] *[p.m.], and there to surrender yourself to such person as the Court shall direct.

By Order of the Court.

Dated this day of 20.....

Signed.....

Registrar

Special Criminal Court No. 1

To

of

*Delete where inapplicable

FORM 3

Rule 22(2)

OFFENCES AGAINST THE STATE ACTS 1939 TO 1998

SPECIAL CRIMINAL COURT NO. 1

WARRANT FOR ARREST OF PERSON ON BAIL

(Person sent, sent forward, or transferred on bail)

(Title)

To the Superintendent, Garda Síochána, at.....

WHEREAS Part V of the Offences Against the State Act, 1939 is now in force by virtue of a Proclamation made and published by the Government on the 26th day of May, 1972;

AND WHEREAS a Special Criminal Court now known as Special Criminal Court No. 1 was established by an Instrument made and published by the Government on the 30th day of May, 1972;

AND WHEREAS the said..... (defendant) was *(sent) *(sent forward) *(transferred) for trial to a Special Criminal Court on bail charged with the offence(s)* set out in the Schedule hereunder;

AND WHEREAS Special Criminal Court No. 1 has [on the day of 20.....] made an order under section 49(1)(e) of the Offences Against the State Act 1939 that the said defendant be tried by this Court;

AND WHEREAS due notice was given to the said..... (defendant) of the date, time and place of *his/*her trial;

AND WHEREAS the said..... (defendant) has failed to surrender *himself/*herself for *his/*her trial in accordance with the aforesaid notice.

THIS IS THEREFORE TO COMMAND YOU to whom this warrant is addressed to apprehend the said..... of..... and to bring *him/*her without undue delay before the said Court.

SCHEDULE

By Order of the Court.

Dated this day of 20.....

Signed.....

Registrar

Special Criminal Court No. 1

*Delete where inapplicable

FORM 4

Rule 22(2)

OFFENCES AGAINST THE STATE ACTS 1939 TO 1998

SPECIAL CRIMINAL COURT NO. 1

WARRANT FOR ARREST OF PERSON ON BAIL

(Person granted bail by the Special Criminal Court No. 1 or by the High Court, otherwise than on a transfer by that Court)

(Title)

To the Superintendent, Garda Síochána, at.....

WHEREAS Part V of the Offences Against the State Act, 1939, is now in force by virtue of a Proclamation made and published by the Government on the 26th day of May, 1972;

AND WHEREAS a Special Criminal Court now known as Special Criminal Court No. 1 was established by an Instrument made and published by the Government on the 30th day of May, 1972;

AND WHEREAS the said..... (defendant) was brought before this Court under section 47 of the said Act charged with the offence(s)* set out in the Schedule hereunder;

AND WHEREAS the said..... (defendant) was admitted to bail by *(this Court) *(the High Court) conditioned for *his/*her appearance before this Court on the day of 20....., at *[a.m.] *[p.m.];

AND WHEREAS due notice was given to the said (defendant) of the date, time and place of *his/*her trial;

AND WHEREAS the said (defendant) has failed to appear at the said time and place;

THIS IS THEREFORE TO COMMAND YOU to whom this warrant is addressed to apprehend the said of.....and to bring *him/*her without undue delay before the said Court.

SCHEDULE

By Order of the Court.

Dated this day of 20.....

Signed.....

Registrar

Special Criminal Court No. 1

**Delete where inapplicable

FORM 5

Rule 18(4)

OFFENCES AGAINST THE STATE ACTS 1939 TO 1998

SPECIAL CRIMINAL COURT NO. 1

WARRANT TO ARREST UNDER SECTION 47

(Scheduled Offence)

(Title)

To the Superintendent, Garda Síochána, at

WHEREAS Part V of the Offences Against the State Act, 1939, is now in force by virtue of a Proclamation made and published by the Government on the 26th day of May, 1972;

AND WHEREAS a Special Criminal Court now known as Special Criminal Court No. 1 was established by an Instrument made and published by the Government on the 30th day of May, 1972;

AND WHEREAS it is intended under section 47 of the said Offences Against the State Act to charge the said (defendant) with the offence(s)* set out in the Schedule hereunder (being *(an) offence(s)* which *(is) *(are) *(a) scheduled offence(s)* under the said Act);

AND WHEREAS in accordance with section 47 of the said Act the Director of Public Prosecutions has directed that the said (defendant) be brought before a Special Criminal Court to be charged with the said offence(s)*;

THIS IS THEREFORE TO COMMAND YOU to whom this warrant is addressed to apprehend the said of and to bring *him/*her without undue delay before this Court to be charged with the said offence(s)*.

SCHEDULE

By Order of the Court.

Dated this day of 20.....

Signed.....

Registrar

Special Criminal Court No. 1

*Delete where inapplicable

FORM 6

Rule 18(4)

OFFENCES AGAINST THE STATE ACTS 1939 TO 1998

SPECIAL CRIMINAL COURT NO. 1

WARRANT TO ARREST UNDER SECTION 47

(Non-Scheduled Offence)

(Title)

To the Superintendent, Garda Síochána, at

WHEREAS Part V of the Offences Against the State Act, 1939, is now in force by virtue of a Proclamation made and published by the Government on the 26th day of May, 1972;

AND WHEREAS a Special Criminal Court now known as Special Criminal Court No. 1 was established by an Instrument made and published by the Government on the 30th day of May, 1972;

AND WHEREAS it is intended under section 47 of the said Offences Against the State Act to charge the said (defendant) with the offence(s)* set out in the Schedule hereunder (not being *(an) offence(s)* which *(is) *(are) *(a) scheduled offence(s)* under the said Act);

AND WHEREAS in accordance with section 47 of the said Act the Director of Public Prosecutions has certified that the ordinary Courts are in *his/*her opinion inadequate to secure the effective administration of justice and the preservation of public peace and order in relation to the trial of the said..... (defendant) on the said charge(s)* and has directed that the said (defendant) be brought before a Special Criminal Court to be charged with the said offence(s)*;

THIS IS THEREFORE TO COMMAND YOU to whom this warrant is addressed to apprehend the said of and to bring *him/*her without undue delay before this Court to be charged with the said offence(s)*.

SCHEDULE

By Order of the Court.

Dated this day of 20.....

Signed.....

26 [182]

Registrar

Special Criminal Court No. 1

*Delete where inapplicable

FORM 7

Rule 21(2)

OFFENCES AGAINST THE STATE ACTS 1939 TO 1998

SPECIAL CRIMINAL COURT NO. 1

BODY WARRANT

(Scheduled Offence)

(Title)

To the Governor of Prison.

WHEREAS Part V of the Offences Against the State Act, 1939, is now in force by virtue of a Proclamation made and published by the Government on the 26th day of May, 1972;

AND WHEREAS a Special Criminal Court now known as Special Criminal Court No. 1 was established by an Instrument made and published by the Government on the 30th day of May, 1972;

AND WHEREAS it is intended under section 47 of the said Offences Against the State Act to charge the said (defendant) with the offence(s)* set out in the schedule hereunder (being *(an) offence(s)* which *(is) *(are) *(a) scheduled offence(s)* under the said Act);

AND WHEREAS in accordance with section 47 of the said Act the Director of Public Prosecutions has directed that the said (defendant) be brought before a Special Criminal Court to be charged with the said offence(s)*;

THIS IS THEREFORE TO COMMAND YOU to whom this warrant is addressed to have the said (defendant) (committed on the day of 20.....) before this Court on the day of 20..... at *[a.m.] *[p.m.] to be charged with the said offence(s)*.

SCHEDULE

By Order of the Court.

Dated this day of 20.....

Signed.....

28 [182]

Registrar

Special Criminal Court No. 1

*Delete where inapplicable

FORM 8

Rule 21(2)

OFFENCES AGAINST THE STATE ACTS 1939 TO 1998

SPECIAL CRIMINAL COURT NO. 1

BODY WARRANT

(Non-Scheduled Offence)

(Title)

To the Governor of..... Prison.

WHEREAS Part V of the Offences Against the State Act, 1939, is now in force by virtue of a Proclamation made and published by the Government on the 26th day of May, 1972;

AND WHEREAS a Special Criminal Court now known as Special Criminal Court No. 1 was established by an Instrument made and published by the Government on the 30th day of May, 1972;

AND WHEREAS it is intended under section 47 of the said Offences Against the State Act to charge the said (defendant) with the offence(s)* set out in the Schedule hereunder (not being *(an) offence(s)* which *(is) *(are) *(a) scheduled offence(s)* under the said Act);

AND WHEREAS in accordance with section 47 of the said Act the Director of Public Prosecutions has certified that the ordinary Courts are in *his/*her opinion inadequate to secure the effective administration of justice and the preservation of public peace and order in relation to the trial of the said..... (defendant) on the said charge(s)* and has directed that the said..... (defendant) be brought before a Special Criminal Court to be charged with the said offence(s)*;

THIS IS THEREFORE TO COMMAND YOU to whom this warrant is addressed to have the said (defendant) (committed on the day of 20.....) before this Court on the day of 20..... at *[a.m.] *[p.m.] to be charged with the said offence(s)*.

SCHEDULE

By Order of the Court.

Dated this day of 20....

Signed.....

Registrar

Special Criminal Court No. 1

*Delete where inapplicable

FORM 9

Rule 24(3)

OFFENCES AGAINST THE STATE ACTS 1939 TO 1998

SPECIAL CRIMINAL COURT NO. 1

BODY WARRANT

(Witness)

(Title)

To the Governor of..... Prison.

Send to in custody, the body of (committed on the day of 20.....) to attend and give evidence at the Trial of the above named defendant on the day of 20..... at *[a.m.] *[p.m.].

By Order of the Court.

Dated this day of 20.....

Signed.....

Registrar

Special Criminal Court No. 1

*Delete where inapplicable

FORM 10

Rule 18(5)

OFFENCES AGAINST THE STATE ACTS 1939 TO 1998

SPECIAL CRIMINAL COURT NO. 1

COMMITTAL WARRANT

(Cases under section 47)

(Title)

To the Superintendent, Garda Síochána, at and the Governor of Prison.

WHEREAS Part V of the Offences Against the State Act, 1939, is now in force by virtue of a Proclamation made and published by the Government on the 26th day of May, 1972;

AND WHEREAS a Special Criminal Court now known as Special Criminal Court No. 1 was established by an Instrument made and published by the Government on the 30th day of May, 1972;

AND WHEREAS in accordance with section 47 of the said Act the said (defendant) by direction of the Director of Public Prosecutions was brought before this Court in custody on the day of 20..... and was thereupon charged with the offence(s) set out in the Schedule hereunder (being *(an) offence(s)* which *(is) *(are) *(a) scheduled offence(s)* under the said Act);

*AND WHEREAS in accordance with section 47 of the said Act the said..... (defendant) by direction of the Director of Public Prosecutions was brought before this Court in custody on the day of 20..... and was thereupon charged with the offence(s)*set out in the Schedule hereunder (not being *(an) offence(s)* which *(is) *(are) *(a) scheduled offence(s)* under the said Act) and the Director of Public Prosecutions having certified that the ordinary Courts are, in *his/*her opinion, inadequate to secure the effective administration of justice and the preservation of public peace and order in relation to the trial of (defendant) on such charge(s)*;

AND WHEREAS this Court *[on the day of 20.....] made an order under section 49(1)(e) of the Offences Against the State Act 1939 that the defendant be charged before and tried by this Court;

AND WHEREAS the trial of the said (defendant) for the said offence(s)* has been fixed for the day of 20.... at *[a.m.] *[p.m.] at

THIS IS THEREFORE TO COMMAND YOU the Superintendent to whom this warrant is addressed to lodge the said of..... in the..... Prison there to be detained by you the Governor of the said Prison when you shall have *him/*her at the said sitting to be further dealt with according to law.

SCHEDULE

By Order of the Court.

Dated this day of 20

Signed

Registrar

Special Criminal Court No. 1

*Delete where inapplicable

FORM 11

Rule 23

OFFENCES AGAINST THE STATE ACTS 1939 TO 1998

SPECIAL CRIMINAL COURT NO. 1

COMMITTAL WARRANT

(Pending adjournment of Trial)

(Title)

To the Superintendent, Garda Síochána, at
..... and the Governor of Prison.

WHEREAS Part V of the Offences Against the State Act 1939, is now in force by virtue of a Proclamation made and published by the Government on the 26th day of May, 1972;

AND WHEREAS a Special Criminal Court now known as Special Criminal Court No. 1 was established by an Instrument made and published by the Government on the 30th day of May, 1972;

*AND WHEREAS the said (defendant) was *(sent) *(sent forward) *(transferred) for trial by a Special Criminal Court charged with the offence(s) *set out in the Schedule hereunder;

AND WHEREAS Special Criminal Court No. 1 has [on the day of 20.....] made an order under section 49(1)(e) of the Offences Against the State Act 1939 that the said defendant be tried by this Court;

AND WHEREAS the said (defendant) was brought under section 47 of the Offences Against the State Act 1939 for trial by this Court charged with the offence(s) set out in the Schedule hereunder;

*AND WHEREAS the trial by this Court has been adjourned until the day of 20 at *[a.m.] *[p.m.] at

*AND WHEREAS the trial of the said..... (defendant) has concluded but verdict and/or sentence have been postponed until the day of 20 at *[a.m.] *[p.m.] at.....

THIS IS THEREFORE TO COMMAND YOU the Superintendent to whom this warrant is addressed to lodge the said of in the Prison there to be detained

by you the Governor of the said Prison when you shall have *him/*her at the said sitting to be further dealt with according to law.

SCHEDULE

By Order of the Court.

Dated this day of 20

Signed

Registrar

Special Criminal Court No. 1

*Delete where inapplicable

FORM 12

Rule 24(1)

OFFENCES AGAINST THE STATE ACTS 1939 TO 1998

SPECIAL CRIMINAL COURT NO. 1

WITNESS SUMMONS

(Title)

WHEREAS the said (defendant) will be tried for *(a) certain offence(s)* under the above Act by this Court at on the day of 20....., at *[a.m.] *[p.m.];

AND WHEREAS it has been made to appear to me that you are able to give material evidence on such trial;

THIS IS THEREFORE TO COMMAND YOU to attend as a witness on the said trial before this Court at the time and place mentioned above and so from day to day until your presence at the trial is no longer required.

AND YOU ARE to bring with you and then and there produce—

By Order of the Court.

Dated this day of 20.....

Signed

Registrar

Special Criminal Court No. 1

To

(name, address and description)

*Delete where inapplicable

FORM 13

Rule 24(1)

OFFENCES AGAINST THE STATE ACTS 1939 TO 1998

SPECIAL CRIMINAL COURT NO. 1

WARRANT FOR ARREST OF WITNESS

(Non-appearance on summons)

(Title)

To the Superintendent, Garda Síochána, at.....

WHEREAS Part V of the Offences Against the State Act, 1939, is now in force by virtue of a Proclamation made and published by the Government on the 26th day of May, 1972;

AND WHEREAS a Special Criminal Court now known as Special Criminal Court No. 1 was established by an Instrument made and published by the Government on the 30th day of May, 1972;

AND WHEREAS pursuant to the said Act *(and an order made by Special Criminal Court No. 1 [on the day of 20] under section 49(1)(e) of the Offences Against the State Act 1939) the said..... (defendant) will be tried for *(a) certain offence(s)* by this Court at..... on the day of 20..... at *[a.m.] *[p.m.];

*AND WHEREAS this Court is satisfied by evidence upon oath that..... of..... is able to give material evidence on such trial but that it is probable that the said..... will not attend to give evidence without being compelled to do so;

*AND WHEREAS a witness summons was duly served upon the said..... but *he/*she has failed to comply with the requirements of such summons;

*AND WHEREAS a witness summons was issued for the attendance before the Court of the said..... and this Court is satisfied that the said..... is evading service of the said summons;

THIS IS THEREFORE TO COMMAND YOU to whom this warrant is addressed to arrest the said..... of..... and to bring *him/*her before the Court at the time and place for trial aforesaid to give evidence before this Court in the said trial.

By Order of the Court.

38 [182]

Dated this day of 20.....

Signed.....

Registrar

Special Criminal Court No. 1

*Delete where inapplicable

FORM 14

Rule 26

STATUTORY DECLARATION AS TO SERVICE OF SUMMONS OR NOTICE

I

of

do solemnly and sincerely declare that I duly served the within *Summons *Notice on theday of 20..... by (state mode of service)

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

Signed.....

Declared before me [*name in capitals*] a *(commissioner for oaths)*(practising solicitor) *(peace commissioner) *(notary public) by the said

*who is personally known to me,

*who is identified to me by who is personally known to me,

*whose identity has been established to me before the taking of this Declaration by the production to me of, containing a photograph of the declarant,

at thisday of20....

Signed

*Commissioner for Oaths/*Practising Solicitor/*Peace Commissioner/*Notary Public.

*Delete where inapplicable

Rule 30

OFFENCES AGAINST THE STATE ACTS 1939 to 1998

SPECIAL CRIMINAL COURT NO. 1

RECOGNISANCE ENTERED INTO IN PRESENCE OF REGISTRAR

(Title)

*I *We of

a..... Defendant

*and..... of

a..... Surety

*and..... of.....

a..... Surety

acknowledge *myself *ourselves severally to owe to the State the *sum *several sums following, that is to say, the said..... the sum of €.....

*and the said..... *and the said..... the sum of €..... *each to the use of the Minister for Finance if the above-named defendant fail in the condition hereunder.

..... Defendant

*..... Surety

*..... Surety

Acknowledged before the Court at

.....

this day of 20...

Signed.....

Registrar

Special Criminal Court No. 1

The condition of this recognisance is that if the above-named Defendant shall appear before this Court at..... on the day of 20..... at *[a.m.] *[p.m.] and any adjournment thereof until *his/*her presence is no longer required for *his/*her trial on the following charge(s)*

*and shall.....

then this recognisance to be void, or else to stand in full force and effect.

*Delete where inapplicable

Rule 30

OFFENCES AGAINST THE STATE ACTS 1939 to 1998

SPECIAL CRIMINAL COURT NO. 1

ACKNOWLEDGEMENT OF RECOGNISANCE BEFORE PRISON GOVERNOR OR DESIGNATED PRISON OFFICER

(Title)

*I *We of

a..... Defendant

*and..... of

a..... Surety

*and..... of.....

a..... Surety

having entered into a recognisance orally before the Court, acknowledge *myself *ourselves severally to owe to the State the *sum *several sums following, that is to say, the said..... the sum of €.....

*and the said.....*and the said..... the sum of €..... *each to the use of the Minister for Finance if the above-named defendant fail in the condition hereunder.

.....

Defendant

*..... Surety

*..... Surety

Acknowledged before me at [*Insert particulars of Prison or other place of detention*]

.....

this day of 20...

Signed.....

*Governor of [*Insert particulars of Prison or other place of detention*]

*a Prison Officer designated by the Governor of [*Insert particulars of Prison or other place of detention*] for the purpose of taking this recognisance.

The condition of the recognisance hereby acknowledged is that if the above-named Defendant shall appear before Special Criminal Court No. 1 at on the day of 20..... at

*[a.m.] *[p.m.] and any adjournment thereof until *his/*her presence is no longer required for *his/*her trial on the following charge(s)*

*and shall.....

then the recognisance to be void, or else to stand in full force and effect.

*Delete where inapplicable

Rule 18(1)

OFFENCES AGAINST THE STATE ACTS 1939 to 1998

SPECIAL CRIMINAL COURT NO. 1

SUMMONS FOR ATTENDANCE OF DEFENDANT

(Title)

WHEREAS it appears to the Court, upon *(information) *(evidence) that you are a person intended to be charged with the offence(s)* set out in the Schedule hereunder

*[being *(an) offence(s)* which *(is) *(are) *(a) scheduled offence(s)* under the Offences Against the State Act 1939, and that the Director of Public Prosecutions has directed that you shall be brought before this Court and charged with such offence(s)*]

*[being *(an) offence(s)* which *(is) *(are) not *(a) scheduled offence(s)* under the Offences Against the State Act 1939, and the Director of Public Prosecutions has certified that the ordinary Courts are, in *his/*her opinion, inadequate to secure the effective administration of justice and the preservation of public peace and order in relation to your trial on the charge of the said offence(s)* and has directed that you shall be brought before this Court and charged with such offence(s)*].

YOU ARE HEREBY REQUIRED TO APPEAR before this Court at on the day of 20 at *[a.m.] *[p.m.] to be charged with and tried *(summarily) *(on indictment) for the said offence(s)*.

SCHEDULE

By Order of the Court.

Dated this day of

Signed

Registrar

Special Criminal Court No. 1

To of.....

the above-named Defendant.

*Delete where inapplicable

FORM 18

Rule 18(2)

OFFENCES AGAINST THE STATE ACTS 1939 to 1998

SPECIAL CRIMINAL COURT NO. 1

WARRANT FOR ARREST OF DEFENDANT

(failure to appear on summons)

(Title)

To the Superintendent, Garda Síochána, at.....

WHEREAS..... of
(address and description) has been duly served with a summons to appear as a
Defendant before this Court at..... at *[a.m.] *[p.m.] on
the day of 20.....
to be charged with the offence(s)* set out in the Schedule hereunder;

AND WHEREAS the said failed to appear at the time
and place aforesaid;

THIS IS THEREFORE TO COMMAND YOU to whom this warrant is
addressed to apprehend the said.....
of..... and to bring *him/*her without undue delay
before this Court to be charged with the said offence(s)*.

SCHEDULE

By Order of the Court.

Dated this day of 20....

Signed.....

Registrar

Special Criminal Court No. 1

*Delete where inapplicable

FORM 19

Rule 36

OFFENCES AGAINST THE STATE ACTS 1939 to 1998

SPECIAL CRIMINAL COURT NO. 1

NOTICE OF INTENTION TO ADDUCE EVIDENCE AS TO MENTAL
CONDITION (SECTION 19, CRIMINAL LAW (INSANITY) ACT 2006)

(Title)

WHEREAS the above-named accused was on the day of
..... 20..... asked how *he/*she wished to plead to
the charge of the offence(s)* of

TAKE NOTICE that the defence intends to adduce evidence as to the mental
condition of the accused in the proceedings for the said offence(s)*.

Dated this day of 20.....

Signed.....

*Accused/*Solicitor for the accused

To: Director of Public Prosecutions

and to: The Registrar, Special Criminal Court No. 1

*Delete where inapplicable

EXPLANATORY NOTE

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

These Rules, which annul and replace the Offences Against the State Acts 1939 to 1972, Special Criminal Court Rules 1975 and the Offences Against The State Acts 1939 to 1998 (Special Criminal Court Rules) 2001, regulate practice and procedure in the Special Criminal Court established by the Government on the 30th May, 1972, under the Offences against the State Acts 1939 to 1998.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
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