



Number 24 of 2023

Criminal Justice (Miscellaneous Provisions) Act 2023



Number 24 of 2023

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT 2023

CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title, collective citation and commencement
2. Expenses

PART 2

CONSPIRACY TO MURDER

3. Amendment of section 4 of Offences against the Person Act 1861
4. Amendment of Criminal Justice Act 2006
5. Amendment of Criminal Justice Act 2007
6. Amendment of European Union (Passenger Name Record Data) Regulations 2018

PART 3

AMENDMENT OF EXPLOSIVES ACT 1875 AND FIREARMS ACT 1925

7. Definition (Part 3)
8. Amendment of section 5 of Explosives Act 1875
9. Amendment of section 2 of Act of 1925
10. Insertion of section 3DA into Act of 1925
11. Amendment of section 4A of Act of 1925
12. Insertion of new section 4AA into Act of 1925
13. Amendment of section 4B of Act of 1925
14. Amendment of section 4C of Act of 1925
15. Insertion of new section 14A into Act of 1925
16. Amendment of section 23 of Act of 1925
17. Amendment of section 24 of Act of 1925
18. Insertion of new section 26A into Act of 1925

PART 4

AMENDMENT OF NON-FATAL OFFENCES AGAINST THE PERSON ACT 1997

19. Definition (Part 4)
20. Amendment of section 3 of Act of 1997
21. Non-fatal strangulation or non-fatal suffocation
22. Non-fatal strangulation or non-fatal suffocation causing serious harm
23. Harassment or stalking
24. Prohibition on publication or broadcast of certain material
25. Transitional provision
26. Amendment of section 25 of Act of 1997

PART 5

CIVIL ORDERS AGAINST RELEVANT CONDUCT

27. Definitions (Part 5)
28. Order under section 28
29. Variation or discharge of order under section 28
30. Renewal of order under section 28
31. Application under section 28, 29 or 30 by member of Garda Síochána
32. Protection against cross-examination by applicant or respondent
33. Requirement to give reasons for certain decisions
34. Taking effect of relevant order
35. Copies of orders to be given to certain persons
36. Exercise of jurisdiction by court in civil proceedings
37. Hearing of proceedings
38. Special sitting of District Court
39. Evidence through television link for civil proceedings
40. Right to be accompanied in court in certain circumstances
41. Costs
42. Rules of court and service of documents
43. Extraterritoriality
44. Offence
45. Arrest without warrant
46. Prohibition on publication or broadcast of certain material relating to offence under section 44
47. Saver (Part 5)

PART 6

AMENDMENT OF CRIMINAL JUSTICE (MUTUAL ASSISTANCE) ACT 2008

48. Definition (Part 6)
49. Amendment of section 2(1) of Act of 2008
50. Application for purposes of Part 7B
51. Amendment of section 53 of Act of 2008
52. Assistance in criminal matters between State and EPPO
53. Amendment of section 109 of Act of 2008
54. Amendment of Criminal Justice (Joint Investigation Teams) Act 2004

PART 7

ANONYMITY OF WITNESSES IN CRIMINAL PROCEEDINGS

55. Anonymity of witnesses in criminal proceedings

PART 8

FORENSIC SCIENCE IRELAND CERTIFICATE EVIDENCE

56. Certificates relating to receipt, handling, transmission or storage
57. Amendment of section 10 of Misuse of Drugs Act 1984
58. Amendment of Criminal Justice (Forensic Evidence and DNA Database System) Act 2014
59. Amendment of Schedule to Criminal Law (Jurisdiction) Act 1976

PART 9

MISCELLANEOUS

60. Amendment of Criminal Evidence Act 1992
61. Amendment of section 2 of Criminal Justice Act 1993
62. Amendment of section 3 of Criminal Procedure Act 1993
63. Amendment of Criminal Justice (Public Order) Act 1994
64. Amendment of First Schedule to Extradition (Amendment) Act 1994
65. Amendment of Civil Legal Aid Act 1995
66. Amendment of Schedule to Bail Act 1997
67. Amendment of Second Schedule to Criminal Justice (Safety of United Nations Workers) Act 2000
68. Amendment of Criminal Justice (Theft and Fraud Offences) Act 2001
69. Amendment of Civil Liability and Courts Act 2004
70. Amendment of Criminal Justice (Terrorist Offences) Act 2005
71. Amendment of Garda Síochána Act 2005

72. Amendment of Schedule 1 to Criminal Law (Insanity) Act 2006
73. Amendment of Criminal Justice Act 2006
74. Amendment of Prisons Act 2007
75. Amendment of Schedule 2 to Criminal Justice Act 2007
76. Amendment of Schedule 3 to Broadcasting Act 2009
77. Amendment of Schedule to Criminal Procedure Act 2010
78. Amendment of Communications (Retention of Data) Act 2011
79. Amendment of Schedule 1 to Criminal Justice Act 2011
80. Amendment of Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012
81. Amendment of Schedule 1 to Criminal Justice (Forensic Evidence and DNA Database System) Act 2014
82. Amendment of Domestic Violence Act 2018
83. Amendment of section 12 of Criminal Justice (Corruption Offences) Act 2018
84. Amendment of section 1 of Criminal Law (Extraterritorial Jurisdiction) Act 2019
85. Amendment of section 17 of Parole Act 2019
86. Provision relating to insertion of sections 6A to 6F of Communications (Retention of Data) Act 2011
87. Amendment of Schedule 2 to European Union (Passenger Name Record Data) Regulations 2018

ACTS REFERRED TO

Bail Act 1997 (No. 16)
Broadcasting Act 2009 (No. 18)
Broadcasting and Other Media Regulation Acts 2009 and 2022
Civil Legal Aid Act 1995 (No. 32)
Civil Liability and Courts Act 2004 (No. 31)
Communications (Retention of Data) (Amendment) Act 2022 (No. 25)
Communications (Retention of Data) Act 2011 (No. 3)
Courts (Supplemental Provisions) Act 1961 (No. 39)
Courts Act 1964 (No. 11)
Courts of Justice Act 1953 (No. 32)
Criminal Evidence Act 1992 (No. 12)
Criminal Justice (Corruption Offences) Act 2018 (No. 9)
Criminal Justice (Female Genital Mutilation) Act 2012 (No. 11)
Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 (No. 11)
Criminal Justice (Joint Investigation Teams) Act 2004 (No. 20)
Criminal Justice (Mutual Assistance) Act 2008 (No. 7)
Criminal Justice (Mutual Assistance) Acts 2008 and 2015
Criminal Justice (Offences Relating to Information Systems) Act 2017 (No. 11)
Criminal Justice (Public Order) Act 1994 (No. 2)
Criminal Justice (Public Order) Acts 1994 to 2014
Criminal Justice (Safety of United Nations Workers) Act 2000 (No. 16)
Criminal Justice (Terrorist Offences) Act 2005 (No. 2)
Criminal Justice (Theft and Fraud Offences) Act 2001 (No. 50)
Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 (No. 24)
Criminal Justice Act 1990 (No. 16)
Criminal Justice Act 1993 (No. 6)
Criminal Justice Act 2006 (No. 26)
Criminal Justice Act 2007 (No. 29)
Criminal Justice Act 2011 (No. 22)
Criminal Law (Extraterritorial Jurisdiction) Act 2019 (No. 6)
Criminal Law (Insanity) Act 2006 (No. 11)
Criminal Law (Jurisdiction) Act 1976 (No. 14)
Criminal Law (Sexual Offences) Act 2017 (No. 2)
Criminal Procedure Act 1993 (No. 40)
Criminal Procedure Act 2010 (No. 27)

Domestic Violence Act 2018 (No. 6)
Explosives Act 1875 (38 & 39 Vict., c. 17)
Extradition (Amendment) Act 1994 (No. 6)
Firearms (Firearm Certificates For Non-Residents) Act 2000 (No. 20)
Firearms (Proofing) Act 1968 (No. 20)
Firearms Act 1925 (No. 17)
Firearms Act 1964 (No. 1)
Firearms Acts 1925 to 2009
Garda Síochána Act 2005 (No. 20)
Interpretation Act 2005 (No. 23)
Medical Practitioners Act 2007 (No. 25)
Misuse of Drugs Act 1984 (No. 18)
Non-Fatal Offences against the Person Act 1997 (No. 26)
Offences against the Person Act 1861 (24 & 25 Vict., c. 100)
Parole Act 2019 (No. 28)
Prevention of Corruption Acts 1889 to 2010
Prisons Act 2007 (No. 10)



Number 24 of 2023

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT 2023

An Act to amend the Offences against the Person Act 1861 and the Criminal Justice Act 2006 in relation to the offences of conspiracy to murder under those Acts; and for that purpose to provide for consequential amendments of other enactments; to amend the Explosives Act 1875 and the Firearms Act 1925; to provide for offences relating to non-fatal strangulation, non-fatal suffocation, harassment and stalking and for those purposes and other purposes to amend the Non-Fatal Offences against the Person Act 1997; to provide for the making of court orders to protect persons against certain conduct; to provide for assistance between the State and the European Public Prosecutor's Office, and for that purpose and other purposes to amend the Criminal Justice (Mutual Assistance) Act 2008 and the Criminal Justice (Joint Investigation Teams) Act 2004; to provide for circumstances in which a court may order the anonymity of a witness in criminal proceedings; to provide for certificates of evidence relating to the receipt, handling, transmission or storage of certain items, and for that purpose to provide for amendments to the Misuse of Drugs Act 1984; and for those and other purposes to amend the Criminal Evidence Act 1992, the Criminal Justice Act 1993, the Criminal Procedure Act 1993, the Criminal Justice (Public Order) Act 1994, the Bail Act 1997, the Criminal Justice (Theft and Fraud Offences) Act 2001, the Criminal Law (Insanity) Act 2006, the Broadcasting Act 2009, the Communications (Retention of Data) Act 2011, the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014, the Domestic Violence Act 2018 and certain other enactments; and to provide for related matters. [19th July, 2023]

Be it enacted by the Oireachtas as follows:

PART 1 25

PRELIMINARY AND GENERAL

Short title, collective citation and commencement

1. (1) This Act may be cited as the Criminal Justice (Miscellaneous Provisions) Act 2023.
(2) *Part 3* and the Firearms Acts 1925 to 2009 may be cited as the Firearms Acts 1925 to 2023 and shall be construed together as one. 30

- (3) The Criminal Justice (Mutual Assistance) Acts 2008 and 2015 and *Part 6* may be cited together as the Criminal Justice (Mutual Assistance) Acts 2008 to 2023.
- (4) The Criminal Justice (Public Order) Acts 1994 to 2014 and *section 63* may be cited together as the Criminal Justice (Public Order) Acts 1994 to 2023.
- (5) This Act shall come into operation on such day or days as may be appointed by order or orders made by the Minister for Justice, either generally or by reference to any particular purpose or provisions, and different days may be so appointed for different purposes or different provisions. 5

Expenses

2. The expenses incurred by the Minister for Justice in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure, National Development Plan Delivery and Reform, be paid out of monies provided by the Oireachtas. 10

PART 2

CONSPIRACY TO MURDER

15

Amendment of section 4 of Offences against the Person Act 1861

3. Section 4 of the Offences against the Person Act 1861 is amended by the substitution of “to imprisonment for life or a lesser term of imprisonment” for “to be kept in penal servitude for any term not more than ten years”.

Amendment of Criminal Justice Act 2006

20

4. The Criminal Justice Act 2006 is amended—

- (a) in section 70(1), by the insertion of the following definition:

“ ‘Act of 1861’ means the Offences against the Person Act 1861;”

- (b) in section 71—

- (i) by the substitution of the following subsection for subsection (4): 25

“(4) A person charged with an offence under this section—

- (a) subject to paragraph (b), is liable to be indicted, tried and punished as a principal offender, or

- (b) where the offence, the subject of the conspiracy, is murder, is liable on conviction on indictment to imprisonment for life or a lesser term of imprisonment.” 30

and

(ii) by the insertion of the following subsection after subsection (4):

“(4A) This section shall not apply in respect of a conspiracy to commit murder to which section 4 of the Act of 1861 applies.”,

(c) in section 72A(1), by the substitution of “for an offence under this Part or the offence of conspiracy to murder under section 4 of the Act of 1861” for “for an offence under this Part”, 5

(d) in section 76(1), by the substitution of “Where an offence under this Part or the offence of conspiracy to murder under section 4 of the Act of 1861 is committed” for “Where an offence under this Part is committed”, and

(e) by the substitution of the following section for section 77: 10

“Double jeopardy

77. A person who is acquitted or convicted of an offence in a place outside the State shall not be proceeded against for an offence—

(a) under section 71 consisting of the act, or the conspiracy to do an act, that constituted the offence, 15

(b) under section 72 consisting of the act that constituted the offence, or

(c) of conspiracy to murder under section 4 of the Act of 1861 consisting of the act, or the conspiracy to do the act, that constituted the offence, 20

of which the person was so acquitted or convicted.”.

Amendment of Criminal Justice Act 2007

5. The Criminal Justice Act 2007 is amended—

(a) in section 2, by the insertion of the following definition:

“ ‘Act of 1861’ means the Offences against the Person Act 1861;”, 25

(b) in section 26A(1)—

(i) in paragraph (a), by the substitution of “Part 7 of the Act of 2006,” for “Part 7 of the Act of 2006, or”,

(ii) by the insertion of the following paragraph after paragraph (a):

“(aa) the offence of conspiracy to murder under section 4 of the Act of 1861, or”, 30

and

(iii) in paragraph (b), by the substitution of “(other than an offence referred to in paragraph (a) or (aa))” for “(other than an offence referred to in paragraph (a))”, 35

and

(c) in section 50(1)—

(i) in paragraph (d), by the substitution of “the use of a firearm,” for “the use of a firearm, or”,

(ii) in paragraph (e), by the substitution of “Criminal Justice Act 2006, or” for “Criminal Justice Act 2006.”, and 5

(iii) by the insertion of the following paragraph after paragraph (e):

“(f) the offence of conspiracy to murder under section 4 of the Act of 1861.”.

Amendment of European Union (Passenger Name Record Data) Regulations 2018 10

6. Schedule 2 to the European Union (Passenger Name Record Data) Regulations 2018 (S.I. No. 177 of 2018) is amended by the substitution of the following paragraph for paragraph 15:

“15. Organised and armed robbery.

An offence under— 15

section 4, 12, 13, 14, 15, 17 or 18 of the Criminal Justice (Theft and Fraud Offences) Act 2001 (No. 50 of 2001),

section 71, 71A, 72 or 73 of the Criminal Justice Act 2006 (No. 26 of 2006),

section 4, in relation to conspiracy to murder, of the Offences against the Person Act 1861”.

PART 3

AMENDMENT OF EXPLOSIVES ACT 1875 AND FIREARMS ACT 1925

Definition (Part 3)

7. In this Part, “Act of 1925” means the Firearms Act 1925. 25

Amendment of section 5 of Explosives Act 1875

8. Section 5 of the Explosives Act 1875 is amended—

(a) in the second subsection (2.), by the substitution of “conveyance of gunpowder; or” for “conveyance of gunpowder.”, and

(b) by the insertion of the following subsection after the second subsection (2.) referred to in *paragraph (a)*: 30

- “(3) To the keeping of gunpowder by a person for the purpose of lawfully selling it directly to the public—
- (a) where the total amount of gunpowder on the premises does not exceed 5kg,
 - (b) where the gunpowder is, or is part of—
 - (i) a Category F1 firework, namely a firework that presents a very low hazard and negligible noise level and that is intended for use in confined areas and includes fireworks that are intended for use inside domestic buildings,
 - (ii) a Category P1 pyrotechnic article, namely a pyrotechnic article, other than fireworks and theatrical pyrotechnic articles, that presents a low hazard, or
 - (iii) an article classified as UN No. 0014, namely blank cartridges for weapons, blank cartridges for small arms or blank cartridges for tools, to which the United Nations Serial Number UN No. 0014 was assigned in the manual published by the United Nations and entitled ‘Twenty-second revised edition of the Recommendations by the United Nations Committee of Experts on the Transport of Dangerous Goods’ or in any later revised edition of those Recommendations for the time being in force,
- and
- (c) where the gunpowder referred to in paragraph (b) is kept—
 - (i) in an area designated by the person—
 - (I) to which unauthorised access is prevented, and
 - (II) that is located well away from sources of ignition, sparks and flammable materials,
 - and
 - (ii) in a manner that does not compromise emergency escape routes.”.

Amendment of section 2 of Act of 1925

30

9. Section 2(3) of the Act of 1925 is amended—

- (a) in paragraph (b), by the substitution of “or by a member of the civilian staff of the Garda Síochána, in the performance of” for “in the performance of”, and
- (b) by the insertion of the following paragraph after paragraph (b):

“(ba) the possession, use, or carriage of a firearm or ammunition by an officer of the Minister assigned to perform functions in Forensic

Science Ireland, in the course of the performance by him or her of such functions;”.

Insertion of section 3DA into Act of 1925

10. The Act of 1925 is amended by the insertion of the following section after section 3D:

“Restrictions on firearm certificates for semi-automatic centre-fire rifles 5

3DA. (1) On and after the date of the coming into operation of *section 10* of the *Criminal Justice (Miscellaneous Provisions) Act 2023* (in this section referred to as the ‘relevant date’), a firearm certificate shall not be granted under this Act, or under section 2 of the Act of 2000 in respect of an application under paragraph (a) or (aa) of subsection (2) of that section, for a semi-automatic centre-fire rifle. 10

(2) On the day that is 3 months after the relevant date, any firearm certificate for a semi-automatic centre-fire rifle that was first granted after 18 September 2015 and that was in force immediately before the relevant date shall stand revoked. 15

(3) This section shall not affect the possibility of renewal of a firearm certificate for a semi-automatic centre-fire rifle under section 3 of this Act, or under section 9 of the Act of 1964, where the firearm certificate was first granted on or before 18 September 2015 and was in force on the relevant date. 20

(4) On or after the relevant date, the Minister or the Commissioner shall not, under section 11(1) of the Act of 1964, substitute for the description of a firearm in a firearm certificate granted by him or her the description of a semi-automatic centre-fire rifle.

(5) Sections 5(3) and 6 shall, on and after the day referred to in subsection (2) of this section, apply in relation to a semi-automatic centre-fire rifle in relation to which the relevant firearm certificate has been revoked pursuant to this section. 25

(6) In this section—

‘Act of 1964’ means the Firearms Act 1964; 30

‘Act of 2000’ means the Firearms (Firearm Certificates For Non-Residents) Act 2000;

‘first granted’ means, in relation to a particular semi-automatic centre-fire rifle—

(a) the grant (not renewal) of a firearm certificate for the semi-automatic centre-fire rifle under section 3 of this Act, or under section 2 of the Act of 2000 in respect of an application under paragraph (a) or (aa) of subsection (2) of that section, or 35

- (b) the substitution by the Minister or the Commissioner, under section 11(1) of the Act of 1964, for the description of a firearm in a firearm certificate granted by him or her the description of the semi-automatic centre-fire rifle,

whichever is the earlier;

5

‘semi-automatic centre-fire rifle’ means a rifled long firearm that—

- (a) uses a cartridge with a centrally located primer in the base,
 (b) can self-load a round after each time a round is discharged, and
 (c) cannot fire more than one round with a single pull on the trigger.”.

Amendment of section 4A of Act of 1925

10

11. Section 4A of the Act of 1925 is amended by the insertion of the following subsection after subsection (20):

“(20A) This section shall not apply to a shooting range owned or operated by the Garda Síochána.”.

Insertion of new section 4AA into Act of 1925

15

12. The Act of 1925 is amended by the insertion of the following section after section 4A:

“Minimum standards for Garda shooting ranges

4AA. (1) The Minister, after consultation with the Commissioner, may prescribe minimum standards to be complied with by a shooting range owned or operated by the Garda Síochána.

20

- (2) The minimum standards referred to in subsection (1) shall be determined by reference to any or all of the following matters:

- (a) the security of the range;
 (b) the management of the range;
 (c) the design, construction and maintenance of the range;
 (d) the types of firearms and ammunition to be used at the range;
 (e) the types of shooting practices to be conducted at the range;
 (f) the level of competence of persons using the range.”.

25

Amendment of section 4B of Act of 1925

13. Section 4B(2)(b) of the Act of 1925 is amended by the substitution of “section 4A(13) or section 4AA(1)” for “section 4A(13)”.

30

Amendment of section 4C of Act of 1925

- 14.** Section 4C of the Act of 1925 is amended by the insertion of the following subsection after subsection (2):

“(2A) Subsection (1) shall not apply to the facilitation or engagement in the use of a firearm by a member of the Garda Síochána in the performance of his or her duties as such member.”. 5

Insertion of new section 14A into Act of 1925

- 15.** The Act of 1925 is amended by the insertion of the following section after section 14:

“Offences regarding alteration of marking of firearms

14A. (1) A person who, unless— 10

- (a) permitted by the Firearms Acts 1925 to 2023, or
- (b) otherwise in accordance with law,

intentionally falsifies, removes, or otherwise obliterates or alters the marking of a firearm shall be guilty of an offence.

(2) A person guilty of an offence under this section shall be liable— 15

(a) if the firearm referred to in subsection (1) is a restricted firearm—

- (i) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months or to both, or
- (ii) on conviction on indictment, to a fine not exceeding €20,000 or to imprisonment for a term not exceeding 7 years or to both, 20

or

(b) in any other case—

- (i) on summary conviction, to a class C fine or to imprisonment for a term not exceeding 12 months or to both, or
- (ii) on conviction on indictment, to a fine not exceeding €10,000 or to imprisonment for a term not exceeding 5 years or to both. 25

(3) In this section—

‘Act of 1968’ means the Firearms (Proofing) Act 1968;

‘marking of a firearm’ means—

- (a) a mark to which section 4(1)(a) of the Act of 1968 refers, 30
- (b) a mark to which section 4(1)(b) of the Act of 1968 refers,
- (c) a mark to which section 3(12) refers,
- (d) a mark provided for by regulations made in accordance with section 26A(c),

- (e) a mark to which Article 5 of Commission Implementing Regulation (EU) 2015/2403 of 15 December 2015¹ establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable, as amended by Article 1(3) of Commission Implementing Regulation (EU) 2018/337 of 5 March 2018² amending Implementing Regulation (EU) 2015/2403 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable, refers, 5
- (f) a mark to which Regulation 5 of the Principal Regulations refers, 10
- (g) a mark to which Regulation 6 of the Principal Regulations refers, or
- (h) a mark to which Regulation 7 of the Principal Regulations refers;
- ‘Principal Regulations’ means the European Union (Acquisition and Possession of Weapons and Ammunition) Regulations 2022 (S.I. No. 209 of 2022).” 15

Amendment of section 23 of Act of 1925

16. Section 23(1) of the Act of 1925 is amended by the substitution of “may, in accordance where applicable with regulations made under section 26A, make” for “may make”.

Amendment of section 24 of Act of 1925

17. Section 24 of the Act of 1925 is amended— 20
- (a) by the substitution of the following subsections for subsection (1):
- “(1) If a judge of the District Court is satisfied by information on oath of a member of the Garda Síochána not below the rank of sergeant that there are reasonable grounds for suspecting that evidence of, or relating to, the commission of an offence under this Act is to be found in any place, the judge may issue a warrant for the search of that place and any persons found at that place. 25
- (1A) Subject to subsections (1B) and (1C), if a member of the Garda Síochána not below the rank of superintendent is satisfied that there are reasonable grounds for suspecting that evidence of, or relating to, the commission of an offence under this Act is to be found in any place, the member may issue to a member of the Garda Síochána not below the rank of sergeant a warrant for the search of that place and any persons found at that place. 30
- (1B) A member of the Garda Síochána not below the rank of superintendent shall not issue a search warrant under this section unless he or she is satisfied— 35

¹ OJ No. L333, 19.12.2015, p. 62.

² OJ No. L65, 8.3.2018, p. 1.

- (a) that the search warrant is necessary for the proper investigation of an offence under this Act, and
- (b) that circumstances of urgency giving rise to the need for the immediate issue of the search warrant would render it impracticable to apply to a judge of the District Court under this section for the issue of the warrant. 5
- (1C) A member of the Garda Síochána not below the rank of superintendent may issue a search warrant under this section only if he or she is independent of the investigation of the offence in relation to which the search warrant is being sought.”, 10
- (b) in subsection (2)—
- (i) by the substitution of the words “search warrant” for “search order”, wherever they occur, and
- (ii) by the substitution of “within, if the warrant is issued by a judge of the District Court, one week, and if the warrant is issued by a member of the Garda Síochána not below the rank of superintendent, 48 hours,” for “within 48 hours”, 15
- (c) in subsection (3)—
- (i) by the substitution of “search warrant” for “search order”, and
- (ii) by the substitution of “search warrant” for “order”, 20
- and
- (d) by the insertion of the following subsections after subsection (3):
- “(4) The power to issue a search warrant under this section is without prejudice to any other power conferred by statute to issue a warrant for the search of any place or person. 25
- (5) A member of the Garda Síochána not below the rank of superintendent who issues a search warrant under this section shall, either at the time the warrant is issued or as soon as reasonably practicable thereafter, record in writing the grounds on which the warrant was issued, including how he or she was satisfied as to the matters referred to in subsection (1B). 30
- (6) In this section—
- ‘independent of’, in relation to the investigation of an offence, means not being in charge of, or involved in, that investigation;
- ‘place’ includes— 35
- (a) a dwelling or a part thereof,
- (b) a building or a part thereof,

- (c) a vehicle, whether mechanically propelled or not,
- (d) a vessel, whether sea-going or not,
- (e) an aircraft, whether capable of operation or not, and
- (f) a hovercraft.”.

Insertion of new section 26A into Act of 1925 5

18. The Act of 1925 is amended by the insertion of the following section after section 26:

“Regulations regarding disposal of certain firearms

26A. Without prejudice to the operation of any other section of this Act, the Minister may, following consultation with the Commissioner, make regulations— 10

- (a) to provide for the methods of destruction of such illicitly manufactured or trafficked firearms, parts, components and ammunition as he or she may prescribe,
- (b) to provide for the methods of assignment for forensic, scientific, historical, or cultural purposes, of such illicitly manufactured or trafficked firearms, parts, components and ammunition as he or she may prescribe, and 15
- (c) to provide for the marking of the firearms to which paragraph (b) relates and the recording of the methods of assignment of the firearms, parts, components and ammunition prescribed under that paragraph.”. 20

PART 4

AMENDMENT OF NON-FATAL OFFENCES AGAINST THE PERSON ACT 1997

Definition (Part 4)

19. In this Part, “Act of 1997” means the Non-Fatal Offences against the Person Act 1997. 25

Amendment of section 3 of Act of 1997

20. Section 3(2)(b) of the Act of 1997 is amended by the substitution of “10 years” for “5 years”.

Non-fatal strangulation or non-fatal suffocation

21. The Act of 1997 is amended by the insertion of the following section after section 3: 30

“3A. (1) A person shall be guilty of an offence who, without lawful excuse, intentionally or recklessly—

- (a) strangles or suffocates another, or
- (b) causes another to believe on reasonable grounds that he or she is likely immediately to be subjected to suffocation or strangulation.
- (2) In a prosecution for an offence under subsection (1), it shall be a defence for the accused to show that the other consented to the strangulation or suffocation of which the offence consists. 5
- (3) A person guilty of an offence under subsection (1) shall be liable—
- (a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months, or to both, or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 10 years, or to both. 10
- (4) A person charged with an offence under subsection (1) may, if the evidence does not warrant a conviction for that offence but warrants a conviction for an offence under section 3, be found guilty of an offence under section 3. 15
- (5) In this section and section 4A (inserted by *section 22* of the *Criminal Justice (Miscellaneous Provisions) Act 2023*)—
- ‘strangle’ includes applying, directly or indirectly, force to the neck of another so as to impede breathing or the circulation of blood;
- ‘suffocate’ includes— 20
- (a) asphyxiating another, and
- (b) impeding the breathing of another, including by—
- (i) covering the mouth or nose,
- (ii) constricting the chest, or
- (iii) blocking, by means of a foreign object, the airways, 25
- of the other.”.

Non-fatal strangulation or non-fatal suffocation causing serious harm

22. The Act of 1997 is amended by the insertion of the following section after section 4:

- “**4A.** (1) A person who intentionally or recklessly causes serious harm to another by suffocating or strangling the other shall be guilty of an offence. 30
- (2) A person guilty of an offence under subsection (1) shall be liable on conviction on indictment to a fine or to imprisonment for life or to both.

- (3) A person charged with an offence under subsection (1) may, if the evidence does not warrant a conviction for that offence but warrants a conviction for an offence under section 4, be found guilty of an offence under section 4.
- (4) In this section, ‘strangle’ and ‘suffocate’ have the meanings they have in section 3A (inserted by section 21 of the *Criminal Justice (Miscellaneous Provisions) Act 2023*).” 5

Harassment or stalking

23. The Act of 1997 is amended by the substitution of the following section for section 10:

- “10. (1) A person shall be guilty of the offence of harassment where— 10
- (a) the person, without lawful authority or reasonable excuse, persistently, by his or her acts, intentionally or recklessly, at the time when the acts occur or when the other becomes aware of them—
- (i) seriously interferes with another’s peace and privacy, or 15
- (ii) causes alarm, distress or harm to the other,
- and
- (b) the person’s acts are such that a reasonable person would realise that the acts would seriously interfere with the other’s peace and privacy or cause alarm, distress or harm to the other, at the time 20 when the acts occurred or when the other becomes aware of them.
- (2) A person shall be guilty of the offence of stalking where—
- (a) the person, without lawful authority or reasonable excuse, by his or her acts, intentionally or recklessly causes another, at the time when the acts occur or when the other becomes aware of them— 25
- (i) to fear that violence will be used against him or her or another person connected to him or her, or
- (ii) serious alarm or distress that has a substantial adverse impact on his or her usual day-to-day activities,
- and 30
- (b) the person’s acts are such that a reasonable person would realise that the acts would cause the other, at the time when the acts occur or when the other becomes aware of them, to fear that violence will be used against him or her or another person connected to him or her, or serious alarm or distress that has a substantial adverse 35 impact on his or her usual day-to-day activities.

- (3) Without prejudice to the generality of subsections (1) and (2), the acts referred to in those subsections include the following:
- (a) following, watching, monitoring, tracking or spying upon a person;
 - (b) pestering a person;
 - (c) impersonating a person; 5
 - (d) communicating with or about a person;
 - (e) purporting to act or communicate on behalf of a person;
 - (f) disclosing to other persons private information in respect of a person;
 - (g) interfering with the property (including pets) of a person; 10
 - (h) loitering in the vicinity of a person;
 - (i) causing, without the consent of the person, an electronic communication or information system operated by a person to function in a particular way;
 - (j) breaching a court order— 15
 - (i) made pursuant to this section or *Part 5* of the *Criminal Justice (Miscellaneous Provisions) Act 2023*, or
 - (ii) otherwise restraining the person from communicating with or about the other person or, within such distance as is specified in the order, approaching the other or the place of residence, education or employment of the other person. 20
- (4) Where a person is guilty of an offence under subsection (1) or (2), the court may, in addition to or as an alternative to any other penalty, order that the person shall not, for such period as the court may specify, communicate by any means with or about the other person or that the person shall not approach within such distance as the court shall specify of the place of residence, education or employment of the other person. 25
- (5) An order under subsection (4) shall be in writing.
- (6) A copy of an order under subsection (4) shall be given to— 30
- (a) the person against whom the order is made ('the subject of the order'),
 - (b) the other person, referred to in subsection (4),
 - (c) the member of the Garda Síochána in charge of the Garda Síochána station for the area in which the person referred to in paragraph (b) resides, and 35

- (d) if the subject of the order is sentenced to a period of imprisonment, the person for the time being in charge of the place where the subject of the order is, or is to be, imprisoned.
- (7) The validity of an order under subsection (4) shall not be affected by non-compliance with subsection (6). 5
- (8) A person who fails to comply with the terms of an order under subsection (4) shall be guilty of an offence.
- (9) A person guilty of an offence under subsection (1), (2) or (8) shall be liable—
- (a) on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months, or to both, or 10
- (b) on conviction on indictment to a fine or a term of imprisonment not exceeding 10 years, or to both.
- (10) Without prejudice to any other enactment or rule of law, a court shall, in determining the sentence to be imposed on a person for an offence under this section, treat as an aggravating factor the fact that the person has previously been convicted of an offence against the other person or a person connected with the other person. 15
- (11) Subject to subsections (12) and (13), where subsection (10) applies the court shall impose a sentence which is greater than that which would have been imposed in the absence of such factor. 20
- (12) Subsection (10) shall not apply where the court considers that there are exceptional circumstances justifying it not applying that subsection.
- (13) The sentence imposed as a result of the application of subsection (10) shall not be greater than the maximum sentence permissible for the offence concerned. 25
- (14) A person charged with an offence under subsection (2) may, if the evidence does not warrant a conviction for that offence but warrants a conviction under subsection (1), be found guilty of an offence under subsection (1). 30
- (15) A reference in subsection (10) to an offence against a person includes a reference to an offence involving damage of the property of the person.”.

Prohibition on publication or broadcast of certain material 35

24. The Act of 1997 is amended by the insertion of the following section after section 10:

- “10A. (1) Subject to this section, a person (other than the alleged victim) who, where a person is charged with an offence under section 10, publishes or broadcasts identifying material shall be guilty of an offence.
- (2) Subsection (1) shall not apply where the alleged victim consents in court to being identified. 5
- (3) The court in which proceedings for the offence are brought may, where satisfied that it is in the interests of justice to do so, direct that such information, photograph, depiction or other representation to which subsection (1) applies as the court may specify may be published or broadcast in such manner, and subject to such conditions, as may be specified in the direction. 10
- (4) Before giving a direction under subsection (3), the court shall take into account—
- (a) the views of the alleged victim, and
- (b) the nature or circumstances of the case, and in particular the effect of the publication or broadcast concerned on the alleged victim. 15
- (5) A direction given under subsection (3) shall be in writing.
- (6) A person who contravenes the terms of a direction given under subsection (3) shall be guilty of an offence.
- (7) A person who is guilty of an offence under subsection (1) or (6) is liable— 20
- (a) on summary conviction to a class B fine or to imprisonment for a term not exceeding 12 months, or both, or
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding three years, or both. 25
- (8) It shall be a defence for a person who is charged with an offence under subsection (1) or (6) to prove that at the time of the alleged offence the person was not aware, and neither suspected nor had reason to suspect—
- (a) in the case of an offence under subsection (1), that the information, photograph, depiction or other representation published or broadcast was identifying information, or 30
- (b) in the case of an offence under subsection (6), that the information, photograph, depiction or other representation was published or broadcast in contravention of the terms of a direction given under subsection (3). 35
- (9) This section is without prejudice to any other enactment or rule of law that operates to prohibit the publication or broadcast of identifying material.

(10) In this section—

‘alleged victim’, in relation to an offence under section 10, means the alleged victim of that offence;

‘broadcast’ has the same meaning as it has in the Broadcasting and Other Media Regulation Acts 2009 and 2022; 5

‘identifying material’, in relation to an offence under section 10, means—

(a) information, or

(b) a photograph, depiction or other representation of the physical likeness of the alleged victim, 10

that is likely to enable the identification of the alleged victim;

‘publish’ means publish, other than by way of broadcast, to the public or a portion of the public.”.

Transitional provision

25. An order under section 10(3) of the Act of 1997 that is in effect immediately before the date on which this section comes into operation shall be deemed to be an order under subsection (4) of section 10 (as amended by *section 23*) of the Act of 1997 and that section (other than subsections (5) to (7)), as so amended, shall apply in respect of the order for the remainder of the period for which the order has effect. 15

Amendment of section 25 of Act of 1997 20

26. (1) The Act of 1997 is amended by the substitution of the following section for section 25:

“**25.** (1) In any proceedings for an offence alleging the causing of harm or serious harm to a person, the production of a certificate purporting to be signed by a registered medical practitioner and relating to— 25

(a) an examination of that person by the registered medical practitioner,

(b) an examination of that person by another person who was acting under the supervision, or was otherwise subject to the authority, of the registered medical practitioner, or 30

(c) the medical assessment by the registered medical practitioner of the medical records relating to an examination of that person,

shall, unless the contrary is proved, be evidence of any fact or opinion (including an opinion in relation to the source or effect of, or a prognosis in respect of, harm or serious harm to the person) thereby certified without proof of any signature thereon or that any such signature is that of such registered medical practitioner. 35

- (2) A certificate to which subsection (1) applies shall include a statement as to which paragraph of that subsection applies to the registered medical practitioner who signs the certificate.
- (3) In this section, ‘registered medical practitioner’ means a person who is a registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.” 5
- (2) The validity of a certificate to which section 25 of the Act of 1997 applies that was signed by a registered medical practitioner before the coming into operation of *subsection (1)* shall not be affected by such coming into operation.

PART 5 10

CIVIL ORDERS AGAINST RELEVANT CONDUCT

Definitions (Part 5)

27. (1) In this Part, “court” means the District Court, or, on appeal from the District Court, the Circuit Court.
- (2) For the purposes of this Part, “relevant conduct” means conduct engaged in, without lawful authority or reasonable excuse, by the respondent towards the applicant or, where relevant, a person connected to the applicant, that would reasonably be considered likely to cause the applicant— 15
- (a) to fear that violence will be used against the applicant or person, or
- (b) serious alarm or distress that has a substantial adverse impact on his or her usual day-to-day activities. 20
- (3) Without prejudice to the generality of *subsection (2)*, the conduct referred to in that subsection includes the following:
- (a) following, watching, monitoring, tracking or spying upon a person;
- (b) pestering a person; 25
- (c) impersonating a person;
- (d) communicating with or about a person;
- (e) purporting to act or communicate on behalf of a person;
- (f) disclosing to other persons private information in respect of a person;
- (g) interfering with the property (including pets) of a person; 30
- (h) loitering in the vicinity of a person;
- (i) causing, without the consent of the person, an electronic communication or information system operated by a person to function in a particular way.

- (4) A reference in this Part to an order under *section 28* includes a reference to such an order as varied under *section 29* and to a further order made under *section 30*.

Order under *section 28*

28. (1) A—

- (a) person (in this Part referred to as an “applicant”), or 5
- (b) member of the Garda Síochána, acting in accordance with *section 31*, on behalf of an applicant,
- may apply to the court for an order under this section against another person (in this Part referred to as a “respondent”).
- (2) Subject to *subsection (7)*, an application under *subsection (1)* shall be made on notice 10 to the respondent concerned.
- (3) The court, on application to it under this section, may make an order under this section where it is of the opinion that—
- (a) there are reasonable grounds for believing that the respondent has engaged in relevant conduct towards the applicant or, where relevant, a person connected to the applicant, and 15
- (b) the making of the order is, in all of the circumstances, necessary for, and proportionate to, the purpose of protecting the safety and welfare of the applicant.
- (4) An order under this section may prohibit the respondent from doing any or all of the following in respect of the applicant or, where relevant, a person connected to the applicant: 20
- (a) using or threatening to use violence against, molesting or putting in fear the person;
- (b) following or communicating by any means with or about the person;
- (c) approaching, within such distance as the court shall specify, the place of residence, education or employment of the person; 25
- (d) engaging in such other forms of relevant conduct as the court specifies.
- (5) An order under this section may be subject to such exceptions and conditions as the court specifies.
- (6) Subject to *subsections (9)* and *(13)*, an order under this section shall have effect for a period of 5 years from the date on which it is made, or such shorter period as may be specified by the court. 30
- (7) An application under *subsection (1)* may be made *ex parte*, where grounded on an affidavit or information sworn by the applicant.
- (8) An order under this section may be made on an application to which *subsection (7)* applies where the court, having regard to the particular circumstances of the case, is 35

of the opinion that there are reasonable grounds for believing that there is an immediate risk to the safety and welfare of the applicant.

- (9) An order under this section that is made under *subsection (8)* shall have effect for a period of 8 days from the day on which it is made, or such shorter period as may be specified in the order. 5
- (10) Where an order under this section is made under *subsection (8)*—
- (a) a note of evidence given by the applicant shall be prepared forthwith—
 - (i) by the judge,
 - (ii) by the applicant or by the applicant’s solicitor and approved by the judge, or
 - (iii) as otherwise directed by the judge, 10
 - and
 - (b) a copy of the order, the affidavit or information sworn under *subsection (7)* and the note of evidence shall be served on the respondent as soon as practicable.
- (11) The court, on making an order under this section under *subsection (8)*, shall cause a copy of the order to be given or sent, as soon as practicable— 15
- (a) to the applicant, and
 - (b) to such of the persons referred to in *paragraphs (d), (e) and (f) of section 35(1)* as the court considers appropriate.
- (12) The court, on an application under *subsection (1)* that is made on notice to the respondent, or between the making of that application and its determination, may, 20 pending the determination of the application, make an order under this section (in this Part referred to as an “interim order”) where it is of the opinion that it is necessary and proportionate to do so for the purpose of protecting the safety and welfare of the applicant.
- (13) An interim order shall cease to have effect on the determination by the court of the application under *subsection (1)*. 25
- (14) The court, on making an interim order, shall cause a copy of the interim order to be given or sent, as soon as practicable—
- (a) to the applicant,
 - (b) to the respondent, and 30
 - (c) to such of the persons referred to in *paragraphs (d), (e) and (f) of section 35(1)* as the court considers appropriate.
- (15) The validity of an order under this section that is made under *subsection (8)*, or an interim order, shall not be affected by non-compliance with *subsection (11)* or *(14)*, as the case may be. 35
- (16) *Sections 30 and 35* shall not apply to an order under this section that is made under *subsection (8)* or to an interim order.

Variation or discharge of order under section 28

- 29.** (1) An application to the court for the variation or discharge of an order under *section 28* may be made by—
- (a) the applicant, on notice to the respondent,
 - (b) the respondent, on notice to the applicant, or 5
 - (c) a person referred to in *section 28(1)(b)*, on notice to the applicant and the respondent.
- (2) The court, on application to it under *subsection (1)* for the variation of an order, may, where it is of the opinion that it is necessary and proportionate to do so, vary the order concerned as it considers appropriate. 10
- (3) The court, on application to it under *subsection (1)* for the discharge of an order, may—
- (a) where it is of the opinion that the order is no longer necessary and proportionate under all of the circumstances to protect the safety and welfare of the applicant, discharge the order, or 15
 - (b) where it is of the opinion that it is necessary and proportionate to do so, vary the order concerned as it considers appropriate.
- (4) For the purposes of an application under this section or *section 30*, an order made by the Circuit Court on appeal from the District Court shall be treated as if it had been made by the District Court. 20

Renewal of order under section 28

- 30.** (1) On or before the expiry of an order under *section 28*, an applicant or a person referred to in *section 28(1)(b)* may apply to the court for a further order under that section.
- (2) *Subsections (2) to (6)* of *section 28* shall apply to an application under *subsection (1)* as they apply to an application under that section. 25

Application under section 28, 29 or 30 by member of Garda Síochána

- 31.** (1) A member of the Garda Síochána may make an application to the court under *section 28, 29 or 30* where he or she becomes aware of an alleged incident or series of incidents of relevant conduct which he or she believes to justify the making of the application. 30
- (2) Before making an application referred to in *subsection (1)*, the member concerned shall, as far as is reasonably practicable, ascertain the views of the applicant concerned as to whether it is appropriate in all the circumstances for the member to make the application concerned.

Protection against cross-examination by applicant or respondent

- 32.** (1) Where— 35

- (a) an application is made to a court under *section 28, 29 or 30*,
- (b) a person under the age of 18 years is to give evidence, and
- (c) the applicant or respondent proposes to cross-examine the person referred to in *paragraph (b)* personally,

the court shall direct that the applicant or the respondent, as the case may be, may not personally cross-examine the witness unless the court is of the opinion that the interests of justice require the applicant or respondent to conduct the cross-examination personally. 5

(2) Where—

- (a) an application is made to a court under *section 28, 29 or 30*, 10
- (b) a person who has attained the age of 18 years, being the applicant for the order or the person connected to the applicant towards whom the relevant conduct to which the application relates is alleged to have been engaged in, is to give evidence, and
- (c) the applicant or respondent proposes to cross-examine the person referred to in *paragraph (b)* personally, 15

the court may direct that the applicant or the respondent, as the case may be, may not personally cross-examine the witness unless the court is of the opinion that the interests of justice require the applicant or respondent to conduct the cross-examination personally. 20

(3) Where an applicant or respondent, as the case may be, is prevented from cross-examining a witness by virtue of *subsection (1) or (2)*, the court shall—

- (a) invite the applicant or respondent to arrange for a legal representative to act for him or her for the purpose of cross-examining the witness, and
- (b) require the applicant or respondent to notify the court, by the end of such period as it may specify, as to whether a legal representative is to act for him or her for that purpose. 25

(4) If by the end of the period referred to in *subsection (3)(b)*, the applicant or respondent has notified the court that no legal representative is to act for him or her for the purpose of cross-examining the witness or no notification has been received by the court and it appears to the court that no legal representative is to so act, the court shall consider whether it is necessary, in the interests of justice, for the witness to be cross-examined by a legal representative appointed to act for the applicant or respondent for that purpose. 30

(5) If the court decides under *subsection (4)* that it is necessary, in the interests of justice, for the witness to be cross-examined by a legal representative appointed to act for the applicant or respondent for that purpose, the court shall appoint a legal representative (chosen by the court) to cross-examine the witness on behalf of the applicant or respondent. 35

Requirement to give reasons for certain decisions

33. Where an application is made to a court under *section 28, 29 or 30*, the court shall give reasons for its decision—
- (a) to grant or refuse the application,
 - (b) if applicable, to make the order applied for subject to exceptions or conditions, or 5
 - (c) if applicable, to vary the exceptions or conditions referred to in *paragraph (b)*.

Taking effect of relevant order

34. (1) A relevant order shall take effect on notification of the making of the order concerned being given to the respondent.
- (2) Oral communication to the respondent by or on behalf of the applicant of the fact that a relevant order has been made, together with production of a copy of the relevant order, shall, without prejudice to the sufficiency of any other form of notification, be taken to be sufficient notification to the respondent of the making of the order. 10
- (3) If the respondent is present at a sitting of the court at which the relevant order is made, that respondent shall be taken for the purposes of *subsection (1)* to have been notified of its making. 15
- (4) A court may direct that a relevant order be served personally by a member of the Garda Síochána on a respondent who is not present at a sitting of the court at which the order is made in any case where—
- (a) there are reasonable grounds for believing that the respondent may evade service of the order, or 20
 - (b) there is any other good and sufficient reason to so direct.
- (5) In this section, “relevant order” means—
- (a) an order under *section 28 or 30*, or
 - (b) an order under *section 29*, other than an order discharging an order under *section 28*. 25

Copies of orders to be given to certain persons

35. (1) The court, on making, varying or discharging an order under *section 28*, shall cause a copy of its order under *section 28, 29 or 30*, as the case may be, to be given or sent as soon as practicable— 30
- (a) to the applicant,
 - (b) to the respondent,
 - (c) where an application has been made by a member of the Garda Síochána acting in accordance with *section 31*, to that member,

- (d) to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which the person, for whose benefit the order is made, resides,
- (e) where the order in question is a variation or discharge of an order and the person for whose benefit the order was made had previously resided elsewhere, to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which that person had so resided, but only if that member had previously been sent under this subsection a copy of that order, or any order relating thereto, and 5
- (f) insofar as is reasonably practicable, where the order in question prohibits or restricts the respondent from approaching a specified place, to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which the specified place is situated. 10
- (2) The validity of an order to which this section relates shall not be affected by non-compliance with *subsection (1)*.

Exercise of jurisdiction by court in civil proceedings

15

36. (1) The jurisdiction of the court in respect of proceedings under this Part may be exercised—

- (a) as regards the Circuit Court, by the judge of the Circuit Court within whose circuit either the applicant or respondent resides, and
- (b) as regards the District Court, by a judge of the District Court for the time being assigned to the district court district within which either the applicant or respondent resides. 20
- (2) For the purposes of *subsection (1)*, a person concerned who would, but for the conduct of the respondent, be residing at a place may be treated by the court as residing at that place. 25

Hearing of proceedings

37. (1) Subject to section 40 of the Civil Liability and Courts Act 2004 and *section 40*, an application under *section 28, 29 or 30* shall be heard otherwise than in public.
- (2) Proceedings under this Part shall be as informal as is practicable and consistent with the administration of justice. 30
- (3) Judges hearing and determining proceedings under this Part, and barristers and solicitors appearing in those proceedings, shall not wear wigs or gowns.

Special sitting of District Court

38. (1) A member of the Garda Síochána not below the rank of sergeant may request the Courts Service to arrange a special sitting of the District Court for the purposes of the making of an application under this Part— 35

- (a) where a person has informed the member that he or she wishes to make an application under *section 28, 29 or 30*, and
- (b) at the time the person so informs the member, there is no District Court sitting in the district court district in which that person would make such an application if that court was sitting. 5
- (2) The Courts Service may, with the consent of a judge of the District Court exercising jurisdiction in accordance with *section 36*, arrange such special sittings of the District Court in the district court district referred to in *subsection (1)(b)* as may be necessary for the purposes specified in that subsection.
- (3) In this section, “special sitting” means a sitting of the District Court at a place and time not standing appointed for the time being under section 26 of the Courts of Justice Act 1953 or section 40 or 42 of the Courts (Supplemental Provisions) Act 1961 for the transaction of the business of the District Court. 10

Evidence through television link for civil proceedings

39. (1) In proceedings under this Part, a person (other than the respondent) may give evidence through a live television link— 15
- (a) where that person has not attained the age of 18 years, unless the court sees good reason to the contrary,
- (b) in any other case, with the leave of the court.
- (2) Evidence given under *subsection (1)* shall be video-recorded or audio-recorded. 20
- (3) Where live television link facilities are not in operation in a circuit court or district court district, and in the opinion of the court concerned it is desirable that evidence in proceedings under this Part be given through a live television link, the court may by order transfer the proceedings to a circuit or district court district in relation to which those facilities are in operation. 25
- (4) Where a court transfers proceedings under *subsection (3)*, the jurisdiction of the court to which the proceedings have been transferred may be exercised—
- (a) in the case of the Circuit Court, by the judge of the circuit concerned, and
- (b) in the case of the District Court, by the judge of that court for the time being assigned to the district court district concerned. 30
- (5) In this section, “video-recorded” means a recording on any medium from which a moving image may, by any means, be produced and includes the accompanying soundtrack (if any).

Right to be accompanied in court in certain circumstances

40. (1) Subject to *subsection (2)*, an applicant may, in addition to being accompanied by his or her legal representative (if any), be accompanied in court by an individual of his or her choice. 35

- (2) The court may refuse to allow an applicant to be accompanied in court by a particular individual at any stage in the proceedings which relate to the applicant if the court considers that it would not be in the interests of justice for the individual concerned to accompany, or continue to accompany, the applicant and where the court so refuses it shall give reasons for such refusal.

5

Costs

41. The costs of proceedings under this Part shall be at the discretion of the court.

Rules of court and service of documents

42. (1) For the purpose of ensuring the expeditious hearing of applications under this Part, rules of court may make provision for the service of documents otherwise than under section 7 of the Courts Act 1964 in circumstances to which that section relates. 10
- (2) This section is without prejudice to section 24 of the Interpretation Act 2005.

Extraterritoriality

43. (1) An order under *section 28, 29 or 30* may be made against a respondent who—
- (a) resides or is present in the State, or 15
- (b) intends to come to the State.
- (2) An order under *section 28, 29 or 30* may be made for the benefit of an applicant who—
- (a) resides or is present in the State, or
- (b) where *subsection (1)(a)* applies, does not reside or is not present in the State. 20
- (3) In determining whether to make an order under *section 28, 29 or 30*, the Court may take into account conduct that occurred—
- (a) inside or outside the State, and
- (b) before or after the coming into operation of this Part.

Offence

25

44. (1) A person who contravenes an order made against him or her under *section 28*, commits an offence and shall be liable on summary conviction to a class B fine or to imprisonment for a term not exceeding 12 months.
- (2) *Subsection (1)* is without prejudice to the law relating to contempt of court or any other liability, whether civil or criminal, that may be incurred by the person concerned. 30

Arrest without warrant

45. (1) Where a member of the Garda Síochána has reasonable cause for believing that an offence is being or has been committed under *section 44(1)*, the member may, on complaint being made to him or her by or on behalf of the person who was the applicant under *section 28, 29 or 30*, as the case may be, for the order concerned, 5
arrest the respondent concerned without warrant.
- (2) For the purpose of arresting a respondent under *subsection (1)*, a member of the Garda Síochána may enter, if need be by force, and search a place where the member, with reasonable cause, suspects the respondent to be.

Prohibition on publication or broadcast of certain material relating to offence under section 44 10

46. (1) Subject to this section, where a person is charged with an offence under *section 44*, a person (other than the relevant person) who publishes or broadcasts identifying material commits an offence.
- (2) *Subsection (1)* shall not apply where the relevant person consents in court to being 15
identified or to the person charged with the offence being identified, or both.
- (3) The court in which proceedings for the offence are brought may, where satisfied that it is in the interests of justice to do so, direct that such information, photograph, depiction or other representation to which *subsection (1)* applies as the court may specify may be published or broadcast in such manner, and subject to such conditions, 20
as may be specified in the direction.
- (4) Before giving a direction under *subsection (3)*, the court shall take into account—
- (a) the views of the relevant person, and
- (b) the nature or circumstances of the case, and in particular the effect of the 25
publication or broadcast concerned on the relevant person.
- (5) A direction given under *subsection (3)* shall be in writing.
- (6) A person who contravenes the terms of a direction given under *subsection (3)* commits an offence.
- (7) A person who commits an offence under *subsection (1)* or (6) is liable—
- (a) on summary conviction to a class B fine or to imprisonment for a term not 30
exceeding 12 months, or both, or
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding three years, or both.
- (8) It shall be a defence for a person who is charged with an offence under *subsection (1)* or (6) to prove that at the time of the alleged offence the person was not aware, and 35
neither suspected nor had reason to suspect—

- (a) in the case of an offence under *subsection (1)*, that the information, photograph, depiction or other representation published or broadcast was identifying material, or
- (b) in the case of an offence under *subsection (6)*, that the information, photograph, depiction or other representation was published or broadcast in contravention of the terms of a direction given under *subsection (3)*. 5
- (9) This section is without prejudice to any other enactment or rule of law that operates to prohibit the publication or broadcast of identifying material.
- (10) In this section—
- “broadcast” has the same meaning as it has in the Broadcasting and Other Media Regulation Acts 2009 and 2022; 10
- “identifying material”, in relation to an offence under *section 44*, means—
- (a) information, or
- (b) a photograph, depiction or other representation of the physical likeness of the relevant person or of the person charged with the offence, 15
- that is likely to enable the identification of the relevant person or of the person charged with the offence;
- “publish” means publish, other than by way of broadcast, to the public or a portion of the public;
- “relevant person”, in relation to an offence under *section 44*, means the applicant for whose benefit the order concerned was made. 20

Saver (Part 5)

47. The operation of this Part is without prejudice to the powers of the court under section 10(4) of the Non-Fatal Offences against the Person Act 1997, or section 46 of the Criminal Law (Sexual Offences) Act 2017. 25

PART 6

AMENDMENT OF CRIMINAL JUSTICE (MUTUAL ASSISTANCE) ACT 2008

Definition (Part 6)

48. In this Part, “Act of 2008” means the Criminal Justice (Mutual Assistance) Act 2008.

Amendment of section 2(1) of Act of 2008

49. Section 2(1) of the Act of 2008 is amended by the insertion of the following definitions: 30

“ ‘EPPO’ means the European Public Prosecutor’s Office established under Article 3 of Council Regulation (EU) 2017/1939 of 12 October 2017³ implementing enhanced cooperation on the establishment of the European Public Prosecutor’s Office (‘the EPPO’), as amended by Commission Delegated Regulation (EU) 2020/2153 of 14 October 2020⁴; 5

‘EPPO request’ means a request for assistance that is made by EPPO in accordance with section 6 (as applied by section 94K) and the Part 7B Regulations (if any) and includes a request that is deemed under section 94F(3) to have been so made; 10

‘Part 7B Regulations’ has the meaning assigned to it by section 109(1B);

‘relevant EPPO member state’ means a member state of the European Union—

- (a) that participates in enhanced cooperation on the establishment of EPPO in accordance with Article 86(1) of the Treaty on the Functioning of the European Union or by virtue of a decision adopted in accordance with Article 331(1) of that Treaty, and 15
- (b) where EPPO is conducting a criminal investigation or criminal proceedings that are the subject of an EPPO request;”. 20

Application for purposes of Part 7B

50. The Act of 2008 is amended by the insertion of the following section after section 2:

“Application for purposes of Part 7B

2A. This Act shall, subject to Part 7B and with all other necessary modifications, apply to the provision of assistance referred to in section 94F(1) as it applies to the provision of mutual assistance between the State and a designated state.”. 25

Amendment of section 53 of Act of 2008

51. Section 53 of the Act of 2008 is amended—

(a) in subsection (7)(b), by the substitution of “subsections (8) and (9)” for “subsection (8)”, and 30

(b) by the insertion of the following subsection after subsection (8):

“(9) Where property recovered by the execution of a confiscation co-operation order transmitted by or on behalf of a court in a designated state, other than a member state or the United Kingdom, is a sum of money or the proceeds of a sale under subsection (7)(b), the 35

³ OJ L 283, 31.10.2017, p. 1-71

⁴ OJ L 431, 21.12.2020, p. 1-4

Court, on application by the Central Authority and in accordance with the relevant international instrument, may—

- (a) order the money or the proceeds of sale to be transferred to the designated state, or
- (b) order part of the money or the proceeds of sale to be transferred to the designated state and the remaining balance shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.”. 5

Assistance in criminal matters between State and EPPO

52. The Act of 2008 is amended by the insertion of the following Part after Part 7A: 10

“PART 7B

ASSISTANCE IN CRIMINAL MATTERS BETWEEN STATE AND EPPO

CHAPTER 1

General

Application of Part

- 15
- 94F. (1) This Part shall apply to the provision of assistance in criminal matters between the State and EPPO.
- (2) This Part shall apply to EPPO requests whether made before, on or after the coming into operation of *section 52* of the *Criminal Justice (Miscellaneous Provisions) Act 2023*. 20
- (3) Where, before the coming into operation of *section 52* of the *Criminal Justice (Miscellaneous Provisions) Act 2023*, EPPO has sought assistance from the State, the seeking of such assistance shall, for the purposes of this Part, be deemed—
- (a) to be an EPPO request, 25
 - (b) to have been made in accordance with this Act, and
 - (c) subject to subsection (4), to have been received by the State on the coming into operation of that section.
- (4) Where assistance referred to in subsection (3) involves—
- (a) the notification of the Minister as referred to in subsection (1)(d) of section 27, subsection (2) of that section shall apply as if ‘and at the latest within a period specified in subsection (7),’ was deleted, and 30

- (b) an external freezing order, section 35(3) shall apply as if ‘and, whenever practicable, within 24 hours of receipt of the order and a duly completed certificate’ was deleted.

Cooperation with EPPO

- 94G.** (1) The State shall cooperate with EPPO in respect of EPPO requests. 5
- (2) An EPPO request and a request to EPPO by the State may be made under this Act, notwithstanding that such requests are not made in accordance with the provisions of an international instrument.
- (3) Where the State has received a request in accordance with a relevant international instrument from a member state that is a relevant EPPO member state, the Minister may, notwithstanding the purposes permitted by the relevant international instrument, permit the evidence and information obtained in the State in compliance with the request, to be shared by the member state with EPPO. 10
- (4) Where the State has received a request referred to in subsection (3), assistance shall not be refused solely on the ground that evidence or information regarding the request is to be provided by the State to EPPO. 15

Modification of references for purposes of Part (general)

- 94H.** For the purposes of this Part a reference in this Act— 20
- (a) to a member state shall, subject to paragraph (b), unless the context otherwise requires, be construed as a reference to a relevant EPPO member state,
- (b) to a request from a member state shall be construed as a reference to an EPPO request, 25
- (c) to an assurance by a requesting authority shall, subject to section 94AG and paragraph (c) of section 94AQ, be construed as a reference to an assurance by—
- (i) EPPO, or
- (ii) the relevant EPPO member state in which EPPO is conducting a criminal investigation or criminal proceedings that are the subject of an EPPO request, 30
- (d) to an order, an interception order, a warrant or a document being issued, or made, by EPPO shall be construed as including a reference to an order, an interception order, a warrant or a document, as the case may be, being issued, or made, by the relevant EPPO member state on the request of EPPO, and 35
- (e) to the law of the designated state shall—

- (i) in section 15(2)(c)(iv), be construed as a reference to the law of the relevant EPPO member state,
- (ii) in section 17(3)(a), be construed as a reference to the law of the relevant EPPO member state, and
- (iii) in section 66(5), be construed as a reference to the law of the relevant EPPO member state. 5

CHAPTER 2

Modification of Part 1 for purposes of Part

Application of section 2 for purposes of Part

94I. For the purposes of this Part, section 2(1) shall apply subject to the following and any other necessary modifications: 10

(a) in the definition of ‘criminal conduct’, paragraph (b) shall be construed as if the following paragraph were substituted for that paragraph:

‘(b) which occurs in a state (other than the State) and would, if it occurred in the State, constitute an offence;’, 15

(b) in the definition of ‘criminal investigation’, paragraph (a) shall be construed as if the following paragraph were substituted for that paragraph:

‘(a) means an investigation conducted by EPPO, and’, 20

(c) the definition of ‘criminal proceedings’ shall apply as if paragraph (d) was deleted,

(d) in the definition of ‘offence’—

(i) paragraph (a) shall be construed as if the following paragraph were substituted for that paragraph: 25

‘(a) means an offence in respect of which an EPPO request may be made;’,

and

(ii) in paragraph (b), as if ‘if or to the extent that the relevant international instrument or the law of the designated state concerned provides for mutual assistance in respect of such an offence,’ was deleted, 30

and

(e) in the definition of ‘requesting authority’—

(i) paragraph (a) shall be construed as if the following paragraph were substituted for that paragraph: 35

‘(a) EPPO, or’,

and

(ii) in paragraph (b), the reference to any other authority in that state shall be construed as a reference to any person.

Application of section 3 for purposes of Part 5

94J. For the purposes of this Part, section 3 shall apply subject to the following and any other necessary modifications—

(a) as if paragraph (c) of subsection (1) was deleted, and

(b) a reference in subsection (1) to specified in the relevant international instrument shall be construed as a reference to specified in or under this Act. 10

Application of section 6 for purposes of Part

94K. For the purposes of this Part, section 6 shall be construed as if the following section were substituted for that section:

‘6. (1) Subject to the provisions of this Act concerning particular requests and such matters as may be provided for in Part 7B Regulations (if any), an EPPO request shall— 15

(a) be addressed to the Central Authority,

(b) be in writing or in any form capable of producing a written record under conditions allowing its authenticity to be established, and 20

(c) if not in the Irish, or English, language, be accompanied by a translation into either of those languages.

(2) The Minister may—

(a) accept an EPPO request and any supporting or related documents as evidence of the matters mentioned in them unless he or she has information to the contrary, 25

(b) seek such additional information from EPPO as may be necessary to enable a decision to be taken on an EPPO request, and 30

(c) accept a request from EPPO and treat the request as an EPPO request notwithstanding that the request is expressed as a request made in accordance with a relevant international instrument.

(3) Action on an EPPO request may be postponed by the Minister if the action would prejudice criminal proceedings or a criminal investigation. 35

- (4) Before refusing an EPPO request or postponing action on it, the Minister shall, where appropriate and having consulted EPPO, consider whether the request may be granted partially or subject to such conditions as he or she considers necessary.
- (5) Reasons shall be given for any such refusal or postponement. 5
- (6) The Minister shall inform EPPO of any circumstances that make it impossible to comply with an EPPO request or are likely to significantly delay compliance.’.

Application of section 7 for purposes of Part

- 94L.** For the purposes of this Part, section 7 shall apply subject to the modification (and any other necessary modifications) that a reference in that section to the designated state concerned or the designated state shall be construed as a reference to EPPO. 10

Application of section 8 for purposes of Part

- 94M.** For the purposes of this Part, section 8 shall apply subject to the modification that the reference in subsection (2) to the function of co-operating, in accordance with the relevant international instrument, with corresponding persons or bodies in designated states shall be construed as including a reference to co-operating with EPPO as referred to in section 94G(1). 15 20

Application of section 9 for purposes of Part

- 94N.** For the purposes of this Part, section 9 shall apply subject to the following and any other necessary modifications—
- (a) a reference to—
- (i) a competent authority, and 25
- (ii) a competent authority in a designated state, shall be construed as a reference to EPPO,
- (b) in subsection (1), as if ‘in accordance with the relevant international instrument and’ was deleted,
- (c) as if subsections (3) and (5) were deleted, and 30
- (d) in subsection (4), as if the ‘pursuant to the relevant international instrument’ was deleted.

CHAPTER 3

Modification of Part 2 for purposes of Part

Application of section 14 for purposes of Part 35

- 94O.** For the purposes of this Part, section 14 shall apply subject to the following and any other necessary modifications—

- (a) in subsection (1), the reference to a competent authority in that state shall be construed as a reference to EPPO,
- (b) in subsection (2), the reference to a competent authority in a designated state shall be construed as a reference to EPPO,
- (c) in subsection (4), a reference— 5
 - (i) to the competent authority shall be construed as a reference to EPPO, and
 - (ii) to the relevant international instrument shall be construed as a reference to EPPO,
- and 10
- (d) in subsection (5), the reference to—
 - (i) the competent authority, and
 - (ii) the authority,
 shall be construed as a reference to EPPO.

Application of section 17 for purposes of Part 15

94P. For the purposes of this Part, section 17 shall apply (subject to the modification in section 94H(e)(ii) and any other necessary modifications) as if subsection (3)(c) was deleted.

Application of section 20 for purposes of Part

94Q. For the purposes of this Part, section 20 shall apply subject to the modification (and any other necessary modifications) that the reference in subsection (2) to the competent authority in the designated state concerned shall be construed as a reference to EPPO. 20

CHAPTER 4

Modification of Part 3 for purposes of Part 25

Application of section 24 for purposes of Part

94R. For the purposes of this Part, section 24 shall apply subject to the following and any other necessary modifications—

- (a) in subsection (1)—
 - (i) in paragraph (b), the reference to issued in the member state shall be construed as a reference to issued by EPPO, and 30
 - (ii) in paragraph (c), a reference to a competent authority in a member state shall be construed as a reference to EPPO,
- (b) in subsection (1)(d)(i), the reference to the competent authority in the former member state shall be construed as a reference to EPPO, and 35

- (c) in subsection (2)—
 - (i) as if paragraph (a) was deleted, and
 - (ii) in paragraph (g), as if ‘pursuant to Article 20(2)(a) of the 2000 Convention’ was deleted.

Application of section 25 for purposes of Part 5

94S. For the purposes of this Part, section 25 shall apply subject to the following and any other necessary modifications—

- (a) in subsection (2)(b)(ii), the reference to the member state shall be construed as a reference to EPPO,
- (b) in subsection (3)(a), the reference to the requesting state shall be construed as a reference to the relevant EPPO member state, 10
- (c) in subsection (6), a reference to a competent authority in the member state shall be construed as a reference to EPPO, and
- (d) as if the following subsection were substituted for subsection (7): 15

‘(7) In considering a request for a transcript of a recording to which this section applies, the Minister shall have regard to all the circumstances of the particular case, and may make the granting of such a request subject to any condition to which authorisation of the interception may be subject.’. 20

Application of section 27 for purposes of Part

94T. For the purposes of this Part, section 27 shall apply subject to the following and any other necessary modifications—

- (a) a reference to— 25
 - (i) a competent authority, and
 - (ii) a competent authority in a member state,

shall be construed as a reference to EPPO, and
- (b) in subsection (1), as if the following paragraph were substituted for paragraph (d): 30

‘(d) EPPO notifies the Minister accordingly.’.

Application of section 28 for purposes of Part

94U. For the purposes of this Part, section 28 shall apply subject to the modification (and any other necessary modifications) that the reference in subsection (3)(b) to issued in the member state shall be construed as a reference to issued by EPPO. 35

CHAPTER 5

*Modification of Part 4 for purposes of Part***Modification of reference to competent authority**

94V. For the purposes of this Part, a reference in Part 4 to—

- (a) a competent authority in a designated state shall be construed as if 5
‘in a designated state’ was deleted, and
- (b) a competent judicial authority in the designated state, shall be
construed as a reference to EPPO.

Application of section 31 for purposes of Part

94W. For the purposes of this Part, section 31 shall apply subject to the 10
following and any other necessary modifications:

- (a) as if the following were substituted for the definition of ‘competent
authority’:

‘ ‘competent authority’ means EPPO;’,

- (b) in the definition of ‘external freezing order’, as if the following 15
paragraph were substituted for paragraph (a):

‘(a) taken provisionally by EPPO in criminal proceedings to
prevent the destruction, transformation, moving,
transfer, disposal or use of specified property in the
State that could be subject to confiscation or be evidence 20
in those proceedings, and’,

and

- (c) as if the following were substituted for the definition of ‘issuing
state’:

‘ ‘issuing state’ means EPPO;’. 25

Application of section 34 for purposes of Part

94X. For the purposes of this Part, section 34 shall apply subject to the
following and any other necessary modifications:

- (a) subsection (1) shall be construed as if the following were 30
substituted for that subsection:

‘(1) A request from EPPO for the enforcement of an external
freezing order shall be accompanied by—

- (a) a duly certified copy of the order, and
- (b) a statement of the grounds for the making of the order.’,

- (b) as if subsection (2) was deleted, 35

- (c) subsection (3) shall apply as if the reference therein to subsection (2) was deleted,
- (d) in subsection (4), the reference to an issuing judicial authority shall be construed as a reference to EPPO, and
- (e) in subsection (5), the reference to— 5
 - (i) the issuing judicial authority, and
 - (ii) that judicial authority,

shall be construed as a reference to EPPO.

Application of section 35 for purposes of Part

94Y. For the purposes of this Part, section 35 shall apply subject to the following and any other necessary modifications: 10

- (a) in subsection (2), as if ‘and, in the case of a designated state (other than a member state), shall be made with the consent of the Minister’ was deleted,
- (b) in subsection (3), the reference to a member state shall be construed as reference to EPPO, 15
- (c) as if subsection (6) was deleted, and
- (d) in subsection (7)(c), the reference to the issuing judicial authority shall be construed as a reference to EPPO.

Application of section 42 for purposes of Part 20

94Z. For the purposes of this Part, section 42(2) shall apply subject to the following and any other necessary modifications:

- (a) as if ‘subject to any provision to the contrary in the relevant international instrument,’ was deleted, and
- (b) the reference to the designated state concerned shall be construed as a reference to EPPO. 25

Application of section 45 for purposes of Part

94AA. For the purposes of this Part, section 45(5) shall apply subject to the modification (and any other modifications) that the reference to the issuing judicial authority shall be construed as a reference to EPPO. 30

Application of section 46 for purposes of Part

94AB. For the purposes of this Part, section 46 shall apply subject to the following and any other necessary modifications:

- (a) in subsection (1)— 35
 - (i) as if paragraphs (a) and (b) were deleted, and
 - (ii) in paragraph (d), as if ‘in a certificate’ was deleted,

(b) as if subsection (2) was deleted, and

(c) in subsection (3)—

(i) the reference to—

(I) the issuing judicial authority concerned, and

(II) the judicial authority,

5

shall be construed as a reference to EPPO, and

(ii) in subparagraph (i), as if ‘in the certificate’ was deleted.

Application of section 47 for purposes of Part

94AC. For the purposes of this Part, section 47(4) shall apply subject to the modification (and any other modifications) that the reference to the issuing judicial authority shall be construed as a reference to EPPO. 10

CHAPTER 6

Modification of Part 5 for purposes of Part

Application of section 62 for purposes of Part

94AD. For the purposes of this Part, section 62 shall apply subject to the following and any other necessary modifications— 15

(a) the definition of ‘appropriate authority’ shall be construed as including the following paragraph after paragraph (a):

‘(ab) EPPO, or’,

and

20

(b) subsection (6) shall be construed as if ‘permitted by the relevant international instrument or’ was deleted.

Application of section 63 for purposes of Part

94AE. For the purposes of this Part, section 63(3) shall apply as if (and with any other necessary modifications) ‘permitted by the relevant international instrument or’ was deleted. 25

Application of section 64 for purposes of Part

94AF. For the purposes of this Part, section 64(3) shall apply subject to the modification (and any other necessary modifications) that the reference to a court in the state concerned shall be construed as a reference to a court in the relevant EPPO member state. 30

Application of section 66 for purposes of Part

94AG. For the purposes of this Part, section 66(5) shall apply subject to the modification (and any other necessary modifications) that the reference to an assurance by a requesting authority shall be construed as a reference to an assurance by the relevant EPPO member state in which EPPO is 35

conducting a criminal investigation or criminal proceedings that are the subject of an EPPO request.

Application of section 67 for purposes of Part

94AH. For the purposes of this Part, section 67 shall apply as if subsection (10) was deleted and subject to any other necessary modifications. 5

Application of section 70 for purposes of Part

94AI. For the purposes of this Part, section 70 shall apply subject to the following and any other necessary modifications—

- (a) in subsection (3), the reference to the requesting state shall be construed as a reference to the relevant EPPO member state, and 10
- (b) in subsection (6), the reference to a judge of the designated state shall be construed as a reference to a judge of the relevant EPPO member state.

Application of section 73 for purposes of Part

94AJ. For the purposes of this Part, section 73 shall apply subject to the following and any other necessary modifications— 15

- (a) the definition of ‘appropriate authority’ shall be construed as including the following paragraph after paragraph (a):

‘(ab) EPPO, or’,

- (b) in subsection (1), as if ‘, in accordance with the relevant international instrument,’ was deleted, and 20
- (c) in subsection (6), as if ‘permitted by the relevant international instrument or’ was deleted.

Application of section 74 for purposes of Part

94AK. For the purposes of this Part, section 74 shall apply subject to the following and any other necessary modifications— 25

- (a) as if subsection (3) was deleted, and
- (b) in subsection (5)(a), as if ‘permitted by the relevant international instrument or’ was deleted.

Application of section 75 for purposes of Part 30

94AL. For the purposes of this Part, section 75 shall apply subject to the following and any other necessary modifications—

- (a) as if subsection (3) was deleted,
- (b) in subsection (4), a reference to that state shall be construed as a reference to the relevant EPPO member state, and 35
- (c) in subsection (6)(a), as if ‘permitted by the relevant international instrument or’ was deleted.

Application of section 78 for purposes of Part

94AM. For the purposes of this Part, section 78 shall apply subject to the following (and any other necessary) modification, as if the following paragraph were substituted for paragraph (e) of subsection (1):

- ‘(e) in the case of an EPPO request for the DNA profile of a person who is suspected of having committed the offence concerned whose DNA profile is not in the possession of the Garda Síochána—
 - (i) a warrant or order issued by EPPO or by an appropriate authority in the relevant EPPO member state on the request of EPPO requiring a person to have identification evidence, other than fingerprints, palm prints or photographs, taken from him or her for the purposes of a criminal investigation, or criminal proceedings, in that member state, or
 - (ii) a statement issued by EPPO or by an appropriate authority in the relevant EPPO member state on the request of EPPO confirming that the requirements for the taking of a DNA sample from the person under the law of the relevant EPPO member state would be complied with if the person were in that state.’.

Application of section 79 for purposes of Part

94AN. For the purposes of this Part, section 79 shall apply subject to the modification (and any other necessary modifications) that the reference in subsection (10) to the requesting state shall be construed as a reference to the relevant EPPO member state.

Application of section 79A for purposes of Part

94AO. For the purposes of this Part, section 79A shall apply subject to the following (and any other necessary) modification, as if the following were substituted for paragraph (a) of subsection (1):

- ‘(a) is an EPPO request, and’.

Application of section 79C for purposes of Part

94AP. For the purposes of this Part, section 79C shall apply subject to the following and any other necessary modifications:

- (a) a reference to a request made pursuant to Article 7 of 2008 Council Decision or that Article insofar as it is applied by Article 1 of the 2009 Agreement with Iceland and Norway designated state shall be construed as a reference to an EPPO request,
- (b) in subsection (2), as if paragraph (d) was deleted, and
- (c) as if subsection (8) was deleted.

CHAPTER 7

*Modification of Part 6 for purposes of Part***Application of section 82 for purposes of Part**

- 94AQ.** For the purposes of this Part, section 82 shall apply subject to the following and any other necessary modifications— 5
- (a) in subsection (1)(b), the reference to a prosecuting authority shall be construed as including a reference to EPPO,
 - (b) a reference to issuing authority shall be construed as a reference to EPPO,
 - (c) in subsections (8) and (9), the reference to that state shall be construed as a reference to the relevant EPPO member state, 10
 - (d) in subsection (10)(a), the reference to judicial authorities shall be construed as including EPPO, and
 - (e) in subsection (11)(b), the reference to law of the state where it was issued shall be construed as a reference to the law of the relevant EPPO member state. 15

Application of section 83 for purposes of Part

- 94AR.** For the purposes of this Part, section 83 shall apply subject to the modification (and any other necessary modifications) that a reference in subsection (1) to— 20
- (a) the appropriate authority in the designated state, and
 - (b) that authority,
- shall be construed as a reference to EPPO.

Application of section 88 for purposes of Part

- 94AS.** For the purposes of this Part, section 88 shall apply subject to the following and any other necessary modifications— 25
- (a) in the definition of ‘competent authority in a designated state’, the reference to a person or body in that state appearing to the Competent Authority in the State to have the function of receiving or making the request shall be construed as reference to EPPO, and 30
 - (b) in the definition of ‘controlled delivery’, as if ‘in accordance with the relevant international instrument’ was deleted.

CHAPTER 8

*Modification of Part 8 for purposes of Part***Application of section 97 for purposes of Part**

- 94AT.** For the purposes of this Part, section 97 shall apply subject to the 35

following and any other necessary modifications, the reference in subsection (1) to—

- (a) the designated state concerned, and
- (b) a representative of the authority concerned in that state,

shall be construed as a reference to EPPO.

5

Application of section 99 for purposes of Part

94AU. For the purposes of this Part, section 99 shall apply subject to the modification (and any other necessary modifications) that the reference to in accordance with the relevant international instrument shall be construed as a reference to with the consent of EPPO.

10

Application of section 102 for purposes of Part

94AV. For the purposes of this Part, section 102 shall apply subject to the following and any other necessary modifications—

(a) in subsection (1)(a)(ii), the reference to made or issued by a court, tribunal or authority in a designated state shall be construed as including a reference to made or issued by EPPO,

15

(b) in subsection (4), the reference to certified by or on behalf of the court, tribunal or authority issuing it shall be construed as including a reference to certified by or on behalf of EPPO,

(c) in subsection (5)—

20

(i) in paragraph (a), the reference to given by or on behalf of a court, tribunal or authority in a designated state shall be construed as including a reference to given by or on behalf of EPPO,

(ii) as if paragraph (b) was deleted, and

25

(iii) the reference to such a certificate or seal shall be construed as a reference to such certificate,

and

(d) as if subsection (6) was deleted.

Application of section 103 for purposes of Part

30

94AW. For the purposes of this Part, section 103 shall apply subject to the following and any other necessary modifications—

(a) the reference to a competent authority in that state shall be construed as a reference to EPPO,

(b) in subsection (1)—

35

(i) as if ‘in accordance with the relevant international instrument’ was deleted, and

(ii) as if ‘within the meaning of that instrument’ was deleted,
and

(c) in subsection (3), as if ‘having had regard to the provisions of the relevant international instrument’ was deleted.

Application of section 104 for purposes of Part 5

94AX. For the purposes of this Part, section 104 shall apply (subject to any other necessary modifications) as if ‘, and shall if so required by the relevant international instrument,’ in subsection (1) was deleted.”.

Amendment of section 109 of Act of 2008

53. Section 109 of the Act of 2008 is amended by the insertion of the following subsections after subsection (1A): 10

“(1B) Without prejudice to section 94K, the generality of subsection (1) and subject to the provisions of this Act concerning particular requests, regulations (in this Act referred to as the ‘Part 7B Regulations’) may be made by the Minister for the purposes of Part 7B and in particular such regulations may make provision for— 15

- (a) the limitations, restrictions or conditions applicable to EPPO requests,
- (b) the form of EPPO requests and the information such requests are to provide, 20
- (c) the action that may be taken where the information provided is not sufficient to enable the request to be dealt with,
- (d) without prejudice to section 3, the grounds for refusal of EPPO requests,
- (e) the requirements relating to the protection, disclosure, use or transmission of information or evidence received under EPPO requests, 25
- (f) the formalities and procedures in dealing with EPPO requests, and
- (g) the transmission and mode of transmission of EPPO requests, including, transmission via the International Criminal Police Organisation (Interpol) in urgent cases. 30

(1C) Regulations under subsection (1B) may be made by the Minister for the purposes of requests by the State to EPPO and paragraphs (a) to (g) of subsection (1B) shall apply *mutatis mutandis* to such requests.”.

Amendment of Criminal Justice (Joint Investigation Teams) Act 2004 35

54. The Criminal Justice (Joint Investigation Teams) Act 2004 is amended—

(a) in section 1—

(i) in subsection (1), by the insertion of the following definition:

“ ‘EPPO’ means the European Public Prosecutor’s Office established under Article 3 of Council Regulation (EU) 2017/1939 of 12 October 2017⁵ implementing enhanced cooperation on the establishment of the European Public Prosecutor’s Office, as amended by Commission Delegated Regulation (EU) 2020/2153 of 14 October 2020⁶;”,

and

(ii) by the insertion of the following subsection after subsection (1):

“(1A) This Act shall apply and has effect, subject to the following and any other necessary modifications—

(a) as if a reference to a competent authority included a reference to EPPO, and

(b) as if a reference to another Member State or other such States included a reference to a relevant EPPO member state (within the meaning of the Criminal Justice (Mutual Assistance) Act 2008).”,

and

(b) in section 9(1)—

(i) in paragraph (c), by the substitution of “European Communities,” for “European Communities, or”,

(ii) in paragraph (d), by the substitution of “Act 2008, or” for “Act 2008,”, and

(iii) by the insertion of the following paragraph after paragraph (d):

“(e) one or more officers designated by EPPO.”.

PART 7

ANONYMITY OF WITNESSES IN CRIMINAL PROCEEDINGS

Anonymity of witnesses in criminal proceedings

55. (1) Without prejudice to any enactment or rule of law, a court may order such measures (referred to in this section as “anonymity measures”) to be taken in relation to a witness in criminal proceedings as the court considers appropriate to ensure that the identity of the witness is not disclosed in or in connection with the proceedings.

(2) Without prejudice to the generality of *subsection (1)*, the anonymity measures referred to in that subsection may include—

⁵ OJ L 283, 31.10.2017, p. 1-71

⁶ OJ L 431, 21.12.2020, p. 1-4

- (a) that the witness’s name and other identifying details may be—
 - (i) withheld,
 - (ii) removed from materials disclosed to any party to the proceedings, or
 - (iii) both,
 - (b) that the witness may use a pseudonym, 5
 - (c) that the witness shall not be asked questions of a description specified by the court that might lead to the identification of the witness,
 - (d) that the witness shall be screened to an extent specified by the court, and
 - (e) that the witness’s voice shall be altered by appropriate means specified by the court. 10
- (3) Anonymity measures shall not include measures to prevent—
- (a) the witness from being visible to the judge or judges, or to the jury (if any), or
 - (b) the witness’s unaltered voice being heard by the judge or judges, or by the jury.
- (4) The court shall not order anonymity measures unless it is satisfied that—
- (a) the measures are necessary to— 15
 - (i) protect the safety of the witness concerned or of another person connected to the witness or to prevent serious damage to property,
 - (ii) protect the anonymity of a law enforcement official, where that anonymity is necessary for the proper performance of that official’s duties, or
 - (iii) avoid harm to the public interest, 20
 - and
 - (b) the measures would be consistent with the defendant receiving a fair trial.
- (5) In determining whether measures should be ordered, the court shall have regard to—
- (a) the general principle that a defendant should know the identity of witnesses,
 - (b) the extent to which the credibility of the witness is at issue, 25
 - (c) whether the evidence of the witness may be the sole or decisive evidence,
 - (d) whether the evidence of the witness is corroborated,
 - (e) whether the evidence of the witness may be properly tested without his or her identity being disclosed,
 - (f) whether there is any reason to believe the witness is or may be dishonest, or has 30
 - any motive to be dishonest in the particular case, and
 - (g) such other factors as the court considers relevant.

- (6) A determination by the court that the evidence of the witness may be the sole or decisive evidence shall not, in and of itself, preclude the court from ordering anonymity measures, provided that the court is satisfied that the conditions in *subsection (4)* apply.
- (7) An application for anonymity measures may be made by the prosecutor or the defendant and— 5
- (a) where it is made by the prosecutor, he or she—
- (i) shall, (unless the court directs otherwise) inform the court of the identity of the witness, and
- (ii) is not required to disclose the identity of the witness, or any information that might enable the witness to be identified, to any other party to the proceedings or to the defendant’s legal representatives, 10
- or
- (b) where it is made by the defendant, he or she—
- (i) shall inform the court and the prosecutor of the identity of the witness, and 15
- (ii) is not required to disclose the identity of the witness, or any information that might enable the witness to be identified, to any other defendant or to that other defendant’s legal representatives.
- (8) The court shall give every party to the proceedings the opportunity to be heard with regard to an application to which *subsection (7)* refers. 20
- (9) Where the court considers it necessary for the purpose of properly considering an application to which *subsection (7)(a)* refers, it may—
- (a) hear one or more parties, or
- (b) examine the proposed witness in relation to whom the application is made, or other witnesses, 25
- in the absence of the defendant and his or her legal representatives.
- (10) Where a person proposes to make an application to which *subsection (7)* refers, he or she may, subject to *paragraphs (a)(i)* and *(b)(i)* of that subsection, disclose documents or other material that fall to be disclosed, or are sought to be relied on, by him or her, subject to such redactions as are necessary to avoid identifying the witness in respect of whom the application was made or enabling that witness to be identified. 30
- (11) Where a witness in relation to whom anonymity measures apply has given evidence in a trial before a jury, the judge shall caution the jury in such terms as he or she considers necessary for the purpose of avoiding prejudice to the defendant.
- (12) A court may, on notice, vary or discharge an order to which *subsection (1)* refers where the court is satisfied that it is in the interest of justice to do so. 35

PART 8

FORENSIC SCIENCE IRELAND CERTIFICATE EVIDENCE

Certificates relating to receipt, handling, transmission or storage

- 56.** (1) In any criminal proceedings, the production of a certificate purporting to be signed by an officer of Forensic Science Ireland of the Department of Justice and relating to the receipt, handling, transmission or storage, as the case may be, specified in the certificate of any item so specified shall, until the contrary is proved, be evidence of any fact thereby certified without proof of any signature thereon or that any such signature is that of such officer. 5
- (2) *Subsection (1)* shall apply regardless of whether the receipt, handling, transmission or storage of an item specified in a certificate under that subsection occurred prior to or after the coming into operation of this section. 10

Amendment of section 10 of Misuse of Drugs Act 1984

- 57.** (1) The Misuse of Drugs Act 1984 is amended by the substitution of the following section for section 10: 15
- “10.** (1) In any proceedings for an offence under the Principal Act or section 5 of this Act, the production of a certificate purporting to be signed by an officer of Forensic Science Ireland of the Department of Justice and relating to an examination, inspection, test or analysis, as the case may be, specified in the certificate of a controlled drug or other substance, product or preparation so specified shall, until the contrary is proved, be evidence of any fact thereby certified without proof of any signature thereon or that any such signature is that of such officer.”. 20
- (2) The validity of any certificate under section 10 of the Misuse of Drugs Act 1984 that was signed by an officer of Forensic Science Ireland of the Department of Justice before the coming into operation of *subsection (1)* shall not be affected by such coming into operation. 25

Amendment of Criminal Justice (Forensic Evidence and DNA Database System) Act 2014

- 58.** Section 169 of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 is repealed. 30

Amendment of Schedule to Criminal Law (Jurisdiction) Act 1976

- 59.** The Schedule to the Criminal Law (Jurisdiction) Act 1976 is amended, in paragraph 7, by the insertion of the following subparagraph after subparagraph (a):
- “(aa) section 4A (non-fatal strangulation or non-fatal suffocation causing serious harm)”. 35

PART 9

MISCELLANEOUS

Amendment of Criminal Evidence Act 1992

60. The Criminal Evidence Act 1992 is amended—

- (a) in section 12(1), in the definition of “relevant offence”— 5
- (i) by the insertion of the following paragraph after paragraph (b):
- “(ba) an offence under section 10 (amended by *section 23* of the *Criminal Justice (Miscellaneous Provisions) Act 2023*) of the Non-Fatal Offences against the Person Act 1997;”,
- (ii) by the insertion of the following paragraph after paragraph (da): 10
- “(db) an offence under *section 44(1)* of the *Criminal Justice (Miscellaneous Provisions) Act 2023*;”,
- and
- (iii) in paragraph (e), by the substitution of “(ba), (c), (d), (da) or (db)” for “(c), (d) or (da)”, 15
- and
- (b) in section 14C—
- (i) in subsection (2)—
- (I) in paragraph (a), by the substitution of “relevant offence” for “sexual offence”, and 20
- (II) by the substitution of the following paragraph for paragraph (b):
- “(b) a victim of the relevant offence who has attained the age of 18 years is to give evidence,”
- and
- (ii) by the insertion of the following subsection after subsection (2): 25
- “(2A) The court, in performing its functions under subsection (2), shall have regard to the need to protect the victim from secondary and repeat victimisation, intimidation or retaliation, taking into account—
- (a) the nature and circumstances of the case, and
- (b) the personal characteristics of the victim.”. 30

Amendment of section 2 of Criminal Justice Act 1993

61. (1) Section 2 of the Criminal Justice Act 1993 is amended by the insertion of the following subsections after subsection (4):

- “(5) Where the convicted person in relation to whom an application under this section is made is a person who was under the age of 18 years when the sentence was imposed on him by the sentencing court concerned and he has attained the age of 18 years on or before the date on which the application is determined by the Court, the reference in subsection (3)(a) to a sentence which could have been imposed on him by the sentencing court concerned shall be construed as a reference to a sentence which could have been imposed on him by the sentencing court concerned had he attained that age at the time when the sentence was so imposed. 5 10
- (6) Where subsection (5) applies and the application under this section is in respect of a sentence imposed on a person convicted of treason or murder before the person has attained the age of 18 years, the Court may, notwithstanding section 2 of the Criminal Justice Act 1990, impose such sentence as it considers appropriate.”. 15
- (2) The amendments of section 2 of the Criminal Justice Act 1993 effected by *subsection (1)* shall apply in respect of an application under that section that—
- (a) is brought on or after the date of the coming into operation of this section, or
- (b) has been brought before the date of the coming into operation of this section where final judgment has not been given before that date. 20

Amendment of section 3 of Criminal Procedure Act 1993

- 62.** (1) Section 3 of the Criminal Procedure Act 1993 is amended by the insertion of the following subsections after subsection (8):

- “(9) For the purposes of subsection (1)(d), where the appellant is a person who— 25
- (a) was under the age of 18 years when he was convicted and sentenced at the trial, and
- (b) has attained the age of 18 years on or before the date on which the appeal is determined by the Court,
- the sentence that may be imposed on the person by the Court pursuant to subparagraph (ii) of subsection (1)(d) for some other offence and in substitution for the sentence imposed at the trial shall not be deemed to be a sentence of greater severity by reason only of the fact that the sentence could not have been imposed on the person at the trial given that the person was under the age of 18 years at the time of sentencing. 30 35
- (10) For the purposes of subsection (2), where the convicted person in relation to whom an appeal against sentence is brought is a person who was under the age of 18 years when the sentence was imposed on them by the court of trial and the person has attained the age of 18 years on or before the date on which the appeal is determined by the Court, the 40

reference in that subsection to a sentence or order which could have been imposed on the convicted person for the offence at the court of trial shall be construed as a reference to a sentence or order which could have been imposed on the convicted person for the offence at the court of trial had he attained that age at the time when the sentence or order was so imposed. 5

(11) Where subsection (10) applies and the appeal against sentence is in respect of a sentence imposed on a person convicted of treason or murder before the person has attained the age of 18 years, the Court may, notwithstanding section 2 of the Criminal Justice Act 1990, impose such sentence or order as it considers appropriate.”. 10

(2) The amendments of section 3 of the Criminal Procedure Act 1993 effected by *subsection (1)* shall apply in respect of—

(a) an appeal under subsection (1) of that section against conviction of an offence, and 15

(b) an appeal under subsection (2) of that section against sentence for an offence— where the appeal—

(i) is brought on or after the date of the coming into operation of this section, or

(ii) has been brought before the date of the coming into operation of this section where final judgment has not been given before that date. 20

Amendment of Criminal Justice (Public Order) Act 1994

63. The Criminal Justice (Public Order) Act 1994 is amended—

(a) by the insertion of the following section after section 9:

“Failure to comply with direction of member of Garda Síochána with regard to court proceedings” 25

9A. (1) Where a member of the Garda Síochána finds a person in a place where any court proceedings take, or are taking, place before a judge or a court officer and he or she suspects, with reasonable cause, that the person, whether alone or in the company of other persons, is—

(a) without lawful authority or reasonable excuse wilfully interfering with or obstructing— 30

(i) the conduct of the proceedings, or

(ii) witnesses or other persons connected with the proceedings,

or

(b) acting in a manner which gives rise to a reasonable apprehension for the safety of persons or the safety of property or for the maintenance of the public peace, 35

the member may direct the person so suspected to do either or both of the following:

- (i) desist from acting in such a manner;
 - (ii) leave immediately the vicinity of the place concerned in a peaceable and orderly manner. 5
- (2) It shall be an offence for any person, without lawful authority or reasonable excuse, to fail to comply with a direction given by a member of the Garda Síochána under this section.
- (3) A person who is guilty of an offence under this section shall be liable on summary conviction to a class D fine or to imprisonment for a term not exceeding 6 months or to both. 10
- (4) This section is without prejudice to the power of the court in respect of the matters to which this section relates.
- (5) In this section, ‘court officer’ means a Master of the High Court, Taxing Master or County Registrar.”, 15
- (b) in section 19(2)(b), by the substitution of “12 years” for “7 years”,
- (c) in section 23A(1), by the substitution of “section 5, 21 or 22” for “section 5”, and
- (d) in section 24(5), by the substitution of “8, 9A,” for “8,”.

Amendment of First Schedule to Extradition (Amendment) Act 1994

64. The First Schedule to the Extradition (Amendment) Act 1994 is amended in paragraph 6 by— 20
- (a) the insertion of the following subparagraph after subparagraph (a):
 - “(aa) section 3A (non-fatal strangulation or non-fatal suffocation);”,
 and
 - (b) the insertion of the following subparagraph after subparagraph (b): 25
 - “(ba) section 4A (non-fatal strangulation or non-fatal suffocation causing serious harm);”.

Amendment of Civil Legal Aid Act 1995

65. Section 28 of the Civil Legal Aid Act 1995 is amended by the substitution of the following subsection for subsection (5D) (inserted by section 46 of the Domestic Violence Act 2018): 30
- “(5D) Notwithstanding any other provision of this Act, where—
- (a) an applicant or respondent (within the meaning of the Domestic Violence Act 2018) is prevented from conducting a cross-examination referred to in section 16 of that Act, or 35

(b) an applicant or respondent (within the meaning of *Part 5* of the *Criminal Justice (Miscellaneous Provisions) Act 2023*) is prevented from conducting a cross-examination referred to in *section 32* of that Act,

the Board shall grant a legal aid certificate to the applicant or respondent, as the case may be, for the purpose of his or her being represented in relation to such a cross-examination.”. 5

Amendment of Schedule to Bail Act 1997

66. The Schedule to the Bail Act 1997 is amended—

(a) in paragraph 7— 10

(i) by the insertion of the following subparagraph after subparagraph (a):

“(aa) section 3A (non-fatal strangulation or non-fatal suffocation);”,

(ii) by the insertion of the following subparagraph after subparagraph (b):

“(ba) section 4A (non-fatal strangulation or non-fatal suffocation causing serious harm);”, 15

and

(iii) by the substitution of the following for subparagraph (h):

“(h) section 10 (harassment or stalking);”,

and

(b) by the substitution of the following paragraphs for paragraphs 38 to 40: 20

“Offences relating to female genital mutilation

38. An offence under section 2, 3 or 4 of the Criminal Justice (Female Genital Mutilation) Act 2012.

Offences Relating to Information Systems

39. An offence under section 2, 3, 4, 5 or 6 of the Criminal Justice (Offences Relating to Information Systems) Act 2017. 25

Corruption Offences

39A. Any offence under the Prevention of Corruption Acts 1889 to 2010.

40. An offence under any section, other than section 18(1), of the Criminal Justice (Corruption Offences) Act 2018.”. 30

Amendment of Second Schedule to Criminal Justice (Safety of United Nations Workers) Act 2000

67. The Second Schedule to the Criminal Justice (Safety of United Nations Workers) Act 2000 is amended in paragraph 4 of Part I by—

(a) the insertion of the following subparagraph after subparagraph (b):

“(ba) section 3A (non-fatal strangulation or non-fatal suffocation);”,

and

(b) the insertion of the following subparagraph after subparagraph (c):

“(ca) section 4A (non-fatal strangulation or non-fatal suffocation
causing serious harm);”.

Amendment of Criminal Justice (Theft and Fraud Offences) Act 2001

68. Section 36 of the Criminal Justice (Theft and Fraud Offences) Act 2001 is amended by the substitution of the following subsection for subsection (3):

“(3) A person guilty of an offence under this section is liable on conviction
on indictment to a fine or imprisonment for a term not exceeding—

(a) in the case of an offence under subsection (1), 10 years, or

(b) in the case of an offence under subsection (2), five years,
or both.”.

Amendment of Civil Liability and Courts Act 2004

69. Section 39 of the Civil Liability and Courts Act 2004 is amended, in the definition of “relevant enactment”—

(a) in paragraph (l), by the substitution of “2010;” for “2010.”, and

(b) by the insertion of the following paragraph after paragraph (l):

“(m) section 37 of the *Criminal Justice (Miscellaneous Provisions) Act 2023*.”.

Amendment of Criminal Justice (Terrorist Offences) Act 2005

70. The Criminal Justice (Terrorist Offences) Act 2005 is amended—

(a) in Part 1 of Schedule 2, in paragraph 2, by—

(i) the insertion of the following subparagraph after subparagraph (a):

“(aa) section 3A (non-fatal strangulation or non-fatal suffocation);”,

and

(ii) the insertion of the following subparagraph after subparagraph (b):

“(ba) section 4A (non-fatal strangulation or non-fatal suffocation
causing serious harm);”.

and

(b) in Part 1 of Schedule 6, in paragraph 2, by—

(i) the insertion of the following subparagraph after subparagraph (b):

“(ba) section 3A (non-fatal strangulation or non-fatal suffocation);”,

and

(ii) the insertion of the following subparagraph after subparagraph (c):

“(ca) section 4A (non-fatal strangulation or non-fatal suffocation causing serious harm);”.

5

Amendment of Garda Síochána Act 2005

71. Section 122(5)(b)(ii) of the Garda Síochána Act 2005 is amended by the substitution of “section 51(2)(d)” for “section 51(2)(b)”. 10

Amendment of Schedule 1 to Criminal Law (Insanity) Act 2006

72. Schedule 1 to the Criminal Law (Insanity) Act 2006 is amended—

(a) in paragraph 1, by the substitution of “appoint. The Minister may also appoint a deputy chairperson to the Review Board, where the Minister, after undertaking such consultation, considers it to be appropriate.” for “appoint.”, 15

(b) in paragraph 2, by the substitution of “chairperson and, where applicable, the deputy chairperson” for “chairperson”,

(c) in paragraph 7, by the substitution of “chairperson and, where applicable, the deputy chairperson (other than a chairperson or deputy chairperson who is a serving judge)” for “chairperson other than a chairperson who is a serving judge”, and 20

(d) by the insertion of the following paragraph after paragraph 8:

“8A. In the event that the chairperson is temporarily unable to perform his or her functions as chairperson due to absence or incapacity—

(a) where a deputy chairperson has been appointed, the deputy chairperson shall act as chairperson for the duration of the period of absence or incapacity, or 25

(b) where a deputy chairperson has not been appointed or the deputy chairperson is temporarily unable to act as chairperson due to absence or incapacity, the Minister may appoint— 30

(i) a member of the Review Board, or

(ii) any other person,

possessing the qualifications referred to in paragraph 2 of this Schedule, to act as chairperson during the period during which the chairperson is unable to so act.”. 35

Amendment of Criminal Justice Act 2006

73. The Criminal Justice Act 2006 is amended—

(a) in section 16, by the insertion of the following subsection after subsection (6):

“(7) A reference in subsection (1) to a person being sent forward for trial shall, in relation to proceedings before a Special Criminal Court, include, where appropriate, a reference to such a person being charged before that court.”, 5

and

(b) in paragraph 2 of Schedule 3, by the insertion of the following after “section 3 (assault causing harm)”: 10

“section 3A (non-fatal strangulation or non-fatal suffocation)”.

Amendment of Prisons Act 2007

74. Part 4 of the Prisons Act 2007 is repealed.

Amendment of Schedule 2 to Criminal Justice Act 2007

75. Schedule 2 to the Criminal Justice Act 2007 is amended in paragraph 2 by the insertion of the following subparagraph after subparagraph (a): 15

“(aa) section 4A (non-fatal strangulation or non-fatal suffocation causing serious harm);”.

Amendment of Schedule 3 to Broadcasting Act 2009

76. Schedule 3 to the Broadcasting Act 2009 is amended— 20

(a) by the insertion of the following paragraph after paragraph 11:

“11A. Online content by which a person without lawful excuse, intentionally or recklessly, causes another to believe on reasonable grounds that he or she is likely immediately to be subjected to suffocation or strangulation, contrary to section 3A(1)(b) of the Non-Fatal Offences against the Person Act 1997.”, 25

(b) by the substitution of the following paragraph for paragraph 13:

“13. Online content by which a person harasses another contrary to section 10(1), stalks another contrary to section 10(2), or breaches an order made under section 10(4), of the Non-Fatal Offences against the Person Act 1997.”, 30

(c) by the insertion of the following paragraph after paragraph 13:

“13A. Online content by which a person publishes or broadcasts identifying material contrary to section 10A of the Non-Fatal Offences against the Person Act 1997.”, 35

and

(d) by the insertion of the following after paragraph 42:

“Criminal Justice (Miscellaneous Provisions) Act 2023

43. Online content by which a person breaches an order made under
section 28 of the Criminal Justice (Miscellaneous Provisions) Act 5
2023.

44. Online content by which a person publishes or broadcasts identifying
material contrary to *section 46 of the Criminal Justice (Miscellaneous*
Provisions) Act 2023.”.

Amendment of Schedule to Criminal Procedure Act 2010 10

77. The Schedule to the Criminal Procedure Act 2010 is amended in paragraph 10 by the
insertion of the following subparagraph after subparagraph (a):

“(aa) section 4A (non-fatal strangulation or non-fatal suffocation
causing serious harm);”.

Amendment of Communications (Retention of Data) Act 2011 15

78. The Communications (Retention of Data) Act 2011 is amended—

(a) in section 1(1), in paragraph (d) of the definition of “superior officer”, by the
substitution of “Commission” for “Authority” in each place where it occurs,

(b) in section 3A(8), by the substitution of “Schedule 2” for “Schedule 2 data” in
each place where it occurs, 20

(c) in section 4(1), by the substitution of “retains or preserves” for “retains”,

(d) in section 6—

(i) in subsection (3)(a), by the substitution of “officer” for “member”, and

(ii) in subsection (4)(a), by the substitution of “officer” for “member”,

(e) in section 6B— 25

(i) in subsection (9), by the substitution of “Subject to subsection (15), a
superior officer” for “A superior officer”,

(ii) in subsection (10)—

(I) in paragraph (a), by the substitution of “*ex parte*,” for “*ex parte*, and”,

(II) in paragraph (b), by the substitution of “issued, and” for “issued.”, and 30

(III) by the insertion of the following paragraph after paragraph (b):

“(c) be heard otherwise than in public.”,

and

- (iii) in subsection (15)(b), by the substitution of “subsection (9)” for “subsection (10)”,
- (f) in section 6D—
 - (i) in subsection (11), by the substitution of “Subject to subsection (17), a superior officer” for “A superior officer”, and 5
 - (ii) in subsection (12)—
 - (I) in paragraph (a), by the substitution of “*ex parte*,” for “*ex parte*, and”,
 - (II) in paragraph (b), by the substitution of “issued, and” for “issued.”, and
 - (III) by the insertion of the following paragraph after paragraph (b):
 - “(c) be heard otherwise than in public.”, 10
- (g) in section 6E(5), by the substitution of “section and section 6F,” for “section,”,
- (h) in section 6F(1)—
 - (i) by the substitution of “Commission” for “Authority”, and
 - (ii) by the substitution of “disclose to the member or officer concerned Schedule 2 data, internet source data or cell site location data, as the case may be” for “disclose to the member Schedule 2 data or, as the case may be, internet source data”, 15
- (i) in section 7A(7), by the substitution of “officer” for “member”,
- (j) in section 7B—
 - (i) in subsection (5)(b)— 20
 - (I) by the substitution, in subparagraph (i), of “unavailable, or” for “unavailable.”,
 - (II) by the substitution, in subparagraph (ii), of “impeded.” for “impeded, or”, and
 - (III) by the deletion of subparagraph (iii), 25
 - (ii) in subsection (15), by the substitution of “subsection (21)” for “subsection (18)”, and
 - (iii) in subsection (16)—
 - (I) by the substitution of “subsection (15)” for “subsection (21)”,
 - (II) in paragraph (a), by the substitution of “*ex parte*,” for “*ex parte*, and”, 30
 - (III) in paragraph (b), by the substitution of “made, and” for “made.”, and
 - (IV) by the insertion of the following paragraph after paragraph (b):
 - “(c) be heard otherwise than in public.”,
- (k) in section 7D—

- (i) in subsection (5)(b)—
- (I) by the substitution, in subparagraph (i), of “unavailable, or” for “unavailable,”
- (II) by the substitution, in subparagraph (ii), of “impeded.” for “impeded, or”, and 5
- (III) by the deletion of subparagraph (iii),
- and
- (ii) in subsection (16)—
- (I) in paragraph (a), by the substitution of “*ex parte*,” for “*ex parte*, and”,
- (II) in paragraph (b), by the substitution of “made, and” for “made.”, and 10
- (III) by the insertion of the following paragraph after paragraph (b):
- “(c) be heard otherwise than in public.”,
- (l) in section 9—
- (i) in subsection (1), by the substitution of “7C or 7D” for “7C(1) or 7D(1)”,
- (ii) in subsection (2), by the substitution of “7C or 7D” for “7C(2) or 7D(2)”, 15
- (iii) in subsection (3), by the substitution of “7C or 7D” for “7C(6) or 7D(6)”,
- (iv) in subsection (3A), by the substitution of “7C or 7D” for “7C(7) or 7D(7)”,
- and
- (v) in subsection (5)(c), by the substitution of “date on which the disclosure requirement was made” for “disclosure requirement”, 20
- (m) in section 10(10), by the substitution of “the requirement” for “the request”,
- (n) in section 12—
- (i) in subsection (2)(b), by the substitution of “requirement” for “request”,
- (ii) in subsection (3), by the substitution of “the requirement” for “the request”,
- and 25
- (iii) in subsection (4), by the substitution of “disclosure requirements” for “disclosure requests”,
- (o) in section 12A(1), by the substitution of “section” for “sections”,
- (p) in section 12F(2), by the substitution of the following paragraph for paragraph (c): 30
- “(c) the procedures for making a requirement under section 6 or 6F and for making an application under section 6A, 6B, 6C, 6D, 6E, 7A, 7B, 7C or 7D.”,
- (q) in section 12G(3)—

- (i) by the substitution of the following paragraph for paragraph (b):
 - “(b) an authorisation issued under section 6B,”
 and
- (ii) by the substitution of the following paragraph for paragraph (d):
 - “(d) a temporary production order made under section 7D(3).”, 5
- (r) in section 12I—
 - (i) by the substitution of “Commission” for “Authority”, and
 - (ii) by the deletion of “6E(1),”,
 and
- (s) in section 12J(2), by the substitution of “section” for “sections”. 10

Amendment of Schedule 1 to Criminal Justice Act 2011

79. Schedule 1 to the Criminal Justice Act 2011 is amended in paragraph 28A by the substitution of “9, 10 or 12” for “9 or 10”.

Amendment of Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012

15

80. The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 is amended—

- (a) in Schedule 1, in paragraph 18, by—
 - (i) the insertion of the following subparagraph after subparagraph (a):
 - “(aa) section 3A (non-fatal strangulation or non-fatal suffocation),”, 20
 and
 - (ii) the insertion of the following subparagraph after subparagraph (b):
 - “(ba) section 4A (non-fatal strangulation or non-fatal suffocation causing serious harm),”,
 and 25
- (b) in Schedule 2, by the substitution of the following paragraph for paragraph 11:
 - “11. An offence under any of the following provisions of the Non-Fatal Offences against the Person Act 1997—
 - (a) section 3 (assault causing harm),
 - (b) section 3A (non-fatal strangulation or non-fatal suffocation).”, 30

Amendment of Schedule 1 to Criminal Justice (Forensic Evidence and DNA Database System) Act 2014

81. Schedule 1 to the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 is amended—

- (a) by the repeal of paragraph 1(5), 5
- (b) in paragraph 1(7), by the substitution of “human rights, data protection” for “human rights”, and
- (c) in paragraph 2(6), by the deletion of “and the person nominated for appointment by the Data Protection Commissioner”.

Amendment of Domestic Violence Act 2018

10

82. The Domestic Violence Act 2018 is amended—

- (a) in section 15(2)—
 - (i) in paragraph (d), by the substitution of “1991,” for “1991, or”,
 - (ii) in paragraph (e), by the substitution of “Act of 2010, or” for “Act of 2010.”, and 15
 - (iii) by the insertion of the following paragraph after paragraph (e):
 - “(f) *Part 5 of the Criminal Justice (Miscellaneous Provisions) Act 2023.*”,
- and
- (b) in section 40(5), in the definition of “relevant offence”, by the substitution of the following paragraph for paragraph (a): 20
 - “(a) an offence under section 2, 3, 3A, 4, 4A or sections 5 to 15 of the Non-Fatal Offences against the Person Act 1997.”.

Amendment of section 12 of Criminal Justice (Corruption Offences) Act 2018

83. Section 12(2)(c) of the Criminal Justice (Corruption Offences) Act 2018 is amended by the deletion of the words “the act constitutes an offence under the law of the place where it was done and”. 25

Amendment of section 1 of Criminal Law (Extraterritorial Jurisdiction) Act 2019

84. Section 1 of the Criminal Law (Extraterritorial Jurisdiction) Act 2019 is amended, in paragraph (a) of the definition of “relevant offence”, by— 30

- (a) the insertion of “3A,” after “3,”, and
- (b) the insertion of “4A,” after “4.”.

Amendment of section 17 of Parole Act 2019

85. Section 17(3) of the Parole Act 2019 is amended by the substitution of “Board” for “Commission”.

Provision relating to insertion of sections 6A to 6F of Communications (Retention of Data) Act 2011

5

86. It is hereby confirmed that, notwithstanding section 6 of the Communications (Retention of Data) (Amendment) Act 2022 (“Act of 2022”), sections 6A to 6F contained in section 6 of the Act of 2022 were, on the date on which section 6 of the Act of 2022 came into operation, inserted into the Communications (Retention of Data) Act 2011 after section 6 of that Act.

10

Amendment of Schedule 2 to European Union (Passenger Name Record Data) Regulations 2018

87. Schedule 2 to the European Union (Passenger Name Record Data) Regulations 2018 (S.I. No. 177 of 2018) is amended in paragraph 12 by—

(a) the insertion of “3A,” after “3,” and

15

(b) the insertion of “4A,” after “4.”