



STATUTORY INSTRUMENTS.

S.I. No. 410 of 2014



CIRCUIT COURT RULES (PROVISION OF TRANSCRIPTS OF
SENTENCING HEARINGS) 2014

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We, the Circuit Court Rules Committee, constituted pursuant to the provisions of section 69 of the Courts of Justice Act 1936, by virtue of the powers conferred on us by section 66 of the Courts of Justice Act 1924 and section 70 of the Courts of Justice Act 1936, (as applied by section 48 of the Courts (Supplemental Provisions) Act 1961) and section 27 of the Courts (Supplemental Provisions) Act 1961, and of all other powers enabling us in this behalf, do hereby, with the concurrence of the Minister for Justice and Equality, make the annexed Rules of Court.

Dated this 25th day of November 2013.

(Signed): Raymond Groarke
(Chairman of the Circuit Court Rules Committee)

Alison Lindsay
Tony Hunt
David Dodd
Gerard J. Doherty
Fiona Duffy Coady
Noel Rubotham
Patricia Casey

I concur in the making of the above Rules of Court.

Dated this 5th day of September 2014.

FRANCES FITZGERALD,
Signed: Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 16th September, 2014.*

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1. (1) These Rules, which may be cited as the Circuit Court Rules (Provision of Transcripts of Sentencing Hearings) 2014, shall come into operation on the 6th day of October 2014.

(2) These Rules shall be construed together with the Circuit Court Rules 2001 to 2014.

(3) The Circuit Court Rules as amended by these Rules may be cited as the Circuit Court Rules 2001 to 2014.

2. The Circuit Court Rules are amended:

(i) by the insertion immediately following rule 8 of Order 67A of the following rule:

“9. (1) In this rule:

“administering state” has the meaning assigned to it by section 1(1) of the Transfer of Sentenced Persons Act 1995;

“designated country” has the meaning assigned to it by section 5 of the Transfer of Execution of Sentences Act 2005;

the “Minister” means the Minister for Justice and Equality;

“Parole Board” includes any body established under statute or by administrative scheme the functions or purposes of which include the review of cases of sentenced prisoners and the provision of recommendations or advice in relation to the administration of the sentences of such prisoners.

(2) On the application of the Minister in writing (which may be made by electronic means) for that purpose to the proper officer, the proper officer shall, subject to the payment by the Minister of any costs of producing and copying such transcript, provide to the Minister a transcript certified by the transcript writer to be a complete and correct transcript of the record (within the meaning of rule 1) of a hearing before the Court for the purposes of the consideration or imposition by that Court of a sentence on a convicted person, and shall provide a copy of such transcript to the convicted person concerned.

(3) A transcript provided in accordance with sub-rule (2) (or a copy thereof) may be provided to and retained and used by:

- (a) the Parole Board for the purpose of making any recommendation or giving any advice in relation to a convicted person to whom the transcript relates;
 - (b) the authorities, who perform functions the same as or similar to those performed by the Parole Board, of an administering state to which the convicted person to whom the transcript relates has been transferred in accordance with the Transfer of Sentenced Persons Acts 1995 and 1997, for the purposes of the performance of those functions; or
 - (c) the authorities, who perform functions the same as or similar to those performed by the Parole Board, of a designated country in which the convicted person is serving a sentence or remainder of a sentence in accordance with the Transfer of Execution of Sentences Act 2005, for the purposes of the performance of those functions.
- (4) An application referred to in sub-rule (2):
- (a) may be made in respect of several convicted persons;
 - (b) may be made notwithstanding that no consideration by the Parole Board or by the authorities referred to in sub-rule (3)(b) and (c) of the case of a convicted person concerned is contemplated when the application is made.”

EXPLANATORY NOTE

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

These rules amend Order 67A of the Circuit Court Rules to provide for the release of transcripts of sentencing hearings in criminal proceedings for the Parole Board and to the parole authorities of a foreign administration receiving a sentenced person under the Transfer of Sentenced Persons Acts 1995 and 1997, and those of a designated country in which the convicted person is serving a sentence or remainder of a sentence in accordance with the Transfer of Execution of Sentences Act 2005.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
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