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ENGLISH ONLY*

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

IRELAND

Communicated by the Government of Ireland

NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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*Note by the Secretariat: This document is a direct reproduction of the text communicated to the Secretariat by the Government of Ireland.



Number 25 of 1996

**DISCLOSURE OF CERTAIN INFORMATION FOR
TAXATION AND OTHER PURPOSES ACT, 1996**

ARRANGEMENT OF SECTIONS

Section

1. Furnishing of certain information by Revenue Commissioners, etc.
 2. Amendment of section 32 of Criminal Justice Act, 1994.
 3. Amendment of section 57 of Criminal Justice Act, 1994.
 4. Amendment of section 64 of Criminal Justice Act, 1994.
 5. Amendment of section 184 (assessment in absence of return) of Income Tax Act, 1967.
 6. Amendment of section 144 (assessment of corporation tax) of Corporation Tax Act, 1976.
 7. Amendment of section 12 (assessment of duty by Commissioners) of Stamp Act, 1891.
 8. Amendment of section 39 (assessment of tax) of Capital Acquisitions Tax Act, 1976.
 9. Amendment of section 104 (assessment and payment of tax) of Finance Act, 1983.
 10. Amendment of section 18 (information to be furnished by financial institutions) of Finance Act, 1983.
 11. Amendment of section 19 (chargeability of certain profits or gains) of Finance Act, 1983.
 12. Anonymity.
 13. Meaning of "bank" and "banker" in Bankers' Books Evidence Act, 1879.
 14. Amendment of section 7A of Bankers' Books Evidence Act, 1879.
 15. Short title.
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ACTS REFERRED TO

Bankers' Books Evidence Act, 1879	42 & 43 Vict., c. 11
Bankers' Books Evidence (Amendment) Act, 1959	1959, No. 21
Capital Acquisitions Tax Act, 1976	1976, No. 8
Central Bank Act, 1989	1989, No. 16
Corporation Tax Act, 1976	1976, No. 7
Credit Union Act, 1966	1966, No. 19
Criminal Justice Act, 1994	1994, No. 15
European Communities Act, 1972	1972, No. 27
Finance Act, 1983	1983, No. 15
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Income Tax Act, 1967	1967, No. 6
Industrial and Provident Societies Acts, 1893 to 1978	
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Investment Intermediaries Act, 1995	1995, No. 11
Stamp Act, 1891	54 & 55 Vict., c. 39
Stock Exchange Act, 1995	1995, No. 9



Number 25 of 1996

**DISCLOSURE OF CERTAIN INFORMATION FOR
TAXATION AND OTHER PURPOSES ACT, 1996**

AN ACT TO PROVIDE FOR THE DISCLOSURE IN CERTAIN CIRCUMSTANCES OF INFORMATION BY THE REVENUE COMMISSIONERS TO EITHER OR BOTH THE GARDA SÍOCHÁNA AND CERTAIN OTHER PERSONS, TO PROVIDE FOR THE RECEIPT BY THE REVENUE COMMISSIONERS OF INFORMATION FROM THE GARDA SÍOCHÁNA, TO AMEND SECTIONS 32, 57 AND 64 OF THE CRIMINAL JUSTICE ACT, 1994, TO AMEND SECTIONS 18 AND 19 OF THE FINANCE ACT, 1983, TO AMEND THE BANKERS' BOOKS EVIDENCE ACT, 1879, TO PROVIDE FOR THE ANONYMITY OF AN OFFICER OF THE REVENUE COMMISSIONERS IN CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR CONNECTED MATTERS. [30th July, 1996]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—The Criminal Justice Act, 1994,^{1/} is hereby amended by the insertion of the following section after section 63:

Furnishing of
certain information
by Revenue
Commissioners, etc.

“63A.—(1) In this section—

‘relevant investigation’ means an investigation of a kind referred to in subsection (1) of section 63 of this Act;

‘relevant person’ means—

(a) a member of the Garda Síochána not below the rank of Chief Superintendent, or

(b) the head of any body, or any member of that body nominated by the head of the body, being a body established by or under statute or by the Government, the purpose or one of the principal purposes of which is—

(i) the identification of the assets of persons which derive or are suspected to derive, directly or indirectly, from criminal activity,

- (ii) the taking of appropriate action under the law to deprive or to deny those persons of the assets or the benefit of such assets, in whole or in part, as may be appropriate, and
 - (iii) the pursuit of any investigation or the doing of any other preparatory work in relation to any proceedings arising from the objectives mentioned in *subparagraphs (i) and (ii)*.
- (2) If, having regard to information obtained from a relevant person or otherwise, the Revenue Commissioners have reasonable grounds—

- (a) for suspecting that a person may have derived profits or gains from an unlawful source or activity, and
- (b) for forming the opinion that—
 - (i) information in their possession is likely to be of value to a relevant investigation which may be, or may have been, initiated, and
 - (ii) it is in the public interest that the information should be produced or that access to it should be given,

then, the Revenue Commissioners shall, subject to subsection (4) of this section and notwithstanding any obligation as to secrecy or other restriction upon disclosure of information imposed by or under any statute or otherwise, produce, or provide access to, such information to a relevant person.

- (3) (a) The Revenue Commissioners may authorise any officer of the Revenue Commissioners serving in a grade not lower than that of Principal Officer or its equivalent to perform any acts and discharge any functions authorised by this section to be performed or discharged by the Revenue Commissioners and references in this section, other than in this subsection, to the Revenue Commissioners shall, with any necessary modifications, be construed as including references to an officer so authorised.
- (b) The Revenue Commissioners may by notice in writing revoke an authorisation given by them under this section, without prejudice to the validity of anything previously done thereunder.
- (c) In any proceedings arising out of a relevant investigation, a certificate signed by a Revenue Commissioner or an officer authorised under paragraph (a) of this subsection, as the case may be, certifying that information specified in the certificate has been produced to or access to such information has been provided to a relevant person shall, unless the contrary is proved, be evidence without further proof of the matters stated therein or of the signature thereon.

(4) Where information has been supplied to the Revenue Commissioners by or on behalf of the government of another state in accordance with an undertaking (express or implied) on the part of the Revenue Commissioners that the material will be used only for a particular purpose or purposes, no action under this section shall have the effect of requiring or permitting the production of, or the provision of access to, the information for a purpose other than one permitted in accordance with the undertaking and the information shall not, without the consent of the other state, be further disclosed or used otherwise than in accordance with the undertaking.”

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2.—Section 32 of the Criminal Justice Act, 1994, is hereby amended—

Amendment of section 32 of Criminal Justice Act, 1994.

(a) by the insertion, in subsection (9), after “money laundering” of “or any other offence”, and

(b) by the insertion after subsection (10) of the following subsection:

“(10A) In any regulations made under subsection (10) (a) prescribing a person or body to be a designated body, the Minister may, notwithstanding any other provision of this Act, apply to that person or body such exceptions in relation to the obligations of designated bodies under this Act as the Minister considers appropriate.”

3.—Section 57 of the Criminal Justice Act, 1994, is hereby amended by the insertion after subsection (1) of the following subsection:

Amendment of section 57 of Criminal Justice Act, 1994.

“(1A) Information reported to the Garda Síochána under this section may be used in an investigation into an offence under section 31 or 32 of this Act or any other offence.”

4.—Section 64 of the Criminal Justice Act, 1994, is hereby amended by the substitution in subsection (2) of “persons” for “members of the Garda Síochána”.

Amendment of section 64 of Criminal Justice Act, 1994.

5.—Section 184 of the Income Tax Act, 1967, is hereby amended by the insertion of the following subsection after subsection (2):

Amendment of section 184 (assessment in absence of return) of Income Tax Act, 1967.

“(3) In this section, ‘information’ includes information received from a member of the Garda Síochána:

Provided that, where an assessment raised under this section is based, in whole or in part, or directly or indirectly, on information received from a member of the Garda Síochána, the said member’s source of the said information shall not, without the express permission in writing of a member of the Garda Síochána not below the rank of Chief Superintendent, be revealed in any correspondence or communication in relation to the assessment or on the hearing or rehearing of an appeal against the assessment.”

Amendment of section 144 (assessment of corporation tax) of Corporation Tax Act, 1976.

6.—Section 144 of the Corporation Tax Act, 1976, is hereby amended by the substitution of the following subsection for subsection (4):

“(4) (a) If—

- (i) a company makes default in the delivery of a statement in respect of corporation tax, or
- (ii) the inspector is not satisfied with a statement which has been delivered, or has received any information as to its insufficiency,

the inspector shall make an assessment on the company concerned in such sum as, according to the best of the inspector’s judgment, ought to be charged on that company.

(b) In this subsection, ‘information’ includes information received from a member of the Garda Síochána:

Provided that, where an assessment raised under this section is based, in whole or in part, or directly or indirectly, on information received from a member of the Garda Síochána, the said member’s source of the said information shall not, without the express permission in writing of a member of the Garda Síochána not below the rank of Chief Superintendent, be revealed in any correspondence or communication in relation to the assessment or on the hearing or rehearing of an appeal against the assessment.”.

Amendment of section 12 (assessment of duty by Commissioners) of Stamp Act, 1891.

7.—Section 12 of the Stamp Act, 1891, is hereby amended—

(a) in subsection (1A) (inserted by the Finance Act, 1991), by the insertion of “(including information received from a member of the Garda Síochána)” after “information”, and

(b) in subsection (6), by the insertion of the following:

“(d) Where an assessment raised under this section is based, in whole or in part, or directly or indirectly, on information received from a member of the Garda Síochána, the said member’s source of the said information shall not, without the express permission in writing of a member of the Garda Síochána not below the rank of Chief Superintendent, be revealed in any correspondence or communication in relation to the assessment or on the hearing or rehearing of an appeal against the assessment.”.

Amendment of section 39 (assessment of tax) of Capital Acquisitions Tax Act, 1976.

8.—Section 39 of the Capital Acquisitions Tax Act, 1976, is hereby amended by the substitution of the following subsection for subsection (7):

“(7) The Commissioners, in making any assessment, correcting assessment or additional assessment, otherwise than from a return or an additional return which is satisfactory to them, shall make an assessment of such amount of tax as, to the best of their knowledge, information (including information

received from a member of the Garda Síochána) and belief, S.8 ought to be charged, levied and paid:

Provided that, where an assessment raised under this section is based, in whole or in part, or directly or indirectly, on information received from a member of the Garda Síochána, the said member's source of the said information shall not, without the express permission in writing of a member of the Garda Síochána not below the rank of Chief Superintendent, be revealed in any correspondence or communication in relation to the assessment or on the hearing or rehearing of an appeal against the assessment.”.

9.—Section 104 of the Finance Act, 1983, is hereby amended by the substitution of the following subsection for subsection (2):

Amendment of section 104 (assessment and payment of tax) of Finance Act, 1983.

“(2) In any case in which—

- (a) a return under section 103 (1) is not delivered by an assessable person to the Commissioners on or before the 1st day of October immediately following the relevant valuation date, or
- (b) a return under section 103 (2) is not delivered by a person within the time specified, or
- (c) the Commissioners are dissatisfied with any return made under section 103 (1) or section 103 (2),

the Commissioners may make an assessment of tax payable upon the net market value of the relevant residential property, or any part thereof, of the person on the relevant valuation date of such amount or such further amount, as, to the best of their knowledge, information (including information received from a member of the Garda Síochána) and belief, ought to be charged, levied and paid and for this purpose the Commissioners may make such estimate of the market value of any property on that valuation date as they consider necessary:

Provided that:

- (i) the Commissioners may withdraw an assessment made under this subsection and make an assessment of the amount of tax payable on the basis of a return which, in their opinion, represents reasonable compliance with their requirements and which is delivered to the Commissioners within 30 days after the date of the assessment made by the Commissioners pursuant to this subsection;
- (ii) where an assessment raised under this section is based, in whole or in part, or directly or indirectly, on information received from a member of the Garda Síochána, the said member's source of the said information shall not, without the express permission in writing of a member of the Garda Síochána not below the rank of Chief Superintendent, be revealed in any correspondence or communication in relation to the assessment or on the hearing or rehearing of an appeal against the assessment.”.

Amendment of section 18 (information to be furnished by financial institutions) of Finance Act, 1983.

10.—Section 18 of the Finance Act, 1983, is hereby amended by the insertion of the following subsection after subsection (4):

“(4A) (a) Where—

- (i) a copy of any affidavit and exhibits grounding an application under subsection (2) or (4) and any order made under subsection (3) or (4) are to be made available to any of the persons referred to in subsection (2) or any of those persons' solicitor, or to the financial institution, as the case may be, and
- (ii) the judge is satisfied on the hearing of the application that there are reasonable grounds in the public interest that such copy of an affidavit, exhibits or order, as the case may be, should not include the name or address of the authorised officer,

such copy, copies or order shall not include the said name or address.

(b) If, upon any application to the judge to vary or discharge an order made under the provisions of this section, it is desired to cross-examine the deponent of any affidavit filed by or on behalf of the authorised officer and the judge is satisfied that there are reasonable grounds in the public interest to so order, the judge shall order either or both of the following:

- (i) that the name and address of the authorised officer shall not be disclosed in court, and
- (ii) that such cross-examination shall only take place in the sight and hearing of the judge and in the hearing only of all other persons present at such cross-examination.”.

Amendment of section 19 (chargeability of certain profits or gains) of Finance Act, 1983.

11.—Section 19 of the Finance Act, 1983, is hereby amended by the substitution of the following subsection for subsection (2):

“(2) Notwithstanding anything in the Tax Acts, any profits or gains which are charged to tax by virtue of subsection (1) or which are charged to tax by virtue of or following any investigation by any body (hereafter in this subsection referred to as ‘the body’) established by or under statute or by the Government, the purpose or one of the principal purposes of which is—

- (a) the identification of the assets of persons which derive or are suspected to derive, directly or indirectly, from criminal activity,
- (b) the taking of appropriate action under the law to deprive or to deny those persons of the assets or the benefit of such assets, in whole or in part, as may be appropriate, and

- (c) the pursuit of any investigation or the doing of any other preparatory work in relation to any proceedings arising from the objectives mentioned in paragraphs (a) and (b), S.11

shall be charged under Case IV of Schedule D and shall be described in the assessment to tax concerned as 'miscellaneous income', and in respect of such profits and gains so assessed—

- (i) the assessment—

(I) may be made solely in the name of the body,

and

(II) shall not be discharged by the Appeal Commissioners or by a court by reason only of the fact that the income should, apart from this section, have been described in some other manner or by reason only of the fact that the profits or gains arose wholly or partly from an unknown or unlawful source or activity,

and

- (ii) (I) the tax charged in the assessment may be demanded solely in the name of the body,

and

(II) on payment to it of the tax so demanded, the body shall issue a receipt in its name and shall forthwith—

(A) lodge the tax paid to the General Account of the Revenue Commissioners in the Central Bank of Ireland, and

(B) transmit to the Collector-General particulars of the tax assessed and payment received in respect thereof.”.

12.—The Finance Act, 1983, is hereby amended by the insertion of the following section after section 19: Anonymity.

“19A.—(1) In this section—

‘authorised officer’ means an officer of the Revenue Commissioners nominated by them to be a member of the staff of the body;

‘the body’ has the same meaning as in section 19;

‘proceedings’ includes any hearing before the Appeal Commissioners (within the meaning of the Revenue Acts);

‘the Revenue Acts’ means the Acts within the meaning of section 94 of this Act together with Chapter IV of Part II of the Finance Act, 1992, and any instruments made thereunder and any instruments made under any other enactment and relating to tax;

'tax' means any tax, duty, levy or charge under the care and management of the Revenue Commissioners.

(2) Notwithstanding any requirement made by or under any enactment or any other requirement in administrative and operational procedures, including internal procedures, all reasonable care shall be taken to ensure that the identity of an authorised officer shall not be revealed.

(3) In particular and without prejudice to the generality of subsection (2)—

- (a) when exercising or performing his or her powers or duties under the Revenue Acts in pursuance of the functions of the body, an authorised officer shall—
 - (i) not be required to produce or show any written authority or warrant of appointment under the Revenue Acts when exercising or performing his or her powers or duties under those Acts, notwithstanding any provision to the contrary in any of those Acts, and
 - (ii) be accompanied by a member of the Garda Síochána who shall, on request, by a person affected identify himself or herself as a member of the Garda Síochána and shall state that he or she is accompanied by an authorised officer,
- (b) where, in pursuance of the functions of the body, an authorised officer exercises or performs in writing any of his or her powers or duties under the Revenue Acts or any provisions of any other enactment, whenever passed, which relate to Revenue, such exercise or performance of his or her powers or duties shall be done in the name of the body and not in the name of the individual authorised officer involved, notwithstanding any provision to the contrary in any of those enactments,
- (c) in any proceedings arising out of the exercise or performance, in pursuance of the functions of the body, of powers or duties by an authorised officer, any documents relating to such proceedings shall not reveal the identity of any authorised officer, notwithstanding any requirements in any provision to the contrary, and in any proceedings the identity of such officer other than as an authorised officer shall not be revealed other than to the judge or the Appeal Commissioner, as the case may be, hearing the case,
- (d) where, in pursuance of the functions of the body, an authorised officer is required, in any proceedings, to give evidence and the judge or the Appeal Commissioner, as the case may be, is satisfied that there are reasonable grounds in the public interest to direct that evidence to be given by such authorised officer should be given in the hearing and not in the sight of any person, he or she may so direct.”.

13.—For the purposes of the Bankers' Books Evidence Act, 1879, "bank" and "banker" in section 9 (1) (inserted by section 2 of the Bankers' Books Evidence (Amendment) Act, 1959) of the said Bankers' Books Evidence Act, 1879, shall include the following:

Meaning of "bank" and "banker" in Bankers' Books Evidence Act, 1879.

- (a) any credit institution not being a credit institution authorised by the Central Bank of Ireland which provides services in the State pursuant to Council Directive 89/646/EEC⁽¹⁾ of 15.12.1989;
- (b) a society which is registered as a credit union under the Industrial and Provident Societies Acts, 1893 to 1978, by virtue of the Credit Union Act, 1966;
- (c) a member firm for the purposes of the Stock Exchange Act, 1995;
- (d) an investment business firm for the purposes of the Investment Intermediaries Act, 1995;
- (e) a person authorised to carry on moneybroking business under section 110 of the Central Bank Act, 1989;
- (f) a person providing foreign currency exchange services;
- (g) a life assurance undertaking which is the holder of an authorisation under the Insurance Acts, 1909 to 1990, or under regulations made under the European Communities Act, 1972, or which is the holder of an authorisation from another Member State of the European Communities and operating on an establishment basis in the State;
- (h) a person providing a service in financial futures and options exchanges within the meaning of section 97 of the Central Bank Act, 1989; and
- (i) any person or body prescribed by the Minister for Finance, following consultation with the Minister for Justice, by order under this section.

14.—Section 7A (inserted by section 131 of the Central Bank Act, 1989) of the Bankers' Books Evidence Act, 1879, is hereby amended—

Amendment of section 7A of Bankers' Books Evidence Act, 1879.

- (a) by renumbering that provision as subsection (1) of section 7A,
- (b) in the said subsection (1), by the insertion after "banker's book" of " , or inspect and take copies of any documentation associated with or relating to an entry in such book," and
- (c) by the insertion of the following subsection after subsection (1):
 - "(2) (a) Notwithstanding section 10, references to a judge in subsection (1) of this section shall include a reference to a judge of the Circuit Court or of the District Court.
 - (b) In subsection (1) of this section "documentation" includes information kept on microfilm, magnetic tape or in any non-legible form (by the use of electronics or otherwise) which is capable of being reproduced in a permanent legible form."

Short title.

15.—This Act may be cited as the Disclosure of Certain Information for Taxation and Other Purposes Act, 1996.



Number 4 of 1997

**CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS)
ACT, 1997**

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Amendment of section 4 of Criminal Justice Act, 1984.
3. Station bail.
4. Extending periods of remand in custody.
5. Jurisdiction of District Court and place of remand.
6. Certificates of evidence relating to certain matters.
7. Recording of evidence.
8. Consent of Director of Public Prosecutions to summary disposal of certain offences.
9. Consent of Director of Public Prosecutions to other offences being taken into consideration in awarding punishment.
10. Search warrants in relation to serious offences.
11. Electronic recording of fingerprints and palmprints.
12. Amendment of section 28 of Criminal Justice Act, 1984.
13. Extension of section 8 of Criminal Law Act, 1976.
14. Amendment of section 32 of Act of 1994.
15. Amendment of Act of 1994.
16. Amendment of section 2 of Criminal Evidence Act, 1992.
17. Amendment of section 23 of Act of 1951.
18. Amendment of section 15 of Act of 1951.
19. Power to make Prison Rules.
20. Amendment of Courts Act, 1971.
21. Commencement.
22. Expenses.
23. Repeal of enactments.
24. Short title.

FIRST SCHEDULE

SECOND SCHEDULE

ACTS REFERRED TO

Children Act, 1908	8 Edw. 7. c.67
Courts Act, 1971	1971, No. 36
Courts (No. 2) Act, 1986	1986, No. 26
Courts and Court Officers Act, 1995	1995, No. 31
Courts of Justice Act, 1924	1924, No. 10
Courts of Justice Act, 1953	1953, No. 32
Criminal Evidence Act, 1992	1992, No. 12
Criminal Justice Act, 1951	1951, No. 2
Criminal Justice Act, 1960	1960, No. 27
Criminal Justice Act, 1984	1984, No. 22
Criminal Justice Act, 1993	1993, No. 6
Criminal Justice Act, 1994	1994, No. 15
Criminal Justice (Legal Aid) Act, 1962	1962, No. 12
Criminal Law Act, 1976	1976, No. 32
Criminal Law Amendment Act, 1885	48 & 49 Vict. c.69
Criminal Law Amendment Act, 1935	1935, No. 6
Criminal Law (Incest Proceedings) Act, 1995	1995, No. 12
Criminal Law (Rape) (Amendment) Act, 1990	1990, No. 32
Criminal Law (Sexual Offences) Act, 1993	1993, No. 20
Criminal Procedure Act, 1967	1967, No. 12
General Prisons (Ireland) Act, 1877	40 & 41 Vict. c.49
Penal Servitude (Ireland) Act, 1891	54 & 55 Vict. c.69
Prisons Acts, 1826 to 1956	
Prisons (Ireland) Act, 1907	7 Edw. 7. c.19
Prisons (Visiting Committees) Act, 1925	1925, No. 11
Probation of Offenders Act, 1907	7 Edw. 7. c.17
Punishment of Incest Act, 1908	8 Edw. 7. c.45
Road Traffic Act, 1961	1961, No. 24
Road Traffic (Amendment) Act, 1984	1984, No. 16



Number 4 of 1997

**CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS)
ACT, 1997**

AN ACT TO AMEND THE LAW RELATING TO PROCEEDINGS IN CRIMINAL MATTERS IN THE DISTRICT COURT, FOR THAT AND OTHER PURPOSES TO AMEND THE COURTS OF JUSTICE ACT, 1924, THE CRIMINAL JUSTICE ACT, 1951, THE CRIMINAL PROCEDURE ACT, 1967, AND OTHER ENACTMENTS, TO GIVE EFFECT TO ARTICLE 11 OF COUNCIL DIRECTIVE 91/308/EEC OF 10 JUNE 1991 OF THE COUNCIL OF THE EUROPEAN COMMUNITIES ON PREVENTION OF THE USE OF THE FINANCIAL SYSTEM FOR THE PURPOSE OF MONEY LAUNDERING, TO MAKE PROVISION FOR THE AFFIXING OF A SEAL TO ORDERS OF THE DISTRICT COURT, TO ENABLE THE MINISTER FOR JUSTICE TO MAKE RULES FOR THE REGULATION AND GOOD GOVERNMENT OF PRISONS, AND TO PROVIDE FOR RELATED MATTERS.

[4th March, 1997]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act—

Interpretation.

“Act of 1924” means the Courts of Justice Act, 1924;

“Act of 1951” means the Criminal Justice Act, 1951;

“Act of 1967” means the Criminal Procedure Act, 1967;

“Act of 1994” means the Criminal Justice Act, 1994; ^{2/}

“member” means a member of the Garda Síochána.

(2) A reference in this Act to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

(3) A reference in this Act to an enactment shall be construed as a reference to that enactment as amended or adapted, whether before or after the commencement of this section, by or under any subsequent enactment, including this Act.

Amendment of
section 4 of
Criminal Justice
Act, 1984.

2.—The Criminal Justice Act, 1984, is hereby amended, in section 4—

(a) by the insertion in subsection (2), after “without warrant”, of “or pursuant to an authority of a judge of the District Court under section 10 (1)”;

(b) by the substitution of the following subsections for subsection (5):

“(5) If at any time during the detention of a person pursuant to this section there are no longer reasonable grounds for believing that his detention is necessary for the proper investigation of the offence to which the detention relates, he shall, subject to subsection (6), be released from custody forthwith unless he is charged or caused to be charged with an offence and is brought before a court as soon as may be in connection with such charge or his detention is authorised apart from this Act.

(6) If at any time during the detention of a person pursuant to this section a member of the Garda Síochána, with reasonable cause, suspects that person of having committed an offence to which this section applies, other than an offence to which the detention relates, and the member of the Garda Síochána then in charge of the Garda Síochána station has reasonable grounds for believing that the continued detention of that person is necessary for the proper investigation of that other offence, the person may continue to be detained in relation to the other offence as if that offence was the offence for which the person was originally detained.”

(c) by the insertion, after subsection (8), of the following subsection:

“(8A) Where a person detained pursuant to subsection (2) is taken to a court in connection with an application relating to the lawfulness of his detention, the time during which he is absent from the station for that purpose shall be excluded in reckoning a period of detention permitted by this section.”, and

(d) by the substitution, in subsection (9), of “subsection (6), (8) or (8A)” for “subsection (6) or (8)”.

Station bail.

3.—Section 31 of the Act of 1967 is hereby amended by—

(a) the substitution of the following subsection for subsection (1):

“(1) Whenever a person is brought in custody to a Garda Síochána station by a member of the Garda Síochána, the sergeant or other member in charge of the station may, if he considers it prudent to do so and no warrant directing the detention of that person is in force, release him on bail and for that purpose take from him a recognisance, with or without sureties, for his due appearance—

(a) before the District Court at the next sitting thereof in the District Court Area in which that person has been arrested or at any subsequent sit-

ting thereof in that District Court Area during S.3
the period of thirty days immediately following
such next sitting, or

(b) in the case of the District Court in the Dublin
Metropolitan District, before the next sitting of
that Court or at any subsequent sitting thereof
during the period of thirty days immediately fol-
lowing such next sitting.”,

(b) the deletion of the second sentence in subsection (3),

(c) the insertion of the following subsection:

“(3A) Any recognisance taken under this section, or
any sum of money accepted under this section in lieu of
a surety or sureties, shall be given, by the member of the
Garda Síochána taking the said recognisance or receiving
the said sum of money, to the District Court clerk for the
District Court Area in which the sitting of the Court to
which the person has been remanded is situated.”, and

(d) by the insertion of the following subsection:

“(5) The provisions of this section are without preju-
dice to the provisions of section 94 of the Children Act,
1908.”.

4.—The Act of 1967 is hereby amended by the substitution of the following section for section 24 (amended by section 8 (2) of the Courts (No. 2) Act, 1986):

Extending periods
of remand in
custody.

“24. (1) The Court shall not remand a person, on the occasion of that person’s first appearance before the Court charged with a particular offence, for a period exceeding eight days, except where this section otherwise provides.

(2) The Court may remand a person on bail for a period that is longer than eight days if the person and the prosecutor consent.

(3) The Court may remand a person in custody (other than on the occasion of that person’s first appearance before the Court charged with a particular offence) for a period not exceeding fifteen days, save that where the Court is of opinion that in all the circumstances it would be unreasonable to remand the person in custody for a period of fifteen days, the period of remand shall be such period of less than fifteen days as the Court considers appropriate.

(4) The Court may remand a person in custody (other than on the occasion of that person’s first appearance before the Court charged with a particular offence), for a period exceeding fifteen days but not exceeding thirty days, if the person and the prosecutor consent.

(5) (a) If the Court is satisfied that a person who has been remanded in custody is unable by reason of illness or accident to be brought before the Court at the expiration of the period of remand, the Court may,

in that person's absence, remand that person for such further period, which may exceed fifteen days, as the Court considers reasonable.

(b) If the Court is satisfied that a person who has been remanded on bail is unable by reason of illness or accident to appear before the Court at the expiration of the period of remand, the Court may, in that person's absence, remand that person for such further period, which may exceed eight days, as the Court considers reasonable.

(6) (a) Where a person has been remanded in custody and there is no sitting of the Court on the day to which he has been remanded, that person shall stand so remanded to the sitting of the Court next held in the same District Court District.

(b) Where a person has been remanded on bail and there is no sitting of the Court on the day to which he has been remanded, that person shall stand so remanded to the sitting of the Court next held in the same District Court Area.”.

Jurisdiction of District Court and place of remand.

5.—(1) Notwithstanding section 27 (3) of the Courts of Justice Act, 1953, the court before which a person first appears charged with a particular offence or a judge of the District Court exercising jurisdiction under subsection (2) of section 79 of the Act of 1924 (inserted by section 41 of the Courts and Court Officers Act, 1995) may remand that person in custody to appear at a sitting of the District Court (“alternative court”) in the District Court District in which the prison or place of detention where he or she is to be held in custody is situated or a District Court District adjoining the first-mentioned District Court District.

(2) The alternative court may, from time to time, as occasion requires, further remand a person, referred to in subsection (1) of the said section 79, in custody or on bail, to that court or to another alternative court.

(3) An alternative court shall, for the purposes of the conduct of a preliminary examination under the Act of 1967 in relation to a person, or, as the case may be, the trial of a person, remand the person to a sitting of the court in the District Court District—

(a) in which the offence to which the preliminary examination or trial relates was committed, or

(b) in which the person resides or was arrested.

(4) The said section 79 is hereby amended by the substitution of the following subsection for subsection (3):

“(3) A judge of the District Court exercising jurisdiction under subsection (2) shall not have jurisdiction to—

(a) conduct a preliminary examination under the provisions of the Criminal Procedure Act, 1967, or

(b) try an accused for an offence,

unless that jurisdiction is exercised in the District Court S.5 District—

- (i) in which the offence was committed, or
- (ii) in which the accused resides or was arrested.”.

(5) Subsection (4) of the said section 79 shall not apply to an alternative court.

(6) Section 2 of the Criminal Justice (Legal Aid) Act, 1962, is hereby amended by the substitution of the following subsection for subsection (1):

“(1) If it appears to the District Court before which a person is charged with an offence or an alternative court within the meaning of *section 5 of the Criminal Justice (Miscellaneous Provisions) Act, 1997* before which a person is appearing—

- (a) that the means of the person before it are insufficient to enable him to obtain legal aid, and
- (b) that by reason of the gravity of the offence with which he is charged or of exceptional circumstances it is essential in the interests of justice that he should have legal aid in the preparation and conduct of his defence before it,

the said District Court or the alternative court, as may be appropriate, shall, on application being made to it in that behalf, grant a certificate, in respect of him, for free legal aid (in this Act referred to as a legal aid (District Court) certificate) and thereupon he shall be entitled to such aid and to have a solicitor and (where he is charged with murder and the said District Court or the alternative court, as the case may be, thinks fit) counsel assigned to him for that purpose in such manner as may be prescribed by regulations under section 10 of this Act.”.

6.—(1) Where a person, who has been arrested otherwise than under a warrant, first appears before the District Court charged with an offence, a certificate purporting to be signed by a member and stating that that member did, at a specified time and place, any one or more of the following namely—

Certificates of evidence relating to certain matters.

- (a) arrested that person for a specified offence,
- (b) charged that person with a specified offence, or
- (c) cautioned that person upon his or her being arrested for, or charged with, a specified offence,

shall be admissible as evidence of the matters stated in the certificate.

(2) In any criminal proceedings a certificate purporting to be signed by a member and stating that—

- (a) that member did any one or more of the following namely—
 - (i) commenced duty, or replaced a specified member on duty, at a specified time at a place—

(I) where the offence to which such proceedings relate is alleged to have been committed,

(II) adjacent to the place referred to in *clause I* of this subparagraph, or

(III) containing evidence of the offence to which the proceedings relate,

or

(ii) remained on duty at a place referred to in *subparagraph (i)* until a specified time or until replaced at a specified time by a specified member,

or

(b) in relation to a place referred to in *paragraph (a)* no person entered upon that place during a specified period without the permission of that member and that no evidence at that place was disturbed while he or she was on duty at that place,

shall be admissible as evidence of the matters stated in the certificate.

(3) Where a person enters upon a place referred to in *paragraph (a)* of *subsection (2)* at a time when a member is on duty at that place, a certificate referred to in the said subsection shall state the name of that person and the purpose for which that person was permitted to enter upon that place.

(4) In any criminal proceedings the court may, if it considers that the interests of justice so require, direct that oral evidence of the matters stated in a certificate under this section be given, and the court may for the purpose of receiving oral evidence adjourn the proceedings to a later date.

(5) A certificate under this section shall be tendered in evidence by a member not below the rank of sergeant.

(6) Upon the laying of a charge sheet and recognisance before the District Court, the court shall require the person (if any) present and to whom the charge sheet and recognisance relate, to identify himself or herself, and accordingly, on being so required, the person shall identify himself or herself, as the case may be, to the court.

(7) The Minister for Justice may, by regulations, prescribe the form of a certificate under this section.

Recording of evidence.

7.—The Act of 1924 is hereby amended by the substitution of the following section for section 33:

“33. (1) The appeal, in case such certificate or leave to appeal is granted, shall be heard and determined by the Court of Criminal Appeal (‘the court’) on—

(a) a record of the proceedings at the trial and on a transcript thereof verified by the judge before whom the case was tried, and

- (b) where the trial judge is of opinion that the record or transcript referred to in *paragraph (a)* of this subsection does not reflect what took place during the trial, a report by him as to the defects which he considers such record or transcript, as the case may be, contains,

with power to the court to hear new or additional evidence, and to refer any matter for report by the said judge.

(2) Where the court is of opinion that either the record or the transcript thereof is defective in any material particular, it may determine the appeal in such manner as it considers, in all the circumstances, appropriate.

(3) In this section, 'record' includes, in addition to a record in writing—

(a) shorthand notes, or a disc, tape, soundtrack or other device in which information, sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in legible or audible form,

(b) a film tape or other device in which visual images are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in visual form, and

(c) a photograph.

(4) Section 97 of the Act of 1924 is hereby repealed.”.

8.—Section 2 of the Act of 1951 (amended by section 19 of the Act of 1967) is hereby amended by the substitution of the following subsection for subsection (2):

Consent of Director of Public Prosecutions to summary disposal of certain offences.

“(2) The District Court may try summarily a person charged with a scheduled offence if—

(a) the Court is of opinion that the facts proved or alleged constitute a minor offence fit to be tried summarily,

(b) the accused, on being informed by the Court of his right to be tried with a jury, does not object to being tried summarily, and

(c) the Director of Public Prosecutions consents to the accused being tried summarily for such offence.”.

9.—Section 8 of the Act of 1951 is hereby amended by the substitution of the following subsection for subsection (1):

Consent of Director of Public Prosecutions to other offences being taken into consideration in awarding punishment.

“(1) Where a person, on being convicted of an offence, admits himself guilty of any other offence and asks to have it taken into consideration in awarding punishment, the Court may, if the Director of Public Prosecutions consents, take it into consideration accordingly.”.

Search warrants in relation to serious offences.

10.—(1) A judge of the District Court, on hearing evidence on oath given by a member not below the rank of inspector, may, if he or she is satisfied that there are reasonable grounds for suspecting that evidence of, or relating to the commission of—

- (a) an indictable offence involving the death of or serious bodily injury to any person,
- (b) an offence of false imprisonment,
- (c) an offence of rape, or
- (d) an offence under an enactment set out in the *First Schedule* to this Act,

is to be found in any place, issue a warrant for the search of that place and any persons found at that place.

(2) A warrant under this section shall be expressed to and shall operate to authorise a named member, accompanied by any other member, to enter, within one week of the date of issuing of the warrant (if necessary by the use of reasonable force), the place named on the warrant, and to search it and any persons found at that place and seize anything found at that place, or anything found in the possession of a person present at that place at the time of the search, which the said member reasonably believes to be evidence of or relating to an offence referred to in *subsection (1)*.

(3) A member acting under the authority of a warrant under this section may—

- (a) require any person present at the place where the search is carried out to give to the member his or her name and address, and
- (b) arrest otherwise than on foot of a warrant any person—
 - (i) who obstructs or attempts to obstruct that member in the carrying out of his or her duties,
 - (ii) who fails to comply with a requirement under *paragraph (a)*, or
 - (iii) who gives a name or address which the member has reasonable cause for believing is false or misleading.

(4) A person who obstructs or attempts to obstruct a member acting under the authority of a warrant under this section, who fails to comply with a requirement under *paragraph (a)* of *subsection (3)* or who gives a false name or address to a member shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500, or to imprisonment for a period not exceeding 6 months, or to both.

(5) The power to issue a warrant under this section is in addition to and not in substitution for any other power to issue a warrant for the search of any place or person.

(6) In this section—

“commission” in relation to an offence, includes an attempt to commit such offence; and

“place” includes a dwelling.

11.—(1) A power under any enactment, whether passed before or after the passing of this Act, to take the fingerprints or palmprints of any person shall include the power to record an image of that person's fingerprints or palmprints by electronic means or in any other manner.

Electronic recording of fingerprints and palmprints.

(2) A photograph, or an image of any fingerprint or palmprint attached to or contained in a certificate purporting to be signed by the member who took such photograph or recorded such image and stating that—

(a) the said photograph is that of a specified person, or

(b) the said image is that of the fingerprint or palmprint, as the case may be, of a specified person,

and was taken or recorded, as the case may be, by the said member, shall, unless the contrary is proved, be evidence of the matters stated in the certificate.

12.—The Criminal Justice Act, 1984, is hereby amended by the substitution of the following section for section 28:

Amendment of section 28 of Criminal Justice Act, 1984.

“Taking of fingerprints, palmprints or photographs of person dealt with under Probation of Offenders Act, 1907, or convicted.

28. (1) Where a person, on being prosecuted for an indictable offence, is the subject of an order under subsection (1) or (2) of section 1 of the Probation of Offenders Act, 1907, or is convicted and otherwise dealt with, a member of the Garda Síochána may—

(a) at any convenient place, take the fingerprints, palmprints or photograph of that person, within 7 days of the making of such order or his being convicted, or

(b) require, in writing, that person to attend, within 7 days of the making of such order or his being convicted, at a named Garda Síochána station for the purpose of having his fingerprints, palmprints or photograph taken:

Provided that where a person has made it impracticable for his fingerprints, palmprints or photograph to be taken within the said period of 7 days, a member of the Garda Síochána may require (or in the case of a person attending a Garda Síochána station pursuant to a requirement under this section, further require) in writing, that person to attend at a named Garda Síochána station on a specified day for the purpose of having his fingerprints, palmprints or photograph taken.

(2) A member of the Garda Síochána may take the fingerprints, palmprints or photograph of a person on his attendance at a Garda Síochána station pursuant to a requirement under this section.

(3) The provisions of section 8 shall apply to fingerprints, palmprints or photographs taken pursuant to this section of a person who is the subject of an order under subsection (1) or (2) of section 1 of the Probation of Offenders Act, 1907, as they apply to fingerprints, palmprints or photographs taken in pursuance of the powers conferred by section 6.

(4) Any person who refuses to comply with a requirement under this section or to allow his fingerprints, palmprints or photograph to be taken pursuant to this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months or to both.”.

Extension of section 8 of Criminal Law Act, 1976.

13.—Section 8 of the Criminal Law Act, 1976, is hereby amended by the insertion in subsection (1), after paragraph (j), of the following paragraph:

“(k) an offence under section 112 (2) of the Road Traffic Act, 1961 (substituted by section 3 (7) of the Road Traffic (Amendment) Act, 1984).”.

Amendment of section 32 of Act of 1994.

14.—Section 32 of the Act of 1994 is hereby amended by the insertion of the following subsections:

“(9A) A designated body shall, in relation to the carrying on of its business, adopt measures to prevent and detect the commission of an offence under section 31 of this Act.

(9B) Measures adopted under subsection (9A) of this section shall include—

- (a) the establishment of procedures to be followed by directors or other officers, and employees in the conduct of the business of the designated body,
- (b) the giving of instructions to directors or other officers, and employees on the application of Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering¹, and on the effect of Part IV of this Act and sections 57 and 58 of this Act, and
- (c) the training of directors or other officers, and employees for the purpose of enabling them to identify transactions which may relate to the commission of an offence under section 31 of this Act, and the giving of instructions to them on how a director, other officer or employee should proceed once he or she, as the case may be, has identified such a transaction.

¹ O.J. No. L 166/77, 28 June, 1991

(9C) In subsection (9B) of this section references to ‘directors’, ‘officers’ or ‘employees’ shall be construed as references to directors, officers or employees, as the case may be, of a designated body.”.

15.—The Act of 1994 is hereby amended by—

Amendment of Act
of 1994.

(a) the substitution of the following subsection for subsection (4) of section 55:

“(4) No application for a warrant under this section, or for an order under section 63 of this Act as adapted by subsection (2) of this section, shall be made except in pursuance of a direction given by the Minister in response to a request received by him from the government of a country in relation to which this section applies, or a person acting on the authority of such government, and made on behalf of—

(a) a court or tribunal exercising criminal jurisdiction in the country in question or a prosecuting authority in that country, or

(b) any other authority in that country which appears to the Minister to be an appropriate authority for the purposes of this section,

and any evidence seized or obtained by a member of the Garda Síochána by virtue of this section shall be furnished by him to the Minister for transmission to the government or person concerned or, if that government or person so requests, to the court, tribunal or authority for which it has been seized or obtained.”, and

(b) the addition in Part VII of the following new section:

“Revenue offences.

56A. (1) For the avoidance of doubt it is hereby declared that, in relation to an offence under the law of a country or territory other than the State, references in Part VII to an offence shall be construed as including references to a revenue offence.

(2) In this section ‘revenue offence’ means an offence in connection with taxes, duties or exchange control.”.

16.—Section 2 of the Criminal Evidence Act, 1992, is hereby amended by the substitution of the following definition for the definition of “sexual offence”:

Amendment of
section 2 of
Criminal Evidence
Act, 1992.

“‘sexual offence’ means rape, an offence under section 3 of the Criminal Law (Sexual Offences) Act, 1993, sexual assault (within the meaning of section 2 of the Criminal Law (Rape) (Amendment) Act, 1990), aggravated sexual assault (within the meaning of section 3 of that Act), rape under section 4 of the Criminal Law (Rape) (Amendment) Act, 1990 or an offence under—

(a) section 3 (as amended by section 8 of the Act of 1935) or 6 (as amended by section 9 of the Act of 1935) of the Criminal Law Amendment Act, 1885,

- (b) section 4 of the Criminal Law (Sexual Offences) Act, 1993,
 - (c) section 1 (as amended by section 12 of the Criminal Justice Act, 1993 and section 5 of the Criminal Law (Incest Proceedings) Act, 1995) or 2 (as amended by section 12 of the Act of 1935) of the Punishment of Incest Act, 1908,
 - (d) section 17 (as amended by section 11 of the Act of 1935) of the Children Act, 1908,
 - (e) section 1 or 2 of the Act of 1935, or
 - (f) section 5 of the Criminal Law (Sexual Offences) Act, 1993,
- excluding an attempt to commit any such offence;”.

Amendment of
section 23 of Act of
1951.

17.—The Act of 1951 is hereby amended by—

- (a) the deletion of subsection (3) of section 23, and
- (b) the insertion of the following section:

“23A (1) The Government, may by order, delegate to the Minister for Justice any power of the Government under section 23 of this Act.

(2) The Government may, by order, revoke an order under this section.”.

Amendment of
section 15 of Act of
1951.

18.—The Act of 1951 is hereby amended by the substitution of the following section for section 15 (substituted by section 26 of the Criminal Justice Act, 1984):

“15. (1) A person arrested pursuant to a warrant shall on arrest be brought, as soon as practicable, before a judge of the District Court having jurisdiction to deal with the offence concerned.

(2) A person arrested without warrant shall, on being charged with an offence, be brought, as soon as practicable, before a judge of the District Court having jurisdiction to deal with the offence concerned.

(3) Where a person is arrested pursuant to a warrant later than the hour of 5 o'clock on any evening or, having been arrested without warrant, is charged after that hour and a judge of the District Court is due to sit in the District Court District in which the person was arrested not later than noon on the following day, it shall be sufficient compliance with subsection (1) or (2) of this section, as the case may be, if he is brought before a judge of the District Court sitting in that District Court District at the commencement of the sitting.

(4) If the accused is remanded on bail and there and then finds bail, the case shall be remitted to the next sitting of the District Court.

(5) In any other event, the case shall be remitted to a sitting of the District Court at a named place to be held within a period not exceeding 8 days of the arrest.

(6) This section is without prejudice to the provisions of any S.18 enactment relating to proceedings after arrest or charge in particular cases.”.

19.—(1) The Minister for Justice may make rules for the regulation and good government of prisons. Power to make
Prison Rules.

(2) For the purposes of this section “prison” means a place of custody administered by the Minister for Justice.

(3) Without prejudice to the generality of the foregoing, rules under this section may provide for—

(a) the duties and conduct of the governor and officers of a prison,

(b) the classification of persons detained in a prison,

(c) the treatment of persons detained in a prison, including the diet, clothing, maintenance, employment, instruction, discipline and correction of such persons,

(d) the provision of facilities and services to persons detained in prison, including educational facilities, medical services, and services relating to the general moral and physical welfare of such persons,

(e) the imposition of penalties by the governor of a prison or an officer of that prison acting on his or her behalf for such breaches of prison discipline as may be specified in such rules by persons detained in a prison,

(f) remission for good conduct of a portion of a convicted person’s sentence,

(g) the photographing and measuring of persons detained in a prison and the taking of fingerprints and palmprints from such persons during their detention in a prison.

(4) The governor of a prison or an officer of that prison acting on his or her behalf may furnish the Garda Síochána with copies of photographs, measurements, fingerprints or palmprints obtained in accordance with rules made under this section.

(5) Section 3 of the Prisons (Visiting Committees) Act, 1925, is hereby amended by the substitution of the following subsection for subsection (3):

“(3) An appeal from a decision of the governor of a prison or an officer of that prison acting on his or her behalf to impose a penalty on a person, in accordance with rules made under section 19 of the *Criminal Justice (Miscellaneous Provisions) Act, 1997*, may be heard by a visiting committee subject to and in accordance with rules made under this Act.”.

(6) Subsection (3) of section 13 of the Criminal Justice Act, 1960, is hereby amended by—

- (a) the substitution of the following paragraph for paragraph (a):

“(a) the Prisons Acts, 1826 to 1956 (other than section 12 of the General Prisons (Ireland) Act, 1877, the Prisons (Ireland) Act, 1907, and section 8 of the Penal Servitude (Ireland) Act, 1891) and the rules made thereunder, whether made before or after the commencement of this Act,”

and

- (b) the insertion of the following paragraph:

“(aa) rules made under section 19 of the *Criminal Justice (Miscellaneous Provisions) Act, 1997*, and”.

(7) Rules made under this section shall be laid before each House of the Oireachtas as soon as may be after they are made, and if a resolution annulling the rules is passed by either such House within the next 21 days on which that House has sat after the rules are laid before it, the rules shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(8) Rules made under section 12 of the General Prisons (Ireland) Act, 1877, and the Prisons (Ireland) Act, 1907, and regulations made under section 8 of the Penal Servitude (Ireland) Act, 1891, that were in force immediately before the commencement of this Act, shall continue in force as if made under this section and may be amended or revoked accordingly.

Amendment of
Courts Act, 1971.

20.—The Courts Act, 1971, is hereby amended by—

- (a) the insertion of the following section:

“District Court
seal.

13A. (1) The District Court shall, as soon as may be after the passing of the *Criminal Justice (Miscellaneous Provisions) Act, 1997*, provide itself with one or, as may be appropriate, more than one seal—

- (a) in respect of each District Court Area,
and

- (b) in respect of the Dublin Metropolitan
District,

for use in the District Court Area concerned or the Dublin Metropolitan District, as the case may be.

(2) A seal under this section shall be inscribed with the number of the District Court District and the name of the District Court Area to which it relates or, in the case of the Dublin Metropolitan District, with the name of that District.

(3) Where there is more than one seal in respect of a District Court Area each such seal shall, in addition to the number it is required to bear under subsection (2), bear a number distinguishing it from all other seals in respect of that District Court Area.

(4) Each seal in respect of the Dublin Metropolitan District shall, in addition to the name it is required to bear under subsection (2), bear a number distinguishing it from all other seals in respect of that District.

(5) Rules of court may make provision for the custody of a seal under this section.”,

and

(b) the substitution of the following section for section 14:

“14. (1) In any legal proceedings regard shall not be had to any record, relating to a decision of a judge of the District Court in any case of summary jurisdiction, other than an order which, when an order is required, shall be drawn up by the District Court clerk and either—

(a) signed by the judge who made the order, or

(b) affixed with the seal of the District Court in respect of the District Court Area in which the order was made or, where the order was made by a judge of the District Court sitting in the Dublin Metropolitan District, affixed with the seal of that District,

or a copy thereof certified in accordance with rules of court.

(2) A seal of the District Court when affixed to an order drawn up in accordance with this section shall be authenticated by the signature of the judge who made the order or the District Court clerk who drew up the order.”.

21.—Sections 3 to 10, 12 and 18 shall come into operation one month after the passing of this Act. Commencement.

22.—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 Finance, be paid out of moneys provided by the Oireachtas. Expenses.

23.—The enactments specified in the *Second Schedule* to this Act are hereby repealed. Repeal of enactments.

24.—This Act may be cited as the Criminal Justice (Miscellaneous Provisions) Act, 1997. Short title.

Section 10.

FIRST SCHEDULE

Number and Year (1)	Enactment (2)
8 Edw.7. c.45	Section 1 of the Punishment of Incest Act, 1908
No. 6 of 1935	Sections 1 and 2 of the Criminal Law Amendment Act, 1935
No. 32 of 1990	Sections 3 and 4 of the Criminal Law (Rape) (Amendment) Act, 1990
No. 20 of 1993	Sections 3 and 5 of the Criminal Law (Sexual Offences) Act, 1993

Section 23.

SECOND SCHEDULE

Number and Year (1)	Enactment (2)
40 & 41 Vict. c.49	Section 12 of the General Prisons (Ireland) Act, 1877
54 & 55 Vict. c.69	Section 8 of the Penal Servitude (Ireland) Act, 1891
7 Edw. 7. c.19	Section 1 of the Prisons (Ireland) Act, 1907