Changes to Legislation: as of 12 March 2024, there are changes to this Act which have not been implemented by the Revised Acts editorial team, see highlighted entries **here**. Note that some amendments may not be in force until commenced by a commencement order or other provision.



Number 27 *of* 2010

CRIMINAL PROCEDURE ACT 2010

REVISED

Updated to 1 November 2023

This Revised Act is an administrative consolidation of the *Criminal Procedure Act 2010.* It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 2010* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Screening of Third Country Transactions Act 2023* (28/2022), enacted 31 October 2023, and all statutory instruments up to and including the *Criminal Justice (Miscellaneous Provisions) Act 2023 (Commencement) (No. 2) Order 2023* (S.I. No. 525 of 2023), made 31 October 2023, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 27 *of* 2010

CRIMINAL PROCEDURE ACT 2010

REVISED

Updated to 1 November 2023

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RELEVANT OFFENCES

ACTS REFERRED TO

Air Navigation and Transport Act 1973	1973, No. 29
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Broadcasting Act 2009	2009, No. 18
Child Trafficking and Pornography Act 1998	1998, No. 22
Children Act 2001	2001, No. 24
Courts Act 1991	1991, No. 20
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Criminal Damage Act 1991	1991, No. 31
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Criminal Justice (Legal Aid) Act 1962	1962, No. 12
Criminal Justice (Terrorist Offences) Act 2005	2005, No. 2
Criminal Justice (Theft and Fraud Offences) Act 2001	2001, No. 50
Criminal Justice (United Nations Convention against Torture) Act 2000	2000, No. 11
Criminal Justice Act 1951	1951, No. 2
Criminal Justice Act 1984	1984, No. 22
Criminal Justice Act 1990	1990, No. 16
Criminal Justice Act 1993	1993, No. 6

Criminal Justice Act 1994	1994, No. 15
Criminal Justice Act 1999	1999, No. 10
Criminal Justice Act 2006	2006, No. 26
Criminal Law (Human Trafficking) Act 2008	2008, No. 8
Criminal Law (Insanity) Act 2006	2006, No. 11
Criminal Law (Rape) (Amendment) Act 1990	1990, No. 32
Criminal Law (Sexual Offences) Act 2006	2006, No. 15
Criminal Procedure Act 1967	1967, No. 12
Explosive Substances Act 1883	46 & 47 Vict., c. 3
Firearms Act 1925	1925, No. 17
Firearms Act 1964	1964, No. 1
International Criminal Court Act 2006	2006, No. 30
Maritime Security Act 2004	2004, No. 29
Misuse of Drugs Act 1977	1977, No. 12
Non-Fatal Offences Against the Person Act 1997	1997, No. 26
Offences Against the State (Amendment) Act 1998	1998, No. 39
Offences Against the State Act 1939	1939, No. 13
Prevention of Corruption Act 1906	6 Edw. 7, c. 34
Prisons Act 2007	2007, No. 10
Prosecution of Offences Act 1974	1974, No. 22
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Number 27 *of* 2010

CRIMINAL PROCEDURE ACT 2010

REVISED

Updated to 1 November 2023

AN ACT TO AMEND AND EXTEND THE CRIMINAL JUSTICE ACT 1993; TO AMEND CRIMINAL LAW AND PROCEDURE IN OTHER RESPECTS, INCLUDING MAKING PROVISION FOR EXCEPTIONS TO THE RULE AGAINST DOUBLE JEOPARDY SO AS TO ENABLE THE COURT OF CRIMINAL APPEAL TO HEAR AND DETERMINE APPLICATIONS BROUGHT IN CERTAIN CIRCUMSTANCES BY THE DIRECTOR OF PUBLIC PROSECUTIONS TO QUASH CERTAIN ACQUITTALS AND TO HAVE PERSONS WHO ARE THE SUBJECT OF THOSE APPLICATIONS RE-TRIED, AND TO PROVIDE FOR AN APPEAL TO THE SUPREME COURT ON A POINT OF LAW FROM A DETERMINATION OF THE COURT OF CRIMINAL APPEAL IN RESPECT OF SUCH APPLICATIONS; TO EXTEND THE POWERS OF THE GARDA SÍOCHÁNA IN RELATION TO THE INVESTIGATION OF CERTAIN OFFENCES; TO EXTEND THE CIRCUMSTANCES IN WHICH THE DIRECTOR OF PUBLIC PROSECUTIONS OR THE ATTORNEY GENERAL, AS MAY BE APPROPRIATE, MAY TAKE AN APPEAL IN CRIMINAL PROCEEDINGS; TO AMEND THE CRIMINAL JUSTICE (EVIDENCE) ACT 1924 AND TO AMEND AND EXTEND THE LAW RELATING TO EVIDENCE IN OTHER RESPECTS; TO AMEND THE CRIMINAL JUSTICE ACT 1994, THE COURTS ACT 1991, THE CRIMINAL PROCEDURE ACT 1967, THE CRIMINAL JUSTICE (LEGAL AID) ACT 1962, THE CRIMINAL JUSTICE ACT 1951, THE OFFENCES AGAINST THE STATE ACT 1939 AND THE COURTS OF JUSTICE ACT 1924; AND TO PROVIDE FOR RELATED MATTERS.

[20*th July*, 2010]
BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

Preliminary and General

Short title and commencement.

1.— (1) This Act may be cited as the Criminal Procedure Act 2010.

(2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Annotations

Editorial Notes:

E1 Power pursuant to section exercised (31.08.2010) by *Criminal Procedure Act 2010 (Commencement) Order 2010* (S.I. No. 414 of 2010).

2. The 1st day of September 2010 is appointed as the day on which the Criminal Procedure Act 2010 (No. 27 of 2010) shall come into operation.

Interpretation.

2.— (1) In this Act unless the context otherwise requires—

"Act of 1962" means the Criminal Justice (Legal Aid) Act 1962;

"Act of 1967" means the Criminal Procedure Act 1967;

"Act of 1993" means the Criminal Justice Act 1993;

"broadcast" has the meaning it has in section 2 of the Broadcasting Act 2009;

"children detention school" has the meaning it has in section 3(1) of the Children Act 2001;

"Director" means the Director of Public Prosecutions;

F1**[**"legal aid (appeal) certificate" has the meaning it has in the Act of 1962;**]**

"legal aid (Supreme Court) certificate" has the meaning it has in the Act of 1962;

"legal aid (trial on indictment) certificate" has the meaning it has in the Act of 1962;

"Minister" means the Minister for Justice and Law Reform;

"prison" has the meaning it has in section 2 of the Prisons Act 2007;

"publication" means publication, other than by way of broadcast, to the public or a portion of the public.

(2) In this Act, unless the context otherwise requires, references to—

(*a*) a jury shall, in relation to proceedings conducted before a court sitting without a jury, be construed as references to that court, and

(*b*) a person being sent forward for trial include, where appropriate, references to such a person being sent or being sent forward for trial to, or charged before, a Special Criminal Court.

Annotations

Amendments:

F1 Inserted (28.10.2014) by *Court of Appeal Act 2014* (18/2014), s. 71(a), S.I. No. 479 of 2014.

Expenses.

3.— The expenses incurred by the Minister 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.

PART 2

Impact of Crime on Victim

Amendment of section 5 of Act of 1993.

4.— The Act of 1993 is amended by the substitution of the following section for section 5:

"Effect of certain offences on persons in respect of whom offence committed.

5.— (1) This section applies to—

(*a*) a sexual offence within the meaning of the Criminal Evidence Act 1992,

(*b*) an offence involving violence or the threat of violence to a person,

(*c*) an offence under the Non-Fatal Offences Against the Person Act 1997, and

(*d*) an offence consisting of attempting or conspiring to commit, or aiding, abetting, counselling, procuring or inciting the commission of, an offence mentioned in paragraph (*a*), (*b*) or (*c*).

(2) (*a*) When imposing sentence on a person for an offence to which this section applies, a court shall take into account, and may, where necessary, receive evidence or submissions concerning, any effect (whether long-term or otherwise) of the offence on the person in respect of whom the offence was committed.

(*b*) For the purposes of paragraph (*a*), a 'person in respect of whom the offence was committed' includes, where, as a result of the offence, that person has died, is ill or is otherwise incapacitated, a family member of that person.

(3) (*a*) When imposing sentence on a person for an offence to which this section applies, a court shall, upon application by the person in respect of whom such offence was committed, hear the evidence of the person in respect of whom the offence was committed as to the effect of the offence on such person.

(*b*) For the purpose of paragraph (*a*), where the person in respect of whom the offence was committed—

(i) is a child under the age of 14 years, the child, or his or her parent or guardian, may give evidence as to the effect of the offence concerned on that child,

(ii) is—

(I) a person with a mental disorder (not resulting from the offence concerned), the person or a family member,

(II) a person with a mental disorder (not resulting from the offence concerned), who is a child, the person or his or her parent or guardian,

may give evidence as to the effect of the offence concerned on that person,

(iii) is a person who is ill or is otherwise incapacitated as a result of the offence, a family member of the person may give evidence as to the effect of the offence concerned on that person and on his or her family members,

(iv) has died as a result of the offence, a family member of the person may give evidence as to the effect of the offence concerned—

(I) on the person between the commission of the offence and his or her death (where relevant), and

(II) on the family members of the person who has died.

(*c*) A person who has been convicted of an offence to which this section applies may not give evidence pursuant to paragraph (*b*) in respect of that offence.

(*d*) Where more than one family member seeks to avail of paragraph (*b*), the court may direct the family members to nominate one or more family members for the purpose of that paragraph.

(*e*) Where the court directs the family members to nominate one or more family members pursuant to paragraph (*d*) and the family members are unable to reach agreement, the court may, having regard to the degree of relationship between the family members and the person in respect of whom the offence was committed, nominate one or more family members as it considers appropriate.

(4) Where no evidence is given pursuant to subsection (3), the court shall not draw an inference that the offence had little or no effect (whether long-term or otherwise) on the person in respect of whom the offence was committed or, where appropriate, on his or her family members.

(5) (*a*) The court may, in the interests of justice, order that information relating to the evidence given under subsection (3) or a part of it shall not be published or broadcast.

(*b*) If any matter is published or broadcast in contravention of paragraph (*a*), the following persons, namely—

(i) in the case of a publication in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical,

(ii) in the case of any other publication, the person who publishes it, and

(iii) in the case of a broadcast, any person who transmits or provides the programme in which the broadcast is made and any person having functions in relation to the programme corresponding to those of the editor of a newspaper,

shall be guilty of an offence.

(*c*) A person guilty of an offence under paragraph (*b*) shall be liable—

(i) on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 12 months or to both, or

(ii) on conviction on indictment, to a fine not exceeding €50,000 or to imprisonment for a term not exceeding 3 years or to both.

(*d*) Where an offence under paragraph (*b*) is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of or to be attributable to any neglect on the part of a person being a director, manager, secretary or other officer of the body corporate or any other person who was acting or purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(*e*) Where the affairs of a body corporate are managed by its members, paragraph (*d*) shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

(6) In this section and in sections 5A and 5B, unless the context otherwise requires—

'broadcast' has the meaning it has in section 2 of the Broadcasting Act 2009;

'child' means a person under the age of 18;

'family member' means—

(*a*) a spouse or partner of the person,

(*b*) a child, grandchild, parent, grandparent, brother, sister, uncle, aunt, nephew or niece of the person,

(*c*) a person who is acting in *loco parentis* to the person,

(*d*) a dependant of the person, or

(*e*) any other person whom the court considers to have had a close connection with the person;

'guardian', in relation to a child, has the meaning it has in the Children Act 2001;

'mental disorder' includes a mental illness, mental disability, dementia or any disease of the mind;

'publish' means publish, other than by way of broadcast, to the public or a portion of the public.".

Evidence through television link.

5.— The Act of 1993 is amended by the insertion of the following section after section 5:

"5A.— (1) (*a*) A child or a person with a mental disorder in respect of whom an offence to which section 5 applies was committed, may give evidence pursuant to section 5(3), whether from within or outside the State, through a live television link unless the court sees good reason to the contrary.

(*b*) Any other person in respect of whom an offence to which section 5 applies was committed may, with the leave of the court, give evidence pursuant to section 5(3), whether from within or outside the State, through a live television link.

(2) Evidence given under subsection (1) shall be videorecorded.

(3) While evidence is being given pursuant to subsection (1) (except through an intermediary pursuant to section 5B(1)), neither the judge, nor the barrister or solicitor concerned in the examination of the witness, shall wear a wig or gown.".

Evidence through intermediary.

6.— The Act of 1993 is amended by the insertion of the following section after section 5A:

"5B.— (1) Where a child or a person with a mental disorder is giving, or is to give evidence through a live television link, pursuant to section 5A, the court may, on the application of the prosecution or the accused, if satisfied that, having regard to the age or mental condition of the witness, the interests of justice require that any questions to be put to the witness be put through an intermediary, direct that any such questions be so put.

(2) Questions put to a witness through an intermediary under this section shall be either in the words used by the questioner or so as to convey to the witness in a way which is appropriate to his or her age and mental condition, the meaning of the questions being asked.

(3) An intermediary referred to in subsection (1) shall be appointed by the court and shall be a person who, in its opinion, is competent to act as such.".

PART 3

Exceptions to rule against double jeopardy

Chapter 1

Interpretation

Interpretation (*Part 3*).

7.— In this Part, unless the context otherwise requires—

"Act of 1984" means the Criminal Justice Act 1984;

"acquittal" includes a verdict of not guilty returned by a jury and a verdict of not guilty returned by a jury by direction of a court;

"application for a re-trial order" means an application under *section 8* or *9*;

"compelling evidence", in relation to a person, means evidence which—

(*a*) is reliable,

(*b*) is of significant probative value, and

(*c*) is such that a jury might reasonably be satisfied beyond a reasonable doubt of the person's guilt in respect of the offence concerned;

"Court" means the Court of Criminal Appeal;

"legal aid (re-trial order) certificate" has the meaning it has in the Act of 1962;

"new and compelling evidence", in relation to a person, means evidence—

(*a*) which was not adduced by the prosecution in the proceedings in respect of which the person was acquitted (nor in any appeal proceedings to which the original proceedings related), and

(*b*) which could not, with the exercise of due diligence, have been adduced during those proceedings, and

(*c*) is evidence which—

(i) is reliable,

(ii) is of significant probative value, and

(iii) is such that when taken together with all the other evidence adduced in the proceedings concerned, a jury might reasonably be satisfied beyond a reasonable doubt of the person's guilt in respect of the offence concerned;

F2**[**"offence against the administration of justice" means—

(*a*) an offence under—

(i) the Criminal Justice (Corruption Offences) Act 2018 other than section 18 (1) thereof, or

(ii) the Prevention of Corruption Acts 1889 to 2010,

in so far as the offence concerned relates to criminal proceedings,

(*b*) an offence under section 41 of the Criminal Justice Act 1999,

(*c*) attempting to pervert the course of justice,

(*d*) embracery,

(*e*) perjury, or

(*f*) conspiring or inciting another person to commit any of the offences referred to in *paragraphs (a)* to *(e)*]

"place" includes—

(*a*) a dwelling or other building,

(*b*) a vehicle, whether mechanically propelled or not,

(*c*) a vessel, whether sea-going or not,

(*d*) an aircraft, whether capable of operation or not,

(*e*) a hovercraft;

"relevant offence" means an offence specified in the Schedule;

"re-trial order" means an order of the Court under *subsection (1)* or *(2)* of *section 10*.

Annotations

Amendments:

F2 Substituted (30.07.2018) by *Criminal Justice (Corruption Offences) Act 2018* (9/2018), s. 27, S.I. No. 298 of 2018.

Modifications (not altering text):

C1 Reference to perjury construed (28.07.2021) by *Criminal Justice (Perjury and Related Offences) Act 2021* (13/2021), s. 4(2) and sch. 2 item 52, S.I. No. 378 of 2021.

References to perjury or subornation of perjury

4. ...

(2) A reference in an enactment specified in Schedule 2 to perjury or to subornation of perjury, howsoever described, in relation to an act committed on or after the coming into operation of this subsection, shall be construed as a reference to perjury or to subornation of perjury, as the case may be, within the meaning of this Act.

...

SCHEDULE 2

Section 4 (2)

...

52. Criminal Procedure Act 2010, section 7

...

Chapter 2

Application for re-trial orders under Part 3

Application by Director seeking re-trial order where new and compelling evidence becomes available.

8.— (1) Subject to *subsection (7)*, this section applies where a person—

(*a*) is, on or after the commencement of this section, sent forward for trial in respect of a relevant offence and is, or

(*b*) has, before the commencement of this section, been sent forward for trial but has not yet been tried in respect of a relevant offence and is, on or after such commencement,

tried on indictment in respect of the offence, and acquitted of that offence (whether at the trial, on appeal against conviction or on appeal from such a decision on appeal).

(2) For the purposes of this section, a person who has been acquitted of a relevant offence in proceedings referred to in *subsection (1)* shall be deemed to also have been acquitted of any relevant offence in respect of which he or she could have been convicted in the proceedings concerned by virtue of the first-mentioned offence charged in the indictment, other than an offence for which he or she has been convicted.

(3) The Director may apply to the Court for a re-trial order where it appears to him or her—

(*a*) that there is new and compelling evidence against a person referred to in *subsection (1)* in relation to the relevant offence concerned, and

(*b*) that it is in the public interest to do so.

(4) Only one application for a re-trial order may be made by the Director in respect of a person in relation to a relevant offence that was the subject of the application and no further application may be made irrespective of whether the person concerned is subsequently acquitted of the offence concerned in a re-trial ordered pursuant to an application under this section.

(5) An application for a re-trial order under *subsection (3)* shall be on notice to the person concerned.

(6) If a person fails to appear before the Court in respect of the hearing of the application, the Court, if it is satisfied that it is, in all the circumstances, in the interests of justice to do so, may proceed to hear and determine the application in the absence of the person.

(7) This section shall not apply to a relevant offence in respect of which a person was the subject of a special verdict under section 5 of the Criminal Law (Insanity) Act 2006.

Application by Director for re-trial order where previous acquittal tainted.

9.— (1) This section applies where—

(*a*) a person—

(i) is, on or after the commencement of this section, sent forward for trial in respect of an offence (irrespective of whether or not the offence is a relevant offence) and is, or

(ii) has, before the commencement of this section, been sent forward for trial but has not yet been tried in respect of an offence (irrespective of whether or not the offence is a relevant offence) and is, on or after such commencement,

tried on indictment in respect of the offence, and acquitted of that offence (whether at the trial, on appeal against conviction or on appeal from such a decision on appeal), and

(*b*) the person, or another person, has been convicted of an offence against the administration of justice relating to the proceedings which resulted in the acquittal referred to in *paragraph (a)*.

(2) For the purposes of this section, a person who has been acquitted of an offence in proceedings referred to in *subsection (1)(a)*, shall be deemed to also have been acquitted of any offence in respect of which he or she could have been convicted in the proceedings concerned by virtue of the first-mentioned offence charged in the indictment, other than an offence for which he or she has been convicted.

(3) The Director may apply to the Court for a re-trial order where it appears to him or her—

(*a*) there is compelling evidence against a person referred to in *subsection (1)(a)*, and

(*b*) that it is in the public interest to do so.

(4) No application for a re-trial order in respect of a person may be made by the Director under this section where proceedings relating to an offence against the administration of justice referred to in *subsection (1) (b)* are pending before any court.

(5) Only one application for a re-trial order may be made by the Director in respect of a person in relation to an offence that was the subject of the application and no further application may be made irrespective of whether the person concerned is subsequently acquitted of the offence concerned in a re-trial ordered pursuant to an application under this section.

(6) An application for a re-trial order under *subsection (3)* shall be on notice to the person concerned.

(7) If a person fails to appear before the Court in respect of the hearing of the application, the Court, if it is satisfied that it is, in all the circumstances, in the interests of justice to do so, may proceed to hear and determine the application in the absence of the person.

(8) For the purposes of *subsection (1)(b)*, the reference to "convicted of an offence", in relation to a person, includes a reference to the conviction of a person after signing a plea of guilty and being sent forward for sentence under section 13(2)(*b*) of the Criminal Procedure Act 1967.

Re-trial orders.

10.— (1) If on hearing an application under *section 8*, the Court is satisfied—

(*a*) that there is new and compelling evidence against a person referred to in *section 8(1)*, and

(*b*) that, having had regard to the matters referred to in *subsection (3)*, it is, in all the circumstances, in the interests of justice to do so,

the Court shall make a re-trial order quashing the person's acquittal and directing that the person be re-tried for the relevant offence, subject to such conditions and directions (including conditions and directions as to placing a stay on the re-trial) as the Court considers necessary or expedient to ensure the fairness of the re-trial ordered under this subsection.

(2) If on hearing an application under *section 9*, the Court is satisfied—

(*a*) there is compelling evidence against a person referred to in *section 9(1)(a)*, and

(*b*) that, having had regard to the matters referred to in *subsection (3)*, it is, in all the circumstances, in the interests of justice to do so,

the Court shall make a re-trial order quashing the person's acquittal and directing that the person be re-tried for the offence concerned, subject to such conditions and directions (including conditions and directions as to placing a stay on the re-trial) as the Court considers necessary or expedient to ensure the fairness of the re-trial ordered under this subsection.

(3) In determining whether to make an order under *subsection (1)* or *(2)*, the Court shall have regard to—

(*a*) whether or not it is likely that any re-trial could be conducted fairly,

(*b*) the amount of time that has passed since the act or omission that gave rise to the indictment,

(*c*) the interests of any victim of the offence concerned, and

(*d*) any other matter which the Court considers relevant to the application.

(4) For the purposes of determining whether to make an order under *subsection (1)* or *(2)*, the Court may—

(*a*) order the production of any document, exhibit or other thing connected with the proceedings to which the application relates,

(*b*) order any person who would have been a compellable witness in the proceedings to which the application relates to attend for examination and be examined before the Court, whether or not the person was called in those proceedings,

(*c*) receive the evidence, if tendered, of any witness, or

(*d*) generally make such order as may be necessary for doing justice in the application before the Court.

(5) Evidence may be admitted in a hearing under this section, whether or not it would have been admissible in earlier proceedings against the person who is the subject of the application under *section 8* or *9* .

(6) Subject to *subsection (1)* or *(2)*, where the Court makes a re-trial order, the re-trial shall take place as soon as practicable.

(7) In this section "document", in relation to an application by the Director under *section 9*, includes a transcript of the trial of any person referred to in *section 9(1)(b)*.

Amendment of Act of 1962.

11.— The Act of 1962 is amended—

(*a*) by the insertion of the following section after section 6B:

"Legal aid (re-trial order) certificate.

6C.— (1) Where—

(*a*) an application for a re-trial order has been made in relation to a person, and

(*b*) a certificate for free legal aid (in this Act referred to as a 'legal aid (re-trial order) certificate') is granted in respect of him or her by the Court of Criminal Appeal,

the person shall be entitled to free legal aid in the preparation and conduct of his or her case in relation to an application under *section 8* or *9* of the *Criminal Procedure Act 2010* and to have a solicitor and counsel assigned to him or her for that purpose in such manner as may be prescribed by regulations under section 10 of this Act.

(2) A legal aid (re-trial order) certificate shall be granted in relation to a person in respect of whom an application under *section 8* or *9* of the *Criminal Procedure Act 2010* has been made if (but only if)—

(*a*) an application is made therefor,

(*b*) it appears to the Court of Criminal Appeal that—

(i) the means of the person are insufficient to enable him or her to obtain legal aid, and

(ii) it is essential in the interests of justice that the person should have legal aid in the preparation and conduct of his or her case in relation to the application for a re-trial order.

(3) In this section 'application for a re-trial order' has the meaning it has in *section 7* of the *Criminal Procedure Act 2010*.",

(*b*) in section 7, by the addition of the following subsection:

"(4) Where a legal aid (re-trial order) certificate has been granted in respect of a person, any fees, costs or other expenses properly incurred in preparing and conducting the person's case in relation to the application to which the certificate relates shall, subject to the regulations under section 10 of this Act, be paid out of moneys provided by the Oireachtas.",

and

(*c*) in section 9(2), by the substitution of ", a legal aid (protection of persons order) certificate or a legal aid (re-trial order) certificate" for "or a legal aid (protection of persons order) certificate".

Orders to safeguard fairness of re-trial.

12.— (1) Subject to this section, an application for a re-trial order shall be conducted in open court.

(2) Where the Court is hearing an application for a re-trial order under *section 8* or *9* and is satisfied that it is in the interests of justice to do so, it may exclude from the Court during the proceeding—

(*a*) the public or any portion of the public, or

(*b*) any particular person or persons,

other than *bona fide* representatives of the Press.

(3) The Court may, if it considers that it is in the interests of justice to do so, make an order prohibiting the publication or broadcast of—

(*a*) any evidence given or referred to at a hearing of an application for a re-trial order, or

(*b*) any matter identifying or having the effect of identifying any person who is the subject of an application for a re-trial order, or any other person connected with the re-trial for which an order is sought under *section 8* or *9*.

(4) An order under *subsection (3)* ceases to have effect (unless it specifies an earlier date)—

(*a*) when there is no longer any step that could be taken which would lead to the person concerned being re-tried pursuant to a re-trial order, or

(*b*) where the person concerned is re-tried pursuant to a re-trial order, at the conclusion of the trial.

(5) (*a*) If any matter is published or broadcast in contravention of *subsection (3)*, the following persons, namely—

(i) in the case of a publication in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical,

(ii) in the case of any other publication, the person who publishes it, and

(iii) in the case of a broadcast, any person who transmits or provides the programme in which the broadcast is made and any person having functions in relation to the programme corresponding to those of the editor of a newspaper,

shall be guilty of an offence.

(*b*) A person guilty of an offence under *paragraph (a)* shall be liable—

(i) on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 12 months or to both, or

(ii) on conviction on indictment, to a fine not exceeding €50,000 or to imprisonment for a term not exceeding 3 years or to both.

(*c*) Where an offence under *paragraph (a)* is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to be attributable to, any neglect on the part of a person being a director, manager, secretary or other officer of the body corporate or any other person who was acting or purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(*d*) Where the affairs of a body corporate are managed by its members, *paragraph (c)* shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

(6) Nothing in this section shall affect the operation of any other enactment that imposes restrictions on the extent to which information relating to court proceedings may be published or broadcast.

Annotations

Editorial Notes:

E2 Breach of order under subs. (3) may be an offence as provided by *Broadcasting Act 2009* (18/2009), s. 139A and sch. 3 para. 26, as inserted (15.03.2023) by *Online Safety and Media Regulation Act 2022* (41/2022), ss. 45, 46, S.I. No. 71 of 2023, art. 2(c).

E3 A fine of €5,000 translates into a class A fine, not greater than €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(2) and table ref. no. 1, S.I. No. 662 of 2010.

Effect of re-trial order.

13.— (1) Where a person is ordered under *subsection (1)* or *(2)* of *section 10* to be re-tried for an offence, he or she may, notwithstanding any rule of law, be again indicted and tried and, if found guilty, sentenced for that offence.

(2) In a case to which *subsection (1)* relates, the Court may—

(*a*) order that the person concerned be detained in custody or admitted to bail pending the re-trial on such terms as the Court thinks proper,

(*b*) where the person concerned does not appear before the Court for the hearing and determination of the application, issue a warrant for his or her arrest.

(3) A legal aid (re-trial order) certificate which was granted in relation to the proceedings under *section 8* or *9* shall have effect as if it had been granted also in relation to the re-trial ordered in respect of that person.

(4) A person who was not granted a legal aid (re-trial order) certificate and who is the subject of a re-trial order may apply for a legal aid (trial on indictment) certificate and section 3 of the Act of 1962 shall, with any necessary modifications, apply to that application.

Appeals on point of law to Supreme Court.

14.—F3**[**...**]**

Annotations

Amendments:

F3 Repealed (28.10.2014) by *Court of Appeal Act 2014* (18/2014), s. 73 and sch. 1 item 10, S.I. No. 479 of 2014.

Chapter 3

Approval of District Court for exercise of certain powers relating to persons acquitted of relevant offences

Certain powers may be used only in accordance with Act.

15.— (1) This section applies where a person—

(*a*) is, on or after the commencement of this section, sent forward for trial in respect of a relevant offence and is, or

(*b*) has, before the commencement of this section, been sent forward for trial but has not yet been tried in respect of a relevant offence and is, on or after such commencement,

tried on indictment in respect of the offence, and acquitted of that offence (whether at the trial, on appeal against conviction or on appeal from such a decision on appeal).

(2) For the purposes of this section, a person who has been acquitted of a relevant offence in proceedings referred to in *subsection (1)* shall be deemed to also have been acquitted of any relevant offence in respect of which he or she could have been convicted in the proceedings concerned by virtue of the first-mentioned offence charged in the indictment, other than an offence for which he or she has been convicted.

(3) A member of the Garda Síochána shall not, either with or without the consent of a person referred to in *subsection (1)*, do any of the following in connection with the person's suspected participation in a relevant offence in respect of which that person was acquitted, except in so far as it is authorised in accordance with the provisions of this Act:

(*a*) arrest and detain the person;

(*b*) interview the person;

(*c*) search the person or cause him or her to be searched;

(*d*) photograph the person or cause him or her to be photographed;

(*e*) take or cause to be taken, the person's fingerprints or palm prints;

(*f*) take or cause to be taken from the person, a sample for the purposes of forensic testing;

(*g*) seize and retain for testing or for use as evidence anything in the person's possession;

(*h*) search a place owned or occupied, or partly owned or occupied by the person.

Arrest of person in respect of whom *section 15* applies may be authorised by District Court in certain circumstances.

16.— (1) A person in respect of whom *section 15* applies may be arrested again for a relevant offence in respect of which he or she has been acquitted in accordance with, and only in accordance with, this section.

(2) Subject to *subsection (3)*, a judge of the District Court who is satisfied—

(*a*) by information on oath by a member of the Garda Síochána not below the rank of superintendent that the member concerned has information regarding a relevant offence in respect of which the person was acquitted which has come to the knowledge of the Garda Síochána only since the person's acquittal, and

(*b*) that the information referred to in *paragraph (a)* is likely to reveal or confirm the existence of new and compelling evidence in relation to the person's suspected participation in the relevant offence for which his or her arrest is sought,

may authorise the arrest of that person.

(3) A judge of the District Court may authorise the arrest of the person concerned in respect of, and only of, the relevant offence in respect of which the person was acquitted.

(4) A person arrested pursuant to this section—

(*a*) shall be taken forthwith to a Garda Station and may be detained there for such period or periods as is authorised under section 4 of the Act of 1984, and

(*b*) subject to this section, shall be dealt with as though he or she had been detained under that section.

(5) If—

(*a*) at any time during the detention of a person under this section there are no longer reasonable grounds for—

(i) suspecting that the person has committed the relevant offence in respect of which he or she was arrested under this section, or

(ii) believing that his or her detention is necessary for the proper investigation of the relevant offence,

or

(*b*) by reason of the expiry of the period or periods referred to in *subsection (4)(a)*,

the detention shall be terminated forthwith, and he or she shall without delay be released, unless his or her detention is authorised apart from this section.

(6) Subsections (5) and (5A) of section 4 and section 10 of the Act of 1984 shall not apply to a person arrested and detained under this section.

(7) Proceedings under this section shall be heard otherwise than in public.

(8) This section shall not apply to a relevant offence in respect of which a person was the subject of a special verdict under section 5 of the Criminal Law (Insanity) Act 2006.

(9) This section is without prejudice to the power of the Court to issue a warrant for the arrest of a person in respect of whom a re-trial order has been made under *subsection (1)* of *section 10*.

Annotations

Editorial Notes:

E4 Power of Garda Síochána to take sample and prints from persons detained under section provided (20.11.2015) by *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* (11/2014), ss. 9, 11-13, 31-33, 35, 86 and 100, S.I. No. 508 of 2015.

Arrest in certain circumstances of person in respect of whom *section 15* applies where person is in prison etc.

17.— (1) A person in respect of whom *section 15* applies who is detained in a prison or a children detention school may be arrested again for a relevant offence in respect of which he or she has been acquitted in accordance with, and only in accordance with, this section.

(2) Subject to *subsection (3)*, a judge of the District Court who is satisfied—

(*a*) by information on oath by a member of the Garda Síochána not below the rank of superintendent that the member concerned has information regarding a relevant offence in respect of which the person was acquitted which has come to the knowledge of the Garda Síochána only since the person's acquittal, and

(*b*) that the information referred to in *paragraph (a)* is likely to reveal or confirm the existence of new and compelling evidence in relation to the person's suspected participation in the relevant offence for which his or her arrest is sought,

may authorise the arrest of that person.

(3) A judge of the District Court may authorise the arrest of the person concerned in respect of, and only of, the relevant offence for which the person was acquitted.

(4) A person arrested pursuant to this section—

(*a*) shall be taken forthwith to a Garda Station and may, subject to *subsection (6)*, be detained there for such period or periods as is authorised under section 4 of the Act of 1984, and

(*b*) subject to this section, shall be dealt with as though he or she had been detained under that section.

(5) Subsections (4), (5) and (5A) of section 4 and section 10 of the Act of 1984 shall not apply to a person arrested and detained under this section.

(6) If at any time during the detention of a person under this section there are no longer reasonable grounds for—

(*a*) suspecting that the person has committed the relevant offence in respect of which he or she was arrested under this section, or

(*b*) believing that his or her detention is necessary for the proper investigation of the relevant offence,

the detention shall be terminated.

(7) On termination of the detention in accordance with *subsection (6)* or by reason of the expiry of the period or periods referred to in *subsection (4)(a)*, the member of the Garda Síochána in charge of the Garda Station where the person is detained shall transfer him or her, or cause him or her to be transferred back to the governor of the prison or, as the case may be, the Director of the children detention school where the person was detained at the time of the arrest under this section.

(8) Proceedings under this section shall be heard otherwise than in public.

(9) This section shall not apply to a relevant offence in respect of which a person was the subject of a special verdict under section 5 of the Criminal Law (Insanity) Act 2006.

(10) Nothing in this section shall affect the power of the Court to issue a warrant for the arrest of a person in respect of whom an order has been made under *subsection (1)* of *section 10.*

Annotations

Editorial Notes:

E5 Power of Garda Síochána to take sample and prints from persons detained under section provided (20.11.2015) by *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* (11/2014), ss. 9, 11-13, 31-33, 35, 86 and 100, S.I. 508 of 2015.

Search warrant in aid of investigation relating to relevant offences may be authorised by District Court in certain circumstances.

18.— (1) A place that is owned or occupied, or partly owned or occupied by a person in respect of whom *section 15* applies may be searched in connection with a relevant offence in respect of which he or she has been acquitted in accordance with, and only in accordance with, this section.

(2) A judge of the District Court who is satisfied—

(*a*) by information on oath by a member of the Garda Síochána not below the rank of superintendent that the member concerned has information regarding a relevant offence in respect of which the person was acquitted which has come to the knowledge of the Garda Síochána since the person's acquittal,

(*b*) that there are reasonable grounds for suspecting that evidence of, or relating to, the matters referred to in *paragraph (a)* is to be found in a place owned or occupied or partly owned or occupied by the person concerned,

(*c*) that the information referred to in *paragraph (a)* is likely to reveal or confirm the existence of new and compelling evidence in relation to the person's suspected participation in the relevant offence concerned,

may issue a warrant for the search of that place and any persons found at that place.

(3) A search warrant under this section shall be expressed, and shall operate, to authorise a named member, accompanied by such other members or persons or both as the member thinks necessary—

(*a*) to enter, at any time or times within one week of the date of issue of the warrant, on production if so requested of the warrant, and if necessary by the use of reasonable force, the place named in the warrant,

(*b*) to search it and any persons found at that place, and

(*c*) to 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, that the member reasonably believes to be evidence of, or relating to, the commission of the relevant offence.

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

(*a*) require any person present at the place where the search is being carried out to give to the member his or her name and address,

(*b*) arrest without warrant any person who—

(i) obstructs or attempts to obstruct the member in the carrying out of his or her duties,

(ii) fails to comply with a requirement under *paragraph (a)*, or

(iii) gives a name or address which the member has reasonable cause for believing is false or misleading.

(5) A person who obstructs or attempts to obstruct a member acting under the authority of a search warrant under this section, who fails to comply with a requirement under *subsection (4)(a)*, or who gives a false or misleading name or address to a member shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding 6 months or both.

(6) Proceedings under this section shall be heard otherwise than in public.

(7) This section shall not apply to a relevant offence in respect of which a person was the subject of a special verdict under section 5 of the Criminal Law (Insanity) Act 2006.

(8) Nothing in this section shall affect the operation of section 7 of the Criminal Justice Act 2006.

Annotations

Editorial Notes:

E6 A fine of €3,000 translates into a class B fine, not greater than €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 5(2) and table ref. no. 1, S.I. No. 662 of 2010.

Chapter 4

Miscellaneous

Admissibility of evidence in proceedings under Part.

19.— (1) A failure on the part of a member of the Garda Síochána to observe any provision of this Part shall not of itself render that member liable to any criminal or civil proceedings or (without prejudice to the power of the court to exclude evidence at its discretion) shall not of itself affect the admissibility of any evidence obtained otherwise than in accordance with this Part.

(2) A failure on the part of any member of the Garda Síochána to observe any provision of this Part shall render that member liable to disciplinary proceedings.

Other appeals or review rights not affected.

20.— Nothing in this Part shall affect any right of appeal or review provided by this Act or any other enactment or rule of law.

Application of section 6 of Prosecution of Offences Act 1974.

21.— Section 6 of the Prosecution of Offences Act 1974 shall, with any necessary modifications, apply to communications made to the persons mentioned in that section for the purpose of influencing the making of a decision in relation to an application under this Part as it applies to such communications made for the purposes of making a decision to withdraw or not to initiate criminal proceedings or any particular charge in criminal proceedings.

Rules of court and expeditious hearings.

22.— Rules of court may make provision for the expeditious hearing of—

(*a*) proceedings under this Part, and

(*b*) re-trials ordered under *section 10*.

PART 4

Appeals and Matters Relating to Appeals

Chapter 1

With prejudice prosecution appeals

Appeals by Director etc., in certain criminal proceedings.

23.— (1) Where on or after the commencement of this section, a person is tried on indictment and acquitted of an offence, the Director, if he or she is the prosecuting authority in the trial, or the Attorney General as may be appropriate, F4**[**may, subject to *subsection (3)* and *section 24*, appeal the acquittal in respect of the offence concerned on a question of law to—

(I) the Court of Appeal, or

(II) in the case of a person who is tried on indictment in the Central Criminal Court, the Court of Appeal or the Supreme Court under Article 34.5.4° of the Constitution.**]**

F4**[**(2) Where a person's conviction of an offence on indictment is quashed on appeal by the Court of Appeal and the Court makes no order for the re-trial of the person in respect of the offence, the Director, if he or she is the prosecuting authority in the trial, or the Attorney General, as may be appropriate, may, subject to *subsection (3)* and *section 24*, appeal the decision of the Court of Appeal not to order a re-trial of the offence concerned on a question of law to the Supreme Court under Article 34.5.3° of the Constitution.**]**

(3) F4**[**An appeal referred to in this section**]** shall lie only where—

F4**[**(*a*) a ruling was made by a court—

(i) during the course of a trial referred to in F5**[***subsection (1),***]**

F6**[**(ia) during the course of a preliminary trial hearing within the meaning of the Criminal Procedure Act 2021 which was not appealed under section 7 of that Act, or**]**

(ii) during the hearing of an appeal referred to in *subsection (2),*

which erroneously excluded compelling evidence, or,**]**

(*b*) a direction was given by a court during the course of a trial referred to in *subsection (1)*, directing the jury in the trial to find the person not guilty where—

(i) the direction was wrong in law, and

(ii) the evidence adduced in the proceedings was evidence upon which a jury might reasonably be satisfied beyond a reasonable doubt of the person's guilt in respect of the offence concerned.

F4**[**(4) An appeal referred to in this section shall be made on notice to the person who is the subject of the appeal within 28 days or such longer period not exceeding 56 days as—

(*a*) in the case of an appeal referred to in *subsection (1)*, the Court of Appeal or the Supreme Court, as the case may be, or

(*b*) in the case of an appeal referred to in *subsection (2)*, the Supreme Court,

may, on application to it in that behalf, determine, from the day on which the person was acquitted or the conviction was quashed, as the case may be.**]**

(5) Where a person fails to appear before F4**[**the Supreme Court or the Court of Appeal, as the case may be,**]** in respect of the appeal, the Court, if it is satisfied that it is, in all the circumstances, in the interests of justice to do so, may proceed to hear and determine the appeal in the absence of the person concerned.

(6) F4**[**For the purposes of considering an appeal referred to in this section the Supreme Court or the Court of Appeal, as the case may be,**]** shall hear argument—

(*a*) by, or by counsel on behalf of, the Director, or as the case may be, the Attorney General,

(*b*) by the person who is the subject of the appeal or by counsel on his or her behalf, and

(*c*) if counsel are assigned under *subsection (7)*, by such counsel.

(7) F4**[**The Supreme Court or the Court of Appeal, as the case may be, shall assign counsel to argue in support of the acquittal referred to in *subsection (1)* or the decision not to order a re-trial referred to in *subsection (2)*, as the case may be, if**]**—

(*a*) the person who is the subject of the appeal does not wish to be represented or heard under *subsection (6)(b)*, or

(*b*) notwithstanding the fact that the person concerned exercises his or her right to be represented or heard under *subsection (6)(b)*, the Court considers it desirable in the public interest to do so.

F4**[**(8) Where an appeal referred to in this section has been made to the Court of Appeal or the Supreme Court and a legal aid (appeal) certificate or, as the case may be, a legal aid (Supreme Court) certificate, is granted under *subsection (9)*, or deemed to have been granted under *subsection (10)*, in respect of the person who is the subject of the appeal, he or she shall be entitled to free legal aid in the preparation and conduct of any argument that he or she wishes to make to the Court of Appeal or the Supreme Court, as the case may be, and to have a solicitor and counsel assigned to him or her for that purpose in the manner prescribed by regulations under section 10 of the Act of 1962.**]**

F4**[**(9) The person may, in relation to an appeal referred to in this section, apply for a legal aid (appeal) certificate to the Court of Appeal or a legal aid (Supreme Court) certificate to the Supreme Court, as the case may be, either—

(*a*) by letter to the registrar of the Court of Appeal or, as the case may be, the registrar of the Supreme Court, setting out the facts of the case and the grounds of the application, or

(*b*) to the Court of Appeal, or the Supreme Court, itself, as the case may be,

and the Court concerned shall grant the certificate if (but only if) it appears to the Court that the means of the person are insufficient to enable him or her to obtain legal aid.**]**

(10) If a legal aid (trial on indictment) certificate was granted under the Act of 1962 in respect of the person concerned in relation to the earlier proceedings in respect of the offence concerned, F4**[**a legal aid (Supreme Court) certificate or a legal aid (appeal) certificate, as the case may be,**]** shall be deemed to have been granted in respect of him or her F4**[**in relation to an appeal referred to in this section**]**.

(11) F4**[**On hearing an appeal referred to in *subsection (1)* the Court of Appeal may**]**—

(*a*) quash the acquittal F7**[**...**]** and order the person to be re-tried for the offence concerned if it is satisfied—

(i) that the requirements of F4**[***subsection (3)(a)(i)* or *(b)***]**, as the case may be, are met, and

(ii) that, having regard to the matters referred to in *subsection (12)*, it is, in all the circumstances, in the interests of justice to do so,

or

(*b*) if it is not so satisfied, affirm the acquittal F7**[**...**]**.

F8**[**(11A) On hearing an appeal referred to in this section, the Supreme Court may—

(*a*) quash the acquittal or reverse the decision of the Court of Appeal, as the case may be, and order the person to be re-tried for the offence concerned if it is satisfied—

(i) that the requirements of *subsection (3)(a)* or *(b)*, as the case may be, are met, and

(ii) that, having regard to the matters referred to in *subsection (12)*, it is, in all the circumstances, in the interests of justice to do so,

or

(*b*) if it is not so satisfied, affirm the acquittal or the decision of the Court of Appeal, as the case may be.**]**

(12) F4**[**In determining whether to make an order under *paragraph (a)* of *subsection (11)* or *(11A)*, the Court of Appeal or the Supreme Court, as the case may be,**]** shall have regard to—

(*a*) whether or not it is likely that any re-trial could be conducted fairly,

(*b*) the amount of time that has passed since the act or omission that gave rise to the indictment,

(*c*) the interest of any victim of the offence concerned, and

(*d*) any other matter which it considers relevant to the appeal.

(13) (*a*) F4**[**The Court of Appeal or the Supreme Court, as the case may be,**]** may make an order for a re-trial under this section subject to such conditions and directions as it considers necessary or expedient (including conditions and directions in relation to the staying of the re-trial) to ensure the fairness of the re-trial.

(*b*) Subject to *paragraph (a)*, where F4**[**the Court of Appeal or the Supreme Court, as the case may be,**]** makes an order for a re-trial under this section, the re-trial shall take place as soon as practicable.

F9**[**(14) In this section—

"compelling evidence", in relation to a person, means evidence which—

(*a*) is reliable,

(*b*) is of significant probative value, and

(*c*) is such that, when taken together with—

(i) all the other evidence adduced in the proceedings concerned, and

(ii) to the extent that such evidence has not been adduced, the relevant evidence proposed to be adduced in the proceedings,

a jury might reasonably be satisfied beyond a reasonable doubt of the person's guilt in respect of the offence concerned;

"relevant evidence", in relation to a person, means the proposed evidence—

(*a*) contained in such of the following as have been served on the person or his or her solicitor pursuant to section 4B or 4C of the Act of 1967:

(i) the documents specified in section 4B(1)(b) of that Act;

(ii) exhibits listed in the list of exhibits referred to in section 4B(1)(b)(vii) of that Act;

(iii) the documents specified in section 4C(1) of that Act;

(iv) the exhibits referred to in the list of exhibits referred to in section 4C(1)(g) of that Act,

or

(*b*) given in a videorecording of an interview made under section 16(1) of the Act of 1992, in relation to which the accused has been notified and given an opportunity of seeing the videorecording in accordance with section 15(1) of that Act.**]**

Annotations

Amendments:

F4 Substituted (28.10.2014) by *Court of Appeal Act 2014* (18/2014), s. 71(b), S.I. No. 479 of 2014.

F5 Substituted (28.02.2022) by *Criminal Procedure Act 2021* (7/2021), s. 17(a)(i), S.I. No. 79 of 2022.

F6 Inserted (28.02.2022) by *Criminal Procedure Act 2021* (7/2021), s. 17(a)(ii), S.I. No. 79 of 2022.

F7 Deleted (28.10.2014) by *Court of Appeal Act 2014* (18/2014), s. 71(b), S.I. No. 479 of 2014.

F8 Inserted (28.10.2014) by *Court of Appeal Act 2014* (18/2014), s. 71(b), S.I. No. 479 of 2014.

F9 Substituted (28.02.2022) by *Criminal Procedure Act 2021* (7/2021), s. 17(b), S.I. No. 79 of 2022.

No appeal in certain circumstances.

24.— No appeal shall lie under *section 23* from an acquittal following a re-trial ordered under *subsection (1)* or *(2)* of *section 10*.

Orders to safeguard fairness of re-trial.

25.— (1) Subject to this section, a proceeding under *section 23* shall be conducted in open court.

(2) Where F10**[**the Court of Appeal or the Supreme Court, as the case may be,**]** is conducting a proceeding under *section 23* and is satisfied that it is in the interests of justice to do so, it may exclude from the court during the proceeding—

(*a*) the public or any portion of the public, or

(*b*) any particular person or persons,

other than *bona fide* representatives of the Press.

(3) F10**[**The Court of Appeal or the Supreme Court, as the case may be,**]** may, if it considers that it is in the interests of justice to do so, make an order prohibiting the publication or broadcast of—

(*a*) any evidence given or referred to during the proceeding, or

(*b*) any matter identifying or having the effect of identifying any person who is the subject of an appeal under *section 23*, or any other person connected with the re-trial for which an order is sought.

(4) An order under *subsection (3)* ceases to have effect (unless it specifies an earlier date)—

(*a*) when there is no longer any step that could be taken which would lead to the person concerned being re-tried pursuant to an order under *section 23*, or

(*b*) where the person concerned is re-tried pursuant to an order under *section 23*, at the conclusion of the trial.

(5) (*a*) If any matter is published or broadcast in contravention of *subsection (3)*, the following persons, namely—

(i) in the case of a publication in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical,

(ii) in the case of any other publication, the person who publishes it, and

(iii) in the case of a broadcast, any person who transmits or provides the programme in which the broadcast is made and any person having functions in relation to the programme corresponding to those of the editor of a newspaper,

shall be guilty of an offence.

(*b*) A person guilty of an offence under *paragraph (a)* shall be liable—

(i) on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 12 months or to both, or

(ii) on conviction on indictment, to a fine not exceeding €50,000 or to imprisonment for a term not exceeding 3 years or to both.

(*c*) Where an offence under *paragraph (a)* is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to be attributable to, any neglect on the part of a person being a director, manager, secretary or other officer of the body corporate or any other person who was acting or purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(*d*) Where the affairs of a body corporate are managed by its members, *paragraph (c)* shall apply in relation to the acts and defaults of a member in connection

with his or her functions of management as if he or she were a director or manager of the body corporate.

(6) Nothing in this section shall affect the operation of any other enactment that imposes restrictions on the extent to which information relating to court proceedings may be published or broadcast.

Annotations

Amendments:

F10 Substituted (28.10.2014) by *Court of Appeal Act 2014* (18/2014), s. 71(c), S.I. No. 479 of 2014.

Editorial Notes:

E7 Breach of order under subs. (3) may be an offence as provided by *Broadcasting Act 2009* (18/2009), s. 139A and sch. 3 para. 27, as inserted (15.03.2023) by *Online Safety and Media Regulation Act 2022* (41/2022), ss. 45, 46, S.I. No. 71 of 2023, art. 2(c).

E8 A fine of €5,000 translates into a class A fine, not greater than €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(2) and table ref. no. 1, S.I. No. 662 of 2010.

Order for re-trial following appeal under *section 23*.

26.— (1) Where a person is ordered under *section 23* to be re-tried for an offence he or she may, notwithstanding any rule of law, be again indicted and tried and, if found guilty, sentenced for that offence.

(2) In a case to which *subsection (1)* relates, F11**[**the Court of Appeal or the Supreme Court, as the case may be,**]** may—

(*a*) order that the person concerned be detained in custody or admitted to bail pending the re-trial on such terms as that Court thinks proper,

(*b*) where the person does not appear before the Court for the hearing and determination of the appeal, issue a warrant for his or her arrest.

(3) F11**[**A legal aid (appeal) certificate or a legal aid (Supreme Court) certificate**]** which was granted in relation to the proceedings under *section 23*, or in the case of a person who waived his or her right to be represented in respect of those proceedings and a legal aid (trial on indictment) certificate was granted to him or her in respect of the original proceedings, the legal aid (trial on indictment) certificate, shall have effect as if it had been granted also in relation to a re-trial ordered under *section 23*.

Annotations

Amendments:

F11 Substituted (28.10.2014) by *Court of Appeal Act 2014* (18/2014), s. 71(d), S.I. No. 479 of 2014.

Amendment of section 3 of Criminal Justice Act 1994.

27.— Subsection 16 of section 3 of the Criminal Justice Act 1994 is amended, in paragraph (*f*), by the substitution of the following subparagraph for subparagraph (i):

"(i) (I) when the defendant is acquitted on all counts, or

(II) where the provisions of *section 23* of the *Criminal Procedure Act 2010* apply to the proceedings—

(A) when the time period for an appeal under that section has expired and no appeal has been made,

(B) where an appeal has been made but no re-trial is ordered, at the conclusion of the appeal proceedings under the section, or

(C) where a re-trial has been ordered, at the conclusion of the re-trial;".

Other appeals or review rights not affected.

28.— Nothing in this Chapter shall affect any right of appeal or review provided by this Act or any other enactment or rule of law.

Application of section 6 of Prosecution of Offences Act 1974.

29.— Section 6 of the Prosecution of Offences Act 1974 shall, with any necessary modifications, apply to communications made to the persons mentioned in that section for the purpose of influencing the making of a decision in relation to a proceeding under this Chapter as it applies to such communications made for the purposes of making a decision to withdraw or not to initiate criminal proceedings or any particular charge in criminal proceedings.

Rules of court and expeditious hearings.

30.— Rules of court may make provision for the expeditious hearing of proceedings under *section 23* or re-trials ordered under that section.

Chapter 2

Miscellaneous matters relating to appeals

Amendment of Courts of Justice Act 1924.

31.— The Courts of Justice Act 1924 is amended—

(*a*) in section 29—

(i) by the insertion of the following subsections after subsection (2):

"(2A) Subject to subsection (2B), a person who has appealed his or her conviction to the Court of Criminal Appeal and who has been granted a re-trial by that Court, may, without prejudice to the determination by the Court to grant a re-trial, appeal to the Supreme Court in respect of a matter raised by him or her in the Court of Criminal Appeal in relation to which that Court—

(*a*) did not make a determination, or

(*b*) made a determination against him or her.

(2B) A person may only appeal to the Supreme Court where—

(*a*) the matter which is the subject of the appeal is one that is relevant to the conduct of his or her defence in the re-trial, and

(*b*) the Court of Criminal Appeal or the Attorney General in any case or, if he or she is the prosecuting authority in the matter, the Director of Public Prosecutions, certifies that the matter involves a point of law of exceptional public importance and that it is desirable in the public interest that the person should take an appeal to the Supreme Court.",

and

(ii) by the substitution, in subsection (5A) of "(2), (2A), (2B) or (3)" for "(2) or (3)",

(*b*) by the substitution of the following section for section 31:

"Appeal from Central Criminal Court.

31.— A person convicted on indictment before the Central Criminal Court may appeal under this Act to the Court of Criminal Appeal.",

(*c*) by the substitution of the following section for section 32:

"Court of Criminal Appeal may make certain orders pending determination of appeal.

32.— The Court of Criminal Appeal shall have power to make any order it may think fit, including an order admitting the appellant to bail, pending the determination of his appeal.",

and

(*d*) in section 33, by the substitution of the following subsection for subsection (1):

"(1) The appeal 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.".

Amendment of section 44 of Offences Against the State Act 1939.

32.— The Offences Against the State Act 1939 is amended, in section 44, by the substitution of the following subsection for subsection (1):

"(1) A person convicted by a Special Criminal Court of any offence or sentenced by a Special Criminal Court to suffer any punishment may appeal to the Court of Criminal Appeal from such conviction or sentence.".

PART 5

MISCELLANEOUS PROVISIONS

Chapter 1

Giving of Evidence

Amendment of Criminal Justice (Evidence) Act 1924.

33.— The Criminal Justice (Evidence) Act 1924 is amended—

(*a*) in section (1)(*f*)—

(i) in subparagraph (ii)—

(I) by the substitution of "questions of any witness" for "questions for the witnesses for the prosecution", and

(II) by the substitution of "person in respect of whom the offence was alleged to have been committed" for "prosecutor",

and

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

"(iii*a*) the person has personally or by the person's advocate asked questions of any witness for the purpose of making, or the conduct of the defence is such as to involve, imputations on the character of a person in respect of whom the offence was alleged to have been committed and who is deceased or is so incapacitated as to be unable to give evidence; or",

and

(*b*) by the insertion of the following section after section 1:

"Evidence of character.

1A.— Where a person charged with an offence intends to adduce evidence, personally or by the person's advocate, of a witness, including the person, that would involve imputations on the character of a prosecution witness or a person in respect of whom the offence is alleged to have been committed and who is either deceased or so incapacitated as to be unable to give evidence, or evidence of the good character of the person—

(*a*) the person may do so only if he or she—

(i) has given, either personally or by his or her advocate, at least 7 days' notice to the prosecution of that intention, or

(ii) has applied to the court, citing the reasons why it is not possible to give the notice, and been granted leave to do so,

and

(*b*) notwithstanding section 1(*f*), the person may be called as a witness and be asked, and the prosecution may ask any other witness, questions that—

(i) would show that the person has been convicted of any offence other than the one wherewith he or she is then charged, or is of bad character, or

(ii) would show that the person in respect of whom the offence was alleged to have been committed is of good character.".

Expert evidence adduced by defence.

34.— (1) An accused shall not call an expert witness or adduce expert evidence unless leave to do so has been granted under this section.

F12**[**(2) Where the defence intends to call an expert witness or adduce expert evidence, whether or not in response to such evidence presented by the prosecution, notice of the intention shall be given to the prosecution at least 28 days prior to—

(*a*) the scheduled date of the start of the trial,

(*b*) the scheduled date of a preliminary trial hearing (within the meaning of Part 2 of the Criminal Procedure Act 2021), where the defence intends to call the expert witness or adduce the expert evidence, as the case may be, at that hearing, or

(*c*) such earlier date as the court may direct.**]**

(3) A notice under *subsection (2)* shall be in writing and shall include—

(*a*) the name and address of the expert witness, and

(*b*) any report prepared by the expert witness concerning a matter relevant to the case, including details of any analysis carried out by or on behalf of, or relied upon by, the expert witness, or a summary of the findings of the expert witness.

(4) The court may grant leave to call an expert witness or adduce expert evidence even if no report or summary of the findings are included as required by *subsection (3)(b)*, if the court is satisfied that the accused took all reasonable steps to secure the report or summary before giving the notice.

(5) The court shall grant leave under this section to call an expert witness or adduce expert evidence, on application by the defence, if it is satisfied that the expert evidence to be adduced satisfies the requirements of any enactment or rule of law relating to evidence and that—

(*a*) *subsections (2)* and *(3)* have been complied with,

F12**[**(*b*) where notice was not given within the period specified in *paragraph (a), (b)* or *(c)*, as the case may be, of s*ubsection (2)* —

(i) it would not, in all the circumstances of the case, have been reasonably possible for the defence to have done so, or

(ii) it is otherwise necessary in the interests of justice that the expert witness give evidence or the expert evidence be adduced,

or**]**

(*c*) where the prosecution has adduced expert evidence, a matter arose from that expert's testimony that was not reasonably possible for the defence to have anticipated and it would be in the interests of justice for that matter to be further examined in order to establish its relevance to the case.

(6) The prosecution shall be heard in an application under *subsection (4)* or *(5)*.

(7) A notice required by this section to be given to the prosecution may be given by delivering it to the prosecutor, or by leaving it at his or her office or by sending it by registered post to his or her office.

(8) Where the court grants leave under this section, the prosecution shall be given a reasonable opportunity to consider the report or summary before the expert witness gives the evidence or the evidence is otherwise adduced.

(9) In this section—

"expert evidence" means evidence of fact or opinion given by an expert witness, and

"expert witness" means a person who appears to the court to possess the appropriate qualifications or experience about the matter to which the witness's evidence relates.

Annotations

Amendments:

F12 Substituted (28.02.2022) by *Criminal Procedure Act 2021* (7/2021), s. 18(a), (b), S.I. No. 79 of 2022.

Return or disposal of property to be used as evidence.

35.— (1) This section applies where property that is to be entered in evidence in a criminal trial is to be—

(*a*) returned to its owner, or

(*b*) disposed of,

before the trial begins.

(2) Where the prosecution proposes to dispose of property that is to be entered in evidence or return it to its owner before the scheduled date of the start of the trial,

the prosecution shall serve a notice under this section (the "prosecution notice") on the accused at any time that is at least 23 days prior to that date.

(3) The prosecution notice shall contain a description of the property in sufficient detail to identify it and a statement as to the relevance of the property to the proceedings, together with—

(*a*) one or more photographs of the property, and

(*b*) any report that the prosecution proposes to enter in evidence arising from the analysis of the property, including analysis of any materials found in or on the property (the "prosecution report of evidence").

(4) Not later than 7 days after service of the prosecution notice under *subsection (2)*, the defence shall serve on the prosecution a notice in writing (the "defence notice") that indicates one of the following:

(*a*) that the defence accepts the prosecution notice and agrees to the return or disposal of the property;

(*b*) that the defence wishes to provide to the prosecution a report that conforms with *subsection (3)* (the "defence report of evidence");

(*c*) that the defence requires the property to be available as an exhibit at the trial.

(5) Where the defence notice served under *subsection (4)* is a notice mentioned in *paragraph (b)* of that subsection, then, notwithstanding *section 34*, the defence shall, not later than 7 days after service of that notice, serve the defence report of evidence on the prosecution.

(6) Where a defence report of evidence is served on the prosecution under *subsection (5)*, the prosecution shall, not later than 3 days prior to the scheduled date of the start of the trial, provide to the defence and the court a notice stating whether it accepts or rejects that notice (the "prosecution notice of reply").

(7) If the defence notice under *subsection (4)* is made under *paragraph (a)* of that subsection or is made under *paragraph (b)* of that subsection and a defence report of evidence is served under *subsection (5)* and accepted under *subsection (6)*, then—

(*a*) a member of the Garda Síochána not below the rank of inspector shall, on receipt by him or her of a copy of the notice referred to in *subsection (4)* or *(6)*, cause the property to be returned or disposed of, as the case may be,

(*b*) the member referred to in *paragraph (a)* shall keep a written record of the return or disposal of the property, and

(*c*) where the property is returned to its owner, the owner shall acknowledge in writing the receipt of the property.

(8) The following rules apply to admissibility of evidence:

(*a*) where *subsection (4)(a)* applies, the prosecution report of evidence is proof of the facts stated therein, unless the contrary is shown;

(*b*) where *subsection (4)(b)* applies and a defence report of evidence is served on the prosecution under *subsection (5)* and accepted under *subsection (6)*, the defence report of evidence is proof of the facts stated therein, unless the contrary is shown;

(*c*) where *subsection (4)(c)* applies, the property may be admitted as evidence in any trial in which the property is otherwise admissible;

(*d*) in any other case, a report prepared under *subsection (3)* or *(5)* may be admitted as evidence in any trial in which the property is otherwise admissible.

(9) Any person who prepares information contained in a report under *subsection (3)* or *(5)* may be called to give evidence in relation to all or any part of the report, and may be cross-examined on that evidence.

Chapter 2

Miscellaneous amendments

Amendment of section 22 of Courts Act 1991.

36.— Section 22 of the Courts Act 1991 is amended, in subsection (5), by the deletion of "if the complaint or accusation has been substantiated on oath and".

Amendment of Act of 1967.

37.— The Act of 1967 is amended—

(*a*) in section 4, by the substitution in subsection (2), of "instituted or continued except by the Attorney General" for "instituted or continued except by, or on behalf or with the consent of, the Attorney General",

(*b*) in section 4B, by the substitution of the following subsection for subsection (1):

"(1) (*a*) Subject to subsection (3), the prosecutor shall cause the documents specified in paragraph (*b*) to be served on the accused or his or her solicitor (if any) not later than 42 days from the date on which—

(i) the accused, on being informed by the District Court of his or her right to be tried by a jury, objects to being tried summarily or the prosecutor informs the court that he or she does not consent to the person being tried summarily for the offence concerned or,

(ii) in the case of an offence in respect of which the prosecutor may elect to prosecute either summarily or on indictment, the prosecutor elects to try the offence on indictment, or

(iii) the District Court determines that the facts alleged do not constitute a minor offence and are not fit to be tried summarily.

(*b*) The documents referred to in paragraph (*a*) are:

(i) a statement of the charges against the accused;

(ii) a copy of any sworn information in writing upon which the proceedings were initiated;

(iii) a list of the witnesses the prosecutor proposes to call at the trial;

(iv) a statement of the evidence that is expected to be given by each of them;

(v) a copy of any document containing information which it is proposed to give in evidence by virtue of Part II of the Criminal Evidence Act 1992;

(vi) where appropriate, a copy of a certificate under section 6(1) of that Act;

(vii) a list of the exhibits (if any).",

and

(*c*) in section 24(5), by the substitution of the following paragraph for paragraph (*a*):

"(*a*) If the Court is satisfied that a person who has been remanded in custody is unable to be brought before the Court at the expiration of the period of remand—

(i) by reason of illness or accident, or

(ii) for any other good and sufficient reason,

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

Amendment to First Schedule to Criminal Justice Act 1951.

38.— The First Schedule to the Criminal Justice Act 1951 is amended by the insertion of the following reference:

"26. The offence at common law of breach of the peace.".

Section 7.

SCHEDULE

RELEVANT OFFENCES

Common law offences

1. Murder (including murder to which section 3 of the Criminal Justice Act 1990 applies).

2. Manslaughter.

3. Treason.

4. Rape.

Genocide, crimes against humanity, war crimes and ancillary offences

5. An offence under sections 7 and 8 of the International Criminal Court Act 2006.

F13**[**5A. An offence under paragraph (a), (b) or (c) of section 2(1) or under section 3(1) of the Protection of Cultural Property in the Event of Armed Conflict (Hague Convention) Act 2017.**]**

Torture

6. An offence under any of the following provisions of the Criminal Justice (United Nations Convention against Torture) Act 2000:

(*a*) section 2(1) (offence of torture by a public official);

(*b*) section 2(2) (offence of torture instigated by a public official);

(*c*) section 3(*a*) (attempt or conspiracy to commit torture);

(*d*) section 3(*b*) (obstructing prosecution of another).

Sexual offences

7. Any offence under section 3 (aggravated sexual assault) and section 4 (rape) of the Criminal Law (Rape) (Amendment) Act 1990.

8. Any offence under section 2 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 15 years of age).

9. An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).

Offences against the person

10. An offence under any of the following provisions of the Non-Fatal Offences Against the Person Act 1997:

(*a*) section 4 (causing serious harm);

F14**[**(*aa*) section 4A (non-fatal strangulation or non-fatal suffocation causing serious harm);**]**

(*b*) section 6(5) (syringe offences);

(*c*) section 8(2) (placing or abandoning syringe);

(*d*) section 15(1) (false imprisonment).

Trafficking

11. An offence under section 3(1) of the Child Trafficking and Pornography Act 1998 (trafficking, taking etc., for the purposes of sexual exploitation).

12. Any offence under section 2 (trafficking etc., of children) and section 4 (trafficking of persons other than children) of the Criminal Law (Human Trafficking) Act 2008.

Offences against the State

13. An offence under section 6 of the Offences Against the State (Amendment) Act 1998 (directing an unlawful organisation).

14. An offence under any of the following provisions of the Criminal Justice (Terrorist Offences) Act 2005:

(*a*) section 9(1) (hostage taking);

(*b*) section 9(2) (attempted hostage taking);

(*c*) section 10(1) (terrorist bombing);

(*d*) section 10(2) (terrorist bombing causing major economic loss);

(*e*) section 10(3) (attempted bombing).

Organised Crime

15. An offence under section 71A of the Criminal Justice Act 2006 (directing a criminal organisation).

Drugs offences

16. Any offence under sections 15(1) (possession of controlled drugs for unlawful sale or supply), 15A (offence relating to possession of drugs with value of £10,000 or more) and 15B (importation of controlled drugs in excess of certain value) of the Misuse of Drugs Act 1977.

Firearms offences

17. An offence under section 15 of the Firearms Act 1925 (possession of firearms with intent to endanger life).

18. An offence under section 27 of the Firearms Act 1964 (prohibition of use of firearms to resist arrest or aid escape).

Explosives offences

19. An offence under section 2 of the Explosive Substances Act 1883 (causing explosion likely to endanger life or damage property).

Damaging property

20. An offence of arson under section 2(1) or (3) or an offence under section 2(2) (whether arson or not) of the Criminal Damage Act 1991 (damaging of property).

Robbery and burglary

21. Any offence under section 13(1) (aggravated burglary) and section 14(1) (robbery) of the Criminal Justice (Theft and Fraud Offences) Act 2001.

Air navigation offences

22. An offence under section 11 of the Air Navigation and Transport Act 1973 (unlawful seizure of aircraft).

23. An offence under section 3(1) of the Air Navigation and Transport Act 1975 (unlawful acts against the safety of navigation).

Maritime security offences

24. An offence under section 2(1) of the Maritime Security Act 2004.

Accomplices

25. References in this Schedule to an offence include references to participation as an accomplice of a person who commits the offence.

Attempts and conspiracy

26. An offence of attempting or conspiring to commit any offence mentioned in a preceding paragraph of this Schedule.

Annotations

Amendments:

F13 Inserted (17.08.2018) by *Protection of Cultural Property in the event of Armed Conflict (Hague Convention) Act 2017* (36/2017), s. 10, S.I. No. 299 of 2018.

F14 Inserted (1.11.2023) by *Criminal Justice (Miscellaneous Provisions) Act 2023* (24/2023), s. 77, S.I. No. 525 of 2023, art. 3(g).

F15 Inserted by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 52, not commenced as of date of revision.

Modifications (not altering text):

C2 Prospective affecting provision: para. 9A inserted by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 52, not commenced as of date of revision.

F15**[**9A. An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over seventeen).**]**

Number 27 *of* 2010

CRIMINAL PROCEDURE ACT 2010

REVISED

Updated to 1 November 2023

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Criminal Justice (Miscellaneous Provisions) Act 2023* (24/2023)
- *Criminal Justice (Perjury and Related Offences) Act 2021* (13/2021)
- *Criminal Procedure Act 2021* (7/2021)
- *Criminal Justice (Corruption Offences) Act 2018* (9/2018)
- *Protection of Cultural Property in the event of Armed Conflict (Hague Convention) Act 2017* (36/2017)

• *Criminal Law (Sexual Offences) Act 2017* (2/2017)
• *Court of Appeal Act 2014* (18/2014)
• *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* (11/2014)
• *Fines Act 2010* (8/2010)
• *Broadcasting Act 2009* (18/2009)

All Acts up to and including *Screening of Third Country Transactions Act 2023* (28/2023), enacted 31 October 2023, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

• *Criminal Procedure Act 2010 (Commencement) Order 2010* (S.I. No. 414 of 2010)

All statutory instruments up to and including *Criminal Justice (Miscellaneous Provisions) Act 2023 (Commencement) (No. 2) Order 2023* (S.I. No. 525 of 2023), made 31 October 2023, were considered in the preparation of this revision.