Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.

Number 29 *of* 1996

CRIMINAL JUSTICE (DRUG TRAFFICKING) ACT 1996

REVISED

Updated to 1 August 2025

This Revised Act is an administrative consolidation of the *Criminal Justice (Drug Trafficking) Act 1996*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Statute Law Revision Act 2025* (10/2025), enacted 23 July 2025, and all statutory instruments up to and including the *Air Pollution Act 1987 (Solid Fuels, Moisture Content) (Amendment) Regulations 2025* (S.I. No. 389 of 2025), made 1 August 2025, were considered in the preparation of this Revised Act.

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Number 20 *of* 1996

CRIMINAL JUSTICE (DRUG TRAFFICKING) ACT 1996

REVISED

Updated to 1 August 2025

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
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Number 29 *of* 1996

CRIMINAL JUSTICE (DRUG TRAFFICKING) ACT 1996

REVISED

Updated to 1 August 2025

AN ACT TO MAKE PROVISION FOR ADDITIONAL POWERS OF DETENTION BY THE GARDA SÍOCHÁNA OF SUSPECTED DRUG TRAFFICKERS FOLLOWING ARREST, TO MAKE PROVISION FOR THE ISSUANCE OF SEARCH WARRANTS BY CERTAIN MEMBERS OF THE GARDA SÍOCHÁNA IN THE CASE OF SUSPECTED DRUG TRAFFICKING OFFENCES AND FOR THE ATTENDANCE OF OFFICERS OF CUSTOMS AND EXCISE AT, AND THE PARTICIPATION OF SUCH OFFICERS IN, THE QUESTIONING OF CERTAIN ARRESTED PERSONS BY THE GARDA SÍOCHÁNA AND TO PROVIDE FOR RELATED MATTERS. [31*st July*, 1996]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—(1) In this Act—

"controlled drug" has the meaning it has in section 2 of the Act of 1977;

"drug trafficking offence" has the meaning it has in section 3 (1) of the Criminal Justice Act, 1994;

F1**[**...**]**

"the Minister" means the Minister for Justice;

"place of detention" shall be construed in accordance with *section 2 (9) (a)*;

"the Act of 1939" means the Offences against the State Act, 1939;

"the Act of 1977" means the Misuse of Drugs Act, 1977;

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

"the Act of 1990" means the Criminal Justice (Forensic Evidence) Act, 1990.

(2) In this Act a reference to an offence shall, where the context so requires, be construed as a reference to a suspected offence.

(3) In this Act a reference to any other enactment shall, save where the context otherwise requires, be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment, including this Act.

(4) In this Act, a reference to a section is a reference to a section of this Act and a reference to a subsection or paragraph is a reference to a subsection or paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other enactment or provision is intended.

Annotations

Amendments:

F1 Deleted (26.06.1999) by *Criminal Justice Act, 1999* (10/1999), s. 35, commenced on enactment.

Powers of detention.

2.—(1) F2**[**(*a*) Where a member of the Garda Síochána arrests without warrant, whether in a Garda Síochána station or elsewhere, a person (an "arrested person") whom he or she, with reasonable cause, suspects of having committed a drug trafficking offence, the arrested person—

(i) if not already in a Garda Síochána station, may be taken to and detained in a Garda Síochána station, or

(ii) if he or she is arrested in a Garda Síochána station, may be detained in the station,

for a period or periods authorised by *subsection (2)* if the member of the Garda Síochána in charge of the station to which the arrested person is taken on arrest or in which he or she is arrested has at the time of the arrested person's arrival at the station or his or her arrest in the station, as may be appropriate, reasonable grounds for believing that his or her detention is necessary for the proper investigation of the offence.**]**

(*b*) Without prejudice to *paragraph (a)*, where a member of the Garda Síochána suspects an arrested person of concealing in his or her person a controlled drug, that person may—

(i) be taken to a place of detention, and

(ii) if a member of the Garda Síochána not below the rank of inspector who is not investigating the drug trafficking offence has, at the time of that person's arrival there, reasonable grounds for believing that his or her detention is necessary for the proper investigation of the drug trafficking offence, be detained in that place of detention for a period or periods authorised by *subsection (2)*.

(2) (*a*) The period for which a person may be detained under *subsection (1)* shall, subject to the provisions of this subsection, not exceed 6 hours from the time of his or her arrest.

(*b*) An officer of the Garda Síochána not below the rank of F3**[**superintendent**]** may direct that a person detained under *subsection (1)* be detained for a further period not exceeding 18 hours if he or she has reasonable grounds for believing that such further detention is necessary for the proper investigation of the offence concerned.

(*c*) An officer of the Garda Síochána not below the rank of chief superintendent may direct that a person detained pursuant to a direction under *paragraph (b)* be detained for a further period not exceeding 24 hours, if he or she has reasonable grounds for believing that such further detention is necessary for the proper investigation of the offence concerned.

(*d*) A direction under *paragraph (b)* or *(c)* may be given orally or in writing and, if given orally, shall be recorded in writing as soon as practicable.

(*e*) Where a direction has been given under *paragraph (b)* or *(c)*, the fact that the direction was given, the date and time when it was given and the name and rank of the officer of the Garda Síochána who gave it shall be recorded.

(*f*) The direction or, if it was given orally, the written record of it shall be signed by the officer giving it and—

(i) shall state the date and time when it was given, the officer's name and rank and that the officer had reasonable grounds for believing that such further detention was necessary for the proper investigation of the offence concerned, and

(ii) shall be attached to and form part of the custody record (within the meaning of the Criminal Justice Act, 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations, 1987) in respect of the person concerned.

(*g*) (i) An officer of the Garda Síochána not below the rank of chief superintendent may apply to a judge of the Circuit Court or a judge of the District Court for a warrant authorising the detention of a person detained pursuant to a direction under *paragraph (c)* for a further period not exceeding 72 hours if he or she has reasonable grounds for believing that such further detention is necessary for the proper investigation of the offence concerned.

(ii) On an application under *subparagraph (i)* the judge concerned shall issue a warrant authorising the detention of the person to whom the application relates for a further period not exceeding 72 hours if, but only if, the judge is satisfied that such further detention is necessary for the proper investigation of the offence concerned and that the investigation is being conducted diligently and expeditiously.

(*h*) (i) An officer of the Garda Síochána not below the rank of chief superintendent may apply to a judge of the Circuit Court or a judge of the District Court for a warrant authorising the detention of a person detained under a warrant issued pursuant to *paragraph (g) (ii)* for a further period not exceeding 48 hours, if he or she has reasonable grounds for believing that such further detention is necessary for the proper investigation of the offence concerned.

(ii) On an application under *subparagraph (i)* the judge concerned shall issue a warrant authorising the detention of the person to whom the application relates for a further period not exceeding 48 hours if, but only if, the judge is satisfied that such further detention is necessary for the proper investigation of the offence concerned and that the investigation is being conducted diligently and expeditiously.

(3) On an application under *subsection (2)* the person to whom the application relates shall be produced before the judge concerned and the judge shall hear any submissions made and consider any evidence adduced by or on behalf of the person and the officer of the Garda Síochána making the application.

F4**[**(3A) (*a*) Without prejudice to *paragraph (b)*, where a judge hearing an application under *subsection (2)* is satisfied, in order to avoid a risk of prejudice to the investigation concerned, that it is desirable to do so, he or she may—

(i) direct that the application be heard otherwise than in public, or

(ii) exclude from the Court during the hearing all persons except officers of the Court, persons directly concerned in the proceedings, bona fide representatives of the Press and such other persons as the Court may permit to remain.

(*b*) On the hearing of an application under *subsection (2)*, the judge may, of his or her own motion or on application by the officer of the Garda Síochána making the application under *subsection (2)*, where it appears that—

(i) particular evidence to be given by any member of the Garda Síochána during the hearing (including evidence by way of answer to a question asked of the member in cross-examination) concerns steps that have been, or may be taken, in the course of any inquiry or investigation being

conducted by the Garda Síochána with respect to the suspected involvement of the person to whom the application relates, or any other person, in the commission of the offence to which the detention relates or any other offence, and

(ii) the nature of those steps is such that the giving of that evidence concerning them could prejudice, in a material respect, the proper conducting of any foregoing inquiry or investigation,

direct that, in the public interest, the particular evidence shall be given in the absence of every person, including the person to whom the application relates and any legal representative (whether of that person or the applicant), other than—

(I) the member or members whose attendance is necessary for the purpose of giving the evidence to the judge; and

(II) if the judge deems it appropriate, such one or more of the clerks or registrars of the Court as the judge determines.

(*c*) If, having heard such evidence given in that manner, the judge considers the disclosure of the matters to which that evidence relates would not have the effect referred to in *paragraph (b)(ii)*, the judge shall direct the evidence to be re-given in the presence of all the other persons (or, as the case may be, those of them not otherwise excluded from the Court under *paragraph (a)*).

(*d*) No person shall publish or broadcast or cause to be published or broadcast any information about an application under *subsection (2)* other than a statement of—

(i) the fact that the application has been made by the Garda Síochána in relation to a particular investigation, and

(ii) any decision resulting from the application.

(*e*) If any matter is published or broadcast in contravention of *paragraph (d)*, 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 and shall be liable—

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

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

(*f*) Where an offence under this subsection has been committed by a body corporate and is proved to have been committed with the consent or connivance 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 a person who was 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.

(*g*) Where the affairs of a body corporate are managed by its members, *paragraph (f)* 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.

(*h*) In this subsection—

"broadcast" means the transmission, relaying or distribution by wireless telegraphy, cable or the internet of communications, sounds, signs, visual images or signals, intended for direct reception by the general public whether such communications, sounds, signs, visual images or signals are actually received or not;

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

(3B) Save where any rule of law requires such an issue to be determined by the Court, in an application under subsection (2) no issue as to the lawfulness of the arrest or detention of the person to whom the application relates may be raised.

(3C) (*a*) In an application under *subsection (2)* it shall not be necessary for a member of the Garda Síochána, other than the officer making the application, to give oral evidence for the purposes of the application and the latter officer may testify in relation to any matter within the knowledge of another member of the Garda Síochána that is relevant to the application notwithstanding that it is not within the personal knowledge of the officer.

(*b*) However, the Court hearing such an application may, if it considers it be in the interests of justice to do so, direct that another member of the Garda Síochána give oral evidence and the Court may adjourn the hearing of the application for the purpose of receiving such evidence.**]**

(4) When issuing a warrant under *subsection (2)* the judge concerned may order that the person concerned be brought before a judge of the Circuit Court or a judge of the District Court at a specified time or times during the period of detention specified in the warrant and if, upon the person's being so brought before such a judge, he or she is not satisfied that the person's detention is justified, the judge shall revoke the warrant and order the immediate release from custody of the person.

(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 or her detention is necessary for the proper investigation of the offence to which the detention relates, he or she shall, subject to *subsection (6)*, be released from custody forthwith unless he or she 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 or her 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 a drug trafficking offence other than the offence to which the detention relates and—

(*a*) the member of the Garda Síochána then in charge of the Garda Síochána station, or

(*b*) in case the person is being detained in a place of detention, a member of the Garda Síochána not below the rank of inspector who is not investigating the offence to which the detention relates or the other offence,

has reasonable grounds for believing that the continued detention of the 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.

(7) To avoid doubt, it is hereby declared that a person shall not be detained pursuant to this section for more than 168 hours from the time of his or her arrest, not including any period which is to be excluded under section 4 (8) of the Act of 1984 (as applied by *section 5*) in reckoning a period of detention.

F5**[**(7A) Notwithstanding subsections (2) and (7), if—

(*a*) an application is to be made, or is made, under subsection (2) for a warrant authorising the detention for a further period of a person detained under that subsection, and

(*b*) the period of detention under that subsection has not expired at the time of the arrival of the person concerned at the court house for the purposes of the hearing of the application but would, but for this subsection, expire before, or during the hearing (including, if such should occur, any adjournment of the hearing),

it shall be deemed not to expire until the final determination of the application; and, for purposes of this subsection—

(i) a certificate signed by the court clerk or registrar in attendance at the court house concerned stating the time of the arrival of the person concerned at that court house shall be evidence, until the contrary is shown, of the time of that person's arrival there;

(ii) "court house" includes any venue at which the hearing of the application takes place.**]**

(8) Nothing in this section shall affect the operation of section 30 of the Act of 1939 or section 4 of the Act of 1984.

(9) (*a*) The Minister may make regulations prescribing specified places as places where a person may be detained pursuant to *subsection (1) (b)*, and a place for the time being standing so specified is referred to in this Act as a "place of detention".

(*b*) Section 7 of the Act of 1984 and any regulations made thereunder shall, with any necessary modifications, apply in relation to places of detention as they apply in relation to Garda Síochána stations.

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

Annotations

Amendments:

F2 Substituted (1.08.2006) by *Criminal Justice Act 2006* (26/2006), s. 10(a)(i), S.I. No. 390 of 2006, in effect as per reg. 3(a).

F3 Substituted (23.07.2009) by *Criminal Justice (Amendment) Act 2009* (32/2009), s. 22(1)(a), commenced on enactment.

F4 Inserted (23.07.2009) by *Criminal Justice (Amendment) Act 2009* (32/2009), s. 22(1)(b), commenced on enactment.

F5 Substituted (23.07.2009) by *Criminal Justice (Amendment) Act 2009* (32/2009), s. 22(1)(c), commenced on enactment.

Editorial Notes:

E1 Power granted to take samples, prints from person detained under section (20.11.2015) by *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* (11/2014), ss. 9, 11-13, 31-33, 35, 86, 100, S.I. No. 508 of 2015, art. 2(b).

E2 Destruction of samples taken in custody procedure under section provided for (20.11.2015) by *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* (11/2014), ss. 76-80, 84 and 85, S.I. No. 508 of 2015, in effect as per reg. 2.

E3 Provision made for the electronic recording of interviews with suspects detained under section (1.03.1997) by *Criminal Justice Act 1984 (Electronic Recording of Interviews) Regulations 1997* (S.I. No. 74 of 1997), in effect as per reg. 1(2).

E4 Provision made for the electronic recording of interviews with suspects detained under section as modified by s. 4(3) of this Act (1.03.1997) by *Criminal Justice Act 1984 (Electronic Recording of Interviews) Regulations 1997* (S.I. No. 74 of 1997), in effect as per reg. 1(2).

E5 Previous affecting provision: subs. (7A) inserted (1.08.2006) by *Criminal Justice Act 2006* (26/2006), s. 10(a)(ii), S.I. No. 390 of 2006, in effect as per reg. 3; substituted (23.07.2009) as per F-note above.

Amendment of Act of 1990.

3.—The Act of 1990 is hereby amended—

(*a*) in section 2—

(i) by the substitution in subsection (1) for "or section 4 of the Criminal Justice Act, 1984," of "section 4 of the Criminal Justice Act, 1984, or *section 2* of the *Criminal Justice (Drug Trafficking) Act, 1996*,", and

(ii) by the insertion in paragraph (*b*) of subsection (3) after "applies" of "or a drug trafficking offence within the meaning of section 3 (1) of the Criminal Justice Act, 1994",

and

(*b*) in section 4, by the substitution in subsection (2) thereof for "or section 4 of the Criminal Justice Act, 1984," of "section 4 of the Criminal Justice Act, 1984, or *section 2* of the *Criminal Justice (Drug Trafficking) Act, 1996*,".

Rearrest.

4.—F6**[**(1) Where a person arrested on suspicion of having committed an offence is detained pursuant to section 2 and is released without any charge having been made against him or her, he or she shall not—

(a) be arrested again in connection with the offence to which the detention related, or

(b) be arrested for any other offence of which, at the time of the first arrest, the member of the Garda Síochána by whom he or she was arrested suspected, or ought reasonably to have suspected, him or her of having committed, except on the authority of a warrant issued by a judge of the Circuit Court or the District Court who is satisfied on information supplied on oath by a member of the Garda Síochána not below the rank of superintendent that either of the following cases apply, namely—

(i) further information has come to the knowledge of the Garda Síochána since the person's release as to the person's suspected participation in the offence for which his or her arrest is sought,

(ii) notwithstanding that the Garda Síochána had knowledge, prior to his or her release, of the person's suspected participation in the offence for which his or her arrest is sought, the questioning of the person in relation

to that offence, prior to his or her release, would not have been in the interests of the proper investigation of the offence.

(1A) An application for a warrant under this section shall be heard otherwise than in public.**]**

(2) When issuing a warrant under *subsection (1)*, the judge concerned may order that the person concerned be brought before a judge of the Circuit Court or a judge of the District Court on arrest or at any specified time or times during the period of detention authorised by *section 2* as applied by *subsection (3)* and if, upon the person's being so brought before such a judge, he or she is not satisfied that the person's detention is justified, the judge shall revoke the warrant and order the immediate release from custody of the person.

(3) *Section 2* shall apply to a person arrested in connection with an offence to which that section relates under a warrant issued pursuant to *subsection (1)*, as it applies to a person to whom that section applies, with the following and any other necessary modifications:

F7**[**(*a*) the substitution for *paragraph (a)* in *subsection (1)* of the following paragraph:

"(a) Where a member of the Garda Síochána arrests a person (an "arrested person") under a warrant issued pursuant to section 4(1), the arrested person may be taken to and detained in a Garda Síochána station for a period or periods authorised by subsection (2) if the member of the Garda Síochána in charge of the station to which the arrested person is taken on arrest has at the time of the arrested person's arrival at the station reasonable grounds for believing that his or her detention is necessary for the proper investigation of the offence.".**]**

(F8**[***b*]) the substitution for *paragraphs (c)* and *(d)* in *subsection (2)* of the following paragraphs:

(F8**[***c*]) An officer of the Garda Síochána not below the rank of chief superintendent may apply to a judge of the Circuit Court or a judge of the District Court for a warrant authorising the detention of a person detained under *paragraph (b)* for a further period not exceeding 24 hours if he or she has reasonable grounds for believing that such further detention is necessary for the proper investigation of the offence concerned.

(*d*) On an application under *paragraph (c)* the judge concerned shall issue a warrant authorising the detention of the person to whom the application relates for a further period not exceeding 24 hours if, but only if, the judge is satisfied that such further detention is necessary for the proper investigation of the offence concerned and that the investigation is being conducted diligently and expeditiously.",

and

(*b*) the substitution in *paragraph (g) (i)* of *subsection (2)* for "pursuant to a direction under *paragraph (c)*" of "under a warrant issued pursuant to *paragraph (d)*".

(4) A person arrested in connection with an offence other than one to which *section 2* relates, under a warrant issued pursuant to *subsection (1)*, shall, subject to *subsection (2)*, be dealt with under section 4 of the Act of 1984 in like manner as a person arrested without warrant to whom the said section 4 applies.

(5) Notwithstanding *subsection (1)*, a person to whom that subsection relates may be arrested for any offence for the purpose of charging him or her with that offence forthwith.

(6) Where a person who has been arrested under section 30 of the Act of 1939 or detained under section 4 of the Act of 1984 in connection with an offence is released without any charge having been made against him or her, he or she shall not be detained pursuant to *section 2*—

(*a*) in connection with the first-mentioned offence, or

(*b*) in connection with an offence to which *section 2* relates which, at the time of the first arrest, the member of the Garda Síochána by whom he or she was arrested suspected, or ought reasonably to have suspected, him or her of having committed.

Annotations

Amendments:

F6 Substituted and inserted (23.07.2009) by *Criminal Justice (Amendment) Act 2009* (32/2009), s. 22(2), commenced on enactment.

F7 Inserted (1.08.2006) by *Criminal Justice Act 2006* (26/2006), s. 10(b), S.I. No. 390 of 2006, reg. 3(a).

F8 Substituted (1.08.2006) by *Criminal Justice Act 2006* (26/2006), s. 10(b), S.I. No. 390 of 2006, reg. 3(a).

Modifications (not altering text):

C1 Reference to "a member of the Garda Síochána not below the rank of superintendent" construed (20.11.2015) by *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* (11/2014), s. 166, S.I. No. 508 of 2015, in effect as per reg. 2.

166. The reference to a member of the Garda Síochána not below the rank of superintendent in each of the provisions specified in column (3) of the Table to this section of the enactments specified in column (2) of that Table shall be construed as a reference to a member of the Garda Síochána not below the rank of inspector if the reason or one of the reasons for seeking the arrest of the person concerned for—

(*a*) the offence in relation to which he or she was detained under section 30 of the Act of 1939, section 4 of the Act of 1984, section 2 of the Act of 1996 or section 50 of the Act of 2007, as the case may be, or

(*b*) any other offence of which, at the time of the first arrest, the member of the Garda Síochána by whom he or she was arrested suspected, or ought reasonably to have suspected, him or her of having committed,

is that the Garda Síochána have, since the person's release, obtained the results of the forensic testing of a sample taken under the Criminal Justice (Forensic Evidence) Act 1990 or otherwise or under *Part 2* from the person while he or she was detained under section 30 of the Act of 1939, section 4 of the Act of 1984, section 2 of the Act of 1996 or section 50 of the Act of 2007, as the case may be, and those results indicate a match of the person's DNA profile with a DNA profile generated from a sample taken from the crime scene in respect of the offence for which the arrest of the person is sought.

Table

Number and Year (1)	Short Title (2)	Provision amended (3)
...	...	...
No. 29 of 1996	Criminal Justice (Drug Trafficking) Act 1996	Section 4(1).
...	...	...

Application of certain provisions of Act of 1984.

5.—F9**[**(1)**]** F10**[***Sections 5, 6A, 18, 19* and *19A*, *subsections (4), (7), (8), (8A), (8B)* and *(11)* of *section 4* and subsections (1) to (4) of section 6 of the Act of 1984**]** shall apply with any necessary modifications in relation to persons detained under *section 2* as they apply to persons detained under section 4 of the Act of 1984.

F11**[**(2) Sections 8 to 8I of the Act of 1984 shall, with the following and any other necessary modifications, apply to fingerprints, palm prints and photographs taken from or of a person detained under *section 2* as they apply to fingerprints, palm prints and photographs taken from or of a person detained under section 4 of the Act of 1984:

(*a*) references to an offence to which section 4 of the Act of 1984 applies shall be construed as references to an offence to which section 4 of the Act of 1984 applies or a drug trafficking offence; and

(*b*) references to the detention of the person under section 4 of the Act of 1984 shall be construed as references to the detention of the person under *section 2*.**]**

Annotations

Amendments:

F9 Inserted (20.11.2015) by *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* (11/2014), s. 106 (b), S.I. No. 508 of 2015, art. 2(e).

F10 Substituted (20.11.2015) by *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* (11/2014), s. 106 (a), S.I. No. 508 of 2015, art. 2(e).

F11 Inserted (20.11.2015) by *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* (11/2014), s. 106 (c), S.I. No. 508 of 2015, art. 2(e).

F12 Substituted by *Criminal Justice Act 2017* (14/2017), s. 4, not commenced as of date of revision.

F13 Substituted by *Criminal Justice Act 2011* (22/ 2011), s. 13, not commenced as of date of revision.

Modifications (not altering text):

C2 Prospective affecting provision: section amended by *Criminal Justice Act 2017* (14/2017), s. 4, not commenced as of date of revision.

5.—F9**[**(1)**]**F10**[** Sections F12**[**5, 5A, 6A**]**, 18, 19 and 19A, subsections (4), (7), (8), (8A), (8B) and (11) of section 4 and subsections (1) to (4) of section 6 of the Act of 1984**]** shall apply with any necessary modifications in relation to persons detained under *section 2* as they apply to persons detained under section 4 of the Act of 1984.

C3 Prospective affecting provision: subs. (1) amended by *Criminal Justice Act 2011* (22/2011), s. 13, not commenced as of date of revision.

5.—F9**[**(1)**]**F10**[** Sections F13**[**5, 5A**]**, 6A, 18, 19 and 19A, subsections (4), (7), (8), (8A), (8B) and (11) of section 4 and subsections (1) to (4) of section 6 of the Act of 1984**]** shall apply with any necessary modifications in relation to persons detained under *section 2* as they apply to persons detained under section 4 of the Act of 1984.

Editorial Notes:

E6 Previous affecting provision: section amended (23.07.2009) by *Criminal Justice (Amendment) Act 2009* (32/2009), s. 22(3), commenced on enactment; substituted (20.11.2015) as per F-note above.

E7 Previous affecting provision: section amended (18.05.2007) by *Criminal Justice Act 2007* (29/2007), s. 54(a), (b), S.I. No. 236 of 2007; substituted (20.11.2015) as per F-note above.

Regulations regarding officers of customs and excise.

6.—(1) The Minister may, following consultation with the Minister for Finance, make regulations providing for the attendance of an officer of customs and excise at, and the participation of such an officer in, the questioning of a person detained under *section 2* or under section 4 of the Act of 1984 in relation to a drug trafficking offence.

(2) An officer of customs and excise may not commit any act or make any omission which, if committed or made by a member of the Garda Síochána, would be a contravention of any regulation made under section 7 of the Act of 1984.

(3) An act committed or omission made by an officer of customs and excise which, if committed or made by a member of the Garda Síochána would be a contravention of any regulation made under the said section 7 shall not of itself render the officer liable to any criminal or civil proceedings or of itself affect the lawfulness of the custody of the detained person or the admissibility in evidence of any statement made by him or her.

(4) In this section "an officer of customs and excise" means a person appointed by the Revenue Commissioners under the Customs Acts and under the statutes which relate to the duties of excise or any instrument relating to duties of excise made under statute.

(5) A draft of every regulation proposed to be made under this section shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been passed by each such House.

Inferences from failure of accused to mention particular facts.

7.—F14**[**...**]**

Annotations

Amendments:

F14 Repealed (1.07.2007) by *Criminal Justice Act 2007* (29/2007), s. 3(1) and sch. 1, S.I. No. 236 of 2007, art. 4, subject to transitional provision in subs. (2).

Search warrants.

8.—(1) Subsection (1) of section 26 of the Act of 1977 is hereby amended—

(*a*) by the insertion after "Garda Síochána" of "or if, subject to the provisions of *subsection (2)* of *section 8* of the *Criminal Justice (Drug Trafficking) Act, 1996*, a member of the Garda Síochána not below the rank of superintendent is satisfied", and

(*b*) by the substitution for "such Justice or Commissioner" of "such Justice, Commissioner or, as the case may be, member".

(2) A member of the Garda Síochána not below the rank of superintendent shall not issue a search warrant under the said section 26 unless he or she is satisfied—

(*a*) that the warrant is necessary for the proper investigation of a drug trafficking offence, and

(*b*) that circumstances of urgency giving rise to the need for the immediate issue of the search warrant would render it impracticable to apply to a judge of the District Court or a Peace Commissioner under the said section 26 for the issue of the warrant.

F15**[**(2A) (*a*) A member of the Garda Síochána not below the rank of superintendent may issue a search warrant under the said section 26 only if he or she is

independent of the investigation of the offence in relation to which the search warrant is being sought.

(*b*) In this subsection "independent of", in relation to the investigation of an offence, means not being in charge of, or involved in, that investigation.

(2B) A member of the Garda Síochána not below the rank of superintendent who issues a search warrant under the said section 26 shall, either at the time the warrant is issued or as soon as reasonably practicable thereafter, record in writing the grounds on which the warrant was issued, including how he or she was satisfied as to the matters referred to in *subsection (2)*.**]**

(3) Notwithstanding subsection (2) of section 26 of the Act of 1977, a search warrant issued by a member of the Garda Síochána not below the rank of superintendent under subsection (1) of that section shall cease to have effect after a period of 24 hours has elapsed from the time of the issue of the warrant.

Annotations

Amendments:

F15 Inserted (25.07.2012) by *Criminal Justice (Search Warrants) Act 2012* (33/2012), s. 3, commenced as per s. 4(2), subject to transitional provision in subs. (2).

Amendment of Public Dance Halls Act, 1935.

9.—The Public Dance Halls Act, 1935, is hereby amended by the insertion after section 13 of the following section:

"13A.—(1) Any member of the Garda Síochána whether in uniform or not may enter any place in respect of which a public dancing licence is for the time being in force at any time while such place is being used for public dancing or at any other reasonable time and there make such inspection, examination and inquiry as he shall think proper for the prevention or detection of a drug trafficking offence within the meaning of section 3 (1) of the Criminal Justice Act, 1994.

(2) Every person who shall prevent or attempt to prevent a member of the Garda Síochána from exercising, or obstruct or attempt to obstruct any such member in the exercise of, a power vested in such member by virtue of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £1,000.".

Expenses.

10.—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.

Duration of certain sections.

11.—F16**[**...**]**

Annotations

Amendments:

F16 Repealed (23.07.2009) by *Criminal Justice (Amendment) Act 2009* (33/2012), s. 22(4), commenced on enactment.

Short title and commencement.

12.—(1) This Act may be cited as the Criminal Justice (Drug Trafficking) Act, 1996.

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

Annotations

Editorial Notes:

E8 Power pursuant to section exercised (9.09.1996) by *Criminal Justice (Drug Trafficking) Act, 1996 (Commencement) Order 1996* (S.I. No. 257 of 1996).

2. The 9th day of September, 1996 is hereby appointed as the day on which the Criminal Justice (Drug Trafficking) Act, 1996 (No. 29 of 1996), shall come into operation.

ACTS REFERRED TO

Criminal Justice (Forensic Evidence) Act, 1990	1990, No. 34
Criminal Justice Act, 1984	1984, No. 22
Criminal Justice Act, 1994	1994, No. 15
Misuse of Drugs Act, 1977	1977, No. 12
Offences against the State Act, 1939	1939, No. 13
Public Dance Halls Act, 1935	1935, No. 2

CRIMINAL JUSTICE (DRUG TRAFFICKING) ACT 1996

REVISED

Updated to 1 August 2025

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 Act 2017* (14/2017)
- *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* (11/2014)
- *Criminal Justice (Search Warrants) Act 2012* (33/2012)
- *Criminal Justice Act 2011* (22/2011)
- *Fines Act 2010* (8/2010)
- *Criminal Justice (Amendment) Act 2009* (32/2009)
- *Criminal Justice Act 2007* (29/2007)
- *Criminal Justice Act 2006* (26/2006)
- *Criminal Justice Act 1999* (10/1999)

All Acts up to and including *Statute Law Revision Act 2025* (10/2025), enacted 23 July 2025, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Criminal Justice Act, 1984 (Electronic Recording of Interviews) Regulations 1997* (S.I. No. 74 of 1997)
- *Criminal Justice (Drug Trafficking) Act, 1996 (Commencement) Order 1996* (S.I. No. 257 of 1996)

All statutory instruments up to and including *Air Pollution Act 1987 (Solid Fuels, Moisture Content) (Amendment) Regulations 2025* (S.I. No. 389 of 2025), made 1 August 2025, were considered in the preparation of this revision.