Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.

Number 28 *of* 2009

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT 2009

REVISED

Updated to 1 May 2020

This Revised Act is an administrative consolidation of the *Criminal Justice (Miscellaneous Provisions) Act 2009*. 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 *Emergency Measures in the Public Interest (Covid-19) Act 2020* (2/2020), enacted 27 March 2020, and all statutory instruments up to and including *Criminal Justice (Miscellaneous Provisions) Act 2009 (Commencement) Order 2020* (S.I. No. 152 of 2020), made 28 April 2020, 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 28 *of* 2009

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT 2009

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ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title and commencement.
2. Interpretation.
3. Expenses.

PART 2

AMENDMENTS TO EUROPEAN ARREST WARRANT ACT 2003

4. Amendments to section 2 of Act of 2003.
5. Amendments to section 4 of Act of 2003.
6. Amendments to section 10 of Act of 2003.
7. Amendments to section 11 of Act of 2003.
8. Amendments to section 12 of Act of 2003.
9. Amendments to section 13 of Act of 2003.
10. Amendment to section 14 of Act of 2003.
11. Amendments to section 15 of Act of 2003.
12. Amendments to section 16 of Act of 2003.
13. Amendments to section 18 of Act of 2003.
14. Amendment to section 20 of Act of 2003.
15. Amendment to section 29 of Act of 2003.
16. Amendments to section 33 of Act of 2003.

17. Amendment to section 38 of Act of 2003.

18. Amendment to section 34 of Act of 2003.

19. Deletion of section 40 of Act of 2003.

20. New sections 45 to 45C of Act of 2003.

PART 3

SCHENGEN INFORMATION SYSTEM

21. Interpretation.

22. Exchange of Information for purposes of Council Decision and Schengen Convention.

23. Data Protection.

24. Amendments to section 27 of Extradition Act 1965.

PART 4

AMENDMENT OF FIREARMS ACTS

25. Amendments to section 1 of Principal Act.

26. Amendment to section 2 of Principal Act.

27. New section 2C of Principal Act.

28. Amendment to section 3 of Principal Act.

29. Amendment to section 3A of Principal Act.

30. New sections 3B, 3C and 3D of Principal Act.

31. Commissioner to conduct annual review.

32. Amendment to section 4B of Principal Act.

33. New section 4C of Principal Act.

34. Reporting of loss of firearm or ammunition.

35. New section 9A of Principal Act.

36. New section 17 of Principal Act.

37. Amendment to section 9 of Act of 1964.

38. Repeal of section 21 of Act of 1964.

39. Amendment to section 9 of Act of 1990.

40. New sections 9A to 9I of Act of 1990.

41. Amendment to section 16 of Act of 1990.

42. Amendment to section 2 of Act of 2000.

43. Amendment to section 30 of Act of 2006.

44. Repeal of section 40 of Act of 2006.

PART 5

MISCELLANEOUS

45. Amendment to section 2 of Act of 1857.

46. New section 2A of Act of 1857.

47. Amendment to section 4 of Criminal Justice Act 1984.

48. Amendment of Bail Act 1997.

49. Amendment to section 15 of Act of 2001.

50. Amendment to section 39 of Act of 2001.

51. Amendment to section 99 of Criminal Justice Act 2006.

52. Amendment to Regulation 12 of Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987.

ACTS REFERRED TO

Bail Act 1997	1997,No. 16
Children Act 2001	2001,No. 24
Courts (Supplemental Provisions) Act 1961	1961,No. 39
Criminal Justice Act 1984	1984,No. 22
Criminal Justice Act 1990	1990,No. 16
Criminal Justice Act 1999	1999,No. 10
Criminal Justice Act 2006	2006,No. 26
Criminal Justice Act 2007	2007,No. 29
Criminal Justice (Miscellaneous Provisions) Act 1997	1997,No. 4
Criminal Justice (Terrorist Offences) Act 2005	2005,No. 2
Criminal Justice (Theft and Fraud Offences) Act 2001	2001,No. 50
Data Protection Acts 1988 and 2003	
European Arrest Warrant Act 2003	2003,No. 45
Extradition Act 1965	1965,No. 17
Extradition (Amendment) Act 1994	1994,No. 6
Extradition (European Conventions) Act 2001	2001,No. 49
Finance Act 2002	2002,No. 5
Firearms Act 1925	1925,No. 17
Firearms Act 1964	1964,No. 1
Firearms Act 1971	1971,No. 13
Firearms Acts 1925 to 2007	
Firearms and Offensive Weapons Act 1990	1990,No. 12
Firearms (Firearms Certificates for Non-Residents) Act 2000	2000, No. 20
Firearms (Proofing) Act 1968	1968,No. 20
Offences Against the State Acts 1939 to 1998	
Prisons Act 2007	2007,No. 10
Summary Jurisdiction Act 1857	20 & 21 Vic. c. 43
Taxes Consolidation Act 1997	1997,No. 39
Wildlife Act 1976	1976,No. 39

Number 28 *of* 2009

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT 2009

REVISED

Updated to 1 May 2020

AN ACT TO GIVE FURTHER EFFECT TO THE COUNCIL FRAMEWORK DECISION OF 13 JUNE 2002 ON THE EUROPEAN ARREST WARRANT AND THE SURRENDER PROCEDURES BETWEEN MEMBER STATES, AND TO GIVE EFFECT TO THE COUNCIL DECISION 2007/533/JHA OF 12 JUNE 2007 ON THE ESTABLISHMENT, OPERATION AND USE OF THE SECOND GENERATION SCHENGEN INFORMATION SYSTEM, AND FOR THOSE AND OTHER PURPOSES TO AMEND THE EUROPEAN ARREST WARRANT ACT 2003, EXTEND THE APPLICATION OF THE DATA PROTECTION ACTS 1988 AND 2003 AND AMEND THE EXTRADITION ACT 1965, TO AMEND THE LAW RELATING TO THE REGULATION AND CONTROL OF FIREARMS AND AMMUNITION AND FOR THAT AND OTHER PURPOSES TO AMEND THE FIREARMS ACTS 1925 TO 2007, TO AMEND CERTAIN OTHER ENACTMENTS AND TO PROVIDE FOR RELATED MATTERS.

[21*st July*, 2009]

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 Justice (Miscellaneous Provisions) Act 2009.

(2) The Firearms Acts 1925 to 2007 and *Part 4* may be cited together as the Firearms Acts 1925 to 2009 and shall be construed together as one.

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

Annotations

Editorial Notes:

E1 Power pursuant to subs. (3) exercised (1.05.2020) *Criminal Justice (Miscellaneous Provisions) Act 2009 (Commencement) Order 2020*(S.I. No. 152 of 2020).

2. The 1st day of May 2020 is appointed as the day on which Part 3 of the Criminal Justice (Miscellaneous Provisions) Act 2009 (No. 28 of 2009) shall come into operation.

E2 Power pursuant to section exercised (25.08.2009) *Criminal Justice (Miscellaneous Provisions) Act 2009 (Commencement) (No. 3) Order 2009* (S.I. No. 330 of 2009).

2. The 25th day of August, 2009 is appointed as the day on which—

(a) Part 2,

(b) sections 45 and 46,

(c) section 48 (other than paragraph (c)(iii)), and

(d) sections 49 to 51,

of the Criminal Justice (Miscellaneous Provisions) Act 2009 (No. 28 of 2009) shall come into operation.

E3 Power pursuant to section exercised (1.08.2009 and 1.01.2010) by *Criminal Justice (Miscellaneous Provisions) Act 2009 (Commencement) (No. 2) Order 2009* (S.I. No. 310 of 2009).

3. The 1st August 2009 is appointed as the day on which—

(a) Part 1,

(b) sections 25 to 27,

(c) sections 29 to 33,

(d) sections 35, 37 and 39,

(e) section 40 (insofar as it inserts sections 9A and 9B of the Firearms and Offensive Weapons Act 1990 (No. 12 of 1990)), and

(f) sections 41 to 44,

of the Act of 2009 shall come into operation.

4. The 1st January 2010 is appointed as the day on which section 34 of the Act of 2009 shall come into operation.

E4 Power pursuant to section exercised (27.07.2009) by *Criminal Justice (Miscellaneous Provisions) Act 2009 (Commencement) Order 2009* (S.I. No. 293 of 2009).

2. The 27 July 2009 is appointed as the day on which section 28 of the Criminal Justice (Miscellaneous Provisions) Act 2009 (No. 28 of 2009) shall come into operation.

Interpretation.

2.— In this Act—

"Act of 1857" means the Summary Jurisdiction Act 1857;

"Act of 1964" means the Firearms Act 1964;

"Act of 1990" means the Firearms and Offensive Weapons Act 1990;

"Act of 2000" means the Firearms (Firearm Certificates for Non- Residents) Act 2000;

"Act of 2001" means the Criminal Justice (Theft and Fraud Offences) Act 2001;

"Act of 2003" means the European Arrest Warrant Act 2003;

"Act of 2006" means the Criminal Justice Act 2006;

"Firearms Acts" means the Firearms Acts 1925 to 2007;

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

"Principal Act" means the Firearms Act 1925.

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

Amendments to European Arrest Warrant Act 2003

Amendments to section 2 of Act of 2003.

4.— Section 2 of the Act of 2003 is hereby amended in subsection (1)—

(*a*) by the insertion of the following definitions after the definition of "Act of 2001":

"'alert' means an alert entered in the SIS for the arrest and surrender, on foot of a European arrest warrant, of the person named therein;",

(*b*) by the insertion of the following definition after the definition of "Central Authority in the State":

"'Council Decision' means Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System;",

(*c*) by the deletion of the definition of "facsimile copy", and

(*d*) by the insertion of the following definitions after the definition of 'Minister':

"'Schengen Convention' means the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders done at Schengen on 19 June 1990 and includes any amendment to or modification of that Convention whether before or after the passing of this Act but does not include the Council Decision;

'SIS' means the system referred to in Title IV of the Schengen Convention or, as appropriate, the system established under Chapter 1 of the Council Decision;".

Amendments to section 4 of Act of 2003.

5.— Section 4 of the Act of 2003 is hereby amended—

(*a*) in subsection (1) by the substitution for "(1) Subject to subsections (2) and (3), this" of "This", and

(*b*) by the deletion of subsections (2) and (3).

Amendments to section 10 of Act of 2003.

6.— Section 10 (as inserted by section 71 of the Criminal Justice (Terrorist Offences) Act 2005) of the Act of 2003 is hereby amended—

(*a*) by the deletion of the word "duly",

(*b*) in paragraph (*c*) by the insertion after "offence" of "in that state",

(*c*) in paragraph (*d*)—

(i) by the insertion after "imposed" of "in that state", and

(ii) by the deletion of the following words:

"and who fled from the issuing state before he or she—

(i) commenced serving that sentence, or

(ii) completed serving that sentence".

Amendments to section 11 of Act of 2003.

7.— Section 11 (as amended by section 72 of the Criminal Justice (Terrorist Offences) Act 2005) of the Act of 2003 is hereby amended—

(*a*) in subsection (1A) by the substitution in paragraph (*e*) for "the offence" of "one of the offences to which the European arrest warrant relates",

(*b*) in subsection (2) by the substitution of "(1A)" for "(1)" in the second place that it occurs, and

(*c*) by the substitution for subsection (2A) of the following:

"(2A) If any of the information to which subsection (1A) (inserted by section 72(*a*) of the Criminal Justice (Terrorist Offences) Act 2005) refers is not specified in the European arrest warrant, it may be specified in a separate document.".

Amendments to section 12 of Act of 2003.

8.— Section 12 (as amended by section 73 of the Criminal Justice (Terrorist Offences) Act 2005) of the Act of 2003 is hereby amended—

(*a*) in subsection (3)—

(i) by the insertion after "this Act" of "or any other document to be transmitted for the purposes of this Act", and

(ii) by the substitution for paragraph (*b*) of the following paragraph:

"(*b*) any means capable of producing a written record under conditions allowing the Central Authority in the State to establish its authenticity.",

(*b*) by the deletion of subsections (4), (5) and (6),

(*c*) by the substitution for subsection (7) of the following:

"(7) For the purposes of this Act, a document shall be deemed to be a true copy of an original document if it has been certified as a true copy of the original document by—

(*a*) the issuing judicial authority, or

(*b*) an officer of the central authority of the issuing state.",

and

(*d*) in subsection (9) by the deletion of the words "facsimile copy or".

Amendments to section 13 of Act of 2003.

9.— Section 13 of the Act of 2003 is hereby amended—

(*a*) in subsection (1) by the deletion of the words "facsimile copy or",

(*b*) in subsection (2) by the deletion of paragraph (*b*), and

(*c*) in subsection (3) by the deletion of the words "the facsimile copy of the warrant or" and ", facsimile copy".

Amendment to section 14 of Act of 2003.

10.— Section 14 of the Act of 2003 is amended by the substitution for that section of the following:

"Arrest without warrant for surrender purposes.

14.— (1) A member of the Garda Síochána may arrest any person without a warrant that the member believes, on reasonable grounds, to be a person named in an alert.

(2) A person arrested under this section shall, upon his or her arrest, be informed, in ordinary language, of the reason for the arrest and of his or her right to—

(*a*) obtain or be provided with professional legal advice and representation, and

(*b*) where appropriate, obtain or be provided with the services of an interpreter.

(3) A person arrested under this section shall, as soon as may be after his or her arrest—

(*a*) be furnished with a copy of the alert, and

(*b*) be brought before the High Court, which court shall, if satisfied that he or she is the person named in the alert—

(i) inform the person of his or her right to—

(I) obtain or be provided with professional legal advice and representation, and

(II) where appropriate, obtain or be provided with the services of an interpreter,

and

(ii) remand the person in custody or, at its discretion, on bail for a period not exceeding 14 days (and for that purpose the High Court shall have the same powers in relation to remand as it would have if the person were brought before it charged with an indictable offence) for production to the High Court of the European arrest warrant on foot of which the alert was entered.

(4) Where, in respect of a person remanded in custody or on bail under subsection (3), a European arrest warrant is transmitted to the Central Authority in the State pursuant to section 12—

(*a*) that person shall be brought before the High Court as soon as may be,

(*b*) the European arrest warrant shall be produced to the High Court,

(*c*) a copy shall be given to that person, and

(*d*) the High Court, if satisfied that the provisions of this Act have been complied with and that the person before it is the person in respect of whom the European arrest warrant was issued, shall—

(i) inform the person of his or her right to consent to being surrendered to the issuing state under section 15, and

(ii) if the person does not exercise his or her right to consent under paragraph (i)—

(I) remand the person in custody or on bail (and for that purpose the High Court shall have the same powers in relation to remand as it would have if the person were brought before it charged with an indictable offence), and

(II) fix a date for the purposes of section 16 within the period of 21 days next following.

(5) Where, in respect of a person remanded in custody or on bail under subsection (3), the European arrest warrant is not produced on the date fixed by the Court for the purpose under that subsection the person shall be released from custody.".

Amendments to section 15 of Act of 2003.

11.— Section 15 (as amended by section 75 of the Criminal Justice (Terrorist Offences) Act 2005) is hereby amended—

(*a*) in subsection (1)(*a*) by the deletion of the words "facsimile or",

(*b*) in subsection (2)(*a*) by the substitution for "facsimile or true copies" of "a true copy",

(*c*) by the insertion after subsection (3) of the following new subsection:

"(3A) An appeal against an order under this section or a decision not to make such an order may be brought in the Supreme Court if, and only if, the High Court certifies that the order or decision involves a point of law of exceptional public importance and that it is desirable in the public interest that an appeal should be taken to the Supreme Court.",

(*d*) in subsection (5) by the insertion after "subsection (6)" of ", subsection (7)",

(*e*) by the substitution for subsection (6) of the following:

"(6) Where a person—

(*a*) appeals an order made under this section, or

(*b*) makes a complaint under Article 40.4.2 of the Constitution,

he or she shall not be surrendered to the issuing state while proceedings relating to the appeal or complaint are pending.",

(*f*) by the substitution for subsection (7) of the following:

"(7) Where a person (to whom an order for the time being in force under this section applies) is not surrendered to the issuing state within the relevant period specified in subsection (5) and the surrender is not prohibited by reason of subsection (6) the High Court may remand the person in custody or on bail for such further period as is necessary to effect the surrender unless it considers it would be unjust or oppressive to do so.",

and

(*g*) by the substitution for subsection (9) of the following:

"(9) Where a person lodges an appeal pursuant to subsection (3A), the High Court may remand the person in custody or on bail pending the hearing of the appeal and, for that purpose, the High Court shall have the same powers in relation to remand as it would have if the person were brought before it charged with an indictable offence.".

Amendments to section 16 of Act of 2003.

12.— Section 16 (as amended by section 76 of the Criminal Justice (Terrorist Offences) Act 2005) of the Act of 2003 is hereby amended—

(*a*) in subsection (1)—

(i) by the deletion of the words "or has withdrawn his or her consent under section 15(9)", and

(ii) by the deletion from paragraphs (*b*) and (*c*) of the words "facsimile or",

(*b*) in subsection (2)—

(i) by the deletion of "or has withdrawn his or her consent under section 15(9)", and

(ii) in paragraph (*a*) thereof by the deletion of "or facsimile",

(*c*) in subsection (5) by the insertion after "subsection (6)" of ", subsection (7)",

(*d*) by the substitution for subsection (6) of the following:

"(6) Where a person—

(*a*) appeals an order made under this section, or

(*b*) makes a complaint under Article 40.4.2 of the Constitution,

he or she shall not be surrendered to the issuing state while proceedings relating to the appeal or complaint are pending.",

(*e*) by the substitution for subsection (7) of the following:

"(7) Where a person (to whom an order for the time being in force under this section applies) is not surrendered to the issuing state within the relevant period specified in subsection (5) and the surrender is not prohibited by reason of subsection (6) the High Court may remand the person in custody or on bail for such further period as is necessary to effect the surrender unless it considers it would be unjust or oppressive to do so.",

(*f*) in subsection (12) by the substitution for "on a point of law only." of "if, and only if, the High Court certifies that the order or decision involves a point of law of exceptional public importance and that it is desirable in the public interest that an appeal should be taken to the Supreme Court.", and

(*g*) by the insertion of the following new subsection after subsection (12):

"(13) Where a person lodges an appeal pursuant to subsection (12), the High Court may remand the person in custody or on bail pending the hearing of the appeal and, for that purpose, the High Court shall have the same powers in relation to remand as it would have if the person were brought before it charged with an indictable offence.".

Amendments to section 18 of Act of 2003.

13.— Section 18 (as amended by section 77 of the Criminal Justice (Terrorist Offences) Act 2005) of the Act of 2003 is hereby amended—

(*a*) by the substitution for subsection (3) of the following subsection:

"(3) Subject to section 19, where a person to whom an order under section 15 or 16 applies—

(*a*) is being proceeded against for an offence in the State, or

(*b*) (i) has been sentenced to a term of imprisonment for an offence of which he or she was convicted in the State, and

(ii) is required to serve all or part of that term of imprisonment,

the High Court may direct the postponement of that person's surrender to the issuing state until—

(I) in the case of a person who is being proceeded against for an offence, the date of the final determination of those proceedings (where he or she is not required to serve a term of imprisonment), or

(II) in the case of a person who is required to serve all or part of a term of imprisonment, the date on which he or she is no longer required to serve any part of that term of imprisonment.",

and

(*b*) in subsection (4) by the substitution for "subsection (3)(i) or (ii)" of "subsection (3)(*b*)(I) or (II)".

Amendment to section 20 of Act of 2003.

14.— Section 20 of the Act of 2003 is hereby amended in subsection (3) by the insertion after "affidavit" of ", declaration, affirmation, attestation".

Amendment to section 29 of Act of 2003.

15.— Section 29 of the Act of 2003 is hereby amended by the deletion of "neither of which or not all of which, as the case may be, have been issued by the same issuing state,".

Amendments to section 33 of Act of 2003.

16.— Section 33 of the Act of 2003 is hereby amended—

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

"(1) A court may, upon an application made by or on behalf of the Director of Public Prosecutions, issue a European arrest warrant in respect of a person where it is satisfied that—

(*a*) a domestic warrant has been issued for the arrest of that person but has not been executed, and

(*b*) the person may not be in the State, and",

(*b*) in subsection (1)(*b*)(i) by the insertion of "or detention" after "imprisonment",

(*c*) in subsection (1)(*b*)(ii) by the insertion of "or detention" after "imprisonment" in each place where it occurs, and

(*d*) by the insertion of the following subsections after subsection (1):

"(1A) Where a court issues a European arrest warrant in respect of a person under this section, such issue shall be deemed to constitute a request by the court for entry of an alert and of a copy of the European arrest warrant in respect of that person.

(1B) For the purposes of subsection (1), where a member of the Garda Síochána not below the rank of Sergeant states that he or she believes that a person may not be in the State, the statement is admissible as evidence that the person may not be in the State.".

Amendment to section 38 of Act of 2003.

17.— Section 38 of the Act of 2003 is hereby amended in subsection (1)(*b*) by the deletion of "or is an offence that consists of conduct specified in the paragraph,".

Amendment to section 34 of Act of 2003.

18.— The Act of 2003 is hereby amended in section 34 by the substitution for "shall" of "may".

Deletion of section 40 of Act of 2003.

19.— The Act of 2003 is hereby amended by the deletion of section 40.

New sections 45 to 45C of Act of 2003.

20.— The Act of 2003 is hereby amended—

(*a*) by the substitution for section 45 of the following section:

"Persons convicted in absentia.

45.— A person shall not be surrendered under this Act if—

(*a*) he or she was not present when he or she was tried for and convicted of the offence specified in the European arrest warrant, and

(*b*) (i) he or she was not notified of the time when, and place at which, he or she would be tried for the offence, or

(ii) he or she was not permitted to attend the trial in respect of the offence concerned,

unless the issuing judicial authority gives an undertaking in writing that the person will, upon being surrendered—

(I) be retried for that offence or be given the opportunity of a retrial in respect of that offence,

(II) be notified of the time when, and place at which any retrial in respect of the offence concerned will take place, and

(III) be permitted to be present when any such retrial takes place.",

and

(*b*) by the insertion of the following new sections after section 45:

"Identification procedures.

45A.— (1) Where a member of the Garda Síochána arrests a person under any power conferred by this Act, the member of the Garda Síochána may, in order to assist in verifying or ascertaining his or her identity for the purpose of proceedings under this Act and for no other purpose—

(*a*) take, or cause to be taken, his or her fingerprint,

(*b*) take, or cause to be taken, his or her palm print,

(*c*) photograph him or her or cause him or her to be photographed.

(2) Where a fingerprint, palm print or photograph taken pursuant to subsection (1) is lost or damaged, or is otherwise unsuitable for use for the purpose referred to in that subsection, it may be taken on a second or any further occasion.

(3) The powers conferred by subsection (1) shall not be exercised except on the authority of a member of the Garda Síochána not below the rank of inspector.

(4) A member of the Garda Síochána may, where a person fails or refuses to allow his or her fingerprint, palm print or photograph to be taken pursuant to subsection (1), use such force as he or she reasonably considers necessary to take the fingerprint, palm print or photograph or to cause the photograph to be taken.

(5) (*a*) The powers conferred by subsection (4) shall not be exercised except on the authority of a member of the Garda Síochána not below the rank of superintendent.

(*b*) An authorization pursuant to paragraph (*a*) may be given orally or in writing and if given orally shall be confirmed in writing as soon as practicable.

(6) Where a member of the Garda Síochána intends to exercise a power conferred by subsection (4), he or she shall inform the person—

(*a*) of that intention, and

(*b*) that an authorization to do so has been given pursuant to subsection (5)(*a*).

(7) Every fingerprint, palm print or photograph taken pursuant to subsection (4) shall be taken in the presence of a member of the Garda Síochána not below the rank of inspector.

(8) The taking of every fingerprint, palm print or photograph pursuant to subsection (4) shall be video-recorded.

(9) Every fingerprint, palm print or photograph of a person taken in pursuance of a power conferred by this section and every copy and record thereof shall be destroyed within the period of 12 months from the date of the taking of the fingerprint, palm print or photograph, as the case may be, or on the conclusion of proceedings under this Act in relation to the person, whichever occurs later.

(10) A person who obstructs a member of the Garda Síochána in exercise of the powers under this section shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 12 months or to both.

(11) Where a fingerprint, palm print or photograph of a person to whom a European arrest warrant relates is transmitted by or on behalf of an issuing judicial authority, such fingerprint, palm print or photograph shall be received in evidence without further proof.

Transfer of persons to state from which surrendered.

45B.— (1) Where a national or resident of another state from which he or she is surrendered—

(*a*) is surrendered to the State pursuant to a European arrest warrant with a view to being prosecuted in the State, and

(*b*) whose surrender is subject to the condition that he or she, after being so prosecuted, is returned if he or she so consents to that other state in order to serve any custodial sentence or detention order imposed upon him or her in the State,

the Minister shall, following the final determination of the proceedings and if the person consents, issue a warrant for the transfer of the person from the State to that other state in order to serve there any custodial sentence or detention order so imposed.

(2) A warrant issued under subsection (1) shall authorise—

(*a*) the taking of the person to a place in any part of the State and his or her delivery at a place of departure from the State into the custody of a person authorized by the other state to receive the person, for conveyance to the other state concerned, and the keeping of the person in custody until the delivery is effected, and

(*b*) the removal of the person concerned, by the person to whom he or she is delivered, from the State.

(3) Where a warrant has been issued in respect of a person under this section, the person shall be deemed to be in legal custody at any time when he or she is being taken under the warrant to or from any place or being kept in custody under the warrant and, if the person escapes or is unlawfully at large, he or she shall be liable to be retaken in the same manner as any person who escapes from lawful custody.

(4) The Minister may designate any person as a person who is for the time being authorised to take the person concerned to or from any place under the warrant or to keep the person in custody under the warrant.

(5) A person authorized pursuant to subsection (4) to take the person concerned to or from any place or to keep the person in custody shall, while so taking or keeping the person, have all the powers, authority, protection and privileges of a member of the Garda Síochána.

(6) The order by virtue of which a person is required to be detained at the time a warrant is issued in respect of him or her under this section shall continue to have effect after his or her removal from the State so as to apply to him or her if he or she is again in the State at any time when under that order he or she is to be or may be detained.

Technical flaws in applications for surrender.

45C.— (1) Subject to subsection (2), an application for surrender under section 16 shall not be refused on the grounds of—

(*a*) a defect in substance or in form or an omission of non-substantial detail in the European arrest warrant or any accompanying document grounding the application,

(*b*) any variance between any such document and the evidence adduced on the part of the applicant at the hearing of the application, or

(*c*) failure to comply with any provision of this Act where the Court is satisfied that such failure is of a technical nature and does not impinge on the merits of the application.

(2) Subsection (1) shall not apply where the Court is satisfied that an injustice would thereby be caused to the respondent.".

PART 3

Schengen Information System

Interpretation.

21.— (1) In this Part—

"Council Decision" means Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System;

"Schengen Convention" means the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders done at Schengen on 19 June 1990 and includes any amendment to or modification of that Convention whether before or after the passing of this Act but does not include the Council Decision.

(2) A word or expression that is used in this Part and also in the Council Decision or the Schengen Convention shall, unless the contrary intention appears, have the same meaning in this Part as it has in the Council Decision or, as the case may be, Schengen Convention.

Exchange of Information for purposes of Council Decision and Schengen Convention.

22.— (1) A member of the Garda Síochána, an officer of customs and excise or any other person or category of persons of a description specified in an order made by the Minister under this section may provide and receive information for the purposes of the operation of the Council Decision or Schengen Convention.

(2) The Minister may make an order designating any person or category of persons of a description specified in the order as a person who may provide and receive

information for the purposes of the operation of the Council Decision or Schengen Convention.

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

Data Protection.

23.— (1) The Data Protection Commissioner is hereby designated as the national supervisory authority for the purposes of Article 60 of the Council Decision and Article 114 of the Schengen Convention.

F1**[**(2) The Data Protection Act 1988 shall, subject to any necessary modifications, apply and have effect in relation to the processing (within the meaning of that Act) of personal data (within the meaning of that Act) for the purposes of the operation of the Council Decision and the Schengen Convention.

(3) The Data Protection Act 2018 shall, subject to any necessary modifications, apply and have effect to the processing (within the meaning of Part 5 of that Act) of personal data (within the meaning of that Part) for the purposes of the operation of the Council Decision and the Schengen Convention.**]**

Annotations

Amendments:

F1 Substituted and inserted (25.05.2018) by *Data Protection Act 2018* (7/2018), s. 211, S.I. No. 174 of 2018.

Modifications (not altering text):

C1 Reference in subs. (1) construed (25.05.2018) by *Data Protection Act 2018* (7/2018), s. 14(2), S.I. No. 174 of 2018.

Transfer of functions of Data Protection Commissioner to Commission

14. (1) All functions that, immediately before the establishment day, were vested in the Data Protection Commissioner are transferred to the Commission.

(2) A reference in any enactment or instrument under an enactment to the Data Protection Commissioner or to the Office of the Data Protection Commissioner shall be construed as a reference to the Commission.

...

Amendments to section 27 of Extradition Act 1965.

24.— Section 27 (as amended by sections 6(*b*) and 8 of the Extradition (Amendment) Act 1994 and sections 5 and 20(*d*) of the Extradition (European Conventions) Act 2001) is amended—

(*a*) by the insertion after subsection (3) of the following new subsections:

"(3A) For the purposes of this section an alert shall be deemed to constitute a request for provisional arrest of the person named therein and the provisions of subsection (2) of this section shall not apply.

(3B) (*a*) The Director of Public Prosecutions shall be a judicial authority for the purposes of requesting the entry of an alert in the SIS for the arrest and extradition of the person named therein.

(*b*) The issue of a request for extradition by the Director of Public Prosecutions shall be deemed to constitute a request by the Director of Public

Prosecutions for entry of an alert in the SIS for the arrest and extradition of the person named therein.",

and

(*b*) by the insertion of the following subsection after subsection (11):

"(12) In this section—

'alert' means an alert entered in the SIS for the arrest and extradition, on foot of an extradition warrant, of the person named therein;

'Council Decision' means Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System;

'Schengen Convention' means the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders done at Schengen on 19 June 1990 and includes any amendment to or modification of that Convention whether before or after the passing of this Act but does not include the Council Decision;

'SIS' means the system referred to in Title IV of the Schengen Convention or, as appropriate, the system established under Chapter 1 of the Council Decision.".

PART 4

Amendment of Firearms Acts

Amendments to section 1 of Principal Act.

25.— Section 1 of the Principal Act is amended—

(*a*) in the definition of "firearm" in subsection (1) (as substituted by section 26 of the Act of 2006) by the insertion in paragraph (*f*) of "or paragraph (*h*)" after "foregoing paragraphs", and

(*b*) by the addition of the following definitions after the definition of " muzzle energy ":

"'prohibited ammunition' means ammunition that is declared by order under section 2C of this Act to be prohibited ammunition;

'prohibited firearm' means a firearm that is declared by order under section 2C of this Act to be a prohibited firearm.".

Amendment to section 2 of Principal Act.

26.— Section 2 (as amended by the Act of 1964, the Firearms (Proofing) Act 1968, the Firearms Act 1971, the Act of 2006 and the Criminal Justice Act 2007) of the Principal Act is amended—

(*a*) in subsection (4) by the substitution of the following paragraph for paragraph (*g*):

"(*g*) the possession, use or carriage of a firearm, within the meaning of paragraph (*h*) of section 1, or of ammunition therefor for the purpose of being used as a starting gun or blank firing gun by a person who stands authorised in that behalf under this section,",

and

(*b*) in subsection (6) by the deletion of "(*d*),".

New section 2C of Principal Act.

27.— The following section is inserted after section 2B (inserted by section 29 of the Criminal Justice Act 2006) of the Principal Act:

"Prohibited firearms and ammunition.

2C.— (1) The Minister may, in the interests of public safety and security, by order—

(*a*) declare specified firearms to be prohibited firearms for the purposes of this Act by reference to one or more than one of the following criteria:

(i) category;

(ii) calibre;

(iii) working mechanism;

(iv) muzzle energy;

(v) description;

and

(*b*) declare specified ammunition to be prohibited ammunition for the purposes of this Act by reference to one or more than one of the following criteria:

(i) category;

(ii) calibre;

(iii) weight;

(iv) kinetic energy;

(v) ballistic co-efficient;

(vi) design;

(vii) composition;

(viii) description.

(2) Any person who—

(*a*) possesses, uses or carries,

(*b*) manufactures, sells or hires, or offers or exposes for sale or hire, or by way of business repairs or modifies,

(*c*) puts on display, or lends or gives to any other person, or

(*d*) imports in to the State,

a prohibited firearm or prohibited ammunition shall be guilty of an offence.

(3) A person who is guilty of an offence under this section is liable—

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

(*b*) on conviction on indictment, to a fine not exceeding €20,000 or imprisonment for a term not exceeding 7 years or both.

(4) This section shall not apply to any firearm or ammunition possessed, used, carried, manufactured, sold, hired, offered or exposed for sale or hire, repaired

or modified by way of business, possessed for the purpose of sale or hire or for the purpose of modification by way of business, put on display, lent or given to another or imported into the State under the authority of the Minister for Defence for use by the Defence Forces of the State or under the authority of the Minister for use by any lawful police force in the State.".

Amendment to section 3 of Principal Act.

28.— Section 3 of the Principal Act is amended by the substitution for subsection (3) of the following subsection:

"(3) Pending the commencement of section 30 of the Criminal Justice Act 2006, the following provisions shall have effect for the purpose of continuing in force on a phased basis, for a maximum period of 12 months after the date of expiry of each certificate, all firearm certificates in force at the date of commencement of this subsection and that would otherwise expire on 31 July 2009 ("relevant firearm certificates"):

(*a*) The Commissioner shall establish a prescribed number of groups of relevant firearm certificates.

(*b*) Each group established shall be assigned a prescribed number of relevant firearm certificates selected randomly by the Commissioner in a prescribed manner.

(*c*) Notwithstanding paragraph (*b*), those certificates relating to firearms that would be deemed to be restricted firearms in accordance with section 29 of the Criminal Justice Act 2006 shall be assigned to the first group established.

(*d*) The firearm certificates in the first group shall continue in force until a prescribed date or dates in a prescribed month after July 2009.

(*e*) The firearm certificates in each subsequent group shall continue in force until a prescribed date in each subsequent month after the firearm certificates in the first group expire, and not later than 31 July 2010, until all relevant firearm certificates have expired.

(*f*) The Commissioner shall notify each holder of a relevant firearm certificate of the new date of expiry for that certificate determined under this section and shall invite each such holder to apply in due course under this section (as substituted by section 30 of the Criminal Justice Act 2006) for a new 3 year firearm certificate within a prescribed timeframe before the new date of expiry.

(*g*) A notification under paragraph (*f*) shall constitute part of the relevant firearm certificate to which it relates and shall be evidence of the new date of expiry of that certificate determined under this section.".

Amendment to section 3A of Principal Act.

29.— Section 3A (inserted by section 31 of the Act of 2006) of the Principal Act is amended by the substitution for that section of the following:

"Issue of guidelines by Minister and Commissioner.

3A.— (1) The Minister, or the Commissioner with the consent of the Minister, may from time to time issue guidelines in relation to the practical application and operation of any provision of the Firearms Acts 1925 to 2009, or of any regulation made under any provision of those Acts.

(2) The Commissioner with the consent of the Minister may, in particular, issue guidelines in relation to applications for firearm certificates and authorisations

under this Act and to the conditions which may be attached to those certificates and authorisations.".

New sections 3B, 3C and 3D of Principal Act.

30.— The Principal Act is hereby amended by the insertion of the following new sections after section 3A (as substituted by *section 29* of this Act):

"Payment of fees for prescribed firearm certificates.

3B.— (1) A prescribed fee is payable on the grant or renewal of a prescribed firearm certificate.

(2) Any fee payable under subsection (1) shall be paid to a prescribed person at a prescribed place and be disposed of by the prescribed person for the benefit of the Exchequer in accordance with the directions of the Minister for Finance.

(3) Any notice issued by a prescribed person in relation to the grant or renewal of a prescribed firearm certificate or the payment of a prescribed fee under subsection (1) shall be in the prescribed form.

Arrangement for payment of prescribed fees.

3C.— The Minister may, with the consent of the Minister for Finance, make such arrangements, including contractual arrangements, as he or she considers appropriate with such person or persons (other than a member or members of the Garda Síochána) as he or she thinks fit in relation to accounting for prescribed fees received by them.

Restriction on licensing of short firearms.

3D.— (1) As and from the date of commencement of this section, no application for a firearm certificate in respect of a short firearm shall be considered by an issuing person other than for—

(*a*) a device capable of discharging blank ammunition and to be used as a starting gun or blank firing gun;

(*b*) a short firearm of a type specified at paragraph 4(2)(*e*) of the Firearms (Restricted Firearms and Ammunition) Order 2008 (S.I. No. 21 of 2008) and designed for use as so specified;

(*c*) a short firearm for which the applicant for the firearm certificate held a firearm certificate on or before 19 November 2008.

(2) Any firearm certificate in respect of a short firearm, other than one to which paragraphs (*a*) to (*c*) of subsection (1) relates, granted between 19 November 2008 and the date of commencement of this section and in force shall stand revoked.

(3) For the purposes of this section, "short fire arm" means a firearm either with a barrel not longer than 30 centimetres or whose overall length (excluding the length of any detachable component) does not exceed 60 centimetres.".

Commissioner to conduct annual review.

31.— The Principal Act is amended by the insertion of the following section after section 3D (inserted by *section 30*):

"3E.— The Commissioner shall conduct an annual review of the operation of the Firearms Acts 1925 to 2009 and shall submit a report to the Minister specifying the number and classes of certificates and authorisations issued under the Acts. The Minister shall lay a copy of such report before each House of the Oireachtas.".

Amendment to section 4B of Principal Act.

32.— Section 4B (inserted by section 34 of the Act of 2006) of the Principal Act is amended in subsection (2)(*a*) by the substitution for "authorisation" of "certification".

New section 4C of Principal Act.

33.— The Principal Act is amended by the insertion of the following new section after section 4B (inserted by section 34 of Act of 2006):

"Prohibition of practical or dynamic shooting.

4C.— (1) It is an offence for a person to facilitate or engage in the use of a firearm for the purposes of practical or dynamic shooting.

(2) Subsection (1) does not apply to the facilitation or engagement in the use of a firearm pursuant to an authorisation under section 2(5)(*a*) of this Act, where the muzzle energy of the firearm is less than 16 Joules.

(3) A person who is guilty of an offence under this section is liable—

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

(*b*) on conviction on indictment, to a fine not exceeding €20,000 or imprisonment for a term not exceeding 7 years or both.

(4) In this section "practical or dynamic shooting" means any form of activity in which firearms are used to simulate combat or combat training.".

Reporting of loss of firearm or ammunition.

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

"5A.— (1) Where a firearm or ammunition is lost (whether by theft or otherwise) after the commencement of this section, the certificate holder to whom the firearm or ammunition relates, shall within three days of becoming aware of the loss, report the loss to the issuing person who granted the certificate.

(2) A person who fails, without reasonable excuse, to report the loss of a firearm or ammunition in accordance with this section shall be guilty of an offence.

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

(*a*) in case the firearm is a restricted firearm or the ammunition is restricted ammunition—

(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 €20,000 or imprisonment not exceeding 5 years or both,

or

(*b*) in any other case—

(i) on summary conviction, to a fine not exceeding €2,500 or imprisonment for a term not exceeding 6 months or both, or

(ii) on conviction on indictment, to a fine not exceeding €10,000 or imprisonment not exceeding 3 years or both.".

New section 9A of Principal Act.

35.— The Principal Act is amended by the insertion of the following section after section 9:

"Tax clearance.

9A.— (1) In this section—

"Act of 1997" means the Taxes Consolidation Act 1997;

"Collector-General" means the Collector-General appointed under section 851 of the Act of 1997;

"tax clearance certificate" means a certificate under section 1095 (as substituted by section 127(*b*) of the Finance Act 2002) of the Act of 1997.

(2) The Minister shall refuse to register a person in the register of firearms dealers or renew any such registration in respect of that person if that person is a person in relation to whom a tax clearance certificate is not in force.

(3) The Minister may nevertheless register a person in the register of firearms dealers or renew any such registration in respect of that person if—

(*a*) the person has, at least four months before applying for such registration or renewal, applied for a tax clearance certificate and it has been refused and an appeal against the refusal has been made under section 1094(7) of the Act of 1997 but not determined, and

(*b*) the Minister would, but for subsection (2), have registered that person in the register of firearms dealers or renewed any such registration in respect of the person.

(4) Where an appeal referred to in subsection (3) is made but is not successful, any registration or renewal of registration under that subsection shall expire 7 days after the appeal is determined or, where appropriate, finally determined.

(5) The Collector-General shall notify the Minister of any appeal against a refusal of an application for a tax clearance certificate and of the determination or, as appropriate, final determination of any such appeal.".

New section 17 of Principal Act.

36.— The following section is substituted for section 17 of the Principal Act:

"Restrictions on the import of firearms, prohibited weapons and ammunition.

17.— (1) Without prejudice to the provisions of the Firearms (Firearms Certificates for Non-Residents) Act 2000, no person, other than a registered firearm dealer, shall import into the State any firearm, ammunition, or prohibited weapon.

(2) A continuing licence to import firearms or ammunition may on application in the prescribed manner be granted by the Minister if he or she thinks fit so to do to any registered firearms dealer, and every such continuing licence shall operate and be expressed to authorise the importation into the State of firearms and ammunition generally or of any specified class or classes of firearms and ammunition through the port, by the registered dealer, during the period and subject to the conditions named in such licence.

(3) An occasional licence to import into the State a firearm or prohibited weapon, with or without ammunition therefor, may, on application in the prescribed manner, be granted by the Minister if he or she thinks fit so to do to any registered firearms dealer and every such occasional licence shall operate and be expressed to authorise the importation into the State of the firearm and the quantity of ammunition (if any) specified in such licence through the port, by the registered firearms dealer, within the time and subject to the conditions named in such licence.

(4) Notwithstanding subsections (1) to (3) of this section, a licence for importing a firearm, ammunition or prohibited weapon may not be granted unless—

(*a*) the applicant has a good reason for importing it,

(*b*) granting the licence would not prejudice public safety or security, and

(*c*) if the application relates to a restricted firearm or restricted ammunition, the applicant possesses an authorisation under section 10 of this Act.

(5) An applicant for a licence under this section shall supply in writing any further information that the Minister may require in the performance of his or her functions under this section.

(6) The reason for refusing an application for a licence under this section or for its renewal shall be communicated in writing to the applicant.

(7) Every continuing licence granted by the Minister under this section may be varied or revoked by the Minister at any time before its expiration. The reason for varying or revoking the licence shall be communicated in writing to the licensee or former licensee.

(8) If any person imports into the State a firearm or prohibited weapon or any ammunition without or otherwise than in accordance with a licence under this section authorising such importation or, in the case of ammunition, in quantities in excess of those so authorised, or fails to comply with any condition named in a licence granted to him or her under this section, he or she shall be guilty of an offence under this Act and shall be punishable accordingly.

(9) The possession of a licence granted under this section shall not relieve any person from the obligation to obtain or hold any certificate, permit, or authority required by any other provision of this Act.

(10) This section shall not apply to the importation into the State of any firearms, ammunition or prohibited weapon which is so imported under the authority of the Minister for Defence for the use of the Defence Forces of the State or under the authority of the Minister for the use of any lawful police force in the State.".

Amendment to section 9 of Act of 1964.

37.— Section 9 (as substituted by section 53 of the Act of 2006) of the Act of 1964 is amended by the substitution for subsection (6) of the following:

"(6) An application for renewal of a firearm certificate shall be in the prescribed form.".

Repeal of section 21 of Act of 1964.

38.— Section 21 of the Act of 1964 is hereby repealed.

Amendment to section 9 of Act of 1990.

39.— Section 9 of the Act of 1990 is amended in subsection (7) by the substitution for paragraph (*a*) of the following paragraph:

"(*a*) A person guilty of an offence under subsection (1) shall be liable—

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

(ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding five years or to both.".

New sections 9A to 9I of Act of 1990.

40.— The Act of 1990 is amended by the insertion of the following sections after section 9 (as amended by *section 39* of this Act):

"Possession of a realistic imitation firearm in a public place.

9A.— (1) Where a person, without lawful authority or reasonable excuse (the onus of proving which shall lie on him or her), has a realistic imitation firearm with him or her in any public place, that person shall be guilty of an offence.

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

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

(ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding five years or to both.

(3) In this section "public place" includes any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise, and includes any club premises and any train, vessel or vehicle used for the carriage of persons for reward.

(4) In this section and in sections 9B to 9G "realistic imitation firearm" means a device that appears to the ordinary observer so realistic as to make it indistinguishable from a firearm.

Authorisation of use of realistic imitation firearms at specified venues, theatres, etc.

9B.— (1) The Superintendent of any district may authorise in writing the possession, use or carriage of realistic imitation firearms in that district at a specified location during such period, not exceeding one year, as may be specified in the authorisation.

(2) A Superintendent shall not grant an authorisation under this section unless he or she is satisfied having regard to all the circumstances (including the provision made or to be made for the storage of realistic imitation firearms to which the authorisation (if granted) would relate and the supervision of their use) that the possession, use or carriage, as the case may be, of realistic imitation firearms in pursuance of the authorisation will not endanger the public safety or the peace.

(3) Where it is proposed to grant an authorisation under this section in respect of a specified location, the authorisation shall be granted to the person in charge of the specified location and where there is a contravention of a condition imposed in relation to the grant of such an authorisation and the contravention is proved to have been committed with the consent or approval of or to have been facilitated by any neglect on the part of the person to whom the authorisation is granted, that person shall be guilty of an offence under this Act.

(4) A Superintendent may impose in relation to the grant of an authorisation under this section such conditions (if any) as he considers necessary to prevent danger to the public and, where a condition is imposed, it shall be specified in the authorisation.

(5) An authorisation under this section may be revoked at any time by the Superintendent of the District in which it is granted.

(6) A person who contravenes a condition imposed in relation to the grant of an authorisation under this section shall be guilty of an offence and shall be liable on summary conviction to a fine of up to €5,000 or up to 12 months imprisonment.

Register of dealers in realistic imitation firearms to be kept.

9C.— (1) The Minister shall cause a register of dealers in realistic imitation firearms to be established and kept.

(2) Any person who—

(*a*) applies, in accordance with the provisions of this section, to be registered in the register of dealers in realistic imitation firearms,

(*b*) pays the fee, if any, prescribed by regulations made by the Minister under this section, and

(*c*) satisfies the Minister that he or she is immediately about to carry on business as a dealer in realistic imitation firearms in premises suitable for that business,

may be registered in such register, but when considering any such application for registration the Minister shall have regard to the character of the applicant, and generally to the public safety and the preservation of the peace.

(3) The registration of a person in the register of dealers in realistic imitation firearms shall continue in force for a period of 3 years from the date of the registration, unless previously revoked and, if renewed, for a further period of 3 years from the expiration of that period or, as the case may be, of any subsequent such period for which the registration was renewed.

(4) Every registered dealer in realistic imitation firearms shall be entitled to renew his or her registration in the register of dealers in realistic imitation firearms at any time within one month before the expiration of his existing registration or renewal on application therefor in accordance with the provisions of this section and payment of the fee, if any, prescribed by regulations made by the Minister under this section.

(5) Every application for registration in the register of dealers in realistic imitation firearms or for renewal of such registration shall be made to the Minister in the form and manner prescribed by regulations made by the Minister under this section and shall contain the prescribed particulars (if any) so prescribed.

(6) Every person registered in the register of dealers in realistic imitation firearms shall be entitled on such registration and on every renewal thereof to obtain from the Minister a certificate in writing of such registration or renewal.

(7) An application for registration in the register of dealers in realistic firearms dealers or for renewal of such registration shall be refused if granting it would, in the opinion of the Minister, prejudice public safety or security.

(8) The Minister, after consultation with the Commissioner, may by regulations specify minimum standards to be complied with in relation to premises in which a dealer in realistic imitation firearms carries on business or proposes to do so.

(9) The minimum standards shall be determined by reference to—

(*a*) the security of the premises,

(*b*) the location of the premises,

(*c*) their safety,

(*d*) their standard of construction,

(*e*) window displays, and

(*f*) types of merchandise,

and having regard to their use for, as the case may be, the manufacture, repair, testing or sale of imitation firearms.

(10) Applicants for registration or renewal shall satisfy the Minister that their premises comply with the minimum standards specified in any regulations under subsection (8) of this section.

(11) Without prejudice to subsection (2) of this section, the following persons are declared to be disentitled to be registered in the register of dealers in realistic imitation firearms:

(*a*) a person under the age of 21 years;

(*b*) a person of unsound mind;

(*c*) a person who has been sentenced to imprisonment for an offence under the Firearms Acts 1925 to 2009, the Offences Against the State Acts 1939 to 1998 or the Criminal Justice (Terrorist Offences) Act 2005;

(*d*) a person who is bound by a recognisance to keep the peace or be of good behaviour, a condition of which is that the person shall not possess, use or carry a firearm or ammunition.

(12) 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 sits after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to anything previously done thereunder.

Restrictions on import, manufacture and sale of realistic imitation firearms.

9D.— (1) On and after the date of commencement of *section 40* of the *Criminal Justice (Miscellaneous Provisions) Act 2009* it is an offence for any person to import, manufacture, sell, repair, test, expose for sale, or have in his possession for sale, repair or test by way of trade or business, any realistic imitation firearm unless such person is registered in the register of dealers in realistic imitation firearms.

(2) On and after the date of commencement of *section 40* of the *Criminal Justice (Miscellaneous Provisions) Act 2009* it is an offence for a person to sell a realistic imitation firearm to a person under the age of 16 years.

(3) A person guilty of an offence under this section shall be liable:

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

(*b*) on conviction on indictment, to a fine or to imprisonment for a term not exceeding five years or both.

Removal of names from register of dealers in realistic imitation firearms.

9E.— (1) The Minister may at the request of any person who is registered in the register of dealers in realistic imitation firearms remove the name of such person from the register.

(2) If and when the Minister is satisfied that any person who is registered in the register of dealers in realistic imitation firearms—

(*a*) no longer carries on business as a dealer in realistic imitation firearms, or

(*b*) no longer has a place of business as such dealer in realistic imitation firearms in the State, or

(*c*) cannot any longer be permitted to carry on such business without danger to the public safety or to the peace, or

(*d*) has become a person who is declared under section 9C(11) of this Act to be disentitled to be registered in the register of dealers in realistic imitation firearms,

the Minister may remove the name of such person from the register.

(3) A person whose name is removed under this section from the register of dealers in realistic imitation firearms shall, on such removal, forthwith deliver up to the Minister the person's certificate of registration or renewal.

(4) A person who contravenes subsection (3) of this section is guilty of an offence and on summary conviction is liable to a fine not exceeding €3,000.

Inspection of stock of dealer in realistic imitation firearms.

9F.— (1) Any member of the Garda Síochána may at all reasonable times enter the premises of any registered dealer in realistic imitation firearms and there inspect any imitation firearms and any materials used in the manufacture, repair or test thereof found on such premises.

(2) Every person who obstructs or impedes any member of the Garda Síochána in the exercise of any of the powers conferred on him by 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 or imprisonment for a term not exceeding 6 months or both.

Power by order to restrict sale of certain realistic imitation firearms from specified date.

9G.— (1) Notwithstanding section 9D(1), the Minister may, if he or she considers that realistic imitation firearms represent a threat to public safety and security, and following consultation with the Commissioner, by order set a date or dates after which it is an offence for a person to import, manufacture, sell, repair, test, expose for sale or have in his or her possession for sale, repair or testing by way of trade or business any realistic imitation firearm or to do any one or more of the foregoing as may be specified in the order.

(2) Any order 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 order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly but without prejudice to anything previously done thereunder.

(3) A person guilty of an offence under this section shall be liable:

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

(*b*) on conviction on indictment, to a fine or to imprisonment for a term not exceeding five years or both.

Power by order to require certain descriptions of imitation firearms to conform to certain specifications.

9H.— (1) The Minister may, if he or she considers that certain imitation firearms represent a threat to public safety and security, and following consultation with the Commissioner, by order set a date or dates after which it is an offence for a person to import, manufacture, sell, repair, test, expose for sale or have in his or her possession for sale, repair or testing by way of trade or business certain descriptions of imitation firearms unless the imitation firearms conform to certain specifications set out in the order.

(2) In this section "imitation firearm" means anything which is not a firearm but has the appearance of being a firearm.

(3) Any order 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 order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly but without prejudice to anything previously done thereunder.

(4) A person guilty of an offence under this section shall be liable:

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

(*b*) on conviction on indictment, to a fine or to imprisonment for a term not exceeding five years or both.

Tax clearance.

9I.— (1) In this section—

"Act of 1997" means the Taxes Consolidation Act 1997;

"Collector-General" means the Collector-General appointed under section 851 of the Act of 1997;

"tax clearance certificate" means a certificate under section 1095 (as substituted by section 127(*b*) of the Finance Act 2002) of the Act of 1997.

(2) The Minister shall refuse to register a person in the register of dealers in realistic imitation firearms or renew any such registration in respect of that person if that person is a person in relation to whom a tax clearance certificate is not in force.

(3) The Minister may nevertheless register a person in the register of dealers in realistic imitation firearms or renew any such registration in respect of that person if—

(*a*) the person has, at least four months before applying for such registration or renewal, applied for a tax clearance certificate and it has been refused and an appeal against the refusal has been made under section 1094(7) of the Act of 1997 but not determined, and

(*b*) the Minister would, but for subsection (2), have registered that person in the register of dealers in realistic imitation firearms or renewed any such registration in respect of the person.

(4) Where an appeal referred to in subsection (3) is made but is not successful, any registration or renewal of registration under that subsection shall expire 7 days after the appeal is determined or, where appropriate, finally determined.

(5) The Collector-General shall notify the Minister of any appeal against a refusal of an application for a tax clearance certificate and of the determination or, as appropriate, final determination of any such appeal.".

Amendment to section 16 of Act of 1990.

41.— Section 16 of the Act of 1990 is amended by the substitution for that section of the following:

"Power of search without warrant.

16.— (1) If a member of the Garda Síochána suspects with reasonable cause that a person has with him or her in any public place (within the meaning of section 9(8)) any article in contravention of section 9 or 9A (inserted by *section 40* of the *Criminal Justice (Miscellaneous Provisions) Act 2009*), he may:

(*a*) search the person and, if he or she considers it necessary for that purpose, detain the person for such time as is reasonably necessary for carrying out the search,

(*b*) search any vehicle, vessel or aircraft in which he or she suspects that such article may be found and for the purpose of carrying out the search may, if he or she thinks fit, require the person who for the time being is in possession or control of such vehicle, vessel or aircraft to bring it to a stop and when stopped to refrain from moving it, or in case such vehicle, vessel or aircraft is already stationary, to refrain from moving it, or

(*c*) seize and detain anything found in the course of a search under this section that appears to him or her to be something that might be required as evidence in proceedings for an offence under section 9 or 9A.

(2) Nothing in this section shall operate to prejudice any powers to search, seize or detain property that may be exercisable by a member of the Garda Síochána apart from this section.".

Amendment to section 2 of Act of 2000.

42.— Section 2 of the Act of 2000 is amended by the substitution of the following for subsection (6):

"(6) A firearm certificate granted to a person under this section after the date of commencement of *section 42* of the *Criminal Justice (Miscellaneous Provisions) Act 2009* shall continue in force for a period of 1 year from the date on which it is granted, unless previously revoked.".

Amendment to section 30 of Act of 2006.

43.— The following section is substituted for section 30 of the Act of 2006:

"30.— The following section is substituted for section 3 of the Principal Act:

'Applications for, and form and effect of, firearm certificates.

3.— (1) Application for a firearm certificate (other than a restricted firearm certificate) shall be made to the Superintendent of the Garda Síochána of the district in which the applicant resides.

(2) Application for a restricted firearm certificate shall be made to the Commissioner.

(3) The application shall be in the prescribed form, and if the applicant intends to use the firearm to hunt and kill exempted wild mammals within the meaning of the Wildlife Act 1976 (other than hares), be accompanied by a current licence to do so under section 29(1) of that Act.

(4) The applicant shall supply in writing any further information that the Superintendent or the Commissioner may require in the performance of his or her functions under this section.

(5) A firearm certificate shall be in the prescribed form and, subject to subsection (6) of this section, shall authorise the person to whom it is granted—

(*a*) to possess, use and carry the firearm specified in the certificate,

(*b*) to purchase ammunition for use in the firearm, and

(*c*) at any one time to possess or carry not more than the amount of ammunition specified in the certificate.

(6) Where the firearm is a shot-gun, the firearm certificate may, subject to subsection (11) of this section, authorise it to be used only for killing animals or birds other than protected wild animals or protected wild birds within the meaning of the Wildlife Act 1976 by the holder of the certificate either (as may be expressed in the certificate)—

(*a*) on land occupied by the holder, or

(*b*) on land occupied by another person.

(7) A firearm certificate which is in force, other than a relevant firearm certificate continued in force under section 3(3) of this Act, as amended by *section 28* of the *Criminal Justice (Miscellaneous Provisions) Act 2009,* shall continue in force for a period of 3 years from the date on which it was granted, unless revoked, and for any further such period for which it may be renewed.

(8) The holder of a firearm certificate may apply for renewal of the certificate within three months before it ceases to be in force.

(9) A decision on an application for a firearm certificate or its renewal shall be given within 3 months from the date on which the applicant submitted a completed application form.

(10) Where the application is refused, the applicant shall be informed in writing of the refusal and the reason for it.

(11) The following provisions have effect in relation to a certificate in the form referred to in subsection (6) of this section (in this subsection referred to as a "limited certificate"):

(*a*) a limited certificate relating to land occupied by a person other than the applicant for the certificate shall not be granted unless the occupier of the land has given the applicant a nomination in writing for holding the certificate;

(*b*) a limited certificate relating to any land shall not be granted in respect of any period if there is a limited certificate relating to the land already in force in respect of that period;

(*c*) a limited certificate shall not be granted unless the whole of the land to which it would relate is occupied by the same person;

(*d*) where a nomination referred to in paragraph (*a*) of this subsection is revoked, the limited certificate to which it related, if then in force, shall not be capable of being renewed.

(12) A firearm in respect of which a firearm certificate is granted shall be marked in the prescribed manner with a number or other prescribed identifying mark, and the number or mark shall be entered on the certificate.

(13) A person who—

(*a*) knowingly gives false or misleading information to an issuing person in relation to an application for a firearm certificate or for its renewal,

(*b*) forges a document purporting to be a firearm certificate or uses or knowingly possesses it, or

(*c*) with intent to deceive, uses or alters a firearm certificate or uses a firearm certificate so altered, is guilty of an offence and liable—

(i) on summary conviction, to a fine not exceeding €2,500 or imprisonment for a term not exceeding 6 months or both, or

(ii) on conviction on indictment, to a fine not exceeding €20,000 or imprisonment for a term not exceeding 5 years or both.

(14) Subsection (13) of this section is without prejudice to Part 4 of the Criminal Justice (Theft and Fraud Offences) Act 2001.

(15) Section 12 (limited use of shot-gun) of the Firearms Act 1964 is repealed.'.".

Repeal of section 40 of Act of 2006.

44.— Section 40 of the Act of 2006 is hereby repealed.

PART 5

Miscellaneous

Amendment to section 2 of Act of 1857.

45.— Section 2 (as extended by section 51 of the Courts (Supplemental Provisions) Act 1961) of the Summary Jurisdiction Act 1857 is hereby amended by the insertion after "such Case" of "or such longer period as may be provided for by Rules of Court".

New section 2A of Act of 1857.

46.— The Act of 1857 is hereby amended by the insertion after section 2 of the following new section:

"2A.— (1) Notice in writing of an appeal and a copy of the case stated and signed, required by section 2 (as extended by section 51 of the Courts (Supplemental Provisions) Act 1961 and amended by *section 45* of the *Criminal Justice (Miscellaneous Provisions) Act 2009*) of this Act to be given to any other party to the proceedings may, subject to subsection (2), be so given—

(*a*) by delivering it to him or her or to his or her solicitor,

(*b*) by addressing it to him or her and leaving it at his or her usual or last known residence or place of business or by addressing it to his or her solicitor and leaving it at the solicitor's office,

(*c*) by sending it by registered post to him or her at his or her usual or last known residence or place of business or to his or her solicitor at the solicitor's office, or

(*d*) in the case of a body corporate, by delivering it, or sending it by registered post, to the secretary or any other officer of the body at its registered or principal office.

(2) Notice in writing of an appeal and a copy of the case stated and signed, required by section 2 (as so extended and amended) of this Act to be given to any other party to the proceeding shall, if that party is not represented by a solicitor be given personally to him or her.

(3) For the purposes of subsections (1) and (2) the solicitor retained to appear on behalf of any party at the hearing and determination of the information or complaint shall be deemed to continue to be retained on his or her behalf unless the Court has otherwise been advised.".

Amendment to section 4 of Criminal Justice Act 1984.

47.—Section 4 (as amended by section 2 of the Criminal Justice (Miscellaneous Provisions) Act 1997 and section 34 of the Criminal Justice Act 1999) of the Criminal Justice Act 1984 is hereby amended—

(a) by the deletion of subsection (6), and

(b) in subsection (9), by the deletion of "(6) or".

Annotations

Amendments:

F2 Repealed by *Criminal Justice Act 2011* (22/2011), s. 5, not commenced as of date of revision.

Modifications (not altering text):

C2 Prospective amending provision: section repealed by *Criminal Justice 2011* (22/2011), s. 5, not commenced as of date of revision.

Amendment to section 4 of Criminal Justice Act 1984.

47.—F2**[**...**]**

Amendment of Bail Act 1997.

48.— The Bail Act 1997 is hereby amended—

(*a*) in section 5, by the insertion of the following subsection after subsection (4)—

"(5) The payment of an amount of moneys under a recognisance for transmission to the court to a person specified in section 22(3) of the Act of 1967 shall be deemed to be a payment into court for the purposes of this section and references in this section and in section 22 of the Act of 1967 to the payment

of an amount of moneys into court and to moneys paid or to be paid into court shall be construed accordingly.",

(*b*) in section 9 (as substituted by section 15 of the Criminal Justice Act 2007), by the substitution for that section of the following:

"Estreatment of recognisance and forfeiture of moneys paid into court.

9.— (1) Where an accused person or a person who is appealing against a sentence of imprisonment imposed by the District Court (in either case referred to in this section as 'the person') is admitted to bail on entering into a recognisance conditioned for his or her appearance before a specified court on a specified date at a specified time and place, and the person—

(*a*) fails to appear in accordance with the recognisance, or

(*b*) is brought before the court in accordance with subsection (7) and the court is satisfied that the person has contravened a condition of the recognisance,

the court may order—

(i) that any moneys conditioned to be paid under the recognisance by the person or any surety be estreated in such amount and within such period as the court thinks fit,

(ii) that any sums paid into court by the person or any surety be forfeited in such amount or amounts as the court thinks fit,

(iii) where a bank, building society, credit union or an An Post deposit book has been accepted as security for the amount of the recognisance, that the entity concerned pay into court that amount, or such lesser amount as the court thinks fit, from the moneys held by the person or any surety on deposit therein, and

(iv) where necessary for estreatment, that a receiver be appointed to take possession or control of the property of the person or any surety and to manage or otherwise deal with it in accordance with the directions of the court.

(2) Where a receiver—

(*a*) appointed under subsection (1) takes any action under this section in relation to property, and

(*b*) believes, and has reasonable grounds for believing, that he or she is entitled to take that action in relation to the property,

he or she shall not be liable to any person in respect of any loss or damage resulting from the action, except in so far as the loss or damage is caused by his or her negligence.

(3) Money recovered by the receiver may, to the extent necessary, be applied to meet expenses incurred in the performance of his or her functions and the remuneration of any person employed in that connection.

(4) The court may, on the application of a member of the Garda Síochána and on information being made in writing and on oath by or on behalf of the member that the person has contravened a condition of the recognisance (other than the condition referred to in subsection (1) that he or she appear before a specified court on a specified date at a specified place), issue a warrant for the arrest of the person.

(5) A member of the Garda Síochána may arrest the person pursuant to a warrant issued under subsection (4) notwithstanding that the member does not have the warrant concerned in his or her possession at the time of the arrest.

(6) Where subsection (5) applies, the member shall serve the warrant on the arrested person as soon as practicable.

(7) The arrested person shall be brought as soon as practicable before the court.

(8) Where a warrant has been issued under subsection (4), the person and any surety remain bound by their recognisances, and any money paid into court in connection therewith shall not be released before the conclusion of any proceedings under this section.

(9) Where the court makes an order under subsection (1), notice shall be given to the person and any surety stating that an application to vary or discharge the order may be made to the court within 21 days from the date of the issue of the notice.

(10) On such an application, the court may vary or discharge the order if satisfied that compliance with it would cause undue hardship to the person or any surety.

(11) The prosecutor shall be given notice of, and be entitled to be heard in, any application under subsection (10).

(12) Subject to subsection (13), if an order under subparagraph (i) of subsection (1) or any variation of it under subsection (10) is not complied with, a warrant of committal of the person or any surety for such non-compliance shall be issued by the court and, for the purpose of determining the term of imprisonment to be served by the person or surety, the warrant shall be treated as if it were a warrant for imprisonment for the non-payment of a fine equivalent to the amount estreated under the said subparagraph (i) of subsection (1).

(13) Where the person referred to in subsection (12) is a child within the meaning of section 110 of the Children Act 2001, non-compliance with an order under subparagraph (i) of subsection (1) or with any variation of it under subsection (10) shall be treated as a default in payment of a fine, costs or compensation under the said section 110 and the provisions of that section shall apply accordingly.",

and

(*c*) in the Schedule to the Act by—

(i) the insertion after paragraph 7 of the following paragraph:

"7A. Any offence under section 3 of the Criminal Justice Act 1990 (certain murders and attempts).",

(ii) the substitution in paragraph 28 of the following subparagraphs for subparagraph (*c*):

"(*c*) section 16 (affray), and

(*d*) section 17 (blackmail, extortion and demanding money with menaces).",

(iii) the substitution of the following paragraph for paragraph 28A (inserted by section 79 of the Criminal Justice Act 2006):

"*Offences under the Criminal Justice Act 2006.*

28A. Any offence under the following provisions of the Criminal Justice Act 2006—

(*a*) section 71, 72 or 73 (organised crime);

(*b*) section 176 (reckless endangerment of children);

(*c*) section 183 (possession of article intended for use in connection with certain offences);

(*d*) section 183A (possession of monies intended for use in connection with certain offences).",

and

(iv) the insertion after paragraph 33 of the following paragraph:

"*Offences under the Prisons Act 2007.*

34. Any offence under section 36 of the Prisons Act 2007.".

Amendment to section 15 of Act of 2001.

49.— Section 15 of the Act of 2001, as amended by section 47 of the Criminal Justice Act 2007, is hereby amended—

(*a*) by the insertion after subsection (1) of the following:

"(1A) A person who, without lawful authority or reasonable excuse, is in possession of any article made or adapted for use in the course of, or in connection with, the commission of an offence referred to in paragraphs (*a*) to (*d*) of subsection (1) is guilty of an offence.",

and

(*b*) in subsection (2) (as substituted by section 47 of the Criminal Justice Act 2007) by the substitution for that subsection of the following subsections:

"(2) It is a defence for a person charged with an offence under subsection (1) to prove that at the time of the alleged offence the article concerned was not in his or her possession for a purpose specified in that subsection.

(2A) It is a defence for a person charged with an offence under subsection (1A) to prove that the article concerned was not made or adapted for use in the course of or in connection with the commission of an offence referred to in paragraphs (*a*) to (*d*) of subsection (1).".

Amendment to section 39 of Act of 2001.

50.— Section 39 of the Act of 2001 is hereby amended in subsection (5) by the substitution for "those subsections" of "that subsection".

Amendment to section 99 of Criminal Justice Act 2006.

51.— Section 99 (as amended by section 60 of the Criminal Justice Act 2007) of the Criminal Justice Act 2006 is hereby amended in subsection (9) by the insertion after "convicted of an offence" of ", being an offence committed after the making of the order under subsection (1)".

Amendment to Regulation 12 of Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987.

52.—Regulation 12 of the Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987 (S.I. No. 119 of 1987) is hereby amended by the deletion of paragraphs (7)(a)(ii), (12)(c) and (12)(d).".

Annotations

Amendments:

F3 Repealed by *Criminal Justice Act 2011* (22/2011), s. 5, not commenced as of date of revision.

Modifications (not altering text):

C3 Prospective amending provisions: section repealed by *Criminal Justice 2011* (22/2011), s. 5, not commenced as of date of revision.

Amendment to Regulation 12 of Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulation 1987

52.—F3**[**...**]**

Number 28 *of* 2009

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT 2009

REVISED

Updated to 1 May 2020

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 first passed.

Related legislation

Firearms Acts 1925 to 2009: this Act is one of a group of Acts included in this collective citation to be construed together as one (*Criminal Justice (Miscellaneous Provisions) Act 2009 (28/2009)*, s. 1(2)). The Acts in the group are:

- *Firearms Act 1925* (17/1925)
- *Firearms Act 1964* (1/1964)
- *Firearms Act 1971* (13/1971)
- *Firearms and Offensive Weapons Act 1990* (12/1990), Part II
- *Firearms (Temporary Provisions) Act 1998* (32/1998), other than s.2
- *Firearms (Firearms Certificates for Non-Residents) Act 2000* (20/2000), other than s.4
- *Criminal Justice Act 2006* (26/2006), Part 5 and sch. 1
- *Criminal Justice Act 2007* (29/2007), Part 6
- *Criminal Justice (Miscellaneous Provisions) Act 2009* (28/2009), Part 4

The *Firearms (Proofing) Act 1968* (20/1968) is excluded from the collective citation from 14.07.2000 by *Firearms (Firearms Certificates for Non-Residents) Act 2000*, s. 8(2).

The *European Communities (European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations 1993* (S.I. No. 362 of 1993), as amended, also deal with firearms.

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

- *Data Protection Act 2018* (7/2018)
- *Criminal Justice Act 2011* (22/2011)

All Acts up to and including *Emergency Measures in the Public Interest (Covid-19) Act 2020* (2/2020), enacted 27 March 2020, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Criminal Justice (Miscellaneous Provisions) Act 2009 (Commencement) Order 2020* (S. I. No. 152 of 2020)
- *Criminal Justice (Miscellaneous Provisions) Act 2009 (Commencement) (No. 3) Order 2009* (S. I. No. 330 of 2009)
- *Criminal Justice (Miscellaneous Provisions) Act 2009 (Commencement) (No. 2) Order 2009* (S.I. No. 310 of 2009)
- *Criminal Justice (Miscellaneous Provisions) Act 2009 (Commencement) Order 2009* (S. I. No. 293 of 2009)

All statutory instruments up to and including *Criminal Justice (Miscellaneous Provisions) Act 2009 (Commencement) Order 2020* (S.I. No. 152 of 2020), made 28 April 2020, were considered in the preparation of this revision.