Changes to Legislation: as of 14 September 2026, this Act is up to date with all changes known to be in force.

Number 36 *of* 2009

COURTS AND COURT OFFICERS ACT 2009

REVISED

Updated to 21 May 2020

This Revised Act is an administrative consolidation of the *Courts and Court Officers 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 the *Emergency Measures in the Public Interest (Covid-19) Act 2020* (2/2020), enacted 27 March 2020, and all statutory instruments up to and including the *Bovine Viral Diarrhoea (Amendment) Regulations 2020* (S.I. No. 182 of 2020), made 21 May 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 36 *of* 2009

COURTS AND COURT OFFICERS ACT 2009

REVISED

Updated to 21 May 2020

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title and commencement.
2. Definition.
3. Regulations.
4. Expenses.

PART 2

TEMPORARY CUSTODY

5. Definitions (*Part 2*).
6. Persons held for *section 7* purposes.
7. Purposes of temporary custody.
8. Beginning and end of temporary custody.
9. Consequences of placement in temporary custody.
10. Handing over of medications, etc., when person in temporary custody.
11. Functions of holding area officer.
12. Regulations relating to temporary custody.

PART 3

COMBINED COURT OFFICE

13. Definitions (*Part 3*).
14. Establishment of combined court offices.
15. Variation of functions or dissolution of combined court office.
16. Consultations.

17. Special Criminal Court.

18. Combined court office: deemed powers and functions.

19. Combined court office manager.

20. Management and control of combined court office.

21. Staff of combined court office.

22. Functions of staff.

23. Continuity of administration of justice not to be affected.

24. Amendment of Courts Service Act 1998.

PART 4

MISCELLANEOUS PROVISIONS

25. Amendment of section 22 of Criminal Procedure Act 1967.

26. Amendment of section 24 of Petty Sessions (Ireland) Act 1851.

ACTS REFERRED TO

Court Officers Act 1926	1926, No. 26
Courts Service Act 1998	1998, No. 8
Criminal Justice (Public Order) Act 1994	1994, No. 2
Criminal Justice Act 2007	2007, No. 29
Criminal Procedure Act 1967	1967, No. 12
Offences Against the State Act 1939	1939, No. 13
Petty Sessions (Ireland) Act 1851	14 & 15 Vic., c.93
Prisons Act 2007	2007, No. 10

Number 36 *of* 2009

COURTS AND COURT OFFICERS ACT 2009

REVISED

Updated to 21 May 2020

AN ACT TO PROVIDE FOR THE PLACEMENT IN TEMPORARY CUSTODY OF CERTAIN DETAINED PERSONS IN ORDER TO FACILITATE THEIR APPEARANCE BEFORE A COURT; TO PROVIDE FOR THE ESTABLISHMENT OF COMBINED COURT OFFICES; TO AMEND THE COURTS SERVICE ACT 1998, THE CRIMINAL PROCEDURE ACT 1967 AND THE PETTY SESSIONS (IRELAND) ACT 1851, AND TO PROVIDE FOR RELATED MATTERS.

[24*th November*, 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 Courts and Court Officers Act 2009.

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

Definition.

2.— In this Act " Minister " means the Minister for Justice, Equality and Law Reform.

Regulations.

3.— (1) The Minister may make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed.

(2) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purpose of the regulations.

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

Expenses.

4.— 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

Temporary Custody

Definitions (*Part 2*).

5.— In this Part—

" Act of 2007" means the Prisons Act 2007;

"governor" has the same meaning as it has in the Act of 2007;

"holding area officer" means—

(*a*) a governor, or a member of the Garda Síochána, in whose temporary custody a person is placed under *section 6*,

(*b*) a person who assumes the duties of a holding area officer under *section 11 (6)*,

(*c*) a member in charge who assumes the powers and functions of a holding area officer under *paragraph (a)* of *section 11(7)*, or

(*d*) a member of the Garda Síochána to whom the powers and functions referred to in *paragraph (c)* are transferred under *paragraph (b)* of *section 11(7)*;

"member in charge" means a member of the Garda Síochána who is in charge of a Garda Síochána station referred to in *section 11(7)*;

" Prison Rules" means the Prison Rules 2007 (S.I. No. 252 of 2007);

"prisoner" has the same meaning as it has in the Act of 2007;

"prison officer" has the same meaning as it has in section 19(6) (as inserted by section 41(4) of the Act of 2007) of the Criminal Justice (Public Order) Act 1994;

"temporary custody" shall be construed in accordance with *subsections (1)* and *(2)* of *section 6*.

Persons held for *section 7* purposes.

6.— (1) A prisoner may be placed in the temporary custody of a member of the Garda Síochána where the placement is for a purpose referred to in *section 7*.

(2) A person who is lawfully in the custody of the Garda Síochána may be placed in the temporary custody of a governor where the placement is for a purpose referred to in *section 7*.

(3) Without prejudice to the generality of *subsections (1)* and *(2)*, a person who is placed in temporary custody under either of those subsections may be placed in a place in or adjacent to a court building in which the appearance or hearing referred to in *section 7* concerned is to be held.

(4) A prisoner or a person who is lawfully in the custody of the Garda Síochána who is not placed in temporary custody under *subsection (1)* or *(2)* may be placed in a place referred to in *subsection (3)* for a purpose referred to in *section 7*.

Purposes of temporary custody.

7.— A prisoner or other person may be placed in temporary custody under *section 6* for the purposes of facilitating—

(*a*) a court appearance by that person, or

(*b*) his or her participation, as a witness or in another capacity, in a court hearing involving him or her.

Beginning and end of temporary custody.

8.— (1) Without prejudice to any other enactment, the temporary custody of a prisoner under *section 6 (1)*—

(*a*) shall commence from the moment the prisoner is placed in the custody of the holding area officer, and

(*b*) shall cease from—

(i) such time as the prisoner is returned to the governor in whose custody he or she was before the temporary custody commenced, or

(ii) such time as the prisoner is released by order of the court,

as the case may be.

(2) Without prejudice to any other enactment, the temporary custody of a person under *section 6(2)*—

(*a*) shall commence from the moment the person is placed in the custody of the holding area officer, and

(*b*) shall cease from—

(i) such time as the person is returned to the person in whose custody he or she was before the temporary custody commenced or another member of the Garda Síochána, or

(ii) such time as the person is released by order of the court,

as the case may be.

Consequences of placement in temporary custody.

9.— (1) A prisoner who is placed in temporary custody under *section 6(1)* shall be deemed, for the duration of the placement, to remain in the custody of the governor in whose custody he or she was before being so placed.

(2) A person who is placed in temporary custody under *section 6 (2)* shall be deemed, for the duration of the placement, to remain in the custody of the Garda Síochána.

Handing over of medications, etc., when person in temporary custody.

10.— (1) On placing a person in temporary custody under *section 6*, the governor or member of the Garda Síochána in whose custody that person was shall hand to the holding area officer concerned—

(*a*) any medication or prescription for medication that he or she possesses in respect of the person,

(*b*) any information relating to the person's health that he or she is aware of, and

(*c*) any additional articles, documents or information that the Minister may prescribe.

(2) When a holding area officer returns a person placed in temporary custody under *section 6* to a person mentioned in *subsection (1)(b)(i)* or *subsection (2)(b)(i)* of *section 8*, the holding area officer shall hand to that person—

(*a*) any medication or prescription for medication that he or she possesses in respect of the person who was intemporary custody,

(*b*) any information relating to the person's health that he or she is aware of, and

(*c*) any additional articles, documents or information that the Minister may prescribe.

Functions of holding area officer.

11.— (1) Notwithstanding *section 9*, a holding area officer shall, as regards a person who has been placed in his or her temporarycustody under *section 6*—

(*a*) prevent his or her escape from lawful custody,

(*b*) prevent the commission of an offence by him or her,

(*c*) ensure that he or she behaves in an orderly and disciplined fashion,

(*d*) bring him or her to a court or court office, as required,

(*e*) ensure his or her appearance before a court, and

(*f*) comply with any order of a court relating to his or her custody, treatment or transfer.

(2) A holding area officer may search, in accordance with the Prison Rules, the person of any person who has been placed in his or her temporary custody under *section 6* if he or she is of the opinion that it is necessary to do so to perform his or her functions under this Part.

(3) A holding area officer may, where necessary, use all reasonable force in the performance of his or her functions under this Part.

(4) Where *section 6(4)* applies to a person who is lawfully in the custody of the Garda Síochána, a member of the Garda Síochána in whose custody that person is shall, without prejudice to any other enactment, have the powers and functions of a holding area officer under *subsections (1)* to *(3)*.

(5) Nothing in this section shall be construed as limiting the powers under the Prison Rules of a holding area officer who is a prison officer.

(6) Where *section 6(1)* applies, a member of the Garda Síochána who is of a higher rank than the holding area officer may authorise the transfer of the powers and functions of that holding area officer under this Part to another member of the Garda Síochána, and that other member shall assume those powers and functions.

(7) Where *section 6(1)* applies, and the prisoner placed intemporary custody is or has been placed in a Garda Síochána station, then notwithstanding that any other member of the Garda Síochána is also a holding area officer under this Part, the member in charge of that Garda Síochána station—

(*a*) shall assume the powers and functions of a holding area officer under this Part, and

(*b*) where he or she considers it necessary for the performance of any of his or her functions, and for such period or periods as he or she considers necessary, may authorise the transfer of any or all of the powers and functions assumed under *paragraph (a)* to another member of the Garda Síochána.

(8) Where *subsection (7)(b)* applies, the transfer of the powers and functions concerned to a member of the Garda Síochána shall be construed as reserving to the member in charge the right to exercise those powers and to perform those functions concurrently with that member.

Regulations relating to temporary custody.

12.— The Minister may prescribe—

(*a*) the standards to be employed in the safekeeping of a person who has been placed in temporary custody under *section 6*,

(*b*) standards and procedures relating to the orderly management of any place in which such a person is to be held,

(*c*) the records on the temporary custody of such a person to be kept, and

(*d*) the—

(i) articles, documents or information which are to be handed over, and

(ii) procedures, including record keeping, that are to be followed,

where *subsection (1)* or *(2)* of *section 10* applies.

PART 3

Combined Court Office

Definitions (*Part 3*).

13.— In this Part—

"Act of 1939" means the Offences Against the State Act 1939;

"constituent court office" means—

(*a*) a court office, the business or some of the business of which shall be transacted in a combined court office under *section 14* or *15* , or

F1**[***(aa)* the Court of Appeal,**]**

(*b*) a registrar or other person deemed to be a constituent court office under *section 17 (2)*,

and "constituent court" shall be construed accordingly;

"combined court office" means an office established under *section 14*;

"combined court office manager", in relation to a combined court office, means a person appointed under *section 19* to be the manager of that office;

"court office" means any office of, or attached to, any of the following:

(*a*) the Supreme Court;

(*b*) the High Court;

(*c*) the President of the High Court;

(*d*) the Circuit Court;

(*e*) the District Court;

and, for the purposes of this definition, a district probate registry shall be deemed to be an office attached to the High Court;

"enactment" means an Act or a statutory instrument or any portion of an Act or statutory instrument;

" Special Criminal Court" means a court established under Part V of the Act of 1939.

Establishment of combined court offices.

14.— (1) Notwithstanding any other enactment, the Courts Service may establish a combined court office in accordance with this section and *section 16*.

(2) In establishing a combined court office under *subsection (1)*, the Courts Service shall—

(*a*) designate two or more court offices to be constituent court offices of that combined court office, and

(*b*) specify the business of the constituent court offices that shall be transacted in the combined court office.

(3) The Courts Service shall, as soon as may be after a combined court office is established, publish notice of that fact and of the matters referred to in *subsection (2)* relating to that office in *Iris Oifigiúil*, but failure to so publish shall not affect the validity of the establishment of the combined court office concerned.

Variation of functions or dissolution of combined court office.

15.— (1) The Courts Service may vary the functions of a combined court office, including by—

(*a*) varying the business of the constituent court offices which is to be transacted there, other than any business that is the subject of an order under *section 17 (1)*,

(*b*) designating another court office to be a constituent court office of that combined court office, and

(*c*) removing from the business of the combined court office any business of a constituent court office, other than any business that is the subject of an order under *section 17 (1)*.

(2) The power to establish a combined court office conferred by *section 14 (1)* includes the power to dissolve such an office, except where to dissolve the office would affect an order made under *section 17 (1)*.

(3) *Sections 14(3)* and *16* apply, with any necessary modifications, when the Courts Service exercises its powers under *subsection (1)* or *(2)*.

Consultations.

16.— Before establishing a combined court office under *section 14*, the Courts Service shall consult with—

(*a*) the Chief Justice, where a proposed constituent court office is an office attached to the Supreme Court,

F2**[***(aa)* the President of the Court of Appeal, where a proposed constituent court office is an office attached to Court of Appeal,**]**

(*b*) the President of the High Court, where a proposed constituent court office is an office attached to the High Court or the President of the High Court,

(*c*) the President of the Circuit Court, where a proposed constituent court office is an office of, or attached to, the Circuit Court,

(*d*) the President of the District Court, where a proposed constituent court office is an office of, or attached to, the District Court.

Special Criminal Court.

17.— (1) Notwithstanding any other enactment, the Government may, by order, provide that specified business of a Special Criminal Court, other than business that is required to be transacted by or before a judge or judges of such a Court, shall be transacted in a combined court office.

(2) A registrar appointed for the purposes of a Special Criminal Court under section 39 of the Act of 1939, or any person acting under the direction of such a registrar, in the transaction of the business that is the subject of an order under *subsection (1)*, is deemed to be a constituent court office for the purposes of this Part.

Combined court office: deemed powers and functions.

18.— Where, under *section 14*, *15* or *17*, the business of a constituent court office shall be transacted in a combined court office, for the purpose of the transaction the following shall apply:

(*a*) the combined court office is deemed to be an office of or attached to the constituent court concerned;

(*b*) the combined court office manager of that combined court office and the members of staff of the Courts Service employed in that office under *section 21* are deemed to be officers attached to, or attached to an office of, that constituent court;

(*c*) any reference in an enactment to an office of or attached to that constituent court or to an officer or member of staff of that court is, save where the context otherwise requires, deemed to include that combined court office or an officer or member of staff of that combined court office, as the case may be.

Combined court office manager.

19.— Notwithstanding any provision of any other enactment, where a combined court office is established under *section 14*, the Courts Service shall appoint—

(*a*) a member of its staff, or

(*b*) a county registrar,

to be the manager of that combined court office.

Management and control of combined court office.

20.— (1) Notwithstanding any provision of any other enactment, including any enactment conferring such powers on an officer of a constituent court, a combined court office manager shall, subject to *subsection (2)*, have the management and control of the combined court office.

(2) In performing the function referred to in *subsection (1)*, the combined court office manager shall in regard to all matters of general administration, be subject to the general directions of the Courts Service.

Staff of combined court office.

21.— There shall be employed in a combined court office such and so many members of the staff of the Courts Service as the Courts Service shall from time to time determine.

Functions of staff.

22.— (1) The Courts Service may, notwithstanding any other provision of any enactment, appoint any member of staff of the Courts Service employed in a combined court office under *section 21* as one or more of the following:

(*a*) a District Court clerk;

(*b*) a principal officer, within the meaning of Part I of the Court Officers Act 1926, of any office attached to the F3**[**Court of Appeal,**]** High Court or the President of the High Court.

(2) A combined court office manager may, notwithstanding any other provision of any enactment, direct any member of staff of the Courts Service employed in a combined court office under *section 21* to act as registrar to any of the following constituent courts:

F4**[***(a)* the Central Criminal Court;

(b) the Court of Appeal;

(c) the Circuit Court,**]**

(*d*) F5**[**...**]**

(3) Where, under *subsection (2)*, a person is directed to act as registrar to a court mentioned in *paragraphs (a)* to *(d)* of that subsection, any reference in an enactment to a registrar of the court concerned is deemed to include such a person.

Continuity of administration of justice not to be affected.

23.— (1) The continuity of the administration of justice shall not be interrupted by the—

(*a*) establishment of a combined court office under *section 14*,

(*b*) variation of the functions, or the dissolution, of a combined courts office under *section 15*, or

(*c*) making of an order under *section 17*.

(2) Without prejudice to the generality of *subsection (1)*—

(*a*) on the establishment of a combined court office under *section 14*, the variation of the functions of a combined court office under *section 15*, or the making of an order under *section 17 (1)*, the business of a constituent court office shall be continued in the combined court office,

(*b*) where business has begun to be transacted in a combined court office which, by virtue of the variation of the functions, or dissolution, of that office under *section 15*, is subsequently required to be transacted in another court office, that business shall be continued in that other court office, and

(*c*) where the Government make an order under *section 17 (1)*, the business concerned that was transacted in a combined court office shall be continued by or before the registrar, or any person acting under the direction of such a registrar, of the Special Criminal Court concerned.

Amendment of Courts Service Act 1998.

24.— Section 6(2) of the Courts Service Act 1998 is amended—

(*a*) in paragraph (*i*), by deleting "and",

(*b*) in paragraph (*j*), by substituting "designate court venues, and" for "designate court venues.", and

(*c*) by inserting the following after paragraph (*j*):

"(*k*) establish, vary the functions of, or dissolve, a combined court office under *sections 14* and *15* of the *Courts and Court Officers Act 2009*.".

PART 4

Miscellaneous Provisions

Amendment of section 22 of Criminal Procedure Act 1967.

25.— Section 22 of the Criminal Procedure Act 1967 is amended by inserting the following subsection after subsection (1A) (inserted by section 18(*a*) of the Criminal Justice Act 2007):

"(1B) A recognisance to which subsection (1) applies may be taken by—

(*a*) any judge of the District Court, or

(*b*) any District Court clerk.".

Amendment of section 24 of Petty Sessions (Ireland) Act 1851.

26.— Section 24 of the Petty Sessions (Ireland) Act 1851 is amended by the insertion of the following paragraph after paragraph 2:

"2A. (*a*) A recognisance to which paragraph 2 applies may be taken by—

(i) any judge of the District Court,

(ii) any District Court clerk,

(iii) a peace commissioner designated for that purpose by order of the Minister for Justice, Equality and Law Reform,

(iv) the governor of a prison, or

(v) a prison officer designated for that purpose by the governor of a prison.

(*b*) in this paragraph 'prison' has the same meaning as it has in the Prisons Act 2007.".

Number 36 *of* 0000

COURTS AND COURT OFFICERS ACT 2009

REVISED

Updated to 21 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 passed.

Related legislation

Court Officers Acts 1926 to 2014: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Court of Appeal Act 2014* (18/2014), s. 1(4)). The Acts in this group are:

- *Court Officers Act 1926* (27/1926)
- *Court Officers (Amendment) Act 1937* (21/1937) (repealed)
- *Court Officers Act 1945* (25/1945)
- *Court Officers Act 1951* (8/1951)
- *Courts of Justice and Court Officers (Superannuation) Act 1961* (16/1961), in so far as it amends and extends the *Courts Officers Acts 1926 to 1951*
- *Courts (Supplemental Provisions) (Amendment) Act 1991* (23/1991), in so far as it amends or extends the *Courts of Justice and Court Officers (Superannuation) Act 1961*
- *Courts and Court Officers Act 1995* (31/1995), in so far as it amends or extends the *Court Officers Acts 1926 to 1991*
- *Oireachtas (Allowances To Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act 1998* (5/1998), in so far as it amends the *Courts of Justice and Court Officers (Superannuation) Act 1961*
- *Courts (Supplemental Provisions) (Amendment) Act 1999* (25/1999), in so far as it amends or extends the *The Court Officers Acts 1926 to 1998*
- *Courts and Court Officers Act, 2002* (15/2002), insofar as it amends the *Court Officers Acts 1926 to 1999*
- *Civil Law (Miscellaneous Provisions) Act 2008* (14/2008), ss. 29 and 30
- *Courts and Court Officers Act 2009* (36/2009)
- *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), ss. 63 and 64
- *Court of Appeal Act 2014* (18/2014), to the extent that it amends or extends *Court Officers Acts 1926 to 2012* and *Courts and Court Officers Act 2009*

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual

amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

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