



Bille na gCúirteanna (Uimh. 2), 2016
Courts (No. 2) Bill 2016

Mar a tionscnaíodh

As initiated



BILLE NA gCÚIRTEANNA (UIMH. 2), 2016
COURTS (NO. 2) BILL 2016

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ACTS REFERRED TO

Courts (No. 3) Act 1986 (No. 33)

Courts (Supplemental Provisions) Acts 1961 to 2015

Road Traffic Act 2010 (No. 25)



BILLE NA gCÚIRTEANNA (UIMH. 2), 2016
COURTS (NO. 2) BILL 2016

Bill

entitled

An Act to amend the Courts (No. 3) Act 1986 in respect of the issue of summonses in relation to offences; to provide for the issuing of summonses under that Act in respect of certain offences alleged to have been committed by members of the Garda Síochána; and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Definition

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1. In this Act “Act of 1986” means the Courts (No. 3) Act 1986.

Amendment of section 1 of Act of 1986

2. Section 1 of the Act of 1986 is amended—

(a) by the insertion of the following subsection after subsection (2):

“(2A) (a) The issue of a summons under subsection (2) shall be deemed to have been effected by the transmission by the appropriate office by electronic means of all the information necessary to create the summons in an automatic manner (in this subsection referred to as ‘information’) and in such circumstances— 15

(i) the date of issue of the summons shall be deemed to be the date on which the information was so transmitted, 20

(ii) the validity of the summons shall not be affected where the date of issue of the summons under this subsection is a date earlier than the date of the creation of the summons in an automatic manner, and 25

(iii) if more than one document is created as specified in paragraph (b)(ii)—

(I) each such document shall be the summons and each shall be deemed to be a true copy of each other, and

(II) rules of court may provide that notwithstanding clause (I) and subsection (8), the summons returned to the appropriate office showing evidence of service may be 30

treated as a matter of administrative procedure as the original summons.

- (b) In this subsection, reference to a summons created in an automatic manner means a summons created—
 - (i) as a document in legible form using electronic means, and 5
 - (ii) in circumstances in which if more than one such document is created on the basis of the same information, each such document is a copy of the other.”,
- (b) by the insertion of the following subsection after subsection (4):
 - “(4A) Nothing in this section shall prevent a single transmission by electronic means being made to effect either of the following: 10
 - (a) the issue (including where the issue is deemed under subsection (2A) to have been effected) of more than one summons under subsection (2); or
 - (b) the making of more than one application for a summons in accordance with subsection (4).” 15
- (c) by the insertion, in subsection (8), of “(including where the issue of the summons is deemed under subsection (2A) to have been effected)” after “effected”,
- (d) in subsection (9), by—
 - (i) the substitution, in paragraph (a), of “issued,” for “issued, and”, and 20
 - (ii) the insertion of the following paragraph after paragraph (a):
 - “(aa) a summons referred to in subsection (2A) shall be presumed to have been created in an automatic manner on the basis of the information referred to in that subsection, and”,
- (e) in subsection (10), by the insertion of “(including where the issue of the summons is deemed under subsection (2A) to have been effected)” after “effected”, 25
- (f) in subsection (14)—
 - (i) by the insertion of the following definition:
 - “ ‘document’ includes electronic material or electronic information;”, and 30
 - (ii) by the substitution of the following definition for the definition of “true copy”:
 - “ ‘true copy’ means—
 - (a) subject to paragraph (b), in relation to a summons the issue of which was effected in accordance with subsection (2), a document that purports to be a reproduction in writing of the summons certified by the prosecutor as being a true copy thereof, or 35

- (b) in relation to a summons the issue of which was deemed to be effected in accordance with subsection (2) by virtue of subsection (2A), a document referred to in subsection (2A)(a)(iii)(I).”.

Summons in respect of certain offences alleged to have been committed by member of Garda Síochána 5

3. (1) Notwithstanding any enactment or rule of law, a summons may be issued under and in accordance with the Act of 1986 in respect of—

- (a) a fixed charge offence (within the meaning of Part 3 of the Act of 2010), or
(b) an offence in relation to which a fixed penalty notice shall be served under section 29 of the Act of 2010, 10

that is alleged to have been committed by a person who is a member of the Garda Síochána.

(2) In this section “Act of 2010” means the Road Traffic Act 2010.

Short title, collective citation, construction and commencement

4. (1) This Act may be cited as the Courts (No. 2) Act 2016. 15

(2) The Courts (Supplemental Provisions) Acts 1961 to 2015 and this Act may be cited together as the Courts (Supplemental Provisions) Acts 1961 to 2016 and shall be construed together as one.

(3) This Act shall come into operation on such day or days as the Minister for Justice and Equality may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions. 20

Bille na gCúirteanna (Uimh. 2), 2016

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú Acht na gCúirteanna (Uimh. 3), 1986 i leith toghairmeacha a eisiúint i ndáil le cionta; do dhéanamh socrú maidir le toghairmeacha a eisiúint faoin Acht sin i leith cionta áirithe a liomhnaítear a bheith déanta ag comhaltaí den Gharda Síochána; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*An Tánaiste agus Aire Dlí agus Cirt agus
Comhionannais a thiolaic,*

21 Nollaig, 2016

Courts (No. 2) Bill 2016

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*Presented by the Tánaiste and Minister for Justice
and Equality,*

21st December, 2016

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