



STATUTORY INSTRUMENTS.

S.I. No. 314 of 2007



DISTRICT COURT (CRIMINAL JUSTICE ACT 2006, PART 11) RULES 2007

(Prn. A7/1144)

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The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961 and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice, Equality and Law Reform, make the following rules of court—

GIVEN this 14th day of May 2007.

MIRIAM MALONE	Chairperson	UINSIN MAC GRUAIRC
MARY C DEVINS		THOMAS E O'DONNELL
BRIAN SHERIDAN		FIONA TWOMEY
ROY PEARSON		NOEL A DOHERTY
ELIZABETH HUGHES	Secretary	

I concur in the making of the foregoing rules.

Dated this 22nd day June of 2007.

Signed: BRIAN LENIHAN
Minister for Justice, Equality and Law Reform.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 29th June, 2007.*

DISTRICT COURT (CRIMINAL JUSTICE ACT 2006, PART 11) RULES
2007

1. These rules may be cited as the District Court (Criminal Justice Act 2006, Part 11) Rules 2007.
2. These rules shall come into operation on the 20th day of July 2007 and shall be read together with all other District Court Rules for the time being in force.
3. The District Court Rules 1997 (S.I. No. 93 of 1997) are hereby amended by the insertion immediately after Order 96B thereof, of the following—

“Order 96C

Civil Orders under the Criminal Justice Act 2006, Part 11

1. In this Order—

“the Act” means the Criminal Justice Act 2006 (No. 26 of 2006);

“civil order” has the same meaning as in section 113(1) of the Act.
2. An application pursuant to section 115(1) of the Act for a civil order may be made at any sitting of the Court for the court area in which the respondent resides at the time the application is made.
3. Notice of an application for a civil order shall be in the Form 96C.1, Schedule C and there shall be attached to such notice a copy of the behaviour warning or behaviour warnings or a copy of the written record of the behaviour warning or behaviour warnings issued to the respondent in accordance with section 114 of the Act which are intended to be relied upon in the application. A copy of the notice of application shall be served upon the respondent in accordance with Order 10 not later than fourteen days before the date fixed for the hearing of the application. The original notice of application shall be lodged with the Clerk not later than two days before the date fixed for the hearing of the application.
4. A civil order shall be in the Form 96C.2, Schedule C. The applicant shall cause a copy of any such order to be served on the respondent in accordance with Order 10.
5. An application pursuant to section 115(7) of the Act for an order discharging or varying a civil order may be made at any sitting of the Court for the court area in which the person subject to the civil order resides at the time such application is made. Such an application shall be preceded by the issue of a notice of application in the Form 96C.3, Schedule C. A copy of the notice of application (to which shall be attached true copies of the notice of application for a civil order and attachments thereto and of the civil order) shall be served upon the person referred to in section 115(8) of the Act in accordance with Order 10 not later than seven days before the

date fixed for the hearing of the application, and the original notice of application and attachments shall be lodged with the Clerk not later than two days before the date fixed for the hearing of the application.

6. Where the Court varies the terms of the civil order, the terms of any such variation may be indorsed upon the original or a copy of the civil order and re-signed by the Judge. Where an order discharging or varying a civil order is made in a Court area different from the Court area in which the civil order to which the application relates was made, the Clerk shall send to the Clerk assigned to the Court area wherein the civil order was made notice that the civil order has been discharged, or a copy of the civil order as varied, as the case may be."

4. The Forms numbered 96C.1, 96C.2 and 96C.3 in the Schedule hereof shall be added to the Forms in Schedule C of the District Court Rules 1997 (S.I. No. 93 of 1997).

SCHEDULE

Schedule C.
O. 96C, r. 3

No. 96C.1

CRIMINAL JUSTICE ACT 2006, Section 115
NOTICE OF APPLICATION FOR CIVIL ORDER

District Court Area of District No.
.....Applicant
.....Respondent

TAKE NOTICE that the above-named applicant, being a member of the Garda Síochána not below the rank of superintendent stationed at.....will apply to the District Court sitting at.....on theday of.....20.....ata.m./p.m. under section 115 of the above-mentioned Act for a civil order in respect of you,, the respondent, who resides at.....in the court (area and) district aforesaid.

TAKE NOTICE that the applicant will apply for a civil order prohibiting you the respondent

[Here set out the things to be specified in the order intended to be applied for which the respondent will be prohibited from doing, e.g. "that the respondent be prohibited from entering, or being in or about High Street between the hours of 8.00 pm and 8.00 am."]

[Here set out also any terms or conditions which it is requested the Court would impose in accordance with Section 115(2) of the Act.]

The grounds for this application are that—

You the respondent have behaved in an anti-social manner;

Such an order is necessary to prevent you the respondent from continuing to behave in that manner;

Having regard to the effect or likely effect of that behaviour on other persons, such an order is reasonable and proportionate in the circumstances;]

*You the respondent have been issued a behaviour warning(s) in accordance with section 114 of the above-mentioned Act on20..... *a copy of which *a copy of the written record of which is attached to this notice and you the respondent have not complied with one or more of the demands of the said warning(s), namely.....

*and

*You the respondent have been issued three or more behaviour warning(s) in accordance with section 114 of the above-mentioned Act in less than six

consecutive months, namely on20....., on20..... and on20..... and copies of *each of the said warnings *the written records of each of the said warnings are attached to this notice.

Dated this..... day
of.....20.....

Signed.....
Applicant

To District Court Clerk
District Court Office
At.....
To the Respondent

At.....
*delete if inapplicable

CRIMINAL JUSTICE ACT 2006, Section 115
CIVIL ORDER

District Court Area of District No.
.....Applicant
.....Respondent

WHEREAS UPON APPLICATION made to the Court today by the above-named applicant, being a member of the Garda Síochána not below the rank of superintendent stationed at..... under section 115 of the above-mentioned Act for a civil order in respect of the above-named respondent,, who resides at.....in the court (area and) district aforesaid

THE COURT

BEING SATISFIED THAT notice of the application was duly served

[BEING SATISFIED

* That the respondent has been issued a behaviour warning(s) in accordance with section 114 of the above-mentioned Act on20..... and the respondent has not complied with one or more of the demands of the said warning(s), namely

*and

*That the respondent has been issued three or more behaviour warning(s) in accordance with section 114 of the above-mentioned Act in less than six consecutive months, namely on20....., on20..... and on20.....]

BEING SATISFIED THAT the respondent has behaved in an anti-social manner

BEING SATISFIED THAT this order is necessary to prevent the respondent from continuing to behave in that manner

BEING SATISFIED THAT having regard to the effect or likely effect of that behaviour on other persons, this order is reasonable and proportionate in the circumstances

HEREBY ORDERS pursuant to section 115 of the said Act of 2006 that

the respondent be prohibited from.....

*IT IS A *TERM *CONDITION OF THIS ORDER that

[here insert any terms or conditions imposed in accordance with Section 115(2) of the Act]

for a period of * *two years from the date
this order is made.

Dated this..... day
of..... 20.....

Signed
Judge of the District Court

WARNING: A person who, without reasonable excuse, does not comply with
a civil order to which the person is subject commits an offence and on
conviction for such an offence is liable to be fined up to €3,000 or be
imprisoned for a term not exceeding six months or be both fined and
imprisoned.

To: The Respondent at.....

*delete if inapplicable

CRIMINAL JUSTICE ACT 2006, Section 115(7)
NOTICE OF APPLICATION FOR *VARIATION *DISCHARGE OF
CIVIL ORDER

District Court Area of District No.
.....Applicant
.....Respondent

WHEREAS the District Court sitting at.....on the
.....day of..... 20..... made a civil order under section 115
of the said Act in respect of the above-named respondent,,
residing at.....in the court (area and) district aforesaid, copies of
which said civil Order and the notice of application for same are attached
hereto.

TAKE NOTICE that

* being a member of the Garda Síochána not below the rank of
superintendent stationed at

*the above-named respondent

will apply at the sitting of the District Court to be held at on the
..... day of20..... ata.m./p.m. for an order *
discharging *varying the said civil order, on the following grounds:

Dated thisday of.....20.....

Signed.....
Moving party/Solicitor for moving party

To District Court Clerk
At.....

*To the Respondent
At.....

*To
(Specify Rank)..... of the Garda Síochána
at.....

*delete if inapplicable

EXPLANATORY NOTE

(This does not form part of the instrument and does not purport to be a legal interpretation)

These Rules insert a new Order 96C to provide forms and procedure in respect of section 115 of the Criminal Justice Act 2006 which provides for application to court for a civil order in respect of anti-social behaviour.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
51 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834/35/36/37; Fax: 01 - 6476843)
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