



STATUTORY INSTRUMENTS

**S.I. No. 727 of 2007**



DISTRICT COURT (INSANITY) RULES 2007

**(Prn. A7/1853)**

## DISTRICT COURT (INSANITY) RULES 2007

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:

1. These rules may be cited as the District Court (Insanity) Rules 2007.
2. These rules shall come into operation on the 22 day of November 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 following Order 23 of the following:

## “Order 23A

## Criminal Law (Insanity) Act 2006

1. In this Order, “the Act” means the Criminal Law (Insanity) Act 2006.
2. A notice given under section 19(1) of the Act in any proceedings which may be determined by the Court shall be in the Form 23A.1, Schedule B. A copy of the notice together with proof of service thereof shall be lodged with the Clerk.
3. Where the Court makes an order pursuant to section 4(6)(a) of the Act committing an accused person who is unfit to be tried to a specified designated centre for a period of not more than 14 days and directs that the accused person concerned be examined by an approved medical officer at that centre, the warrant of committal and the direction shall be in the Form 23A.2, Schedule B.
4. Where the Court makes an order pursuant to section 4(3)(b)(i) of the Act committing an accused person who is unfit to be tried to a specified designated centre for in-patient care, the warrant of committal shall be in the Form 23A.3, Schedule B. Where the clinical director of the designated centre concerned forms the opinion in relation to the said accused person that said person is no longer unfit to be tried for an offence, the clinical director shall forthwith notify the Court of such opinion pursuant to section 13(2)(a) of the Act by notification in writing in the Form 23A.4, Schedule B which notice shall be sent by electronic mail and by registered post to the

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 2nd November, 2007.*

Clerk. As soon as may be upon receipt of such a notice an order in the Form 23A.5, Schedule B shall issue out of the Court and the Clerk shall send a copy of the said order to the said clinical director, the prosecutor and the solicitor for the accused person for the purpose of notifying them of the time fixed by the Court for the said accused person to be brought before it. When the accused person is brought before it, the Court may hear and determine any application by the prosecutor or the accused person as it thinks proper, and may make any order pursuant to section 13(2)(a) of the Act as it thinks proper.

5. Where the Court makes an order pursuant to section 4(3)(b)(ii) of the Act in respect of an accused person who is unfit to be tried, the order shall be in the Form 23A.6, Schedule B and a copy of the order shall be transmitted by the prosecutor to the clinical director of the designated centre concerned. Any application by the prosecutor or the accused person for a further order may be made at any sitting of the Court in a court area referred to in rule 1 of Order 13 and shall be made on seven days' notice in writing to the other party.

6. Where the Court makes an order pursuant to section 4(4)(a) of the Act, the order sending the accused person forward shall be in the Form 23A.7, Schedule B and any warrant of committal shall be in the Form 23A.8, Schedule B.

7. Where the Court makes an order pursuant to section 5(2) of the Act committing an accused person who has been found not guilty by reason of insanity to a specified designated centre pending the making of an order under section 13 of the Act, the warrant of committal shall be in the Form 23A.9, Schedule B.

8. Where the Court makes an order pursuant to section 5(3)(a) of the Act committing an accused person who has been found not guilty by reason of insanity to a specified designated centre for a period of not more than 14 days and directs that during such period the accused person concerned be examined by an approved medical officer at that centre, the warrant of committal and direction shall be in the Form 23A.10, Schedule B.

9. An application for an order pursuant to section 5(3)(b) of the Act extending the period of committal may, unless the court otherwise directs or permits, be made on two days' notice in writing to the other party at any sitting of the Court in a court area referred to in rule 1 of Order 13."

4. The Forms in the Schedule hereof shall be added to the Forms in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997).

SCHEDULE

23A.1

AN CHÚIRT DHÚICHE

THE DISTRICT COURT

CRIMINAL LAW (INSANITY) ACT 2006, Section 19(1)  
NOTICE OF INTENTION TO ADDUCE EVIDENCE AS TO MENTAL  
CONDITION

District Court Area of

District No.

.....Prosecutor

.....Accused

WHEREAS the above-named accused was on the            day of  
200            asked how he/she wished to plead to the charge of the offence(s)  
set out on the attached copy Charge Sheet(s)/Summons(es).

TAKE NOTICE that the defence intends to adduce evidence as to the mental  
condition of the accused in the proceedings for the said offence(s).

Dated this            day of            20

Signed .....

Accused/Solicitor for the accused

To: Prosecutor at

And to: District Court Clerk at

23A.2

AN CHÚIRT DHÚICHE

THE DISTRICT COURT

CRIMINAL LAW (INSANITY) ACT 2006, Section 4(6)  
COMMITTAL WARRANT AND DIRECTION FOR EXAMINATION

District Court Area of

District No.

.....Prosecutor  
.....Accused

WHEREAS the above-named accused person was this day before the Court charged with the offence(s) set out on the attached copy Charge Sheet(s) / Summons (es).

AND WHEREAS the Court has determined that the said accused person is unfit to be tried, the hearing of the said charge(s) has been adjourned to the sitting of the District Court at .....on the ....day of .....20... at .....a.m./p.m.

THIS IS TO COMMAND YOU to whom this warrant is addressed to deliver the said accused person to the designated centre at ..... and to lodge the said accused person in the said designated centre there to be detained pursuant to section 4(6)(a) of the Criminal Law Insanity Act 2006 by the clinical director thereof until the above time of adjournment, being a period not exceeding fourteen days from the date hereof,

When you shall have said accused person at the said sitting to be further dealt with according to law.

AND THE COURT DIRECTS THAT the said accused person be examined by an approved medical officer at the said designated centre and the approved medical officer concerned is required by section 4(6)(b) of the said Act of 2006 to report within the period of committal hereby authorised to the court on whether in his or her opinion the said accused person is suffering from a mental disorder (within the meaning of the Mental Health Act 2001) and is in need of in-patient care or treatment in a designated centre or suffering from a mental disorder (within the meaning of the said Act of 2006) or from a mental disorder (within the meaning of the Mental Health Act 2001) and is in need of out-patient care or treatment in a designated centre.

Dated this            day of            20            .

Signed .....  
Judge of the District Court assigned to the said District

To: Superintendent of the Garda Síochána at

And: Clinical Director at

AN CHÚIRT DHÚICHE

THE DISTRICT COURT

CRIMINAL LAW (INSANITY) ACT 2006, Section 4(3)(b)(i)  
COMMITTAL WARRANT

District Court Area of

District No.

.....Prosecutor

.....Accused

WHEREAS the above-named accused person was this day before the Court charged with the offence(s) set out on the attached copy Charge Sheet(s)/Summons(es).

AND WHEREAS the Court has determined that the said accused person is unfit to be tried, the hearing of the said charge(s) has been adjourned until further order.

AND WHEREAS the Court is satisfied,

\*having considered the evidence of an approved medical officer adduced pursuant to Section 4(6) of the above-mentioned Act of 2006

\*having considered other evidence adduced

that the accused person is suffering from a mental disorder (within the meaning of the Mental Health Act 2001) and is in need of in-patient care or treatment in a designated centre

THIS IS TO COMMAND YOU to whom this warrant is addressed to deliver the said accused person to the designated centre at ..... and to lodge the said accused person in the said designated centre for in-patient care or treatment pending the making of an order under section 13 of the said Act of 2006.

NOTE: Where the clinical director of the above-mentioned designated centre forms the opinion in relation to the said accused person that said person is no longer unfit to be tried for an offence, the clinical director shall forthwith notify the Clerk of the Court in writing by electronic mail and by registered post in the Form 23A.4.

Dated this            day of            20            .

Signed .....  
Judge of the District Court assigned to the said District

To: Superintendent of the Garda Síochána at

And: Clinical Director at

23A.4

AN CHÚIRT DHÚICHE

THE DISTRICT COURT

CRIMINAL LAW (INSANITY) ACT 2006, Section 13(3)(a)

NOTICE TO THE COURT

District Court Area of

District No.

.....Prosecutor

.....Accused

TAKE NOTICE that I, ....., Clinical Director of ....., a designated centre within the meaning of Section 3 of the above Act hereby give notice that I have formed the opinion that, one ..... of ....., a patient detained in the said designated centre pursuant to Section 4 of the above Act is no longer unfit to be tried for the offence(s) of .....

Dated:.....

Signed:.....

Clinical Director

To: .....

Clerk of .....

the Court that committed the said..... to the said designated centre.

AN CHÚIRT DHÚICHE

THE DISTRICT COURT

CRIMINAL LAW (INSANITY) ACT 2006, Section 13(3)(a)

ORDER TO BRING TO COURT

District Court Area of

District No.

.....Prosecutor

.....Accused

TAKE NOTICE that the District Court, District Court Area of ..... District No. .... hereby Orders that one ..... of ....., a patient committed, pursuant to section 4 of the above Act, to the ..... designated centre at ....., be brought before the District Court sitting at ..... at .....am/pm on the ..... day of .....20... to be dealt with as the Court finds proper, the Clinical Director of the said designated centre having formed the opinion that the said ..... is no longer unfit to be tried for the offence(s) of .....

Dated:.....

Signed:.....  
Judge of the District Court

To:.....  
Clinical Director of .....

To: Solicitor for the Accused

To: Prosecutor



23A.6

AN CHÚIRT DHÚICHE

THE DISTRICT COURT

CRIMINAL LAW (INSANITY) ACT 2006, Section 4(3)(b)(ii)  
ORDER IN RELATION TO OUT-PATIENT TREATMENT

District Court Area of

District No.

.....Prosecutor  
.....Accused

WHEREAS the above-named accused was this day before the Court charged with the offence(s) set out on the attached copy Charge Sheet(s)/Summons(es).

AND WHEREAS the Court has determined that the accused is unfit to be tried, the hearing of the said charge(s) has been adjourned to the sitting of the District Court at ..... on the..... day of ..... 20....at.....a.m./p.m.

AND WHEREAS the Court is satisfied,

\*having considered the evidence of an approved medical officer adduced pursuant to Section 4(6) of the above-mentioned Act of 2006

\*having considered other evidence adduced

that the accused person is suffering from a mental disorder (within the meaning of the said Act of 2006) or a mental disorder (within the meaning of the Mental Health Act 2001) and is in need of out-patient care or treatment in a designated centre

THE COURT HEREBY ORDERS that the accused person attend for out-patient treatment in the designated centre at ..... under the care of .....

Dated this        day of        20        .

Signed .....  
Judge of the District Court assigned to the said District

To: Clinical Director at

CRIMINAL LAW (INSANITY) ACT 2006, Section 4(4)  
ORDER SENDING FORWARD ON ISSUE OF FITNESS TO BE TRIED

District Court Area of

District No.

..... Prosecutor  
..... Accused

WHEREAS the above-named accused is before the Court charged that  
being an offence other than an offence to which paragraph (a) of sub-section  
(3) of section 4 of the Criminal Law (Insanity) Act 2006 applies

AND WHEREAS

\*the District Judge has refused jurisdiction

\*the Director of Public Prosecutions has directed trial on indictment

AND WHEREAS a question as to whether the accused person is fit to be  
tried falls to be determined

I HEREBY ORDER pursuant to section 4(4)(a) of the Criminal Law (Insanity)  
Act 2006 that the accused be sent forward for the purpose of determining that  
issue to the \*next/\*present sitting of the..... Court at .....

\*in custody / \*on conditional release as set out hereunder.

†(I FURTHER ORDER that until the said conditions of the release are fulfilled  
the accused be detained in custody.)

Dated this            day of            20            .

Signed.....  
Judge of the District Court

†Consent to and conditions of release

The Court hereby consents to the above named accused being conditionally  
released on his/her entering into a recognisance himself/herself in the sum of  
€ ..... \*(of which € ..... cash to be lodged)\*and one  
sufficient surety in the sum of € ..... (of which € ..... cash to be  
lodged) or two sufficient sureties in the sum of € ..... each (of which  
€ ..... cash to be lodged by each) and the accused is not to commit any  
offence and be of good behaviour and \*to sign on daily/weekly at  
..... Garda station between ..... a.m. and  
..... p.m. and ..... And further  
consents that in lieu such surety or sureties lodgement of the sum of €  
..... be accepted.



No. 23A.8

CRIMINAL LAW (INSANITY) ACT 2006, Section 4(4)  
COMMITTAL WARRANT (REMAND) ON SENDING FORWARD ON  
ISSUE OF  
FITNESS TO BE TRIED

District Court Area of

District No.

..... Prosecutor  
..... Accused

WHEREAS the above-named accused was this day before the Court charged that

being an offence other than an offence to which paragraph (a) of sub-section (3) of section 4 of the Criminal Law (Insanity) Act 2006 applies

AND WHEREAS

\*the District Judge has refused jurisdiction

\*the Director of Public Prosecutions has directed trial on indictment

AND WHEREAS a question as to whether the accused person is fit to be tried falls to be determined

AND THE COURT HAS ORDERED pursuant to section 4(4)(a) of the Criminal Law (Insanity) Act 2006 that the accused be sent forward for the purpose of determining that issue to the \*next/\*present sitting of the.....Court at.....

\*in custody / \*on conditional release as set out hereunder.

†(AND FURTHER ORDERED that until the said conditions of the release are fulfilled the accused be detained in custody.)

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the said accused person .....of ..... in the \*prison \*remand institution at ..... there to be detained by the \*Governor \*person in charge thereof until the above time of remand.

Dated this            day of            20            .

Signed.....

Judge of the District Court

To: \*Governor \*person in charge

At.....

†Consent to and conditions of release

The Court has consented to the above named accused being conditionally released on his/her entering into a recognisance himself/herself in the sum of € ..... \*(of which € ..... cash to be lodged)\*and one sufficient surety in the sum of € ..... (of which € ..... cash to be lodged) or two sufficient sureties in the sum of € ..... each (of which € ..... cash to be lodged by each) and the accused is not to commit any offence and be of good behaviour and \*to sign on daily/weekly at ..... Garda station between ..... a.m. and ..... p.m. and ..... and has further consented that in lieu such surety or sureties lodgement of the sum of € ..... be accepted.

Dated this            day of            20            .

Signed.....  
 Judge of the District Court

AN CHÚIRT DHÚICHE

THE DISTRICT COURT

CRIMINAL LAW (INSANITY) ACT 2006, Section 5(2)  
COMMITTAL WARRANT (NOT GUILTY BY REASON OF INSANITY)

District Court Area of

District No.

..... Prosecutor  
..... Accused

WHEREAS the above-named accused was this day before the Court charged with the offence(s) set out on the attached copy Charge Sheet(s)/Summons(es).

AND WHEREAS the Court has returned a special verdict pursuant to Section 5(1) of the Criminal Law (Insanity) Act 2006 to the effect that the accused person is not guilty by reason of insanity.

AND WHEREAS the Court considers that the accused person found not guilty by reason of insanity is suffering from a mental disorder (within the meaning of the Mental Health Act 2001) and is in need of in-patient care or treatment in a designated centre.

THIS IS TO COMMAND YOU to whom this warrant is addressed to deliver the said accused person to the designated centre at ..... and to lodge the said accused person in the said designated centre for in-patient care or treatment pending the making of an order under section 13 of the said Act of 2006.

Dated this            day of            20            .

Signed .....  
Judge of the District Court assigned to the said District

To: Superintendent of the Garda Síochána at

And: Clinical Director at

23A.10

AN CHÚIRT DHÚICHE

THE DISTRICT COURT

CRIMINAL LAW (INSANITY) ACT 2006, Section 5(3)  
COMMITTAL WARRANT AND DIRECTION FOR EXAMINATION  
(NOT GUILTY BY REASON OF INSANITY)

District Court Area of

District No.

.....Prosecutor  
.....Accused

WHEREAS the above-named accused was this day before the Court charged with the offence(s) set out on the attached copy Charge Sheet(s)/Summons(es).

AND WHEREAS the Court has returned a special verdict pursuant to Section 5(1) of the Criminal Law (Insanity) Act 2006 to the effect that the accused person is not guilty by reason of insanity.

AND WHEREAS the proceedings have been adjourned to the sitting of the District Court at .....on the ....day of .....20... at .....a.m./p.m.

AND WHEREAS the Court considers that the accused person found not guilty by reason of insanity is suffering from a mental disorder (within the meaning of the Mental Health Act 2001) and may be in need of in-patient care or treatment in a designated centre.

THIS IS TO COMMAND YOU to whom this warrant is addressed to deliver the said accused person to the designated centre at ..... and to lodge the said accused person in the said designated centre there to be detained pursuant to section 5(3)(a) of the Criminal Law Insanity Act 2006 by the clinical director thereof until the above time of adjournment, being a period not exceeding fourteen days from the date hereof, when you shall have said accused person at the said sitting to be further dealt with according to law.

AND THE COURT DIRECTS THAT the said accused person be examined by an approved medical officer at the said designated centre and the approved medical officer concerned is required by section 5(3)(c) of the said Act of 2006 to report to the court within the period of committal hereby authorised (or any extended period authorised by the Court under section 5(3)(b) of the said Act of 2006) on whether in his or her opinion the said accused person is suffering from a mental disorder (within the meaning of the Mental Health Act 2001) and is in need of in-patient care or treatment in a designated centre.

Dated this            day of            20            .

Signed .....  
Judge of the District Court assigned to the said District

16 [727]

To: Superintendent of the Garda Síochána at

And: Clinical Director at



GIVEN this 5th day of March 2007

MIRIAM MALONE                      Chairperson

UINSIN Mac GRUAIRC

MARY C DEVINS

THOMAS E O'DONNELL

HUGH O'NEILL

JOE JEFFERS

ROY PEARSON

NOEL A DOHERTY

ELIZABETH HUGHES                      Secretary

I concur in the making of the foregoing rules

Dated this 25 day of October 2007

BRIAN LENIHAN.

Minister for Justice, Equality and Law Reform

EXPLANATORY NOTE

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

These Rules amend the District Court Rules and add a new Order 23A to provide forms and procedure in respect of Criminal Law (Insanity) Act 2006.

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)  
nó trí aon díoltóir leabhar.

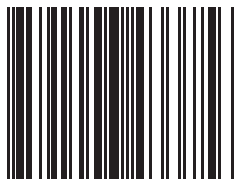
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