



Department of Justice, Equality and Law Reform
An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

Request for Submissions

Following a speech made in Limerick on 20 October 2006 on rebalancing criminal justice, the Tánaiste and Minister for Justice, Equality and Law Reform, Michael McDowell, T.D. has set up a review group entitled the Balance in the Criminal Law Review Group to consider the following issues

- the right to silence
- allowing character evidence of an accused
- the exclusionary rule of evidence
- requiring the accused to outline the nature of his defence before or at the commencement of a trial
- re-opening new evidence
- nullifying an acquittal where there is evidence of jury or witness tampering
- "with prejudice" appeals in the case of wrongful acquittal
- extending alibi evidence rules to other analogous situations
- allowing submissions by the prosecution before sentencing
- modifying the rule in relation to hearsay evidence

The Review Group will be chaired by Dr. Gerard Hogan, S.C., Law School, Trinity College, Dublin.

The Tánaiste has asked the Review Group to report back by 1 March 2007.

A copy of the Tánaiste's speech and details of the membership of the Review Group and its full terms of reference are available on the website of the Department of Justice, Equality and Law Reform at www.justice.ie.

In order to assist the group in its deliberations, written submissions on the main issues set out in the terms of reference are invited from interested parties and bodies and from members of the general public.

Submissions should be made in writing only to

Balance in the Criminal Law Review Group,
Department of Justice, Equality and Law Reform,
Floor 3 Montague Court,
Montague Street,
Dublin 2.

Written submissions may be also made electronically to lawreview@justice.ie

The closing date for receipt of submissions is 5.30 p.m. Friday 5 January 2007.

Because of the tight deadline for submission of the Report of the Review Group, viz. 1 March 2007, it should be noted that the deadline for written submissions must be strictly observed and the Review Group will not be in a position to extend the closing date for submissions.

Aighneachtaí á Lorg

Tar éis óráide a rinneadh i Luimneach an 20 Deireadh Fómhair 2006 ar an gceartas coiriúil a athchothromú, tá grúpa athbhreithnithe dar teideal an Grúpa Athbhreithnithe ar an gCothromaíocht sa Cheartas Coiriúil bunaithe ag an Tánaiste agus Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, Mícheál Mac Dubhghaill, T.D., chun na saincheisteanna seo a leanas a bhreithniú

- an ceart chun tosta
- fianaise ar charachtar a cheadú i leith cúisí
- riail eisiata na fianaise
- ceangal a chur ar an gcúisí an cineál cosanta a bheidh aige a leagan amach roimh thosach trialach nó ag tosach trialach
- fianaise nua a athoscailt
- éigiontú a neamhniú más rud é go bhfuil fianaise ann gur baineadh leis an ngiúiré nó le finné
- achomhairc ("go ndochar") i gcás éigiontú éagórach
- rialacha maidir le fianaise ailibí a leathnú go cora comhchineáil eile
- aighneachtaí ón ionchúiseamh a cheadú sula ngearrfar pianbhreith
- an riail i ndáil le fianaise chlostráchtá a mhodhnú

Is é an Dr. Gerard Hogan, A.S., Scoil an Dlí, Coláiste na Tríonóide, Baile Átha Cliath a bheidh ina chathaoirleach ar an nGrúpa Athbhreithnithe.

Tá iarrtha ag an Tánaiste ar an nGrúpa Athbhreithnithe tuairisc a thabhairt faoin 1 Márta 2007.

Tá cóip d'óráid an Tánaiste agus mionsonraí maidir le comhaltas an Ghrúpa Athbhreithnithe agus téarmaí tagartha iomlána an Ghrúpa ar fáil ar láithreán gréasáin na Roinne Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí ag www.justice.ie.

D'fhonn cuidiú leis an ngrúpa ina chuid pléití, cuirfear fáilte roimh aighneachtaí i scríbhinn ar na príomh-shaincheisteanna atá leagtha amach sna téarmaí tagartha ó pháirtithe agus comhlachtaí leasmhara agus ó dhaoine den phobal i gcoitinne.

Is i scríbhinn amháin is ceart aighneachtaí a dhéanamh, chuig

An Grúpa Athbhreithnithe ar an gCothromaíocht sa Dlí Coiriúil, An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, Uirlár 3, Cúirt Montague, Sráid Montague, Baile Átha Cliath 2.

Féadfar aighneachtaí i scríbhinn a dhéanamh go leictreonach freisin, chuig lawreview@justice.ie

Is é an dáta deiridh a nglacfar le haighneachtaí 5.30 p.m. Dé hAoine 5 Eanáir, 2007.

Mar gheall ar an spriocdháta docht chun an Tuarascáil ón nGrúpa Athbhreithnithe a chur isteach, eadhon, 1 Márta 2007, is ceart a thabhairt do d'aire nach mór cloí go docht leis an spriocdháta le haghaidh aighneachtaí i scríbhinn agus nach mbeidh an Grúpa Athbhreithnithe in ann an dáta deiridh le haghaidh aighneachtaí a chur siar.