



An Roinn Dlí agus Cirt  
Department of Justice

# Post-Enactment Report

Garda Síochána (Amendment) Act 2022  
(Act No. 10 of 2022)

June 2023



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## 1. Introduction

The Garda Síochána (Amendment) Act 2022 was signed into law by the President on the 17th of June, 2022 and came fully into operation on enactment. The Act was necessary to address an urgent lacuna in the law to allow the continuation of the existing system of Garda court presenters.

The Act of 2022 amended the Garda Síochána Act 2005 to provide that a prosecution may be conducted by the instituting member or any other member.

## 2. Policy Objectives

The emergency legislation was introduced in response to the High Court judgment, *Director of Public Prosecutions v. Davitt* [2022] IEHC 320, which found there was no legal basis underpinning the system of Garda court presenters.

The ruling had immediate and serious implications for the conduct of criminal prosecutions, necessitating the widespread redeployment of Court solicitors and Garda members, in the period prior to enactment.

## 3. Operation of the Act

The legislation has clarified the legal basis of the court presenter system and avoided a potential backlog of cases in District Courts across the State. The system of Garda court presenters is a well-established one, enabling more efficient use of police resources by reducing the need for individual Gardaí to attend court to prosecute every criminal offence they detect.

The High Court judgment in the case of *Director of Public Prosecutions v. Davitt* has been appealed to the Supreme Court as it raises a point of general public importance, notwithstanding the fact that the right of audience in the prosecution of a defendant is now moot. A judgment has not been delivered to date.

