

Prosecuting by Common Informer

Supplement to the 1st Edition of “DIY Justice in Ireland”

In attempting to secure private criminal convictions in 2016 and 2017 against a number of individuals who work for the State, it became clear that various agents and agencies of the State were prepared to collude together to; (i) mislead the lay-prosecutors; (ii) to engage in multiple lies and deceptions; (iii) to misquote legislation; (iv) to misrepresent the facts; (v) to feign ignorance of the law; (vi) to employ lengthy delays, obstructions and cover-ups; and/or (vii) to otherwise engage in improper and unlawful activities in order to prevent the accused from being held responsible according to the law. The information below has since come our attention and will be included in any new versions of the **DIY Justice in Ireland** booklet.

(P.10) There were four specific Court judgments which reinforced and endorsed the use of ‘**The Petty Sessions (Ireland) Act 1851**’ and the commencement and pursuit of private criminal prosecutions by lay litigants / members of the public in the District Court.

No 1: SUPREME COURT in *The State (Ennis) v. Farrell* [1966] I.R. 107, “*The court should require clear language to abolish the valuable right of private prosecution.*”

No 2: HIGH COURT [2012 No. 436 J.R.] between Kelly & Buckley (Applicants) and District Court Judge Ann Ryan (Respondent). Mr. Justice Hogan delivered judgment on 9th July 2013.

No 3: SUPREME COURT (same case as No. 2 above) judgement delivered by Justice Frank Clarke, plus consulting justices Denham, Hardiman, O’Donnell & Dunne on July 30th 2015.

No 4: COURT OF APPEAL between Colm Granahan (Applicant) and District Court Judge Kevin Kilraine / County Registrar Fintan J Murphy (Respondents). Justices Ryan, McKechnie and Hogan, judgment delivered on July 25th 2016 with right to C-I prosecutions endorsed again.

REPORT OF THE PUBLIC PROSECUTION SYSTEM STUDY GROUP 1998: 2.1.8 “*Any individual can commence any prosecution, indictable or summary, in his or her own name as a common informer. This is a common-law power or right which predates the Constitution but has been carried through by it. Whoever commences a prosecution, only the DPP can continue it on indictment.. The DPP has no power to stop a summary prosecution or the institution of proceedings by a common informer for an indictable prosecution in the District Court.*”

Criminal Litigation 3rd Edition by the Law Society of Ireland, 2012. P 133: “*In the vast majority of cases, proceedings for purely summary offences must be instituted within six months of the date of the incident. An exception to this rule is summary offences alleged to have been committed by a member of An Garda Síochána.*” (See s.104 of the Garda Síochána Act 2005) which extends that time to 12 months. [May 2017 extended again to 18 months].

P 116: “*The crucial date at which time can be said to stop running is **the date of the making of the complaint** either to the District Court clerk or the District Court judge, and **NOT** the date of the issue of the summons.*”

P114: Judges are NOT exempt from having common informer criminal complaints made against them in the District Court.



“One by one – together – we CAN make a difference!”