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Tuesday, July 29, 2025

www.irishexaminer.com

No. 63,476

€2.60 (£1.70 in N. Ireland)

# Second chance to avoid drug use arrest

■ Health intervention for users to operate on discretion of gardai

**Cormac O'Keeffe**  
Security Correspondent

The long-awaited diversion scheme for people caught in possession of drugs for personal use is expected to begin before November, the *Irish Examiner* understands.

The health diversion scheme, announced as Government policy almost six years ago, will operate on an "administrative" basis by gardai under rules agreed with the Director of Public Prosecutions (DPP).

The system will operate at the "discretion" of gardai, and people will be given one opportunity to avoid arrest and be diverted to a health intervention.

The opportunity will not be available to members of An Garda Síochána or the Defence Forces.

The original proposals, adopted as State policy in August 2019, said that people could get a second chance if caught with drugs for personal use, albeit at the discretion of gardai.

Sources have told the *Irish Examiner* it is "not clear" if someone can get a second opportunity under the scheme being introduced.

It is thought it may be possible, but will depend on the circumstances of the second incident and the view taken by gardai.

The scheme will still apply to all drugs, as originally proposed.

It is not yet clear what the thresholds will be for the amount of drugs a person can have for it to be considered as being for personal use.

The incidents will be recorded by gardai, but they will not be included in vetting, it is understood.

Plans to devise legislation for the scheme have failed to progress over the years, despite assurances from the Department of Justice.

Because of concerns it could take several more years to get agreement on legislative changes, a decision was made to start the process, sources indicated.

Both justice minister Jim O'Callaghan and the minister of state for the national drugs strategy, Jennifer Murnane O'Connor, have agreed that the programme will run under an administrative scheme.

The scheme is to run for a year, at which stage its operation will be reviewed.

The health diversion scheme has similarities to the existing adult caution scheme for certain minor offences, including possession of cannabis for personal use.

The caution scheme is only supposed to be applied once, but may "in the most exceptional circumstances" be given a second time.

Those exceptional circumstances include where the subsequent offence is minor or where there has been a "substantial lapse of time" since the first caution.

It is understood that there was some concern about the health diversion scheme within sections of Garda HQ and that extensive discussions were held over the years to get a version of it accepted.

An Garda Síochána has urged that any changes to either the law or its application must still give gardai a clear legal basis to search people for drugs.

In September 2023, the chair of the Citizens' Assembly on Drug Use, Paul Reid, strongly criticised the Government for its slow pace in introducing the scheme.

In its January 2024 report, the assembly recommended what it described as "decriminalisation" of possession of drugs — in terms of the application of the law.

The Government has to give its response to this recommendation once it receives a final report from the Oireachtas drugs committee.

An Oireachtas drugs committee was set up by the last government and was given a seven-month period to send its final report. It published an interim report last October, before the election. However, its work, including the interim report, fell with the election.

An Oireachtas drugs committee was set up, but it has not held any public sessions in the first term.

A statement from the Oireachtas said: "The committee met privately five times during the Dáil term to plan and agree a work programme for its nine months of public meetings."

It said the committee will "start meeting publicly" in September.

## On top of the world



An open-top bus carries the Kerry team through the streets in Tralee during homecoming celebrations yesterday for the All-Ireland Senior Football champions.

Picture: Piaras Ó Midheach/Sportsfile

## Rooney killer gets death sentence

**Sean Murray**

The main defendant at the military tribunal in Beirut indicted for the murder of Defence Forces private Seán Rooney has been sentenced to death, it is understood.

While capital punishment is a legal sanction in Lebanon, reports suggest there has been a moratorium on executions since 2004.

Pte Rooney, 24, from Newtowncunningham, Co Donegal, was killed while on UN duty when the armoured vehicle he was driving from south Lebanon to Beirut came under fire in December 2022. Several others were injured in the attack.

Defence minister Simon Harris said he noted the sentence, along with those handed to a number of the other defendants who had previously not been in court. "I am disappointed and share the disappointment of Pte Rooney's family at the lighter sentences imposed on a number of those convicted," said Mr Harris.

"Seán Rooney made the ultimate sacrifice in the noble pursuit of peace."

# Family turned down six offers of housing from council

**Ann O'Loughlin**

A family who turned down six offers of houses by Clare County Council have failed in a High Court bid to force the council to provide them with emergency accommodation.

Ms Justice Marguerite Bolger ruled that the council had lawfully discharged its statutory duties in relation to the provision of emergency accommodation to the family, which includes seven children.

The judge said the family is not entitled to require the council to further offer them emergency accommodation

from housing stock earmarked for social housing.

Martina Sherlock Monagans and her seven children brought proceedings against Clare County Council, the minister for housing, Ireland and the attorney general asserting they should be allocated emergency accommodation in a three-bedroom house that is part of the council's social housing stock. The family now lives in a single room in a relative's house.

"Undoubtedly the situation in which they are currently living in one room in a relation's house is appalling," the judge said.

"However, where I have found that the council acted reasonably and lawfully in the six separate offers of emergency accommodation made to them, I cannot find their circumstances to be so exceptional as to merit a departure from the normal rules."

The family were evicted from their rented council house in Lahinch in July 2024 and were deemed homeless by the council with hotel accommodation arranged for a number of weeks from July 31, 2024.

Since August 2024, six different own-door accommodations have been offered as

emergency accommodation and had been refused for various reasons, including concerns about safety, suitability, and distance from the children's schools.

Judge Bolger said it is surprising this "entirely unsatisfactory arrangement prevails in preference to the six houses offered to the family", but she said perhaps this is indicative of how strongly the family feels about the conditions and location of each house offered.

Ms Justice Bolger said the family wanted accommodation in either Ennistymon or Lahinch, largely because of one of the children's

educational needs. She said she was satisfied that Clare County Council assessed the particular needs of the family in a manner that was reasonable, rational and lawful in offering them six of the accommodations.

The judge said that, in effect, the family had asserted a right to emergency accommodation in a house that the council has earmarked for social housing on the basis of exceptional circumstances.

The family's refusal of six separate offers of reasonable own-door accommodation had the consequence that the family is no longer homeless within the meaning of the

Housing Act, the judge noted.

The family, the judge said, is not entitled to require the council to offer them emergency accommodation from housing stock earmarked for social housing.

"The family are living in extremely difficult circumstances and no one could be anything but sympathetic and concerned at that," said Judge Bolger. "However, they do not have rights over and above what is provided for in legislation or any enhanced rights to determine subjectively what is or is not a reasonable accommodation for them."

## Full details of EU-US trade deals unclear, warns Martin

**Paul Hosford, Louise Burne, and Ronan Smyth**

An EU-US trade agreement has avoided a "damaging trade war", the Taoiseach has said, but Micheál Martin accepted there is still "much to be negotiated".

The deal struck over the weekend will impose 15% tariffs on almost all European exports to the US, and ends the threat of a punitive 30% import duties being imposed by the Trump administration. While Mr Martin said nobody is "welcoming tariffs with open arms", the agreement is better than an all-out trade war.

He said the deal "avoids a trade conflict which would be very, very damaging", arguing that it brings "stability and predictability". However, he contended that this is not the end of the road.

"There is much to be negotiated in the aftermath of this framework agreement," he said. "In some sectors,

product-by-product negotiations," he said.

The agreement drew sharp criticism in some quarters. French prime minister Francois Bayrou said it was a "dark day" and that the EU had "resigned itself to submission". At home, the chief executive of business organisation Ibec, Danny McCoy, accused the EU of "capitulation" amid fears that a 15% tariff regime could see 35,000 fewer jobs created in Ireland.

Enterprise minister Peter Burke will today update his Cabinet colleagues on details of the EU-US trade deal, with some exclusions including a zero-for-zero arrangement on aviation.

He will tell ministers that a new grant of up to €35,000 is available from Enterprise Ireland for market research, which will be available from next month and will be available to companies to assess the impact of tariffs and other trade measures.

However, in an analysis

shared with its members, Ibec said it is "critical" that companies in the traded sector are "supported through the ongoing dislocation", given it employs over 450,000 people across the country.

"Any shock to that export income is a shock not just to the trade sector but to our broader economic well-being," it said.

Ibec said predicting how a tariff slowdown might impact corporation tax receipts is "difficult to forecast", but manufacturing — including information and communication technology manufacturing — accounts for around 38% of all corporation tax payments in any given year.

In addition, corporation tax is "heavily concentrated in a small number of companies" that are major taxpayers.

"There will be some fall off in corporate tax receipts relative to baseline in the short run because of a slowing global economy and slowing Irish-US trade," Ibec said.

Meanwhile, Tánaiste Simon Harris pledged to accelerate the passage of the bill to allow for the ratification of the EU-Canada trade deal, known as CETA.

"Now is the time to intensify efforts to find and secure more markets for Irish businesses and Irish jobs," he said.

The bill will enable the ratification of the EU-Canada Comprehensive Economic and Trade and other similar free trade agreements with third countries.

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French prime minister Francois Bayrou said the EU had 'resigned itself to submission'.  
Picture: Abdul Saboor/AP

## Cork-made game sells 10m copies

A computer video game developed by a Cork company sold more than 1m copies just four days after its launch on Playstation and Xbox, taking overall sales past 10m.

Games developer Void Interactive first released the

game *Ready Or Not* on windows for PC format back in 2023, where it went on to sell 9m copies worldwide. The game has been adapted for console, and on July 15 went on sale for PS5 and Xbox Series gamers.

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IRISH EXAMINER

29.07.25

Recommended retail price in Ireland €2.60



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