



**AN BORD ATHBHREITHNITHE MEABHAIR-SHLÁINTE
(AN DLÍ COIRIÚIL)**

MENTAL HEALTH (CRIMINAL LAW) REVIEW BOARD

Annual Report 2024

Mental Health (Criminal Law) Review Board
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1. CHAIRPERSON'S FOREWORD

I am pleased as Chairperson of the Mental Health (Criminal Law) Review Board to present the Review Board's 2024 Annual Report, which provides an overview of the Board's activities during 2024. This is the 18th Annual Report of the Review Board and my first as Chairperson.

In 2024, there was an increase in the number of review hearings held, by comparison with the previous year. The Board held 208 reviews compared with 187 in 2023, reviewing the detention of 101 patients. Of the 101 patients whose detention was reviewed, six were granted a conditional discharge. Five patients were granted a conditional discharge in 2023, out of a total of 88, who had their detention reviewed that year.

There was one application for an amendment to a conditional discharge, and this was refused by the Board.

Also in 2024, the Board progressed to holding 43rd and 44th reviews into the detention of some patients.

Two applications for unconditional discharge were received in 2024, one was granted by the Board, and one was postponed for rescheduling in 2025. Three applications from 2023 were scheduled for hearings in January and February of 2024, and two of these were granted by the Board and one was refused.

On behalf of my colleagues and myself, I thank the current interim Executive Clinical Director, Dr Brenda Wright, for her assistance during the year. I also thank the multidisciplinary teams in the hospital for their work in the preparation of the psychiatric reports for patients prior to their review hearings. This is a vital component of the work of the Board and the timely receipt of these reports is crucial. The Board is mindful that this work can be time consuming for all involved and is appreciative of the assistance and co-operation of all those who work in the hospital.

I would like to compliment the work of members of the Board's Legal Representatives Panel who continue to ably and conscientiously represent patients coming before the Board for review of their detention.

I wish to express the Board's gratitude and appreciation to my colleague Mr. Justice Iarfhlaith O'Neill, who retired as Chairperson of the Board on 24 September 2024. During his tenure he adopted a measured approach to the operation of the Board. His astute insight into patients' problems enabled him to help motivate them to fully commit to the recovery pathway developed by their treatment team and his empathy and compassion was appreciated by everyone. I wish him well in his retirement.

Finally, I would also like to extend gratitude to the CEO of the Board Ms. Aisling Brennan, the Secretary to the Board, Ms. Rita Rice, and Ms. Ann Casey for their excellent and efficient service to the Board during the year.

A handwritten signature in blue ink, appearing to read 'Seamus Noonan', with a stylized flourish at the end.

Mr Justice Seamus Noonan
Chairperson

Date: 27 March 2025

2. FUNCTION OF MENTAL HEALTH (CRIMINAL LAW) REVIEW BOARD

The Mental Health (Criminal Law) Review Board (An Bord Athbhreithnithe Meabhair-Shláinte (An Dlí Coiriúil) was established on 27 September 2006 under Section 11 of the Criminal Law (Insanity) Act 2006. The Board is statutorily independent in the exercise of its functions.

The Board is responsible for reviewing the detention of patients who have been referred to designated centres arising from a decision by the courts that they are unfit to stand trial or having been found not guilty of an offence by reason of insanity. Under the 2006 Act, as amended by the Criminal Law (Insanity) Act 2010, the Board has the power to order the continued detention of patients or to order either their conditional, or unconditional discharge. When coming to its decision, the Board must have regard to the welfare and safety of the patient and to the public interest.

The Board also reviews the detention of prisoners, including military prisoners, who have been transferred to a designated centre suffering from a mental disorder. The Board can order their continued detention in a designated centre or their return to prison.

3. REVIEWS BY THE BOARD

As provided by the 2006 Act, the Board must review the detention of each patient at intervals of not greater than six months. Long-term patients usually have two review hearings per year, but some may have more because, outside of the regularly scheduled hearings, a review can be held on the initiative of the Board or at the request of a patient or the Clinical Director of the Central Mental Hospital. The Minister for Justice can direct the Board to hold a review into the detention of a prisoner who is involuntarily admitted to the hospital.

At any one time, there are usually between 90 to 100 patients detained in the Central Mental Hospital under the 2006 Act. This number fluctuates because, apart from the longer-detained patients, patients are transferred from prison, either by consent or involuntarily, for care or treatment which is not available to them in prison. However, some of these patients may not come before the Board for review of their detention in the hospital as the Clinical Director, having consulted with the Minister for Justice, may transfer prisoners back to prison at any time.

The detention of 101 patients was reviewed by the Board in 2024, representing an increase in the number of patients whose detention was reviewed compared with 2023, when the detention of 88 patients was reviewed.

Of the 101 patients reviewed in 2024, 15 were female and 86 were male. The Board held a total of 208 review hearings compared with 187 the previous year, representing an increase of 3.9% in the number of review hearings. Of the 101 patients, 60% had been diagnosed as suffering from schizophrenia, 21% were suffering from schizoaffective disorder and 19% were diagnosed with other disorders. This compares with 2023 when 65% of patients were diagnosed as suffering from schizophrenia, 19% were suffering from schizoaffective disorder and 16% from other disorders. It should be noted that it is primarily the same core group of patients reviewed by the Board each year. ([Appendix A](#) and [Appendix B](#) refer).

The Board, for the first time in 2024 conducted 43rd and 44th reviews into the detention of some patients. Of the 208 review hearings, twenty were between a 41st and 44th review, a total of 10%. 29% of hearings were at 1st to 5th review stage, compared with 20% in 2023. Of these, 22 reviews or 11% were a 1st review, compared to 2023 when there were eleven such reviews, which is 6% of the total that year. ([Appendix C](#) refers).

As in previous years, the majority of review hearings were of patients who had been committed to the Central Mental Hospital under Section 5(2) of the 2006 Act, having been found not guilty of an offence by reason of insanity. In 2024, 137 hearings, which is 66% of the total, were into the detention of patients committed under Section 5(2). The number in this category in 2023 was 135, which was 72% of the total number of hearings that year. Again in 2024, the second largest number of review hearings was of patients detained under Section 15(2) of the Act, being prisoners transferred involuntarily to the Central Mental Hospital for care or treatment which could not be provided in prison. This group accounted for 19% of review hearings in 2024 compared with 16% in 2023. Patients detained under Section 4(5) accounted for 10% of review hearings in 2024, which is the same figure, as the previous year. ([Appendix D](#) refers).

4. MENTAL HEALTH (CRIMINAL LAW) LEGAL AID SCHEME

The Review Board is required by Section 12(1) (c) of the 2006 Act to assign a legal representative to each patient whose detention is the subject of review, unless the patient proposes to engage legal representation at their own expense. Having regard to this, the Board put in place the Mental Health (Criminal Law) Legal Aid Scheme 2006, under which a panel of legal representatives was established and the legal fees for representation

before the Review Board is provided for. Patients may if they wish, decline the services of an assigned panel solicitor and request another solicitor from the panel or they can engage a non-panel solicitor at their own expense. The Board endeavours, for continuity for patients, having regard to the fact that they are suffering from a mental disorder, to assign the same solicitor to represent a patient at subsequent review hearings.

At the end of 2024, there were 23 legal panel members. During the year four new members were appointed to the panel and two resigned from the panel.

The average number of cases assigned to solicitors on the Panel in 2024 was 10. ([Appendix E](#) refers).

5. ORDERS FOR DISCHARGE

The Board approved the conditional discharge of six patients from the Central Mental Hospital in 2024. The average duration of detention in the hospital for the conditionally discharged patients was 6 years. The two shortest durations averaged 3.7 years and the two longest averaged 8.5 years. It should be noted that the length of time a patient is detained in the hospital is neither a necessary nor a sufficient ground, in itself, for granting a conditional discharge. ([Appendix F](#) refers).

Two applications for unconditional discharge were received in 2024, one was granted by the Board, and one was postponed for rescheduling in 2025. Three applications from 2023 were scheduled for hearings in January and February of 2024, and two of these were granted by the Board and one was refused.

One application was received for an amendment to a conditional discharge order in 2024, which was refused by the Board.

6. OFFENCES OR ALLEGED OFFENCES

The type of offences, or alleged offences, which patients detained in the Central Mental Hospital in 2024 were charged with, or convicted of, included murder, attempted murder, manslaughter, assault, and assault causing serious bodily harm. Of the 101 patients whose detention was reviewed by the Board, 43 had been charged with, or convicted of murder. The majority of the victims of this offence, or alleged offence, were a family member of the patient. A total of 12 patients were charged with, or convicted of, attempted murder/manslaughter/death by dangerous driving. 30 patients were charged with, or convicted of assault, assault causing harm/serious bodily harm and 4 were charged, or convicted of arson. Other offences include sexual assault, threat to kill, harassment, aggravated burglary armed with a knife, possession of a knife with intent to cause harm and possession of knives and intimidation. ([Appendix G](#) refers).

7. FINANCIAL INFORMATION

The Review Board is funded from Subhead A.13 of the Vote of the Office of the Minister for Justice. The Review Board adheres to the Public Spending Code. In 2024, the Review Board received a budget allocation of €439,000. The Central Mental Hospital's move took place in November 2022. The Board's expenditure did not increase, as anticipated. Total expenditure from Subhead A.13 in 2024 was €315,319.14. The main expenditure items are set out beneath:

Free Legal Aid	€120,090.93
Board members' fees	*€100,000
Chairperson's fee	**€70,875
Legal advice	€7,072.50

*Includes fees for December 2023 which were paid in January 2024. Does not include fees for December 2024 which are paid in January 2025.

** Fee paid to the former Chairperson Mr Justice Iarfhlaith O'Neill

8. PROTECTED DISCLOSURE

The Review Board has adopted the Protected Disclosure Policy of the Department of Justice as its policy on protected disclosures in the workplace. In line with reporting requirements, it is confirmed that there were no protected disclosure reports received in 2024.

9. DATA PROTECTION

The Review Board has adopted the Data Protection Policy of the Department of Justice. Because of its size it is not deemed feasible for the Board to appoint its own Data Protection Officer (DPO). The Department's DPO has been appointed as DPO for the Board.

10. PUBLIC SECTOR EQUALITY AND HUMAN RIGHTS DUTY

The Review Board is committed to ensuring it fulfils its responsibilities under Section 42 of the Irish Human Rights and Equality Commission Act 2014 which places a positive obligation on public bodies to have regard, in the performance of their functions, to the need to eliminate discrimination, promote equality of opportunity and protect the human rights of staff and persons to whom services are provided. The Review Board was mindful of this duty in the performance of its functions in 2024.

11. GOVERNANCE AND INTERNAL CONTROLS

Structure and Membership of the Review Board

The Mental Health (Criminal Law) Review Board is a quasi-judicial body, rather than a governance board, which reviews the detention of patients detained in designated centres under the Criminal Law (Insanity) Act 2006. The Board consists of a Chairperson and any number of ordinary members as the Minister for Justice, having consulted with the Minister for Health, may require. The current Chairperson is a Judge of the Court of Appeal and there are three ordinary members, two of whom are consultant psychiatrists, and one is a counsellor psychotherapist. All Board members are appointed by the Minister for a period of five years, as provided by the 2006 Act. Membership of the Board in 2024 and the date of appointment of members is set out beneath:

Member	Appointed
Mr. Justice Iarfhlaith O'Neill	September 2014 Re-appointed September 2019 Retired in September 2024
Mr. Justice Seamus Noonan	October 2024
Dr. Katherine Brown Consultant Psychiatrist	May 2017 Re-appointed May 2022
Ms. Nora McGarry Counsellor Psychotherapist	September 2011 Re-appointed September 2016 Re-appointed September 2021
Dr. Elizabeth Walsh Consultant Psychiatrist	January 2013 Re-appointed January 2018 Re-appointed January 2023

Gender Balance

The appointment of members of the Review Board is a matter for the Minister of Justice and the Board has no input into appointments. As of 31 December 2024, the Review Board had one male (25%) and three (75%) female members.

Attendance at Hearings and Fees

The Review Board rarely convenes, other than for hearings in the Central Mental Hospital, Portrane. When reviewing the detention of patients, the Board sits in a panel of three, with the Chairperson and at least one consultant psychiatrist always on the panel.

Ordinary members are paid a fee of €250 per review hearing attended. The same fee is paid for attendance at hearings in connection with applications for unconditional discharge and applications to amend or vary conditions of discharge. Dr Brown attended 128 hearings, Ms. McGarry attended 215 hearings and Dr Walsh attended 87 hearings.

The Chairperson chairs all review hearings and hearings to consider applications for unconditional discharge and applications to amend conditions. The Chairperson also advises and guides the CEO in the management of the business of the Board and in managing any legal cases to which the Board is a party. The Chairperson is paid an annual fee of €70,875. (In line with One Person One Salary principle this fee is not currently payable to the Chairperson while he is a serving Judge.)

Employees

The Chief Executive Officer of the Review Board, Ms. Aisling Brennan, is an Assistant Principal Officer in the Department of Justice who devotes a portion of her time to the duties of CEO of the Board. The CEO is responsible for the day-to-day management and administration of the business and resources of the Board. The CEO is not paid a separate salary for her work with the Review Board.

The Review Board is supported by a Higher Executive Officer and an Executive Officer, seconded from the Department of Justice. The staff of the Review Board are civil servants and are paid the appropriate civil service pay rates for their grade.

The processing of the payment of Board members' fees is provided by the Payroll Shared Services Centre of the Department of Public Expenditure and Reform. The processing of other payments is provided by the Financial Shared Services Centre of the Department of Justice.

Oversight and Internal Controls

An Oversight Agreement for 2023-2025 was reached with the Department of Justice and signed on behalf of the Review Board by the CEO. The Agreement remains in place until the end of 2025 with a provision for a review approximately every 12 months and update, if necessary. In the Oversight Agreement it was agreed that, because of the narrow statutory functions of the Chairperson, the statutory independence of the Board and its very small size, the CEO, rather than the Chairperson, will furnish the required Comprehensive Report to the Minister in accordance with the *2016 Code of Practice for*

the Governance of State Bodies. Regarding compliance with the *Code of Practice*, the 'Comply or Explain' provision of the *Code* has been applied by the Department to the Review Board.

In regard to internal controls and risk management, because of the Review Board's size, it is not deemed feasible for the Board to establish its own Audit Unit or Audit and Risk Committee. Instead, alternative arrangements are in place to allow the Board have access to the Department's Internal Audit Unit and Audit and Risk Committee in relation to financial governance. An assessment of the principal risks of the Review Board is carried out by the CEO and risks identified are notified and incorporated into the risk register maintained by the Department. The principal risk identified is that review hearings are not completed within the statutory time. Mitigating measures taken are ensuring that reviews are completed in accordance with law.

The Review Board's founding legislation does not require the production of Financial Statements. The Board, through the CEO, liaises with the Financial Shared Services Centre of the Department of Justice which reports on the Board's income and expenditure in the Department's monthly management reports. The monthly reports are kept under review by the CEO and procedures are in place to ensure that expenditure is authorised in accordance with the Department's guidelines.

Having regard to the size of the Review Board and the statutory basis for its remit which does not change unless legislation is amended, it is not deemed necessary for the Board to prepare a strategic plan. However, the Review Board publishes relevant statistics with

regard to its output in its Annual Report which is submitted to the Department and is published on the Board's website.

The Review Board adheres to public service procurement policies and guidelines. Where necessary, any procurement competition conducted by the Review Board is done in consultation with the Procurement Unit of the Department of Justice and the Office of Government Procurement.

Note:

The following are available on the Board's website www.mhclrb.ie

An administrative consolidation of the Criminal Law (Insanity) Act 2006, prepared by the Law Reform Commission

<https://revisedacts.lawreform.ie/eli/2006/act/11/revised/en/pdf>

Procedures of the Mental Health (Criminal Law) Review Board

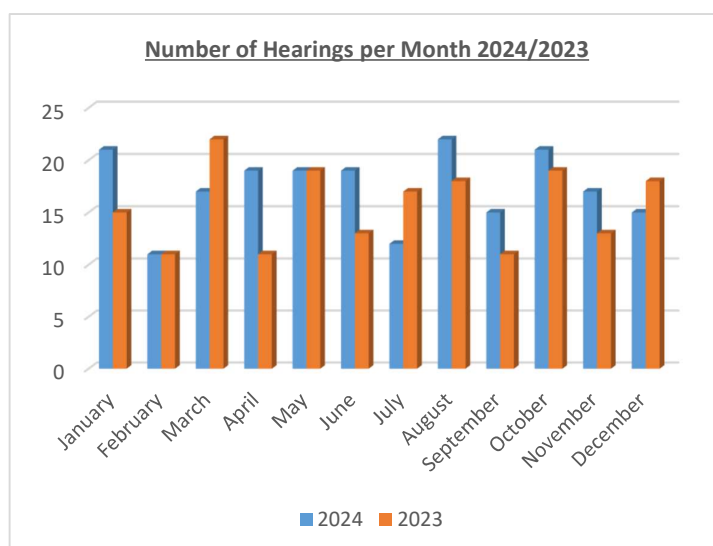
<https://www.mhclrb.ie/wp-content/uploads/2020/06/Procedures-MHRB.pdf>

Terms and Conditions of the Mental Health (Criminal Law) Legal Aid Scheme 2006

<https://www.mhclrb.ie/wp-content/uploads/2024/04/Terms-and-Conditionsrevised-April-2024.pdf>

Number of Hearings per Month 2024/2023

Month	No. of Hearings 2024	% of 2024 Total	No. of Hearings 2023	% of 2023 Total
January	21	10%	15	8%
February	11	5%	11	6%
March	17	8%	22	12%
April	19	9%	11	6%
May	19	9%	19	10%
June	19	9%	13	7%
July	12	6%	17	9%
August	22	11%	18	10%
September	15	7%	11	6%
October	21	10%	19	10%
November	17	8%	13	7%
December	15	7%	18	10%
Total	208		187	



Number of Patients Reviewed per Diagnosis in 2024/2023

Diagnosis	No. of patients reviewed 2024	% of 2024 Total	No. of patients reviewed 2023	% of 2023 Total
Schizophrenia	61	60%	57	65%
Schizo-Affective Disorder	21	21%	17	19%
Other Disorders	19	19%	14	16%
Total	101		88	

Other Disorders include:

Bi-Polar Affective Disorder

Autistic Spectrum Disorder

Asperger's Syndrome

Affective Psychosis

Delusional Disorder

Depressive Disorder

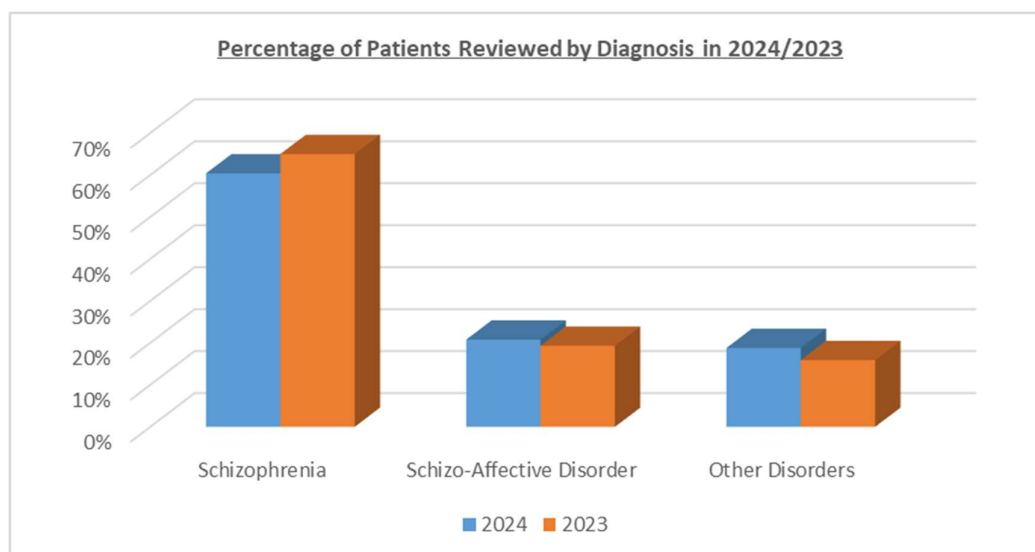
Intellectual Disability

Organic Psychosis

Psychotic Disorder

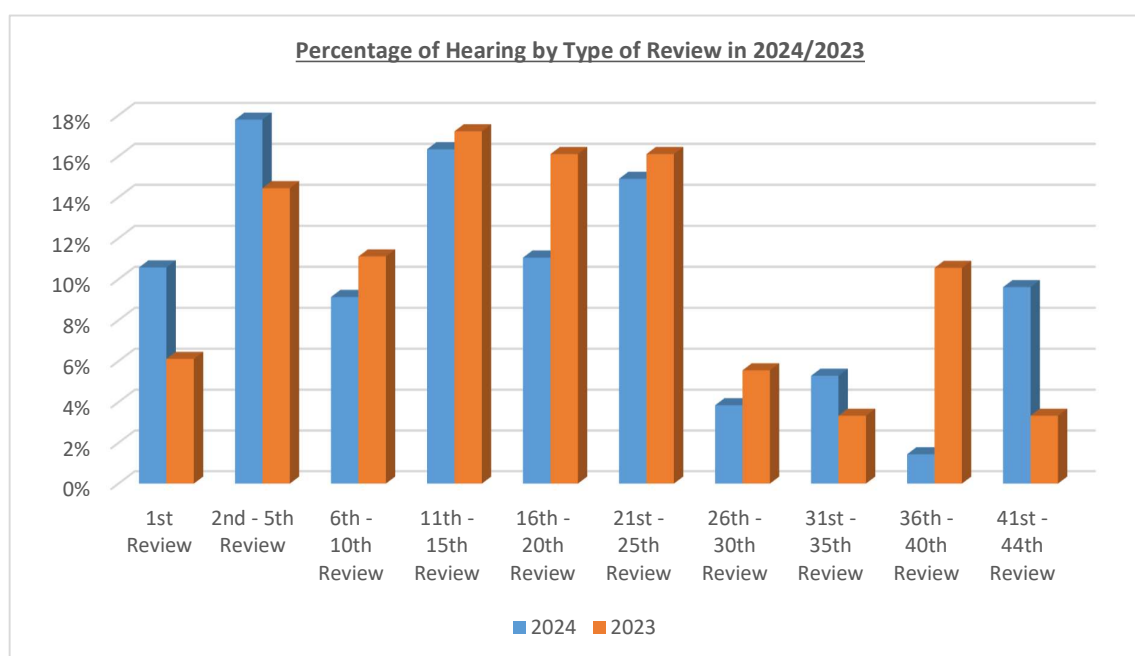
Recurrent Severe Depressive Disorder with Psychotic Features

Neurodevelopmental Disorder



Number of Hearings by Type of Review in 2024/2023

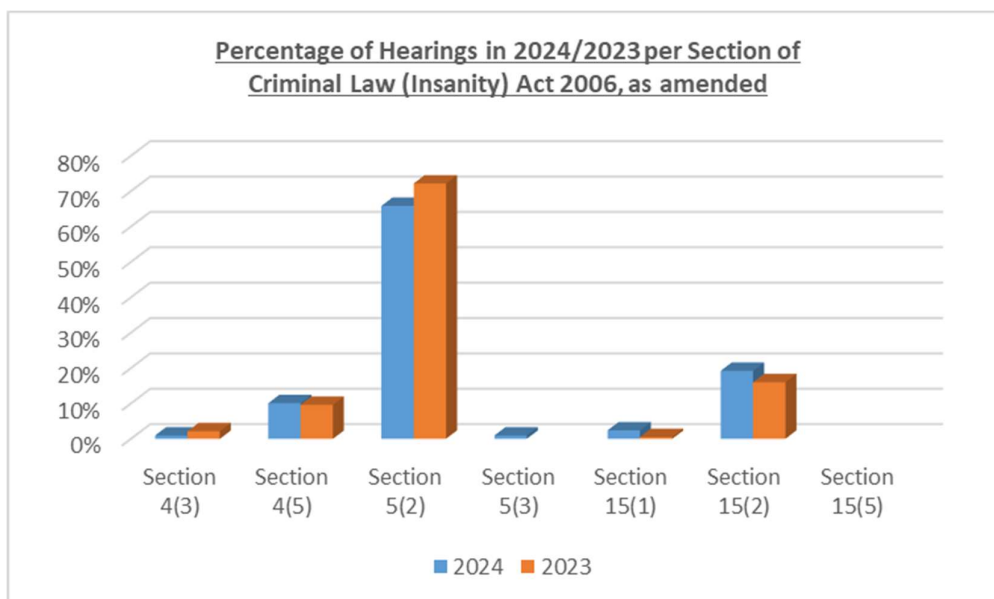
Type of Review	No. of Reviews 2024	% of 2024 Total	No. of Reviews 2023	% of 2023 Total
1st Review	22	11%	11	6%
2nd - 5th Review	37	18%	26	14%
6th - 10th Review	19	9%	20	11%
11th - 15th Review	34	16%	31	17%
16th - 20th Review	23	11%	29	16%
21st - 25th Review	31	15%	29	16%
26th - 30th Review	8	4%	10	6%
31st - 35th Review	11	5%	6	3%
36th - 40th Review	3	1%	19	11%
41st - 44th Review	20	10%	6	3%
Total	208		187	



**Number of Hearings in 2024/2023 per Section of the
Criminal Law (Insanity) Act 2006, as amended**

Section of 2006 Act	No. of Hearings 2024	% of 2024 Total	No. of Hearings 2023	% of 2023 Total
Section 4(3)	2	1%	4	2%
Section 4(5)	21	10%	18	10%
Section 5(2)	137	66%	135	72%
Section 5(3)	2	1%		
Section 15(1)	5	2%	1	1%
Section 15(2)	40	19%	29	16%
Section 15(5)	1			
Total	208		187	

Section 4(3)	Unfit to Plead, District Court
Section 4(5)	Unfit to Plead, Other Court
Section 5(2)	Not guilty by reason of insanity
Section 5(3)	Examination and report in relation to not guilty by reason of insanity
Section 15(1)	Voluntary transfer from Prison
Section 15(2)	Involuntary transfer from Prison
Section 15(5)	Continuation of voluntary transfer from Prison (after refusal of care or treatment)



**Average Number of Cases Assigned to Legal
Representatives on Legal Aid Panel in 2024/2023**

Year	No. of Legal Representatives on Panel	Average no. of cases assigned
2023	21*	8
2024	23**	10

* At the end of 2024 there were 23 Panel members. During the year, four were appointed and two resigned.

** At the end of 2023 there were 21 Panel members. During the year, two resigned from the panel.

**Number of Patients Conditionally
Discharged in 2024/2023**

Month of Conditional Discharge Order	No. of Patients 2024	No. of Patients 2023
February		2
March	3	
April		2
May	1	
July	1	
September	1	
December		1
Total	6	5

**Offences or Alleged Offence of patients whose
detention was reviewed in 2024**

Type of Offence or Alleged offence	No. of patients charged with, or convicted of, offence	
Murder	43	
of which victim was family member		25
of which victim was known to patient		12
of which victim was stranger		6
Attempted Murder / Manslaughter/Death caused by dangerous driving	12	
of which victim was family member/known to patient		5
of which victim was stranger		7
Assault causing harm/serious bodily harm	30	
of which victim was family member		5
of which victim was known to patient		9
of which victim was stranger		16
Arson	4	
Other	12	
Total	101	

Note

- 1) Patients convicted of, or charged with more than one offence / alleged offence, have been categorised according to the most serious offence / alleged offence.
- 2) In a minority of instances there was more than one victim of the offence with which a patient was charged or convicted.
- 3) The category "**Other**" includes sexual assault, threat to kill, harassment, aggravated burglary armed with knife, possession of a knife with intent to cause harm and possession of knives and intimidation.