



STATUTORY INSTRUMENTS.

S.I. No. 565 of 2013



EUROPEAN COMMUNITIES ACT 1972 (INTERPRETATION AND
TRANSLATION IN CRIMINAL PROCEEDINGS) REGULATIONS, 2013.

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I, ALAN SHATTER, Minister for Justice and Equality, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving effect to Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings¹, hereby make the following regulation:

Title

1. These Regulations may be cited as the European Communities Act 1972 (Interpretation and Translation in Criminal Proceedings) Regulations, 2013.

PART I

Interpretation

2. In these Regulations—

“court” means a court exercising criminal jurisdiction;

“Courts Service” means the body established under Section 4 of the Courts Service Act 1998.

General

3. A person—

(a) who appears before a court either charged with an offence or who, having been convicted of an offence, is appealing against that conviction or the penalty imposed on conviction, and

(b) who does not speak or who does not understand the English language

shall, where the proceedings are being conducted in the English language, have the right to the assistance, at no cost, of an interpreter as set out in these Regulations and to the translation of the documents specified in these Regulations.

Court

4. Where, in proceedings which are being conducted in the English language, it appears to the Court that the person before it does not speak or understand the English language sufficiently to enable the person to participate fully in the proceedings and thereby effectively exercise his or her right to a fair trial, the Court shall order the attendance of an interpreter at all hearings.

¹OJ L 280 26.10.2010, p.7

Courts Service

5. Where a Court orders the attendance of an interpreter, the Courts Service shall arrange for the attendance of the interpreter and shall bear the cost of such attendance.

Role of Interpreter

6. The role of the interpreter and the manner in which it is carried out in each case shall be as directed by the Court.

Quality of Interpretation

7. Where the Court, of its own motion or on application by any of the parties to the hearing, considers that the interpretation being provided is not of such a quality as to ensure that the person before it can effectively exercise his or her right to a fair trial, it may direct that the interpreter be replaced.

PART II

Translation of documents

8. (1) A person to whom Regulation 4 applies shall be provided with an oral translation or summary of any recognisance he or she is required to enter into or any committal or remand warrant by which he or she is deprived of liberty.

(2) A Court may direct, where it considers it to be essential in the interests of justice, that a written translation of a document mentioned in (1) above is also provided to the person as soon as is practicable—

(a) in the case of a recognisance, by the Courts Service, and

(b) in the case of a committal or remand warrant, by the Governor of the prison to which the person has been committed or remanded.

PART III

Persons with hearing or speech impediments

9. Where in any proceedings it appears to a Court that the person before it has a hearing or speech impediment which affects that person's ability to participate fully in the proceedings and thereby effectively exercise his or her right to a fair trial, the Court shall order the attendance of an interpreter or other appropriate assistance at all hearings.

PART IV

Proceedings for the execution of a European arrest warrant

10. Notwithstanding the provisions of the European Arrest Warrant Act 2003 (as amended), Parts I, II and III of these Regulations shall apply with any necessary modifications in proceedings for the execution of a European arrest warrant.



GIVEN under my Official Seal,
20 December 2013.

ALAN SHATTER,
Minister for Justice and Equality.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
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