



STATUTORY INSTRUMENTS

S.I. No. 322 of 2008



DISTRICT COURT (SEARCH WARRANTS) RULES 2008

(Prn. A8/1268)

DISTRICT COURT (SEARCH WARRANTS) RULES 2008

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961 and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice, Equality and Law Reform, make the following rules of court.

Dated this 12 day of May 2008.

Miriam Malone Chairperson

Uinsin Mac Gruairc

Mary C Devins

Thomas E O'Donnell

Brian Sheridan

Roy Pearson

Noel A Doherty

Elizabeth Hughes Secretary

I concur in the making of the following rules of court.

Dated this 10 day of August 2008

DERMOT AHERN
Minister for Justice, Equality and Law Reform

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 19th August, 2008.*

S.I. No. 322 of 2008

DISTRICT COURT (SEARCH WARRANTS) RULES 2008

1. These rules may be cited as the District Court (Search Warrants) Rules 2008.

2. These rules shall come into operation on the 8 day of September 2008 and shall be read together with all other District Court Rules for the time being in force.

3. The District Court Rules, 1997 (S.I. No. 93 of 1997) are amended:

(i) by the substitution for sub-rule (1) of rule 1 of Order 34 of the following:

“1. (1) An application by a member of the Garda Síochána to a Judge of the District Court for the issue of a warrant pursuant to section 48(2) of the Criminal Justice (Theft and Fraud Offences) Act 2001 (as substituted by section 192(1)(a) of the Criminal Justice Act 2006) may be made to the Judge of the District Court assigned to the District Court District wherein the place in respect of which the warrant is sought is situated. Such application shall be by the information on oath and in writing of such member in the Form 34.1, Schedule B. A warrant granted on foot of such information shall be in the Form 34.1A, Schedule B.”

(ii) by the substitution for sub-rule (3) of rule 1 of Order 34 of the following:

“(3) An application by a member of the Garda for an order under section 52(2) of the said Act of 2001 (as substituted by section 192(1)(b) of the Criminal Justice Act 2006) that a person produce material to a member of the Garda Síochána for the member to take away, or give such a member access to it, may be made to the Judge of the District Court assigned to the District Court District wherein the person in respect of whom such order is sought resides or carries on any trade or business. Such application shall be by the information on oath and in writing of such member in the Form 34.2C, Schedule B. An order made under section 52(2) of the Act of 2001 on foot of such information shall be in the Form 34.2D, Schedule B.”

(iii) by the insertion in Order 34 immediately following rule 16 thereof of the following:

“— Under the Criminal Justice (Miscellaneous Provisions) Act 1997 (No. 4 of 1997) as amended by the Criminal Justice Act 2006 (No. 26 of 2006)

17. An application by a member of the Garda Síochána not below the rank of sergeant for the issue of a warrant pursuant to section 10(1) of the Criminal Justice (Miscellaneous Provisions) Act 1997 (as substituted by section 6(1)(a) of the Criminal Justice Act 2006) may be made to the Judge of the District Court assigned to the District Court District wherein the place in respect of which the warrant is sought is situated. Such application shall be by the information on oath and in writing of such member in the Form 34.37, Schedule B. A warrant issued on foot of such information shall be in the Form 34.38, Schedule B.

— **Under the Criminal Assets Bureau Act 1996 (No. 31 of 1996) as amended by the Criminal Justice Act 2006 (No. 26 of 2006)**

18. An application by a bureau officer who is a member of the Garda Síochána for the issue of a warrant pursuant to section 14(1) of the Criminal Assets Bureau Act 1996 (as substituted by section 190(1) of the Criminal Justice Act 2006) may be made to the Judge of the District Court assigned to the District Court District wherein the place in respect of which the warrant is sought is situated. Such application shall be by information on oath and in writing of such bureau officer in the Form 34.39, Schedule B. A warrant issued on foot of such information shall be in the Form 34.40, Schedule B”.

— **Under the Prevention of Corruption (Amendment) Act 2001 (No. 27 of 2001) as amended by the Criminal Justice Act 2006 (No. 26 of 2006)**

19. An application by a member of the Garda Síochána for the issue of a warrant pursuant to section 5 of the Prevention of Corruption (Amendment) Act 2001 (as substituted by section 191(1) of the Criminal Justice Act 2006) may be made to the Judge of the District Court assigned to the District Court District wherein the place in respect of which the warrant is sought is situated. Such application shall be by information on oath and in writing of such member in the Form 34.41, Schedule B. A warrant issued on foot of such information shall be in the Form 34.42, Schedule B”.

4. The Forms numbered 34.1, 34.2A and 34.2C respectively in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997) shall be deleted and the Forms numbered 34.1 and 34.1A, 34.2A, 34.2C and 34.2D in Schedule 1 hereof shall respectively be added to the Forms in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997) in substitution therefor.

5. The Forms numbered 34.37 to 34.42 inclusive in Schedule 1 hereof shall be added to the Forms in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997).

SCHEDULE 1

No. 34.1

CRIMINAL JUSTICE (THEFT AND FRAUD OFFENCES) ACT 2001,
Section 48(2)

(as substituted by Criminal Justice Act 2006, Section 192(1)(a))

INFORMATION FOR SEARCH WARRANT

District Court Area _____ of District No. _____

THE INFORMATION of
of

Who says on oath—

I am a member of the Garda Síochána.

I have reasonable grounds for suspecting that—

evidence of, or relating to the commission of, an offence to which section 48 of the Criminal Justice (Theft And Fraud Offences) Act 2001 (as amended by section 192(1)(a) of the Criminal Justice Act 2006) applies is to be found in a place (within the meaning of section 48(8) of the Criminal Justice (Theft And Fraud Offences) Act 2001), namely in the said court (area and) district.

The basis for such grounds is as follows—

And I hereby apply for the issue of a warrant under section 48(2) of the Criminal Justice (Theft and Fraud Offences) Act 2001 (as substituted by section 192(1)(a) of the Criminal Justice Act 2006) in respect of that place and any person found at that place.

Signed.....
Informant

SWORN before me this day of 20....

Signed.....
Judge of the District Court

No. 34.1A

CRIMINAL JUSTICE (THEFT AND FRAUD OFFENCES) ACT 2001,
Section 48(2)

(as substituted by Criminal Justice Act 2006, Section 192(1)(a))

SEARCH WARRANT

District Court Area of

District No.

WHEREAS from the information on oath and in writing under section 48(2) of the above-mentioned Act of 2001 (as substituted by section 192(1)(a) of the Criminal Justice Act 2006) sworn before me on this day, by of

a member of the Garda Síochána

I AM SATISFIED THAT there are reasonable grounds for suspecting that—

evidence of, or relating to the commission of, an offence to which section 48 of the Criminal Justice (Theft and Fraud Offences) Act 2001 (as amended by section 192(1)(a) of the Criminal Justice Act 2006) applies is to be found at a place, namely..... in the court (area and) district aforesaid.

THIS IS TO AUTHORISE, of, a member of the Garda Síochána, accompanied by such other persons as the said member considers necessary,

TO ENTER, at any time or times within seven days from the date of issuing of this warrant (if necessary by the use of reasonable force) the place, namely in the said court (area and) district aforesaid,

TO SEARCH the said place and any persons found there,

To EXAMINE, SEIZE and RETAIN any thing found there, or in the possession of any person present there at the time of the search, which (s)he reasonably believes to be evidence of, or relating to the commission of, an offence to which section 48 of the said Act applies and

TO TAKE any other steps which may appear to him/her to be necessary for preserving any such thing and preventing interference with it.

Dated this..... day of 20....

Signed
Judge of the District Court

To Superintendent/Inspector of the Garda Síochána
at

No. 34.2A

CRIMINAL JUSTICE (THEFT AND FRAUD OFFENCES) ACT 2001,
Section 50

NOTICE OF APPLICATION FOR FORFEITURE/DISPOSAL

District Court Area of

District No.

[A.B,

Prosecutor

C.D,

Accused]

WHEREAS *[a] thing(s), namely.....
..... has/have been seized by me, a member of the Garda
Síochána and whereas I suspect such thing(s) to be *[a] thing(s) of a kind
described in section 50(1)(a) to section 50(1)(e) of the above-named Act of 2001,
to wit,.....

TAKE NOTICE that I will apply to the Judge for the time being assigned to
the District Court District wherein the seizure was effected at the sitting of
the District Court to be held at on theday of
at.....a.m./p.m. for an order that the said thing(s) be forfeited and destroyed or
disposed of.

*[If you wish to oppose the said application, you should attend at the said sitting
and show cause why such order should not be made.]

Dated this day of 20...

Signed

Garda

To: District Court Clerk at

And to:

*delete if inapplicable

CRIMINAL JUSTICE (THEFT AND FRAUD OFFENCES) ACT 2001,
Section 52(2)

(as substituted by Criminal Justice Act 2006, Section 192(1)(b))

INFORMATION

District Court Area of

District No.

THE INFORMATION ofof

Who says on oath—

I am a member of the Garda Síochána.

The Garda Síochána are investigating an offence to which Section 52 of the above-named Act of 2001 applies, to wit.....

A person, namely, of..... in the court (area and) district aforesaid has possession or control of particular material, or material of a particular description, namely.....

And there are reasonable grounds for suspecting that the said material constitutes evidence of or relating to the commission of the offence.

The basis for so saying is as follows—

And I hereby apply for an order under section 52 of the above-named Act that the said of in the court (area and) district aforesaid

*[produce the said material, being to a member of the Garda Síochána for such member to take away] or

*[give access to the said material, being to a member of the Garda Síochána]

* immediately upon production of this order to him/her *within days of the production of this order to him/her

Signed.....

Informant

SWORN before me this day of 20....

Signed.....

Judge of the District Court

[* delete if inapplicable]

No. 34.2D

CRIMINAL JUSTICE (THEFT AND FRAUD OFFENCES) ACT 2001,
Section 52(2)

(as substituted by Criminal Justice Act 2006, Section 192(1)(b))

ORDER

District Court Area of

District No.

WHEREAS from the information on oath and in writing sworn before me on this day, by of..... a member of the Garda Síochána,

I AM SATISFIED THAT

The Garda Síochána are investigating an offence to which Section 52 of the above-named Act applies, to wit,

A person, namely,..... of..... in the court (area and) district aforesaid has possession or control of particular material, or material of a particular description, namely

And that there are reasonable grounds for suspecting that the said material constitutes evidence of or relating to the commission of the offence.

IT IS HEREBY ORDERED that the said of in the court (area and) district aforesaid

*[produce the said material, being to a member of the Garda Síochána for such member to take away] or

*[give access to the said material, being to a member of the Garda Síochána]

*immediately upon production of this order to him/her

* within days of the production of this order to him/her

Note: Under section 52(3) of the above-named Act, where the material consists of or includes information contained in a computer, this order shall have effect as an order to produce the information, or to give access to it, in a form in which it is visible and legible and in which it can be taken away.

Dated this day of 20....

Signed.....

Judge of the District Court

To the Superintendent of the Garda

Síochána:.....

At

And to the said:

No. 34.37

Criminal Justice (Miscellaneous Provisions) Act 1997, Section 10(1)
(as substituted by Criminal Justice Act 2006, Section 6(1)(a))

INFORMATION FOR SEARCH WARRANT

District Court Area of

District No.

THE INFORMATION of
of

Who says on oath—

I am a member of the Garda Síochána not below the rank of sergeant.

I have reasonable grounds for suspecting that—

evidence of, or relating to, the commission of an arrestable offence (within the meaning of section 2(1) of the Criminal Law Act 1997, as amended by section 8 of the Criminal Justice Act 2006) is to be found in a place (within the meaning of section 10(6) of the Criminal Justice (Miscellaneous Provisions) Act 1997), namely in the said court (area and) district.

The basis for such grounds is as follows—

And I hereby apply for the issue of a warrant under section 10(1) of the Criminal Justice (Miscellaneous Provisions) Act 1997 (as substituted by section 6(1)(a) of the Criminal Justice Act 2006) in respect of that place and any persons found at that place.

Signed.....

Informant

SWORN before me this day of 20....

Signed.....

Judge of the District Court

Criminal Justice (Miscellaneous Provisions) Act 1997, Section 10(1)
(as substituted by Criminal Justice Act 2006, section 6(1)(a))

SEARCH WARRANT

District Court Area of

District No.

WHEREAS from the information on oath and in writing under section 10(1) of the above-mentioned Act of 1997 (as substituted by section 6(1)(a) of the Criminal Justice Act 2006) sworn before me on this day, by.....of

a member of the Garda Síochána not below the rank of sergeant

I AM SATISFIED THAT there are reasonable grounds for suspecting that—

evidence of or relating to the commission of an arrestable offence (within the meaning of section 2(1) of the Criminal Law Act 1997, as amended by section 8 of the Criminal Justice Act 2006) is to be found in a place (within the meaning of section 10(6) of the Criminal Justice (Miscellaneous Provisions) Act 1997), namely in the court (area and) district aforesaid.

THIS IS TO AUTHORISE,

of, a member of the Garda Síochána, accompanied by such other members of the Garda Síochána or persons or both as the said member thinks necessary,

TO ENTER, at any time or times within one week of the date of issue of this warrant, on production if so requested of this warrant, and if necessary by the use of reasonable force, the place namely in the said court (area and) district as aforesaid,

TO SEARCH that place and any persons found at that place, and

TO SEIZE anything found at that place, or anything found in the possession of a person present at that place at the time of the search, that the said member reasonably believes to be evidence of, or relating to, the commission of an arrestable offence.

Dated this day of 20.....

Signed
Judge of the District Court

To Superintendent/Inspector of the Garda Síochána
at

No. 34.39

CRIMINAL ASSETS BUREAU Act 1996, Section 14(1)
(as substituted by Criminal Justice Act 2006, Section 190(1))

INFORMATION FOR SEARCH WARRANT

District Court Area of

District No.

THE INFORMATION of

of

Who says on oath—

I am a bureau officer (within the meaning of the above-mentioned Act of 1996) who is a member of the Garda Síochána.

I believe that there are reasonable grounds for suspecting that evidence of or relating to assets or proceeds deriving from criminal conduct, or to their identity or whereabouts, is to be found in a place, namely
..... in the said court (area and) district.

The basis for such grounds is as follows:-

And I hereby apply for the issue of a warrant under section 14(1) of the Proceeds of Crime Act 1996 (as substituted by section 190(1) of the Criminal Justice Act 2006) in respect of that place and any person found at that place.

Signed.....
Informant

SWORN before me this day of 20....

Signed.....
Judge of the District Court

CRIMINAL ASSETS BUREAU Act 1996, Section 14(1)
(as substituted by Criminal Justice Act 2006, Section 190(1))

SEARCH WARRANT

District Court Area of

District No.

WHEREAS from the information on oath and in writing under section 14(1) of the above-mentioned Act of 1996 (as substituted by section 190(1) of the Criminal Justice Act 2006) sworn before me on this day, by.....of

a bureau officer who is a member of the Garda Síochána

I AM SATISFIED THAT there are reasonable grounds for suspecting that—

evidence of or relating to assets or proceeds deriving from criminal conduct, or to their identity or whereabouts, is to be found in a place, namely in the said court (area and) district.

THIS IS TO AUTHORISE,

of, a bureau officer who is a member of the Garda Síochána, accompanied by such other persons as the said bureau officer thinks necessary,

TO ENTER, within * of the date of issuing of this warrant (if necessary by the use of reasonable force) the place namely in the said court (area and) district aforesaid,

TO SEARCH that place and any person found at that place, and

TO SEIZE and retain any material (other than material subject to legal privilege) found at that place, or any such material found in the possession of a person found present at that place at the time of the search, which the officer believes to be evidence of or relating to assets or proceeds deriving from criminal conduct, or to their identity or whereabouts.

Dated this day of 20.....

Signed
Judge of the District Court

To Superintendent/Inspector of the Garda Síochána

at

*The period to be specified in the warrant shall be one week, unless it appears to the Judge that another period, not exceeding 14 days, would be appropriate in the particular circumstances of the case (section 14(4A)).

No. 34.41

PREVENTION OF CORRUPTION (AMENDMENT) ACT 2001,
Section 5(1)
(as substituted by Criminal Justice Act 2006, Section 191(1))

INFORMATION FOR SEARCH WARRANT

District Court Area of

District No.

THE INFORMATION of

of

Who says on oath—

I am a member of the Garda Síochána.

I believe that there are reasonable grounds for suspecting that evidence of or relating to the commission of an offence or suspected offence under the Prevention of Corruption Acts 1889 to 2001 punishable by imprisonment for a term of 5 years or by a more severe penalty is to be found in a place, namely in the said court (area and) district.

The basis for my so believing is as follows—

And I hereby apply for the issue of a warrant under section 5(1) of the Prevention of Corruption (Amendment) Act 2001 (as substituted by section 191(1) of the Criminal Justice Act 2006) in respect of that place and any person found at that place.

Signed.....

Informant

SWORN before me this day of 20....

Signed.....

Judge of the District Court

PREVENTION OF CORRUPTION (AMENDMENT) ACT 2001,
Section 5(1)
(as substituted by section 191(1) of the Criminal Justice Act 2006)

SEARCH WARRANT

District Court Area of

District No.

WHEREAS from the information on oath and in writing under section 5(1) of the above-mentioned Act of 2001 (as substituted by section 191(1) of the Criminal Justice Act 2006) sworn before me on this day, by.....of

a member of the Garda Síochána

I AM SATISFIED THAT there are reasonable grounds for suspecting that evidence of or relating to the commission of an offence or suspected offence under the Prevention of Corruption Acts 1889 to 2001 punishable by imprisonment for a term of 5 years or by a more severe penalty is to be found in a place, namely in the said court (area and) district.

THIS IS TO AUTHORISE,

of, a member of the Garda Síochána, accompanied by such other members or persons as the said member thinks necessary

TO ENTER, within one month of the date of issue of this warrant, if necessary by the use of reasonable force, the place namely in the said court (area and) district aforesaid,

TO SEARCH that place and any persons found at that place, and

TO SEIZE and retain anything found at that place, or anything found in the possession of a person present at that place at the time of the search, which the said member reasonably believes to be evidence of or relating to the commission of an offence (within the meaning of section 5(1) of the above-mentioned Act of 2001) or suspected offence.

Dated this day of 20.....

Signed
Judge of the District Court

To Superintendent/Inspector of the Garda Síochána
at

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Rules amend Order 34 of the District Court Rules 1997 to take account of the provisions of sections 6(1)(a), 190(1), 192(1)(a), and 192(1)(b) of the Criminal Justice Act 2006 in relation to search warrants.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
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nó trí aon díoltóir leabhar.

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