



STATUTORY INSTRUMENTS.

S.I. No. 413 of 2008



PASSPORTS (APPEALS) REGULATIONS 2008

(Prn. A8/1662)

PASSPORTS (APPEALS) REGULATIONS 2008

I, MICHEÁL MARTIN, Minister for Foreign Affairs, in exercise of the powers conferred on me by subsection (15) of section 19 of the Passports Act 2008 (No. 4 of 2008), hereby make the following Regulations.

Citation and commencement

1. (1) These Regulations may be cited as the Passports (Appeals) Regulations 2008.

(2) These Regulations shall come into operation on 1 November 2008.

Definitions

2. In these Regulations—

“Act” means the Passports Act 2008 (No. 4 of 2008);

“appeal” means an appeal under section 19 of the Act;

“Minister” means the Minister for Foreign Affairs;

“passport appeals officer” means a person appointed under section 19(4) of the Act for the purpose of determining appeals against decisions of the Minister referred to in subsections (1) and (2) of section 19 of the Act.

Time limits

3. (1) Subject to paragraph (2), a period of 21 days from the date on which notice of the decision of the Minister was sent or given to the person concerned is prescribed as the time limit for making an appeal to a passport appeals officer under section 19(9) of the Act.

(2) Where a passport appeals officer considers that there are exceptional circumstances an appeal may be made after the period referred to in paragraph (1).

(3) The notice of appeal referred to in paragraph (1) shall be in writing and accompanied by—

- (a) a copy of the decision of the Minister in relation to the matter the subject of the appeal,
- (b) such other documents as the appellant wishes to submit, and
- (c) a list of any such documents.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 24th October, 2008.

(4) A period of 7 days from the date of receipt of the documents referred to in paragraph (3) is prescribed as the time limit within which a passport appeals officer shall forward to the Minister copies of those documents.

(5) A period of 14 days from the date on which the documents referred to in paragraph (3) were furnished to the Minister, or such other period as the passport appeals officer considers appropriate, is prescribed as the time limit within which the Minister shall furnish to the passport appeals officer his or her observations under section 19(11) of the Act, and a copy of such observations shall be furnished to the appellant by the passport appeals officer.

(6) A period of 14 days from the date on which the observations of the Minister were furnished to the appellant, or such other period as the passport appeals officer considers appropriate, is prescribed as the time limit the appellant shall be afforded by the passport appeals officer to reply to any observations of the Minister under section 19(11) of the Act and a copy of any such reply shall be furnished to the Minister by the passport appeals officer.

(7) A period of 21 days from the date—

(a) on which a passport appeals officer forms the opinion under Regulation 4(2) that an oral hearing is not required, or

(b) of an oral hearing,

is prescribed as the period within which a passport appeals officer shall determine an appeal.

(8) A period of 14 days from the date of the determination of an appeal is prescribed as the time limit within which the passport appeals officer shall inform the Minister and the appellant concerned of his or her determination and the reasons therefor under section 19(12) of the Act.

Procedure

4. (1) Where a passport appeals officer decides that the appeal does not relate to a matter which by reason of section 19(1) or (2) of the Act may be the subject of an appeal, the passport appeals officer shall inform the Minister and the appellant of that decision.

(2) Where the passport appeals officer is of the opinion that an appeal referred to him or her is of such a nature that it does not require an oral hearing, he or she may determine the appeal without such hearing.

(3) Where, in the opinion of a passport appeals officer, an oral hearing is required, the passport appeals officer shall, as soon as may be, fix a date and place for the hearing, and give reasonable notice of the hearing to the appellant and the Minister and any other person appearing to the passport appeals officer to be concerned in the appeal.

(4) An appellant shall be entitled to attend such an oral hearing.

(5) An appellant may be represented at the hearing by a member of his or her family or by another person.

(6) The Minister may be represented by one of his or her officers or by another person.

(7) A person appearing to the appeals officer to be concerned in the matter the subject of the hearing may attend the hearing and may be represented at the hearing by another person.

(8) A passport appeals officer may determine an appeal notwithstanding the failure of—

(a) one or more of the parties to attend the hearing, or

(b) one or more of the parties to the appeal to comply with these Regulations.

(9) A passport appeals officer may—

(a) require the appellant, the Minister, or any other person appearing to the passport appeals officer to be concerned, to furnish to him or her, in writing, further particulars regarding the appeal,

(b) allow the amendment of any notice of appeal or statement of particulars at any stage of the appeal,

(c) fix the time for furnishing such statement of particulars as he or she considers appropriate.



GIVEN under my Official Seal,
21 October 2008

MICHEÁL MARTIN,
Minister for Foreign Affairs.

EXPLANATORY NOTE

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

In accordance with Section 19(15) of the Passports Act 2008, these Regulations prescribe the time limits for the making and determination of appeals against decisions by the Minister for Foreign Affairs to refuse to issue or to cancel a passport. They also prescribe some matters of procedure regarding the making of appeals and the decision-making process.

BAILE ÁTHA CLIATH
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