



STATUTORY INSTRUMENTS.

S.I. No. 653 of 2011



DISTRICT COURT (CRIMINAL JUSTICE (MONEY LAUNDERING
AND TERRORIST FINANCING) ACT 2010) RULES 2011

(Prn. A11/2330)

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AND TERRORIST FINANCING) ACT 2010) RULES 2011

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 and Equality, make the following rules of court.

Dated this 7th day of February 2011.

Miriam Malone Chairperson

Mary C Devins

Thomas E O'Donnell

Brian Sheridan

David Riordan

Fiona Twomey

Roy Pearson

Noel A Doherty

Michelle Johnston

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

Dated this 7th day of December 2011.

ALAN SHATTER,
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 20th December, 2011.*

S.I. No. 653 of 2011

DISTRICT COURT (CRIMINAL JUSTICE (MONEY LAUNDERING
AND TERRORIST FINANCING) ACT 2010) RULES 2011

1.— (1) These Rules, which may be cited as the District Court (Criminal Justice (Money Laundering and Terrorist Financing) Act 2010) Rules 2011, shall come into operation on the 4th day of January 2012.

(2) These Rules shall be construed together with the District Court Rules 1997 (S.I. No. 93 of 1997) and all other District Court Rules.

(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2011.

2. The District Court Rules 1997 are amended:

(i) by the insertion immediately following rule 24 of Order 34 of the following:

“- Under section 78 or section 78 as applied by section 103 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (No. 6 of 2010)

25. An application by an authorised officer or, as the case may be, by a relevant authorised officer, for the issue of a warrant pursuant to section 78(2) of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 may be made to the Judge of the District Court assigned to the District Court District wherein the premises in respect of which the warrant is sought is situated. Such application shall be by information on oath and in writing of such officer in the Form 34.58, Schedule B, and shall be made and heard in accordance with Order 12, rule 27. A warrant issued on foot of such information shall be in the Form 34.59, Schedule B.”, and

(ii) by the insertion immediately following rule 15 of Order 38 of the following heading and rules:

“Orders under Part 3 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010

16. In this rule and rules 17 and 18, “the Act” means the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (No. 6 of 2010).

17. An application by a member of the Garda Síochána for an order under sub-section (2) of section 17 of the Act ordering a person not to carry out a specified service or transaction shall be made to a Judge of the District Court assigned to the district in which the order is proposed to be served. Such application shall be by the information on oath and in writing of the applicant, in the Form 38.22, Schedule B.

Where the application is for a second or subsequent order in relation to a particular service or transaction, there shall be produced with the information a copy of any previous order of the Court in relation to that service or transaction. An order of the Court under sub-section (2) of section 17 of the Act shall be in the Form 38.23, Schedule B.

18. (1) An application to a Judge of the Court under section 19 of the Act to revoke an order or direction made under section 17 of the Act, or an application under section 20 of the Act for an order in relation to any of the property concerned in an order or direction made under section 17 of the Act shall be made to a Judge of the District Court assigned to the district in which the order or direction was made. Such application shall be preceded by the issue of a notice of application, in the Form 38.24, Schedule B, and service of a copy of that notice, in the manner provided by Order 10, upon the member of the Garda Síochána on whose application the order under section 17 of the Act was made.

(2) Unless the Court permits otherwise, notice of such application shall be served at least four days before the date fixed for the hearing of the application, and the original notice of application together with a statutory declaration as to the service of copy of the notice shall be lodged with the Clerk at least forty eight hours before the date of the hearing.

(3) Where it seems appropriate to the Court to so direct, in any application under section 19 or section 20 of the Act, the Court may direct that any person affected by the direction or order who was not given notice of the application be joined in, or put on notice of, the application.

(4) An order of the Court under section 20 of the Act shall be in the Form 38.25, Schedule B.

(5) Notwithstanding Order 10, the Court may authorise or direct service of any notice of application for an order, or order made, under section 17, section 19 or section 20 of the Act by any means referred to in section 110 of the Act.”.

3.— (1) The Forms numbered 34.58 and 34.59 in the Schedule shall be added to the Forms in Schedule B to the District Court Rules 1997, immediately following Form 34.57.

(2) The Forms numbered 38.22 to 38.25 inclusive in the Schedule shall be added to the Forms in Schedule B to the District Court Rules 1997, immediately following Form 38.21.

Schedule

Schedule B
O.34, r.25

No. 34.58

Criminal Justice (Money Laundering and Terrorist Financing) Act 2010,
†section 78 ‡section 78 as applied by section 103

District Court Area of

District No.

INFORMATION

THE INFORMATION OF..... of..... who says on oath:-

I am an authorised officer for the purposes of †Chapter 8 ‡Chapter 9 of Part 4 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 having been so appointed in writing by a State competent authority, namely of in accordance with section 72 of the said Act.

I say that there are reasonable grounds for believing that—

documents relating to the business of †a designated person ‡a trust or company service provider that are required for the purpose of assisting the said State competent authority that appointed me in the performance of the authority’s functions under Part 4 of the said Act are contained on premises, namelyin court *(area and) district aforesaid, and

*the said premises comprise a dwelling

*I have/*an authorised officer has been obstructed or otherwise prevented from entering the said premises under section 75 of the said Act

My grounds for so saying are:
.....

and I hereby apply for the issue of a warrant under section 78(2) of the said Act ‡(as applied by section 103 of the said Act) for a warrant to enter the said premises and to exercise the powers conferred on authorised officers by †Chapter 8 of Part 4 ‡Chapter 8 of Part 4 as applied by section 103 of the said Act.

Signed
Informant

SWORN before me this day of 20....

Signed.....
Judge of the District Court

†To be used where Chapter 8 of Part 4 of the Act applies, i.e. the application relates to a designated person
‡To be used where Chapter 9 of Part 4 of the Act applies, i.e. the application relates to a trust or company service provider
*delete where inapplicable

Criminal Justice (Money Laundering and Terrorist Financing) Act 2010,
†section 78 ‡section 78 as applied by section 103

WARRANT

District Court Area of

District No.

WHEREAS from the information on oath and in writing under section 78(2) of the above-mentioned Act sworn before me on this day, by..... of....., an authorised officer for the purposes of †Chapter 8 ‡Chapter 9 of Part 4 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 having been so appointed in writing by a State competent authority, namely of in accordance with section 72 of the said Act,

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

documents relating to the business of †a designated person ‡a trust or company service provider that are required for the purpose of assisting the said State competent authority that appointed the said informant under said Chapter in the performance of the said authority's functions under Part 4 of the said Act are contained on premises, namely in court *(area and) district aforesaid, and

*the said premises comprise a dwelling

*the said informant /*another authorised officer has been obstructed or otherwise prevented from entering the said premises under section 75 of the said Act

THIS IS TO AUTHORISE, of, an authorised officer for the purposes of †Chapter 8 ‡Chapter 9 of Part 4 of the said Act having been so appointed in writing by a State competent authority as aforesaid in accordance with section 72 of the said Act, accompanied (and assisted in the exercise of the said officer's powers), by such other authorised officers, members of the Garda Síochána or other persons as the said authorised officer reasonably considers appropriate—

(a) TO ENTER, at any time or times within one month 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 said premises, namely, in the court *(area and) district aforesaid,

(b) TO EXERCISE in or on the said premises

*all or any of the powers conferred on authorised officers by Chapter 8 of Part 4 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010

*the following powers conferred on authorised officers by Chapter 8 of Part 4 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010, namely,(*insert powers specified*).

Dated this day of 20.....

Signed
Judge of the District Court

To:, authorised officer at

†To be used where Chapter 8 of Part 4 of the Act applies, i.e. the application relates to a designated person

‡To be used where Chapter 9 of Part 4 of the Act applies, i.e. the application relates to a trust or company service provider

*Delete where inapplicable

Criminal Justice (Money Laundering and Terrorist Financing) Act 2010,
section 17

INFORMATION

District Court Area of

District No.

THE INFORMATION of of
a member of the Garda Síochána

Who says on oath that-

(a) there are reasonable grounds to suspect that a *service *transaction of
..... proposed or
intended to be carried out by a person namely,
of.....*(in court area and district aforesaid) would, if it were to
proceed, comprise or assist in money laundering or terrorist financing, and

(b) an investigation of a person namely,..... of.....
for that money laundering or terrorist financing is taking place.

The grounds for my so saying are as follows:
.....

If an order is made on the within application, it will be served at
in court *(area and district) aforesaid.

And I hereby apply for an order under section 17(2) of the said Act ordering
the said of..... not to carry out a *service
*transaction of during the
period specified in the order.

Signed
Informant

SWORN before me this day of 20

Signed
Judge of the District Court

*Delete where inapplicable

Criminal Justice (Money Laundering and Terrorist Financing) Act 2010,
section 17

ORDER

District Court Area of

District No.

WHEREAS from the application by information on oath and in writing under section 17(2) of the above-mentioned Act sworn before me on this day, by of....., a member of the Garda Síochána

I AM SATISFIED THAT

(a) there are reasonable grounds to suspect that a *service *transaction ofproposed or intended to be carried out by a person namely,..... of.....*(in court area and district aforesaid) would, if it were to proceed, comprise or assist in money laundering or terrorist financing, and

(b) an investigation of a person namely,..... of..... for that money laundering or terrorist financing is taking place.

This order will be served at in court *(area and district) aforesaid.

IT IS ORDERED under section 17(2) of the said Act that of..... not carry out a *service *transaction of during the period ofdays (being a period not exceeding 28 days) commencing on the date of this order until the day of 20...

Dated this day of 20.....

Signed.....
Judge of the District Court

*Delete where inapplicable

Criminal Justice (Money Laundering and Terrorist Financing) Act 2010,
*section 19 *section 20

NOTICE OF APPLICATION

District Court Area of

District No.

..... of Applicant

†WHEREAS an Order was made by a Judge of the District Court under section 17(2) of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 on the ...day of20... ordering the of..... not to carry out a *service *transaction ofduring the period ofdays commencing on the date of the said Order until the day of 20.....

‡WHEREAS a direction was made in writing by, a member of the Garda Síochána not below the rank of superintendent under section 17(1) of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 on theday of20... directing of..... not to carry out a *service *transaction of during the period of days commencing on the date of the said direction.

TAKE NOTICE THAT the above-named applicant, being a person affected by the said †order ‡direction will apply at the sitting of District Court to be held at on the day of 20... ata.m./p.m.

*for an order under section 19(1) of the said Act revoking the said †order ‡direction on the grounds that the matters referred to in section 17(1) or 17(2) of the said Act do not, or no longer, apply.

*for an order under section 20(1) of the said Act in relation to property concerned by the said †order ‡direction for the purpose of enabling the above-named applicant—

*(a) to discharge the reasonable living and other necessary expenses, including legal expenses in or in relation to legal proceedings, incurred or to be incurred in respect of the applicant or the applicant’s dependants,

*(b) to carry on a business, trade, profession or other occupation to which the said property relates.

Dated this day of 20.....

Signed
Applicant / Solicitor for applicant

To, Garda Síochána at

And to: District Court Clerk at

†To be used where the application relates to an Order of a Judge under section 17(2) of the Act

‡To be used where the application relates to a direction of a member of the Garda Síochána under section 17(1) of the Act

*Delete where inapplicable

Criminal Justice (Money Laundering and Terrorist Financing) Act 2010,
section 20

ORDER

District Court Area of

District No.

..... of Applicant

†WHEREAS an order was made by a Judge of the District Court under section 17(2) of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 on the ...day of20... ordering of..... not to carry out a *service *transaction ofduring the period ofdays commencing on the date of the said order until the ... day of 20...

‡WHEREAS a direction was made in writing by, a member of the Garda Síochána not below the rank of superintendent under section 17(1) of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 on theday of ...20... directing of..... not to carry out a *service *transaction ofduring the period of ...days commencing on the date of the said direction.

UPON APPLICATION this day by the above-named applicant, being a person affected by the said †order ‡direction for an order under section 20(1) of the said Act in relation to property concerned by the said †order ‡direction

BEING SATISFIED THAT

notice of the application was duly served

it is necessary to do so for the purpose of enabling the applicant—

*(a) to discharge the reasonable living and other necessary expenses, including legal expenses in or in relation to legal proceedings, incurred or to be incurred in respect of the applicant or the applicant’s dependants,

*(b) to carry on a business, trade, profession or other occupation to which any of the property relates,

it is appropriate in relation to the property concerned,

HEREBY ORDERS THAT...(set out particulars of order so far as property affected is concerned)

Dated this day of 20.....

Signed.....

Judge of the District Court

†To be used where the application relates to an order of a Judge under section 17(2) of the Act

‡To be used where the application relates to a direction of a member of the Garda Síochána under section 17(1) of the Act

*Delete where inapplicable

EXPLANATORY NOTE

(This does not form part of the instrument and does not purport to be a legal interpretation.)

These Rules amend Orders 34 and 38 of the District Court Rules to facilitate the operation of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010.

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,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

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