



STATUTORY INSTRUMENTS.

S.I. No. 564 of 2013

EUROPEAN COMMUNITIES ACT 1972 (INTERPRETATION AND
TRANSLATION FOR PERSONS IN CUSTODY IN GARDA SÍOCHÁNA
STATIONS) 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 regulations:

Title

1. These Regulations may be cited as the European Communities Act 1972 (Interpretation and Translation for Persons in Custody in Garda Síochána Stations) Regulations, 2013.

PART I

Interpretation.

2. In these Regulations—

“arrested person” means a person who is taken on arrest to, or arrested in, a station;

“custody” means custody in a Garda Síochána station;

“custody record” means a record kept under Regulation 6 of the Criminal Justice Act, 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations, 1987;

“member” means a member of the Garda Síochána;

“member in charge” has the meaning assigned to it by Regulation 4(1) of the Criminal Justice Act, 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations, 1987;

“station” means a Garda Síochána station.

General

3. An arrested person, other than a person who is being dealt with through the medium of the Irish language, who does not speak or who does not understand the English language shall have the right while in custody to the assistance, at no cost, of an interpreter and to the translation, at no cost, of the documents specified in these Regulations.

¹OJ L 280 26.10.2010, p.7.

Member in charge

4. (1) Where it appears to the member in charge, or the member in charge is made aware, that an arrested person may require interpretation while in custody, the member in charge shall take such steps as are reasonable in all the circumstances to verify if the person requires the assistance of an interpreter.

(2) In deciding whether the assistance of an interpreter is required, the member in charge shall consider whether interpretation is necessary to ensure that the arrested person knows the offence or other matter in respect of which he or she has been arrested, will be able to communicate effectively with his or her solicitor and will be able to appreciate the significance of questions put to him or her or of his or her answers during interview. In case of doubt it shall be presumed that interpretation is required.

(3) Where the member in charge decides that the assistance of an interpreter is required, the member in charge shall arrange, without delay, for the attendance of an interpreter at the station and shall record this in the custody record.

(4) Where the member in charge decides that the assistance of an interpreter is not required, the member in charge shall inform the arrested person of this and the reasons for the decision. This information and any response made by the arrested person shall be recorded in the custody record.

Assistance of the Interpreter

5. Where an interpreter is provided, the arrested person shall be entitled to the assistance of the interpreter—

(a) during any meeting or communication with his or her solicitor, and

(b) during any interview.

Remote interpretation

6. Interpretation may, in appropriate circumstances, be provided by telephone or electronic means of communication where the member in charge considers that, in all the circumstances, the arrested person is not disadvantaged by the interpreter not being physically present at the station.

Quality of Interpretation

7. (1) An arrested person may make a complaint about the quality of the interpretation provided.

(2) Where a complaint is made, the member in charge shall investigate the matter and take such steps as he or she considers appropriate in the circumstances including, where appropriate and practicable, arranging to replace the interpreter. In deciding what steps to take he or she may consult, where appropriate, with other members, the solicitor for the arrested person and the interpreter.

(3) The member in charge shall note in the custody record the making of such a complaint and the actions taken by him or her on foot of it.

Translation of charge sheet

8. Where an arrested person who has had the assistance of an interpreter while in custody is charged with an offence, a copy of the charge sheet containing particulars of the offence translated into the language in which interpretation was provided shall be given to the arrested person as soon as practicable.

Translation of recognisance

9. Where an arrested person who has had the assistance of an interpreter while in custody is released from the station on bail, a copy of the recognisance entered into, translated into the language in which interpretation was provided, shall be given to the arrested person as soon as practicable.

Translation of arrest warrant

10. An arrested person who was arrested on foot of an arrest warrant and who has the assistance of an interpreter while in custody shall be given a copy of the arrest warrant translated into the language in which interpretation is provided as soon as practicable.

Oral translation

11. Pending the provision of the written translation of the documents specified in Regulations 8, 9 and 10, an oral translation or summary of the document concerned should be provided to the arrested person as soon as possible.

Persons with hearing or speech impediments

12. Without prejudice to the provisions of any other enactment, where an arrested person is deaf or there is doubt about his or her hearing ability or where the person suffers from a speech impediment which significantly affects his or her ability to be understood, the member in charge shall make appropriate arrangements to take account of the person's circumstances.



GIVEN under my Official Seal,
20 December 2013.

ALAN SHATTER,
Minister for Justice and Equality.

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