



STATUTORY INSTRUMENTS.

S.I. No. 82 of 2016



DISTRICT COURT (FORM 34.47) RULES 2016

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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 11th day of May 2015.

Rosemary Horgan Chairperson

Mary C Devins

Brian Sheridan

Anne Watkin

Grainne Larkin

Roy Pearson

Noel A Doherty

Michelle Johnston

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

Dated 23rd day of February 2016.

FRANCES FITZGERALD,
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 26th February, 2016.*

S.I. No. 82 of 2016

DISTRICT COURT (FORM 34.47) RULES 2016

1. (1) These Rules, which may be cited as the District Court (Form 34.47) Rules 2016, shall come into operation on the 25th day of February 2016.

(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 2016.

2. The District Court Rules are amended by the substitution of the form in Schedule 1 for the form bearing the like number in the Schedule B annexed to the District Court Rules 1997.

Schedule 1

No. 34.47

SCHEDULE B
O.34, r.21 (2)

**CRIMINAL JUSTICE (MUTUAL ASSISTANCE) ACT 2008, Section 75(8)
INFORMATION**

District Court Area of

District No.

THE INFORMATION ofof

Who says on oath—

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

A request for assistance in obtaining *specified evidential material/*evidential material of a specified description, namely,..... for the purposes of *criminal proceedings/*a criminal investigation, in a designated state (within the meaning of the above-named Act of 2008), namely....., has been received by the Central Authority mentioned in section 8 of the said Act.

The Minister for Justice and Equality as Central Authority is of opinion that section 75 of the above-named Act of 2008 applies to the said request and has sent the request *(and accompanying or related documents) to the Commissioner of the Garda Síochána to arrange for the request to be complied with, in accordance with section 75(5) of the said Act.

The Minister has received an assurance referred to in section 75(6) of the said Act given by the requesting authority *and a copy of that assurance is produced herewith.

On making this information I produce a copy of the said request *(and accompanying or related documents, namely,) which I believe are true copies of the originals.

There are reasonable grounds for believing that a person named in the said request, namely, of possesses evidential material (within the meaning of section 75(19) of the above-mentioned Act of 2008) *at in the court (area and) district.

†And I have reasonable grounds for believing that an order is required under section 75(10)(b) of the said Act of 2008 to require any person who appears to the Judge to be entitled to grant entry to the said place to allow the member named in the order to enter the said place to obtain access to the said material.

The basis for such grounds is as follows:—

And I hereby apply for an order under section 75(10) of the above-named Act of 2008 that the said of

*produce the said evidential material, being to a member of the Garda Síochána so that he or she may take it away or

*give access to the said evidential 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

†And for an order under section 75(10)(b) of the said Act of 2008 to require any person who appears to the Judge to be entitled to grant entry to the said place to allow the said member to enter the said place to obtain access to the said material.

Signed.....
Informant

SWORN before me this day of 20....

Signed.....
Judge of the District Court

*delete as appropriate

†to be completed only when an order is sought under both section 75(10)(a) and section 75(10)(b)

EXPLANATORY NOTE

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

These rules amend the District Court Rules by the substitution of Form 34.47 in Schedule B annexed to the District Court Rules 1997.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€2.54

