



STATUTORY INSTRUMENTS.

**S.I. No. 567 of 2016**



DISTRICT COURT (CRIMINAL JUSTICE (FORENSIC EVIDENCE AND  
DNA DATABASE SYSTEM) ACT 2014) RULES 2016

S.I. No. 567 of 2016

DISTRICT COURT (CRIMINAL JUSTICE (FORENSIC EVIDENCE AND  
DNA DATABASE SYSTEM) ACT 2014) RULES 2016

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, and of all other powers enabling them in this behalf, do hereby, with the concurrence of the Minister for Justice and Equality, make the following rules of court.

Dated this 25th day of July 2016.

Rosemary Horgan Chairperson

Mary C Devins

Brian Sheridan

Conal Gibbons

Roy Pearson

Noel A Doherty

Michelle Johnston

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

Dated this 22nd day of November 2016.

FRANCES FITZGERALD,  
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 25th November, 2016.*

S.I. No. 567 of 2016

DISTRICT COURT (CRIMINAL JUSTICE (FORENSIC EVIDENCE AND  
DNA DATABASE SYSTEM) ACT 2014) RULES 2016

1. (1) These Rules, which shall come into operation on the 22nd day of December, 2016, may be cited as the District Court (Criminal Justice (Forensic Evidence and DNA Database System) Act 2014) Rules 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. Proceedings begun in the District Court under the Criminal Justice (Forensic Evidence) Act 1990 before the coming into operation of section 6 of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 may be continued and completed as if these Rules had not come into operation.

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

- (i) by the substitution for Order 31 of the Order set out in Schedule 1, and
- (ii) by the insertion in Order 37 immediately following rule 14 of the following rule:

*“Criminal Justice (Mutual Assistance) Act 2008 and the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014*

15. (1) In this rule:

the “Act of 2008” means the Criminal Justice (Mutual Assistance) Act 2008 (No. 7 of 2008);

the “Act of 2014” means the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 (No. 11 of 2014);

the expression “intimate sample” has the same meaning as in section 2(1) of the Act of 2014.

(2) An application for an order authorising the taking of an intimate sample from a child in the circumstances mentioned in section 17(1) of the Act of 2014 may be made to the Children Court by information on oath and in writing of the applicant in the Form 37.41, Schedule B.

(3) Where the person to whom the application relates is a child (including a child who is a protected person), an application for any other order under the Act of 2014, for an order under section 79B of the Act of 2008 (inserted by section 134 of the Act of 2014) or for an order under section 50A(6) of the International Criminal Court Act 2006 (inserted by section 140 of the Act of 2014) may be made to the

Children Court by information on oath and in writing of the applicant in the Form 31.12, Schedule B, with the necessary modifications, and the procedure set out in Order 31 shall apply, with such modifications as are necessary.

(4) An information sworn for the purposes of section 17(1) of the Act of 2014 shall include details of (as the case may be):

- (i) the facts grounding the matters mentioned in section 17(4)(a) to (e) of the Act of 2014;
- (ii) the facts which establish that one of the conditions specified in section 17(1) of the Act of 2014 is satisfied, and
- (iii) the means by which and time at which, the child concerned and any parent or guardian of that child (other than a parent or guardian to whom section 15(2) of the Act of 2014 applies), was informed of the intention to make the application (including the time and place at which it was intended to make the application), and
- (iv) the rank of the applicant.

(5) Any application under section 17(3) of the Act of 2014 may be made *viva voce* at the hearing and shall be determined before consideration of the application under section 17(1) of the Act of 2014.

(6) Any application under section 17(7) of the Act of 2014 may be made *viva voce* at the hearing of the application under section 17(1) of the Act of 2014 and a warrant issued on foot of such application shall be in the Form 37.42, Schedule B.

(7) Where the Court considers it necessary, it may adjourn the hearing of the application and direct a further notification to a parent or guardian of the child concerned.

(8) Where the person to whom the appeal relates is a child (including a child who is a protected person), an appeal under section 81(11) or section 83(9) of the Act of 2014 may be made to the Children Court by notice of appeal in the Form 31.1A or 31.1B, Schedule B, as appropriate, with the necessary modifications, and the procedure set out in Order 31 shall apply, with such modifications as are necessary.

(9) The provisions of Order 31 rules 9 and 10 shall apply to any other applications to the Court, under the Act of 2008 or the Act of 2014, save an application under section 17 of the Act of 2014, or where the person to whom the application relates is a child (including a child who is a protected person).”

4. (1) The forms numbered 31.1, 31.2 and 31.5 in Schedule 2 shall be substituted for the forms bearing the like numbers respectively in Schedule B to the District Court Rules 1997 (S.I. No. 93 of 1997).

(2) The forms numbered 31.1A and 31.1B inclusive in Schedule 2 shall be added to Schedule B to the District Court Rules 1997 (S.I. No. 93 of 1997) immediately following Form 31.1.

(3) The forms numbered 31.12 to 31.15 inclusive in Schedule 2 shall be added to Schedule B to the District Court Rules 1997 (S.I. No. 93 of 1997) immediately following Form 31.11.

(4) The forms numbered 37.41 and 37.42 in Schedule 2 shall be added to Schedule B to the District Court Rules 1997 (S.I. No. 93 of 1997) immediately following Form 37.40.

**Schedule 1**

“Order 31

Proceedings under

- Criminal Justice Act 1984

- Criminal Justice Act 2006, section 5

- International Criminal Court Act 2006, sections 50 and 50A

- Criminal Justice (Mutual Assistance) Act 2008, sections 79, 79A and 79B

- Criminal Procedure Act 2010, sections 16 and 17

- Criminal Justice (Forensic Evidence and DNA Database System) Act 2014

*Definitions*

1. In this Order—

the “Act of 1984” means the Criminal Justice Act 1984 (No. 22 of 1984);

the “Act of 2006” means the Criminal Justice Act 2006 (No. 26 of 2006);

the “Act of 2008” means the Criminal Justice (Mutual Assistance) Act 2008 (No. 7 of 2008);

the “Act of 2010” means the Criminal Procedure Act 2010 (No. 27 of 2010);

the “Act of 2014” means the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 (No. 11 of 2014);

“Commissioner” means the Commissioner of the Garda Síochána;

each of the expressions “body”, “DNA Database System”, “DNA profile”, “intimate sample”, “non-intimate sample” and “reference index” has the same meaning as in section 2(1) of the Act of 2014;

“protected person” has the same meaning as in section 2(1), subject to section 2(2), of the Act of 2014.

*Appeals against extension of period of retention or refusal of*

2. (1) An appeal under:

- (a) section 81(11) of the Act of 2014 against the Commissioner’s authorisation under section 81(4), section 81(5), section 81(6) or 81(8) of the Act of 2014 extending a period of retention (save where the person to whom the appeal relates is a child (including a child who is a protected person)),

- (b) section 83(9) of the Act of 2014 against a refusal or deemed refusal of an application for removal of a DNA profile from the DNA Database System (save where the person to whom the appeal relates is a child (including a child who is a protected person)), or
- (c) section 8A(6) of the Act of 1984 (inserted by section 103 of the Act of 2014) against the Commissioner's authorisation under section 8A(3) or section 8A(4) of the Act of 1984 extending a period of retention

shall be brought before the Court by the issue and service on the Commissioner as respondent of a notice of appeal in the Form 31.1, 31.1A or 31.1B, Schedule B, as appropriate. Such notice shall be served upon the respondent at least seven days before the date fixed for the hearing of the appeal. The original notice together with a statutory declaration as to service thereof shall be lodged with the Clerk at least four days before the date fixed for the hearing of the appeal.

(2) An appeal under section 81(11) or section 83(9) of the Act of 2014 or section 8A(6) of the Act of 1984 shall be heard otherwise than in public.

*Order of the Court*

3. The order of the Court on the appeal shall be in the Form 31.2, Schedule B.

*Application for order to arrest*

4. (1) An application under section 10 of the Act of 1984 for an Order to arrest shall be made by the information on oath and in writing, in the Form 31.3, Schedule B, of a member of the Garda Síochána not below the rank of superintendent.

(2) An application under section 16 or, as the case may be, section 17, of the Act of 2010 for an Order authorising arrest shall be made by the information on oath and in writing, in the Form 31.10, Schedule B, of a member of the Garda Síochána not below the rank of superintendent, and every such application shall be made and heard in accordance with Order 12, rule 4.

*Order to arrest*

5. (1) The warrant of the Court where an application under section 10 of the Act of 1984 is granted shall be in the Form 31.4, Schedule B.

(2) The order of the Court granting an application under section 16 or, as the case may be, section 17, of the Act of 2010 shall be in the Form 31.11, Schedule B.

*Application to extend direction under section 5(9) of 2006 Act*

6. An application under section 5(9) of the Act of 2006 by a member of the Garda Síochána not below the rank of superintendent for an order continuing in force a direction under section 5(3) of the Act shall be by information on oath of the member concerned and if in writing shall be in the Form 31.7, Schedule B. Such application shall be made to a Judge of the District Court assigned to the court district wherein is situated the place in respect of which the direction was

given. The information shall specify the means by which notice of the informant's intention to make the application was given to the person or persons specified in section 5(12) of the Act of 2006 or shall state that it has not been reasonably practicable to give such notice.

*Application to be heard*

7. Where the owner or occupier of the place concerned in an application under section 5(9) of the Act of 2006 intends to apply to be heard by the Court on the application, the owner or occupier shall deliver to the informant and the Clerk before the hearing of the application a notice of such intention in the Form 31.8, Schedule B, provided that the Judge may dispense with the requirement of such notice where he considers it appropriate to do so. Where the owner or occupier of the place concerned has given such notice, the Court may adjourn the application to such time as may be specified so as to give the owner or occupier of the place concerned an opportunity to be heard on the application in accordance with section 5(13) of the Act of 2006.

*Order of the Court*

8. An order of the Court granting the application shall be in the Form 31.9, Schedule B.

*Applications by information under the Act of 2008 or the Act of 2014*

9. (1) Save where the person to whom the application relates is a child (including a child who is a protected person), an application for any of the following orders may be made to the Court by information on oath and in writing of the applicant in the Form 31.12, Schedule B:

- (i) an order under section 16(6) of the Act of 2014;
- (ii) a warrant under section 25(10) of the Act of 2014;
- (iii) an order under section 35(5) of the Act of 2014;
- (iv) an order under section 56(3) of the Act of 2014;
- (v) an order under section 79B(6) of the Act of 2008 (inserted by section 134 of the Act of 2014);
- (vi) an order under section 50A(6) of the International Criminal Court Act 2006 (inserted by section 140 of the Act of 2014).

(2) Where the person to whom the application relates is a child (including a child who is a protected person), an application for any of the orders mentioned in sub-rule (1) may be made to the Children Court by information on oath and in writing of the applicant in the Form 31.12, Schedule B, with the necessary modifications.

*Application under section 16 of the Act of 2014*

(3) An information sworn for the purposes of section 16(1) of the Act of 2014 shall include details of (as the case may be):



- (i) the facts grounding the matters mentioned in section 16(4)(a) to (d) of the Act of 2014;
- (ii) the facts which establish that one of the conditions specified in section 16(1) of the Act of 2014 is satisfied, and
- (iii) the means by which and time at which, the protected person concerned and any parent or guardian of that person (other than a parent or guardian to whom section 15(2) of the Act of 2014 applies), was informed in accordance with section 16(2) of the Act of 2014 of the intention to make the application (including the time and place at which it was intended to make the application), and
- (iv) the rank of the applicant.

(4) Any application under section 16(3) of the Act of 2014 may be made viva voce at the hearing and shall be determined before consideration of the application under section 16(1) of the Act of 2014.

(5) Where the Court considers it necessary, it may adjourn the hearing of the application and direct a further notification to a parent or guardian of the protected person concerned.

(6) Any application under section 16(7) of the Act of 2014 may be made viva voce at the hearing of the application under section 16(1) of the Act of 2014 and a warrant issued on foot of such application shall be in the Form 31.13, Schedule B.

*Application under section 25 of the Act of 2014*

(7) An information sworn for the purposes of section 25(10) of the Act of 2014 shall include details of:

- (i) the facts which establish that each of the conditions specified in section 25(11)(a) to (d) of the Act of 2014 is satisfied, and
- (ii) the rank of the applicant.

(8) A warrant issued on foot of such application shall be in the Form 31.14, Schedule B.

*Application under section 35 of the Act of 2014*

(9) An information sworn for the purposes of section 35(2) of the Act of 2014 shall include details of:

- (i) the facts which establish that each of the conditions specified in section 35(5)(a) to (c) of the Act of 2014 is satisfied, and
- (ii) the facts which establish compliance with section 35(3) of the Act of 2014 or, as the case may be, grounding an opinion mentioned in section 35(4) of the Act of 2014, and

(iii) where an application is intended to be made under section 35(7) of the Act of 2014, the grounds for believing orders authorising (i) the entry and search of a place where it is believed the body of the deceased person concerned is located, and/or (ii) if appropriate, the seizure of the body of that person, are necessary for the taking of the sample concerned, and

(iv) the rank of the applicant.

(10) Any application under section 35(7) of the Act of 2014 may be made *viva voce* at the hearing and shall not be determined before consideration of the application under section 35(2) of the Act of 2014, and any order made on an application under section 35(7) of the Act of 2014 shall be in the Form 31.15, Schedule B.

(11) Where the Court considers it necessary, it may adjourn the hearing of the application and direct a further notification to a member of the family of the deceased person concerned.

*Application under section 56 of the Act of 2014*

(12) An information sworn for the purposes of section 56(1) of the Act of 2014 shall include details of:

(i) the facts grounding the matters mentioned in section 56(2)(a) to (d) of the Act of 2014;

(ii) the attempts made to secure the consent mentioned in section 54(4) of the Act of 2014 or, as the case may be, of the existence of the circumstances described in section 54(5) of the Act of 2014;

(iii) the rank of the applicant.

*Application under section 79B of the Act of 2008*

(13) An information sworn for the purposes of section 79B of the Act of 2008 shall include details of:

(i) the facts which establish that the request for the identification evidence concerned complies with section 79(1) of the Act of 2008;

(ii) the facts grounding each of the matters mentioned in paragraphs (i) to (iii) of section 79B(4)(b) of the Act of 2008;

(iii) the facts which establish that one of the conditions mentioned in section 79B(1) of the Act of 2008 is satisfied, and

(iv) the rank of the applicant.

*Application under section 50A(6) of the International Criminal Court Act 2006*

(14) An information sworn for the purposes of section 50A(1) of the International Criminal Court Act 2006 (inserted by section 140 of the Act of 2014) shall include details of:

- (i) the facts which establish that the request for the identification evidence concerned complies with section 50(2) and section 50(3) of the International Criminal Court Act 2006;
- (ii) the facts grounding each of the matters mentioned in paragraphs (i) to (iii) of section 50(4)(b) of the International Criminal Court Act 2006;
- (iii) the facts which establish that one of the conditions mentioned in section 50A(1) of the International Criminal Court Act 2006 is satisfied, and
- (iv) the rank of the applicant.

*Applications by notice of application under the Act of 2008 or the Act of 2014*

10. (1) An application for any of the following orders under the Act of 2014 may be made to the Court by the issue and service of a notice in the Form 31.5, Schedule B:

- (i) an order under section 34(6) of the Act of 2014;
- (ii) an order under section 39(4) of the Act of 2014;
- (iii) an order under section 93(1) of the Act of 2014;
- (iv) an order under section 93(2) of the Act of 2014;
- (v) an order under section 93(3) of the Act of 2014;
- (vi) an order under section 79(11A) of the Act of 2008 (inserted by section 132 of the Act of 2014);
- (vii) an order under section 79A(5) or section 79A(16) of the Act of 2008 (inserted by section 133 of the Act of 2014)
- (viii) an order under section 50(13A) of the International Criminal Court Act 2006 (inserted by section 139 of the Act of 2014).

(2) Such notice shall be served upon the respondent, i.e. the person from whom the sample was taken or is intended to be taken or if that person is a protected person, if appropriate, the person who gave consent to the taking of the sample concerned from the protected person, (or in the case of identification evidence, the person from whom the identification evidence concerned was taken, and any person who gave consent to the taking of that identification evidence from that person), at least seven days before the date fixed for hearing the application.

(3) Service of the notice shall be effected by a member of the Garda Síochána in accordance with the relevant provisions of Order 10. In all other cases service may be effected in accordance with the provisions of Order 10 or, in case of urgency, by ordinary post.

(4) When service has been effected the original notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the said date of hearing.

*Appeal under the Act of 2014*

11. An appeal to the Court under section 77(6) of the Act of 2014 shall be brought in accordance with Order 40D.”

**Schedule 2**

No. 31.1

SCHEDULE B

O.31, r. 2(1)

Criminal Justice Act 1984, Section 8A(6) (As substituted by Criminal Justice (Forensic Evidence and DNA Database System) Act 2014, section 103)

Notice of Appeal against an Authorisation

District Court Area of

District No.

..... Appellant

and

Commissioner of Garda Síochána ..... Respondent

WHEREAS the above-named appellant of..... in the court \*(area and) district aforesaid was on the... day of..... 20.. arrested by..... of the Garda Síochána at.....on suspicion of having committed \*an offence to which section 4 of the above-mentioned Act of 1984 applies,\*an offence, namely,.....

AND WHEREAS the said appellant was taken to and detained in..... Garda Síochána station, and while so detained\*(he/she was photographed)\*(his/her fingerprints /palm prints were taken) pursuant to \*section 6 of the said Act of 1984 \*section 6A of the said Act of 1984 \*section 12 of the Criminal Justice Act 2006

AND WHEREAS

\*proceedings for an offence to which section 4 of the said Act of 1984 applies were not instituted against the appellant within the period of 12 months from the date of the taking of the fingerprint, palm print or photograph concerned, and the failure to institute such proceedings within that period was not due to the fact that the appellant absconded or could not be found

\*proceedings for an offence to which section 4 of the said Act of 1984 have been instituted and—

\*the appellant was acquitted of the offence

\*the charge against the appellant in respect of the offence was dismissed under section 4E of the Criminal Procedure Act 1967

\*the proceedings for the offence were discontinued

\*the appellant is the subject of an order under section 1(1) of the Probation of Offenders Act 1907 in respect of the offence concerned in connection with which the fingerprint, palm print or photograph concerned was taken and the appellant

has not been convicted of an offence to which section 4 of the said Act of 1984 applies during the period of 3 years from the making of the order under that Act

\*the appellant is the subject of an order under section 1(2) of the Probation of Offenders Act 1907 in respect of the offence concerned in connection with which the fingerprint, palm print or photograph concerned was taken (and that order was not discharged on an appeal against conviction for the offence concerned where on appeal the conviction was affirmed) and the appellant has not been convicted of an offence to which section 4 of the said Act of 1984 applies during the period of 3 years from the making of the order under that Act

\*the appellant's conviction for the offence concerned in connection with which the fingerprint, palm print or photograph concerned was taken was quashed

\*the appellant's conviction for the offence concerned in connection with which the fingerprint, palm print or photograph concerned was taken was declared to be a miscarriage of justice under section 2 of the Criminal Procedure Act 1993

AND WHEREAS

The respondent caused the appellant to be informed by notice in writing on the... day of..... 20... that an authorisation had been given under section \* 8A(3) \*8A(4) of the said Act of 1984 on the... day of..... 20... and of the appellant's right of appeal under section 8A(6) of the said Act of 1984

TAKE NOTICE that the above-named appellant will apply by way of appeal to the District Court sitting at..... on the... day of..... 20.... at.... a.m./p.m. against the said authorisation for the following reasons:

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

Signed.....

.....Appellant /Solicitor for appellant

To: Respondent at.....

and to District Court Clerk at.....

\*delete where inapplicable

No. 31.1A

SCHEDULE B

O.31, r. 2(1)

Criminal Justice (Forensic Evidence and DNA Database System) Act 2014,  
section 81(11)

Notice of Appeal against an Authorisation

District Court Area of

District No.

..... Appellant

and

Commissioner of Garda Síochána ..... Respondent

WHEREAS a DNA profile of \*the appellant \* ..... of ..... in the court \*  
(area and) district aforesaid, a \*protected person/\*child of whom the appellant  
is a \*parent/\*guardian is included in the reference index of the DNA Database  
System established in accordance with section 59 of the above-mentioned Act  
of 2014

AND WHEREAS circumstances, namely [*specify the circumstances mentioned  
in section 80(1) of the 2014 Act which it is claimed justify the removal of the  
DNA profile from the DNA Database System*] have existed since the .... day of  
..... 20... which warrant the removal of the said DNA profile from the DNA  
Database System

AND WHEREAS the respondent has determined that it is necessary to retain  
the DNA profile in that index of the DNA Database System to assist in the  
investigation or prosecution of offences and gave notice in writing of such deter-  
mination to the appellant on the .... day of ..... 20....

TAKE NOTICE that the above-named appellant will apply by way of appeal  
to the District Court sitting at ..... on the ... day of ..... 20 .... at .... a.m./p.m.  
against the said authorisation for the following reasons:

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

Signed .....  
Appellant /Solicitor for appellant

To: Respondent at .....

and to District Court Clerk at .....

\*delete where inapplicable

SCHEDULE B

O.31, r. 2(1)

Criminal Justice (Forensic Evidence and DNA Database System) Act 2014,  
section 83(9)

Notice of Appeal against a determination

District Court Area

of District No.

..... Appellant

and

Commissioner of Garda Síochána ..... Respondent

WHEREAS a sample was taken under section 34 of the above-mentioned Act of 2014 from \*the appellant \*..... of ..... in the court \*(area and) district aforesaid, a \*protected person/\*child of whom the appellant is a \*parent/\*guardian and a DNA profile was generated from said sample and is included in the reference index of the DNA Database System established in accordance with section 59 of the above-mentioned Act of 2014

AND WHEREAS the appellant applied to the respondent on the .... day of ..... 20 .... under section 83 of the said Act of 2014 to have his or her DNA profile that was generated from the sample and entered in the reference index of the DNA Database System removed from the DNA Database System

AND WHEREAS the respondent \*refused the application and gave notice in writing of such determination to the appellant on the .... day of ..... 20 .... \*is deemed to have refused the application as the application was not determined within the time limit specified in section 83(5) of the said Act of 2014

TAKE NOTICE that the above-named appellant will apply by way of appeal to the District Court sitting at ..... on the ... day of ..... 20 .... at .... a.m./p.m. against the said determination for the following reasons:

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

Signed .....  
Appellant /Solicitor for appellant

To: Respondent at .....

and to District Court Clerk at .....

\*delete where inapplicable



No. 31.2

SCHEDULE B

O.31, r.3

\*Criminal Justice Act 1984 Section 8A(6) (As substituted by Criminal Justice (Forensic Evidence and DNA Database System) Act 2014, section 103)

\*Criminal Justice (Forensic Evidence and DNA Database System) Act 2014, section \*81(11) \*83(9)

Order on Appeal

District Court Area of

District No.

..... Appellant

and

Commissioner of Garda Síochána ..... Respondent

UPON HEARING an appeal by the above-named appellant pursuant to section 8A(6) of the above-named Act of 1984 against an authorisation given by the Commissioner of the Garda Síochána under

\*section \*8A(3) \*8A(4) of the said Act of 1984

\*section \*81(11) \*83(9) of the said Act of 2014

of the ... day of ..... 20 ... notified in writing to the appellant on the ... day of ..... 20 ....

THE COURT

\*CONFIRMS the said \*authorisation \*determination

\*ALLOWS the said appeal.

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

Signed .....

Judge of the District Court

\*delete where inapplicable

SCHEDULE B

O.31, r. 10(1)

\*Criminal Justice (Forensic Evidence and DNA Database System) Act 2014  
(No. 11 of 2014) (the “Act of 2014”)

\*Criminal Justice (Mutual Assistance) Act 2008 (No. 7 of 2008)(the “Act of  
2008”)

Notice of Application

District Court Area of

District No.

Between

..... Applicant of ..... \*(in the court area and district  
aforesaid)

and ..... Respondent of ..... \*(in the court area and district  
aforesaid)

TAKE NOTICE that the above-named Applicant will apply at the sitting of the  
District Court to be held at ..... on the ... day of ..... 20 ..... at .... a.m./p.m. for

\*an order under section 34(6) of the Act of 2014 authorising the Garda Síochána  
to send a notice to the above-named Respondent requiring \*him/\*her to attend  
at a named Garda Síochána station on a day, and at a time of day or between  
times of day, specified in the notice for the purpose of having a sample under  
section 34 of the Act of 2014 taken from \*him/\*her

\*an order under section 39(4) of the Act of 2014 authorising the Garda Síochána  
to send a notice to the above-named Respondent, a former offender, requiring \*  
him/\*her to attend at a named Garda Síochána station on a day, and at a time  
of day or between times of day, specified in the notice for the purpose of having  
a second sample under section 34 of the Act of 2014 taken from \*him/\*her

\*an order under section 93(1) of the Act of 2014 authorising the retention of a  
DNA profile in respect of the above-named Respondent in the DNA Data-  
base System

\*an order under section 93(2) of the Act of 2014 authorising the retention of a  
DNA profile in respect of the above-named Respondent in the DNA Data-  
base System

\*an order under section 93(3) of the Act of 2014 authorising the retention of a  
sample or a DNA profile or both in respect of the above-named Respondent

\*an order under section 79(11A) of the Act of 2008 (inserted by section 132 of  
the Act of 2014) authorising the retention of identification evidence in respect

of the above-named Respondent for such purpose permitted by section 79 of the Act of 2008 for such period as the Judge considers appropriate

\*an order under section 79A(5) or section 79A(16) of the Act of 2008 (inserted by section 133 of the Act of 2014) (a) authorising the Garda Síochána to send a notice to the above-named Respondent requiring \*him/\*her to attend at a named Garda Síochána station on a day, and at a time of day or between times of day, specified in the notice for the purpose of having a sample or, as the case may be, a second sample, taken from \*him/\*her and (b) in the event of \*his/\*her failure or refusal to comply with the notice, authorising the Garda Síochána to arrest the said Respondent and detain \*him/\*her in a Garda Síochána station for a period not exceeding 4 hours from the time the said Respondent is arrested for that purpose.

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

Signed .....  
Applicant/Solicitor for Applicant.

To

of

the above-named respondent.

\* Delete words inapplicable

## SCHEDULE B

## O. 31. r. 9(1)

\*Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 (No. 11 of 2014) (the “Act of 2014”), Section \*16, \*25, \*35, \*56

\*Criminal Justice (Mutual Assistance) Act 2008 (No. 7 of 2008)(the “Act of 2008”), Section 79B

\*International Criminal Court Act 2006 (No. 30 of 2006)(the “Act of 2006”)

## Information

District Court Area of

District No.

THE INFORMATION of ..... of ..... a member of the Garda Síochána

\*not below the rank of inspector for an order authorising the taking of an intimate sample from a protected person in the circumstances mentioned in section 16(1) of the Act of 2014 \*and of a member of the Garda Síochána not below the rank of inspector for a warrant under section 16(7) of the Act of 2014 authorising the detention of the protected person concerned for such further period as may be determined not exceeding 4 hours for the purpose of having an intimate sample taken from the protected person

\*not below the rank of superintendent for a warrant under section 25(10) of the Act of 2014 for the arrest of a person and his or her detention in a Garda Síochána station for the purpose of having a second non-intimate sample taken from him or her

\*not below the rank of superintendent for an order under section 35(5) of the Act of 2014 authorising the taking of a sample from the body of a deceased person for the purpose of generating a DNA profile in respect of the person to be entered in the reference index of the DNA Database System \*and of member of the Garda Síochána not below the rank of superintendent for a warrant under section 35(7) of the Act of 2014 authorising the entry and search of a place where it is believed the body of the deceased person concerned is located, and if appropriate, the seizure of the body of that person, as necessary for the taking of the sample concerned

\*not below the rank of inspector for an order under section 56(3) of the Act of 2014 authorising the taking of a sample under section 27, 29 or 48, of the Act of 2014 from a protected person in the circumstances referred to in section 54(4) or 54(7) of the Act of 2014

\*not below the rank of inspector for an order under section 79B(6) of the Act of 2008 (inserted by section 134 of the Act of 2014) authorising the taking of the identification evidence concerned from the protected person

\*not below the rank of inspector for an order under section 50A(6) of the Act of 2006 (inserted by section 140 of the Act of 2014) authorising the taking of the identification evidence concerned from the protected person,

as the case may be

Who says on oath that—

1. I am a member of the Garda Síochána not below the rank of \*superintendent/\*inspector
2. *Set out details of the application as prescribed by Order 31, rule 9.*

Signed .....  
Informant

SWORN before me this..... day of..... 20.....

Signed .....  
Judge of the District Court

\*Delete words inapplicable

## SCHEDULE B

## O. 31. r. 9(6)

Criminal Justice (Forensic Evidence and DNA Database System) Act 2014,  
section 16(7)

Warrant authorising detention of a protected person for a further period not  
exceeding 4 hours for the purpose of having an intimate sample taken from  
protected person

District Court Area of

District No.

WHEREAS on the application by information on oath and in writing sworn  
before me \*on the .....day of ..... 20 ... \*on this day pursuant to section 16 of  
the above-mentioned Act by ..... of ..... a member of the Garda Síochána  
not below the rank of inspector,

THE COURT, considering it appropriate to do so, made an order under section  
16(6) of the said Act of 2014 authorising the taking of an intimate sample from  
..... of..... \*(in court area and district aforesaid), a protected  
person within the meaning of the said Act of 2014, in accordance with Part 2 of  
the said Act of 2014

AND WHEREAS an application was this day made under section 16(7) of the  
Act by ..... of ....., a member of the Garda Síochána not below the  
rank of inspector, for a warrant authorising the detention of the said protected  
person for such further period as may be determined not exceeding 4 hours for  
the purpose of having an intimate sample taken from the said protected person

AND WHEREAS from said information on oath and in writing sworn before  
me on this day pursuant to section 16 of the above-mentioned Act by.....  
of..... a member of the Garda Síochána not below the rank of inspector, it  
appears

THAT the said protected person was arrested by ..... at .... at...am/pm on .....  
on suspicion of having committed an offence to wit, ....., contrary to ....., and  
was taken to and detained at ..... Garda Síochána station under section 4 of the  
Criminal Justice Act 1984, being a provision referred to in section 9(1) of the  
Criminal Justice (Forensic Evidence and DNA Database System) Act 2014

AND IT FURTHER APPEARING THAT the period of detention of the said  
protected person is due to expire at.... a.m./p.m. on the... day of..... 20...

AND THE COURT granted said application under section 16(7) of the above-  
mentioned Act

THIS IS TO AUTHORISE YOU to whom this warrant is addressed, or a  
member of An Garda Síochána appointed by you, to detain the said protected  
person, ..... of ....., in accordance with the provisions of section 16(7) of the

Criminal Justice (Forensic Evidence and DNA Database System) Act 2014, for the further period of ....., being a period not exceeding 4 hours from ..... on the ..... day of ..... 20... for the purpose of having an intimate sample taken from the said protected person in accordance with the provisions of the said Act of 2014

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

Signed .....  
Judge of the District Court

To: Superintendent of the Garda Síochána at .....

\*delete where inapplicable

## SCHEDULE B

O. 31. r. 9(8)

Criminal Justice (Forensic Evidence and DNA Database System) Act 2014,  
section 25(10) and 25(11)

Warrant for the arrest of a person and his or her detention in a Garda  
Síochána station for the purpose of having a second non-intimate sample  
taken

District Court Area of

District No.

WHEREAS from the information on oath and in writing sworn before me on  
this day pursuant to section 25 of the above-mentioned Act by ..... of ..... a  
member of the Garda Síochána not below the rank of superintendent, it appears

THAT .....of.....\*(in court area and district aforesaid) was arrested  
by ..... at ..... at...am/pm on ..... on suspicion of having committed an offence  
to wit, ....., contrary to ....., and was taken to and detained at .....Garda  
Síochána station under section ....., being a provision referred to in section  
9(1) of the Criminal Justice (Forensic Evidence and DNA Database System)  
Act 2014

THAT a first non-intimate sample was taken from the said person in accordance  
with Part 2 of the Act of 2014

THAT the said person was, at ..... a.m./p.m. on the .... day of ..... 20 .. released  
without any charge having been made against \*him/\*her

THAT the first non-intimate sample concerned taken from the said person \*  
proved to be insufficient \*was inadequately labelled

THAT an authorisation was given by .....of....., a member of the  
Garda Síochána not below the rank of superintendent at .....on the .... day of  
..... 20.... for the taking of a second non-intimate sample from the said person  
in accordance with section 25(3)(i) of the said Act of 2014

THAT a notice under section 25(6) of the said Act of 2014 addressed to the  
said person was duly issued (and a copy of said notice was appended to the said  
information) and

THAT the said notice under section 25(6) of the Act of 2014 was addressed to  
the said person to whom the application relates and was delivered to \*him/\*her  
on the ....day of .....20....

THAT the said person has failed or refused without reasonable cause to comply  
with the said notice under section 25(6) of the said Act of 2014

AND WHEREAS FROM SAID INFORMATION I AM SATISFIED



THAT the first non-intimate sample concerned was taken from the said person in accordance with Part 2 of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014

THAT the first non-intimate sample concerned taken from the said person \*has proved to be insufficient \*was inadequately labelled

THAT the said person has failed or refused without reasonable cause to comply with a notice under section 25(6) of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 duly delivered to \*him/\*her

THAT in all the circumstances of the case, it is in the interests of justice to issue a warrant for the arrest and detention in a Garda Síochána station of the said person for the purpose of having a second such sample taken from \*him/\*her

THIS IS TO AUTHORISE YOU to whom this warrant is addressed, or a member of An Garda Síochána appointed by you, to arrest the said person, ..... of ..... in accordance with the provisions of section 25 of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014, and to detain \*him/\*her for such period not exceeding 4 hours from the time the said person is arrested for the purpose of having a second non-intimate sample taken from \*him/\*her in accordance with the provisions of the said Act of 2014

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

Signed .....  
Judge of the District Court

To: Superintendent of the Garda Síochána at.....

\*delete where inapplicable

SCHEDULE B

O. 31. r. 9(10)

Criminal Justice (Forensic Evidence and DNA Database System) Act 2014,  
section 35(7)

Order authorising entry and search

District Court Area of

District No.

WHEREAS from the information on oath and in writing sworn before me on this day pursuant to section 35 of the above-mentioned Act by ..... of ..... a member of the Garda Síochána not below the rank of superintendent

THE COURT, BEING SATISFIED THAT—

(a) there are reasonable grounds for suspecting that a deceased person, namely ....., late of..... \*(in court area and district aforesaid) committed the relevant offence concerned,

(b) there are reasonable grounds for believing that the taking of a sample from the body of the said deceased person, the generation of a DNA profile from the sample in respect of that person and the entry of the DNA profile in the reference index of the DNA Database System would further the investigation of the relevant offence concerned, and

(c) it would, in all the circumstances of the case, be in the interests of justice to make an order under section 35 of the above-mentioned Act

MADE AN ORDER authorising the Garda Síochána to cause to be taken from the body of the said deceased person a sample under section 35 of the above-mentioned Act

AND WHEREAS an application was this day made under section 35(7) of the said Act by ..... of ....., a member of the Garda Síochána not below the rank of superintendent, for orders (a) authorising the entry and search of a place where it is believed the body of the said deceased person is located, and (b) if appropriate, the seizure of the body of that said person, as are necessary for the taking of the sample concerned.

AND THE COURT BEING SATISFIED to make such order(s)

THIS IS TO AUTHORISE ..... of ....., a member of the Garda Síochána, accompanied by such other member(s) of the Garda Síochána or other persons or both as said member thinks necessary—

TO ENTER, at any time or times within one week of the date of the making of this order, on production if so requested of this order, and if necessary by the

use of reasonable force, a place namely.....\*(in court \*area and district aforesaid

TO SEARCH that place to locate the body of a deceased person, namely ....., late of.....\*(in court area and district aforesaid)

\*and, if appropriate

TO SEIZE the body of that said person

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

Signed .....  
Judge of the District Court

To: .....Garda Síochána station at.....

\*delete where inapplicable

SCHEDULE B

O. 37. r. 15(2)

\*Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 (No. 11 of 2014) (the “Act of 2014”), Section 17

\*Criminal Justice (Mutual Assistance) Act 2008 (No. 7 of 2008)(the “Act of 2008”)

Information

Children Court Area of

District No.

THE INFORMATION of ..... of ..... a member of the Garda Síochána not below the rank of inspector for an order authorising the taking of an intimate sample from a child in the circumstances mentioned in section 17(1) of the Act of 2014 \*and for a warrant under section 17(7) of the Act of 2014 authorising the detention of the child concerned for such further period as may be determined not exceeding 4 hours for the purpose of having an intimate sample taken from the child

Who says on oath that—

1. I am a member of the Garda Síochána of the rank of inspector
2. This information is sworn for the purposes of an application under section 17(1) \*and an application under section 17(7) of the above-mentioned Act of 2014 in respect of ..... of..... in the court \*(area and) district aforesaid, a child
3. The grounds on which the authorisation under section 12(2)(a) of the Act of 2014 was given for the taking of an intimate sample from the child concerned were .....
- \*4. The reasons (if any) that a parent or guardian of the child concerned (other than a parent or guardian to whom section 15(2) of the Act of 2014 applies) gave for refusing to consent to the taking of an intimate sample from that person were .....
5. The age of the child concerned \*is \*is believed to be .....years, the child having been born on \*or about the ...day of .....
6. The offence in respect of which the child concerned is detained is the offence of .....\*contrary to .....
7. The facts grounded on which it is alleged that it would be in the interests of justice in all the circumstances of the case, having due regard to the best interests of the child concerned, the interests of the victim of the offence in respect of which the child concerned is detained and the protection of society, to make an

order authorising the taking of an intimate sample from the child concerned are .....

\*8. The efforts made by An Garda Síochána to contact a parent or guardian of the child for the purposes of ascertaining whether or not he or she consents to the taking of an intimate sample from the child under Part 2 of the Act of 2014 \* were/\*are that .....

\*9. A parent or guardian of the child concerned, namely, ..... of..... has indicated to a member of the Garda Síochána that he or she cannot or will not attend at the Garda Síochána station in which the child is detained within a reasonable time for the purposes of giving consent to the taking of an intimate sample from the child under Part 2 of the Act of 2014 by.....

\*10. The circumstances referred to in section 15(2) of the Act of 2014 exist in relation to a parent or guardian of the child, namely ..... of....., because.....

\*11. A parent or guardian of the child, namely .....of....., has refused to consent to the taking of an intimate sample from the child under Part 2 of the Act of 2014, by.....

\*12. The child does not have a living parent or guardian.

\*13. The member in charge of the Garda Síochána station in which the child is detained has been unable following reasonable effort, namely....., to ascertain within a reasonable period whether the child has a living parent or guardian, from whom consent to the taking of an intimate sample from the person may be sought under Part 2 of the Act of 2014.

\*14. The child concerned was informed by ..... at .....am/pm on the .....day of .....20.... of my intention to make this application (including the time and place at which it was intended to make the application).

\*15. .... of ....., being a \*parent/\*guardian of the child concerned was informed by ..... at .....am/pm on the .....day of .....20.... of my intention to make this application (including the time and place at which it was intended to make the application).

\*16. The grounds for an application under section 17(7) of the Act of 2014 in respect of the said child are .....

Signed .....  
Informant

SWORN before me this ..... day of ..... 20.....

Signed .....  
Judge of the Children Court

\* Delete words inapplicable. Where non-essential paragraphs are deleted remaining paragraphs may be renumbered

## SCHEDULE B

## O. 37. r. 15(6)

Criminal Justice (Forensic Evidence and DNA Database System) Act 2014,  
section 17(7)

Warrant authorising detention of a child for a further period not exceeding 4  
hours for the purpose of having an intimate sample taken from that child

Children Court Area of

District No.

WHEREAS on the application by information on oath and in writing sworn  
before me \*on the .....day of .....20... \*on this day pursuant to section 17 of  
the above-mentioned Act by ..... of ..... a member of the Garda Síochána  
not below the rank of inspector,

THE COURT, considering it appropriate to do so, made an order under section  
17(6) of the said Act of 2014 authorising the taking of an intimate sample from  
.....of.....\*(in court area and district aforesaid), a child, having  
been born on the .....day of .....20..., in accordance with Part 2 of the said  
Act of 2014

AND WHEREAS an application was this day made under section 17(7) of the  
Act by .....of....., a member of the Garda Síochána not below the  
rank of inspector, for a warrant authorising the detention of the said child for  
such further period as may be determined not exceeding 4 hours for the purpose  
of having an intimate sample taken from the said child

AND WHEREAS from said information on oath and in writing sworn before  
me on this day pursuant to section 17 of the above-mentioned Act by .....  
of ..... a member of the Garda Síochána not below the rank of inspector,  
it appears

THAT the child was arrested by ..... at .... at ... am/pm on..... on suspicion of  
having committed an offence to wit, ....., contrary to ....., and was taken to  
and detained at ..... Garda Síochána station under section 4 of the Criminal  
Justice Act 1984, being a provision referred to in section 9(1) of the Criminal  
Justice (Forensic Evidence and DNA Database System) Act 2014

AND IT FURTHER APPEARING THAT the period of detention of the said  
child is due to expire at .... a.m./p.m. on the ... day of ..... 20 ...

AND THE COURT granted said application under section 17(7) of the above-  
mentioned Act

THIS IS TO AUTHORISE YOU to whom this warrant is addressed, or a  
member of An Garda Síochána appointed by you, to detain the said child, .....  
of ....., in accordance with the provisions of section 17(7) of the Criminal  
Justice (Forensic Evidence and DNA Database System) Act 2014, for the

further period of ....., being a period not exceeding 4 hours from .....on the  
.....day of ..... 20.. for the purpose of having an intimate sample taken from  
the said child in accordance with the provisions of the said Act of 2014

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

Signed .....  
Judge of the Children Court

To: Superintendent of the Garda Síochána at .....

\*delete where inapplicable

EXPLANATORY NOTE

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

These rules amend Order 31 and Order 37 of the District Court Rules, amend certain existing forms and prescribe additional forms to facilitate the operation of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)  
nó trí aon díoltóir leabhar.

---

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.

---

€6.60

