



STATUTORY INSTRUMENTS.

**S.I. No. 480 of 2018**



DISTRICT COURT (COMPANIES ACT 2014: SEARCH WARRANTS)  
RULES 2018

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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, 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 18th day of June 2018.

Rosemary Horgan Chairperson

Mary C Devins  
Anne Watkin  
Shane McCarthy  
Noel A Doherty  
Michelle Johnston

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

Dated this 19th day of November 2018.

CHARLES FLANAGAN,  
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 23rd November, 2018.*

S.I. No. 480 of 2018

DISTRICT COURT (COMPANIES ACT 2014: SEARCH WARRANTS)  
RULES 2018

1. (1) These Rules, which shall come into operation on the 14th day of December 2018, may be cited as the District Court (Companies Act 2014: search warrants) Rules 2018.

(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 2018.

2. The District Court Rules 1997 (S.I. No. 93 of 1997) are amended by the substitution for rule 7 of Order 34 of the following rule:

“— under the Companies Act 2014 (No. 38 of 2014)

Application for,  
— venue.

7. (1) An application for the issue of a warrant pursuant to section 787 of the Companies Act 2014 may be made at any sitting of the Court for the court district wherein the premises in respect of which the warrant is sought are situated.

— by sworn information.

(2) Such application shall be by the information on oath and in writing in the Form 34.15, Schedule B, laid by a designated officer (within the meaning of section 787(13) of the Companies Act 2014).

(3) A warrant issued to a designated officer on foot of such information shall be in the Form 34.16, Schedule B.

— extension.

(4) An application under section 787(10) of the Companies Act 2014 for an order extending the period of validity of a warrant shall be by the information on oath and in writing of the designated officer to whom the warrant was issued in the Form 34.15, Schedule B, with any necessary modifications. The information shall state, by reference to the purpose or purposes for which the warrant was issued, the reasons why the designated officer considers the extension to be necessary. The original warrant shall be produced to the Court on the hearing of an application for such extension and, where an order is made extending the period of validity of the warrant, the Judge shall cause the warrant to be suitably endorsed to indicate its extended period of validity in accordance with section 787(11) of the Companies Act 2014 and shall endorse thereon the date of the order for extension and re-sign the warrant.”

3. The Forms numbered 34.15 and 34.16 in the Schedule shall be substituted for the Forms bearing the like numbers respectively in Schedule B of the District Court Rules, 1997 (S.I. No. 93 of 1997).

**Schedule**

No. 34.15

Schedule B

O.34, r.7

District Court Area of

District No.

COMPANIES ACT 2014, Section 787

Information For Search Warrant

THE INFORMATION of ..... of .....

Who says on oath:

I am a designated officer within the meaning of section 787(13) of the above-named Act of 2014 designated by the Director of Corporate Enforcement for the purposes of the said Act and duly authorised by the said Director to lay this information.

I have reasonable grounds for suspecting that there is on the premises at ....., in the court \*(area and) district aforesaid, material information within the meaning of section 787 of the said Act, namely:

\*books or documents of which production has been required under section [state section(s) the requirement has been made under] of the above-mentioned Act on the .... day of ..... 20.... and which have not been produced in compliance with that requirement);

\*books, documents or other things (including a computer) which I have reasonable grounds for believing may provide evidence of or be related to the commission of an offence under the above mentioned Act.

The basis for my so believing is as follows:-

And I hereby apply for the issue of a search warrant under section 787 of the said Act in respect of the said premises.

Signed .....

Informant

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

Signed: .....

Judge of the District Court

\*Delete where inapplicable

Schedule B

O.34, r.7

District Court Area of

District No.

COMPANIES ACT 2014, Section 787

Search Warrant

WHEREAS from the information on oath and in writing under section 787 of the Companies Act 2014 sworn before me on this day, by ..... of ..... a designated officer within the meaning of section 787(13) of the above-named Act of 2014 designated by the Director of Corporate Enforcement for the purposes of the above-named Act of 2014 and duly authorised by the said Director

I AM SATISFIED THAT there are reasonable grounds for suspecting that there is on the premises at ....., in the court \*(area and) district aforesaid, material information within the meaning of the said section 787, namely:

\*books or documents of which production has been required under section [elect for which sections the requirement has been made under] of the above-mentioned Act on the ... day of ..... 20.... and which have not been produced in compliance with that requirement

\*books, documents or other things (including a computer) which may provide evidence of or be related to the commission of an offence under the above mentioned Act

THIS IS TO AUTHORISE....., of ....., a designated officer, within the meaning of section 787(13) of the above-named Act of 2014 so designated by the Director of Corporate Enforcement and duly authorised by the said Director, accompanied by such other persons as the officer thinks necessary, at any time or times, within 30 days after the date hereof, on production if so requested of this warrant, TO ENTER, if necessary by force, and SEARCH the above named premises in the said court area and district, TO REQUIRE any person found on the premises to give his or her name, home address and occupation and TO PRODUCE to the officer any material information that is in the custody or possession of that person, TO SEIZE and retain any material information found on the premises or in the custody or possession of any person found on the premises and TO TAKE ANY OTHER STEPS which appear to the said designated officer to be necessary for preserving or preventing interference with material information.

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

Signed .....  
Judge of the District Court

To: .....  
Designated Officer of the Director of Corporate Enforcement 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 substitute rule 7 of Order 34 of the District Court Rules to facilitate the issuing of search warrants in accordance with section 787 of the Companies Act 2014.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
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nó trí aon díoltóir leabhar.

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