



STATUTORY INSTRUMENTS.

S.I. No. 499 of 2020



DISTRICT COURT (CRIMINAL JUSTICE (FORENSIC EVIDENCE AND
DNA DATABASE SYSTEM) ACT 2014) RULES 2020

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DNA DATABASE SYSTEM) ACT 2014) RULES 2020

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 8th day of October 2018

Rosemary Horgan

Chairperson

Conal Gibbons

Riobard Pierse

Dean Kelly

Hugh Dockry

Noel A Doherty

Michelle Johnston.

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

Dated this 30 day of October 2020.

HELEN MCENTEE

Minister for Justice and Equality

S.I. No. 499 of 2020

DISTRICT COURT (CRIMINAL JUSTICE (FORENSIC EVIDENCE AND
DNA DATABASE SYSTEM) ACT 2014) RULES 2020

1. (1) These Rules, which shall come into operation on the 10th day of November 2020, may be cited as the District Court (Criminal Justice (Forensic Evidence and DNA Database System) Act 2014) Rules 2020.

(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 2020.

2. The District court Rules 1997 (S.T. 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 substitution for sub-rule (9) of rule 15 of Order 37 of the following subrule:

“(9) The provisions of Order 31 rules 9 to 20 inclusive 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).”

3. The forms numbered 31.5 and 31.12 to 31.15 inclusive 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).

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

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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) or section 81 (6) 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 2006, 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 mentioned in section 16(1) of the Act of 2014;
- (ii) a warrant under section 25(10) of the Act of 2014;
- (iii) an order under section 34(6) of the Act of 2014;
- (iv) an order under section 35(5) of the Act of 2014;
- (v) an order under section 39(4) of the Act of 2014;

- (vi) an order under section 56(3) of the Act of 2014;
- (vii) an order under section 79A(5) of the Act of 2008 (inserted by section 133 of the Act of 2014);
- (viii) an order under section 79A(16) of the Act of 2008 (inserted by section 133 of the Act of 2014);
- (ix) an order under section 79B(6) of the Act of 2008 (inserted by section 134 of the Act of 2014);
- (x) 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

10. (1) 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.

(2) 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.

(3) 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.

(4) 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

11. (1) 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.

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

Application under section 34 of the Act of 2014

12. An information sworn for the purposes of section 34(6) of the Act of 2014 shall include details of:

- (i) the facts which establish that each of the conditions specified in section 34(5) and section 34(6)(a) and (b) of the Act of 2014 is satisfied,
- (ii) the facts which establish compliance with sections 34(2), (3) and (4) of the Act of 2014, and
- (iii) the rank of the applicant.

Application under section 35 of the Act of 2014

13. (1) 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.

(2) 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.

(3) 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 39 of the Act of 2014

14. An information sworn for the purposes of section 39(4) of the Act of 2014 shall include details of:

- (i) the facts which establish that either of the conditions specified in section 39(5)(a) and each of the conditions specified in section 39(5)(b), (c) and (d) of the Act of 2014 is satisfied,
- (ii) the facts which establish compliance with sections 39(1), (2) and (3) of the Act of 2014,
- (iii) the fact that no previous order under section 39(4) of the Act of 2014 has been made in respect of the former offender concerned;
- (iv) the fact that the former offender is not a former offender who falls under section 33(1)(b) of the Act of 2014 or, where the former offender is a former offender who falls under section 33(1)(b) of the Act of 2014, a second sample has not been taken from him or her in accordance with section 38 of the Act of 2014, and
- (v) the rank of the applicant.

Application under section 56 of the Act of 2014

15. 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 79A(4) of the Act of 2008

16. An information sworn for the purposes of section 79A(4) of the Act of 2008 shall include details of:

- (i) the facts which establish that the request for the identification evidence concerned comes within section 79A(1) of the Act of 2008;

- (ii) the facts which establish compliance with section 79(1) of the Act of 2008•
- (iii) the facts which establish compliance with section 79A(2) of the Act of 2008 and that the person concerned did not consent to provide a DNA sample;
- (iv) the facts which establish that the conduct alleged to constitute the offence concerned would, if it took place in the State, constitute a relevant offence, and
- (v) the rank of the applicant.

Application under section 79A (16) of the Act of 2008

17. An information sworn for the purposes of section 79A(15) of the Act of 2008 shall include details of:

- (i) the facts which establish that the circumstances or conditions specified in section 79A(16)(i), (ii) and (iii) of the Act of 2008 are satisfied, and
- (ii) the rank of the applicant.

Application under section 79B of the Act of 2008

18. 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

19. 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

20. (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 93(1) of the Act of 2014;
- (ii) an order under section 93(2) of the Act of 2014;
- (iii) an order under section 93(3) of the Act of 2014;
- (iv) an order under section 79(11A) of the Act of 2008 (inserted by section 132 of the Act of 2014);
- (v) 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

21. 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. 31.5

SCHEDULE B

0.31, r. 20(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")

* International Criminal Court Act 2006 (No. 30 of 2006) (the "Act of 2006")

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 aton the ... day of 20..... at
a.m./p.m. for

*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 Database
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 Database
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 50(13A) of the Act of 2006 (inserted by section 139 of
the Act of 2014) authorising the retention of identification evidence in respect of
the above-named Respondent for such purpose permitted by section 50 of the
Act of 2006 for such period as the Judge considers appropriate

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, *34, *35, *39, *56

*Criminal Justice (Mutual Assistance) Act 2008 (No. 7 of 2008)(the "Act of 2008") ,Section *79A *79B

*International Criminal Court Act 2006 (No. 30 of 2006)(the "Act of 2006"), Section 50

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 34(6) of the Act of 2014 authorising the Garda Síochána to send a notice to a person requiring him or 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 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 superintendent for an order under section 39(4) of the Act of 2014 authorising the Garda Síochána to send a notice to a former offender requiring him or 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 or her

*not below 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 superintendent for an order under section 79A(5) 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 person concerned requiring him or 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 DNA sample taken from him or her, and (b) in the event of his or her failure or refusal to comply with the notice, authorising the Garda Síochána to arrest the person concerned and detain him or her in a Garda Síochána station for a period not exceeding 4 hours from the time the person concerned is arrested for that purpose

*not below the rank of superintendent for an order under 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 person concerned requiring him or 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 DNA sample taken from him or her, and (b) in the event of his or her failure to comply with the notice, authorising the Garda Síochána to arrest the person concerned and detain him or her in a Garda Síochána station for a period not exceeding 4 hours from the time the person concerned is arrested for that purpose

*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, rules 9 to 19 as appropriate to the application in question.*

Signed.....

Informant

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

Signed.....

Judge of the District Court

*Delete words inapplicable

No. 31.13

SCHEDULE B

O. 31 r. 10(4)

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 abovementioned 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 fromof..... *(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 byof..... , 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 byof..... a member of the Garda Síochána not below the rank of inspector, it appears

THAT the said protected person was arrested by at atam/pm on on suspicion of having committed an offence to wit,, contrary to, and was taken to and detained atGarda 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 abovementioned 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 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

No.31.14

SCHEDULE B

O. 31. r. 11(2)

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 byof..... 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..... atat ...am/pm on on suspicion of having
committed an offence to wit,, contrary to, and was taken to and
detained atGarda 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 of20 .. 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 theday of..... 2020

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

No.31.15

SCHEDULE B

O. 31. r. 13(2)

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 byof....., 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) 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

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 and amend certain existing forms to provide that applications for an order under section 34(6) and 39(4) of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 and under 79A(5) and 79A(16) of the Criminal Justice (Mutual Assistance) Act 2008 as amended, are made by information on oath and in writing.

BAILE ÁTHA CLIATH
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