



STATUTORY INSTRUMENTS

S.I. No. 94 of 2010



DISTRICT COURT (CRIMINAL JUSTICE (MUTUAL ASSISTANCE)
ACT 2008) RULES 2010

(Prn. A10/0348)

S.I. No. 94 of 2010

DISTRICT COURT (CRIMINAL JUSTICE (MUTUAL ASSISTANCE)
ACT 2008) RULES 2010

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961 and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice, Equality and Law Reform, make the following rules of court.

Dated this 11th day of May 2009.

Miriam Malone Chairperson

Uinsin Mac Gruairc

Mary C Devins

Thomas E O'Donnell

Fiona Twomey

Roy Pearson

Noel A Doherty

Michelle Johnston

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

Dated this 8th day of March 2010.

DERMOT AHERN,
Minister for Justice, Equality and Law Reform.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 12th March, 2010.*

S.I. No. 94 of 2010

DISTRICT COURT (CRIMINAL JUSTICE (MUTUAL ASSISTANCE)
ACT 2008) RULES 2010

1. These rules may be cited as the District Court (Criminal Justice (Mutual Assistance) Act 2008) Rules 2010

2. These rules shall come into operation on the 5th day of April, 2010 and shall be construed together with the District Court Rules 1997 to 2010.

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

(i) by the substitution for the title of Order 21 of the following:

“Order 21

Attendance of Witnesses and Securing Evidence”;

(ii) by the insertion immediately following rule 2 of Order 21 of the following:

“3. (1) In this Order, “the Act of 2008” means the Criminal Justice (Mutual Assistance) Act 2008 (No. 7 of 2008).

(2) An application to a Judge of the District Court to issue a letter of request under section 62(1), section 67(2), section 73(1) or section 77(1) of the Act of 2008 shall—

(a) where the application concerns proceedings already instituted against a person, be made, unless the Judge otherwise directs or permits, by notice of application in the Form 21.8, Schedule B, returnable to the date specified on the summons or the date on which the person charged is next scheduled to be before the District Court, and, unless the Judge otherwise directs or permits, the notice of application shall be lodged with the Clerk and a copy served on the prosecutor or the person charged, as the case may be, not later than two days before such date;

(b) in any other case, be made ex parte at any sitting of the Court by notice of application in the Form 21.8, Schedule B.

(3) The Judge may, before making an order on such an application, require the applicant to produce, or lodge with the Clerk, for consideration by the Judge a completed draft of the form of letter of request containing the information required by the Act of 2008 to be included in such letter.

(4) *Where an order is made under this rule, the order may include such further provisions as the Judge of the District Court considers necessary or appropriate to facilitate the taking of any evidence concerned.*

4. *A certificate in accordance with section 58(1)(b) of the Act of 2008 shall be in the Form 21.9, Schedule B. Such certificate shall be issued by the Clerk on receipt of a letter from the Director of Public Prosecutions, or an officer or solicitor of the Director duly authorised in that behalf, requesting such certificate.*

5. *Every application for leave to issue and serve a document in accordance with section 80 of the Act of 2008 shall be made ex parte and be supported by oral evidence, and there shall be produced on such application a draft of the document proposed to be issued and served (which draft shall as to its contents be in compliance with section 80(4) of the Act of 2008) and any translation required under subsections (2) and (3) of section 80 of the Act of 2008. The application shall also be supported by evidence identifying the other state in which the person proposed to be served is believed to be, any information available to the applicant as to the whereabouts of the person intended to be served, and any other information necessary for enabling the Court to exercise its discretion in accordance with section 80.”;*

- (iii) by the substitution for the title and rule 1 of Order 31A of the following:

“Order 31A

Proceedings under the Police (Property) Act 1897

Applications for Restitution

“1. In this Order:

“the Act” means the Police (Property) Act 1897;

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

- (iv) by the insertion immediately following rule 3 of Order 31A of the following:

“4. (1) An application for an order under section 87 of the Act of 2008 that a person deliver property to the member in charge of a Garda Síochána station named in the application may be made at any sitting of the Court for the court district or for any one of the court districts wherein the property is located.

(2) *Such application shall be preceded by the issue of a notice in the Form 31A.3, Schedule B. Save where the Court otherwise permits, or where sub-rule (4) applies, the notice shall be served upon each person who appears to the applicant to be or likely to be affected by the making of the order sought, in accordance with the relevant provisions of Order 10. Where service is effected by registered prepaid post the notice shall be served at least twenty-one days prior to the date fixed for hearing the application. In all other cases the notice shall be served at least seven days prior to that date.*

(3) *When service has been effected, the original notice, together with a statutory declaration as to the service thereof (and, where appropriate, the certificate of posting) shall be lodged with the Clerk at least four days prior to the date of hearing.*

(4) *Where, in an application to which this rule relates, the applicant cannot ascertain the whereabouts of any person who appears to the applicant to be or likely to be affected by the making of the order sought, or where the Court otherwise permits, such application may be made ex parte upon prior lodgment of the notice with the Clerk.*

(5) *The order of the Court granting the application shall be in the Form 31A.4, Schedule B.”;*

(v) by the insertion immediately following rule 20 of Order 34 of the following:

- Under the Criminal Justice (Mutual Assistance) Act 2008 (No. 7 of 2008)

“21. (1) An application pursuant to section 74(7) of the Criminal Justice (Mutual Assistance) Act 2008 by a member of the Garda Síochána not below the rank of inspector for the issue of a warrant pursuant to section 74(8) of the said Act may be made to the Judge of the District Court assigned to the District Court District where the place concerned is situated, by the information on oath and in writing of such member in the Form 34.45, Schedule B. A warrant granted on foot of such information shall be in the Form 34.46, Schedule B.

(2) An application under section 75(8) of the said Act of 2008 by a member of the Garda Síochána not below the rank of inspector for an order under section 75(10)(a) of the said Act of 2008 that a person produce evidential material to a named member of the Garda Síochána so that he or she may take it away, or give such member access to it, and/or for an order under section 75(10)(b) of the said Act to require any person who appears to the Judge to be entitled to grant entry to the place to allow the

member to enter it to obtain access to the material may be made to the Judge of the District Court assigned to the District Court District wherein the evidential material is situated by the information on oath and in writing of such member in the Form 34.47, Schedule B. An application by a member of the Garda Síochána for an order under section 75(10)(b) of the said Act of 2008 may be made to the Judge of the District Court assigned to the District Court District wherein the evidential material is situated by the information on oath and in writing of such member in the Form 34.48, Schedule B. An order made under section 75(10) of the said Act of 2008 on foot of such information shall be in the Form 34.49, Schedule B.

(3) An application for an order under section 75(14) of the said Act of 2008 varying or discharging an order made under section 75(10) shall, unless the Judge otherwise permits, be preceded by the issue of a notice of application in the Form 34.50, Schedule B. A copy of the notice of application shall be served upon the member of the Garda Síochána named in the order or the person to whom the order relates not later than four days before the date fixed for the hearing of the application, and the original notice of application shall be lodged with the Clerk not later than two days before the date fixed for the hearing of the application. The original order shall be produced in court on the hearing of any application for an order varying or discharging it. Any variation ordered may be endorsed on the original or a copy of the order and dated and signed by the Judge.

- Under section 63 of the Criminal Justice Act 1994 (No. 15 of 1994)(as substituted by section 105(g) of the Criminal Justice (Mutual Assistance) Act 2008

22. (1) An application under section 63(1) of the Criminal Justice Act 1994 by a member of the Garda Síochána for an order under section 63(3) of the said Act that a person produce material to a named member of the Garda Síochána so that he or she may take it away, or give such member access to it, may be made to the Judge of the District Court assigned to the District Court District wherein the material is situated, by the information on oath and in writing of such member in the Form 34.51, Schedule B. An order made on foot of such information shall be in the Form 34.52, Schedule B.

(2) An application under section 63(7) of the said Act for an order varying or discharging an order made under section 63(3) shall, unless the Judge otherwise permits, be preceded by the issue of a notice of application in the Form 34.53, Schedule B. A copy of the notice of application shall be served upon the member of the Garda Síochána named in the order or the person to whom the order relates not later than four days before the date fixed for

the hearing of the application, and the original notice of application shall be lodged with the Clerk not later than two days before the date fixed for the hearing of the application. The original order shall be produced in court on the hearing of any application for an order varying or discharging it. Any variation ordered may be endorsed on the original or a copy of the order and dated and signed by the Judge.”

4. The Forms in Schedule 1 shall be added to the Forms in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997).

SCHEDULE 1

No. 21.8

CRIMINAL JUSTICE (MUTUAL ASSISTANCE) ACT 2008,
*section 62(1) *section 67(2) *section 73(1) *section 77(1)

NOTICE OF APPLICATION

District Court Area of

District No.

*Prosecutor

*Accused

.....Applicant

WHEREAS *criminal proceedings have been instituted against the above-named accused *a criminal investigation is taking place in the State

Assistance is sought from a person namely,, of, in a designated state (within the meaning of the above-named Act of 2008) in obtaining the following evidence namely,, for use in the said *proceedings *investigation.

TAKE NOTICE that the *Director of Public Prosecutions / *person charged in the said proceedings, of..... intends to apply to the District Court sitting at..... on the.... day of..... 20.... at a.m./p.m. for the issue of a letter of request (in the form of the attached draft or in such other form as the Judge shall consider appropriate) under section 62(1) of the above-mentioned Act of 2008 requesting assistance in obtaining the said evidence.

OR

WHEREAS (a) criminal proceedings have been instituted in the State against the above-named accused, (b) a witness in the proceedings, namely,..... of, is in a designated state (within the meaning of the above-named Act of 2008), and (c) it is not desirable or possible for the said witness to give evidence in person.

TAKE NOTICE that the *Director of Public Prosecutions / *person charged in the said proceedings, of..... intends to apply to the District Court sitting at..... on the.... day of..... 20.... at a.m./p.m. for the issue of a letter of request (in the form of the attached draft or in such other form as the Judge shall consider appropriate) under section 67(2) of the above-mentioned Act of 2008 requesting the provision of facilities in the designated state concerned to enable the witness to give evidence in the proceedings through a live television link.

OR

WHEREAS *criminal proceedings have been instituted against the above-named accused *a criminal investigation is taking place

Evidence for the purposes of the *proceedings *investigation may be obtained at a place in a designated state (within the meaning of the above-named Act of 2008) namely,, at

TAKE NOTICE that the *Director of Public Prosecutions / *person charged in the said proceedings of..... intends to apply to the District Court sitting at..... on the.... day of..... 20.... at a.m./p.m. for the issue of a letter of request (in the form of the attached draft or in such other form as the Judge shall consider appropriate) under section 73(1) of the above-mentioned Act of 2008 requesting assistance in obtaining the said evidence.

OR

WHEREAS *criminal proceedings have been instituted against the above-named accused *a criminal investigation is taking place

Identification evidence (within the meaning of section 76 of the above-named Act of 2008) namely,, is sought in respect of a person namely,, of, from an authority in a designated state (within the meaning of the above-named Act of 2008) namely,....., for the purposes of the said *proceedings *investigation.

TAKE NOTICE that the *Director of Public Prosecutions / *person charged in the said proceedings, of intends to apply to the District Court sitting at on the.... day of..... 20.... at a.m./p.m. for the issue of a letter of request (in the form of the attached draft or in such other form as the Judge shall consider appropriate) under section 77(1) of the above-mentioned Act of 2008 requesting assistance in obtaining the said evidence.

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

Signed.....
Applicant or Solicitor for Applicant

*Toat.....

To District Court Clerk at

*Delete where inapplicable

SCHEDULE B
O. 21, r. 4.

No. 21.9

CERTIFICATE UNDER SECTION 58, CRIMINAL JUSTICE (MUTUAL ASSISTANCE) ACT 2008

District Court Area of

District No.

.....Prosecutor

.....Accused

Whereas a forfeiture order was made in the above-entitled proceedings on the..... day of 20..... in respect of [*insert details of property in designated State*]

I CERTIFY that

*the prescribed time for lodging of an appeal against that order has expired.

*the prescribed time for lodging of an appeal against that order will expire on the..... day of 20.....

*[a duly authenticated copy of the said forfeiture order is attached to this certificate]

(Signed)
District Court Clerk

*Delete as appropriate

No. 31A.3

CRIMINAL JUSTICE (MUTUAL ASSISTANCE) ACT 2008, Section 87(1)

NOTICE OF APPLICATION FOR AN ORDER FOR THE
RESTITUTION OF PROPERTY

District Court Area of

District No.

..... Applicant

of

and

..... Respondent

of

WHEREAS a request has been received by the Central Authority (within the meaning of section 8 of the above-mentioned Act of 2008) for property, namely, obtained by criminal means, in the possession or control of *the above-named respondent *..... of..... to be placed at the disposal of the requesting authority with a view to the return of the property to its owner.

AND WHEREAS the Minister for Justice, Equality and Law Reform is of opinion that the request complies with section 85 of the said Act.

TAKE NOTICE that the above-named applicant will apply *on behalf of the said Minister at the sitting of the District Court to be held at..... on theday of20... at a.m./p.m. pursuant to section 87(1) of the above-mentioned Act of 2008 for an order that *the above-named respondent *.....of..... deliver the said property to the member in charge of the Garda Síochána station at

Dated thisday of20...

Signed.....

Applicant/Solicitor for Applicant

To.....of.....

the above-named respondent.

To District Court Clerk at

*Delete words inapplicable

No. 31A.4

CRIMINAL JUSTICE (MUTUAL ASSISTANCE) ACT 2008, Section 87(1)

ORDER FOR THE RESTITUTION OF PROPERTY

District Court Area of

District No.

..... Applicant

of

and

..... Respondent

of

UPON HEARING an application made to this Court today by the above-named applicant for an order pursuant to section 87(1) of the above-mentioned Act of 2008 that *the above-named respondent *.....of..... deliver property namely,to the member in charge of the Garda Síochána station at, on foot of a request received by the Central Authority (within the meaning of section 8 of the above-mentioned Act of 2008) for said property, alleged to have been obtained by criminal means, to be placed at the disposal of the requesting authority, namely,....., with a view to the return of the property to its owner.

THE COURT *being satisfied that notice of the application was duly served

having heard the evidence tendered herein

* being satisfied that sections 85 and 86(2) of the said Act have been complied with

* being satisfied that the property concerned, namely,..... is in the possession or control of.....of.....

HEREBY ORDERS the said.....of..... to deliver the said property to the member in charge of the Garda Síochána station at

Dated this ... day of 20...

Signed.....

Judge of the District Court

*Delete words inapplicable

No. 34.45

CRIMINAL JUSTICE (MUTUAL ASSISTANCE) ACT 2008, Section 74(7)

INFORMATION FOR WARRANT

District Court Area of

District No.

THE INFORMATION ofofwho says on oath-

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

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

The Minister for Justice, Equality and Law Reform as Central Authority is of opinion that section 74 of the above-named Act of 2008 applies to the said request and has sent the request *(and accompanying or related documents) to the Commissioner of the Garda Síochána to arrange for the request to be complied with, in accordance with section 74(4) of the said Act.

The Minister has received an assurance referred to in section 74(5) of the said Act given by the requesting authority *and a copy of that assurance is produced herewith.

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

I have reasonable grounds for believing that entry to a place (within the meaning of section 61 of the above-mentioned Act of 2008), namely in the said court (area and) district is necessary for the purposes of complying with the said request.

The basis for such grounds is as follows:-

And I hereby apply for the issue of a warrant under section 74(8) of the Criminal Justice (Mutual Assistance) Act 2008 in respect of that place and any persons found there.

Signed.....
Informant

SWORN before me this day of 20...

Signed.....
Judge of the District Court

*Delete words inapplicable

No. 34.46

CRIMINAL JUSTICE (MUTUAL ASSISTANCE) ACT 2008, Section 74(7)

SEARCH WARRANT

District Court Area of

District No.

WHEREAS from the information on oath and in writing under section 74(8) of the Criminal Justice (Mutual Assistance) Act 2008 sworn before me on this day, by.....of..... a member of the Garda Síochána not below the rank of inspector

AND WHEREAS ON READING a request for assistance in obtaining evidence for the purposes of *criminal proceedings/*a criminal investigation, in a designated state (within the meaning of the above-named Act of 2008), namely....., *(and accompanying or related documents, namely,) produced on the making of the said information

I AM SATISFIED THAT section 74 of the above-named Act of 2008 applies to the said request

AND IT APPEARING THAT there are reasonable grounds for believing that entry to a place (within the meaning of section 61 of the above-mentioned Act of 2008), namely in the said court (area and) district is necessary for the purposes of complying with the said request

THIS IS TO AUTHORISE, of, a member of the Garda Síochána, accompanied by such other members or persons or both as the said member thinks necessary,

TO ENTER, at any time or times within one week of the date of issue of this warrant, on production, if so requested, of this warrant and, if necessary, by the use of reasonable force, the place, namely in the said court (area and) district aforesaid,

TO SEARCH the said place and any person found there,

To ACCESS, EXAMINE, SEIZE, TAKE AWAY and RETAIN any material found there, or in the possession of a person present there at the time of the search

which (s)he reasonably believes to be evidence of, or relating to the commission of, the offence concerned or assets or proceeds deriving from criminal conduct in the designated state or their identity or whereabouts, or

whose retention is necessary to comply with the request,

TO MAKE a copy of any document so seized and to take the copy away, and

TO TAKE such other steps as appear to him/her to be necessary for preserving any such material and preventing interference with it.

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

Signed
Judge of the District Court

To Superintendent/Inspector of the Garda Síochána

at

*Delete words inapplicable

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

No. 34.47

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

INFORMATION

District Court Area of

District No.

THE INFORMATION ofof

Who says on oath—

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

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

The Minister for Justice, Equality and Law Reform as Central Authority is of opinion that section 75 of the above-named Act of 2008 applies to the said request and has sent the request *(and accompanying or related documents) to the Commissioner of the Garda Síochána to arrange for the request to be complied with, in accordance with section 74(5) of the said Act.

The Minister has received an assurance referred to in section 74(6) of the said Act given by the requesting authority *and a copy of that assurance is produced herewith.

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

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

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

The basis for such grounds is as follows:-

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

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

*give access to the said evidential material, being to, a member of the Garda Síochána *immediately upon production of this order to him/her *within days of the production of this order to him/her

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

Signed.....
Informant

SWORN before me this day of 20...

Signed.....
Judge of the District Court

*Delete as appropriate

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

No. 34.48

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

INFORMATION FOR ORDER UNDER SECTION 75(10)(b) ONLY

District Court Area of

District No.

THE INFORMATION ofof

Who says on oath-

I am a member of the Garda Síochána.

An order was made by the District Court at.....on theday of20....under section 75(10) of the above-named Act of 2008 that of

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

*give access to evidential material, being to....., a member of the Garda Síochána *immediately upon production of the order to him/her *within days of the production of the order to him/her

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

The basis for such grounds is as follows:-

And I hereby apply for an order under section 75(10)(b) of the above-named Act of 2008 to require *.....of..... who appears to be entitled to grant entry to the said place to allow the said member to enter the said place to obtain access to the said material.

Signed.....
Informant

SWORN before me this day of 20...

Signed.....
Judge of the District Court

*Delete as appropriate

No. 34.49

CRIMINAL JUSTICE (MUTUAL ASSISTANCE) ACT 2008, Section 75(10)
ORDER

District Court Area of

District No.

WHEREAS from the information on oath and in writing under *section 75(8) *section 75(10)(b) of the Criminal Justice (Mutual Assistance) Act 2008 sworn before me on this day, by.....of a member of the Garda Síochána *not below the rank of inspector†

*AND WHEREAS ON READING a request for assistance in obtaining *specified evidential material/*evidential material of a specified description, namely,..... for the purposes of *criminal proceedings/*a criminal investigation, in a designated state (within the meaning of the above-named Act of 2008), namely....., produced on the making of the said information

*I AM SATISFIED THAT section 75 of the above-named Act of 2008 applies to the said request

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

*[AND] I AM SATISFIED THAT an order is required under section 75(10)(b) of the said Act of 2008 to require *.....of..... who appears to be entitled to grant entry to a place, namely in the court (area and) district to allow the member named in the order to enter the said place to obtain access to the said material. †

IT IS HEREBY ORDERED that the said of

*produce the said evidential material, being to a member of the Garda Síochána for *him/*her to take it away

*give access to the said evidential material, being to a member of the Garda Síochána *immediately upon production of this order to him/her *within days of the production of this order to him/her.

*[AND] IT IS HEREBY ORDERED under section 75(10)(b) of the said Act of 2008 thatof.....who appears to be entitled to grant entry to a place, namely in the court (area and) district is required to allow the said member to enter the said place to obtain access to the said material. †

Note 1: Under section 75(11) of the above-named Act, where the evidential material consists of information contained in a computer, this order has effect as

an order to produce the material, or to give access to it, in a form in which it is legible and comprehensible or can be made so and in which it can be taken away.

Note 2: An application to vary or discharge this order may be made at any sitting of the District Court foron notice to the member of the Garda Síochána named in the order.

Dated this day of 20...

Signed.....
Judge of the District Court

To the Superintendent/Inspector of the Garda Síochána at

And to the said:

*Delete as appropriate

†these paragraphs only require to be completed where an order is made only under section 75(10)(b), an order under section 75(10)(a) having previously been made.

34.50

CRIMINAL JUSTICE (MUTUAL ASSISTANCE) ACT 2008, Section 75(14)
NOTICE OF APPLICATION TO *VARY/ *DISCHARGE AN ORDER
UNDER SECTION 75(10) OF THE ACT

District Court Area of District No.
.....of
Applicant

.....of
Respondent

WHEREAS on application of, made under section 75(10) of the above-mentioned Act, this Court on theday of20.. made an order under section 75(10) of the said Act that of

*produce evidential material, being to, a member of the Garda Síochána for *him/*her to take it away

*give access to evidential material, being to, a member of the Garda Síochána *immediately upon production of this order to him/her *within days of the production of this order to him/her

*and thatof.....who appeared to be entitled to grant entry to a place, namely in the court (area and) district be required to allow the said member to enter the said place to obtain access to the said material.

TAKE NOTICE that the above-named applicant will apply at the sitting of the District Court to be held at

on the day of20.. at ...a.m./p.m., under section 75(14) of the said Act to have the said order

*DISCHARGED

*VARIED as follows:.....

on the grounds that

Dated thisday of.....20..

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

To.....of.....
the above-named respondent

To: District Court Clerk at.....

*Delete words inapplicable

No. 34.51

CRIMINAL JUSTICE ACT 1994, Section 63(1)

(as substituted by CRIMINAL JUSTICE (MUTUAL ASSISTANCE) ACT 2008,
Section 105)

INFORMATION

District Court Area of

District No.

THE INFORMATION ofofwho says on oath-

I am a member of the Garda Síochána.

*The Garda Síochána are investigating /*Criminal proceedings are in being in relation to whether a person, namely,.....of..... has engaged in criminal conduct (within the meaning of section 63(11) of the above-mentioned Act).

I have reasonable grounds for suspecting that

(the said) of..... *in court (area and) district aforesaid has engaged in criminal conduct (within the meaning of section 63(11) of the above-mentioned Act)

material, namely, likely to be of substantial value (whether by itself or together with other material) for the purposes of such *investigation *proceedings is at a place, namely*in court (area and) district aforesaid and

I have reasonable grounds for believing that said material should be produced or that access to it should be given, having regard to the benefit likely to accrue to the *investigation *proceedings and other relevant circumstances.

†I have reasonable grounds for believing that an order is required under section 63(3)(b) of the said Act to require any person who appears to the Judge to be entitled to grant entry to the said place, namely *in the court (area and) district to allow the member named in the order to enter the said place to obtain access to the said material.

The basis for such grounds is as follows:-

And I hereby apply for an order under section 63(3) of the above-mentioned Act that *the said of

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

*give access to the said material, being to, a member of the Garda Síochána within seven days or such other period as appears to the Judge would be appropriate in the particular circumstances of the case

†And for an order under section 63(3)(b) of the said Act to require any person who appears to the Judge to be entitled to grant entry to the said place to allow the said member to enter the said place to obtain access to the said material.

Signed.....

Informant

SWORN before me this day of 20...

Signed.....

Judge of the District Court

*Delete as appropriate

† to be completed only when an order is sought under both section 63(3)(a) and section 63(3)(b).

No. 34.52

CRIMINAL JUSTICE ACT 1994, Section 63(3)

(as substituted by CRIMINAL JUSTICE (MUTUAL ASSISTANCE) ACT 2008,
Section 105)

ORDER

District Court Area of

District No.

WHEREAS from the information on oath and in writing under section 63(1) of the Criminal Justice Act 1994 sworn before me on this day, by..... of..... a member of the Garda Síochána

*I AM SATISFIED THAT

*The Garda Síochána are investigating /*Criminal proceedings are in being in relation to whether a person, namely,.....of..... has engaged in criminal conduct (within the meaning of section 63(11) of the above-mentioned Act).

There are reasonable grounds for suspecting that

..... of..... *in court (area and) district aforesaid has engaged in criminal conduct (within the meaning of section 63(11) of the above-mentioned Act)

material, namely, likely to be of substantial value (whether by itself or together with other material) for the purposes of such *investigation *proceedings is at a place, namely*in court (area and) district aforesaid and

There are reasonable grounds for believing that said material should be produced or that access to it should be given, having regard to the benefit likely to accrue to the *investigation *proceedings and other relevant circumstances.

An order is necessary under section 63(3)(b) of the said Act to require any person who appears to me to be entitled to grant entry to the said place, namely * in the court (area and) district to allow the said member to enter the said place to obtain access to the said material.

IT IS HEREBY ORDERED that (the said) of

*produce the said material, being to, a member of the Garda Síochána for *him/*her to take it away

*give access to the said material, being to, a member of the Garda Síochána *within seven days of the date of this order *[insert any other period considered appropriate in the particular circumstances of the case, as referred to in section 63(3)(a)(ii) of the Act].

*[AND] IT IS HEREBY ORDERED under section 63(3)(b) of the said Act thatof.....who appears to be entitled to grant entry to a place, namely in the court (area and) district is required to allow the said member to enter the said place to obtain access to the said material.

Note 1: Under section 63(4) of the above-named Act, where the material consists of information contained in a computer, this order has effect as an order to produce the material, or to give access to it, in a form in which it is legible and comprehensible or can be made so and in which it can be taken away.

Note 2: An application to vary or discharge this order may be made at any sitting of the District Court foron notice to the member of the Garda Síochána named in the order.

Dated this day of 20...

Signed.....

Judge of the District Court

To the Superintendent of the Garda Síochána at

And to the said:

*Delete as appropriate

CRIMINAL JUSTICE ACT 1994, Section 63(7)

(as substituted by CRIMINAL JUSTICE (MUTUAL ASSISTANCE) ACT 2008,
Section 105)

NOTICE OF APPLICATION TO *VARY/ *DISCHARGE AN ORDER
UNDER SECTION 63(3) OF THE ACT

District Court Area of District No.
.....of
Applicant

.....of
Respondent

WHEREAS on application of, made under section 63(1) of the above-mentioned Act, this Court on theday of20.. made an order under section 63(3) of the said Act that of

*produce material, being to, a member of the Garda Síochána for *him/*her to take it away

*give access to material, being to, a member of the Garda Síochána *within seven days *within ...of the date of the order

*and thatof.....who appeared to be entitled to grant entry to a place, namely in the court (area and) district be required to allow the said member to enter the said place to obtain access to the said material.

TAKE NOTICE that the above-named applicant will apply at the sitting of the District Court to be held aton the ... day of20.. at ...a.m./p.m., under section 63(7) of the said Act to have the said order

*DISCHARGED

*VARIED as follows:.....

on the grounds that

Dated thisday of.....20..

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

To.....of.....
the above-named respondent

To: District Court Clerk at.....

*Delete words inapplicable

EXPLANATORY NOTE

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

These Rules amend Orders 21, 31A and 34 of the Rules to prescribe the procedure and forms in respect of the Criminal Justice (Mutual Assistance) Act 2008 viz. application to issue a letter of request under sections 62(1), 67(2), 73(1) or 77(1); a certificate in accordance with section 58(1)(b); application for leave to issue and serve a document under section 80; application and order for restitution under section 87; an information and search warrant under section 74(7); an information, order and application to discharge or vary an order under section 75 and an information, order and application to discharge or vary an order under section 63 of the Criminal Justice Act 1994 as amended by section 105 of the Act.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

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€6.60



Wt. (B26973). 285. 3/10. Cahill. Gr. 30-15.