



STATUTORY INSTRUMENTS

**S.I. No. 154 of 2008**

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CRIMINAL JUSTICE (FORENSIC EVIDENCE) ACT 1990  
(AMENDMENT) REGULATIONS 2008

**(Prn. A8/0691)**

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CRIMINAL JUSTICE (FORENSIC EVIDENCE) ACT 1990  
(AMENDMENT) REGULATIONS 2008

I, DERMOT AHERN, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by section 5 of the Criminal Justice (Forensic Evidence) Act 1990 (No. 34 of 1990), hereby make the following Regulations:

1. These Regulations may be cited as the Criminal Justice (Forensic Evidence) Act 1990 (Amendment) Regulations 2008.
2. In these Regulations “1992 Regulations” means Criminal Justice (Forensic Evidence) Act 1990 Regulations 1992 (S.I. No. 130 of 1992).
3. The 1992 Regulations are amended as follows:
  - (a) by the substitution of Appendix A to these Regulations for Appendix A to the 1992 Regulations;
  - (b) by the substitution of Appendix B to these Regulations for Appendix B to the 1992 Regulations;
  - (c) by the substitution of Appendix C to these Regulations for Appendix C to the 1992 Regulations.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 27th May, 2008.*

## APPENDIX A

CRIMINAL JUSTICE (FORENSIC EVIDENCE) ACT 1990SECTION 2(4)(b) AND (10)(a)

Consent by person aged 17 years or over to taking of sample from him or her.

1. I \_\_\_\_\_

of \_\_\_\_\_

being aged 17 years or over have been informed:

- (a) of the nature of the offence in which it is suspected I have been involved;
- (b) that an authorisation has been given under section 2(4)(a) of the *Criminal Justice (Forensic Evidence) Act 1990* for the taking of a sample from me for the purpose of forensic testing of the sample, the sample being one or more of the following samples, namely—
  - (I) a sample of
    - (i) blood  Tick box as appropriate
    - (ii) pubic hair
    - (iii) urine
  - (II) a swab from a body orifice, other than the mouth, mentioned beside box opposite
  - (III) a swab from a genital region mentioned beside box opposite
  - (IV) a dental impression

and of the grounds on which it has been given;
- (c) that my consent is necessary for the taking of the sample;
- (d) that the results of any tests on the sample may be given in evidence in any proceedings;
- (e) that, if I refuse without good cause to consent to the taking of the sample, then in any proceedings against me for an offence, evidence of the refusal may be given and may result in inferences being drawn against me and that the refusal may be treated as, or as capable of amounting to, corroboration of any evidence in relation to which the refusal is material, but that I shall not be able to be convicted of an offence solely on an inference drawn from the refusal.

4 [154]

2. I hereby consent to the taking of the sample.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## APPENDIX B

CRIMINAL JUSTICE (FORENSIC EVIDENCE) ACT 1990SECTION 2(4)(b) AND (10)(b)

Consent by person aged 14, 15 or 16 years, and consent of his or her parent or guardian, to taking of sample from him or her.

A. 1. I \_\_\_\_\_

of \_\_\_\_\_

who was born on \_\_\_\_\_

have been informed:

(a) of the nature of the offence in which it is suspected I have been involved;

(b) that an authorisation has been given under section 2(4)(a) of the *Criminal Justice (Forensic Evidence) Act 1990* for the taking of a sample from me for the purpose of forensic testing of the sample, the sample being one or more of the following samples, namely—

(I) a sample of

(i) blood  Tick box as appropriate

(ii) pubic hair

(iii) urine

(II) a swab from a body orifice, other than the mouth, mentioned beside box opposite

(III) a swab from a genital region mentioned beside box opposite

(IV) a dental impression

and of the grounds on which it has been given;

(c) that my consent and the consent of one of my parents or guardian is necessary for the taking of the sample;

(d) that the results of any tests on the sample may be given in evidence in any proceedings;

(e) that, if I refuse without good cause to consent to the taking of the sample, then (unless my parent or guardian also refuses

consent) in any proceedings against me for an offence, evidence of my refusal may be given and may result in inferences being drawn against me and that my refusal may be treated as, or as capable of amounting to, corroboration of any evidence in relation to which my refusal is material, but that I shall not be able to be convicted of an offence solely on an inference drawn from my refusal.

2. I hereby consent to the taking of the sample.

Signed \_\_\_\_\_

Date: \_\_\_\_\_

B. I \_\_\_\_\_, of \_\_\_\_\_, a parent/guardian of \_\_\_\_\_ have been informed of the matters stated in paragraph 1 above, and I hereby consent to the taking of the sample from him or her.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## APPENDIX C

CRIMINAL JUSTICE (FORENSIC EVIDENCE) ACT 1990SECTION 2(4)(b) AND (10)(c)

Consent of parent or guardian of person aged less than 14 years to taking of sample from him or her.

1. I \_\_\_\_\_  
of \_\_\_\_\_  
a parent/guardian of \_\_\_\_\_  
of \_\_\_\_\_  
who was born on \_\_\_\_\_

have been informed:

(a) of the nature of the offence in which it is suspected that he or she has been involved;

(b) that an authorisation has been given under section 2(4)(a) of the *Criminal Justice (Forensic Evidence) Act 1990* for the taking of a sample from him or her for the purpose of forensic testing of the sample, the sample being one or more of the following samples, namely—

(I) a sample of

(i) blood  Tick box as appropriate

(ii) pubic hair

(iii) urine

(II) a swab from a body orifice, other than the mouth, mentioned beside box opposite

(III) a swab from a genital region mentioned beside box opposite

(IV) a dental impression

and of the grounds on which it has been given;

(c) that the consent of a parent or guardian of \_\_\_\_\_ is necessary for the taking of the sample;

(d) that the results of any tests on the sample may be given in evidence in any proceedings against \_\_\_\_\_.

8 [154]

2. I hereby consent to the taking of the sample.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_



GIVEN under my Official Seal,  
22 May 2008

DERMOT AHERN  
Minister for Justice, Equality and Law Reform.

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  
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