



STATUTORY INSTRUMENTS.

S.I. No. 219 of 2016



NATIONAL VETTING BUREAU (CHILDREN AND VULNERABLE
PERSONS) ACT 2012 (APPEALS) REGULATIONS 2016

NATIONAL VETTING BUREAU (CHILDREN AND VULNERABLE PERSONS) ACT 2012 (APPEALS) REGULATIONS 2016

The Minister for Justice and Equality, in exercise of the powers conferred on her by sections 4 and 18(4) of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (No. 47 of 2012), hereby makes the following regulations:

Citation

1. These Regulations may be cited as the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (Appeals) Regulations 2016.

Definitions

2. In these Regulations—

“Act” means the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (No. 47 of 2012);

“appeal” means an appeal under section 18 of the Act.

Notice of appeal

3. A notice of appeal shall, in addition to complying with the requirements of subsection (3) of section 18 of the Act—

- (a) state the name and address of the appellant and in the case in which an address for service has been furnished, that address, and
- (b) be accompanied by—
 - (i) a copy of the notification received by the appellant under subsection (6) of section 15 of the Act together with a copy of the specified information referred to in paragraph (b) of that subsection,
 - (ii) a statement of the facts and contentions upon which the appellant intends to rely, and
 - (iii) such other documents (if any) that the appellant wishes to submit in support of the appeal.

Receipt of notice of appeal

4. The appeals officer shall, as soon as practicable, notify the appellant in writing of receipt by him or her of the notice of appeal.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 6th May, 2016.

Service of appeal on Chief Bureau Officer

5. The appeals officer shall, as soon as practicable, after receipt by him or her of a notice of appeal—

- (a) send a copy of the notice of appeal and all accompanying statements and documents to the Chief Bureau Officer,
- (b) request the Chief Bureau Officer to furnish to the appeals officer within such time as he or she may specify a copy of any documentation and information upon which his or her determination (to which the appeal relates) under section 15 of the Act was based, and
- (c) invite the Chief Bureau Officer to furnish observations in writing in relation to the appeal to the appeals officer within such time as he or she may specify.

Furnishing of documentation and observations by Chief Bureau Officer

6. (1) Subject to Regulation 8, the Chief Bureau Officer shall furnish to the appeals officer a copy of the documentation and information referred to in paragraph (b) of Regulation 5 within the period specified in the request referred to in that paragraph or such other period as may be agreed between the appeals officer and the Chief Bureau Officer.

(2) The Chief Bureau Officer may furnish observations referred to in paragraph (c) of Regulation 5 to the appeals officer within the period specified in the invitation referred to in that paragraph or such other period as may be agreed between the appeals officer and the Chief Bureau Officer.

(3) The appeals officer shall—

(a) provide a copy of—

- (i) the documentation and information furnished to him or her under paragraph (1), and
- (ii) the observations, if any, furnished to him or her under paragraph (2),

to the appellant, as soon as practicable, after the documentation, information and observations, as the case may be, are received by the appeals officer, and

(b) invite the appellant to reply in writing to those observations within such time as he or she may specify in the invitation.

Reply by appellant to observations

7. (1) The appellant may, within the period specified by the appeals officer under Regulation 6(3)(b), or such other period as may be agreed between the appeals officer and the appellant, reply in writing to the Chief Bureau Officer's observations.

(2) The appeals officer shall furnish a copy of any reply submitted to him or her under paragraph (1) to the Chief Bureau Officer, as soon as practicable, after the reply is received by the appeals officer.

Confidentiality of certain information

8. The Chief Bureau Officer shall not furnish any documentation or information to the appeals officer under Regulation 6(1) where the disclosure of the documentation or information, as the case may be, is likely—

- (a) to lead to any of the matters specified in paragraphs (a) to (j) of section 62(2) of the Garda Síochána Act 2005 (No. 20 of 2005), or
- (b) to prejudice the effective performance of the Bureau's functions.

Determination without oral hearing

9. Where an appellant indicates, in accordance with section 18(3)(b) of the Act, that he or she does not wish the appeals officer to conduct an oral hearing for the purposes of the appeal, the appeals officer may determine the appeal without such an oral hearing.

Oral hearing

10. (1) Where an appellant indicates that he or she wishes the appeals officer to conduct an oral hearing for the purposes of the appeal, the appeals officer shall, as soon as practicable, fix a date and place for the hearing and give reasonable notice of the hearing to the appellant.

(2) An appellant may attend an oral hearing relating to his or her appeal and, with the consent of the appeals officer, may be represented at the oral hearing by any other person.

(3) The procedure at an oral hearing shall be such as the appeals officer may determine.

(4) An appeals officer may postpone or adjourn an oral hearing as he or she thinks fit.

(5) An appeals officer may admit any duly authenticated written statement or other material as *prima facie* evidence of any fact or facts in any appeal in which he or she thinks it appropriate.

Determination where certain failures with regard to attendance etc.

11. An appeals officer may determine an appeal notwithstanding the failure of—

- (a) the appellant to attend the oral hearing, or
- (b) any person to comply with these Regulations.

Determination of appeal

12. An appeals officer shall determine an appeal as soon as practicable.



GIVEN under the Official Seal of the Minister for Justice and
Equality,
29 April 2016.

FRANCES FITZGERALD,
Minister for Justice and Equality.

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