



STATUTORY INSTRUMENTS.

S.I. No. 457 of 2023



DISTRICT COURT (COMPANIES ACT 2014: SEARCH WARRANTS)
RULES 2023

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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, make the following rules of court.

Dated this 11th day of July 2023.

Paul Kelly Chairperson

Marie Quirke

Sandra Murphy

Shane McCarthy

Ann McGarry

Eoin Martin

Ciara McMahon

James Finn

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

Dated this 14th day of September 2023.

Helen McEntee

Minister for Justice

S.I. No. 457 of 2023

DISTRICT COURT (COMPANIES ACT 2014: SEARCH WARRANTS)
RULES 2023

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, make the following rules of court:-

1. (1) These rules may be cited as the District Court (Companies Act 2014: search warrants) Rules 2023.

(2) These rules shall come into operation on the 22nd day of September 2023 and shall be read together with all other District Court Rules for the time being in force.

(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2023.

2. 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 Corporate Enforcement Authority for the purposes of the said Act and duly authorised by the said Authority 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

No. 34.16

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 Corporate Enforcement Authority for the purposes of the above-named Act of 2014 and duly authorised by the said Authority

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 Corporate Enforcement Authority and duly authorised by the said Authority, 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 this.....day of.....20....

Signed.....

Judge of the District Court

To:

Designated Officer of the Corporate Enforcement Authority 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 Forms numbered 34.15 and 34.16 in Schedule B of the District Court Rules following establishment of the Corporate Enforcement Authority.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
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