



STATUTORY INSTRUMENTS.

S.I. No. 82 of 2010



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

(Prn. A10/0293)

S.I. No. 82 of 2010

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

We, the Circuit Court Rules Committee, constituted pursuant to the provisions of section 69 of the Courts of Justice Act 1936, by virtue of the powers conferred on us by section 66 of the Courts of Justice Act 1924 and section 70 of the Courts of Justice Act 1936, (as applied by section 48 of the Courts (Supplemental Provisions) Act 1961) and section 27 of the Courts (Supplemental Provisions) Act 1961, and of all other powers enabling us in this behalf, do hereby, with the concurrence of the Minister for Justice, Equality and Law Reform, make the annexed Rules of Court.

Dated this 10th day of November 2009.

(Signed): Matthew Deery
(Chairman of the Circuit Court Rules Committee)

Alison Lindsay

Tony Hunt

Shane Murphy

Gerard J. Doherty

Joe Deane

Noel Rubotham

Susan Ryan

Patricia Casey

I concur in the making of the above Rules of Court.

Dated this 23rd day of February 2010.

Signed: DERMOT AHERN,

MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 2nd March, 2010.*

S.I. No.82 of 2010

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

1. These Rules, which may be cited as the Circuit Court Rules (Criminal Justice (Mutual Assistance) Act 2008) 2010, shall come into operation on the 23rd day of March 2010.

2. These Rules shall be construed together with the Circuit Court Rules 2001 to 2010.

3. The Circuit Court Rules are amended:

(i) by the substitution for the title and rule 1 of Order 68A of the following:

“Order 68A

Criminal Justice Act 2006 (No. 26 of 2006)

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

1. In this Order:

“the Act” 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).

(ii) by the insertion immediately following rule 2 of Order 68A of the following:

“3. (1) Save where otherwise directed or permitted by the Court, an application to the 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 by motion on notice, returnable to a date not less than four weeks prior to the commencement of the Sittings at which it is intended that the trial shall be heard, and the notice of motion shall be filed in the Office and a copy served on the Director of Public Prosecutions or the person charged, as the case may be, not later than twenty-one days before the commencement of such Sittings;

(b) in any other case, be made by originating motion *ex parte*.

(2) Where paragraph (b) of sub-rule (1) applies, the originating notice of motion shall be entitled:

“The Circuit Criminal Court

In the Matter of section 62(1) [*or section 67(2), section 73(1) or section 77(1), as the case may be*] of the Criminal Justice (Mutual Assistance) Act 2008

and in the Matter of [*insert description of investigation*]

On the Application of [A.B.]”.

(3) The Court may, before making an order on such an application, require the applicant to produce or file in the Office for consideration by the Court 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 Court considers necessary or appropriate to facilitate the taking of any evidence concerned.

4. (1) A certificate in accordance with section 49(1)(b) of the Act of 2008 shall be in the Form 47G of the Schedule of Forms.

(2) A certificate in accordance with section 58(1)(b) of the Act of 2008 shall be in the Form 47H of the Schedule of Forms.

(3) A certificate referred to in this rule shall be issued by the County Registrar 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*.”

4. The Forms annexed hereto shall be inserted in the Schedule of Forms annexed to the Circuit Court Rules as Forms 47G and 47H.

EXPLANATORY NOTE

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

These rules substitute rule 1 of Order 68A, prescribing forms and procedure in relation to the Criminal Justice (Mutual Assistance) Act 2008.

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,
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