



STATUTORY INSTRUMENTS.

S.I. No. 527 of 2015



CRIMINAL JUSTICE (FORENSIC EVIDENCE AND DNA DATABASE
SYSTEM) ACT 2014 (SECTION 11) ORDER 2015

CRIMINAL JUSTICE (FORENSIC EVIDENCE AND DNA DATABASE SYSTEM) ACT 2014 (SECTION 11) ORDER 2015

I, FRANCES FITZGERALD, Minister for Justice and Equality, in exercise of the powers conferred on me by sections 5 and 11 of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 (No. 11 of 2014) and being of the opinion that the investigation or prosecution of the relevant offences specified herein would not, due to the nature of them, be assisted by evidence relating to DNA (within the meaning of that Act), hereby order as follows:

1. (1) This Order may be cited as the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 (Section 11) Order 2015.

(2) This Order shall come into operation on 20 November 2015.

2. In this Order—

“the Act” means the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 (No. 11 of 2014);

“DNA” means deoxyribonucleic acid;

“enactment” means a statute or an instrument made under a power conferred by statute;

“relevant offence” means an offence in respect of which a person may be detained under any of the provisions referred to in section 9(1) of the Act (whether or not the person concerned was so detained).

3. A relevant offence under any of the enactments specified in the Schedule is, for the purposes of subsection (1) of section 11 of the Act, excluded from the application of that section.

4. A relevant offence consisting of—

(a) aiding, abetting, counselling or procuring the commission of,

(b) inciting or conspiring to commit, or

(c) attempting to commit,

any of the relevant offences to which Article 3 applies is, for the purposes of subsection (1) of section 11 of the Act, excluded from the application of that section.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 27th November, 2015.

SCHEDULE

*Articles 3 and 4***Offences relating to banking, investment of funds and other financial activities**

Central Bank Acts 1942 to 2014

Consumer Credit Act 1995 (No. 24 of 1995)

European Communities (Reinsurance) Regulations 2006 (S.I. No. 380 of 2006)

Insurance Act 1989 (No. 3 of 1989)

Investment Funds, Companies and Miscellaneous Provisions Act 2005 (No. 12 of 2005)

Investment Intermediaries Act 1995 (No. 11 of 1995)

Investment Limited Partnerships Act 1994 (No. 24 of 1994)

Investor Compensation Act 1998 (No. 37 of 1998)

Markets in Financial Instruments and Miscellaneous Provisions Act 2007 (No. 37 of 2007)

National Asset Management Agency Act 2009 (No. 34 of 2009)

Trustee Savings Banks Acts 1989 and 2001

Unit Trusts Act 1990 (No. 37 of 1990)

Company law offences

Companies Act 2014 (No. 38 of 2014) and the prior Companies Acts within the meaning of that Act

Market Abuse (Directive 2003/6/EC) Regulations 2005 (S.I. No. 342 of 2005)

Prospectus (Directive 2003/71/EC) Regulations 2005 (S.I. No. 324 of 2005)

Transparency (Directive 2004/109/EC) Regulations 2007 (S.I. No. 277 of 2007)

Competition and consumer protection offences

Competition Act 2002 (No. 14 of 2002)

Consumer Protection Act 2007 (No. 19 of 2007)

Revenue offences

Taxes Consolidation Act 1997 (No. 39 of 1997)



GIVEN under my Official Seal,
20 November 2015.

FRANCES FITZGERALD,
Minister for Justice and Equality.

EXPLANATORY NOTE

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

Persons detained in Garda custody (in relation to offences under the Acts listed in the Schedule to this Order) pursuant to the statutory detention powers provided for in section 9 of the Act will be excluded from the sampling provisions of section 11 of the Act as evidence relating to DNA would not assist with the investigation or prosecution of those offences due to the nature of the offences concerned.

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