



STATUTORY INSTRUMENTS.

S.I. No. 314 of 2010



DISTRICT COURT (CRIMINAL JUSTICE (SURVEILLANCE) ACT 2009)
RULES 2010

(Prn. A10/0935)

S.I. No. 314 of 2010

DISTRICT COURT (CRIMINAL JUSTICE (SURVEILLANCE) ACT 2009)
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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 and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice and Law Reform, make the following rules of court.

Dated this 25th day of January 2010.

Miriam Malone Chairperson

David Riordan

Mary C Devins

Thomas E O'Donnell

Brian Sheridan

Fiona Twomey

Roy Pearson

Noel A Doherty

Michelle Johnston

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

Dated this 24th day of June 2010.

DERMOT AHERN,

Minister for Justice and Law Reform.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 6th July, 2010.*

S.I. No. 314 of 2010

DISTRICT COURT (CRIMINAL JUSTICE (SURVEILLANCE) ACT 2009)
RULES 2010

1. These rules may be cited as the District Court (Criminal Justice (Surveillance) Act 2009) Rules 2010.
2. These rules shall come into operation on the 22nd day of July 2010 and shall be construed together with all other District Court Rules 1997 to 2010.
3. The District Court Rules 1997 (S.I. No. 93 of 1997) are amended by the insertion of the following Order immediately following Order 34:

“Order 34A

Criminal Justice (Surveillance) Act 2009

1. In this Order

“the Act” means the Criminal Justice (Surveillance) Act 2009 (No. 19 of 2009);

“authorisation”, “revenue offence”, “superior officer” and “surveillance” each has the meaning provided for each in section 1 of the Act.

2. (1) An application by a superior officer of the Garda Síochána under subsection (1) of section 4 of the Act to a Judge of the District Court for an authorisation shall be made by information on oath and in writing of the applicant in the Form 34A.1, Schedule B. An authorisation issued on such an application by the District Court Judge under section 5(2) of the Act shall be in the Form 34A.2, Schedule B.

(2) An application by a superior officer of the Defence Forces under subsection (2) of section 4 of the Act to a Judge of the District Court for an authorisation shall be made by information on oath and in writing of the applicant in the Form 34A.3, Schedule B. An authorisation issued on such an application shall be in the Form 34A.4, Schedule B.

(3) An application by a superior officer of the Revenue Commissioners under subsection (3) of section 4 of the Act to a Judge of the District Court for an authorisation shall be made by information on oath and in writing of the applicant in the Form 34A.5, Schedule B. An authorisation issued on such an application shall be in the Form 34A.6, Schedule B.

(4) An application under section 6 of the Act by the superior officer to whom an authorisation was issued to

(a) vary the authorisation, or

- (b) renew the authorisation on the same or different conditions, for such further period, not exceeding three months, as the Judge considers appropriate

may be made to a Judge of the District Court before the authorisation concerned, or any previous renewal of that authorisation, as the case may be, has expired. The original authorisation and any renewal or variation of the authorisation shall be produced to the Judge on any application of the superior officer under section 6 of the Act.

(5) An application under section 6 of the Act shall be made by information on oath and in writing of the applicant in the Form 34A.7, 34A.8 or 34A.9, Schedule B, as the case may be and a variation or renewal of the authorisation on the same or different conditions shall be in the Form 34A.10, 34A.11 or 34A.12, Schedule B, as the case may be.

(6) An application mentioned in subsection (10) of section 7 of the Act under subsection (4) of section 4 of the Act by the superior officer to a Judge of the District Court for an authorisation to continue the surveillance approved by the Superior Officer under subsection (3) of section 7 of the Act shall be made on oath and in writing of the applicant and in the Form 34A.13, 34A.14, or 34A.15, as the case may be.

(7) Applications to which this Order applies shall be made *ex parte* and otherwise than in public and may be made in chambers.”

4. The Forms in the Schedule shall be added to the Forms in Schedule B to the District Court Rules 1997 (S.I. No. 93 of 1997), immediately following Form 34.53.

SCHEDULE

No. 34A.1

Schedule B
O. 34A, r 2(1)

Criminal Justice (Surveillance) Act 2009, section 4

INFORMATION FOR AN AUTHORISATION

District Court Area of

District No.

The information of

of An Garda Síochána, , who says on Oath—

1. I am a member of the Garda Síochána not below the rank of Superintendent and a Superior Officer within the meaning of section 1 of the Criminal Justice (Surveillance) Act 2009, which I hereinafter refer to as “the Act”.

2. I hereby apply for an Authorisation to carry out surveillance (within the meaning of that word as provided for in section 1 of the Act). I set out the details of the surveillance for which I seek an Authorisation and of the surveillance device within the meaning of that phrase as provided for in section 1 of the Act in my information hereunder.

†3. The Garda Síochána are conducting an operation or investigation concerning an arrestable offence, within the meaning of section 2 (as amended by section 8 of the Criminal Justice Act 2006) of the Criminal Law Act 1997, namely

[Empty rectangular box for specifying the offence]

(here specify the offence in question)

*I believe that the surveillance being sought to be authorised, as part of the said operation or investigation, is necessary for the purposes of obtaining information as to whether the offence has been committed. I give details of the grounds I have for so believing in this my information hereunder.

*I believe that the surveillance being sought to be authorised, as part of the said operation or investigation, is necessary for the purposes of obtaining information as to the circumstances relating to the commission of the offence. I give details of the grounds for so believing in this my information hereunder.

* I believe that the surveillance being sought to be authorised, as part of the said operation or investigation, is necessary for the purposes of obtaining evidence for the purposes of proceedings in relation to the offence. I give details of the grounds I have for so believing in this my information hereunder.

†3. I believe that the surveillance being sought to be authorised is necessary for the purposes of preventing the commission of arrestable offences within the meaning of section 2 (as amended by section 8 of the Criminal Justice Act 2006) of the Criminal Law Act 1997. I give details of the grounds I have for so believing in this my information hereunder.

†3. I believe that the surveillance being sought to be authorised is necessary for the purpose of maintaining the security of the State. I give details of the grounds for so believing in this my information hereunder.

4. I believe that the surveillance being sought to be authorised is

- (a) the least intrusive means available, having regard to the objectives and other relevant considerations,
- (b) proportionate to its objectives, having regard to all the circumstances including its likely impact on the rights of any person, and
- (c) of a duration that is reasonably required to achieve its objectives.

*5. I believe that for the purposes of the Authorisation sought, it will be necessary for the Garda Síochána to enter, if necessary by the use of reasonable force, a place, namely....., for the purposes of initiating or carrying out the surveillance to be authorised, and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

My grounds for so believing I set out hereunder.

6. The period during which the surveillance is intended to be carried out is from the day of..... 20.... to the..... day of..... 20... (being a period not exceeding three months).

I say further and give the following information:

7. Details of the surveillance being sought to be authorised:—

8. Details of the surveillance device intended to be used for the surveillance sought to be authorised

9. *My grounds for believing that the surveillance being sought to be authorised is necessary for the purposes of obtaining information as to whether the offence hereinbefore referred to has been committed are:—

*My grounds for believing that the surveillance being sought to be authorised is necessary for the purposes of obtaining information as to the circumstances relating to the commission of the offence hereinbefore referred to are:—

*My grounds for believing that the surveillance being sought to be authorised is necessary for the purposes of obtaining evidence for the purposes of proceedings in relation to the offence hereinbefore referred to are:—

*My grounds for believing that the surveillance being sought to be authorised is necessary for the purpose of preventing the commission of arrestable offences are:—

*My grounds for believing that the surveillance being sought to be authorised is necessary for the purpose of maintaining the security of the State are:—

10. My grounds for believing that the surveillance being sought to be authorised is the least intrusive means available having regard to the objectives and to other relevant circumstances are:—

11. My grounds for believing that the surveillance being sought to be authorised is proportionate to its objectives having regard to all the circumstances and its likely impact on the rights of any person are:—

12. My grounds for believing that the duration of the surveillance sought to be authorised is reasonably required to achieve its objectives are:—

*13. My grounds for believing that it will be necessary for the Garda Síochána to enter, if necessary by the use of reasonable force, the place aforesaid, namely....., for the purposes of initiating or carrying out the surveillance to be authorised and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place are as follows:

AND I hereby apply for an Authorisation under section 5 of the Act of the surveillance proposed for the period of from the issue of the said Authorisation to the..... day of 20.... (being a period not exceeding three months)

*AND I apply that an Authorisation granted under section 5 of the Act should authorise *me as the Superior Officer so authorised/*a member of the Garda Síochána designated by me as the Superior Officer so authorised, accompanied by any other person whom *I consider/*said member considers necessary, to enter, if necessary by the use of reasonable force, the said place for the purposes of initiating or carrying out the authorised surveillance and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

Signed:
Informant

Sworn before me this..... day of 20....

Signed:
Judge of the District Court

* Delete any words or paragraphs which are inapplicable, including any options which do not apply to the case

† One of the alternatives for this paragraph must be included.

No. 34A.2

Schedule B
O. 34A, r 2(1)

Criminal Justice (Surveillance) Act 2009, section 5

AUTHORISATION

WHEREAS by Information on oath and in writing of.....
of, a member of the Garda Síochána not below the
rank of Superintendent, and a Superior Officer within the meaning of section
1 of the Criminal Justice (Surveillance) Act 2009, hereinafter referred to as
“the Act”,

*I AM SATISFIED THAT:

As part of an operation or investigation, being conducted by An Garda Síochána
concerning an arrestable offence namely
..... the surveillance authorised and hereinafter set out is necessary:—

* for the purposes of obtaining information as to whether the offence has been
committed

*for the purposes of obtaining information as to the circumstances relating to
the commission of the offence

* for the purposes of obtaining evidence for the purposes of proceedings in
relation to the offence

* I AM SATISFIED THAT:

the surveillance authorised and hereinafter set out is necessary for the purpose
of preventing the commission of arrestable offences

* I AM SATISFIED THAT:

the surveillance authorised and hereinafter set out is necessary for the purpose
of maintaining the security of the State

AND I AM SATISFIED THAT:

to issue the Authorisation hereinafter set out is justified having regard to the
matters referred to in section 4(5) of the Act and all other relevant circum-
stances and that the surveillance hereinafter set out is

(a) the least intrusive means available, having regard to its objective and
other relevant considerations

(b) proportionate to its objectives, having regards to all the circumstances
including the likely impact on the rights of any person, and

(c) of a duration that is reasonably required to achieve its objectives.

AND I AM SATISFIED THAT:

the Authorisation hereinafter set out is not likely to relate primarily to communications protected by privilege

I CONSIDER that the Authorisation issued herein by me and as hereinafter set out is reasonable

*The said Superior Officer approved the carrying out of surveillance in accordance with subsection (3) of section 7 of the Act and has applied under subsection (4) of section 4 of the Act for said surveillance to be continued and having regard to a copy of the written record of approval under subsection (3) of section 7 of the Act, and to the summary of the results of the surveillance carried out pursuant to that approval produced with said application

I HEREBY ISSUE AN AUTHORISATION under section 5 of the Act for the carrying out of surveillance

(a) by the use of a surveillance device the particulars of the same being

[Empty rectangular box for details of surveillance device]

(b) *the person who is to be the subject of the surveillance being

[Empty rectangular box for name of subject]

*the place to be the subject of the surveillance being

[Empty rectangular box for location]

*the thing to be the subject of the surveillance being

[Empty rectangular box for object of surveillance]

(c) the Superior Officer to whom this Authorisation is issued being the said Superior Officer named below

*(d) the conditions imposed in respect of the surveillance authorised are

[Empty rectangular box for conditions]

as I consider appropriate

(e) The date of expiry of the surveillance being the.....day of 20.... which date of expiry I consider reasonable in the circumstances, being not later than three months from the date hereof.

*AND WHEREAS I AM SATISFIED that there are reasonable grounds for believing that it will be necessary for the Garda Síochána to enter, if necessary by the use of reasonable force, the place aforesaid, namely.....,

for the purposes of initiating or carrying out the surveillance to be authorised and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place,

*THIS AUTHORISATION FURTHER AUTHORISES:

* of the Superior Officer

* of a member of the Garda Síochána designated by ofthe Superior Officer, accompanied by any other person whom he/she considers necessary, to enter, if necessary by the use of reasonable force, a place, namely,, for the purpose of initiating or carrying out authorised surveillance, or withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the place.

Issued this..... day of 20....

.....
Judge of the District Court

To the said Superior Officer,

.....

of

* Delete any words or paragraphs which are inapplicable

Criminal Justice (Surveillance) Act 2009, section 4

INFORMATION FOR AN AUTHORISATION

District Court Area of

District No.

The information of

of, who says on Oath—

1. I am a member of the Defence Forces not below the rank of Colonel and a Superior Officer within the meaning of section 1 of the Criminal Justice (Surveillance) Act 2009, which I hereinafter refer to as “the Act”.

2. I hereby apply for an Authorisation under section 5 of the Act to carry out surveillance, within the meaning of that word as provided for in section 1 of the Act. I set out the details of the surveillance for which I seek an Authorisation and of the surveillance device within the meaning of that phrase as provided for in section 1 of the Act in my information hereunder.

3. *I believe that the surveillance for which I seek authorisation is necessary for the purpose of maintaining the security of the State. I give details of the grounds I have for so believing hereunder in this my information.

4. *I believe that the surveillance being sought to be authorised is:

(a) the least intrusive means available, having regard to its objectives and other relevant considerations,

(b) proportionate to its objectives, having regard to all the circumstances including its likely impact on the rights of any person, and

(c) of a duration that is reasonably required to achieve its objectives.

My grounds for so believing I set out hereunder in this my information.

5. I believe that, for the purposes of the Authorisation sought, it will be necessary for the Defence Forces to enter, if necessary by the use of reasonable force, a place, namely....., for the purposes of *initiating *carrying out the surveillance to be authorised, *withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

6. The period during which the surveillance is intended to be carried out is from the day of 20...to the..... day of 20.... (being a period not exceeding three months).

I say further and give the following information:

7. Details of the surveillance being sought to be authorised:—

8. Details of the surveillance device intended to be used for the surveillance sought to be authorised

9. My grounds for believing that the surveillance being sought to be authorised is necessary for the purpose of maintaining the security of the State are:—

10. My grounds for believing that the surveillance being sought to be authorised is the least intrusive means available having regard to the objectives and to other relevant circumstances are:—

11. My grounds for believing that the surveillance being sought to be authorised is proportionate to its objectives having regard to all the circumstances and its likely impact on the rights of any person are:—

12. My grounds for believing that the duration of the surveillance sought to be authorised is reasonably required to achieve its objectives are:—

*13. My grounds for believing that, for the purposes of the Authorisation sought, it will be necessary for the Defence Forces to enter, if necessary by the use of reasonable force, the place aforesaid, namely....., for the purposes of initiating or carrying out the surveillance to be authorised and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place are as follows:

AND I hereby apply for an Authorisation under section 5 of the Act of the surveillance proposed for the period of from the issue of the said Authorisation to the day of 20.... (being a period not exceeding three months)

*AND I apply that an Authorisation granted under section 5 of the Act should authorise *me as the Superior Officer so authorised/*a member of the Defence Forces designated by me as the Superior Officer so authorised, accompanied by any other person whom *I consider/*said member considers necessary, to enter, if necessary by the use of reasonable force, the said place for the purposes of *initiating *carrying out the authorised surveillance, and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

Signed:
Informant

Sworn before me this..... day of 20....

Signed:
Judge of the District Court

* Delete any words or paragraphs which are inapplicable, including any options which do not apply to the case

No. 34A.4

Schedule B
O. 34A, r 2(2)

Criminal Justice (Surveillance) Act 2009, section 5

AUTHORISATION

WHEREAS I AM SATISFIED by information on oath and in writing of.....Of, a member of the Defence Forces not below the rank of colonel, and a Superior Officer of the Defence Forces within the meaning of section 1 of the Criminal Justice (Surveillance) Act 2009, hereinafter referred to as “the Act”, that:—

the surveillance authorised hereby is necessary for the purpose of maintaining the security of the State, and

the surveillance authorised hereby is

(a) the least intrusive means available, having regard to its objectives and other relevant considerations,

(b) proportionate to its objectives, having regard to all the circumstances including its likely impact on the rights of any person, and

(c) of a duration that is reasonably required to achieve its objectives and

the surveillance authorised hereby is not likely to relate primarily to communications protected by privilege

the issue of the Authorisation herein is justified having regard to the matters referred to in subsection (5) of section 4 of the Act and to all relevant circumstances

*The said Superior Officer approved the carrying out of surveillance in accordance with subsection (3) of section 7 of the Act and has applied under subsection (4) of section 4 of the Act for said surveillance to be continued and having regard to a copy of the written record of approval under subsection (3) of section 7 of the Act, and to the summary of the results of the surveillance carried out pursuant to that approval produced with said application

I HEREBY ISSUE AN AUTHORISATION under section 5 of the Act for the carrying out of surveillance.

(a) by the use of a surveillance device the particulars of the same being

[Empty rectangular box]

(b) *the person who is to be the subject of the surveillance being

[Empty rectangular box]

*the place to be the subject of the surveillance being

[Empty rectangular box]

*the thing to be the subject of the surveillance being

[Empty rectangular box]

(c) the Superior Officer to whom this Authorisation is issued being the said Superior Officer named below

* (d) the conditions imposed in respect of the surveillance authorised are

[Empty rectangular box]

as I consider appropriate

(e) the date of expiry of the surveillance being the day of 20... which date of expiry I consider reasonable in the circumstances, being not later than three months from the date hereof.

*AND WHEREAS I AM SATISFIED THAT

There are reasonable grounds for believing that, for the purposes of the Authorisation sought, it will be necessary for the Defence Forces to enter, if necessary by the use of reasonable force, a place, namely....., for the purposes of initiating or carrying out the surveillance to be authorised and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

*THIS AUTHORISATION FURTHER AUTHORISES:

* of the Superior Officer

* of a member of the Defence Forces designated by of the Superior Officer, accompanied by any other person whom he/she considers necessary, to enter, if necessary by the use of reasonable force, a place namely,, for the purpose of initiating or carrying out authorised surveillance, or withdrawing the

authorised surveillance device, without the consent of a person who owns or is in charge of the place.

Issued this..... day of 20....

.....
Judge of the District Court

To the said Superior Officer,

.....

of

* Delete any words or paragraphs which are inapplicable

Criminal Justice (Surveillance) Act 2009, section 4

INFORMATION FOR AN AUTHORISATION

District Court Area of

District No.

The information of of the Revenue Commissioners,
....., who says on Oath—

1. I am an Officer of the Revenue Commissioners not below the rank of Principal Officer, and a Superior Officer within the meaning of section 1 of the Criminal Justice (Surveillance) Act 2009, which I hereinafter refer to as “the Act”.

2. I hereby apply for an Authorisation to carry out surveillance, within the meaning of that word as provided for in section 1 of the Act. I set out the details of the surveillance for which I seek an Authorisation and of the surveillance device within the meaning of that phrase as provided for in section 1 of the Act in my information hereunder.

†3. The Revenue Commissioners are carrying out an operation or investigation concerning a revenue offence *contrary to *under

* section 186 of the Customs Consolidation Act 1876

* section 1078 of the Taxes Consolidation Act 1997

* section 102 of the Finance Act 1999

* section 119 of the Finance Act 2001

* section 79 (inserted by section 62 of the Finance Act 2005) of the Finance Act 2003

* section 78 of the Finance Act 2005, namely

(here specify the revenue offence in question)

*I believe that the surveillance being sought to be authorised, as part of the said operation or investigation, is necessary for the purposes of obtaining information as to whether the offence has been committed. I give details of the grounds I have for so believing in this my information hereunder.

*I believe that the surveillance being sought to be authorised, as part of the said operation or investigation, is necessary for the purposes of obtaining information

as to the circumstances relating to the commission of the offence. I give details of the grounds for so believing in this my information hereunder.

*I believe that the surveillance being sought to be authorised, as part of the said operation or investigation, is necessary for the purposes of obtaining evidence for the purposes of proceedings in relation to the offence. I give details of the grounds I have for so believing in this my information hereunder.

†3. I believe that the surveillance being sought to be authorised is necessary for the purposes of preventing the commission of revenue offences. I give details of the grounds I have for so believing in this my information hereunder.

4. I believe that the surveillance being sought to be authorised is

(a) the least intrusive means available, having regard to the objectives and other relevant considerations,

(b) proportionate to its objectives, having regard to all the circumstances including its likely impact on the rights of any person, and

(c) of a duration that is reasonably required to achieve its objectives.

My grounds for so believing I set out in this my information hereunder.

5. The period during which the surveillance is intended to be carried out is from the day of 20... to the..... day of 20... (being a period not exceeding three months).

*6. I believe that, for the purposes of the Authorisation sought, it will be necessary for the Revenue Commissioners to enter, if necessary by the use of reasonable force, a place, namely....., for the purposes of initiating or carrying out the surveillance to be authorised and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

I say further and give the following information:

7. Details of the surveillance being sought to be authorised:—

[Empty rectangular box for details of surveillance]

8. Details of the surveillance device intended to be used for the surveillance sought to be authorised

[Empty rectangular box for details of surveillance device]

†9. *My grounds for believing that the surveillance being sought to be authorised is necessary for the purposes of obtaining information as to whether the offence hereinbefore referred to has been committed are:—

*My grounds for believing that the surveillance being sought to be authorised is necessary for the purposes of obtaining information as to the circumstances relating to the commission of the offence hereinbefore referred to are:—

*My grounds for believing that the surveillance being sought to be authorised is necessary for the purposes of obtaining evidence for the purposes of proceedings in relation to the offence hereinbefore referred to are:—

†9. My grounds for believing that the surveillance being sought to be authorised is necessary for the purpose of preventing the commission of revenue offences are:—

10. My grounds for believing that the surveillance being sought to be authorised is the least intrusive means available having regard to the objectives and to other relevant circumstances are:—

11. My grounds for believing that the surveillance being sought to be authorised is proportionate to its objectives having regard to all the circumstances and its likely impact on the rights of any person are:—

12. My grounds for believing that the duration of the surveillance sought to be authorised is reasonably required to achieve its objectives are:—

*13. My grounds for believing that, for the purposes of the Authorisation sought, it will be necessary for an officer of the Revenue Commissioners to enter, if necessary by the use of reasonable force, a place, namely....., for the purposes of initiating or carrying out the surveillance to be authorised and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place are as follows:

AND I hereby apply for an Authorisation under section 5 of the Act of the surveillance proposed for the period of..... from the issue of the said Authorisation to the day of 20.... (being a period not exceeding three months)

*AND I apply that an Authorisation granted under section 5 of the Act should authorise *me as the Superior Officer so authorised/*an officer of the Revenue Commissioners designated by me as the Superior Officer so authorised, accompanied by any other person whom *I consider/*said officer considers necessary, to enter, if necessary by the use of reasonable force, the said place for the purposes of initiating or carrying out the authorised surveillance and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

Signed:
Informant

Sworn before me this..... day of 20....

Signed:
Judge of the District Court

*Delete any words or paragraphs which are inapplicable, including any options which do not apply to the case

† One of the alternatives for this paragraph must be included.

Criminal Justice (Surveillance) Act 2009, section 5

AUTHORISATION

WHEREAS by information on oath and in writing of.....of the Revenue Commissioners,, a Superior Officer within the meaning of section 1 of the Criminal Justice (Surveillance) Act 2009, hereinafter referred to as “the Act”,

*I AM SATISFIED THAT

An operation or investigation is being conducted by the Revenue Commissioners concerning a revenue offence *contrary to *under

* section 186 of the Customs Consolidation Act 1876

* section 1078 of the Taxes Consolidation Act 1997

* section 102 of the Finance Act 1999

* section 119 of the Finance Act 2001

* section 79 (inserted by section 62 of the Finance Act 2005) of the Finance Act 2003

* section 78 of the Finance Act 2005

being the revenue offence of

AND I AM SATISFIED THAT as part of that operation or investigation being conducted as aforesaid the surveillance authorised hereby is necessary for the purpose of

* obtaining information as to whether the offence has been committed

* obtaining information as to the circumstances relating to the commission of the offence

* obtaining evidence for the purposes of proceedings in relation to the offence

* I AM SATISFIED THAT

the surveillance authorised hereby is necessary for the purposes of preventing the commission of revenue offences.

I AM SATISFIED THAT the surveillance authorised hereby is

(a) the least intrusive means available, having regard to its objectives and other relevant considerations,

(b) proportionate to its objectives, having regard to all the circumstances including its likely impact on the rights of any person, and

(c) of a duration that is reasonably required to achieve its objectives

I AM SATISFIED THAT having regard to the matters referred to in subsection (5) of section 4 of the Act and all other relevant circumstances I consider that the Authorisation issued hereby is reasonable and justified.

I AM SATISFIED THAT the surveillance authorised herein is not likely to relate primarily to communications protected by privilege.

I AM SATISFIED THAT it is reasonable in the circumstances that this Authorisation shall expire on the day of 20....

*The said Superior Officer approved the carrying out of surveillance in accordance with subsection (3) of section 7 of the Act and has applied under subsection (4) of section 4 of the Act for said surveillance to be continued and having regard to a copy of the written record of approval under subsection (3) of section 7 of the Act, and to the summary of the results of the surveillance carried out pursuant to that approval produced with said application

I HEREBY ISSUE AN AUTHORISATION under section 5 of the Act.

(a) by the use of a surveillance device the particulars of the same being

[Empty rectangular box for details of surveillance device]

(b) *The person who is to be the subject of the surveillance being

[Empty rectangular box for name of subject]

*The place to be the subject of the surveillance being

[Empty rectangular box for location]

*The thing to be the subject of the surveillance being

[Empty rectangular box for object of surveillance]

(c) the Superior Officer to whom this Authorisation is issued being the said Superior Officer named below

*(d) The conditions imposed in respect of the surveillance authorised are

[Empty rectangular box for conditions]

as I consider appropriate

(e) The date of expiry of the surveillance being the day of 20.... which date of expiry I consider reasonable in the circumstances, being not later than three months from the date hereof.

*AND WHEREAS I AM SATISFIED THAT

There are reasonable grounds for believing that, for the purposes of the Authorisation sought, it will be necessary for an officer of the Revenue Commissioners to enter, if necessary by the use of reasonable force, a place, namely....., for the purposes of initiating or carrying out the surveillance to be authorised and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

*AND THIS AUTHORISATION FURTHER AUTHORISES:

.....of the Superior Officer
* of an officer of the Revenue Commissioners designated by of , the Superior Officer, accompanied by any other person whom he/she considers necessary, to enter, if necessary by the use of reasonable force, a place namely,, for the purpose of initiating or carrying out authorised surveillance, or withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the place.

Issued this..... day of 20....

.....
Judge of the District Court

To the said Superior Officer,

.....

of

* Delete any words or paragraphs which are inapplicable

No. 34A.7

SCHEDULE B

O.34A, r. 2(4)

Criminal Justice (Surveillance) Act 2009, section 6(1)

INFORMATION FOR *VARIATION *RENEWAL OF AN
AUTHORISATION

District Court Area of

District No.

The information of

of An Garda Síochána,, who says on Oath—

1. I am a member of the Garda Síochána not below the rank of Superintendent, and a Superior Officer within the meaning of section 1 of the Criminal Justice (Surveillance) Act 2009, to which I hereinafter refer as “the Act”.

2. An Authorisation was issued to me by Judge.....of the District Court at on the.....day of 20... pursuant to section 5 of the Act for the carrying out of surveillance

(a) by the use of a surveillance device the particulars of the same being

[Empty rectangular box for details of surveillance device]

(b) *the person who was to be the subject of the surveillance being

[Empty rectangular box for name of subject]

* the place to be the subject of the surveillance being

[Empty rectangular box for location]

* the thing to be the subject of the surveillance being

[Empty rectangular box for object]

(c) the Superior Officer to whom the Authorisation was issued being me the informant

*(d) the conditions imposed in respect of the surveillance authorised being

[Large empty rectangular box for conditions]

(e) the date of expiry of the surveillance being the.....day of 20....

*and the said Authorisation further authorised

*me, the Superior Officer, * of a member of the Garda Síochána designated by me, the Superior Officer, accompanied by any other person whom *I/*he/*she considered necessary, to enter, if necessary by the use of reasonable force, a place, namely....., for the purpose of initiating or carrying out authorised surveillance and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the place.

*3. The said Authorisation was renewed by Judge.....of the District Court at on the.....day of 20....

4. The said Authorisation will expire on the..... day of..... 20....

5. *I believe that the variation of the said Authorisation in the following terms is justified
.....

*I believe that the *(further) renewal of the said Authorisation *on the same conditions *on different conditions, namely, that
..... is justified.

My grounds for so believing I set out in this my information hereunder.

6. The Garda Síochána are continuing to conduct an operation or investigation concerning an arrestable offence, within the meaning of section 2 (as amended by section 8 of the Criminal Justice Act 2006) of the Criminal Law Act 1997, namely

(here specify the offence in question)

7. As part of that operation or investigation, I hereby apply for a *variation *renewal of the said Authorisation to carry out surveillance (within the meaning of that word as provided for in section 1 of the Act) in the terms set out above.

†8. *I believe that the *variation *renewal of the Authorisation to carry out surveillance being sought to be authorised, as part of the said operation or investigation, is necessary for the purposes of obtaining information as to whether the offence has been committed. I give details of the grounds I have for so believing in this my information hereunder.

* I believe that the *variation *renewal of the Authorisation to carry out surveillance being sought to be authorised as part of the said operation or investigation

is necessary for the purposes of obtaining evidence for the purposes of proceedings in relation to the offence. I give details of the grounds I have for so believing in this my information hereunder.

*I believe that the *variation *renewal of the Authorisation to carry out surveillance being sought is necessary for the purposes of obtaining information as to the circumstances relating to the commission of the offence. I give details of the grounds for so believing in this my information hereunder.

†8. I believe that the *variation *renewal of the Authorisation to carry out surveillance being sought is necessary for the purposes of preventing the commission of arrestable offences within the meaning of section 2 (as amended by section 8 of the Criminal Justice Act 2006) of the Criminal Law Act 1997. I give details of the grounds I have for so believing in this my information hereunder.

†8. I believe that the *variation *renewal of the Authorisation to carry out surveillance being sought is necessary for the purpose of maintaining the security of the State. I give details of the grounds for so believing in this my information hereunder.

9. I believe that the *variation *renewal of the Authorisation to carry out surveillance being sought would involve surveillance which is

- (a) the least intrusive means available, having regard to the objectives and other relevant considerations,
- (b) proportionate to its objectives, having regard to all the circumstances including its likely impact on the rights of any person, and
- (c) of a duration that is reasonably required to achieve its objectives.

My grounds for so believing I set out hereunder.

*10. I believe that, if the *variation *renewal of the Authorisation to carry out surveillance being sought is granted, it will *(continue to) be necessary for the Garda Síochána to enter, if necessary by the use of reasonable force, a place, namely....., for the purposes of initiating or carrying out the surveillance to be authorised and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

11. The period during which the surveillance on foot of the *variation *renewal of the Authorisation to carry out surveillance is intended to be carried out is from the day of..... 20.... to the..... day of..... 20....

I say further and give the following information:

12. Details of the surveillance device intended to be used pursuant to the variation of the Authorisation to carry out surveillance being sought

†13. *My grounds for believing that the *variation *renewal of the Authorisation to carry out surveillance being sought is necessary for the purposes of obtaining information as to whether the offence hereinbefore referred to has been committed are:—

*My grounds for believing that the *variation *renewal of the Authorisation to carry out surveillance being sought is necessary for the purposes of obtaining information as to the circumstances relating to the commission of the offence hereinbefore referred to are:—

*My grounds for believing that the *variation *renewal of the Authorisation to carry out surveillance being sought is necessary for the purposes of obtaining evidence for the purposes of proceedings in relation to the offence hereinbefore referred to are:—

†13. My grounds for believing that the *variation *renewal of the Authorisation to carry out surveillance being sought is necessary for the purpose of preventing the commission of arrestable offences are:—

†13. My grounds for believing that the *variation *renewal of the Authorisation to carry out surveillance being sought is necessary for the purpose of maintaining the security of the State are:—

14. My grounds for believing that the *variation *renewal of the Authorisation to carry out surveillance being sought would involve the least intrusive means available having regard to the objectives and to other relevant circumstances are:—

15. My grounds for believing that the *variation *renewal of the Authorisation to carry out surveillance being sought is proportionate to its objectives having regard to all the circumstances and its likely impact on the rights of any person are:—

16. My grounds for believing that the duration of the *variation *renewal of the Authorisation to carry out surveillance being sought is reasonably required to achieve its objectives are:—

*17. My grounds for believing that, if the *variation *renewal of the Authorisation to carry out surveillance being sought is granted, it will *(continue to) be necessary for the Garda Síochána to enter, if necessary by the use of reasonable force, a place, namely....., for the purposes of initiating or carrying out the surveillance to be authorised and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place are:—

AND I hereby apply for

*a variation under section 6(1)(a) of the Act of the said Authorisation to carry out surveillance under section 5 of the Act on the terms and conditions set out above for the period of from the..... day of 20... to the..... day of 20... (being a period not exceeding three months)

*a renewal under section 6(1)(b) of the Act of the said Authorisation to carry out surveillance under section 5 of the Act on the terms and conditions set out above for the period of from the..... day of 20... to the..... day of 20... (being a period not exceeding three months)

*AND that the Authorisation as so *varied *continued should authorise *me as the Superior Officer so authorised/*a member of the Garda Síochána designated by me as the Superior Officer so authorised, accompanied by any other person whom *I consider/*said member considers necessary, to enter, if necessary by the use of reasonable force, the said place for the purposes of initiating or carrying out the authorised surveillance and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

Signed:
Informant

Sworn before me this..... day of 20....

Signed:
Judge of the District Court

* Delete any words or paragraphs which are inapplicable, including any options which do not apply to the case.

† *One of the alternatives for this paragraph must be included.*

No. 34A.8

SCHEDULE B

O.34A, r. 2(4)

Criminal Justice (Surveillance) Act 2009, section 6(1)

INFORMATION FOR *VARIATION *RENEWAL OF AN
AUTHORISATION

District Court Area of

District No.

The information of of

of, who says on Oath—

1. I am a member of the Defence Forces not below the rank of Colonel and a Superior Officer within the meaning of section 1 of the Criminal Justice (Surveillance) Act 2009 which I hereinafter refer to as “the Act”.

2. An Authorisation was issued to me by Judge.....of the District Court at on the.....day of 200... pursuant to section 5 of the above-mentioned Act for the carrying out of surveillance

(a) by the use of a surveillance device the particulars of the same being

[Empty rectangular box for details of surveillance device]

(b) *the person who was to be the subject of the surveillance being

[Empty rectangular box for name of subject]

*the place to be the subject of the surveillance being

[Empty rectangular box for location]

* the thing to be the subject of the surveillance being

[Empty rectangular box for object of surveillance]

(c) the Superior Officer to whom the Authorisation was issued being me the informant

*(d) the conditions imposed in respect of the surveillance authorised being

[Large empty rectangular box for conditions of surveillance]

(e) the date of expiry of the surveillance being the.....day of 20....

*and the said Authorisation further authorised

*me, the Superior Officer, * of a member of the Defence Forces designated by me, the Superior Officer, accompanied by any other person whom *I/*he/*she considered necessary, to enter, if necessary by the use of reasonable force, any place for the purpose of initiating or carrying out authorised surveillance, or withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the place.

*3. The said Authorisation was renewed by Judge.....of the District Court at on the.....day of 20....

4. The said Authorisation will expire on the..... day of..... 20....

5. *I believe that the variation of the said Authorisation in the following terms is justified
.....

*I believe that the *(further) renewal of the said Authorisation *on the same conditions *on different conditions, namely, that
..... for a further period of.....is justified.

My grounds for so believing I set out in this my information hereunder.

6. I believe that the *variation *renewal of the Authorisation to carry out surveillance being sought is necessary for the purpose of maintaining the security of the State. I give details of the grounds for so believing in this my information hereunder.

7. I believe that the *variation *renewal of the Authorisation to carry out surveillance being sought would involve surveillance which is

(a) the least intrusive means available, having regard to the objectives and other relevant considerations,

(b) proportionate to its objectives, having regard to all the circumstances including its likely impact on the rights of any person, and

(c) of a duration that is reasonably required to achieve its objectives.

My grounds for so believing I set out hereunder.

*8. I believe that, if the *variation *renewal of the Authorisation to carry out surveillance being sought is granted, it will *(continue to) be necessary for the Defence Forces to enter, if necessary by the use of reasonable force, a place,

namely....., for the purposes of initiating or carrying out the surveillance to be authorised and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

9. The period during which the surveillance on foot of the *variation *renewal of the Authorisation to carry out surveillance is intended to be carried out is from the day of..... 20.... to the..... day of..... 20....

I say further and give the following information:

10. Details of the surveillance device intended to be used pursuant to the variation of the Authorisation to carry out surveillance being sought

11. My grounds for believing that the *variation *renewal of the Authorisation to carry out surveillance being sought is necessary for the purpose of maintaining the security of the State are:—

12. My grounds for believing that the *variation *renewal of the Authorisation to carry out surveillance being sought would involve the least intrusive means available having regard to the objectives and to other relevant circumstances are:—

13. My grounds for believing that the *variation *renewal of the Authorisation to carry out surveillance being sought is proportionate to its objectives having regard to all the circumstances and its likely impact on the rights of any person are:—

14. My grounds for believing that the duration of the *variation *renewal of the Authorisation to carry out surveillance being sought is reasonably required to achieve its objectives are:—

*15. My grounds for believing that, if the *variation *renewal of the Authorisation to carry out surveillance being sought is granted, it will *(continue to) be necessary for the Defence Forces to enter, if necessary by the use of reasonable force, a place, namely....., for the purposes of initiating or carrying out the surveillance to be authorised and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place, are:—

AND I hereby apply for

*a variation under section 6(1)(a) of the Act of the said Authorisation to carry out surveillance under section 5 of the Act on the terms and conditions set out above for the period of from the..... day of 20... to the..... day of 20... (being a period not exceeding three months)

*a renewal under section 6(1)(b) of the Act of the said Authorisation to carry out surveillance under section 5 of the Act on the terms and conditions set out above for the period of from the..... day of 20... to the..... day of 20... (being a period not exceeding three months)

*AND that the Authorisation as so *varied *continued should authorise *me as the Superior Officer so authorised/*a member of the Defence Forces designated by me as the Superior Officer so authorised, accompanied by any other person whom *I consider/*said member considers necessary, to enter, if necessary by the use of reasonable force, the said place for the purposes of *initiating *carrying out the authorised surveillance, and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

Signed:
Informant

Sworn before me this..... day of 20....

Signed:
Judge of the District Court

* Delete any words or paragraphs which are inapplicable, including any options which do not apply to the case.

No. 34A.9

SCHEDULE B

O.34A, r. 2(4)

Criminal Justice (Surveillance) Act 2009, section 6(1)

INFORMATION FOR *VARIATION *RENEWAL OF AN
AUTHORISATION

District Court Area of

District No.

The information ofof the Revenue Commissioners,
....., who says on Oath—

1. I am an Officer of the Revenue Commissioners not below the rank of Principal Officer, and a Superior Officer within the meaning of section 1 of the Criminal Justice (Surveillance) Act 2009, which I hereinafter refer to as “the Act”.

2. An Authorisation was issued to me by Judge.....of the District Court at on the.....day of 200... pursuant to section 5 of the above-mentioned Act for the carrying out of surveillance

(a) by the use of a surveillance device the particulars of the same being

[Empty rectangular box for details of surveillance device]

(b) *the person who was to be the subject of the surveillance being

[Empty rectangular box for name of subject]

*the place to be the subject of the surveillance being

[Empty rectangular box for location]

*the thing to be the subject of the surveillance being

[Empty rectangular box for object of surveillance]

(c) the Superior Officer to whom the Authorisation was issued being me the informant

*(d) the conditions imposed in respect of the surveillance authorised being

[Large empty rectangular box for conditions of surveillance]

(e) the date of expiry of the surveillance being the day of 20....

*and the said Authorisation further authorised

*me, the Superior Officer, * of an officer of the Revenue Commissioners designated by me, the Superior Officer, accompanied by any other person whom *I/*he/*she considered necessary, to enter, if necessary by the use of reasonable force, any place for the purpose of initiating or carrying out authorised surveillance and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the place.

*3. The said Authorisation was renewed by Judge.....of the District Court at on the.....day of 20....

4. The said Authorisation will expire on the..... day of..... 20....

5. *I believe that the variation of the said Authorisation in the following terms is justified

*I believe that the *(further) renewal of the said Authorisation *on the same conditions *on different conditions, namely, that for a further period of.....is justified.

My grounds for so believing I set out in this my information hereunder.

†6. The Revenue Commissioners are continuing to carry out an operation or investigation concerning a revenue offence *contrary to *under

* section 186 of the Customs Consolidation Act 1876

* section 1078 of the Taxes Consolidation Act 1997

* section 102 of the Finance Act 1999

* section 119 of the Finance Act 2001

* section 79 (inserted by section 62 of the Finance Act 2005) of the Finance Act 2003

* section 78 of the Finance Act 2005, namely

[Empty rectangular box]

(here specify the offence in question)

*I believe that the *variation *renewal of the Authorisation to carry out surveillance being sought to be authorised, as part of the said operation or investigation, is necessary for the purposes of obtaining information as to whether the

offence has been committed. I give details of the grounds I have for so believing in this my information hereunder.

*I believe that the *variation *renewal of the Authorisation to carry out surveillance being sought to be authorised, as part of the said operation or investigation, is necessary for the purposes of obtaining information as to the circumstances relating to the commission of the offence. I give details of the grounds for so believing in this my information hereunder.

*I believe that the *variation *renewal of the Authorisation to carry out surveillance being sought to be authorised, as part of the said operation or investigation, is necessary for the purposes of obtaining evidence for the purposes of proceedings in relation to the offence. I give details of the grounds I have for so believing in this my information hereunder.

†6. I believe that the surveillance being sought to be authorised is necessary for the purposes of preventing the commission of revenue offences. I give details of the grounds I have for so believing in this my information hereunder.

7. I believe that the *variation *renewal of the Authorisation to carry out surveillance being sought would involve surveillance which is

(a) the least intrusive means available, having regard to the objectives and other relevant considerations,

(b) proportionate to its objectives, having regard to all the circumstances including its likely impact on the rights of any person, and

(c) of a duration that is reasonably required to achieve its objectives.

My grounds for so believing I set out hereunder.

*8. I believe that, if the *variation *renewal of the Authorisation to carry out surveillance being sought is granted, it will *(continue to) be necessary for the Revenue Commissioners to enter, if necessary by the use of reasonable force, a place, namely....., for the purposes of initiating or carrying out the surveillance to be authorised and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

9. The period during which the surveillance on foot of the *variation *renewal of the Authorisation to carry out surveillance is intended to be carried out is from the day of..... 20.... to the..... day of..... 20....

I say further and give the following information:

10. Details of the surveillance device intended to be used pursuant to the variation of the Authorisation to carry out surveillance being sought

†11. *My grounds for believing that the *variation *renewal of the Authorisation to carry out surveillance being sought is necessary for the purposes of obtaining information as to whether the offence hereinbefore referred to has been committed are:—

*My grounds for believing that the *variation *renewal of the Authorisation to carry out surveillance being sought is necessary for the purposes of obtaining information as to the circumstances relating to the commission of the offence hereinbefore referred to are:—

*My grounds for believing that the *variation *renewal of the Authorisation to carry out surveillance being sought is necessary for the purposes of obtaining evidence for the purposes of proceedings in relation to the offence hereinbefore referred to are:—

†11. My grounds for believing that *variation *renewal of the Authorisation to carry out surveillance being sought is necessary for the purpose of preventing the commission of revenue offences are:—

12. My grounds for believing that the *variation *renewal of the Authorisation to carry out surveillance being sought would involve the least intrusive means available having regard to the objectives and to other relevant circumstances are:—

13. My grounds for believing that the *variation *renewal of the Authorisation to carry out surveillance being sought is proportionate to its objectives having regard to all the circumstances and its likely impact on the rights of any person are:—

14. My grounds for believing that the duration of the *variation *renewal of the Authorisation to carry out surveillance being sought is reasonably required to achieve its objectives are:—

*15. My grounds for believing that, if the *variation *renewal of the Authorisation to carry out surveillance being sought is granted, it will *(continue to) be necessary for the Revenue Commissioners to enter, if necessary by the use of reasonable force, a place, namely....., for the purposes of initiating or carrying out the surveillance to be authorised and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place, are:—

AND I hereby apply for

*a variation under section 6(1)(a) of the Act of the said Authorisation to carry out surveillance under section 5 of the Act on the terms and conditions set out above for the period of from the..... day of 20.... to the..... day of 20.... (being a period not exceeding three months)

*a renewal under section 6(1)(b) of the Act of the said Authorisation to carry out surveillance under section 5 of the Act on the terms and conditions set out above for the period of from the..... day of 20.... to the..... day of 20.... (being a period not exceeding three months)

*AND that the Authorisation as so *varied *continued should authorise *me as the Superior Officer so authorised/*an officer of the Revenue Commissioners designated by me as the Superior Officer so authorised, accompanied by any other person whom *I consider/*said officer considers necessary, to enter, if necessary by the use of reasonable force, the said place for the purposes of initiating or carrying out the authorised surveillance and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

Signed:
Informant

Sworn before me this..... day of 20....

Signed:
Judge of the District Court

** Delete any words or paragraphs which are inapplicable, including any options which do not apply to the case.*

† One of the alternatives for this paragraph must be included.

No. 34A.10

SCHEDULE B

O.34A, r. 2(4)

Criminal Justice (Surveillance) Act 2009, section 6(1)

*VARIATION/*RENEWAL OF AUTHORISATION

District Court Area of

District No.

WHEREAS

1. an Authorisation under section 5 of the Criminal Justice (Surveillance) Act 2009, hereinafter referred to as “the Act”, was issued *by me/*by Judge.....of the District Court at on the.....day of 20... authorising the carrying out of surveillance

(a) by the use of a surveillance device the particulars of the same being

[Empty rectangular box for details of surveillance device]

(b) *the person to be the subject of the surveillance being

[Empty rectangular box for name of person]

*the place to be the subject of the surveillance being

[Empty rectangular box for location]

*the thing to be the subject of the surveillance being

[Empty rectangular box for object]

(c) the Superior Officer to whom the said Authorisation was issued being a Superior Officer within the meaning of section 1 of the Act, namely.....of

*the conditions imposed in respect of the surveillance authorised were

[Large empty rectangular box for conditions]

as *I/*the said Judge considered appropriate

(e) the date of expiry of the surveillance was the...day of 20..., which date of expiry *I/*the said Judge considered reasonable in the circumstances, being not later than three months from the date of the said Authorisation

*and the said Authorisation further authorised:

* of the Superior Officer
* of a member of the Garda Síochána
designated by ofthe Superior Officer,
accompanied by any other person whom he/she considered necessary, to enter,
if necessary by the use of reasonable force, a place, namely,
for the purpose of initiating or carrying out authorised surveillance and with-
drawing the authorised surveillance device, without the consent of a person who
owns or is in charge of the place

*2. the said Authorisation was renewed *by me/*by Judge.....of the Dis-
trict Court at District Court on the.....day of 20...

3. the said Authorisation will expire on the..... day of..... 20....

4. from the information on oath and in writing under section 6 of the Act sworn
before me on this day, by the above-named applicant, of....., a
member of the Garda Síochána not below the rank of superintendent, and a
Superior Officer within the meaning of section 1 of the Act,

*I AM SATISFIED THAT:

As part of an operation or investigation, continuing to be conducted by An
Garda Síochána concerning an arrestable offence, namely
the surveillance authorised by the said Authorisation *varied *renewed as is
hereinafter set out is necessary:—

* for the purposes of obtaining information as to whether the offence has been
committed

* for the purposes of obtaining information as to the circumstances relating to
the commission of the offence

* for the purposes of obtaining evidence for the purposes of proceedings in
relation to the offence

*I AM SATISFIED THAT:

the surveillance authorised by the said Authorisation *varied *renewed as is
hereinafter set out is necessary:—

* for the purpose of preventing the commission of arrestable offences

* for the purpose of maintaining the security of the State

AND I AM SATISFIED THAT:

the *variation *renewal of the said Authorisation as is hereinafter set out is
justified having regard to the matters referred to in section 4(5) of the Act and
all other relevant circumstances and that the surveillance authorised by the said
Authorisation, *varied *renewed as is hereinafter set out, is

(a) the least intrusive means available, having regard to its objective and other relevant considerations

(b) proportionate to its objectives, having regards to all the circumstances including the likely impact on the rights of any person, and

(c) of a duration that is reasonably required to achieve its objectives.

AND I AM SATISFIED THAT:

the Authorisation *varied *renewed as is hereinafter set out is not likely to relate primarily to communications protected by privilege

AND I CONSIDER that the *variation *renewal by me of the said Authorisation as hereinafter set out is reasonable

I HEREBY *VARY *RENEW the said AUTHORISATION under section 5 of the Act for the carrying out of surveillance

(a) by the use of a surveillance device the particulars of the same being

[Empty rectangular box for details of surveillance device]

(b) *the person who is to be the subject of the surveillance being

[Empty rectangular box for name of subject]

*the place to be the subject of the surveillance being

[Empty rectangular box for location]

*the thing to be the subject of the surveillance being

[Empty rectangular box for object of surveillance]

(c) the Superior Officer to whom the said Authorisation as so *varied *renewed is issued being the said Superior Officer named below

*the conditions imposed in respect of the surveillance authorised by the said Authorisation *as varied *as renewed are

[Large empty rectangular box for conditions of surveillance]

as I consider appropriate

(e) the date of expiry of the surveillance authorised by the said Authorisation *as varied *as renewed being the.....day of 20.... which date of expiry I consider reasonable in the circumstances, being not later than three months from the date hereof.

*AND THIS AUTHORISATION AS *VARIED *RENEWED *FURTHER RENEWED AUTHORISES:

* of the Superior Officer
* of a member of the Garda Síochána
designated by ofthe Superior Officer,
accompanied by any other person whom he/she considers necessary, to enter, if
necessary by the use of reasonable force, a place, namely,, for
the purpose of initiating or carrying out authorised surveillance and withdrawing
the authorised surveillance device, without the consent of a person who owns
or is in charge of the place.

Issued this..... day of..... 20....

Signed:
Judge of the District Court

* Delete any words or paragraphs which are inapplicable.

No. 34A.11

SCHEDULE B
O.34A, r. 2(4)

Criminal Justice (Surveillance) Act 2009, section 6(1)

**VARIATION/*RENEWAL OF AUTHORISATION*

District Court Area of

District No.

WHEREAS

1. an Authorisation under section 5 of the Criminal Justice (Surveillance) Act 2009, hereinafter referred to as “the Act”, was issued **by me/*by Judge.....of the District Court at on the.....day of 20... authorising the carrying out of surveillance*

(a) by the use of a surveillance device the particulars of the same being

[Empty rectangular box for details of surveillance device]

*(b) *the person to be the subject of the surveillance being*

[Empty rectangular box for name of person]

**the place to be the subject of the surveillance being*

[Empty rectangular box for location]

**the thing to be the subject of the surveillance being*

[Empty rectangular box for object]

(c) the Superior Officer to whom the said Authorisation was issued being a Superior Officer within the meaning of section 1 of the Act, namely of

**(d) the conditions imposed in respect of the surveillance authorised were*

[Empty rectangular box for conditions]

as **I/*the said Judge considered appropriate*

*(e) the date of expiry of the surveillance was the...day of 20..., which date of expiry *I/*the said Judge considered reasonable in the circumstances, being not later than three months from the date of the said Authorisation.*

*and the said Authorisation further authorised:

* of the Superior Officer
* of a member of the Defence Forces
designated by ofthe Superior Officer,
accompanied by any other person whom he/she considered necessary, to enter,
if necessary by the use of reasonable force, a place, namely,.....,
for the purpose of initiating or carrying out authorised surveillance and with-
drawing the authorised surveillance device, without the consent of a person who
owns or is in charge of the place.

*2. the said Authorisation was renewed *by me/*by Judge.....of the Dis-
trict Court at District Court on the.....day of 200....

3. the said Authorisation will expire on the..... day of..... 20.....

4. from the information on oath and in writing under section 6 of the Act sworn
before me on this day, by the above-named applicant, of....., a
member of the Defence Forces not below the rank of colonel, and a Superior
Officer within the meaning of section 1 of the Act,

I AM SATISFIED THAT:

the surveillance authorised by the said Authorisation *varied *renewed as is
hereinafter set out is necessary for the purpose of maintaining the security of
the State

AND I AM SATISFIED THAT:

the *variation *renewal of the said Authorisation as is hereinafter set out is
justified having regard to the matters referred to in section 4(5) of the Act and
all other relevant circumstances and that the surveillance authorised by the said
Authorisation, *varied *renewed as is hereinafter set out, is

(a) the least intrusive means available, having regard to its objective and
other relevant considerations

(b) proportionate to its objectives, having regards to all the circumstances
including the likely impact on the rights of any person, and

(c) of a duration that is reasonably required to achieve its objectives.

AND I AM SATISFIED THAT:

the Authorisation *varied *renewed as is hereinafter set out is not likely to
relate primarily to communications protected by privilege

AND I CONSIDER that the *variation *renewal by me of the said Authoris-
ation as hereinafter set out is reasonable

I HEREBY *VARY *RENEW the said AUTHORISATION under section 5
of the Act for the carrying out of surveillance

(a) by the use of a surveillance device the particulars of the same being

[Empty rectangular box]

(b) *the person who is to be the subject of the surveillance being

[Empty rectangular box]

*the place to be the subject of the surveillance being

[Empty rectangular box]

*the thing to be the subject of the surveillance being

[Empty rectangular box]

(c) the Superior Officer to whom the said Authorisation as so *varied *renewed is issued being the said Superior Officer named below

*(d) the conditions imposed in respect of the surveillance authorised by the said Authorisation *as varied *as renewed are

[Empty rectangular box]

as I consider appropriate

(e) the date of expiry of the surveillance authorised by the said Authorisation *as varied *as renewed being the.....day of 20.... which date of expiry I consider reasonable in the circumstances, being not later than three months from the date hereof.

***AND THIS AUTHORISATION AS *VARIED *RENEWED *FURTHER RENEWED AUTHORISES:**

* of the Superior Officer
* of a member of the Defence Forces
designated by ofthe Superior Officer,
accompanied by any other person whom he/she considers necessary, to enter, if
necessary by the use of reasonable force, a place, namely,,
for the purpose of initiating or carrying out authorised surveillance and with-
drawing the authorised surveillance device, without the consent of a person who
owns or is in charge of the place.

Issued this..... day of..... 20....

Signed:

Judge of the District Court

* Delete any words or paragraphs which are inapplicable.

No. 34A.12

SCHEDULE B

O.34A, r. 2(4)

Criminal Justice (Surveillance) Act 2009, section 6(1)

*VARIATION/*RENEWAL OF AUTHORISATION

District Court Area of

District No.

WHEREAS

1. an Authorisation under section 5 of the Criminal Justice (Surveillance) Act 2009, hereinafter referred to as “the Act”, was issued *by me/*by Judge.....of the District Court at on the.....day of 20... authorising the carrying out of surveillance

(a) by the use of a surveillance device the particulars of the same being

[Empty rectangular box for details of surveillance device]

(b) *the person to be the subject of the surveillance being

[Empty rectangular box for name of person]

*the place to be the subject of the surveillance being

[Empty rectangular box for location]

*the thing to be the subject of the surveillance being

[Empty rectangular box for object]

(c) the Superior Officer to whom the said Authorisation was issued being a Superior Officer within the meaning of section 1 of the Act, namely of

*(d) the conditions imposed in respect of the surveillance authorised were

[Empty rectangular box for conditions]

as *I/*the said Judge considered appropriate

(e) the date of expiry of the surveillance was the...day of 20..., which date of expiry *I/*the said Judge considered reasonable in the circumstances, being not later than three months from the date of the said Authorisation.

*and the said Authorisation further authorised:

* of the Superior Officer
* of an officer of the Revenue Commissioners designated by ofthe Superior Officer, accompanied by any other person whom he/she considered necessary, to enter, if necessary by the use of reasonable force, a place, namely,....., for the purpose of initiating or carrying out authorised surveillance and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the place.

*2. the said Authorisation was renewed *by me/*by Judge.....of the District Court at District Court on the.....day of 20....

3. the said Authorisation will expire on the..... day of..... 20....

4. from the information on oath and in writing under section 6 of the Act of 2009 sworn before me on this day, by the above-named applicant, of....., an officer of the Revenue Commissioners not below the rank of Principal Officer, and a Superior Officer within the meaning of section 1 of the Act,

*I AM SATISFIED THAT:

An operation or investigation is continuing to be conducted by the Revenue Commissioners concerning a revenue offence *contrary to *under

* section 186 of the Customs Consolidation Act 1876

* section 1078 of the Taxes Consolidation Act 1997

* section 102 of the Finance Act 1999

* section 119 of the Finance Act 2001

* section 79 (inserted by section 62 of the Finance Act 2005) of the Finance Act 2003

* section 78 of the Finance Act 2005, namely

The surveillance authorised by the said Authorisation *varied *renewed as is hereinafter set out is necessary for the purpose of

* obtaining information as to whether the offence has been committed

* obtaining information as to the circumstances relating to the commission of the offence

* obtaining evidence for the purposes of proceedings in relation to the offence

*I AM SATISFIED THAT:

the surveillance authorised by the said Authorisation *varied *renewed as is hereinafter set out is necessary for the purpose of preventing the commission of revenue offences.

AND I AM SATISFIED THAT:

the *variation *renewal of the said Authorisation as is hereinafter set out is justified having regard to the matters referred to in section 4(5) of the Act and all other relevant circumstances and that the surveillance authorised by the said Authorisation, *varied *renewed as is hereinafter set out, is

(a) the least intrusive means available, having regard to its objective and other relevant considerations

(b) proportionate to its objectives, having regards to all the circumstances including the likely impact on the rights of any person, and

(c) of a duration that is reasonably required to achieve its objectives.

AND I AM SATISFIED THAT:

the Authorisation *varied *renewed as is hereinafter set out is not likely to relate primarily to communications protected by privilege

AND I CONSIDER that the *variation *renewal by me of the said Authorisation as hereinafter set out is reasonable

I HEREBY *VARY *RENEW the said AUTHORISATION under section 5 of the Act for the carrying out of surveillance

(a) by the use of a surveillance device the particulars of the same being

[Empty rectangular box]

(b) *the person who is to be the subject of the surveillance being

[Empty rectangular box]

*the place to be the subject of the surveillance being

[Empty rectangular box]

*the thing to be the subject of the surveillance being

[Empty rectangular box]

(c) the Superior Officer to whom the said Authorisation as so *varied *renewed is issued being the said Superior Officer named below

*the conditions imposed in respect of the surveillance authorised by the said Authorisation *as varied *as renewed are

[Empty rectangular box]

as I consider appropriate

(e) the date of expiry of the surveillance authorised by the said Authorisation *as varied *as renewed being the.....day of 20... which date of expiry I consider reasonable in the circumstances, being not later than three months from the date hereof.

*AND THIS AUTHORISATION AS *VARIED *RENEWED *FURTHER RENEWED AUTHORISES:

* of the Superior Officer
* of an officer of the Revenue Commissioners designated by ofthe Superior Officer, accompanied by any other person whom he/she considers necessary, to enter, if necessary by the use of reasonable force, a place, namely,....., for the purpose of initiating or carrying out authorised surveillance and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the place.

Issued this..... day of..... 20....

Signed:
Judge of the District Court

* Delete any words or paragraphs which are inapplicable.

No. 34 A.13

Schedule B
O. 34A, r 2(5)

Criminal Justice (Surveillance) Act 2009, section 4(4) and section 7(10)

INFORMATION FOR AN AUTHORISATION TO CONTINUE
SURVEILLANCE

District Court Area of

District No.

The information of

of An Garda Síochána,, who says on Oath—

1. I am a member of the Garda Síochána not below the rank of Superintendent and a Superior Officer within the meaning of the Criminal Justice (Surveillance) Act 2009, which I hereinafter refer to as “the Act”.

2. I approved the carrying out of surveillance by approval under subsection (3) of section 7 of the Act, issued atam/pm on20.... *(and varied atam/pm on20....) which approval continues in force until....am/pm on20....

3. I have reasonable grounds for believing that surveillance beyond the period of 72 hours is warranted.

†4. The Garda Síochána are conducting an operation or investigation concerning an arrestable offence, within the meaning of section 2 (as amended by section 8 of the Criminal Justice Act 2006) of the Criminal Law Act 1997, namely

[Empty rectangular box for specifying the offence]

(here specify the offence in question)

*I believe that the surveillance being sought to be authorised to be continued, as part of the said operation or investigation, is necessary for the purposes of obtaining information as to whether the offence has been committed. I give details of the grounds I have for so believing in this my information hereunder.

* I believe that the surveillance being sought to be authorised to continue as part of the said operation or investigation is necessary for the purposes of obtaining evidence for the purposes of proceedings in relation to the offence. I give details of the grounds I have for so believing in this my information hereunder.

*I believe that the surveillance being sought to be authorised to continue is necessary for the purposes of obtaining information as to the circumstances relating to the commission of the offence. I give details of the grounds for so believing in this my information hereunder.

†4. I believe that the surveillance sought to be authorised to continue is necessary for the purposes of preventing the commission of arrestable offences within the meaning of section 2 (as amended by section 8 of the Criminal Justice Act 2006) of the Criminal Law Act 1997. I give details of the grounds I have for so believing in this my information hereunder.

†4. I believe that the surveillance being sought to be authorised to continue is necessary for the purpose of maintaining the security of the State. I give details of the grounds for so believing in this my information hereunder.

5. I hereby apply under section 4(4) of the Act, read in conjunction with section 7(10) of the Act for an Authorisation to continue surveillance (within the meaning of that word as provided for in section 1 of the Act). I set out the details of the surveillance for which I seek such an Authorisation and of the surveillance device within the meaning of that phrase as provided for in section 1 of the Act in my information hereunder.

6. I believe that the surveillance being sought to be authorised to continue is

(a) the least intrusive means available, having regard to the objectives and other relevant considerations,

(b) proportionate to its objectives, having regard to all the circumstances including its likely impact on the rights of any person, and

(c) of a duration that is reasonably required to achieve its objectives.

My grounds for so believing I set out hereunder.

*7. I believe that for the purposes of the Authorisation sought, it will be necessary for the Garda Síochána to enter, if necessary by the use of reasonable force, a place, namely....., for the purposes of initiating or carrying out the surveillance to be authorised and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

8. The period during which the surveillance is intended to continue to be carried out is from the day of..... 20... to the..... day of..... 20... (being a period not exceeding three months).

I say further and give the following information:

9. Details of the surveillance being sought to be authorised to continue:—

[Empty rectangular box for details of surveillance]

10. Details of the surveillance device intended to be used for the surveillance sought to be authorised to continue

†11. *My grounds for believing that the surveillance being sought to be authorised to continue is necessary for the purposes of obtaining information as to whether the offence hereinbefore referred to has been committed are:—

*My grounds for believing that the surveillance being sought to be authorised to continue is necessary for the purposes of obtaining information as to the circumstances relating to the commission of the offence hereinbefore referred to are:—

*My grounds for believing that the surveillance being sought to be authorised to continue is necessary for the purposes of obtaining evidence for the purposes of proceedings in relation to the offence hereinbefore referred to are:—

†11. My grounds for believing that the surveillance being sought to be authorised to continue is necessary for the purpose of preventing the commission of arrestable offences are:—

†11. My grounds for believing that the surveillance being sought to be authorised to continue is necessary for the purpose of maintaining the security of the State are:—

12. My grounds for believing that the surveillance being sought to be authorised to continue is the least intrusive means available having regard to the objectives and to other relevant circumstances are:—

13. My grounds for believing that the surveillance being sought to be authorised to continue is proportionate to its objectives having regard to all the circumstances and its likely impact on the rights of any person are:—

14. My grounds for believing that the duration of the surveillance sought to be authorised to continue is reasonably required to achieve its objectives are:—

15. A copy of the written record of approval under subsection (3) of section 7 of the Act *(as so varied), marked with the letter “A”, the contents of which I believe are true and accurate is attached.

16. A summary of the results of the surveillance carried out pursuant to that approval is as follows:

17. My grounds for believing that continued surveillance is warranted are the following:

18. The reasons why continued surveillance is required are the following:

*19. My grounds for believing that for the purposes of the Authorisation sought, it will be necessary for the Garda Síochána to enter, if necessary by the use of reasonable force, a place, namely....., for the purposes of initiating or carrying out the surveillance to be authorised and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place are as follows:

AND I hereby apply under section 4(4) and section 7(10) of the Act for an Authorisation under section 5 of the Act continuing the surveillance proposed for the period of from the issue of the said Authorisation to the..... day of 20.... (being a period not exceeding three months)

*AND I apply that an Authorisation granted under section 5 of the Act should authorise *me as the Superior Officer so authorised/*a member of the Garda

Síochána designated by me as the Superior Officer so authorised, accompanied by any other person whom *I consider/*said member considers necessary, to enter, if necessary by the use of reasonable force, the said place for the purposes of *initiating *carrying out the authorised surveillance, and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

Signed:

Informant

Sworn before me this..... day of 20....

Signed:

Judge of the District Court

* Delete any words or paragraphs which are inapplicable, including any options which do not apply to the case

† *One of the alternatives for this paragraph must be included.*

Criminal Justice (Surveillance) Act 2009, section 4(4) and section 7(10)

INFORMATION FOR AN AUTHORISATION TO CONTINUE
SURVEILLANCE

District Court Area of

District No.

The information of

of, who says on Oath—

1. I am a member of the Defence Forces not below the rank of Colonel and a Superior Officer within the meaning of the Criminal Justice (Surveillance) Act 2009 which I hereinafter refer to as “the Act”.

2. I approved the carrying out of surveillance by approval under subsection (3) of section 7 of the Act, issued atam/pm on20.... *(and varied atam/pm on20.... which approval continues in force untilam/pm on20....

3. I have reasonable grounds for believing that surveillance beyond the period of 72 hours is warranted.

4. I hereby apply under section 4(4) of the Act, read in conjunction with section 7(10) of the Act, for an Authorisation to continue surveillance (within the meaning of that word as provided for in section 1 of the Act). I set out the details of the surveillance for which I seek such an Authorisation and of the surveillance device within the meaning of that phrase as provided for in section 1 of the Act in my information hereunder.

5. *I believe that the surveillance being sought to be authorised to continue is necessary for the purpose of maintaining the security of the State. I give details of the grounds for so believing in this my information hereunder.

6. I believe that the surveillance being sought to be authorised to continue is

(a) the least intrusive means available, having regard to the objectives and other relevant considerations,

(b) proportionate to its objectives, having regard to all the circumstances including its likely impact on the rights of any person, and

(c) of a duration that is reasonably required to achieve its objectives.

My grounds for so believing I set out hereunder.

*7. I believe that for the purposes of the Authorisation sought, it will be necessary for the Defence Forces to enter, if necessary by the use of reasonable force, a place, namely....., for the purposes of initiating or carrying out the surveillance to be authorised and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

8. The period during which the surveillance is intended to continue to be carried out is from the day of..... 20... to the..... day of..... 20... (being a period not exceeding three months).

I say further and give the following information:

9. Details of the surveillance being sought to be authorised to continue:—

10. Details of the surveillance device intended to be used for the surveillance sought to be authorised to continue

11. My grounds for believing that the surveillance being sought to be authorised to continue is necessary for the purpose of maintaining the security of the State are:—

12. My grounds for believing that the surveillance being sought to be authorised to continue is the least intrusive means available having regard to the objectives and to other relevant circumstances are:—

13. My grounds for believing that the surveillance being sought to be authorised to continue is proportionate to its objectives having regard to all the circumstances and its likely impact on the rights of any person are:—

14. My grounds for believing that the duration of the surveillance sought to be authorised to continue is reasonably required to achieve its objectives are:—

15. A copy of the written record of approval under subsection (3) of section 7 of the Act *(as so varied), marked with the letter “A”, the contents of which I believe are true and accurate is attached.

16. A summary of the results of the surveillance carried out pursuant to that approval is as follows:

17. My grounds for believing that continued surveillance is warranted are the following:

18. The reasons why continued surveillance is required are the following:

*19. My grounds for believing that for the purposes of the Authorisation sought, it will be necessary for the Defence Forces to enter, if necessary by the use of reasonable force, a place, namely....., for the purposes of initiating or carrying out the surveillance to be authorised, *withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place, are as follows:

AND I hereby apply under section 4(4) and section 7(10) of the Act for an Authorisation under section 5 of the Act continuing the surveillance proposed for the period of from the issue of the said Authorisation to the..... day of 20.... (being a period not exceeding three months)

*AND I apply that an Authorisation granted under section 5 of the Act should authorise *me as the Superior Officer so authorised/*a member of the Defence Forces designated by me as the Superior Officer so authorised, accompanied by any other person whom *I consider/*said member considers necessary, to enter, if necessary by the use of reasonable force, the said place for the purposes of initiating or carrying out the authorised surveillance and withdrawing the

authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

Signed:
Informant

Sworn before me this..... day of 20....

Signed:
Judge of the District Court

* Delete any words or paragraphs which are inapplicable, including any options which do not apply to the case

Criminal Justice (Surveillance) Act 2009, section 4(4) and section 7(10)

INFORMATION FOR AN AUTHORISATION TO CONTINUE
SURVEILLANCE

District Court Area of

District No.

The information of of the Revenue Commissioners,
....., who says on Oath—

1. I am an Officer of the Revenue Commissioners not below the rank of Principal Officer, and a Superior Officer within the meaning of section 1 of the Criminal Justice (Surveillance) Act 2009, which I hereinafter refer to as “the Act”.

2. I approved the carrying out of surveillance by approval under subsection (3) of section 7 of the Act, issued atam/pm on20.... *(and varied atam/pm on20....) which approval continues in force untilam/pm on20....

3. I have reasonable grounds for believing that surveillance beyond the period of 72 hours is warranted.

†4. The Revenue Commissioners are carrying out an operation or investigation concerning a revenue offence *contrary to *under

* section 186 of the Customs Consolidation Act 1876

* section 1078 of the Taxes Consolidation Act 1997

* section 102 of the Finance Act 1999

* section 119 of the Finance Act 2001

* section 79 (inserted by section 62 of the Finance Act 2005) of the Finance Act 2003

* section 78 of the Finance Act 2005, namely

(here specify the offence in question)

*I believe that the surveillance being sought to be authorised to continue, as part of the said operation or investigation, is necessary for the purposes of obtaining information as to whether the offence has been committed. I give details of the grounds I have for so believing in this my information hereunder.

*I believe that the surveillance being sought to be authorised to continue, as part of the said operation or investigation, is necessary for the purposes of obtaining information as to the circumstances relating to the commission of the offence. I give details of the grounds for so believing in this my information hereunder.

*I believe that the surveillance being sought to be authorised to continue, as part of the said operation or investigation, is necessary for the purposes of obtaining evidence for the purposes of proceedings in relation to the offence. I give details of the grounds I have for so believing in this my information hereunder.

†4. I believe that the surveillance being sought to be authorised to continue is necessary for the purposes of preventing the commission of revenue offences. I give details of the grounds I have for so believing in this my information hereunder.

5. I hereby apply under section 4(4) of the Act, read in conjunction with section 7(10) of the Act, for an Authorisation to continue surveillance (within the meaning of that word as provided for in section 1 of the Act). I set out the details of the surveillance for which I seek such an Authorisation and of the surveillance device within the meaning of that phrase as provided for in section 1 of the Act in my information hereunder.

6. I believe that the surveillance being sought to be authorised to continue is
- (a) the least intrusive means available, having regard to the objectives and other relevant considerations,
 - (b) proportionate to its objectives, having regard to all the circumstances including its likely impact on the rights of any person, and
 - (c) of a duration that is reasonably required to achieve its objectives.

My grounds for so believing I set out in this my information hereunder.

*7. I believe that for the purposes of the Authorisation sought, it will be necessary for the Revenue Commissioners to enter, if necessary by the use of reasonable force, a place, namely....., for the purposes of initiating or carrying out the surveillance to be authorised and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

8. The period during which the surveillance being sought to be authorised to continue is intended to be carried out is from the day of 20... to the..... day of 20... (being a period not exceeding three months).

I say further and give the following information:

9. Details of the surveillance being sought to be authorised to continue:—

10. Details of the surveillance device intended to be used for the surveillance being sought to be authorised to continue

†11. *My grounds for believing that the surveillance being sought to be authorised to continue is necessary for the purposes of obtaining information as to whether the offence hereinbefore referred to has been committed are:—

*My grounds for believing that the surveillance being sought to be authorised to continue is necessary for the purposes of obtaining information as to the circumstances relating to the commission of the offence hereinbefore referred to are:—

*My grounds for believing that the surveillance being sought to be authorised to continue is necessary for the purposes of obtaining evidence for the purposes of proceedings in relation to the offence hereinbefore referred to are:—

†11. My grounds for believing that the surveillance being sought to be authorised to continue is necessary for the purpose of preventing the commission of revenue offences are:—

12. My grounds for believing that the surveillance being sought to be authorised to continue is the least intrusive means available having regard to the objectives and to other relevant circumstances are:—

13. My grounds for believing that the surveillance being sought to be authorised to continue is proportionate to its objectives having regard to all the circumstances and its likely impact on the rights of any person are:—

14. My grounds for believing that the duration of the surveillance being sought to be authorised to continue is reasonably required to achieve its objectives are:—

15. A copy of the written record of approval under subsection (3) of section 7 of the Act *(as so varied), marked with the letter “A”, the contents of which I believe are true and accurate is attached.

16. A summary of the results of the surveillance carried out pursuant to that approval is as follows:

17. My grounds for believing that continued surveillance is warranted are the following:

18. The reasons why continued surveillance is required are the following:

*19. My grounds for believing that, for the purposes of the Authorisation sought, it will be necessary for the Revenue Commissioners to enter, if necessary by the use of reasonable force, a place, namely....., for the purposes of initiating or carrying out the surveillance to be authorised and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place, are as follows:

AND I hereby apply under section 4(4) and section 7(10) of the Act for an Authorisation under section 5 of the Act continuing the surveillance proposed

for the period of..... from the issue of the said Authorisation to the day of 20.... (being a period not exceeding three months)

*AND I apply that an Authorisation granted under section 5 of the Act should authorise *me as the Superior Officer so authorised/*an officer of the Revenue Commissioners designated by me as the Superior Officer so authorised, accompanied by any other person whom *I consider/*said officer considers necessary, to enter, if necessary by the use of reasonable force, the said place for the purposes of *initiating *carrying out the authorised surveillance, and withdrawing the authorised surveillance device, without the consent of a person who owns or is in charge of the said place.

Signed:
Informant

Sworn before me this..... day of 20....

Signed:
Judge of the District Court

* Delete any words or paragraphs which are inapplicable, including any options which do not apply to the case

† *One of the alternatives for this paragraph must be included.*

EXPLANATORY NOTE

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

These rules insert a new Order 34A to facilitate applications to the District Court pursuant to the Criminal Justice (Surveillance) Act 2009.

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,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

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