
EXPLANATORY NOTE

(This note is not part of the Act of Adjournal)

This Act of Adjournal inserts a new Chapter 67 (European Investigation Orders) into the Criminal Procedure Rules 1996 in consequence of the commencement of the Criminal Justice (European Investigation Order) Regulations 2017 (“the 2017 Regulations”).

Paragraph 2(2) inserts the new Chapter.

New rule 67.2 prescribes the form in which an application for a European investigation order is to be made. When an application is lodged after proceedings have been instituted, the court may fix a hearing and order intimation of the diet and of the application to any other party or, alternatively, hear the application without such intimation.

New rule 67.3 makes provision for an application to vary or revoke a European investigation order. New rule 67.3(1) prescribes the form of these applications.

New rule 67.4 prescribes the form of a warrant to be issued when a person is cited to proceedings before a nominated court and also prescribes the form of both postal and personal citation.

New rule 67.5 provides which parties can participate in proceedings before a nominated court.

New rule 67.6 prescribes the time periods within which the nominated court must give effect to a European investigation order.

New rule 67.7 provides the form of search warrants to be issued under regulation 39 of the 2017 Regulations.

New rule 67.8 makes provision for applications to vary or revoke a search warrant or to authorise the release of evidence seized. New rule 67.8(1) prescribes the form for these applications.

New rule 67.9 makes provision for applications to vary or revoke a customer information order or an account monitoring order. New rule 67.9m(1) prescribes the form for these applications.

New rule 67.10 makes provision for interpreters to be made available in certain specified circumstances.

New rule 67.11 provides for a record of the proceedings to be made and for a copy of the record to be sent to the issuing authority.

The Act of Adjournal comes into force on 31st May 2018.