2. Rúnaí Aire

URGENT Designated Judge - Draft Letters of Appointment

- At its meeting on 4 December, 2007, at the request of the Minister, the Government designated, with effect from 30 December, 2007, Mr. Justice Iarfhlaith O'Neill, Judge of the High Court, as 'the designated judge', which is a statutory office to provide independent judicial oversight of the State's lawful interception and telecommunications data retention regimes.
- 2. Please find underneath and across, for the Minister's approval and signature, letters to both the new designated judge and the President of the High Court informing them of the aforementioned Government Decision, as follows:

TABA

Letter to President of High Court

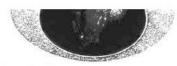
TAB B - Letter to New Designated Judge

Please note that, subject to Ministerial approval and signature, a copy of the signed letter at TAB B should be enclosed with the signed letter at TAB A for issuance.

 As the new designation is due to take effect from 30 December, 2007, I would be grateful if this matter would be brought to the Minister's attention at the earliest possible moment.



6 December, 2007



OFFICE OF THE MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM OIFIG AN AIRE DLÍ AGUS CIRT, COMHIONANNAIS AGUS ATHCHÓIRITHE DLÍ

06 December, 2007

Dear President,

I wish to refer further to your letter dated 15 October, 2007, in relation to 'the designated judge', pursuant to Section 8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993, as amended by Section 66 of the Criminal Justice (Terrorist Offences) Act 2005.

Thank you for inviting Mr. Justice Iarfhlaith O'Neill to assume the functions of 'the designated' and securing his acceptance of this invitation.

I am pleased to inform you that the Government, at its meeting on 4 December, 2007, designated Mr. Justice Iarfhlaith O'Neill as 'the designated judge', with the designation to take effect as and from 30 December, 2007. My Department is currently arranging for a notice to this effect to be published in *Iris Oifigiúil*.

I have already written directly to Mr Justice O'Neill informing him of the aforementioned Government designation, and I enclose a copy of this letter for your information.

Thank you once again for your assistance in this matter.

Yours sincerely.

Brian Lenihan, T.D.

MINISTER FOR JUSTICE,

EQUALITY & LAW REFORM

The Honourable Mr. Justice Richard Johnson President of the High Court The High Court The Four Courts Dublin 7



DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM AN ROINN DLÍ AGUS CIRT, COMHIONANNAIS AGUS ATHCHÓIRITHE DLÍ

ob December, 2007

Dear Mr. Justice O'Neill,

I am writing to you in connection with the functions of 'the designated judge', pursuant to Section 8 of the Interception of Postal Packets and Telecommunications Messages (Regulations) Act 1993, as amended by Section 66 of the Criminal Justice (Terrorist Offences) Act 2005. I am enclosing a copy of both Acts for ease of reference.

Under the provisions of Section 8 of the 1993 Act, as amended, the President of the High Court, after consultation with the Minister for Justice, Equality and Law Reform, is required to invite a serving Judge of the High Court (referred to under the 1993 Act, as amended, as 'the designated judge') to keep the operation of the 1993 Act and Part 7 of the 2005 Act under review and ascertain whether their provisions are being complied with. On acceptance of the invitation, the Government shall designate the Judge for that purpose.

As you will be aware, the forthcoming retirement on 29 December, 2007, of Mr. Justice Thomas C. Smyth, currently serving as 'the designated judge', requires that a new serving Judge of the High Court be invited to act as 'the designated judge' in his place. I was informed by the President of the High Court, the Honourable Mr. Justice Richard Johnson, that you have accepted his invitation to act as 'the designated judge'. I wish to thank you for agreeing to so act.

I am pleased to inform you that the Government, at its meeting on 4 December, 2007, designated you as 'the designated judge', with the designation to take effect as and from 30 December, 2007. My Department is currently arranging for a notice to this effect to be published in *Iris Oifigiúil*.

For your information, provisions on the review of the operation of the 1993 Act by 'the designated judge' are contained in Section 8 of that Act, while provisions on the review of Part 7 of the 2005 Act are contained in Section 67 of that Act. These include a duty to report to the Taoiseach on the general operation of both statutes at least once every 12 months.

Other aspects of the duties of 'the designated judge' arise under Section 9 of the 1993 Act, which is concerned with the separate complaints procedure. Judge Carroll Moran of the Circuit Court is the current Complaints Referee. 'The designated judge' may also be consulted under Section 2(7) of the 1993 Act.

one of my senior officials is the Nominated Officer for the purposes of Section 6 of the 1993 Act. I suggest that you contact him in the first instance if you have any queries relating to this matter. His telephone number is You might also find it useful to speak with Mr. Justice Thomas C. Smyth regarding his experience as 'the designated judge' for more than five years. I'm afraid that there is no additional remuneration involved.

May I thank you once again for agreeing to act as 'the designated judge', and may I take this opportunity to wish you well in assuming this role later in the month.

I am copying this letter to the President of the High Court for his information.

Yours sincerely,

Mr Brian Lenihan, T.D. MINISTER FOR JUSTICE

EQUALITY AND LAW REFORM

The Honourable Mr. Justice Iarfhlaith O'Neill The High Court The Four Courts Dublin 7 Iris Oifigiúil Government Supplies Agency 51 St. Stephen's Green Dublin 2

FAO:

Re: Insertion of Notice in Iris Oifigiúil

I am directed by the Minister for Justice, Equality and Law Reform to seek the insertion of the attached notice in Iris Oifigiúil regarding the Government designation of "the designated judge". The notice is required to appear in Iris Oifigiúil as soon as possible and, in any event, before the Christmas recess.

I would appreciate if you would make the necessary arrangements.



6 December, 2007

Designation of a Judge of the High Court in Accordance with Section 8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993, as Amended by Section 66 of the Criminal Justice (Terrorist Offences) Act 2005

The Government decided on 4 December, 2007, to designate Mr. Justice Iarfhlaith O'Neill, Judge of the High Court, as "the designated judge" in accordance with Section 8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993, as amended by Section 66 of the Criminal Justice (Terrorist Offences) Act 2005, with effect from 30 December, 2007.

DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM



DEPARTMENT OF HEALTH AND CHILDREN

The Minister for Health and Children has made the following Statutory Instrument:

S.I. No. 85 of 1998.

EUROPEAN COMMUNITIES (OFFICIAL CONTROL OF FOODSTUFFS) REGULATIONS, 1998.

Price: £2.40

and

S.I. No. 86 of 1998

EUROPEAN COMMUNITIES (HYGIENE OF FOODSTUFFS) REGULATIONS, 1998.

Price: £2.40

Copies of the Statutory Instruments are on sale at the Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2.

[2]

ARTERIAL DRAINAGE ACTS, 1945 AND 1955 (NO. 3 OF 1945 AND NO. 23 OF 1955) BONET CATCHMENT DRAINAGE SCHEME

Notice is hereby given that the Minister for Finance proposes to issue a Certificate pursuant to the provisions of Section 13 of the Arterial Drainage Act, 1945, that the whole of the drainage works specified in the Bonet Catchment Drainage Scheme have been completed in accordance with that Scheme (with such additions, omissions, variations and deviations as have been found necessary in the course of the work). Any person interested may, within two months after the date of publication of this Notice in Iris Oifigiúil, send to the Minister an objection to the issue of the Certificate.

DEPARTMENT OF FINANCE, Dublin 2.

ARTERIAL DRAINAGE ACTS, 1945 AND 1955 (NO. 3 OF 1945 AND NO. 23 OF 1955)

BOYLE CATCHMENT DRAINAGE SCHEME

Notice is hereby given that the Minister for Finance proposes to issue a Certificate pursuant to the provisions of Section 13 of the Arterial Drainage Act, 1945, that the whole of the drainage works specified in the Boyle Catchment Drainage Scheme have been completed in accordance with that Scheme (with such additions, omissions, variations and deviations as have been found necessary in the course of the work). Any person interested may, within two months after the date of publication of this Notice in Iris Oifigiúil, send to the Minister an objection to the issue of the Certificate.

DEPARTMENT OF FINANCE, Dublin 2.

DESIGNATION OF A JUDGE OF THE HIGH COURT IN ACCORDANCE WITH SECTION 8 OF THE INTERCEPTION OF POSTAL PACKETS AND TELECOMMUNICATIONS MESSAGES (REGULATION) ACT, 1993

The Government decided (S.26983) on 30 March 1998, to designate Mr. Justice Frederick Morris, President of the High Court, as the "designated judge" in accordance with section 8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993.

DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM

[7]

COMPETITION AUTHORITY

CATEGORY CERTIFICATE IN RESPECT OF AGREEMENTS INVOLVING A MERGER AND/OR SALE OF BUSINESS

The Competition Authority considers, on the basis of the information supplied to it, that the following agreement comes within the scope of the category certificate in respect of agreement involving a merger and/or sale of business and satisfy its conditions; CA/31/95 — Warner Lambert Ltd./Plaistow Ltd.

[11]

ANNUAL GENERAL MEETING OF ICC BANK plc

The Annual General Meeting of ICC Bank plc was held on 24 March, 1998. The following directors were elected/re-elected by the shareholders:

Mr. Eamon Freaney, 45 Northumberland Road, Ballsbridge, Dublin 4.

Mr. Joe McPeake, 66 Fitzwilliam Square, Dublin 2,

The following Director was renominated by the Minister for Finance:

Mr. Leo O'Donnell, 2 Kilteragh Road, Foxrock, Co. Dublin.

[3]

APPOINTMENT OF MEMBERS TO THE BOARD OF TELECOM ÉIREANN Pic

On the nomination of the Minister for Public Enterprise, the following appointments have been made to the Board of Telecom Éireann:

Mr. Ron Bolger as Chairman of the Board (reappointment) with effect from 5 December, 1997

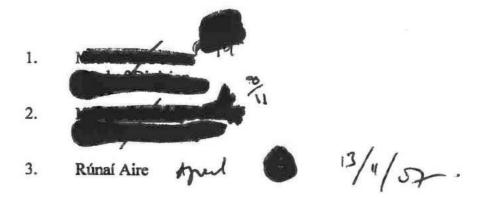
Mr. Paul Mackay as Director on the Board with effect from 19
December, 1997

In exercise of the powers conferred by Section 15 of the Worker Participation (State Enterprises) Act, 1977 as amended by Section 19 of the Worker Participation (State Enterprises) Act, 1988, the Minister for Public Enterprise appointed, with effect from 19 December, 1997, Mr. Jerry Melinn and Mr. Adrian Harney as employee directors on the Board of Telecom Éireann.

Pursuant to Section 10(6) of the Telecommunications (Miscellaneous Provisions) Act, 1996, the Minister for Public Enterprise appointed, with effect from 19 December, 1997, Mr. Stephen Lyons and Mr. Jimmy O'Connor as alternate employee directors on the Board of Telecom Éireann.

DEPARTMENT OF PUBLIC ENTERPRISE

[8]



<u>Draft Memorandum for the Government - Designated Judge</u>

- Please see across, for the Minister's approval to circulate for observations, a
 draft Memorandum for the Government seeking approval to designate a new
 'designated judge' to provide ongoing oversight of the State's lawful
 interception and data retention regimes.
- 2. The office of the 'designated judge' is established by law to provide independent judicial oversight of the State's lawful interception regime (as provided for in the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993), as well as the State's regime for telecommunications data retention and access (as contained in Part 7 of the Criminal Justice (Terrorist Offences) Act 2005).
- Section 8 of the 1993 Act, as amended by Section 66 of the 2005 Act, states that:

The President of the High Court shall from time to time after consulting with the Minister invite a person who is a judge of the High Court to undertake (while serving as such a judge) the duties specified in this section and section 67 of the Criminal Justice (Terrorist Offences) Act 2005 and, if the invitation is accepted, the Government shall designate the judge for the purpose of this Act and the Criminal Justice (Terrorist Offences) Act 2005.

- 4. The current 'designated judge', Mr. Justice Thomas C. Smyth, is due to retire as a Judge of the High Court on 29 December, 2007, which means that he will no longer be eligible to continue to serve as the 'designated judge'.
- 5. In preparation for this, the Minister wrote to the President of the High Court seeking him to invite a suitable Judge of the High Court to become the new 'designated judge' (see TAB A across). In response, the President of the High Court proffered the name of Mr. Justice Iarfhlaith O'Neill as a suitable candidate (see TAB B across).
- Accordingly, it now falls to the Government to make the requisite designation of Mr. Justice O'Neill as the 'designated judge', with effect from 30 December, 2007.

7. A draft Memorandum for the Government has now been prepared to this end, for which the Minister's approval is sought to circulate for observations in advance of submitting the matter to Government before the Christmas recess.



7 November, 2007

CCYY

10 October, 2007

Dear President.

I am writing in relation to the office of 'the designated judge' pursuant to Section 8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993, as amended by Section 66 of the Criminal Justice (Terrorist Offences) Act 2005. You will recall that the function of the designated judge is, in essence, to provide, in the public interest, independent oversight of the operation of the State's lawful interception and telecommunications data retention regimes.

As you are aware, the current designated judge is Mr Justice T.C. Smyth. However, I understand that Mr Justice Smyth is due to retire as a judge of the High Court on 29 December, 2007. As the 'designated judge' must, by law, be a serving judge of the High Court, it necessarily follows that Mr Justice Smyth will cease to be the 'designated judge' upon retirement.

Accordingly, the Government will be required - by formal decision prior to Mr Justice Smyth's retirement - to designate another serving judge of the High Court who can seamlessly assume the office of the designated judge as and from 30 December, 2007. In this regard, Section 8 of the 1993 Act, as amended, states that:

The President of the High Court shall from time to time after consulting with the Minister invite a person who is a judge of the High Court to undertake (while serving as such a judge) the duties specified in this section and section 67 of the Criminal Justice (Terrorist Offences) Act 2005 and, if the invitation is accepted, the Government shall designate the judge for the purpose of this Act and the Criminal Justice (Terrorist Offences) Act 2005.

In view of the foregoing, I would be grateful to receive your recommendation of a serving judge of the High Court to fill the role of the designated judge. It might be helpful in this regard if I mention that at the time of drafting of the 1993 Act, the then Chief Justice was consulted regarding the provisions concerning the designated judge. He considered that it would be inevitable that surveillance of persons suspected of criminal involvement would be part of the matters to come to the notice of the designated judge, and he advised against the designated judge participating in any criminal trials or in any appeal from a criminal trial. For this reason, it was the view of the Chief Justice and the President of the High Court at the time that a judge of the High Court taking on these responsibilities would have to be freed from all criminal work from that time until the end of his assignment as a judge.

Having regard to these considerations and the nature of the duties involved, I envisage that the designation of your nominee will be for either a period of five years or until

the judge retires, if that should occur within the next five years. I am, of course, ready to take into account any views you may have in relation to this aspect.

I should add that the office of the designated judge does not bring with it any additional remuneration.

On the nomination by you of a judge, I will make appropriate arrangements for his/her designation, with effect from 30 December, 2007. As designation requires a decision of the Government, and this must be done before the Christmas recess, I would be grateful if you would revert at an early date.

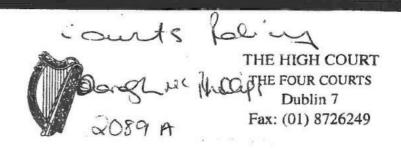
I look forward to hearing from you in due course.

Yours sincerely,

Brian Lenihan, T.D. Minister for Justice,

Equality and Law Reform

Mr Justice Joseph Finnegan President of the High Court The High Court The Four Courts Dublin 7 An ARD CHÚIRT An Ceithre Chúirt Baile Átha Cliath 7 Tel (01) 8886520



The Honourable Mr Justice Richard Johnson President of the High Court

15th October, 2007.

Brian Lenihan Esq., T.D., Minister for Justice, Equality and Law Reform, 94, St. Stephen's Green, Dublin 2.

Re: Nomination Designated Judge pursuant to Section 8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993 as amended by Section 66 of the Criminal Justice (Terrorist Offences) Act, 2005

Dear Minister,

The letter to my predecessor Mr. Justice Joseph Finnegan has been passed to me and accordingly I nominate to you Mr. Justice Iarfhlaith O'Neill as an appropriate person to fulfil the functions which heretofore have been fulfilled by Mr. Justice T.C. Smyth which will terminate on his retirement on the 29th December, 2007.

Mr. Justice O'Neill has agreed to undertake the duties if the Government so wish.

Yours sincerely,

Richard Johnson

Department of Justice, Equality & Law Reforms. Manager PS OFFICE

1 5 OCT 2007

RECEIVED

Minister's Office Query & Correspondence Record

From: President

Address: The Hon. Mr. Justice Richard Johnson

(For use on President of the High Court

ack. letter) The Four Courts

Dublin 7

Ref. No.

Date on Correspondence: 15/10/2007

On behalf of:

Content/Regarding: Nomination designated Judge pursuant to S8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993 as amedned by S66 of the Criminal Justice (Terrorist Offences) Act, 2005

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Acknowledgment Sta	itus O No Date A	cknowledged 25/10/2007	B/F Date
For Action To: Division/s		For Action Asst. Sec/PO(s)	Exception

Restrict Access to Assigned Division ONLY

Comment/Direction to Division

Courts Policy



For Division dealing with correspondence

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Control of Control	Recd:	Dates Memo created :
Commence Contracted	Obs Req:	Date first Interim
enderske kan de skalen (d. 5. s.) Program en	Long Term B/F: Final : From Div:	Reply Due : 21/11/2007
Promit for an other Ababay	From Dept: Comp.	



Edited by :

Comment: Batch completed: Division File No.

Search Ref: 1025103458



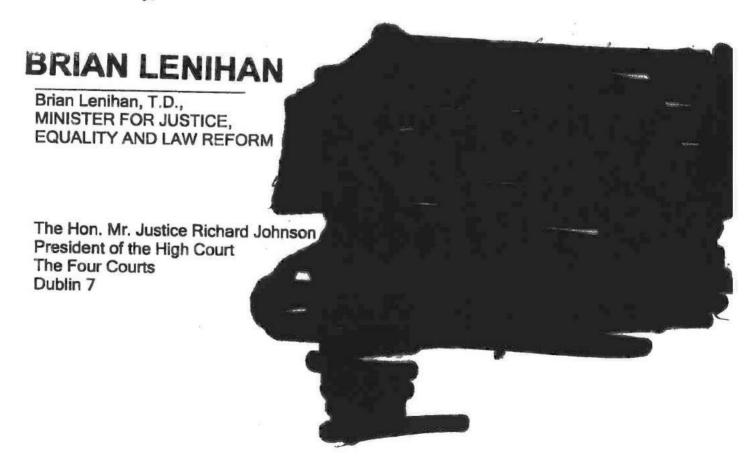
25 October, 2007

Dear President.

I write to acknowledge your letter of 15/10/2007 regarding the nomination of a designated Judge pursuant to Section 8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993 as amended by Section 66 of the Criminal Justice (Terrorist Offences) Act, 2005.

This matter is receiving attention in my Department.

Yours sincerely,



Minister's Office Query & Correspondence Record

President

On behalf of :

Address: The Hon. Mr. Justice Richard Johnson (For use on President of the High Court

ack. letter) The Four Courts

Dublin 7

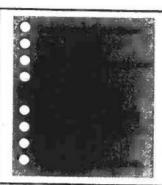
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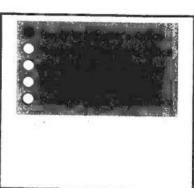
Date on Correspondence: 15/10/2007

Content/Regarding: Nomination designated Judge pursuant to S8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993 as amedned by S66 of the Criminal Justice (Terrorist Offences) Act, 2005









Acknowledgment Status O



Date Acknowledged 25/10/2007

B/F Date

For Action To:

For Action Asst. Sec/PO(s)

Exception

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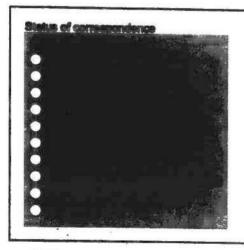
ext :

Restrict Access to Assigned Division ONLY

Comment/Direction to Division



For Division dealing with correspondence



Dates of Change of Status New: 25/10/2007

Recd:

Dates Interim replies Sent :

Dates Memo created:

Obs Req:

Long Term B/F:

From Div:

From Dept:

Comp.

Date first Interim

Raply Due: 21/11/2007

Document.pdf

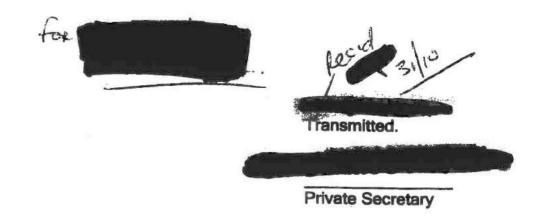
Comment:

Batch completed:

Division File No.

Search Ref: 1025103458

Edited by



25 October, 2007

Dear President.

I write to acknowledge your letter of 15/10/2007 regarding the nomination of a designated Judge pursuant to Section 8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993 as amended by Section 66 of the Criminal Justice (Terrorist Offences) Act, 2005.

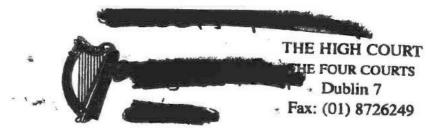
This matter is receiving attention in my Department.

Yours sincerely,

BRIAN LENIHAN

Brian Lenihan, T.D., MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM

The Hon. Mr. Justice Richard Johnson President of the High Court The Four Courts Dublin 7 AN ARD CHÚIRT An Ceithre Chúirt Baile Átha Cliath 7 Tel (01) 8886520



The Honourable Mr Justice Richard Johnson President of the High Court

15th October, 2007.

Brian Lenihan Esq., T.D., Minister for Justice, Equality and Law Reform, 94, St. Stephen's Green, Dublin 2.

ell yb

Re: Nomination Designated Judge pursuant to Section 8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993 as amended by Section 66 of the Criminal Justice (Terrorist Offences) Act, 2005

Dear Minister.

The letter to my predecessor Mr. Justice Joseph Finnegan has been passed to me and accordingly I nominate to you Mr. Justice Iarfhlaith O'Neill as an appropriate person to fulfil the functions which heretofore have been fulfilled by Mr. Justice T.C. Smyth which will terminate on his retirement on the 29th December, 2007.

Mr. Justice O'Neill has agreed to undertake the duties if the Government so wish.

Yours sincerely,

Richard Johnson

Department of Justice, Equality & Law Reform. Profession OFFICE

1 6 OC1 2007

RECEIVED

His Honour Justice Thomas C Smyth Judge of the High Court Four Courts Dublin 7

CONFIDENTIAL

Dear Mr Justice Smyth,

I am writing to you in your capacity as the 'designated judge' pursuant to Section 8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993.

I understand that your most recent report to the Taoiseach on the operation of Section 8 (2) of the aforementioned Act was dated 16 November, 2006. Pursuant to the Act, such reports are to be made at such intervals, being intervals of not more than twelve months, as you as designated judge think desirable.

In order to facilitate the preparation of the next report, please do not hesitate to contact me to arrange for your next visit to the Department. My telephone number is 6038319 (direct line).



8 October, 2007

Spoine by those with Judge Smyth. He will be in which ofen now week with a new to company at his deties under the 1993 Act. He expects to be after to insit the Department on FRI. 2 Marendown.

- 1. Mr Head of Division
- 2. Rúnaí Aire

Re: Appointment of 'Designated Judge'

 Please see across, for the Minister's approval and signature, a draft letter to the President of the High Court seeking the latter to nominate a suitable judge of the High Court to serve as 'the designated judge' when the present incumbent retires later this year.

Background - Designated Judge

- Under the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993, as amended by Part 7 of the Criminal Justice (Terrorist Offences) Act 2005 (see TAB A), the office of 'the designated judge' was created to provide independent judicial oversight of the State's lawful interception and telecommunications data retention regimes. Specifically, the function of the designated judge is to:
 - keep under review of the operation of the provisions of the 1993 Act
 and Part 7 of the 2005 Act;
 - ascertain whether the Garda Síochána and the Permanent Defence Forces are complying with its provisions; and
 - report to the Taoiseach at intervals of not more than 12 months in relation to these and any other matters of relevance.
- To date, all such reports to the Taoiseach, although somewhat lacking in detail, have been positive as to the operation of both Acts.
- 4. Although the role of the designated judge does not include receiving complaints (there is a separate judicial 'Complaints Referee' to manage this), the designated judge may, nevertheless, examine individual instances of lawful interception or telecommunications data retention/access to determine whether the relevant statutory powers were used appropriately and make recommendations accordingly in any such individual instance.

Need for New Designation

- The current designated judge is Mr Justice Thomas C. Smyth of the High Court, who has served as the designated judge since March 2002.
- Mr Justice Smyth is due to retire at 70 years of age on 29 December, 2007. As
 the designated judge must be a serving judge of the High Court, it will be
 necessary to appoint a successor before Christmas, to take effect from 30
 December, 2007.
- 7. Mr Justice Smyth is already aware that his term as the designated judge will cease upon retirement. In due course, a draft letter of thanks will be prepared for the Minister's signature as a mark of his service.

Process of Designation

- 8. The 1993 Act, as amended, sets out the process of appointment of the designated judge. In essence, the Government makes the designation, but only after the President of the High Court, following consultation with the Minister, invites a suitable judge of the High Court to assume this office and that invitation is accepted.
- 9. When the President of the High Court furnishes a name in response to the draft letter across, when issued, a draft Memorandum for the Government will be prepared for the Minister to bring to Cabinet before Christmas.
- For approval and signature by the Minister.



5 October, 2007

Minister to determine whether the conditions specified in section 4 or 5, as the case may be, of this Act stand fulfilled in relation to the proposed interception, and

- (c) shall, in the case of an application pursuant to paragraph (a) (ii) (II) of this subsection, be accompanied by a recommendation in writing of the Minister for Defence supporting the application.
- (2) The nominated officer shall consider any application under this section and, having made any inquiries he thinks necessary, shall make a submission to the Minister signed by him and stating his opinion as to whether or not the conditions specified in section 4 or 5, as the case may be, of this Act stand fulfilled in relation to the proposed interception and stating, if in his opinion those conditions do not stand so fulfilled, in what respects they do not so stand.
- (3) For the purpose of *subsection* (2) of this section, information which is in the possession of the nominated officer when he receives an application under this section (whether as the result of a previous application for an authorisation or otherwise) or which he receives after that time may be treated as if it had been included in the application.
- (4) The duties of the nominated officer under this Act may in his absence be discharged by such officer of the Minister as may be designated by the Minister for the purpose.

Cesser of interceptions no longer required.

4:1

- 7. —If the Commissioner or the Chief of Staff of the Defence Forces, as may be appropriate, considers that interceptions to which an authorisation relates are no longer required, then, without delay—
 - (a) he shall so inform the nominated officer, and
 - (b) the latter shall inform the person to whom the warrant concerned is addressed,

and thereupon the authorisation shall cease to be in force.

Review of operation of Act by judge of High Court.

- 8.—(1) The President of the High Court shall from time to time after consultation with the Minister invite a person who is a judge of the High Court to undertake (while serving as such a judge) the duties specified in this section and, if he accepts the invitation, the Government shall designate him for the purposes of this Act.
- (2) A person designated under this section (referred to in this Act as "the designated judge") shall hold office in accordance with the terms of his designation and shall have the duty of keeping the operation of this Act under review, of ascertaining whether its provisions are being complied with and of reporting to the Taoiseach—
 - (a) at such intervals (being intervals of not more than twelve months) as the designated judge thinks desirable in relation to the general operation of the Act, and
 - (b) from time to time in relation to any matters relating to the Act which he considers should be so reported.

- (3) For the purpose of his functions under this Act, the designated judge—
 - (a) shall have power to investigate any case in which an authorisation has been given, and
 - (b) shall have access to and may inspect any official documents relating to an authorisation or the application therefor.
- (4) The designated judge may, if he thinks it desirable to do so, communicate with the Taoiseach or the Minister on any matter concerning interceptions.
- (5) Every person who was concerned in, or has information relevant to, the making of the application for, or the giving of, an authorisation, or was otherwise concerned with the operation of any provision of this Act relating to the application or authorisation, shall give the designated judge, on request by him, such information as is in his possession relating to the application or authorisation.
- (6) If the designated judge informs the Minister that he considers that a particular authorisation that is in force should not have been Oven or (because of circumstances arising after it had been given) should be cancelled or that the period for which it was in force should not have been extended or further extended, the Minister shall, as soon as may be, inform the Minister for Transport, Energy and Communications and shall then cancel the authorisation.
- (7) The Taoiseach shall cause a copy of a report under subsection (2) of this section together with a statement as to whether any matter has been excluded therefrom in pursuance of subsection (8) of this section to be laid before each House of the Oireachtas.
- (8) If the Taoiseach considers, after consultation with the designated judge, that the publication of any matter in a report under *subsection* (2) of this section would be prejudicial to the prevention or detection of crime or to the security of the State, the Taoiseach may exclude that matter from the copies of the report laid before the Houses of the Oireachtas.

Complaints procedure.

- 9.—(1) A contravention of a provision of section 2, 6, 7 or 8 (6) of this Act, or a failure to fulfil a condition specified in section 4 or 5 of this Act, in relation to an authorisation shall not of itself render the authorisation invalid or constitute a cause of action at the suit of a person affected by the authorisation, but any such contravention shall be subject to investigation in accordance with the subsequent provisions of this section and nothing in this subsection shall affect a cause of action for the infringement of a constitutional right.
 - (2) (a) There shall stand established the office of Complaints Referee and the holder of the office shall be known as the Complaints Referee and is referred to in this section as "the Referee".
 - (b) A person appointed to be the Referee shall be a judge of the Circuit Court, a judge of the District Court or a person who is for the time being a practising barrister, or a practising

- (b) in section 29(1) by inserting the following after paragraph (j) (inserted by section 10 of the Maritime Security Act 2004):
 - "(k) the offence of murder under section 6 or 11 of the Criminal Justice (Terrorist Offences) Act 2005 or an attempt to commit such offence."

60.—The Schedule to the Bail Act 1997 is amended by inserting Amendment of Bail the following after paragraph 32:

Act 1997.

"Suppression of Terrorism.

33.—Any offence under the Criminal Justice (Terrorist Offences) Act 2005.".

PART 7

COMMUNICATIONS DATA

61 .- (1) In this Part-

Interpretation of this Part.

- "Act of 1993" means the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993;
- "aggregated data" means data that cannot be related to individual subscribers or users;
- "data" means communications data;
- "data retention request" means a request made under section 63 for the retention of traffic data or location data or both;
- "designated judge" means the person designated under section 8 of the Act of 1993;
- "Directive" means Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and protection of privacy in the electronic communications sector;
- "disclosure request" means a request under section 64 for the disclosure of traffic data or location data retained in accordance with section 63(5);
- "Garda Commissioner" means the Commissioner of the Garda Síochána;
- "processing" has the same meaning as in the Data Protection Acts 1988 and 2003;
- "Referee" means the holder of the office of Complaints Referee under the Act of 1993;
- "service provider" means a person who is engaged in the provision of a publicly available electronic communications service by means of fixed line or mobile telephones.
- (2) A word or expression that is used but not defined in this Part and is defined in the Directive has the same meaning in this Part as in the Directive.

Application of this Part.

62.—This Part applies to data relating to communications transmitted by means of a fixed line or mobile telephone, but it does not apply to the content of such communications.

Retention of traffic and location data relating to communications by phone.

- 63.—(1) Subject to subsections (2) and (4), the Garda Commissioner may request a service provider to retain, for a period of 3 years, traffic data or location data or both for the purposes of—
 - (a) the prevention, detection, investigation or prosecution of crime (including but not limited to terrorist offences), or
 - (b) the safeguarding of the security of the State.
 - (2) The data retention request must be made in writing.
- (3) Traffic data and location data that are in the possession of a service provider on the passing of this Act and that were retained by the service provider for the purposes specified in subsection (1) are deemed to have been the subject of a data retention request, but only if the 3 year retention period for the data has not elapsed before the passing of this Act.
- (4) For the purposes of this Part, the 3 year retention period begins—
 - (a) in the case of traffic data or location data referred to in subsection (3), on the date before the passing of this Act on which the data were first processed by the service provider, or
 - (b) in the case of any other traffic data or location data, on the date on or after the passing of this Act on which the data were first so processed.
- (5) Notwithstanding any other enactment or instrument, a service provider shall retain, for the purposes and the period specified in subsection (1), the data specified in a data retention request made to the provider.
- (6) Nothing in this section shall be taken as requiring a service provider to retain aggregated data or data that have been made anonymous.

Access to data retained for law enforcement and security purposes.

- **64.**—(1) Subject to subsection (7), a service provider shall not access data retained in accordance with section 63(5), except—
 - (a) at the request and with the consent of the person to whom the data relate,
 - (b) for the purpose of complying with a disclosure request under subsection (2) or (3) of this section,
 - (c) in accordance with a court order.
 - (d) for the purpose of civil proceedings in any court, or
 - (e) as may be authorised by the Data Protection Commissioner.
- (2) If a member of the Garda Síochána not below the rank of chief superintendent is satisfied that access to any data retained by a service provider in accordance with section 63(5) is required for

the purposes for which the data were retained, that member may request the service provider to disclose the data to the member.

- (3) If an officer of the Permanent Defence Force not below the rank of colonel is satisfied that access to any data retained by a service provider in accordance with section 63(5) is required for the purpose of safeguarding the security of the State, that officer may request the service provider to disclose the data to the officer.
- (4) A disclosure request must be made in writing, but in cases of exceptional urgency the request may be made orally (whether by telephone or otherwise) by a person entitled under subsection (2) or (3) to make the request.
- (5) A person who makes a disclosure request orally must confirm the request in writing to the service provider within 24 hours.
- (6) A service provider shall comply with a disclosure request made to the service provider.
- (7) Where all or part of the period specified in a data retention request coincides with the period during which any of the data specified in the request may, in accordance with law, be processed for purposes other than those specified in the request, this section does not prevent that data from being processed for those other purposes.
- 65.—(1) A person who believes that data that relate to the person Complaints and that are in the possession of a service provider have been procedure. accessed following a disclosure request may apply to the Referee for an investigation into the matter.

- (2) If an application is made under this section (other than one appearing to the Referee to be frivolous or vexatious), the Referee shall investigate-
 - (a) whether a disclosure request was made as alleged in the application, and
 - (b) if so, whether any provision of section 64 has been contravened in relation to the disclosure request.
- (3) If, after investigating the matter, the Referee concludes that a provision of section 64 has been contravened in relation to the disclosure request, the Referee shall-
 - (a) notify the applicant in writing of that conclusion, and
 - (b) make a report of the Referee's findings to the Taoiseach.
- (4) In addition, in the circumstances specified in subsection (3). the Referee may, if he or she thinks fit, by order do either or both of the following:
 - (a) direct the destruction of the relevant data and any copies of
 - (b) make a recommendation for the payment to the applicant of such sum by way of compensation as may be specified in the order.

Criminal Justice (Terrorist Offences) Act 2005.

[2005.]

- (5) If, after investigating the matter, the Referee concludes that no provision of section 64 has been contravened, the Referee shall notify the applicant in writing to that effect.
 - (6) A decision of the Referee under this section is final.
- (7) For the purpose of an investigation under this section, the Referee is entitled to access to and has the power to inspect any official documents or records relating to the relevant application.
- (8) Any person who was concerned in, or has information relevant to, the making of a disclosure request in respect of which an application is made under this section shall give the Referee, on his or her request, such information relating to the request as is in the person's possession.

Amendment of section 8 of Act of 1993.

- 66.—Section 8 of the Act of 1993 is amended by substituting the following subsections for subsection (1):
 - "(1) The President of the High Court shall from time to time after consulting with the Minister invite a person who is a judge of the High Court to undertake (while serving as such a judge) the duties specified in this section and section 67 of the Criminal Justice (Terrorist Offences) Act 2005 and, if the invitation is accepted, the Government shall designate the judge for the purposes of this Act and the Criminal Justice (Terrorist Offences) Act 2005.
 - (1A) Subsection (1) does not affect the functions of the Data Protection Commissioner under section 10 of the Data Protection Act 1988.".

Duties of designated judge in relation to this Part.

- 67.—(1) In addition to the duties assigned under section 8 of the Act of 1993, the designated judge shall—
 - (a) keep the operation of the provisions of this Part under
 - (b) ascertain whether the Garda Síochána and the Permanent Defence Force are complying with its provisions, and
 - (c) include, in the report to the Taoiseach under section 8(2) of the Act of 1993, such matters relating to this Part that the designated judge considers appropriate.
- (2) For the purpose of carrying out the duties assigned under this section, the designated judge—
 - (a) has the power to investigate any case in which a disclosure request is made, and
 - (b) is entitled to access to and has the power to inspect any official documents or records relating to the request.
- (3) Any person who was concerned in, or has information relevant to, the preparation or making of a disclosure request shall give the designated judge, on his or her request, such information relating to the request as is in the person's possession.
- (4) The designated judge may, if he or she considers it desirable to do so, communicate with the Taoiseach or the Minister concerning

disclosure requests and with the Data Protection Commissioner in connection with the Commissioner's functions under the Data Protection Acts 1988 and 2003.

PART 8

EUROPEAN ARREST WARRANT

68.—The amendments effected by this Part (other than section 83) Application of this shall apply to European arrest warrants, and facsimile and true copies thereof, that are endorsed under section 13, or produced under section 14(7), of the Act of 2003 after the passing of this Act.

69.—The Act of 2003 is amended by the insertion of the following Issuing state section:

presumed to comply with Framework

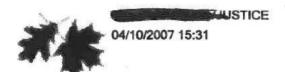
"4A .- It shall be presumed that an issuing state will comply with the requirements of the Framework Decision, unless the contrary is shown.".

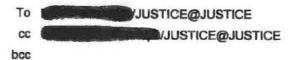
70.—The Act of 2003 is amended by the substitution of the follow- Corresponding ing section for section 5:

"5.-For the purposes of this Act, an offence specified in a European arrest warrant corresponds to an offence under the law of the State, where the act or omission that constitutes the offence so specified would, if committed in the State on the date on which the European arrest warrant is issued, constitute an offence under the law of the State.".

71.—The Act of 2003 is amended by the substitution of the follow- Obligation to ing section for section 10:

- "10.-Where a judicial authority in an issuing state duly issues a European arrest warrant in respect of a person-
 - (a) against whom that state intends to bring proceedings for an offence to which the European arrest warrant relates.
 - (b) who is the subject of proceedings in that state for an offence to which the European arrest warrant relates,
 - (c) who has been convicted of, but not yet sentenced in respect of, an offence to which the European arrest warrant relates, or
 - (d) on whom a sentence of imprisonment or detention has been imposed in respect of an offence to which the European arrest warrant relates, and who fled from the issuing state before he or she-
 - (i) commenced serving that sentence, or
 - (ii) completed serving that sentence,





Subject Re: Judge of the High Court - Mr Justice Thomas C. Smyth

Yes, Judge Smyth of the High Court is due to retire at age 70 on 29 December, 2007.







JUSTICE 04/10/2007 15:15

To describe a strice of the st

Subject Judge of the High Court - Mr Justice Thomas C. Smyth



A serving judge of the High Court, Mr Justice Thomas C. Smyth, currently acts as 'the designated judge' for the purposes of our interception and data retention legislation. His function is to provide independent oversight of the relevant legislation while also serving as a judge of the High Court.

I understand that Mr Justice Smyth is due to retire as a High Court judge on 29 December, 2007, which will necessitate us seeking Government approval to appoint a new 'designated judge'.

I would be grateful for confirmation that Mr Justice Smyth is, in fact, due to retire on 29 December, 2007.

Grateful if you would revert with confirmation.

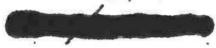
Thanks



4 October, 2007



FAX COVER SHEET



Fax:



Phone:



Number of pages including cover sheet: 3

Copy of report and cover letter as discussed.

Department of the Taoiseach, Dublin 2. Roinn an Taoisigh, Baile Átha Cliath 2.





20th March, 2007



An Taoiseach Mr. Bertie Ahern TD Office of the Taoiseach Government Buildings Dublin 2

Re: Interceptions of Postal Packets and Telecommunications Messages (Regulations) Act. 1993 Section 8(1) as substituted by the Criminal Justice (Terrorist Offences) Act. 2005. Section 66

Dear Taoiseach

Herewith my report as the "designated Judge" in respect of the above.

No call related material requested has been dealt with under the Act of 2005 to date. Requests to date have been pursued under Section 98 of the Postal and Telecommunications Services Act, 1983 as amended by Section 13 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993.

Enquiries made on my review, reveal that there is some advice outstanding from the office of the Attorney-General to An Garda Siochana concerning the interpretation and application of the Act of 2005.

On my return from duties as the High Court Judge hearing appeals on the Western Circuit, I will contact the Defence Force Authorities and carry out a review of their obligations.

Yours sincerely

T C Smyth

Interception of Post & Backets and Telecommunications

Messages (Resolution) Act. 196 Section 8(1) as substituted by the

Criminal Justice (Teleposist Offences) Act, 2005, Section 66

- I was designated by the President of the High Court by letter dated 7th April, 2005 as the "designated Judge" for the purposes of the Criminal Justice (Terrorist Offences) Act, 2005.
- In the capacity aforesaid, I considered those charged with the maintenance of records ought to be given a reasonable period within which to set up and maintain for a reasonable time, the scheme designed and intended by the legislation.
- In exercise of my powers of review I did on 16th March, 2007 attend at the location at which the records of An Garda Siochana are maintained.
- 4. I am satisfied that the provisions of the legislation are being maintained and in particular that the provisions of the Act of 2005 are not being used for routine Garda inquiries and investigations.

Dated this 20th day of March, 2007

Signed: T C Smyth

Note re. Designated Judge under Criminal Justice (Terrorist Offences) Act 2005

Phone call from D/Taoiseach

I received a telephone call from leaves preparing material in response to a PQ for answ	D/Taoiseach. He said that he by the Taoiseach regarding the
role of the Designated Judge under the 2005 Act.	
He said that D/Taoiseach had been in contact with the	- ' - ' '
asked that he be provided with the contact names an	전에 있는 것은 전면 2000 MM SEE 1915 MM SEE 1916 MM SEE 1917
Gardai and the Defence Forces for the purpose of fu	
informed that I had previously (Octob with this information. I undertook to get the information.	
me to pass the information to	
the to pass the information to	isual of the High Court.
I contacted the Gardai and the Defence Forces and o	btained the names and telephone
numbers of the appropriate personnel	
	I passed these details to.
by phone.	
STOCKHOOK DAY OF THE	



Government Secretariat Rúnaíocht an Rialtais

23November 2006

Department of Justice, Equality & Law Reform, 94 St. Stephen's Green,

Dublin 2.

Dear

I attach a copy of the recent report from Mr. Justice T.C. Smyth to the Taoiseach pursuant to Section 8(2) of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993, which is being laid before each House of the Oireachtas today.

I also enclose a copy of the presentation form and the statement required under Section 8(7) of the Act.

Yours sincerely,

Government Secretariat

@taoiseach.gov.ie



DOCUMENT(S) TO BE LAID BEFORE HOUSE OF THE OIREACHTAS

Clerk of the Dáil/Seanad

I enclose copies 6* of the under mentioned document(s) to be laid before the House. The information sought below is as set out.

th/c Rúnaí Cúnta an Rialtais 28 November 2006.

1	Department or other body laying document	Taoiseach.
2	Title of document	Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993. Report to the Taoiseach, pursuant to Section
3	If laid pursuant to statute, state Title and Section of Act	8(2) of the Act. Interception of Postal Packets and Telecommunications Messages (Regulation) 1993 - Section 8(7).
4	Is there a statutory period in relation to the laying of the document?	•
	If so, give particulars	
5	Is a motion of approval necessary?	No.

^{*} Three copies of the document in respect of each House, or six copies where it is to be laid before one House only

BAILE ÁTHA CLIATH 2 Dublin 2

Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993

Report to the Taoiseach, pursuant to Section 8(2) of the Act

Statement pursuant to Section 8(7) of the Act

This is to certify that no matter has been excluded from the attached report, dated 16 November 2006, in pursuance of subsection 8(8) of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993.

Assistant Secretary to the Government

"THE " I THE STATE OF

28 November 2006

THE INTERCEPTION OF POSTAL PACKETS AND TELECOMMUNICATIONS MESSAGES (REGULATION) ACT 1993

REPORT (PURSUANT TO SECTION 8(2) OF THE ACT)

- I was designated by the Government at a meeting held on the 20th of February, 2002, as the "designated judge" under section 8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993.
- 2. The designated judge is under a duty to keep the operation of the Act under review and of ascertaining whether its provisions are being complied with (section 8(2)), and is required to report to the Taoiseach in relation to the general operation of the Act as specified in section 8(2)(a). This is my report of my inspection on the 25th October, 2006, pursuant to the provisions of the subsection.
- Since my appointment I have kept the operation of the Act under review and I am satisfied that its provisions are being complied with.

Dated the 16th November, 2006.

Signed:-

T.C. SMYTH



Roinn an Taoisigh Department of the Taoiseach

26 August 2005

Mr. Department of Justice, Equality & Law Reform, 94 St. Stephen's Green, Dublin 2.



I attach a copy of the recent report from Mr. Justice T.C. Smyth to the Taoiseach pursuant to Section 8(2) of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993, which is being laid before each House of the Oireachtas today.

I also enclose a copy of the presentation form and the statement required under Section 8(7) of the Act.

Yours sincerely,

Government Secretariat

e-mail: @taoiseach.gov.ie

12/9 (5) Der ple. oph file. 419/05

TELECOMMUNICATIONS

MESSAGES (REGULATIONS) ACT 1993

REPORT (PURSUANT TO SECTION 8(2) OF THE ACT

- I was designated by the Government at a meeting held on the 20th of March 2002 as the "designated judge" under section 8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993.
- 2. The designated judge is under a duty to keep the operation of the Act under review and of ascertaining whether its provisions are being complied with (section 8(2)), and is required to report to the Taoiseach in relation to the general operation of the Act as specified in section 8(2)(a). This is my report of my inspection on 25th May, 2005 pursuant to the provisions of the subsection.
- Since my appointment I have kept the operation of the Act under review and I am satisfied that its provisions are being complied with.

Dated 27th July 2005

Signed:-

T.C. SMYTH

DOCUMENT(S) TO BE LAID BEFORE HOUSE OF THE OIREACHTAS

Clerk of the Dáil/Seanad

I enclose copies 6* of the under mentioned document(s) to be laid before the House. The information sought below is as set out.

th/c Rúnaí Cúnta an Rialtais 26 August 2005.

1	Department or other body laying document	Taoiseach.
2	Title of document	Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993.
	16 (4.5)	Report to the Taoiseach, pursuant to Section 8(2) of the Act.
3	If laid pursuant to statute, state Title and Section of Act	Interception of Postal Packets and Telecommunications Messages (Regulation) 1993 - Section 8(7).
	Is there a statutory period in relation to the laying of the document?	
	If so, give particulars	
5	Is a motion of approval necessary?	No.

^{*} Three copies of the document in respect of each House, or six copies where it is to be laid before one House only

BAILE ÁTHA CLIATH 2 Dublin 2

Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993

Report to the Taoiseach, pursuant to Section 8(2) of the Act

Statement pursuant to Section 8(7) of the Act

This is to certify that no matter has been excluded from the attached report, dated 27 July 2005, in pursuance of subsection 8(8) of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993.

Assistant Secretary to the Government

26 August 2005

Mr Justice Thomas C. Smyth Judge of the High Court Dublin 7

CONFIDENTIAL

Dear Mr Justice Smyth,

I refer to your visit to the Department in October, 2004 in your capacity as the 'designated judge' pursuant to Section 8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993.

You indicated at that time that you would like to be reminded in about six months regarding your next visit.

I should add that will be away from the office on business from 8 to 20 April.

Yours sincerely,



5 April, 2005





Roinn an Taoisigh Department of the Taoiseach

4 .November 2004

Mr. Department of Justice, Equality & Law Reform, 94 St. Stephen's Green, Dublin 2.



I attach a copy of the recent report from Mr. Justice T.C. Smyth to the Taoiseach pursuant to Section 8(2)(a) of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993, which is being laid before each House of the Oireachtas today.

I also enclose a copy of the presentation form and the statement required under Section 8(7) of the Act.

Yours sincerely,

Government Secretariat

e-mail: @taoiseach.gov.ie

TELECOMMUNICATIONS MESSAGES (REGUALTION) ACT, 1993 REPORT (PURSUANT TO SECTION 8(2) OF THE ACT).

- I was designated by the Government at a meeting held on the 20th of March 2002 as the "designated judge" under section 8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993.
- 2. The designated judge is under a duty to keep the operation of the Act under review and of ascertaining whether its provisions are being complied with (section 8(2)), and is required to report to the Taoiseach in relation to the general operation of the Act as specified in section 8(2)(a). This is my report pursuant to the provisions of the subsection.
- 3. Since my last report I have kept the operation of the Act under review and I am satisfied that its provisions are being complied with.

Dated the 8th day of October, 2004.

Signed:- XC T.C. SMYTH

DOCUMENT(S) TO BE LAID BEFORE HOUSE OF THE OIREACHTAS

Clerk of the Dáil

I enclose copies * of the under mentioned document(s) to be laid before the House. The information sought below is as set out.



th/c Ard-Rúnaí an Rialtais 4 November 2004.

1 Department or other body laying document	Taoiseach.
2 Title of document	Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993. Report to the Taoiseach, pursuant to Section 8(2) of the Act.
3 If laid pursuant to statute, state Title and Section of Act	Interception of Postal Packets and Telecommunications Messages (Regulation) 1993 - Section 8(7).
4 Is there a statutory period in relation to the laying of the document?	
If so, give particulars	
5 Is a motion of approval necessary?	No.

^{*} Three copies of the document in respect of each House, or six copies where it is to be laid before one House only

DOCUMENT(S) TO BE LAID BEFORE HOUSE OF THE OIREACHTAS

Clerk of the Seanad

I enclose copies * of the under mentioned document(s) to be laid before the House. The information sought below is as set out.



th/c Ard-Rúnaí an Rialtais 4 November 2004.

1 Department or other body laying document	Taoiseach.
2 Title of document	Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993. Report to the Taoiseach, pursuant to Section 8(2) of the Act.
3 If laid pursuant to statute, state Title and Section of Act	Interception of Postal Packets and Telecommunications Messages (Regulation) 1993 - Section 8(7).
Is there a statutory period in relation to the laying of the document?	
If so, give particulars	
5 Is a motion of approval necessary?	No.

^{*} Three copies of the document in respect of each House, or six copies where it is to be laid before one House only

BAILE ÁTHA CLIATH 2 Dublin 2

Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993

Report to the Taoiseach, pursuant to Section 8(2) of the Act

Statement pursuant to Section 8(7) of the Act

This is to certify that no matter has been excluded from the attached report, dated 8 October 2004, in pursuance of subsection 8(8) of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993.



Secretary General to the Government

November 2004

The designated judge, Mr Justice Thomas C. Smyth, visited the Department on 1 October, 2004

Mr Justice Thomas C. Smyth Judge of the High Court Dublin 7

CONFIDENTIAL

Dear Mr Justice Smyth,

I am writing to you in your capacity as the 'designated judge' pursuant to Section 8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993.

I understand that your most recent report to the Taoiseach on the operation of the aforementioned Act was dated 28 May, 2003. Pursuant to the Act, such reports are to be made at such internals, being intervals of not more than twelve months, as you as designated judge think desirable.

In order to facilitate the preparation of the next report, please do not hesitate to contact me at telephone no.

Yours sincerely,



ZzSeptember, 2004



19 June 2003.

Department of Justice, Equality and Law Reform, 72-76 St. Stephen's Green,

Dublin 2.



I attach a copy of the recent report from Mr. Justice T.C. Smyth to the Taoiseach pursuant to Section 8(2)(a) of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993, which is being laid before each House of the Oireachtas today.

I also enclose a copy of the presentation form and the statement required under Section 8(7) of the Act.

Yours sincerely,

Government Secretariat

Te

e-mail: @taoiseach.gov.ie



TELECOMMUNICATIONS MESSAGES (REGULATION) ACT 1993 REPORT (PURSUANT TO SECTION 8(2) OF THE ACT)

- I was designated by the Government at a meeting held on the 20th of March 2002 as the "designated judge" under section 8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993.
- The designated judge is under a duty to keep the operation of the Act under review and of ascertaining whether its provisions are being complied with (section 8(2)), and is required to report to the Taoiseach in relation to the general operation of the Act as specified in section 8(2)(a). This is my first report pursuant to the provisions of the subsection.
 - Since my appointment I have kept the operation of the Act under review and I am satisfied that its provisions are being complied with.

Dated the 28th May 2003

Signed:-

T.C. SMYTH