

**Statutory Instrument**

**S.I. No. 338 of 2005**

**CIVIL LIABILITY AND COURTS ACT 2004 (SECTION 40(4)) ORDER 2005**

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**S.I. No. 338 of 2005**

**Civil Liability and Courts Act 2004 (Section 40(4)) Order 2005**

I, Michael McDowell, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by section 40(4) of the Civil Liability and Courts Act 2004 (No. 31 of 2004), hereby order as follows:

1. (1) This Order may be cited as the Civil Liability and Courts Act 2004 (Section 40(4)) Order 2005.

2. In this Order –

“Act of 2004” means the Civil Liability and Courts Act 2004 (No. 31 of 2004);

“functions” includes powers and duties, and references to the performance of functions include, as respects powers and duties, references to the exercise of the powers and carrying out of the duties;

“prescribed person” means a person prescribed by Article 3 of this Order.

3. The persons specified in the Schedule to this Order are prescribed for the purposes of section 40(4) of the Act of 2004.

4. (1) A copy of such part only of an order or extract from an order as is necessary to enable the prescribed person concerned to perform his or her functions may be supplied to him or her.

(2) A prescribed person to whom a copy referred to in paragraph (1) of this Article is supplied shall not show or supply the copy to any person other than a person to whom it is necessary for it to be supplied or shown for the purpose of enabling the prescribed person to perform his or her functions.

SCHEDULE  
PRESCRIBED PERSONS

1. A recognised school within the meaning of the Education Act 1998 (No. of 1998).
2. A vocational education committee established under section 7 of the Vocational Education Act 1930 (No. of 1930).
3. A certified reformatory or industrial school under Part IV of the Children Act 1908.
4. A children detention school under the Children Act 2001 (No.24 of 2001).
5. The Minister for Foreign Affairs when performing functions relating to the granting of passports under section 1 of the Ministers and Secretaries Act 1924 (No.16 of 1924).
6. The Minister for Justice, Equality and Law Reform when performing functions under the Aliens Act 1935 (No.14 of 1935), the Refugee Act 1996 (No.17 of 1996), the Immigration Act 1999 (No.22 of 1999) or the Irish Nationality and Citizenship Acts 1956 to 2004.
7. A consular officer under the Diplomatic Relations and Immunities Act 1967 (No.8 of 1967) when performing the function of issuing passports or other similar travel documentation to nationals of a state (other than the State), or visas or other similar travel documentation to persons wishing to travel to that state.
8. An Garda Síochána.
9. A designated credit institution under the Asset Covered Securities Act 2001 (No.47 of 2001).

10. A bank holding a licence under section 9 of the Central Bank Act 1971 (No.24 of 1971).
11. A solicitor.
12. A barrister-at-law.
13. The Land Registry.
14. A local authority within the meaning of the Local Government Act 2001 (No.37 of 2001).
15. The Health Service Executive.
16. The Minister for Social and Family Affairs when performing functions under the Social Welfare Acts.
17. An Bord Uchtála.
18. A guardian under the Guardianship of Infants Act 1964 (No.7 of 1964).
19. A guardian *ad litem* appointed under Part IV (inserted by section 11 of the Children Act 1997 (No.40 of 1997) of the Guardianship of Infants Act 1964 (No.7 of 1964) or section 26 of the Child Care Act 1991 (No.17 of 1991).
20. The Central Authority in the State under Part II or Part III of the Child Abduction and Enforcement of Custody Orders Act 1991 (No.6 of 1991).
21. The Central Authority under the Maintenance Act 1994 (No.28 of 1994).
22. The Central Authority for the State under the European Communities (Judgments in Matrimonial Matters and Matters of Parental Responsibility) Regulations 2005 (SI No.112 of 2005).

23. An t-Árd Chláraitheoir.
24. Governor of a prison within the meaning of section 7 of the National Treasury Management Agency (Amendment) Act 2000 (No. 39 of 2000).
25. Officers of the Minister for Justice, Equality and Law Reform assigned for the time being to the Probation and Welfare Service of the Department of State of which that Minister has charge.
26. The Revenue Commissioners.

GIVEN under my Official Seal,  
this 1st day of July 2005

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Michael McDowell  
Minister for Justice, Equality  
and Law Reform.

## EXPLANATORY NOTE

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

This Order specifies those persons to whom a court order or an extract from a court order, arising from family law proceedings held in camera, may be shown or supplied. Persons receiving such orders are required not to show or supply the court order or extract to any other person save in the exercise of their official capacity.