

APPENDIX 3

AFFIDAVIT OF DOCUMENTS



Coimisiún Imscrúdacháin
ar Earnáil na Baincíteachta in Éirinn

Commission of Investigation
into the Banking Sector in Ireland

Peter Nyberg
Sole member

Affidavit of Documents

I, _____ [name], of _____ [address],
_____ [description/occupation] aged 18 years and upwards

MAKE OATH and say as follows:

1. I am _____ [name], of _____ [address] and am _____ [description].
2. I make this affidavit from facts within my own knowledge and from data, documentation and information within my possession, power or procurement save where otherwise appears and where so otherwise appearing I believe the same to be true.
3. I have read the terms of reference of the Commission of Investigation into the Banking Sector in Ireland.
4. I have read the Rules and Procedures document published by the Commission of Investigation into the Banking Sector in Ireland.

5. I have read the _____ [request/direction/order] of the Commission of Investigation into the Banking Sector in Ireland directed to _____ [name person] dated the __ day of _____, 2010.
6. I am aware of, and understand, the requirements of sections 10, 14, 16, 17, 28 and 31 of the Commissions of Investigation Act 2004.
7. I have in my possession, power or procurement the data, document and information relating to the terms of reference of the Commission of Investigation into the Banking Sector in Ireland set out in the Part A and Part B of the First Schedule to this affidavit.
8. I consent to the production of the data, documentation and information in Part A of the First Schedule.
9. I object to the production of the data, documentation and information in Part B of the First Schedule.
10. The grounds of my objection to the production of the data, documentation and information in Part B of the First Schedule are:

[In respect of each individual item of data, documentation or information to which objection is taken specify the ground of objection and specify all facts and circumstances relevant to that objection].

11. I have had, but have not now, in my possession, power or procurement the data, documentation or information in the Second Schedule.
12. The data, documentation and information identified in the Second Schedule were last in my possession, power or procurement on the __ day of _____, 2010.
13. The full circumstances in which the data, documentation and information identified in the Second Schedule are no longer in my possession are:

[Set out full and detailed particulars as to the circumstances in which each individual item of data, documentation and information identified in the Second Schedule is no longer in your possession, power or procurement, and as to whom did you give each such data, documentation or information and the possible locations of the originals or copies of that data, documentation or information.]

14. According to the best of my knowledge, information and belief I have not now, and never had in my possession, power or procurement any data, documentation or information whether by myself, or through the agency of any other person whatsoever, other than the data, documentation or information listed in the First and Second Schedule to this affidavit.
15. The inquiries and searches for data, documentation and information relevant to the terms of reference of the commission of investigation carried out by me, or on my behalf, prior to the swearing of the affidavit of documents are:

[Set out full and detailed particulars of all inquiries made, and searches undertaken].

SWORN this ___ day of _____, 2010
At _____ [address] by _____ [name]
Before me _____ [name]
a Commissioner for Oaths/Practising Solicitor
and I know the deponent.

FIRST SCHEDULE

Part A

[list data, documentation and information]

Part B

[list data, documentation and information]

SECOND SCHEDULE

[list data, documentation and information]