



STATUTORY INSTRUMENTS

S.I. No. 354 of 2008



CIRCUIT COURT RULES (RECORDING OF PROCEEDINGS) 2008

(Prn. A8/1407)

CIRCUIT COURT RULES (RECORDING OF PROCEEDINGS) 2008

We, the Circuit Court Rules Committee, constituted pursuant to the provisions of section 69 of the Courts of Justice Act 1936, and section 12 of the Courts of Justice Act 1947, by virtue of the powers conferred on us by section 66 of the Courts of Justice Act 1924 and section 70 of the Courts of Justice Act 1936, (as applied by section 48 of the Courts (Supplemental Provisions) Act 1961) and section 27 of the Courts (Supplemental Provisions) Act 1961, and of all other powers enabling us in this behalf, do hereby, with the concurrence of the Minister for Justice, Equality and Law Reform, make the annexed Rules of Court.

Dated this 24 day of June 2008.

(Signed): Matthew Deery
(Chairman of the Circuit Court Rules Committee)

Alison Lindsay
Tony Hunt
Gerard J. Doherty
Joe Deane
Noel Rubotham

Susan Ryan (Secretary)

I concur in the making of the above Rules of Court.

Dated this 3 day of September 2008.

Signed: DERMOT AHERN
MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 9th September, 2008.*

S.I. No. 354 of 2008

CIRCUIT COURT RULES (RECORDING OF PROCEEDINGS) 2008

1. These Rules, which may be cited as the Circuit Court Rules (Recording of Proceedings) 2008, shall come into operation on the 1 day of October 2008.

2. These Rules shall be construed together with the Circuit Court Rules 2001 to 2008.

3. The Circuit Court Rules are amended:

(a) by the insertion in the Interpretation of Terms provisions of the following:

“25. The “Courts Service” means the Courts Service established by the Courts Service Act 1998”;

(b) by the substitution for rule 1 of Order 58 of the following:

“1. In this Order:

“the Act” means the Local Elections (Petitions and Disqualifications) Act 1974 (No. 8 of 1974);

“Local Election” has the meaning assigned to it by Section 1(1) of the Act;

“record”, and “transcript writer” each has the same meaning as in Order 67A.”;

(c) by the substitution for rule 7 of Order 58 of the following:

“7. A record shall be made of the hearing of every proceeding under the Act by a person appointed by the Courts Service.”;

(d) by the substitution for rule 12 of Order 58 of the following:

“12. (1) The person responsible for the storage or custody of the record of the proceedings shall, at the Court’s or the County Registrar’s request, make available the record or any part thereof to the Court or the County Registrar, in such manner as is required.

(2) The transcript writer shall furnish to the Court or the County Registrar at the County Registrar’s request a transcript of the whole of the record of the proceedings or of such part thereof as the Court or the County Registrar may require. The transcript shall be typewritten or printed and certified by the transcript writer to be a complete and correct transcript of the whole of such record, or of the part required.

(3) The record shall contain the evidence, any objection taken in the course thereof, and the judgment of the Judge but shall not unless otherwise ordered by the Judge include any part of the speeches of Solicitor or Counsel.

(4) A party interested in an appeal may obtain from the County Registrar the whole or of any part of the transcript prepared for the purposes of the appeal, upon payment of the proper charges.”;

(d) by the insertion, immediately following Order 67, of the following:

“Order 67A

Recording of Proceedings

1. In this Order,

“record” means a contemporaneous record of the proceedings concerned made by any one or more means, including, without limitation—

- (a) any shorthand or other note, whether written, typed or printed, and
- (b) any sound recording or other recording, capable of being reproduced in legible, audible or visual form, approved by the court;

“transcript writer” means any person (including a body corporate acting by its employee or contractor) appointed by the Courts Service to make a transcript of the record.”

2. Subject to rule 3 and to rule 7 of Order 58, at the trial or hearing of any cause or action, any party may, with the Court’s permission and subject to and in accordance with any direction of the Court, make or cause to be made a record of the proceedings, which record shall include—

- (a) the oral evidence;
- (b) in the case of an action tried by a Judge and jury, the Judge’s charge and directions to the jury, and the submissions and requisitions made to the judge and his ruling thereon;
- (c) in any case tried by a Judge without a jury, the Judge’s judgment (unless it be a written judgment).

3. The record of any criminal proceedings shall be made or caused to be made by a person appointed by the Courts Service, and such record shall include all submissions made by counsel in the course of

the trial including opening and closing speeches to the jury and any submissions made in mitigation of sentence.

4. At the hearing of any proceedings before the County Registrar any party may, with the County Registrar's permission, and subject to any order or direction of the County Registrar, make or cause to be made a record of the proceedings in such case, which record shall include—

- (a) any oral evidence;
- (b) any speech or submissions by counsel or solicitor;
- (c) the County Registrar's judgment or ruling (unless it be a written judgment or ruling).

5. The party making or causing to be made a record in a case referred to in rule 2 or rule 4 shall pay the cost of the production of the record and, where any transcript is required, the cost of the production of such transcript and the said payment shall be borne by the said party unless the Judge or the County Registrar (as the case may be) shall after the trial or hearing certify that in his opinion it was expedient that the proceedings or any part thereof should have been so recorded, or, as the case may be, a transcript produced. If such certificate is given, the cost occasioned by the making of the record (and, where certified, any cost arising from the production of a transcript of or from the record) to which the certificate relates shall be part of the costs in the cause.

6. The Judge shall have power during the course or at the conclusion of the trial or hearing, to direct that a transcript of the record or any part thereof be furnished to him at the public expense or be furnished to any party applying therefor at the expense of that party.

7. Unless:

- (a) otherwise permitted by and in accordance with this Order, or
- (b) otherwise permitted by the Court and, in that event, subject to and in accordance with any direction of the Court,

no person, other than the Courts Service or a person authorised by it on its behalf, shall make any record of proceedings otherwise than by written or shorthand notes.”.

EXPLANATORY NOTE

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

These rules are intended to facilitate the introduction of digital and other non-manual means of recording proceedings in addition to shorthand recording in criminal and civil proceedings.

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,
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