



STATUTORY INSTRUMENTS

S.I. No. 251 of 2009



CIRCUIT COURT RULES (MISCELLANEOUS) 2009

(Prn. A9/0904)

CIRCUIT COURT RULES (MISCELLANEOUS) 2009

We, the Circuit Court Rules Committee, constituted pursuant to the provisions of section 69 of the Courts of Justice Act 1936, 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 31 day of March 2009.

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

Alison Lindsay
Shane Murphy
Gerard J. Doherty
Joe Deane
Noel Rubotham
Susan Ryan
Patricia Casey

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

Dated this 30th day of June 2009.

Signed: DERMOT AHERN
Minister for Justice, Equality and Law Reform

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 7th July, 2009.*

S.I. No. 251 of 2009

CIRCUIT COURT RULES (MISCELLANEOUS) 2009

1. These Rules, which may be cited as the Circuit Court Rules (Miscellaneous) 2009, shall come into operation on the 28th day of July 2009.

2. These Rules shall be construed together with the Circuit Court Rules 2001 to 2009.

3. The Circuit Court Rules are amended:

(i) by the substitution in the “Interpretation of Terms” provisions for the definition of “The Court” of the following:

“6. “The Court” means the Circuit Court as established by the Courts (Establishment and Constitution) Act 1961.”;

(ii) by the substitution for rule 1 of Order 46 of the following:

“1. Proceedings for the care of infants’ estates referred to at reference number 24 in the Third Schedule to the Courts (Supplemental Provisions) Act 1961 or proceedings referred to at reference number 25 or reference number 26 in the Third Schedule to that Act shall be commenced by issuing a Civil Bill in accordance with Form 2B of the Schedule of Forms, entitled in the matter of the Act under which the proceeding is taken and of the trust or settlement, as the case may be, which said Civil Bill shall be entitled “Equity Civil Bill”.”;

(iii) by the substitution for rule 20 of Order 66 of the following:

“20. Costs in proceedings heard by the Court by virtue of a consent referred to in section 22(1)(b) of the Courts (Supplemental Provisions) Act 1961 shall be taxed according to the appropriate High Court scale for the time being in force and the Rules applicable thereto, less one-fifth, together with actual and necessary outlay, witnesses’ expenses where allowed by the Court, and such fees for Counsel as, having regard to the nature of the proceedings and the issues involved, the County Registrar may allow.”;

(iv) by the deletion from rule 27 of Order 66 of paragraph (13); and

(v) by the deletion from Order 67 of rule 8.

4. The Form annexed is substituted for Form 39 in the Schedule of Forms annexed to the Circuit Court Rules.

Form 39

AN CHÚIRT CHUARDA
THE CIRCUIT COURT

CIRCUIT

COUNTY OF

BETWEEN

Prosecutor

AND

Accused

ORDER TRANSFERRING A TRIAL TO THE DUBLIN CIRCUIT

IT IS HEREBY ORDERED pursuant to Order 63 of the Rules of the Circuit Court that the trial in the above entitled proceedings shall be transferred to the Dublin Circuit in accordance with section 32 of the Courts and Court Officers Act 1995 on the following terms:

1. [Here insert the sitting of the Dublin Circuit Court to which the trial has been transferred]
2. [Here insert whether the accused is in custody or on bail]
3. [Here insert the name and address of the accused's solicitor or, if the accused is not represented by a solicitor, the name and address of the accused]

BY ORDER OF THE COURT

County Registrar

EXPLANATORY NOTE

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

Circuit Court Rules (Miscellaneous) 2009 amend the Interpretation of Terms section of Rules to refer to the Circuit Court as established by the Courts (Establishment and Constitution) Act 1961 as well as amending a number of Orders and ancillary text by removing references to the Courts of Justice Act 1924 and, amend Form 39 - ORDER TRANSFERRING A TRIAL TO THE DUBLIN CIRCUIT to refer to section 32 of the Courts and Court Officers Act 1995 in accordance with Order 63 rule 1.

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,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

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