



STATUTORY INSTRUMENTS.

S.I. No. 583 of 2009



CIRCUIT COURT RULES (COMBINED COURT OFFICES) 2009

(Prn. A9/1944)

CIRCUIT COURT RULES (COMBINED COURT OFFICES) 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 8th day of December 2009.

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

Alison Lindsay

Tony Hunt

Joe Deane

Ronan Boylan

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

Dated this 31st day of December 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 8th January, 2010.*

S.I. No. 583 of 2009

CIRCUIT COURT RULES (COMBINED COURT OFFICES) 2009

1. These Rules, which may be cited as the Circuit Court Rules (Combined Court Offices) 2009, shall come into operation on the 11th day of January 2010.
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 “County Registrar” of the following definition:

“5. “County Registrar” means the County Registrar in any County attached to the Court under the Court Officers Act 1926, and includes any deputy for that County Registrar for the time being appointed in accordance with section 40 of that Act and any person for the time being required and authorised to perform the duties of the office of that County Registrar in accordance with section 9 of the Court Officers Act 1945, provided that:

- (a) where any business of the office of the Court in a county is specified in accordance with section 14 of the Courts and Court Officers Act 2009 as business that shall be transacted in a combined court office established under that section, a reference to the “County Registrar” (save such a reference in any provision of these Rules mentioned in paragraph (b)) shall, for the purposes of such business, include a reference—
 - (i) to the combined court office manager appointed under section 19 of that Act for that combined court office or
 - (ii) where the combined courts office manager has arranged that a member of staff of the Courts Service employed in that combined court office under section 21 of the Courts and Court Officers Act 2009 may exercise such of the powers, authorities, duties and functions as he cannot conveniently exercise or perform himself, to that member of staff.

and any form in the Schedule of Forms shall be modified accordingly;

- (b) the provisions of these Rules to which paragraph (a) refers are:
 - (i) Order 4;

- (ii) Order 18, except the first paragraph of sub-rule (1) of rule 1;
 - (iii) Order 46, rule 5;
 - (iv) Order 48;
 - (v) any provision authorising the taxation or measurement by the County Registrar of costs, or referring to such taxation or measurement;
 - (vi) any provision authorising, or referring to, the exercise by the County Registrar of functions under any procedure for case progression prescribed by these Rules; and
 - (vii) any other provision authorising, or referring to, the exercise by the County Registrar of functions mentioned in section 38(2) of the Court Officers Act 1926, or conferring on or referring to the exercise by the County Registrar of a limited function or power of a judicial nature, arbitration or a function consisting of the taking of evidence.”;
- (ii) by the substitution in the “Interpretation of Terms” provisions for the definition of “Office” of the following definition:

“15. “Office”, “the Office” or “the appropriate Office” means:

- (a) the Office of the Court in any County;
- (b) where any business of the office of the Court in a county is specified in accordance with section 14 of the Courts and Court Officers Act 2009 as business that shall be transacted in a combined court office established under that section, and for the purposes of such business—

that combined court office,

and any form in the Schedule of Forms shall be modified accordingly.”;

- (iii) by the substitution for sub-rules (2) and (3) of rule 1 of Order 4 of the following sub-rules:

“(2) Every document requiring under any provision of statute or statutory instrument, rule of law or any other Order of these Rules to be issued under Seal of the Court shall be authenticated by the Seal of the Court impressed thereon and the signature of a person mentioned in sub-rule (4).

(3) Every document requiring authentication other than one referred to in sub-rule (2), and every Decree, Order and Warrant, shall be authenticated by the signature of a person mentioned in sub-rule (4).

(4) The persons who may authenticate the impression of the Seal of the Court on a document mentioned in sub-rule (2) or a document mentioned in sub-rule (3) are:

- (a) the County Registrar, or
- (b) such person, or one of such persons, as may, for such period as may be specified, be nominated for that purpose by the County Registrar, or
- (c) where any business of the office of the Court in a county is specified in accordance with section 14 of the Courts and Court Officers Act 2009 as business that shall be transacted in a combined court office established under that section, and for the purposes of such business:
 - (i) the combined court office manager appointed under section 19 of that Act for that combined court office, or
 - (ii) a member of the staff of the Courts Service employed in that combined court office under section 21 of the Courts and Court Officers Act 2009 as may, for such period as may be specified, be nominated for that purpose by the combined court office manager concerned,

on behalf of the County Registrar.”;

- (iv) by the substitution in rule 1 of Order 12 for the words “the appropriate Circuit Court Office” of the words “the appropriate Office”;
- (v) by the substitution in sub-rule (2) of rule 2 of Order 59, in sub-rule (3)(a) of rule 4 of Order 59 and in sub-rule (30) of rule 4 of Order 59 for the words “the Office of the County Registrar” of the words “the Office”; and
- (vi) by the substitution in sub-rule (32)(b) of rule 4 of Order 59 for the words “the Office of the appropriate County Registrar” of the words “the Office”.

EXPLANATORY NOTE

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

These rules amend the Circuit Court Rules to facilitate the transaction of business in a combined court office established under section 14 of the Courts and Court Officers Act 2009.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
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TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
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