



STATUTORY INSTRUMENTS.

S.I. No. 403 of 2017



RULES OF THE SUPERIOR COURTS (ORDER 121B (AMENDMENT))
2017

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We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, by virtue of the powers conferred upon us by the Courts of Justice Act 1924, section 36, and the Courts of Justice Act 1936, section 68 (as applied by the Courts (Supplemental Provisions) Act, 1961 section 48), the Courts (Supplemental Provisions) Act 1961, section 14, and of all other powers enabling us in this behalf, do hereby make the following Rules of Court.

Dated this 20th day of July 2017.

Susan Denham
Peter Kelly
Mary Finlay Geoghegan
Deirdre Murphy
Noel Rubotham

Sean Ryan
Elizabeth Dunne
Michael Peart
Michael Kavanagh
John Mahon

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

Dated this 19th day of September, 2017.

CHARLES FLANAGAN
Minister for Justice and Equality

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 22nd September, 2017.*

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1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Order 121B (Amendment)) 2017, shall come into operation on the 2nd day of October 2017.

(2) These Rules shall be construed together with the Rules of the Superior Courts.

(3) The Rules of the Superior Courts as amended by these Rules may be cited as the Rules of the Superior Courts 1986 to 2017.

2. Order 121B of the Rules of the Superior Courts is amended:

(a) by the substitution for the definition of “Process Server” in rule 1 of the following definition:

“any person designated by the Central Authority or by the Court for that purpose.”; and

(b) by the substitution for sub-rule (9) in rule 3 of the following sub-rule:

“(9) In any case in which service has not been effected or in which a particular requested form of service has not been effected, the Central Authority may, of its own motion or on the application of the Process Server, where satisfied that it is appropriate, either:—

(a) make such order for substituted service as appears necessary, or

(b) return the request having certified the reasons why service has not been effected.”

EXPLANATORY NOTE

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

These rules amendments—

- (a) facilitate the service, and substituted service, of proceedings under the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters done at the Hague on the 15th November 1965, in circumstances where service of such documents is now being effected by private contractors and
- (b) empower the Central Authority where it appears necessary, to direct substituted service of its own motion in a case where service has not been effected or a particular requested form of service has not been effected.

BAILE ÁTHA CLIATH
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