



STATUTORY INSTRUMENTS.

S.I. No. 475 of 2017



RULES OF THE SUPERIOR COURTS (SERVICE) 2017

RULES OF THE SUPERIOR COURTS (SERVICE) 2017

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 20 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 1st day of November, 2017.

CHARLES FLANAGAN,
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 10th November, 2017.*

S.I. No. 475 of 2017

RULES OF THE SUPERIOR COURTS (SERVICE) 2017

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Service) 2017, shall come into operation on 27 November 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. The Rules of the Superior Courts are amended:

(i) by the substitution for rules 14 and 15 of Order 4 of the following rules:

“14. The solicitor of a plaintiff shall indorse upon the summons and notice in lieu of service of a summons, the address and occupation or description of the plaintiff and also his own name or that of his firm and:

(i) the registered place of business where documents may be left for him, and

(ii) where the plaintiff’s solicitor consents to the receipt of such documents by electronic mail, his or her electronic mail address (in lieu of his or her registered place of business) to which documents in the proceedings may be sent in electronic form.

15. A plaintiff suing in person shall indorse upon the summons and notice in lieu of service of a summons his occupation or description and:

(i) an address for service, where documents may be left for him, and

(ii) where the plaintiff consents to the receipt of documents in the proceedings by electronic mail, his or her electronic mail address (in lieu of an address for service) to which documents may be sent in electronic form.”;

(ii) by the substitution for rule 2 of Order 9 of the following rule:

“2. (1) Service of any summons on the defendant shall, except in the cases in the following rules of this Order specified, be effected:

- (i) by personal service upon the person to be served, or
- (ii) by personal service upon another person referred to in sub-rule (2) on behalf of the person to be served, or
- (iii) by the sending of a copy of the summons by registered prepaid post in an envelope addressed to the person to be served at his last known residence or place of business in the State, or at an address in the State for service provided by the person to be served, provided that such service shall not be deemed effective without proof of delivery of the said envelope to the address of the person to be served, or
- (iv) where the defendant is a company, in accordance with section 51 of the Companies Act 2014.

(2) Where it shall appear by affidavit that the defendant is personally within the jurisdiction and that due and reasonable diligence has been exercised in endeavouring to effect personal service on him or her, service of the summons may be effected by delivering a copy thereof at

- (a) the defendant's usual or last known place of residence within the jurisdiction, or
- (b) the defendant's principal or last known place of business or office,

to the wife, husband, civil partner (within the meaning of section 3 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010) father, mother, brother, or sister of the defendant, or to any employee of the defendant (the person to whom such copy shall be delivered being of the age of sixteen years or upwards)

and showing to such person the original or duplicate original of such summons.”

(iii) by the substitution for rule 12 of Order 9 of the following rule:

“12. (1) The person serving a summons shall, within three days at most after service, indorse on the summons the day and date of the service thereof; and every affidavit of service of such summons shall mention the date on which such indorsement was made.

(1A) An Indorsement of service by prepaid registered post shall be in the following terms:

“INDORSEMENT OF SERVICE

I served the within summons on [person to be served] by posting the same by prepaid

registered post to [him] [her] at [address] on the...day of20...”

Signed

This... day of20..”

(2) Every affidavit of service of a summons by prepaid registered post shall exhibit proof of delivery of the envelope in which a copy of the summons is contained to the address of the person to be served.”;

(iv) by the substitution for rule 16 of Order 9 of the following rule:

“16. This Order shall, so far as practicable, apply to an originating document and to notice in lieu of service, save where any other Order of these Rules requires personal service of such document or notice.”;

(v) by the substitution for rules 6 and 7 of Order 12 of the following rules:

“6. The solicitor of a defendant shall state in the memorandum of appearance:

- (i) his registered place of business, or
- (ii) where the defendant’s solicitor consents to the receipt of documents in the proceedings by electronic mail, his or her electronic mail address (in lieu of his or her registered place of business) to which documents may be sent in electronic form.

7. A defendant appearing in person shall state in the memorandum of appearance:

- (i) an address for service where documents may be left for him, or
- (ii) where the defendant consents to the receipt of documents in the proceedings by electronic mail, his or her electronic mail address (in lieu of his or her address for service) to which documents may be sent in electronic form.

7A. In—

- (a) any proceedings where entry of an appearance is not required, or
- (b) any case where consent to the receipt of documents in the proceedings by electronic mail has not been endorsed in accordance with rules 14 or 15 of Order 4 or stated in accordance with rules 6 or 7 of this Order

a solicitor or party may give notice of such consent by letter in writing sent by ordinary pre-paid post to the other party or, if that party is legally represented in the proceedings, that party's solicitor.", and

- (vi) by the substitution for the following forms of the forms bearing the like numbers respectively set out in the Schedule, namely, Forms No. 1 to 3 in Appendix A, Part I; Forms No. 1 and 5 to 9 inclusive in Appendix A, Part II; Form No. 1 in Appendix V and Form No. 1 in Appendix CC.

Schedule

Appendix A, Part I, No. 1.

O. 1, r. 2

PLENARY SUMMONS



THE HIGH COURT

20.....No.

Between

A. B.,

Plaintiff

and C.D.,

Defendant.

To the defendant

of..... in the County of.....

This plenary summons is to require that within eight days after the service thereof upon you (exclusive of the day of such service) you in person or by solicitor do enter an appearance in the Central Office, Four Courts, Dublin, in the above action; and TAKE NOTICE that, in default of your so doing, the plaintiff may proceed therein, and judgment may be given in your absence.

BY ORDER,

Chief Justice of Ireland,

the... day of.... two thousand and....

N.B.—This summons is to be served within twelve calendar months from the date hereof, and, if renewed within six calendar months from the date of the last renewal, including the day of such date, and not afterwards.

The defendant may appear hereto by entering an appearance either personally or by solicitor at the Central Office, Four Courts, Dublin.

GENERAL INDORSEMENT OF CLAIM.

The plaintiff's claim is.....

(Signed)

This summons was issued by the plaintiff.... who resides at..... (state address accurately) and is....., and *whose address for service is..... *who consents to the service of documents in the proceedings by electronic mail to

or,

This summons was issued by....., whose registered place of business is....., * and who consents to the service of documents in the proceedings by electronic mail to, solicitor for the plaintiff, who resides at..... and is.....

This summons was served by me at..... on the defendant..... on.... day the... day of.... 20..

Indorsed the... day of.... 20..

(Signed)

(Address)

*delete where inapplicable

No. 2.

O. 1, r. 3

SUMMARY SUMMONS.

THE HIGH COURT.

20.....No.

Between

A. B.,

Plaintiff

and C.D.,

Defendant.

To the defendant..... of..... in the County of....

This summary summons is to require that within eight days after the service thereof upon you (exclusive of the day of such service) you in person or by solicitor do enter an appearance in the Central Office, Four Courts, Dublin, in the above action; and TAKE NOTICE that, if you do enter such appearance, due notice of the day and hour of the hearing of this summons will be delivered at the address for service named in the memorandum of appearance, but if you

do not enter such appearance, the plaintiff may proceed in the said action, and judgment therein be given in your absence without further notice.

BY ORDER,

Chief Justice of Ireland,

the... day of..... two thousand and.....

N.B.—This summons is to be served within twelve calendar months from the date thereof, or, if renewed, within six calendar months from the date of the last renewal, including the day of such date, and not afterwards.

The defendant may appear hereto by entering an appearance either personally or by solicitor at the Central Office, Four Courts, Dublin.

SPECIAL INDORSEMENT OF CLAIM.

The plaintiff's claim is.....

(Signed)

(When the plaintiff's claim is for a liquidated sum only, add indorsement for costs (if any) prescribed by Order 4, rule 5, as follows:—

and €.... for costs, and upon payment of €.... for demand and €... for costs within six days after service further proceedings will be stayed.

This summons was issued by the plaintiff, who resides at..... (state address accurately) and is....., and *whose address for service is..... *who consents to the service of documents in the proceedings by electronic mail to or,

This summons was issued by....., whose registered place of business is....., *and who consents to the service of documents in the proceedings by electronic mail to, solicitor for the plaintiff, who resides at..... and is.....

This summons was served by me at..... on the defendant..... on..... day the... day of... 20..

Indorsed the... day of..... 20..

(Signed)

(Address)

*delete where inapplicable

No. 3.

O. 1, r. 4

SPECIAL SUMMONS

THE HIGH COURT

In the matter of.....

20.... No....

Between

A. B.,

Plaintiff,

and

C.D.,

Defendant.

(or if not inter partes)

On the application of A.B.

To.....

of..... in the County of.....

This special summons is to require you to attend before the Master at the Four Courts, Dublin, on the... day of..... at... o'clock in the forenoon at the hearing of this summons issued on the... day of....., and if you do not attend in person or by solicitor at the time and place aforesaid, such order will be made, and proceedings taken as the Court may think just and expedient; and TAKE NOTICE that if you wish to attend and to be heard, you should first enter an appearance.

BY ORDER,

Chief Justice of Ireland,

the... day of..... two thousand and.....

N.B.—This summons is required to be served not less than four days before the return day mentioned therein (exclusive of the day of service).

SPECIAL INDORSEMENT OF CLAIM.

The plaintiff's claim is.....

(Signed)

Schedule of affidavit or affidavits intended to be used by the plaintiff (or applicant) on the hearing of the summons.

This summons was issued by the plaintiff (or applicant) who resides at (state address accurately) and is..... and *whose address for service is..... *who consents to the service of documents in the proceedings by electronic mail to

or,

This summons was issued by....., whose registered place of business is....., *and who consents to the service of documents in the proceedings by electronic mail to, solicitor for the plaintiff, who resides at..... and is.....

This summons was served by me at..... on the defendant..... on.... day the... day of..... 20...

Indorsed the... day of..... 20...

(Signed)

(Address)

*delete where inapplicable

PART II: APPEARANCE.

No. 1.

O. 12, r. 9

MEMORANDUM OF APPEARANCE IN GENERAL.

THE HIGH COURT.

Between

A. B.,

and

C.D.,

20.....No.

Plaintiff,

Defendant.

Enter an appearance for C.D., the defendant in this action.

Dated

(Signed)

E.F.,

solicitor for the defendant.

The registered place of business of E.F. is..... *and E.F. consents to the service of documents in the proceedings by electronic mail to,

[or C.D., the defendant in person.

The place of residence of C.D. is..... and *the address for service of C.D. is..... *C.D. consents to the service of documents in the proceedings by electronic mail to.....].

To the Registrar of the Central Office.

Take notice, that I have this day entered an appearance at the Central Office, Four Courts, Dublin, for..... to the originating summons in this action.

[If statement of claim is required, add] The said..... requires delivery of a statement of claim

Dated

(Signed)

To...

*delete where inapplicable

No. 5

O.1A, r. 8

MEMORANDUM OF APPEARANCE TO PERSONAL INJURIES
SUMMONS

Between

AB,

Plaintiff

and

CD

Defendant

Enter an Appearance for CD, the defendant in this personal injuries action.

Dated

Signed EF

Solicitor for the defendant

The registered place of business of EF is.....*and E.F. consents to the service of documents in the proceedings by electronic mail to

* [or CD, the defendant in person

The address at which CD ordinarily resides isand *the address for service of C.D. is..... *C.D. consents to the service of documents in the proceedings by electronic mail to.....]

To: The Registrar of the Central Office.

Take Notice that I have this day entered an appearance at the Central Office, Four Courts, Inns Quay, Dublin 7 **[, for the above defendant to the personal injuries summons in this action].

Dated

Signed

To:

* Insert if applicable

** Delete if appearance is by defendant in person

No. 6

O.11A, r. 8

MEMORANDUM OF APPEARANCE CONTESTING JURISDICTION
THE HIGH COURT

*In the matter of Article 26(1) of Council Regulation (EC) No. 1215/2012

*In the matter of Article 24 of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, done at Lugano on the 30th day of October 2007

Between

AB,

Plaintiff

and

CD

Defendant

Enter an Appearance for CD, the [†-named] defendant in this action without prejudice and solely to contest the jurisdiction of the court.

Dated

Signed EF

Solicitor for the [†-named] defendant

The registered place of business of EF is.....*and E.F. consents to the service of documents in the proceedings by electronic mail to

[or CD, the defendant in person

The address at which CD ordinarily resides isand *the address for service of C.D. is..... *C.D. consents to the service of documents in the proceedings by electronic mail to.....]

To: The Registrar of the Central Office.

Take Notice that I have this day entered an appearance without prejudice and solely to contest the jurisdiction of the court at the Central Office, Four Courts, Inns Quay, Dublin 7, for the above defendant to the [notice of] originating summons (or other originating document) in this action.

Dated

Signed

To:

†Insert as appropriate
*Delete where inapplicable

No. 7

O. 11B, r. 8

MEMORANDUM OF APPEARANCE CONTESTING JURISDICTION
THE HIGH COURT

In the matter of the Jurisdiction of Courts and Enforcement of Judgments Act
1998

And in the matter of Article 18 of the Brussels Convention 1968

Between

AB, Plaintiff
and
CD Defendant

Enter an Appearance for CD, the [†-named] defendant in this action without prejudice and solely to contest the jurisdiction of the court.

Dated

Signed EF

Solicitor for the [†-named] defendant

The registered place of business of EF is..... *and E.F. consents to the service of documents in the proceedings by electronic mail to

[or CD, the defendant in person

The address at which CD ordinarily resides isand *the address for service of C.D. is..... *C.D. consents to the service of documents in the proceedings by electronic mail to.....]

To: The Registrar of the Central Office.

Take Notice that I have this day entered an appearance without prejudice and solely to contest the jurisdiction of the court at the Central Office, Four Courts, Inns Quay, Dublin 7, for the above defendant to the [notice of] originating summons (or other originating document) in this action.

Dated

Signed

To:

†Insert as appropriate
*Delete where inapplicable

No 8

O. 11C, r. 7

MEMORANDUM OF APPEARANCE CONTESTING JURISDICTION

THE HIGH COURT

In the matter of Council Regulation No. 2201/2003

Between

AB,

Plaintiff

and
CD

Defendant

Enter an Appearance for CD, the [*-named] defendant in this action without prejudice and solely to contest the jurisdiction of the court.

Dated

Signed EF

Solicitor for the [*-named] defendant

The registered place of business of EF is..... *and E.F. consents to the service of documents in the proceedings by electronic mail to

[or CD, the defendant in person

The address at which CD ordinarily resides isand *the address for service of C.D. is..... *C.D. consents to the service of documents in the proceedings by electronic mail to.....]

To: The Registrar of the Central Office.

Take Notice that I have this day entered an appearance without prejudice and solely to contest the jurisdiction of the court at the Central Office, Four Courts, Inns Quay, Dublin 7, for the above defendant to the [notice of] originating summons (or other originating document) in this action.

Dated

Signed

To:

*Delete where inapplicable

No. 9

O. 12, r. 2(2A)(a)

MEMORANDUM OF APPEARANCE IN STATUTORY APPLICATION
OR APPEAL

THE HIGH COURT

In the matter of [state relevant provision of the enactment pursuant to which
the application/appeal is made]

Between

AB,

Applicant/Appellant

and
CD

Respondent

Enter an Appearance for CD, the respondent in this action.

Dated

Signed EF

Solicitor for the defendant

The registered place of business of EF is *and E.F. consents to the service of documents in the proceedings by electronic mail to

[or CD, the defendant in person

The address at which CD ordinarily resides isand *the address for service of C.D. is..... *C.D. consents to the service of documents in the proceedings by electronic mail to.....]

To: The Registrar of the Central Office.

Take Notice that I have this day entered an appearance at the Central Office, Four Courts, Inns Quay, Dublin 7, for the above respondent to the originating notice of motion in this action.

Dated

Signed

To:

*Delete where inapplicable

Appendix V, No. 1

O.97, r.4

PETITION

THE HIGH COURT

In the matter of the [state nature of election] election for [state the place] [or referendum] held on the..... day of..... 20

To the High Court

Pursuant to order of the Court made on the..... day of..... 20... giving leave to present, the humble petition of [here state name(s) and address(es) of petitioner(s)] whose name(s) is (are) subscribed shows as follows:

1. Your petitioner [state name] is a person who voted [or had a right to vote, as the case may be] at the above election [or claims to have had a right to be returned at the above election, or was a candidate at the above election]. Your petitioner [state name] [here state in like manner the right of each petitioner].

2. The election [or referendum] to which the within petition relates was for [state nature of election] and was held on the..... day of..... 20... when A.B., C.D., and E.F. were candidates,

and the Returning Officer has returned A.B. [or A.B. and C.D.] as being duly elected [or has published a provisional referendum certificate stating that.....].

3. [State any other material facts on which the petitioner relies].

4. [State the grounds on which the petition is based].

Your petitioner(s) therefore pray(s) for the following remedy:

(A) that it may be determined that the said A.B. was not duly elected or returned, and that the election was void [or that the said E.F. was duly elected, and ought to have been returned, or

(B) an order that the said provisional referendum certificate be amended by, [or as the case may be].

The name and address of the petitioner's solicitor/agent is.....

The address for service of any notice on the Petitioner(s) is at..... *and the Petitioner(s) consent(s) to the service of documents in the proceedings by electronic mail to.....

Dated

(Signed).....

Petitioner

*Delete where inapplicable

Appendix CC, No. 1

PERSONAL INJURIES SUMMONS

O. 1A, r. 3

THE HIGH COURT

20.... No.....

Between

A.B.,

..... Plaintiff,

and

C.D.,

..... Defendant.

To the defendant.....

(occupation)

who is ordinarily resident at..... in the County of.....

This personal injuries summons requires you to enter an appearance in person or by solicitor in the Central Office, Four Courts, Dublin in the above action within eight days after the summons has been served on you (exclusive of the day of such service).

And TAKE NOTICE that if you do not enter an appearance the plaintiff may proceed in this action, and judgment may be given in your absence.

BY ORDER,

Chief Justice of Ireland,

the... day of.... two thousand

N.B. — This summons is to be served within twelve calendar months from the date hereof, unless the time for service has been extended by the Court.

The defendant may appear to this summons by entering an appearance either personally or by solicitor at the Central Office, Four Courts, Dublin.

INDORSEMENT OF CLAIM.

The plaintiff's claim is for the reliefs set out herein for personal injuries suffered by the plaintiff [or state capacity in which the plaintiff sues] as follows:

[The indorsement of claim on a personal injuries summons shall

(a) set out, in numbered paragraphs, full and detailed particulars of-

- (i) the nature of the claim and of each allegation, assertion or plea comprising that claim;
- (ii) the injuries to the plaintiff alleged to have been occasioned by the wrong of the defendant;
- (iii) the acts of the defendant constituting the said wrong and the circumstances relating to the commission of the said wrong;
- (iv) each instance of negligence by the defendant, and
- (b) contain a schedule of full particulars of all items of special damage in respect of which the plaintiff is making a claim.

The following is a suggested format in which the indorsement might be presented:

1. Description of the parties;
2. The nature of the claim;
3. The acts of the defendant alleged to constitute a wrong, each instance of negligence by the defendant, all other relevant circumstances in relation to the commission of the said wrong and any other assertion or plea concerning same;
4. The injuries to the plaintiff alleged to have been occasioned by the wrong of the defendant;
5. The reliefs sought;
6. (Where appropriate) the particulars required by Order 4, rule 3A.

SCHEDULE
Particulars of Items of Special Damage

(Full particulars should be set out. Add additional sheets if necessary)

(Particulars of a general allegation should be set out in the indorsement under the paragraph containing such allegation and headed "Particulars of ...etc." Where same are lengthy, they may alternatively be scheduled to the indorsement or set out in additional sheets appended to the Personal Injuries Summons at time of issue and service.)]

(Signed) — — — — —

This summons was issued by the plaintiff.....

OR

This summons was issued by....., solicitor for the plaintiff, whose registered place of business is..... *and who consents to the service of documents in the proceedings by electronic mail to

The plaintiff's personal details are as follows:

1. The address at which the Plaintiff ordinarily resides is:..... (state address accurately). The plaintiff's address for service, if different from the plaintiff's address mentioned above, should also be stated here:

If the plaintiff consents to the service of documents in the proceedings by electronic mail, state the electronic mail address to which such documents may be sent:

2. Plaintiff's occupation:

3. Plaintiff's date of birth:.... Day:.... Month..... Year

4. Plaintiff's Personal Public Service Number:

(If the Plaintiff has not been issued with a Personal Public Service Number, this must be stated).....

INDORSEMENT OF SERVICE

This summons was served by me at..... on the defendant..... on..... day the.....day of....., 20

Indorsed the.... day of..... 20...

(Signed).....

(Address)

*Delete where inapplicable

EXPLANATORY NOTE

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

These rules amend Orders 4, 9 and 12 of, and substitute various forms appended to, the Rules of the Superior Courts to facilitate service of proceedings by registered post, with certain exceptions, and to enable parties to indicate their willingness to receive documents in the proceedings by e-mail.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€4.57

