



STATUTORY INSTRUMENTS.

S.I. No. 378 of 2018



CIRCUIT COURT RULES (SERVICE) 2018

CIRCUIT COURT RULES (SERVICE) 2018

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), 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 and Equality, make the annexed Rules of Court.

Dated this 2nd day of May 2018.

Jacqueline Linnane
Sarah Berkeley
Fiona Duffy Coady
Keith Walsh
Rita Considine
Noel Rubotham

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

Dated this 25th day of September 2018.

Signed:

CHARLES FLANAGAN,
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 28th September, 2018.*

S.I. No. 378 of 2018

CIRCUIT COURT RULES (SERVICE) 2018

1. (1) These Rules, which may be cited as the Circuit Court Rules (Service) 2018, shall come into operation on the 17th day of October 2018.

(2) These Rules shall be construed together with the Circuit Court Rules 2001 to 2018.

(3) The Circuit Court Rules 2001 to 2017 as amended by these Rules may be cited as the Circuit Court Rules 2001 to 2018.

2. The Circuit Court Rules are amended:

(i) by the substitution for rule 3 of Order 5 of the following rule:

“3. (1) Subject to Order 8, the Civil Bill shall state:

(a) the given or first name, surname, occupation and residence or place of business of the plaintiff;

(b) the surname of the defendant, his residence or place of business, and, where known, his given or first name and his occupation, and, if the defendant is sued in a representative capacity, the capacity in which he is sued.

(2) A solicitor acting for a plaintiff shall additionally indorse upon the Civil Bill his or her name or that of his or her firm and:

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

(3) The indorsement required by sub-rules (1) and (2) shall be in the following form:

“This Civil Bill 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/has his/her place of business] at..... and is.....”

(4) A plaintiff suing in person shall additionally indorse upon the Civil Bill:

(i) an address for service, where documents may be left for him or her, 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.

(5) The indorsement required by sub-rules (1) and (4) shall be in the following form:

“This Civil Bill was issued by the plaintiff,....., who *[resides/has his/her place of business] at..... and is..... *[and who consents to the service of documents in the proceedings by electronic mail to],”;

- (ii) by the substitution for rule 1 of Order 15 of the following rule:

“1. (1) If a defendant intends to defend a Civil Bill or other proceeding, he shall enter an Appearance in the Office in the prescribed form as provided for in Form 5 of the Schedule of Forms.

(2) The defendant’s Appearance shall be lodged with or sent by post to the County Registrar so as to reach the Office before the expiration of the time limited for appearance.

(3) A copy of the Appearance shall at the same time be lodged with or sent by post or, where the Civil Bill signifies consent to such means, by electronic mail, to the plaintiff (if he sues in person) or to his or her solicitor, subject to the provisions of Order 5, rule 4.

(4) The solicitor for a defendant shall state in the Appearance:

- (i) his or her 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.

(5) A defendant appearing in person shall state in the Appearance:

- (i) an address for service where documents may be left for him or her, 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.

(6) 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 Order 5, rule 3 or sub-rule (4) or (5) of this rule

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

- (iii) by the substitution for forms 5, 5A and 5B in the Schedule of Forms annexed to the Circuit Court Rules of the forms bearing the like numbers respectively set out in the Schedule.

Schedule

FORM 5

AN CHÚIRT CHUARDA
THE CIRCUIT COURT

CIRCUIT

COUNTY OF

ENTRY OF APPEARANCE

BETWEEN

.....Plaintiff

AND

.....Defendant

1. To the County Registrar..... at..... I request you will enter an Appearance herein on behalf of the Defendant to the Civil Bill served upon him on.....

Dated this... day of.....

Signed.....
Defendant/Solicitors for the Defendant

2. To the Plaintiff/Solicitor for the Plaintiff..... The Appearance mentioned above was this day lodged by hand (sent by post) and the said Defendant intends to defend this proceeding.

This Appearance is entered by, solicitors, whose registered place of business is at....., solicitors for the defendant *[who consent to the service of documents in the proceedings by electronic mail to]

[or]

This Appearance is entered by, the defendant in person who * [resides/has his/her place of business] at..... *[and who consents to the service of documents in the proceedings by electronic mail to].

Dated this... day of.....

Signed.....
Defendant/Solicitors for the Defendant

*delete where inapplicable

FORM 5A

AN CHÚIRT *TEAGHLAIGH CHUARDA
THE CIRCUIT *FAMILY COURT

CIRCUIT

COUNTY OF

IN THE MATTER OF

*the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters signed at Brussels on 27 September 1968

*Regulation (EU) No 1215/2012 *the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters signed at Lugano on 30 October 2007

*Council Regulation (EC) No 2201/2003

*Council Regulation (EC) No 4/2009

AND IN THE MATTER OF [insert any other applicable legislation]

BETWEEN

..... *Plaintiff/*Applicant

AND

.....*Defendant/*Respondent

APPEARANCE CONTESTING JURISDICTION

1. To the County Registrar at

I request you will enter an Appearance herein on behalf of the *Defendant/ *Respondent to the proceedings served upon him on..... 20.... for the purpose of contesting the jurisdiction of this Honourable Court to hear and determine the within proceedings.

Dated this.... day of..... 20....

Signed:.....

*Defendant/*Respondent/Solicitors for the *Defendant/ *Respondent

2. To the *Plaintiff/*Applicant /Solicitors for the *Plaintiff/*Applicant

The Appearance mentioned above was this day lodged by hand / sent by post and the said *Defendant/*Respondent intends to contest the jurisdiction of this Honourable Court to hear and determine the within proceedings.

This Appearance is entered by, solicitors, whose registered place of business is at....., solicitors for the defendant *[who consent to the service of documents in the proceedings by electronic mail to]

[or]

This Appearance is entered by, the defendant in person who *
[resides/has his/her place of business] at..... *[and who consents to the service
of documents in the proceedings by electronic mail to].

Dated this.... day of..... 20....

Signed:.....

*Defendant/*Respondent/Solicitors for the *Defendant/* Respondent

*delete where inapplicable

No 5B

O.15, r. 7A

AN CHÚIRT CHUARDA
THE CIRCUIT COURT

CIRCUIT

COUNTY OF

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

BETWEEN

..... Applicant/Appellant

AND

.....Respondent(s)

ENTRY OF APPEARANCE

1. To the County Registrar at

I request that you will enter an Appearance herein on behalf of the respondent to the originating *[notice of motion] *[notice of appeal] served upon him on..... 20.....

Dated..... 20.....

Signed:

Respondent/Solicitor for the Respondent, of

2. To the Applicant/Appellant/Solicitor for the Applicant/Appellant

The Appearance mentioned above was this day lodged by hand (by post) and the said respondent intends to defend this proceeding.

This Appearance is entered by, solicitors, whose registered place of business is at....., solicitors for the defendant *[who consent to the service of documents in the proceedings by electronic mail to

[or]

This Appearance is entered by, the defendant in person who * [resides/has his/her place of business] at..... *[and who consents to the service of documents in the proceedings by electronic mail to].

Dated..... 20.....

Signed:

Respondent/Solicitor for the Respondent

*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 Order 5 and Order 15 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
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FOILSEACHÁIN RIALTAIS,
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