



STATUTORY INSTRUMENTS.

S.I. No. 66 of 2019



RULES OF THE SUPERIOR COURTS (ORDER 61A) 2019

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Rules of the Superior Courts (Order 61A) 2019

We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, and reconstituted pursuant to the provisions of the Courts of Justice Act 1953, section 15, by virtue of the powers conferred upon us by the Courts of Justice Act 1924, section 36, 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, and of all other powers enabling us in this behalf, do hereby make the following Rules of Court.

Dated this 15th day of November, 2018.

Frank Clarke

Conor Dignam

George Birmingham

Gráinne Larkin

Peter Kelly

Liam Kennedy

Elizabeth Dunne

Mary Cummins

Michael Peart

Noel Rubotham

John A. Edwards

John Mahon

Deirdre Murphy

Teresa Pilkington

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



GIVEN under my Official Seal,
Dated this 18th day of February, 2019.

CHARLES FLANAGAN,
Minister for Justice and Equality.

S.I. No. of 2019

Rules of the Superior Courts (Order 61A) 2019

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Order 61A) 2019, shall come into operation on the 15th day of March 2019.

(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 2019.

2. The Rules of the Superior Courts are amended:

(i) by the substitution for rule 1 of Order 61A of the following rule:

“1. When:

(i) a civil action is transferred to the Court from the Circuit Court, by order of a Circuit Court Judge made in accordance with section 21(2) of the Courts of Justice Act 1936, or

(ii) a civil action or appeal is sent forward to the Court from the Circuit Court, by order of a Circuit Court Judge made in accordance with section 22(8)(a) of the Courts (Supplemental Provisions) Act 1961, or

(iii) proceedings are transferred to the Court from the Circuit Court, by order of a County Registrar made in accordance with sub-paragraph (xxviii) of paragraph 1 of the Second Schedule to the Courts and Court Officers Act 1995,

the following provisions of this Order shall apply, subject to any order made or direction given in accordance with rule 3.”

(ii) by the insertion in rule 1 of Order 125, immediately following the definition therein of “the Constitution” of the following definition:

““County Registrar” means -

(a) the County Registrar attached to the Circuit Court for a county or other area served by the Circuit Court office to which he is for the time being assigned under the Court Officers Act 1926, including 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 and

- (b) if the context so permits, where any business of the office of the Circuit 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:
 - (i) the combined court office manager appointed under section 19 of that Act for that combined court office, or
 - (ii) 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, where the combined court office manager has arranged that that member of staff may exercise such of the powers, authorities, duties and functions as the combined court office manager cannot conveniently exercise or perform himself.”

EXPLANATORY NOTE

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

These Rules substitute rule 1 of Order 61A to include within its ambit an order made by a County Registrar and amend rule 1 of order 125 by inserting a definition of "County Registrar".

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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(Teil: 01 - 6476834 nó 1890 213434)

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)

€3.00

ISBN 978-1-4468-9083-7



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