



STATUTORY INSTRUMENTS.

S.I. No. 432 of 2016

CIRCUIT COURT RULES (JURISDICTION AND THE RECOGNITION
AND ENFORCEMENT OF JUDGMENTS IN CIVIL OR COMMERCIAL
MATTERS) 2016

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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, Regulation 3 of the European Communities (Rules of Court) Regulations 1972 (S.I. No. 320 of 1972), 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 7th day of June 2016.

(Signed): Raymond Groarke
(Chairman of the Circuit Court Rules Committee)

Alison Lindsay
Sarah Berkeley
Fiona Duffy Coady
Keith Walsh
Ronan Boylan
Rita Considine
Noel Rubotham

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

Dated this 22nd day of July 2016.

Signed: FRANCES FITZGERALD,
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 5th August, 2016.*

S.I. No. 432 of 2016

CIRCUIT COURT RULES (JURISDICTION AND THE RECOGNITION AND ENFORCEMENT OF JUDGMENTS IN CIVIL OR COMMERCIAL MATTERS) 2016

1. (1) These Rules, which may be cited as the Circuit Court Rules (Jurisdiction and the Recognition and Enforcement of Judgments in Civil or Commercial Matters) 2016, shall come into operation on the 1st day of September 2016.

(2) These Rules shall be construed together with the Circuit Court Rules 2001 to 2016.

(3) The Circuit Court Rules 2001 to 2016 as amended by these Rules may be cited as the Circuit Court Rules 2001 to 2016.

2. The Circuit Court Rules are amended by the substitution therein for rule 1 and sub-rules (1) and (2) of rule 2 of Order 61A of the following rule and sub-rules respectively:

“1. Order 61 of these Rules shall apply to the provision of documentation pursuant to Article 53 of Regulation No. 1215/2012, Article 54 or Article 58 of the Lugano Convention, Article 39 of Council Regulation (EC) No. 2201/2003 and Articles 20(1) and 48(3) of the Maintenance Regulation, and an application for such documentation shall be made in like manner as an application under Order 61, rule 2 save that the Affidavit grounding the application shall:

- (i) state the particular provision or provisions of the Regulations aforementioned, or of the Lugano Convention, by which the Court assumed jurisdiction,
- (ii) provide the other details required in paragraphs (a), (b), (d), (e), (f) and (g) of rule 2 of Order 61,
- (iii) give such further information not provided in accordance in sub-paragraph (ii) as is required to be provided in Form 40A, 40B, 40C, 40D or 40E (as the case may be) as is within the applicant’s knowledge, in the sequence in which the information appears in the Form concerned.

2. (1) The certificate provided pursuant to Article 53 of Regulation No. 1215/2012 shall be in accordance with Form 40A in the Schedule of Forms.

(2) The certificate provided pursuant to Article 54 or Article 58 of the Lugano Convention shall be in accordance with Form 40E in the Schedule of Forms.”

EXPLANATORY NOTE

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

These Rules amend rules 1 and 2 of Order 61A of the Circuit Court Rules to correct references made to an Article of Regulation (EU) No 1215/2012 of the European Parliament and Council of 12 December 2012 and to Form numbers appearing in those rules as inserted by the Circuit Court Rules (Jurisdiction and the Recognition and Enforcement of Judgments in Civil or Commercial Matters) 2015 (S.I. No. 618/2015)

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