



STATUTORY INSTRUMENTS

**S.I. No. 583 of 2008**



DISTRICT COURT (EUROPEAN SMALL CLAIMS) RULES 2008

**(Prn. A8/2053)**

S.I. No. 583 of 2008

DISTRICT COURT (EUROPEAN SMALL CLAIMS) RULES 2008

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961 and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice, Equality and Law Reform, make the following rules of court:-

Dated this 8 day of December 2008.

Uinsin Mac Gruairc

Mary C Devins

Thomas E O'Donnell

Roy Pearson

Noel A Doherty

Michelle Johnston

I concur in the making of the following rules of court.

Dated this 22 day of December 2008

DERMOT AHERN

Minister for Justice, Equality and Law Reform

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 6th January, 2009.*

S.I. No. 583 of 2008

DISTRICT COURT (EUROPEAN SMALL CLAIMS) RULES 2008

1. These rules may be cited as the District Court (European Small Claims) Rules 2008.
2. These rules shall come into operation on the 1 day of January 2009 and shall be construed together with the District Court Rules 1997 to 2008.
3. The District Court Rules 1997 (S.I. No. 93 of 1997) is amended by the insertion, immediately following Order 53B, of the following:

**“ORDER 53C  
EUROPEAN SMALL CLAIMS PROCEDURE**

1. In this Order—

“claim form” means the initiating document completed by a claimant in a European Small Claims Case in the Form A in the Annex to the EU Regulation and in the Form 53C.1, Schedule C;

“European Small Claim” means a claim referred to in Article 2(1) of the Regulation and which is not excluded from the application of the EU Regulation by Article 2(2) of the EU Regulation;

“Small Claims Registrar” or “Registrar” has the same meaning as in Order 53A and, for the avoidance of doubt, includes a District Court Clerk assigned to the District Court area in which a European Small Claim is lodged who for the time being is performing functions of the Court specified in the 2008 Regulations which may be exercised by a District Court Clerk;

“European Small Claims Procedure” means the method provided in the EU Regulation and in this Order for commencing and dealing with a European Small Claim;

“Member State” means a Member State of the European Union other than Denmark;

“the EU Regulation” means Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 (OJ L 199 of 31 July 2007, page 1) establishing a European Small Claims Procedure;

“the 2008 Regulations” means the European Communities (Small Claims Procedure) Regulations 2008 (SI 533 of 2008).

2. Subject to the provisions of this Order, proceedings to which this Order applies shall be brought and determined in accordance with the provisions of Order 39, rule 1 and, where applicable, Order 62, rules 2 and 3.

3. (1) Notwithstanding any other provision of these Rules, where suitable facilities for that purpose have been established by the Courts Service, and

the Court or Registrar has so directed, the service of any document required to be sent, delivered, dispatched or served under the European Small Claims Procedure shall be valid if transmitted in electronic form as an electronic communication to the claimant's or respondent's electronic mail address (as identified on any letterhead or stationery of the claimant or respondent, or as used by either to send any communication to the Registrar) or to the Registrar's electronic mail address (as identified on any website operated by the Courts Service) provided that where the sender is not satisfied that the electronic communication was delivered to the intended recipient (by reason of any delivery status message received) or where no response has been received within a period of seven days following such transmission, then the electronic communication shall be treated as if it had never been sent and the relevant document shall be served as otherwise provided for in this Order within eight days following such period.

(2) No document sent pursuant to the provisions of this rule shall be treated as invalid or ineffective by reason only of the fact that it does not include a manuscript signature.

(3) Where a provision of this Order requires that a document be "accompanied by" any fee or payment, such fee or payment shall be deemed to have been validly effected or made provided that it is sent to the Registrar as soon as may be following the transmission in accordance with this rule of the document in question and accompanied by a written note quoting any reference or claim number given in respect of the European Small Claim to which it relates. No document sent pursuant to the provisions of this rule shall be treated as invalid or ineffective by reason only of the fact that any fee associated with the lodgment or delivery of such document is recorded or receipted otherwise than by impression of a stamp on the original document.

4. (1) A person intending to commence a European Small Claim in the Court (hereinafter called "the claimant") may, instead of either:

- (a) issuing an ordinary civil summons or a civil summons for a debt or liquidated money demand, or
- (b) making application to the appropriate Small Claims Registrar to have the claim processed through the Small Claims Procedure in accordance with Order 53A (where that procedure is available in respect of the claim)

commence the European Small Claims Procedure by lodging a completed claim form accompanied, where appropriate, by any relevant supporting documents, with the appropriate Registrar, accompanied by the appropriate fee. The claim form and supporting documents may be lodged by registered post or, where rule 3 applies, in electronic form. The claimant may contact the court office if assistance is needed in completing the claim form.

(2) Nothing in this Order precludes a claimant from applying to the appropriate Small Claims Registrar to have his claim processed through the Small Claims Procedure in accordance with Order 53A (instead of the European Small Claims Procedure), where that procedure is available in respect of the claim.

5. The Registrar shall, in respect of every claim form received, record in writing (which may be in electronic form) the name and address of the claimant, the name and address of the defendant named in the claim form, the date of the claim form, nature of the claim and any other relevant details.

6. (1) Where the claim does not come within the scope of the European Small Claims Procedure, the Registrar shall so inform the claimant, where possible by the same means by which the claimant's application was sent to the Registrar (and if not possible, by registered or recorded delivery post) and shall advise the claimant that he may (a) withdraw the claim or (b) commence proceedings on the claim as ordinary civil proceedings before the Court in accordance with the provisions of Order 39, rule 1 or, where applicable, Order 62, rule 2 or 3.

(2) Where the claimant withdraws the claim, the Registrar shall refund any fee.

(3) Where the Registrar considers the information provided by the claimant to be inadequate or insufficiently clear, or that the claim form is not filled in properly, he shall send to the claimant (by the means by which the claim form was sent to him) a request in the Form B in the Annex to the EU Regulation and in the Form 53C.2, Schedule C, to be completed by the claimant and returned to the Registrar by the same means within the period specified by the Registrar, which shall be 21 days of the sending by the Registrar of Form B, or such longer period as the Registrar may specify.

(4) Where the Registrar considers the completed claim to be clearly unfounded or the application inadmissible, he may refer the claim to the District Court, which may dismiss the claim or make such other order as it deems necessary in the circumstances. In such circumstances the Registrar shall notify the claimant of the court's order and refund any fee, where appropriate.

(5) Where the Registrar considers the properly filled in claim comes within the scope of the European Small Claims Procedure, he shall, within the time limit prescribed by Article 5.2 of the EU Regulation:

- (a) complete Part I of the standard answer form, in the Form C in the Annex to the EU Regulation and in the Form 53C.3, Schedule C, and
- (b) serve by registered post (or, where relevant, as otherwise permitted by rule 3) upon the defendant copies of the claim form, of the supporting documents (where applicable) and the answer form.

7. (1) If the defendant accepts the claim in full, he shall forward to the Registrar, together with the duly completed answer form or answer in other written form, payment by cheque, postal order(s) or money order(s), made payable to the claimant, or payment by other permitted means, for the full amount claimed. Upon receipt of such payment the Registrar shall transmit same to the claimant. If the defendant's acceptance of the claim is conditional, (e.g. on goods being returned by the claimant), the Registrar shall so inform the claimant and seek his agreement to comply with any condition specified by the defendant.

8. (1) Any counterclaim by the defendant shall be accompanied by the appropriate fee.

(2) The Registrar shall dispatch copies of the defendant's response, including the completed Part II of the standard answer form or answer in other written form and the supporting documents provided (where applicable) to the claimant by registered post (or, where relevant, as otherwise permitted by rule 3) within the time limit prescribed by Article 5(4) of the EU Regulation.

(3) The Registrar shall dispatch copies of any counterclaim and any supporting documents provided (where applicable) to the claimant by registered post (or, where relevant, as otherwise permitted by rule 3) within the time limit prescribed by Article 5(6) of the EU Regulation.

(4) Where, in his standard answer form or answer in other written form, the defendant claims that the value of a non-monetary claim exceeds the limit of €2,000 set out in Article 2(1) of the EU Regulation, the Registrar shall refer the proceeding to the District Court, which may make such order as it deems necessary in the circumstances.

(5) Where the counterclaim exceeds the limit set out in Article 2(1) of the EU Regulation the claim and counterclaim shall not proceed in the European Small Claims Procedure and the Registrar shall so inform the claimant and the defendant, where possible by the same means by which the claimant's application was sent to the Registrar (and if not possible, by registered or recorded delivery post) and shall advise each that he may commence proceedings on the claim (or counterclaim) as ordinary civil proceedings before the court in accordance with the provisions of Order 39, rule 1 or, where applicable, Order 62, rule 2 or 3.

(6) The Registrar shall notify the claimant of any order made by the Court under this rule.

(7) The provisions of this Order shall apply to any counterclaim made under the European Small Claims Procedure as they apply to any European Small Claim, with any necessary modifications.

9. (1) Whenever he considers it appropriate, the Registrar shall, in accordance with Article 12(3) of the EU Regulation, seek to reach a settlement between the parties. In that connection he may interview (in person

or by such other means as he considers appropriate) the parties and any other person whom either party may wish him to hear. Where a settlement is reached, particulars thereof shall be recorded in writing.

(2) Without prejudice to the generality of Article 14 of the EU Regulation, the Registrar may extend the time limits provided for in the EU Regulation where he is seeking to reach a settlement between the parties.

(3) Where the terms of a settlement are not complied with, the Registrar may, if requested so to do by the claimant, proceed to judgment against the other party in accordance with the provisions of rule 14.

10. (1) Where the defendant fails to return the answer form or deliver an answer in other written form to the Registrar within the 30 day period permitted by Article 5(3) of the EU Regulation, or where the claimant fails to respond to any counterclaim to the Registrar within the 30 day period permitted by Article 5(6) of the EU Regulation, judgment shall be given in default of answer in accordance with sub-rule (2).

(2) Where judgment in default is sought under sub-rule (1) in a claim or counterclaim for a liquidated amount, the claimant or defendant (as the case may be) may swear an affidavit of debt and lodge same with the Registrar, and the Registrar shall proceed to judgment in accordance with the provisions of Order 45 as if the claim form or counterclaim (as the case may be) were a civil summons issued and served under Order 39. The forms of affidavit and decree provided in Order 45 may, with necessary modifications, be used for that purpose. The claimant may call to or contact the court office if assistance is needed in completing the forms.

(3) In a case to which sub-rule (2) applies, where requested by the claimant or (as the case may be) the defendant, the Registrar shall issue to the claimant or (as the case may be) the defendant a certificate in the amount in which judgment was given in accordance with rule 14.

(4) Where a claim to which no answer form or answer in other written form is returned within the time permitted or a counterclaim to which no response is provided within the time permitted is for an unliquidated amount, the Registrar shall refer the proceedings to the Court in accordance with rule 11.

11. (1) Within the time prescribed by Article 7(1) of the EU Regulation, or such extended time as the Registrar has permitted, where the Registrar is satisfied that a settlement of the proceedings can not be reached, the Registrar shall refer the proceedings to the Court and shall notify the parties of the place, date and time at which the proceedings shall be before the Court. He shall make himself available to assist the Court in considering the proceedings.

(2) When the proceedings are before the Court, the Court may:

- (a) direct in accordance with Article 7(1)(a) of the EU Regulation that further details concerning the claim be demanded from the parties within a period of time specified by the Court, and on the giving of same or the expiry of the time permitted for the giving of same, the proceedings shall be re-entered before the Court;
- (b) direct in accordance with Article 7(1)(b) of the EU Regulation that evidence be taken and give directions for the taking of evidence in accordance with Article 9 as are appropriate;
- (c) direct in accordance with Article 7(1)(c) of the EU Regulation that the parties be summoned to an oral hearing and give such directions for the conduct of the oral hearing in accordance with Article 8 of the EU Regulation or otherwise as are appropriate;
- (d) where a party has requested an oral hearing and the court considers that with regard to the circumstances of the case, an oral hearing is not necessary for the fair conduct of the proceedings, refuse such request and specify the reasons for such refusal, and may proceed to give judgment on the claim and any counterclaim;
- (e) where no party has requested an oral hearing and the court does not consider that an oral hearing is necessary, proceed to give judgment on the claim and any counterclaim.

(3) The Registrar shall notify the parties, or relevant party, in writing, of:

- (a) any further details concerning the claim demanded and the time within which they are to be provided;
- (b) the place, date and time at which (and where relevant, any communications technology by means of which) evidence is to be taken or any oral hearing is to be conducted;
- (c) the reasons for refusal of any request for an oral hearing;
- (d) any judgment given on any claim and/or counterclaim.

(4) The Registrar shall make himself available to assist the Court at the taking of any evidence or any oral hearing, if requested by the Court so to do.

12. (1) If a document (other than a document referred to in Article 6(1) of the EU Regulation) is submitted to the Court in a language other than the National language or the English language, the Registrar may, where a translation of that document appears to be necessary for giving a judgment on the claim or counterclaim, require the party which provided the document to provide a translation of that document in accordance with Article 6 of the EU Regulation within such time as the Registrar shall specify, which shall ordinarily not exceed 21 days.



(2) Where a party to a European Small Claim refuses to accept a document because it is not in:

- (a) the official language of the Member State addressed, or, if there are several official languages in that Member State, the official language or one of the official languages of the place where service is to be effected or to where the document is to be dispatched, or
- (b) a language which the addressee understands,

the Registrar shall so inform the other party and request that other party to provide a translation of the document concerned within such time as the Registrar shall specify, which shall ordinarily not exceed 21 days.

(3) Where, upon request, a party has failed to comply with the translation requirements set out in Article 6(2), Article 6(3)(a) or Article 6(3)(b) of the EU Regulation, as may be appropriate, the Registrar shall proceed as if the document concerned was never received by the Court, or by the other party, as the case may be.

13. The Court shall make such order for costs in proceedings on any European Small Claim as shall seem appropriate, consistently with the requirements of Article 16 of the EU Regulation.

14. (1) Where a judgment is given in a case to which this Order relates, the Court shall (a) issue the appropriate form of decree or dismiss (referred to in Order 46); (b) notify the party against whom it was issued and/or (c) where requested by the claimant or (as the case may be) the defendant, issue to the claimant or defendant a certificate (in the Form D in the Annex to the EU Regulation and in the Form 53C.4, Schedule C) for the amount of any judgment given on the claim or counterclaim, at no extra cost.

(2) The Registrar shall record in writing (which may be in electronic form) particulars of the request for, issue of and notification of any such decree or dismiss and the issue of any such certificate.

15. (1) A defendant against whom judgment has been given in a European Small Claim in accordance with the provisions of this Order may apply by notice of motion (in Form 45.16, Schedule C) to the Court in the court area in which the order was obtained for an order to set aside and/or vary the said order on any of the grounds specified in Article 18(1) of the EU Regulation.

(2) Such notice of motion shall be served upon the claimant or solicitor for the claimant, if any, within ten clear days from the date on which the making of such order shall have come to the knowledge of the defendant.

(3) Service of the notice of motion shall not operate as a stay of proceedings.

(4) The Court may declare sufficient the service of such notice actually effected.

(5) Such notice shall be lodged with the Clerk at least four days before the date fixed for the hearing of the motion and shall set forth clearly and briefly the grounds specified in Article 18(1) of the EU Regulation relied on by the party applying.

(6) The Court may, on the hearing of any such motion, grant or refuse the application on the basis of the provisions of Article 18(1) of the EU Regulation. Where the Court rejects the review on the basis that none of the grounds referred to in Article 18(1) of the EU Regulation applies, the judgment shall remain in force. Where the Court decides that the review is justified for one of the reasons laid down in Article 18(1) of the EU Regulation, then the judgment given in the European Small Claims Procedure shall be set aside and shall be null and void.

16. (1) Subject to the EU Regulation, the provisions of rules 1 to 14 inclusive of Order 53, insofar as they may be applied to a judgment of the District Court, may be applied to a judgment given in the European Small Claims Procedure in a Member State, and any reference in rules 1 to 14 inclusive of Order 53 to a “judgment” shall, where the context so admits, include a reference to such a judgment. In such a case, any relevant Form in Schedule C to these Rules which contains a reference to a judgment, order or decree may be adapted to refer to such a judgment.

(2) Where an application is made by a creditor for enforcement in accordance with rule 3 of Order 53, in respect of a judgment given in the European Small Claims Procedure in a Member State other than the State, such creditor shall, in addition to lodging with the Clerk the summons in duplicate and statutory declaration referred to in rule 3 of Order 53, provide to the Clerk the documents referred to in Article 21(2) of the EU Regulation.

17. (1) Where enforcement of a judgment given in the European Small Claims Procedure in a Member State other than the State under these Rules is sought in accordance with rule 16, the party against whom enforcement is sought may apply to the Court for an order refusing such enforcement on the basis of the provisions of Article 22(1) of the EU Regulation, or for an order staying or limiting enforcement on the basis of the provisions of Article 23 of the EU Regulation. Such application shall be by notice of motion in the Form 53C.5, Schedule C. The notice of motion shall specify the grounds alleged for the relief sought.

(2) Save where the Court, being satisfied as to the urgency of the application, otherwise permits, a copy of the notice of motion shall be served by the defendant (a) not later than seven days before the date fixed for the hearing of the motion, on the claimant and (b) on such other person or persons as the Court may direct.

18. Any notification or notice given by the Registrar to a party to a European Small Claim for any purpose set out in the EU Regulation may be in the Form 53C.6, Schedule C.

19. (1) For the purposes of this Order, the contemporaneous linking together by telephone or other means of electronic communication of persons entitled or permitted to be present in the Court at a hearing shall be deemed to constitute a hearing before the Court, and all the provisions in these Rules as to hearings shall apply to such hearing, provided that:

- (i) each of the persons taking part in such a hearing is able to hear, and speak to, each of the other persons taking part; and
- (ii) at the commencement of such a hearing each such person acknowledges his presence and that he accepts that the proceedings will be deemed to be a hearing before the Court.

(2) A person may not cease to take part in a hearing conducted in accordance with this rule by disconnecting his telephone or other means of communication unless he has previously obtained the express consent of the Judge or Registrar and a person shall be conclusively presumed to have been present at all times during the hearing unless he has previously obtained the express consent of Judge or Registrar to leave the hearing.”

4. The Forms in the Schedule shall be added to the Forms in Schedule C to the District Court Rules 1997 (S.I. No. 93 of 1997).

**53C.1****EUROPEAN SMALL CLAIMS PROCEDURE****FORM A****CLAIM FORM**

(Article 4(1) of Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure)

Case number (*)
Received by the Court on: ..... /..... /..... (*)
(*) To be filled in by the Court

**IMPORTANT INFORMATION**

**PLEASE READ THE GUIDELINES AT THE BEGINNING OF EACH SECTION — THEY WILL HELP YOU TO FILL IN THIS FORM**

**Language**

Fill in this form in the language of the court to which you are sending your application. Please note that the form is available in all official languages of the institutions of the European Union on the website of the European Judicial Atlas at [http://ec.europa.eu/justice\\_home/judicialatlascivil/html/index\\_en.htm](http://ec.europa.eu/justice_home/judicialatlascivil/html/index_en.htm). This may help you in filling in the form in the required language.

**Supporting documents**

Please note that the claim form should be accompanied, where appropriate, by any relevant supporting documents. However, this does not prevent you from submitting, where appropriate, further evidence during the procedure.

A copy of the claim form and, where appropriate, of the supporting documents, will be served on the defendant. The defendant will have an opportunity to submit a response.

1. *Court/tribunal*

In this field you should identify the court/tribunal before which you are making your claim. When deciding which court/tribunal to choose, you need to consider the grounds for the court's/tribunal's jurisdiction. A non-exhaustive list of possible grounds of jurisdiction is included in section 4.

1.	Before which court/tribunal are you making your claim?
1.1	Name:
1.2	Street and number/PO Box:
1.3	City and postal code:
1.4	Country:

## 2. *Claimant*

This field must identify you as the claimant and your representative, if any. Please note that it is not mandatory to be represented by a lawyer or another legal professional

It may not be sufficient in some countries to give only a PO Box as the address and you should therefore include the street name and number with a postcode. Failure to do so may result in the document not being served.

'Other details' may contain information that helps to identify you, for example, your date of birth, occupation, position in the company, personal ID code and the company registry code in certain Member States,

Where there is more than one claimant, please use additional sheets.

2.	<i>The claimant's details</i>
2.1	Surname, first name/name of company or organisation:
2.2	Street and number/PO Box:
2.3	City and postal code:
2.4	Country;
2.5	Telephone (*):
2.6	E-mail (*):
2.7	Claimant's representative, if any, and contact details (*):
2.8	Other details (*):

## 3. *Defendant*

In this field you should identify the defendant and, if known, his representative. Please note that it is not mandatory for the defendant to be represented by a lawyer or another legal professional.

It may not be sufficient in some countries to give only a P.O. Box as the address and therefore you should include the street name and number with a postcode. Failure to do so may result in the document not being served.

'Other details' may contain information that helps to identify the person, for example the date of birth, occupation, position in the company, personal ID code and company registry code in certain Member States. If there is more than one defendant, please use additional sheets.

3.	<i>The defendant's details</i>
3.1.	Surname, first name/name of company or organisation:
3.2.	Street and number/PO box:
3.3.	City and postal code:
3.4.	Country:
3.5.	Telephone (*):
3.6.	E-mail (*):
3.7.	Defendant's representative, if known and contact details
3.8.	Other details (*):

#### 4. *Jurisdiction*

Your application must be lodged with the court/tribunal that has jurisdiction to deal with it. The court/ tribunal must have jurisdiction in accordance with the rules of Council Regulation (EC) No. 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

This section includes a non-exhaustive list of possible grounds for jurisdiction.

Information on the rules of jurisdiction can be found on the website of the European Judicial Atlas at [http://ec.europa.eu/justice\\_home/judicialatlascivil/html/index\\_en.htm](http://ec.europa.eu/justice_home/judicialatlascivil/html/index_en.htm).

You can also look at [http://ec.europa.eu/civiljustice/glossary/glossary\\_en.htm](http://ec.europa.eu/civiljustice/glossary/glossary_en.htm) for an explanation of some of the legal terms employed.

4.	<i>On what ground do you consider the court/tribunal to have jurisdiction?</i>	
4.1.	Domicile of the defendant	<input type="checkbox"/>
4.2.	Domicile of the consumer	<input type="checkbox"/>
4.3.	Domicile of the policyholder, the insured or the beneficiary in insurance matters	<input type="checkbox"/>
4.4.	Place of performance of the obligation in question	<input type="checkbox"/>
4.5.	Place of the harmful event	<input type="checkbox"/>
4.6.	Place where the immovable property is situated	<input type="checkbox"/>
4.7.	Choice of court/tribunal agreed by the parties	<input type="checkbox"/>
4.8.	Other (please specify):	<input type="checkbox"/>

### 5. *Cross-border nature of the case*

In order to make use of the European Small Claims Procedure, your case must be of a cross-border nature. A case is of a cross-border nature if at least one of the parties is domiciled or habitually resident in a Member State other than the Member State of the court/tribunal.

<p>5. <i>Cross-border nature of the case</i></p> <p>5.1. Country of domicile or habitual residence of claimant: .....</p> <p>5.2. Country of domicile or habitual residence of defendant: .....</p> <p>5.3. Member State of the court/tribunal: .....</p>
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### 6. *Bank details (optional)*

In field 6.1. you may inform the court/tribunal by which means you intend to pay the application fee. Please note that not all methods are necessarily available at the court/tribunal to which you are sending your application. You should verify which methods of payment will be accepted by the court/tribunal. You can do this by contacting the court/tribunal concerned or by consulting the website of the European Judicial Network in Civil and Commercial Matters at <http://eceuropa.eu/civiljustice>.

If you choose to pay by credit card or to allow the court/tribunal to collect the fee from your bank account, you should give the necessary credit card or bank account details in the Appendix to this form. The Appendix will be for the information of the court/tribunal only and will not be forwarded to the defendant.

In field 6.2. you are given the possibility of indicating by which means you wish to receive payment from the defendant, for example if the defendant wishes to pay immediately even before the judgment is given, if you wish to be paid by bank transfer, please give the necessary bank details.

6. *Bank details* (\*)

6.1. How will you pay the application fee?

6.1.1. By bank transfer 6.1.2. By credit card  (please fill in the Appendix)6.1.3. Direct debit from your bank account  (please fill in the Appendix)

6.1.4. Other (please specify):

6.2. To which account do you wish the defendant to pay *any* amount claimed or awarded?

6.2.1. Account holder:

6.2.2. Bank name, BIC or other relevant bank code

6.2.3. Account number/IBAN:

7. *Claim*

*Scope:* Please note that the European Small Claims Procedure has a limited scope. No claims of a value higher than EUR 2000 or which are listed in Article 2 of Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure can be dealt with under this procedure, if your claim does not relate to an action within the scope of that Regulation in accordance with Article 2, proceedings will continue before the courts/tribunals with jurisdiction in accordance with the rules of ordinary civil procedure. If you do not wish to continue proceedings in that event, you should withdraw your application.

*Monetary or other claim:* You should indicate whether you are claiming money and/or something else (non-monetary claim), for example, delivery of goods, and then fill in respectively either 7.1. and/or 7.2. if your claim is not for money, please indicate the estimated value of your claim. In the case of a non-monetary claim, you should indicate whether you have a secondary claim for compensation if it is not possible to satisfy the original claim.

If you wish to claim the costs of the proceedings (e.g. translation costs, lawyers' fees, costs relating to the service of documents etc.), then you should indicate this in 7.3. Please note that rules regarding the costs which courts/tribunals can award vary between different Member States. Details of categories of costs in the Member States can be found on the website of the European Judicial Network in Civil and Commercial Matters at <http://ec.europa.eu/civiljustice>.

If you wish to claim any contractual interest, for example on a loan, you should indicate the rate and from what date it runs. The court/tribunal may award statutory interest on your claim, if you are successful, if you wish to claim interest, please indicate this and the date from which the interest should run.



## 7. About your claim

 7.1. Claim for money

7.1.1. Amount of principal (excluding interest and costs)

7.1.2. Currency

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Euro (EUR)             | <input type="checkbox"/> Bulgarian lev (BGN)  | <input type="checkbox"/> Cypriot pound (CYP)    |
| <input type="checkbox"/> Czech koruna (CZK)     | <input type="checkbox"/> Estonian kroon (EEK) | <input type="checkbox"/> Pound Sterling (GBP)   |
| <input type="checkbox"/> Hungarian forint (HUF) | <input type="checkbox"/> Latvian lats (LVL)   | <input type="checkbox"/> Lithuanian litas (LTL) |
| <input type="checkbox"/> Maltese lira (MTL)     | <input type="checkbox"/> Polish zloty (PLN)   | <input type="checkbox"/> Romanian leu (RON)     |
| <input type="checkbox"/> Swedish kronor (SEK)   | <input type="checkbox"/> Slovak koruna (SKK)  |   |

 Other (please specify): ..... 7.2 Other claim:

7.2.1 Please specify what you are claiming: .....

7.2.2 Estimated value of claim: .....

Currency:

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Euro (EUR)             | <input type="checkbox"/> Bulgarian lev (BGN)  | <input type="checkbox"/> Cypriot pound (CYP)    |
| <input type="checkbox"/> Czech koruna (CZK)     | <input type="checkbox"/> Estonian kroon (EEK) | <input type="checkbox"/> Pound Sterling (GBP)   |
| <input type="checkbox"/> Hungarian forint (HUF) | <input type="checkbox"/> Latvian lats (LVL)   | <input type="checkbox"/> Lithuanian litas (LTL) |
| <input type="checkbox"/> Maltese lira (MTL)     | <input type="checkbox"/> Polish zloty (PLN)   | <input type="checkbox"/> Romanian leu (RON)     |
| <input type="checkbox"/> Swedish kronor (SEK)   | <input type="checkbox"/> Slovak koruna (SKK)  |   |

 Other (please specify): .....

## 7.3 Are you claiming the costs of proceedings?

7.3.1. Yes 7.3.2. No 

7.3.3. If yes, please specify which costs and indicate the amount claimed or incurred so far:

## 7.4. Are you claiming interest?

Yes No 

if yes, is the interest:

Contractual?

 if so, go to 7.4.1

Statutory?

 If so, go to 7.4.2

## 7.4.1. If contractual

(1) the rate is:

- .....%
- ..... % above the base rate of the  
ECB
- other: .....

(2) the interest should run from: ..... / ..... / ..... (date)

## 7.4.2. If statutory

the interest should run from: ..... / ..... / ..... (date)

### 8. *Details of claim*

In 8.1. you should describe briefly the substance of your claim.

In 8.2. you should describe any relevant supporting evidence. This could, for example, be written evidence (e.g. contracts, receipts, etc.) or oral or written statements from witnesses. For each piece of evidence, please indicate which aspect of your claim it is intended to support.

If space is insufficient, you can add additional sheets.

.....

### 8. *Details of claim*

In 8.1. Please give reasons for your claim, for example what happened, where and when.

In 8.2. Please describe the evidence you wish to put forward to support your claim and state which points of the claim it supports. Where appropriate, you should add relevant supporting documents.

8.2.1. Written evidence	<input type="checkbox"/> please specify below
8.2.2. Witnesses	<input type="checkbox"/> please specify below
8.2.3. Other	<input type="checkbox"/> please specify below

*Oral hearing:* Please note that the European Small Claims Procedure is a written procedure. However, you can request, in this form or at a later stage, that an oral hearing be held. The court/tribunal may decide to hold an oral hearing if it considers it necessary for the fair conduct of the proceedings or it may refuse it, having regard to all the circumstances of the case.

8.3. Do you want an oral hearing to be held?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
If yes, please indicate reasons (*)	

### 9. *Certificate*

A judgment given in a Member State in the European Small Claims Procedure can be recognised and enforced in another Member State. If you intend to ask for recognition and enforcement in a Member State other than that of the court/tribunal, you can request in this form that the court/tribunal, after having made a decision in your favour, issue a certificate concerning that judgment.

9.	Certificate I ask the court/tribunal to issue a certificate concerning the judgment
	Yes <input type="checkbox"/>
	No <input type="checkbox"/>

10. *Date and signature*

Please make sure that you write your name clearly and sign and date your application at the end.

I hereby request that the court/tribunal give a judgment against the defendant on the basis of my claim.
I declare that the information provided is true to the best of my knowledge and is given in good faith.
Done at: .....
Date: ..... /...../.....
Name and signature

(\*) Optional.

*Appendix to the claim form (Form A)*

**Bank details (\*) for the purposes of payment of the application fee**

Account holder/credit card holder:

Bank name, BIC or other relevant bank code/credit card company:

Account number of IBAN/credit card number, expiry date and security number of the credit card:

## 53C.2

Schedule C  
O. 53c, r.5

## EUROPEAN SMALL CLAIMS PROCEDURE

## FORM B

REQUEST BY THE COURT OR TRIBUNAL TO COMPLETE AND/OR  
RECTIFY THE CLAIM FORM

(Article 4(4) of Regulation (EC) No 881/2007 of the European Parliament and  
of the Council establishing  
A European Small Claims Procedure)  
To be filled in by the court/tribunal

Case number:
Received by the court/tribunal on: ...../...../.....
1. <i>Court/tribunal</i>
1.1. Name:
1.2. Street and number/PO box:
1.3. City and postal code:
1.4. Country:
2. <i>Claimant</i>
2.1. Surname, first name/name of company or organisation:
2.2. Street and number/PO box:
2.3. City and postal code:
2.4. Country:
2.5. Telephone (*):
2.6. E-mail (*):
2.7. Claimant's representative, if any, and contact details (*):
2.8. Other details (*):
3. <i>Defendant</i>
3.1. Surname, first name/name of company or organisation:
3.2. Street and number/PO box:
3.3. City and postal code:
3.4. Country:
3.5. Telephone (*):
3.6. E-mail (*):
3.7. Defendant's representative, if any, and contact details (*):
3.8. Other details (*):

(\*) Optional.

The court/tribunal has examined your claim form and considers it to be inadequate or insufficiently clear or not properly filled in; please complete and/or rectify your form in the language of the court/tribunal as indicated below as soon as possible and at the latest by: .....

The court/tribunal shall dismiss your application under the conditions provided for in Regulation (EC) No. 861/2007 if you fail to complete and/or rectify it within the time limit set out above.

Your claim form has not been filled in the correct language. Please fill it in one of the following languages:

Bulgarian	<input type="checkbox"/>	Czech	<input type="checkbox"/>	German	<input type="checkbox"/>
Estonian	<input type="checkbox"/>	Spanish	<input type="checkbox"/>	Greek	<input type="checkbox"/>
French	<input type="checkbox"/>	Irish	<input type="checkbox"/>	Italian	<input type="checkbox"/>
Latvian	<input type="checkbox"/>	Lithuanian	<input type="checkbox"/>	Hungarian	<input type="checkbox"/>
Maltese	<input type="checkbox"/>	Dutch	<input type="checkbox"/>	Polish	<input type="checkbox"/>
Portuguese	<input type="checkbox"/>	Romanian	<input type="checkbox"/>	Slovak	<input type="checkbox"/>
Slovene	<input type="checkbox"/>	Finnish	<input type="checkbox"/>	Swedish	<input type="checkbox"/>
English	<input type="checkbox"/>	Other: (please specify)	.....		

The following sections of the claim form must be completed and/or rectified as stated below:

—  
—  
—  
—

Done at:

Date: ...../...../.....

Signature and/or stamp:

**EUROPEAN SMALL CLAIMS PROCEDURE****FORM C ANSWER FORM**

(Article 5(2) and 5(3) of Regulation (EC) No. 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure)

**IMPORTANT INFORMATION AND GUIDELINES FOR THE DEFENDANT**

A claim as set out in the attached claim form has been submitted against you using the European Small Claims Procedure.

You can answer by filling in Part II of this form and returning it to the court/tribunal, or in any other appropriate way, within 30 days after the claim form has been served on you together with the answer form.

Please note that if you do not answer within 30 days, the court/tribunal shall give a judgment. Please make sure that you write your name clearly and sign and date the answer form at the end.

You should also read the guidelines included in the claim form; these may help you to prepare your response.

*Language:* You should reply to the claim in the language of the court/tribunal which has sent you this form.

Please note that the form is available in all official languages of the institutions of the European Union on the website of the European Judicial Atlas at

[http://ec.europa.eu/justice/home/judicialatlascivil/html/index\\_\\_en.htm](http://ec.europa.eu/justice/home/judicialatlascivil/html/index__en.htm). This may help you in filling in the form in the required language.

*Oral hearing:* Please note that the European Small Claims Procedure is a written procedure. However, you can ask for an oral hearing to be held. Please be aware that having regard to the circumstances of the case, the court/tribunal can refuse this request.

*Supporting documents:* You can indicate possible means of evidence, and add, where appropriate, supporting documents.

*Counterclaim:* If you want to make a claim against the claimant (counterclaim), you should fill in and attach a separate Form A which you can find on the internet at [http://ec.europa.eu/justice/home/judicialatlascivil/html/fillinginformation\\_\\_en.htm](http://ec.europa.eu/justice/home/judicialatlascivil/html/fillinginformation__en.htm) or obtain from the court/tribunal which sent you this form. Please note that for the purposes of the counterclaim you are considered to be the claimant.

*Correcting your details:* You can also correct or supplement information about yourself (e.g. contact details, representative etc.) in section 6 'Other information'.

*Extra space:* If space is insufficient, you can add additional sheets.

<p><b>Part I</b> (to be filled in by the court/tribunal)</p> <p>Name of claimant:</p> <p>Name of defendant:</p> <p>Court/tribunal claim:</p> <p>Case number:</p>
--



**Part II** (to be filled in by the defendant)

1. Do you accept the claim?

Yes

No

If you have answered 'no' or 'partially', please indicate reasons:

The Claim is outside the scope of the European Small Claims Procedure

Please specify below

Other

Please specify below

2. If you do not accept the claim please describe the evidence you wish to put forward to contest it.  
Please state which points of your answer the evidence supports. Where appropriate you should add relevant supporting documents.

2.1 Written evidence  please specify below

2.2 Witnesses  please specify below

2.3 Other  please specify below

3. Do you want an oral hearing to be held?

Yes

No

If yes, please indicate reasons (\*):

4. Are you claiming the costs of proceedings?

4.1 Yes

4.2 No

4.3 If yes, please specify which costs and if possible, indicate the amount claimed or incurred so far:

5. Do you want to make a counterclaim?

5.1 Yes

5.2 No

6. Other information (\*):

7. Date and signature:

I declare that the information provided is true to the best of my knowledge and is given in good faith.

Done at: .....

Date: ...../...../.....

Name and signature:

## 53C.4

**EUROPEAN SMALL CLAIMS PROCEDURE****FORM D****CERTIFICATE CONCERNING A JUDGMENT IN THE EUROPEAN  
SMALL CLAIMS PROCEDURE**

(Article 20(2) of Regulation (EC) No 861/2007 of the European Parliament  
and of the Council establishing  
A European Small Claims Procedure)  
To be filled in by the court/tribunal

1.	<i>Court/tribunal</i>
1.1.	Name:
1.2.	Street and number/PO box:
1.3.	City and postal code:
1.4.	Country:
2.	<i>Claimant</i>
2.1.	Surname, first name/name of company or organisation:
2.2.	Street and number/PO box:
2.3.	City and postal code:
2.4.	Country:
2.5.	Telephone (*):
2.6.	E-mail (*):
2.7.	Claimant's representative, if any, and contact details (*):
2.8.	Other details (*):
3.	<i>Defendant</i>
3.1.	Surname, first name/name of company or organisation:
3.2.	Street and number/PO box:
3.3.	City and postal code:
3.4.	Country:
3.5.	Telephone (*):
3.6.	E-mail (*):
3.7.	Defendant's representative, if any, and contact details (*):
3.8.	Other details (*):

(\*) Optional.

4. Judgment

4.1 Date:

4.2 Case number:

4.3 The substance of the judgment

4.3.1 The court/tribunal has ordered ..... to pay to .....

(1) Principal:

(2) Interest:

(3) Costs:

4.3.2 The court/tribunal has made an order against .....to.....

(If the judgment was given by an appeal court or in the case of a review of a judgment)

This judgment supersedes the judgment given on ..... /..... /..... , case number ..... , and any certificate relative thereto.

THE JUDGEMENT WILL BE RECOGNISED AND ENFORCED IN ANOTHER MEMBER STATE WITHOUT THE NEED FOR A DECLARATION OF ENFORCEABILITY AND WITHOUT ANY POSSIBILITY OF OPPOSING ITS REGCOGNITION

Done at:.....

Date: ..... /...../.....

Signature and/or stamp

District Court Area of

District No.

Article \*22 \*23 of Regulation (EC) No. 861/2007 of the European Parliament  
and of the Council establishing a European Small Claims Procedure

NOTICE OF APPLICATION FOR \*REFUSAL \*STAY OR LIMITATION  
OF ENFORCEMENT

District Court Area of

District No.

..... Applicant  
..... Claimant

TAKE NOTICE that the above-named Applicant of ..... intends to  
apply to the District Court at ..... on the .... day of .....  
20..... at ..... a.m./p.m. for an order

\* pursuant to Article 22 of the above-mentioned Regulation refusing enforce-  
ment in the State of a judgment in a European Small Claim by the claimant  
against the applicant given by the .....court/tribunal of.....on the  
..... day of ..... 20.....

\* pursuant to Article 23 of the above-mentioned Regulation, limiting to protec-  
tive measures

\* pursuant to Article 23 of the above-mentioned Regulation making conditional  
on the provision of such security as the Court may determine

\* pursuant to Article 23 of the above-mentioned Regulation staying  
enforcement in the State of a judgment in a European Small Claim by the claim-  
ant against the applicant given by the .....court/tribunal of.....on the  
..... day of ..... 20.....

On the grounds that:

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

Signed.....

Applicant or Solicitor for Applicant

To District Court Clerk  
At

And to:.....  
Claimant/Solicitor for claimant

\* Delete words inapplicable

**EUROPEAN SMALL CLAIMS PROCEDURE**

District Court Area of

District No.

<p>Case number (*)</p> <p>Received by the Court on: ..... /..... /..... (*)</p> <p><i>Claimant</i></p> <p>Surname, first name/name of company or organisation:</p> <p>Street and number/PO box:</p> <p>City and postal code:</p> <p><i>Country:</i></p> <p>Defendant</p> <p>Surname, first name/name of company or organisation:</p> <p>Street and number/PO box:</p> <p>City and postal code:</p> <p>Country:</p>
--

\* THIS IS TO NOTIFY YOU THE CLAIMANT that your claim does not come within the scope of the European Small Claims Procedure. You may withdraw the claim or continue the proceedings on the claim as ordinary civil proceedings before the District Court. Please notify me whether you wish to withdraw the claim or continue the proceedings on the claim as ordinary civil proceedings. If I do not hear from you within 21 days, your claim will be treated as withdrawn.

\*THIS IS TO NOTIFY YOU THE CLAIMANT that your claim is considered to be \*clearly unfounded \*inadmissible, and your claim has been \*dismissed by the Court \*[or describe any other order made by the Court]

*\*THIS IS TO NOTIFY YOU THE CLAIMANT that copies of the defendant's response to your claim \*and the supporting documents provided by the defendant \*and the defendant's counterclaim against you are attached, \*and you have 30 days to send to me your written response to the counterclaim.*

\*THIS IS TO NOTIFY YOU THE CLAIMANT that the value of your non-monetary claim exceeds the limit of €2,000 for the European Small Claims Procedure. Please notify me whether you wish to withdraw the claim or continue the proceedings on the claim as ordinary civil proceedings before the District Court. If I do not hear from you within 21 days, your claim will be treated as withdrawn.

\*THIS IS TO NOTIFY \*YOU THE CLAIMANT \*YOU THE DEFENDANT that the Court requires you to provide the following further details concerning the claim: .....

.....

within the period of .....days of this notice.

\*THIS IS TO NOTIFY \*YOU THE CLAIMANT \*YOU THE DEFENDANT that the Court

\*will take the following evidence concerning the claim: .....

.....

.....

\*will conduct an oral hearing concerning the claim

at.....am/pm at .....on the .....day of .....20...and that \* you/\*the following witness(es)..... may participate by the following means

[specify any relevant details of participation by videoconference or by means of other information technology, for example, the ISDN number to be used and speed of line, contact information for the person operating the technology etc.]

Where any person gives evidence otherwise than in the Court, the witness must have available the appropriate sacred text for taking the oath prior to giving evidence and copies of any documents to which he or she may be referred while giving evidence.

\*THIS IS TO NOTIFY \*YOU THE CLAIMANT \*YOU THE DEFENDANT that notwithstanding the request to conduct an oral hearing concerning the claim, the Court considers that with regard to the circumstances of the case, an oral hearing is not necessary for the fair conduct of the proceedings, and the Court has refused such request for the following reasons:

.....

.....

\*THIS IS TO NOTIFY \*YOU THE CLAIMANT \*YOU THE DEFENDANT that you have submitted a document (copy attached) to the Court in a language other than the Irish language or the English language, and you are required to provide a translation of that document within \*21 days \*.....days.

\*THIS IS TO NOTIFY \*YOU THE CLAIMANT \*YOU THE DEFENDANT that \*the defendant \*the claimant has refused to accept a document you have submitted (copy attached) because it is not \*in the Irish language or the English

language, \*in a language which the addressee understands and you are required to provide a translation of that document within \*21 days \*.....days.

\*THIS IS TO NOTIFY \*YOU THE CLAIMANT \*YOU THE DEFENDANT that judgment has been given in the proceedings on this \*claim \*counterclaim to the following effect: .....

.....

Dated this ..... day of ..... 20.....  
At District Court Office at .....  
Signed.....  
District Court Clerk

\* Delete words inapplicable

EXPLANATORY NOTE

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

These Rules insert a new Order 53C in the District Court Rules, which Order facilitates implementation of Regulation (EC) No. 861/2007 of the European Parliament and of the Council of 11 July 2007 (OJ L 199 of 31 July 2007, page 1) establishing a European Small Claims Procedure.



BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
nó trí aon díoltóir leabhar.

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