



STATUTORY INSTRUMENTS.

S.I. No. 209 of 2010



RULES OF THE SUPERIOR COURTS (TRIAL) 2010

(Prn. A10/0655)

RULES OF THE SUPERIOR COURTS (TRIAL) 2010

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), and 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 3rd day of December, 2009.

John L. Murray

Nicholas Kearns

William McKechnie

Elizabeth Dunne

Patrick O'Connor

Paul McGarry

Maeve Kane

Noel Rubotham

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

Dated this 13th day of May, 2010.

DERMOT AHERN,

Minister for Justice, Equality and Law Reform.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 21st May, 2010.*

S.I. No. 209 of 2010**RULES OF THE SUPERIOR COURTS (TRIAL) 2010**

1. Order 36 of the Rules of the Superior Courts is amended:—

(i) by the substitution for rule 1 and paragraph (a) of rule 2 of the following rule and paragraph:—

“1. Unless otherwise provided by statute or by these Rules, proceedings in the High Court shall be tried in Dublin save where, having regard to:

- (i) the availability of facilities for the trial of the proceedings and
- (ii) the desirability of providing a trial date as soon as possible once proceedings are ready for trial,

the President of the High Court, whether in respect of individual proceedings or any category or categories of proceedings, otherwise directs.

2. (a) Subject to rule 1, an application by any party for a direction that the trial of any proceedings take place at a particular venue shall be made to a Judge promptly after the close of the pleadings and in any event not later than three months prior to the date fixed for trial by motion on notice to the other party or parties to such proceedings or, if such other party or parties consent thereto, by motion *ex-parte*.”; and

(ii) by the substitution for rules 24 to 27 of the following rules:

“24. The party desiring to set down the proceedings for trial shall do so by delivering to the proper officer a copy of the notice of trial.

25. The party entering a probate action for trial shall deliver to the proper officer a list with names and dates of all caveats, warnings, citations and appearances lodged, filed, issued or entered down to the date of such delivery and a copy of the order fixing the time and mode of trial.

26. The party entering for trial a matrimonial proceeding commenced by petition shall deliver to the proper officer a copy of the order fixing the time and mode of trial and the issues to be tried.

27. The party entering any proceedings for trial under rule 25 or 26 or his solicitor shall certify that the copy order delivered in accordance with the rule concerned is a true copy.”

4 [209]

2. These Rules shall come into operation on the 10th day of June 2010.

3. These Rules shall be construed together with the Rules of the Superior Courts 1986 to 2010 and may be cited as the Rules of the Superior Courts (Trial) 2010.

EXPLANATORY NOTE

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

These rules, which amend Order 36 of the Rules of the Superior Courts, prescribe the arrangements for allocation of a trial venue for proceedings and revise the requirements for lodgment of documentation required when setting proceedings down for trial in the High Court.

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.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)
or through any bookseller.

€2.54



Wt. (B27625). 285. 5/10. Cahill. Gr. 30-15.