



STATUTORY INSTRUMENTS

S.I. No. 95 of 2009



RULES OF THE SUPERIOR COURTS (AFFIDAVITS) 2009

(Prn. A9/0404)

RULES OF THE SUPERIOR COURTS (AFFIDAVITS) 2009

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 30th day of October, 2008.

Richard Johnson
Joseph Finnegan
Elizabeth Dunne
Paul McGarry
Mary Cummins
Patrick Groarke
Patrick O'Connor
Noel Rubotham
Maeve Kane

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

Dated this 22 day of March, 2009.

DERMOT AHERN
Minister for Justice, Equality and Law Reform

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 27th March, 2009.*

S.I. No. 95 of 2009

RULES OF THE SUPERIOR COURTS (AFFIDAVITS) 2009

1. The Rules of the Superior Courts are hereby amended by the substitution for rule 14 of Order 40 of the following:

“14. (1) A person taking an affidavit shall certify in the jurat of every affidavit taken by him:

- (a) that he personally knows the deponent, or
- (b) that the deponent has been identified to him by some person personally known to him and named in the jurat who certifies his personal knowledge of the deponent, or
- (c) that the identity of the deponent has been established by him by reference to a relevant document containing a photograph of the deponent before the affidavit was taken,

and in a case to which paragraph (c) applies shall give particulars of the relevant document concerned.

(2) A person taking an affidavit shall, where it appears to him that the affidavit is sworn by any person who appears to be illiterate or blind, certify in the jurat that the affidavit was read in his presence to the deponent and, that the deponent fully understood it, and that the deponent made his signature or mark in his presence. No such affidavit shall be used in evidence in the absence of this certificate, unless the Court is otherwise satisfied that the affidavit was read over to and fully understood by the deponent.

(3) In this rule “relevant document” has the same meaning as in section 2 of the Statutory Declarations Act 1938.”

2. These Rules shall come into operation on 16 the day of April 2009.

2. These Rules shall be construed together with the Rules of the Superior Courts 1986 to 2009 and may be cited as the Rules of the Superior Courts (Affidavits) 2009.

EXPLANATORY NOTE

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

The Rules amend Order 40 , rule 14 of the Rules of the Superior Courts to provide that, where appropriate, a deponent to an affidavit shall provide proof of identify to the person taking the affidavit.

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,
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€1.27

