



STATUTORY INSTRUMENTS.

S.I. No. 450 of 2016



RULES OF THE SUPERIOR COURTS (CONSTRUCTION CONTRACTS
ACT 2013) 2016

S.I. No. 450 of 2016

RULES OF THE SUPERIOR COURTS (CONSTRUCTION CONTRACTS
ACT 2013) 2016

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, section 14 and of all other powers enabling us in this behalf, do hereby make the following Rules of Court.

Dated this 21st day of July, 2016.

Susan Denham

Gerard Meehan

Sean Ryan

Stuart Gilhooly

Peter Kelly

Noel Rubotham

Mary Laffoy

John Mahon

Conor Dignam

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

Dated this 12th day of August, 2016.

FRANCES FITZGERALD,
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 16th August, 2016.*

S.I. No. 450 of 2016

RULES OF THE SUPERIOR COURTS (CONSTRUCTION CONTRACTS
ACT 2013) 2016

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Construction Contracts Act 2013) 2016, shall come into operation on the 22nd day of August 2016.

(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 2016.

2. The Rules of the Superior Courts are amended:

(i) by the insertion immediately following Order 56A of the following Order:

“Order 56B

Adjudication

1. In this Order:

(1) The “2013 Act” means the Construction Contracts Act 2013;

“adjudicator” means an adjudicator appointed pursuant to the provisions of section 6 of the 2013 Act.

(2) Save where the context otherwise requires, expressions used in this Order have the same meaning as in the 2013 Act.

2. An application for the leave of the Court to enforce or to enter judgment in respect of a decision of an adjudicator pursuant to section 6(11) of the 2013 Act shall be made by originating notice of motion.

3. (1) Subject, in the case of any proceedings which have been entered in the Commercial List, to the provisions of Order 63A and of any order made or direction given by the Court under that Order, the procedures specified in this Order shall apply to proceedings by originating notice of motion in accordance with this Order.

(2) Every originating notice of motion shall be grounded upon an affidavit sworn by or on behalf of the moving party. Each such grounding affidavit shall—

- (i) identify the construction contract to which the decision relates;
- (ii) exhibit the decision of the adjudicator;
- (iii) set out the basis upon which the Court should conclude that the decision of the adjudicator is binding on the respondent;
- (iv) confirm that—
 - (a) the payment dispute has not been finally settled by the parties;
 - (b) a different decision has not been reached on a reference of the payment dispute to arbitration;
 - (c) a different decision has not been reached in proceedings initiated in a court in relation to the adjudicator's decision; and
- (iv) set out the facts relied upon to demonstrate that the respondent has failed to comply with the decision of the adjudicator.

(3) Copies of the originating notice of motion and the grounding affidavit and of any exhibits thereto shall be served upon the respondent(s) not later than 14 days before the date fixed for the hearing of the motion.

(4) The Court may, in the interests of justice, abridge the time limit identified in sub-rule (3).

(5) Any respondent may deliver a replying affidavit. Any such replying affidavit shall be filed in the Central Office and a copy served upon the applicant and upon every other respondent within seven days of the service by the applicant of the originating notice of motion and the applicant's grounding affidavit upon the respondent.

(6) Any replying affidavit shall set out precisely the grounds relied upon by the respondent to resist the applicant's claim for the reliefs set out in the originating notice of motion as against such respondent.

(7) The applicant shall be at liberty to file a further affidavit replying to any matter raised by a respondent in a replying affidavit, which further affidavit shall be filed in the Central Office and a copy delivered to each respondent within seven days after

the service upon the applicant of the respondent's replying affidavit.

(8) An affidavit giving the names and addresses of, and the place names and dates of service on, all persons who have been served with the originating notice of motion, grounding affidavit and exhibits shall be filed before the motion is heard. If any person who ought under this Order to have been served has not been served, the affidavit shall state that fact and the reason for it.

4. Save where the Court otherwise directs, every application under this Order shall be heard and determined on affidavit.

5. The Court, on the application of any of the parties or of its own motion, may make such consequential further or other orders or give such directions as the Court considers will facilitate an expeditious disposal of the proceedings commenced under this Order."

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 56B in the Rules of the Superior Courts to provide for the procedure to be followed in the case of applications under section 6(11) of the Construction Contracts Act 2013 for leave of the High Court to enforce or enter judgment in respect of a decision of an adjudicator appointed under that section.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

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; Fax: 01 - 6476843)
or through any bookseller.

€2.54

