



STATUTORY INSTRUMENTS.

S.I. No. 407 of 2007

**RULES OF THE SUPERIOR COURTS (JURISDICTION,
RECOGNITION, ENFORCEMENT AND SERVICE OF PROCEEDINGS)
2007**

(Prn. A7/1238)

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RULES OF THE SUPERIOR COURTS (JURISDICTION,
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2007

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, 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 21st day of June, 2007.

JOHN L MURRAY
RICHARD JOHNSON
JOSEPH FINNEGAN
LIAM MCKECHNIE
ELIZABETH DUNNE

LYNDON MCCANN
PATRICK GROARKE
NOEL RUBOTHAM
MARY CUMMINS

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

Dated this 29th day of June, 2007.

BRIAN LENIHAN
Minister for Justice, Equality and Law Reform

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 6th July, 2007.*

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RULES OF THE SUPERIOR COURTS (JURISDICTION,
RECOGNITION, ENFORCEMENT AND SERVICE OF PROCEEDINGS)
2007

1. The Rules of the Superior Courts are hereby amended—

- (i) by the insertion immediately following rule 8 of Order 11A thereof of the following—

“8A. While the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters annexed to Council Decision No. 2005/790/EC of 20 September 2005 (OJ L 299/61 of 16 November 2005) signed at Brussels on 19 October 2005 and approved on behalf of the Community by Council Decision No. 2006/325/EC of 27 April 2006 (OJ L 120/22 of 5 May 2006) is for the time being in force, notwithstanding any other provision of these Rules to the contrary, the provisions of these Rules which relate to Regulation No. 44/2001 shall apply in relation to the Kingdom of Denmark, to the extent permitted, and subject to any modifications made necessary, by that Agreement, and the provisions of these Rules which relate to the 1968 Convention shall not apply.”

- (ii) by the insertion in Order 11B, rule 9, immediately following the definition therein of “the 1998 Act” of the following definition—

“ ‘the 1968 Convention’ has the same meaning as in Order 11A, rule 9;”

- (iii) by the substitution for the title of Order 11D thereof of “Service of Documents outside of the Jurisdiction but within the EU (Regulation No. 1348/2000)”;

- (iv) by the insertion immediately following rule 8 of Order 11D thereof of the following—

“9. While the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil and commercial matters annexed to Council Decision No. 2005/794/EC of 20 September 2005 (OJ L 300/53 of 17 November 2005) signed at Brussels on 19 October 2005 and approved on behalf of the Community by Council Decision No. 2006/326/EC of 27 April 2006 (OJ L 120/23 of 5 May 2006) is for the time being in force, notwithstanding any other provision of these Rules to the contrary, the provisions of these Rules which relate to Council Regulation (EC) No. 1348/2000 shall apply in relation to the Kingdom of Denmark, to the extent permitted, and subject to any modifications made necessary, by that Agreement, and the provisions of these Rules

which relate to the Convention (within the meaning of Order 11E, rule 1) shall not apply.”, and

- (v) by the substitution for the title of Order 11E thereof of “Service of Documents outside of the Jurisdiction (Hague Convention)”, and
- (vi) in rule 1 of Order 125 thereof of the following by the deletion of the full stop immediately following the reference therein to “the feminine gender” and by the insertion immediately following such reference of the following—

“; references to any Regulation, Directive, Decision or Framework Decision adopted by the Council of the European Union, whether or not jointly with any other institution of the European Union, shall (save where any such amendment or extension does not have force of law in the State) be deemed to be references to such Regulation, Directive, Decision or Framework Decision as amended or extended from time to time.”

2. These Rules shall come into operation on the 29th day of June 2007.

3. These Rules shall be construed together with the Rules of the Superior Courts 1986 to 2007 and may be cited as the Rules of the Superior Courts (Jurisdiction, Recognition, Enforcement and Service of Proceedings) 2007.

EXPLANATORY NOTE

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

These Rules make provision for the extension to the Kingdom of Denmark of Council Regulations 1348 of 2000 (on service of judicial and extrajudicial documents in civil and commercial matters) and 44 of 2001 (on jurisdiction, recognition and enforcement of judgments in civil and commercial matters).

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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