



STATUTORY INSTRUMENTS.

**S.I. No. 502 of 2010**



RULES OF THE SUPERIOR COURTS (MEDIATION AND  
CONCILIATION) 2010

**(Prn. A10/1533)**

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RULES OF THE SUPERIOR COURTS (MEDIATION AND  
CONCILIATION) 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 15th day of July, 2010.

John L. Murray

Nicholas Kearns

Donal O'Donnell

John Edwards

Patrick O'Connor

Mary Cummins

Paul McGarry

Noel Rubotham

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

Dated this 19th day of October, 2010.

DERMOT AHERN

Minister for Justice and Law Reform

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 29th October, 2010.*

S.I. No. 502 of 2010

RULES OF THE SUPERIOR COURTS (MEDIATION AND  
CONCILIATION) 2010

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Mediation and Conciliation) 2010, shall come into operation on the 16th day of November 2010.

(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 2010.

2. The Rules of the Superior Courts are amended:

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

“Order 56A

Mediation and Conciliation

1. In this Order:

“an ADR process” means mediation, conciliation or another dispute resolution process approved by the Court, but does not include arbitration;

“party” includes the personal representative of a deceased party.

2. (1) The Court, on the application of any of the parties or of its own motion, may, when it considers it appropriate and having regard to all the circumstances of the case, order that proceedings or any issue therein be adjourned for such time as the Court considers just and convenient and—

(i) invite the parties to use an ADR process to settle or determine the proceedings or issue, or

(ii) where the parties consent, refer the proceedings or issue to such process,

and may, for the purposes of such invitation or reference, invite the parties to attend such information session on the use of mediation, if any, as the Court may specify.

(2) Where the parties decide to use an ADR process, the Court may make an order extending the time for compliance by any party with any provision of these Rules or any order of the Court in the proceedings, and may make such further or other orders or give such

directions as the Court considers will facilitate the effective use of that process.

3. An application by a party for an order under rule 2 shall be made by motion to the Court on notice to the opposing party or parties, and shall, unless the Court otherwise orders, be grounded upon an affidavit sworn by or on behalf of the moving party.

4. Save where the Court for special reason to be recited in the Court's order allows, an application for an order under rule 2 shall not be made later than 28 days before the date on which the proceedings are first listed for hearing.", and

(ii) by the insertion immediately following rule 1A of Order 99 of the following:

"1B. Notwithstanding sub-rules (3) and (4) of rule 1, the Supreme Court or the High Court, in considering the awarding of the costs of any appeal or of any action, may, where it considers it just, have regard to the refusal or failure without good reason of any party to participate in any ADR process referred to in Order 56A, rule 1, where an order has been made under rule 2 of that Order in the proceedings."

EXPLANATORY NOTE

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

These rules insert (a) a new Order 56A in the Rules of the Superior Courts facilitating referral by the court of proceedings, or issues in proceedings, to a process of mediation or conciliation and (b) a new rule 1B in Order 99 of the Rules providing that the refusal or failure without good reason of a party to participate in mediation or conciliation may be taken into account by the court when awarding costs.

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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