



STATUTORY INSTRUMENTS.

**S.I. No. 692 of 2011**



RULES OF THE SUPERIOR COURTS (LODGMET OF DOCUMENTS)  
2011

**(Prn. A11/2392)**

RULES OF THE SUPERIOR COURTS (LODGMET OF DOCUMENTS)  
2011

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 28th day of November 2011.

Susan Denham

Nicholas Kearns

Joseph Finnegan

Elizabeth Dunne

John Edwards

Paul McGarry

Gerard Meehan

Patrick Groarke

Patrick O'Connor

Mary Cummins

Noel Rubotham

Geraldine Manners

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

Dated this 20th day of December, 2011.

ALAN SHATTER,

Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 30th December, 2011.*

S.I. No. 692 of 2011

RULES OF THE SUPERIOR COURTS (LODGMENT OF DOCUMENTS)  
2011

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Lodgment of Documents) 2011, shall come into operation on the 11th day of January 2012.

(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 2011.

2. The Rules of the Superior Courts are amended:

(i) by the substitution for rule 3 of Order 79 of the following rule:

“3. Applications for probate or letters of administration may be made at the Probate Office in all cases. Such applications may be made in accordance with Part XXIX of this Order, or in accordance with Order 117A, rule 5, as the case may be.”

(ii) by the insertion immediately following Order 117 of the following Order:

“Order 117A

Lodgment of documents

1. In this Order:

“court document” includes any pleading, notice, affidavit, bill of costs or other document required by these Rules to be lodged with any officer or in any office in or in connection with any proceeding;

“lodge”, in relation to any document, means lodge, file, leave with or at, deliver or transmit, or any analogous word or expression, and cognate words and expressions shall be construed accordingly;

“non-personal delivery” of a court document means

(a) delivery of that document at the office or to the officer specified in the provision of these Rules concerned—

(i) by pre-paid registered post,

(ii) by pre-paid ordinary post, or

(iii) through a document exchange service accepted by the officer for the time being managing the Central Office, or

(b) deposit of that document in a box or at a facility maintained for the purpose by the office or officer so specified,

in accordance with any conditions stipulated in the manner provided in rule 2;

“office” means any office by law attached to the Supreme Court, the High Court or the President of the High Court;

“officer” means any officer of or attached to an office;

“personal delivery” means lodgment of a court document, together with any copy required and proof of payment of any court fee required (where necessary, endorsed on the court document), at an office, with the officer concerned or with a member of the staff of the officer or office who is authorised to accept it.

2. (1) The officer for the time being managing the Central Office may, with the approval of—

(i) the Chief Justice in respect of proceedings in the Supreme Court, the Court of Criminal Appeal or the Courts-Martial Appeal Court or

(ii) the President of the High Court in respect of proceedings in the High Court,

stipulate conditions, to be published in such manner as the Chief Justice or the President of the High Court, as the case may be, may approve, subject to which non-personal delivery of a court document may be effected.

(2) Conditions referred to in sub-rule (1) may be particular or general, and may include a requirement for the discharge of the expense of returning any court document, or copy of such document, by particular means to the person who has delivered it.

(3) Subject to sub-rule (4) and rules 4 and 5, where a provision of these Rules requires or authorises a party or person to lodge any court document, such lodgment may alternatively be effected by non-personal delivery in accordance with any condition stipulated for that means of non-personal delivery.

(4) Nothing in sub-rule (3) limits or modifies any provision of these Rules which requires or authorises a party or person to lodge any court document by ordinary pre-paid post, pre-paid registered post or other method of delivery not being personal delivery.

3. (1) Where any court document is authorised to be lodged by non-personal delivery:
- (a) the court document shall be accompanied by such document, if any, as is required under any conditions stipulated concerning non-personal delivery in accordance with rule 2;
  - (b) where payment of a court fee is chargeable in respect of the lodgment of the court document and requires to be recorded by means of a stamp impressed on the court document or a court fee card, the court document shall be deemed not to be lodged by non-personal delivery unless payment of the applicable court fee is recorded by means of a stamp impressed on that court document or by another means for the time being authorised by law for the recording of the payment of a court fee (including by attaching to that document a court fee card recording payment of the applicable court fee);
  - (c) there shall be delivered with any court document lodged by non-personal delivery so many copies of that document and such other documents and such and so many copies of other documents as would be required on the personal delivery of that court document;
  - (d) the date of lodgment of the document shall, unless the contrary is proven, be deemed to be the date of lodgment recorded in any cause book or other record kept for the purpose in the office or by or on behalf of the officer concerned;
  - (e) no court document lodged by non-personal delivery shall in any case be deemed to have been lodged with any officer or in any office unless in fact received (as the case may be) at that office, or by that officer or a staff member authorised by such officer to receive it;
  - (f) no court document lodged by non-personal delivery shall in any case be deemed to have been lodged at or within any period of time unless in fact received (as the case may be) at or within that period of time;
  - (g) for the purpose of fixing the date to which any special summons lodged for issue by non-personal delivery is returnable, or the date for the hearing of any originating notice of motion or notice of motion lodged for issue by non-personal delivery, a period of four days shall be allowed for the return of a copy of the issued court document to the party who lodged it, before the expiry of which it shall be assumed

service on any party or person (where required) cannot be effected.

(2) Where a court document, having been issued, has been returned to the party or person who lodged it for issue by non-personal delivery, and that court document is not received by that party or person within a reasonable time after it is sent,

- (a) the office or officer concerned may, at the request of that party or person, furnish to that person
  - (i) a copy of any duplicate or copy of the court document concerned retained by the office or officer, with a certificate endorsed thereon confirming the issue of the court document to which the duplicate or copy relates;
  - (ii) a certificate as to any record made of the issue of the court document concerned, and
- (b) the party or person may, subject to and in accordance with any order or direction of the Court, proceed on a copy of the court document certified in accordance with paragraph (a)(i) or, where the court so permits, a copy of the court document lodged for issue, certified by the party who lodged it or his solicitor to be a true copy of the court document lodged, and a certificate given in accordance with paragraph (a)(ii).

4. The provisions of rules 2 and 3 do not apply to:

- (a) books of appeal referred to in Order 58, rule 12 or motion books to be lodged in the Office of the Registrar of the Supreme Court;
- (b) a court document required to be lodged in accordance with Order 63A rule 7;
- (c) the original will of any ward lodged in the Office of Wards of Court;
- (d) a form or notice of motion referred to in Order 70A, rule 29(3);
- (e) any court document required under these Rules to be handed to a registrar or handed into court;
- (f) any other court document in respect of which—
  - (i) the Chief Justice in respect of proceedings before the Supreme Court, the Court of Criminal Appeal or the Courts-Martial Appeal Court, and

(ii) the President of the High Court in respect of proceedings before the High Court,

has by practice direction directed that a method of lodgment other than non-personal delivery is required.

5. (1) An affidavit of scripts and any scripts annexed thereto shall be filed in the Central Office by pre-paid registered post or by personal delivery.

(2) Save for personal applications for probate or letters of administration (to which Part XXIX of Order 79 applies), applications under rule 3 of Order 79 for probate or letters of administration for which the deposit of an original will or codicil is required may be made through a solicitor by pre-paid registered post or by lodgment directly in the Probate Office by or on behalf of that solicitor.”

EXPLANATORY NOTE

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

These rules amend the Rules of the Superior Courts by substituting a new rule 3 of Order 79 for the existing rule 3 of that Order and inserting a new Order 117A, to facilitate the lodgment of documents in each of the offices of the Superior Courts by various means in addition to personal delivery at the office concerned.

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  
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