



STATUTORY INSTRUMENTS.

**S.I. No. 150 of 2012**



RULES OF THE SUPERIOR COURTS (ARBITRATION) 2012

**(Prn. A12/0790)**

RULES OF THE SUPERIOR COURTS (ARBITRATION) 2012

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 June 2011.

Donal O'Donnell

Elizabeth Dunne

John Edwards

Paul McGarry

Sasha Gayer

Patrick O'Connor

Mary Cummins

Noel Rubotham

Geraldine Manners

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

Dated this 9th day of May 2012.

ALAN SHATTER,  
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 18th May, 2012*

## S.I. No. 150 of 2012

## RULES OF THE SUPERIOR COURTS (ARBITRATION) 2012

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Arbitration) 2012, shall come into operation on the 6th day of June 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 2012.

2. The Rules of the Superior Courts are amended by the insertion immediately following rule 6 of Order 56 of the following rule:

“6A. On the return date of any application by originating notice of motion—

- (a) in proceedings to which the Arbitration Acts 1954 to 1998 apply, for an order setting aside an arbitration award or remitting an arbitration award to an arbitrator or umpire, or
- (b) for an order referred to in paragraph (i) of rule 3(1),

the Court shall give directions and make orders for the conduct of the proceedings as appear convenient for the determination of the proceedings, which may include—

- (i) directions as to the exchange of points of claim or defence between the parties,
- (ii) directions as to the exchange of memoranda between or among the parties for the purpose of the agreeing by the parties or the fixing by the Court of any issues of fact or law to be determined in the proceedings on the application, or orders fixing such issues,
- (iii) a direction that the application be determined by way of plenary hearing, where it appears to the Court that the subject matter of the application is likely to involve a substantial dispute of fact or it is otherwise necessary or desirable in the interests of justice (and the Court may for that purpose make orders and give directions in relation to the exchange of pleadings between the parties),
- (iv) directions as to the furnishing by the parties to the Court and delivery of written submissions.”.

3. Notwithstanding the provisions of the Rules of the Superior Courts (Arbitration) 2010 (S.I. No. 361 of 2010), Order 56, rule 6A of the Rules of the Superior Courts shall apply to proceedings concerning any arbitration initiated before the repeal by section 4 of the Arbitration Act 2010 of the Arbitration Acts 1954 to 1998.

EXPLANATORY NOTE

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

These rules amend Order 56 of the Rules of the Superior Courts by inserting a new rule 6A to provide, in applications to set aside or remit an arbitration award, for the giving of directions and making of orders for: the conduct of such proceedings, including the exchange between the parties of points of claim or defence; memoranda as to issues of fact or law; determination of the proceedings by way of plenary hearing; and furnishing of written submissions to the Court.

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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