



STATUTORY INSTRUMENTS.

**S.I. No. 345 of 2015**



RULES OF THE SUPERIOR COURTS (JUDICIAL REVIEW) 2015

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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), 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 18th day of December, 2014.

Susan Denham  
Sean Ryan  
Donal O'Donnell  
Peter Kelly  
Michael Peart  
Anthony Barr  
Gerard Meehan  
Stuart Gilhooly  
Noel Rubotham  
John Mahon

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

Dated this 1st day of August, 2015.

FRANCES FITZGERALD,  
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 4th August, 2015.*

## S.I. No. 345 of 2015

## RULES OF THE SUPERIOR COURTS (JUDICIAL REVIEW) 2015

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Judicial Review) 2015, shall come into operation on the 17th day of August, 2015.

(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 2015.

2. Order 84 of the Rules of the Superior Courts is amended:

(i) by the substitution for sub-rule (2) of rule 22 of the following sub-rules:

“(2) The notice of motion or summons must be served on all persons directly affected.

(2A) Where the application for judicial review relates to any proceedings in or before a court and the object of the application is either to compel that court or an officer of that court to do any act in relation to the proceedings or to quash them or any order made therein—

(a) the judge of the court concerned shall not be named in the title of the proceedings by way of judicial review, either as a respondent or as a notice party, or served, unless the relief sought in those proceedings is grounded on an allegation of mala fides or other form of personal misconduct by that judge in the conduct of the proceedings the subject of the application for judicial review such as would deprive that judge of immunity from suit,

(b) the other party or parties to the proceedings in the court concerned shall be named as the respondent or respondents, and

(c) a copy of the notice of motion or summons must also be sent to the Clerk or Registrar of the court concerned.”; and

(ii) by the insertion immediately following sub-rule (2) of rule 27 of the following sub-rule:

“(2A) Without prejudice to the generality of sub-rule (2), the Court may, at any time, where it deems fit, in any case where the relief sought relates to any proceedings in or before a court:

- (a) direct the applicant to procure and lodge in Court or exhibit a transcript of the record of the proceedings before that court, or
- (b) direct the production to it by the Registrar or Clerk of that court of the record of the proceedings before that court.”

## EXPLANATORY NOTE

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

These Rules amend Order 84, rule 22 and rule 27 of the Rules of the Superior Courts to preclude a judge being named as a respondent or notice party in the title to judicial review proceedings in respect of that judge's decision unless the relief sought therein is grounded on an allegation of *mala fides* such as would deprive the judge of immunity from suit; to require that the party or parties to the original proceedings be named as respondent or respondents, and to enable the Court in judicial review proceedings to direct production to it of the record of court proceedings to which the judicial review proceedings relate.

BAILE ÁTHA CLIATH  
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