



STATUTORY INSTRUMENTS.

**S.I. No. 225 of 2019**



DISTRICT COURT (ESTREATMENT) RULES 2019

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District Court (Estreatment) Rules 2019

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961, and section 24 of the Interpretation Act 2005, and of all other powers enabling them in this behalf, do hereby, with the concurrence of the Minister for Justice and Equality, make the following rules of court.

Dated this 19<sup>th</sup> day of June 2019.

|                   |             |
|-------------------|-------------|
| Rosemary Horgan   | Chairperson |
| Mary C Davis      |             |
| Anne Watkin       |             |
| Shane McCarthy    |             |
| Riobard Pierse    |             |
| Niall Nolan       |             |
| Roy Pearson       |             |
| Noel A Doherty    |             |
| Michelle Johnston |             |

I concur in the making of the following rules of court.

Dated this 22<sup>th</sup> day of May 2019.

Charles Flanagan  
MINISTER FOR JUSTICE AND EQUALITY

**SI 225 of 2019**

District Court (Estreatment) Rules 2019

1. (1) These Rules, which shall come into operation on the 19<sup>th</sup> day of June 2019, may be cited as the District Court (Estreatment) Rules 2019.

(2) These Rules shall be construed together with the District Court Rules 1997 (S.I. No. 93 of 1997) and all other District Court Rules.

(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2019.

2. Order 27 of the District Court Rules 1997 (S.I. No. 93 of 1997) is amended:

(i) by the substitution for sub-rule (1) of rule 5 of the following sub-rule:

“5.(1) Whenever the Court makes an order to estreat a recognisance the Clerk shall send by ordinary post to each person against whom the order was made a notice informing that person of the making of the order, of the amount in which the recognisance has been estreated against that person and of the time (if any) allowed for payment thereof.”;

(ii) by the substitution for sub-rule (2) of rule 6 of the following sub-rule:

“(2) At any time after the issue of such warrant of distress the said superintendent may, having first given at least seven days' notice of the application (in the Form 27.7 Schedule B) to the person against whom the warrant of distress was issued (the respondent) and having lodged the original of that Form with the Clerk, apply to the Court for the issue of a warrant to commit the respondent to prison, and the Court may, if satisfied on hearing the applicant that it was found impossible to execute that warrant of distress, issue a warrant (Form 27.8; Schedule B) to commit the respondent to prison for a term not exceeding the appropriate period specified in the scale set out in the Table to section 2 of the Courts (No 2) Act 1986 , and thereupon the applicant shall return the warrant of distress to the Court for cancellation”, and

(iii) by the substitution for sub-rule (1) of rule 10 of the following sub-rule:

“10.(1) A warrant of committal under section 9(12) of the Bail Act 1997 shall be in the Form 27.12 Schedule B, and the period of imprisonment to be specified shall be identified

in accordance with the Table to section 2 of the Courts (No 2) Act 1986 as if such table were reproduced in this rule.”

EXPLANATORY NOTE

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

These amendments to Order 27 of the District Court Rules arise from amendments previously made to Order 23 of the District Court Rules to facilitate the operation of the Fines (Payment and Recovery) Act 2014.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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PUBLISHED BY THE STATIONERY OFFICE  
To be purchased from  
GOVERNMENT PUBLICATIONS,  
52 ST. STEPHEN'S GREEN, DUBLIN 2.  
(Tel: 01 - 6476834 or 1890 213434)

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