



STATUTORY INSTRUMENTS

S.I. No. 94 of 2009



CIRCUIT COURT RULES (TRIAL) (No. 2) 2009

(Prn. A9/0403)

CIRCUIT COURT RULES (TRIAL) (No. 2) 2009

We, the Circuit Court Rules Committee, constituted pursuant to the provisions of section 69 of the Courts of Justice Act 1936, by virtue of the powers conferred on us by section 66 of the Courts of Justice Act 1924 and section 70 of the Courts of Justice Act 1936, (as applied by section 48 of the Courts (Supplemental Provisions) Act 1961) and section 27 of the Courts (Supplemental Provisions) Act 1961, and of all other powers enabling us in this behalf, do hereby, with the concurrence of the Minister for Justice, Equality and Law Reform, make the annexed Rules of Court.

Dated this 11 day of November 2008.

(Signed): Matthew Deery
(Chairman of the Circuit Court Rules Committee)

Tony Hunt
Gerard J. Doherty
Joe Deane
Noel Rubotham
Susan Ryan
Patricia Casey.

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

Dated this 22 day of March 2009.

Signed: DERMOT AHERN,
Minister for Justice, Equality and Law Reform.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 27th March, 2009.*

S.I. No. 94 of 2009

CIRCUIT COURT RULES (TRIAL) (No. 2) 2009

1. These Rules, which may be cited as the Circuit Court Rules (Trial) (No. 2) 2009, shall come into operation on the 16 day of April 2009.

2. These Rules shall be construed together with the Circuit Court Rules 2001 to 2009.

3. The Circuit Court Rules are amended:

(i) by the substitution for rule 2 of Order 33 of the following:

“2. This Rule shall not apply to the Dublin Circuit. Not less than ten days’ notice of trial shall be served upon the defendant and all other necessary parties, save that the parties shall be at liberty to agree that a shorter notice period shall apply. The notice of trial shall be filed at the Office not later than seven days after it is served. Service and filing of the notice of trial shall operate to set down the action or matter (including a counterclaim if any) for hearing, to be listed before the County Registrar for allocation of a date for the hearing”,

and

(ii) by the substitution for rule 4(12) of Order 59 of the following:

“(12) This Rule shall not apply to the Dublin Circuit. Not less than ten days’ notice of trial shall be served upon the Respondent and all other necessary parties. Where relief is sought under sections 12 and/or 13 of the 1995 Act or section 17 of the 1996 Act, notice of trial shall also be served upon the trustees of the pension scheme in question. The notice of trial shall be filed at the Office not later than seven days after it is served. Service and filing of the notice of trial shall operate to set down the action or matter (including counterclaim if any) for hearing at the next ensuing Sittings. The service of notice to fix a date for a trial, as duly completed in the Office, on all necessary parties shall operate to set down the action (including a counterclaim if any) for hearing, to be listed before the County Registrar for allocation of a date for the hearing.”

EXPLANATORY NOTE

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

The Rules amend Order 33, rule 2 and Order 59, rule 4(12) to facilitate the listing of an action or matter before the County Registrar for allocation of hearing dates where a notice of trial has been filed and served, or a notice to fix a date for trial has been served.

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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