



STATUTORY INSTRUMENTS.

**S.I. No. 355 of 2012**



RULES OF THE SUPERIOR COURTS (TRIAL) 2012

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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 8th day of March 2012

Susan Denham  
Donal O'Donnell  
William McKechnie  
Elizabeth Dunne  
John Edwards  
Paul McGarry  
Gerard Meehan  
Mary Cummins  
Noel Rubotham

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

Dated this 15th day of September 2012.

ALAN SHATTER,  
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 25th September, 2012.*

## S.I. No. 355 of 2012

## RULES OF THE SUPERIOR COURTS (TRIAL) 2012

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Trial) 2012, shall come into operation on the 15th day of October, 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:

(i) by the substitution for rule 2 of Order 36 of the following rule:

“2. (a) Subject to rule 1, an application by any party for a direction that the trial of any proceedings not referred to in paragraph (b) take place at a particular venue shall be made to a Judge promptly after the close of the pleadings and in any event not later than three months prior to the date fixed for trial by motion on notice to the other party or parties to such proceedings or, if such other party or parties consent thereto, by motion *ex-parte*.

(b) In the case of any proceedings referred to in section 1 subsections (1) and (2) of the Courts Act 1988—

(i) subject to the other provisions of this rule, notice of trial shall be served for the city or town mentioned in Column 1 of the Table set out hereunder in any case where the Plaintiff resides or the wrong is alleged to have been committed or to have happened in any of the counties mentioned in Column 2 of the said Table opposite the said city or town respectively, and

(ii) the trial of the proceedings concerned shall, save where a direction has been given under paragraph (c) or (d), take place in the city or town concerned.

Column 1	Column 2
1. Dundalk	1. Louth, Meath, Longford, Cavan, Monaghan.
2. Kilkenny	2. Kilkenny, Carlow, Waterford, Tipperary, Offaly, Laois, Wexford.
3. Waterford	3. Waterford, Tipperary, Laois, Carlow, Kilkenny, Wexford.
4. Cork	4. Cork and Kerry.

Column 1	Column 2
5. Limerick	5. Limerick, Tipperary, Kerry, Clare.
6. Galway	6. Galway, Mayo, Roscommon, Longford, Westmeath, Offaly, Clare.
7. Sligo	7. Sligo, Donegal, Leitrim, Cavan, Longford, Westmeath, Roscommon, Mayo.

- (c) Where he considers that the effective disposal of business generally of the Court so requires, the President of the High Court may direct that the trials of proceedings, or of any particular category of proceedings, or the trial of any particular proceedings which would otherwise take place at a particular city or town in accordance with paragraph (b), shall take place at another city or town specified in that direction.
- (d) A party to any proceedings referred to in paragraph (b) may apply for a direction that such proceedings be tried at a city or town other than that for which the proceedings may be, or (where notice of trial has already been served) have been, set down for trial under that paragraph—
- (i) with the consent of the other party, and save where the venue sought for the trial is Dublin—
- by letter sent after the close of the pleadings to the officer for the time being managing the Central Office, marked “for the attention of the Principal Registrar”, enclosing a letter of such consent,
- (ii) where the venue sought for the trial is Dublin, or where the other party does not consent—
- on application made promptly after the close of the pleadings and in any event not later than three months prior to the date fixed for trial to a Judge designated by the President of the High Court for that purpose, on notice to the other party or parties to such proceedings.
- (e) In the case of an application to which paragraph (d)(ii) refers—
- (i) two clear days’ notice shall be given unless notice requires to be given personally, in which case four clear days’ notice shall be given,
- (ii) notice shall be in writing but shall not require to be given by service of a notice of motion.

(f) A direction given by the President of the High Court under paragraph (c) shall be published in such manner (including by publication on the Courts Service website) as he may direct.”;

(ii) by the substitution for rule 15 of Order 36 of the following rule:

“15. Notice of trial shall state whether it is for the trial of the cause or matter or of issues therein, and shall be in one of the Forms Nos. 18, 18A and 19 in Appendix C.”, and

(iii) by the substitution for Forms 18 and 19 in Appendix C of the Forms set out in the Schedule.

**Schedule**

No. 18.

NOTICE OF TRIAL (ORDINARY FORM).

[Title of action].

Take notice of trial of [\*this action *or* the issues in this action ordered to be tried *or as the case may be*] for such day, not being less than \*\*twenty-one days from the date of service of this notice, as shall be fixed by the Court.

Dated

(Signed)

To

\*Insert as appropriate

\*\*where short notice of trial has been given in accordance with Order 36 rule 16, insert lesser amount of notice to be given.

No. 18A.

NOTICE OF TRIAL (PERSONAL INJURIES).

[Title of action].

Take notice of trial of [\*this action *or* the issues in this action ordered to be tried *or as the case may be*] for such day, not being less than \*\*twenty-one days from the date of service of this notice, as shall be fixed by the Court.

at [*Insert city or town at which proceedings are triable in accordance with Order 36 rule 2*].

County in which Plaintiff resides:.....

County in which the wrong is alleged to have been committed:.....

Where a direction has been given under Order 36 rule 2 paragraph (c) or (d) of the Rules of the Superior Courts that the trial take place at a city or town other than that prescribed by Order 36 rule 2 paragraph (b), specify the date on which that direction was given: .....

Dated

(Signed)

\*Insert as appropriate

\*\*where short notice of trial has been given in accordance with Order 36 rule 16, insert lesser amount of notice to be given.

No. 19.

NOTICE OF TRIAL UNDER ORDER 36, RULE 6.

[Title of action].

Take notice of trial of [\*this action *or* the issues in this action ordered to be tried *or as the case may be*] without a jury for such day, not being less than \*\*twenty-one days from the date of service of this notice, as shall be fixed by the Court.

at

And take further notice that in the event of your not signifying your desire by notice in writing to have the same tried with a jury within four days from the service of this notice of trial [*or, in case of short notice of trial, two days*] the action [*or as the case may be*] will be tried by a judge without a jury.

\*Insert as appropriate

\*\*where short notice of trial has been given in accordance with Order 36 rule 16, insert lesser amount of notice to be given.



## EXPLANATORY NOTE

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

These rules amend Order 36 rule 2 and rule 15 of the Rules of the Superior Courts to provide for the setting down for trial of proceedings in personal injuries and fatal injuries actions in the city or town prescribed as a venue for the county in which the Plaintiff resides or the wrong is alleged to have been committed or to have happened; for the holding of trials at a venue other than the provincial venue at which it would otherwise be triable where the effective disposal of business generally of the Court requires; for an application to the Court for a change of venue in certain circumstances; and for consequential amendments to the forms of notice of trial.

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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