



STATUTORY INSTRUMENTS.

S.I. No. 99 of 2013



DISTRICT COURT (RECORDING OF PROCEEDINGS) RULES 2013

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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, do hereby, with the concurrence of the Minister for Justice and Equality, make the following rules of court.

Dated this 28th day of February 2013.

Rosemary Horgan Chairperson
Shalom Binchy
Noel A Doherty
Michelle Johnston

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

Dated this 23rd day of March 2013.

ALAN SHATTER,
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 2nd April, 2013.*

S.I. No. 99 of 2013

DISTRICT COURT (RECORDING OF PROCEEDINGS) RULES 2013

1. (1) These Rules, which may be cited as the District Court (Recording of Proceedings) Rules 2013, shall come into operation on the 8th day of April 2013.

(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 2013.

2. The District Court Rules 1997 are amended:

- (i) by the insertion in the Interpretation of Terms provisions immediately following the definition therein of “court area” of the following definition:

the “Courts Service” means the Courts Service established by the Courts Service Act 1998;”

- (ii) by the insertion immediately following Order 12A of the following Order as Order 12B:

“Order 12B

Recording of Proceedings

1. In this Order,

“record” means a contemporaneous record of the proceedings concerned made by any one or more means, including, without limitation—

- (a) any shorthand or other note, whether written, typed or printed, and
- (b) any sound recording or other recording, capable of being reproduced in legible, audible or visual form, approved by the court;

“transcript writer” means any person (including a body corporate acting by its employee or contractor) appointed by the Courts Service to make a transcript of the record.”

2. (1) At the trial or hearing of any civil proceedings before the Court, a party may, with the Court’s permission and subject to and in accordance with any direction of the Court, make or cause to be made a record of the proceedings, which record shall include—

- (a) the oral evidence;
- (b) any speech or submissions by counsel or solicitor;
- (c) the Judge's judgment or ruling (unless it be a written judgment or ruling).

(2) The party making or causing to be made a record in a case referred to in this rule shall pay the cost of the production of the record.

3. The record of any criminal proceedings shall be made or caused to be made only by a person appointed by the Courts Service, and such record shall include all submissions made by counsel or solicitor in the course of the trial and any submissions made in mitigation of sentence.

4. Unless:

- (a) otherwise permitted by and in accordance with this Order, or
- (b) otherwise permitted by the Court and, in that event, subject to and in accordance with any direction of the Court,

no person, other than the Courts Service or a person authorised by it on its behalf, shall make any record of proceedings otherwise than by written or shorthand notes.

5. (1) Any party or person who seeks access to any part of a record of proceedings which is held by or for the Court (in this rule referred to as the "relevant record") may apply to the Court by the issue and service of a notice of application (in the Form 12B.1, Schedule C) signed by the moving party or solicitor for the moving party. Every such notice shall be grounded upon an affidavit.

(2) Such notice and a copy of the affidavit shall be served upon the parties or other party or parties to the proceedings in accordance with the provisions of Order 10 at least seven days before the date fixed for the hearing of the application.

(3) When service has been effected the original of such notice and affidavit, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the date fixed for such hearing.

(4) On the date first fixed for the hearing of the application, the Court may:

- (a) direct that copies of the notice of motion and affidavit be served on any other person who the Court considers has a sufficient interest in or may be affected by the application;
- (b) fix time limits for the delivery of any replying affidavit.

(5) The Court may, for the purposes of considering any such application, review privately the contents of the relevant record.

(6) Subject to sub-rule (7), the Court may, where it considers it necessary in the interests of justice so to do, permit the applicant to have such access to all or such part of the relevant record concerned as is specified in the order made on the application, by such means and at such time or times as may be specified in that order and on such terms and under such conditions (including terms restraining the publication, dissemination or further disclosure of all or any part of the relevant record by the applicant, and the giving of an undertaking to such effect) as the Court may direct.

(7) Unless the Court otherwise directs, access to the relevant record concerned shall, where permitted under sub-rule (6), be afforded solely by the provision to the applicant of a transcript of all or any part of that record, on payment by the applicant to the transcript writer of the transcript writer's fee for producing the transcript.”.

3. The Form numbered 12B.1 in the Schedule shall be added to the Forms in Schedule C to the District Court Rules 1997, immediately following Form 7.6.

Notice of Application for access to a record of proceedings held by or for the
Court

District Court Area of

District No.

..... of *Prosecutor/*Plaintiff/*Applicant

.....of *Accused/*Defendant/*Respondent

TAKE NOTICE that of intends to apply to
the District Court sitting at on the day of
20.... atm. for an order allowing access to *(part of) a record of the above-
entitled proceedings which is held by or for the Court.

The grounds on which such access is sought are the following: (*specify grounds*)

A copy of the affidavit sworn by or on behalf of the moving party is served
herewith.

Dated this day of 20.....

Signed

Moving Party/Solicitor for Moving Party

To: District Court Clerk at

To: of

*To: of

*Delete where inapplicable

EXPLANATORY NOTE

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

These rules insert a new Order 12B in the District Court Rules to provide for the procedure regulating the making of, and applications for access to, a record made of court proceedings, including an audio recording.

BAILE ÁTHA CLIATH
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