



STATUTORY INSTRUMENTS.

S.I. No. 456 of 2023



RULES OF THE SUPERIOR COURTS (ORDER 19) 2023

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We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, and reconstituted pursuant to the provisions of the Courts of Justice Act 1953, section 15, by virtue of the powers conferred upon us by the Courts of Justice Act 1924, section 36, 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, and of all other powers enabling us in this behalf, do hereby make the following Rules of Court.

Dated this 27th day of June, 2023.

Donal O'Donnell (Chairperson)

George Birmingham

David Barniville

John A. Edwards

Máire R. Whelan

Richard Humphreys

Siobhán Phelan

Yvonne McNamara

Grainne Larkin

Liam Kennedy

Michele O'Boyle

James Finn

Mary Cummins

John Mahon

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

Dated this 14th day of September 2023

Helen McEntee

Minister for Justice

S.I. No. 456 of 2023

RULES OF THE SUPERIOR COURTS (ORDER 19) 2023

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Order 19) 2023, shall come into operation on the 22nd day of September 2023.

(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 2023.

2. The Rules of the Superior Courts are amended by the substitution for rules 27 and 28 of Order 19 of the following rules:

“27. The Court may at any stage of the proceedings order to be struck out or amended any matter in any indorsement or pleading which is unnecessary or which amounts to an abuse of the process of the Court, or which may unreasonably prejudice or delay the fair trial of the action; and may in any such case, if it thinks fit, order the costs of the application to be paid as between solicitor and client.

28. (1) The Court may, on an application by motion on notice, strike out any claim or part of a claim which:

- (i) discloses no reasonable cause of action, or
- (ii) amounts to an abuse of the process of the Court, or
- (iii) is bound to fail, or
- (iv) has no reasonable chance of succeeding.

(2) The Court may, on an application by motion on notice, strike out any defence or part of a defence which:

- (i) discloses no reasonable defence to the action, or
- (ii) amounts to an abuse of the process of the Court, or
- (iii) is bound to fail, or
- (iv) has no reasonable chance of succeeding.

(3) The Court may, in considering an application under sub-rule (1) or (2), have regard to the pleadings and, if appropriate, to evidence in any affidavit filed in support of, or in opposition to, the application.

(4) Where the Court makes an order under sub-rule (1), it may order the action to be stayed or dismissed, as may be just, and may make an order providing for the costs of the application and the proceedings accordingly.

(5) Where the Court makes an order under sub-rule (2), it may make an order giving judgment in such terms as it considers just, and may make an order providing for the costs of the application and the proceedings accordingly.”

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 22nd September, 2023.

EXPLANATORY NOTE

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

These rules amend the Rules of the Superior Courts by the substitution of Order 19, rules 27 and 28 which provide for the High Court's power to strike out any claim or part of a claim, any defence or part of a defence or any pleading or part of a pleading.

BAILE ÁTHA CLIATH
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