



STATUTORY INSTRUMENTS.

S.I. No. 82 of 2017



EUROPEAN COMMUNITIES (EUROPEAN ORDER FOR PAYMENT)
(AMENDMENT) REGULATIONS 2017

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I, FRANCES FITZGERALD, Minister for Justice and Equality, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and, for the purpose of giving full effect to Regulation (EC) No. 1896/2006 of the European Parliament and of the Council of 12 December 2006¹, as amended by Commission Regulation (EU) No. 936/2012 of 4 October 2012² and Council Regulation (EU) No. 517/2013 of 13 May 2013³, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (European Order for Payment) (Amendment) Regulations 2017.

2. In these Regulations—

“Act of 1995” means the Courts and Court Officers Act 1995 (No. 31 of 1995);

“Principal Regulations” means the European Communities (European Order for Payment) Regulations 2008 (S.I. No. 525 of 2008).

3. The Principal Regulations are amended—

(a) in Regulation 2, by the substitution of the following paragraph for paragraph (1):

“(1) In these Regulations, ‘Order for Payment Regulation’ means Regulation (EC) No. 1896/2006 of the European Parliament and of the Council of 12 December 2006¹, as amended by Commission Regulation (EU) No. 936/2012 of 4 October 2012² and Council Regulation (EU) No. 517/2013 of 13 May 2013³.”,

and

(b) in Regulation 3—

(i) in paragraph (1), by the substitution of “paragraphs (2) and (2A)” for “paragraph (2)”,

(ii) in paragraph (2), by the substitution of “Articles 12 and 18” for “Articles 8, 9, 10, 11, 12 and 18”, and

¹OJ No. L 399, 30.12.2006, p.1

²OJ No. L 283, 16.10.2012, p.1

³OJ No. L 158, 10.6.2013, p.1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 17th March, 2017.*

(iii) by the insertion of the following paragraph after paragraph (2):

“(2A) The functions of the High Court under Articles 8, 9, 10 and 11 shall be performed by the officer (in this paragraph referred to as ‘the proper officer’) for the time being managing the Central Office of the High Court or, in respect of such of those functions as are designated by the proper officer, any officer of the High Court for the time being serving in the Central Office of the High Court nominated for that purpose by the proper officer.”.

4. Section 25 of the Act of 1995 is amended—

(a) in subsection (5B), by the deletion of paragraph (a), and

(b) by the substitution of the following subsection for subsection (5C):

“(5C) In subsection (5B) ‘Order for Payment Regulation’ means Regulation (EC) No. 1896/2006 of the European Parliament and of the Council of 12 December 2006, as amended by Commission Regulation (EU) No. 936/2012 of 4 October 2012 and Council Regulation (EU) No. 517/2013 of 13 May 2013.”.

5. (a) Where an application for a European order for payment has been made but not determined under the Principal Regulations on the coming into operation of these Regulations, that application shall be determined in accordance with the Principal Regulations as if these Regulations had not been made.

(b) Subsection (5B) (prior to its amendment by Regulation 4(a)) of section 25 of the Act of 1995 shall apply to an order made pursuant to an application referred to in paragraph (a).



GIVEN under my Official Seal,
8 March 2017.

FRANCES FITZGERALD,
Minister for Justice and Equality.

EXPLANATORY NOTE

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

These Regulations amend the arrangements put in place by the European Communities (European Order for Payment) Regulations 2008 (S.I. No. 525 of 2008) to provide for the good administration of Regulation (EC) No. 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure.

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