



STATUTORY INSTRUMENTS.

**S.I. No. 312 of 2007**



CIRCUIT COURT RULES (GENERAL) 2007

**(Prn. A7/1142)**

CIRCUIT COURT RULES (GENERAL) 2007

We, the Circuit Court Rules Committee, constituted pursuant to the provisions of section 69 of the Courts of Justice Act 1936, and section 12 of the Courts of Justice Act 1947, 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 6th day of March 2007.

Signed: MATTHEW DEERY.  
(Chairman of the Circuit Court Rules Committee)

FERGAL FOLEY  
ANN SPAINE  
SUSAN RYAN (Secretary)

GERARD J. DOHERTY  
NOEL RUBOTHAM

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

Dated this 22nd day of June 2007

Signed: BRIAN LENIHAN  
Minister for Justice, Equality and Law Reform.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 29th June, 2007.*

## S.I. No. 312 of 2007

## CIRCUIT COURT RULES (GENERAL) 2007

1. These Rules, which may be cited as the Circuit Court Rules (General) 2007, shall come into operation on the 20th day of July 2007.

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

3. The “Interpretation of Terms” provisions of the Circuit Court Rules are amended by the substitution therein for the definition of “domicile” of the following—

“9. “domicile” is to be determined in accordance with the provisions

of Section 15 of the 1998 Act and Articles 52 and 53 of the 1968 Convention, or as the case may be, the provisions of Articles 59 and 60 of Council Regulation (EC) No. 44/2001.”

4. The “Annulment of Existing Rules” provisions of the Circuit Court Rules are amended by the deletion therein of the the sentence “The Interpretation Act, 1937, shall apply to these Rules.”

5. Order 1 of the Circuit Court Rules is amended by the deletion of Rule 6.

6. Order 5 of the Circuit Court Rules is amended by the substitution for Rules 8 and 9 of the following—

“8. The Consent prescribed by Section 22(1)(b) of the Courts (Supplemental Provisions) Act 1961 which provides for the enlargement of the jurisdiction of the Court by consent of the parties shall be in the form set forth in Form 1 of the Schedule of Forms, and shall be lodged with the County Registrar either before or at any time during the hearing.

9. Whenever an action, cause or matter is instituted which the court has not jurisdiction to try and determine, if the want of jurisdiction appears on the face of the originating document, the Court shall strike out the action, cause or matter with costs, unless the Consent prescribed by Section 22(1)(b) of the Courts (Supplemental Provisions) Act 1961 has been signed. Whenever an action, cause or matter is instituted which the court has not jurisdiction to try and determine, if the want of jurisdiction relates to venue and appears on the face of the originating document, the Court may transfer the action, cause or matter to the appropriate circuit or may strike out the action, cause or matter with costs as it considers appropriate.”

7. Order 6 of the Circuit Court Rules is amended by the substitution for Rule 4 of the following—

“4. No action, cause or matter shall be defeated by reason of the misjoinder or non-joinder of parties, and the Judge may in every action, cause or

matter deal with the subject in controversy so far as regards the rights and interests of the parties actually before him. The Judge may, at any stage of the proceedings, either upon or without the application of any party, and on such terms as may appear to him to be just, order that the name of any party, whether plaintiff or defendant, who has been improperly joined, be struck out, and that the name of any person who ought to have been joined as a party, or whose presence before the Court may be necessary in order to enable the Judge to adjudicate upon and settle all the questions involved in the cause or matter, be added as a plaintiff or a defendant. No person shall be added as a plaintiff suing without a next friend, or as the next friend of a plaintiff under any disability, without his consent in writing thereto. Every person whose name is so added as defendant shall be served with a Civil Bill in such manner as may be prescribed by any Order of the Court, and the action, cause or matter, as against such party, shall be deemed to have begun only on the making of the Order adding such party.”

8. Order 11 of the Circuit Court Rules is amended by the substitution for Rule 3 of the following—

“3. The Civil Bill shall be presented to the Office, sealed, marked with the record number by the proper officer and shall thereupon be deemed to be issued and shall thereafter be entered in the cause book in date and numerical order of issue. At the time of issuing, the proper officer shall mark upon the duplicate Civil Bill the date of issue, full details in relation to stamping and the record number assigned to the Civil Bill. No Civil Bill shall be served until it shall have been so issued. In presenting such Civil Bill together with the duplicate thereof to the Office for issuing, such presentation may be by post or in person. In circumstances in which the Civil Bill has been presented by post, the proper officer shall return the Civil Bill to the Plaintiff or the Plaintiff’s solicitor, as appropriate, by ordinary pre-paid post.”

9. Order 13 of the Circuit Court Rules is amended

(1) by the substitution in paragraph (*o*) of Rule 1 of “;” for “.” and by the insertion in Rule 1, immediately following paragraph (*o*), of the following—

“(p) any relief is sought in proceedings commenced in accordance with Order 69 of these Rules.”, and

(2) by the substitution for Rule 5 of the following—

“5. Applications under this Order shall be made before the issue of the document, and the affidavit to ground the same shall, when no proceeding is pending, be entitled as between the parties to the intended proceeding and “In the Matter of the Courts of Justice Acts 1924 to 1961 and the Courts (Supplemental Provisions) Acts 1961 to 2003”.

10. Order 14B of the Circuit Court Rules (inserted by the Circuit Court Rules (Service in Member States of Judicial and Extra-Judicial Documents in Civil or Commercial Matters) 2004 (S.I. No. 883 of 2004)) is amended by the substitution

in Rule 17 of the words “originating document” for the words “originating Summons”.

11. Order 18 of the Circuit Court Rules is amended by the substitution for Rule 1 of the following—

“1. (1) The County Registrar, within the County to which he is assigned, shall be the proper officer of the Court in respect of all its jurisdiction, and shall be responsible for the discharge of all duties imposed upon him or upon the Office, by Statute or otherwise, and for the safe custody of all documents and records of the Court. He shall cause to be kept such files and books of record, and in such form, as may from time to time be prescribed by the Minister.

In particular and without prejudice to the generality of the foregoing, and without prejudice to any other provisions of these Rules, the County Registrar may, in accordance with Section 34(1) and the Second Schedule of the Courts and Court Officers Act 1995 make the following orders—

- (i) Any order which may be made as of course.
- (ii) An order for a statement of the names of persons who may be co-partners in any firm suing or being sued in an action or matter.
- (iii) An order for enlargement of the time for doing any act or taking any step in an action or matter.
- (iv) An order for discovery, limited or general, or inspection of documents or real or personal property, or delivery of interrogatories.
- (v) A conditional order for the appointment of a receiver by way of equitable execution and, if that appointment is consented to or is uncontested, an order for the appointment of the receiver, and an order for the discharge of a receiver.
- (va) A conditional order of garnishee and, if the order is consented to or is uncontested, an order of garnishee.
- (vi) An order to dismiss an action with costs for want of prosecution or for failure to make an affidavit of discovery or to answer interrogatories.
- (vii) An order to strike out a defence with costs for failure to make an affidavit of discovery or to answer interrogatories.
- (viii) An order for the taking of evidence on commission.
- (ix) An order on an application for directions as to—

- (I) service of a civil bill or other originating document not *inter partes*, or
- (II) any other procedure in an action or matter.
- (x) An order adding or substituting a party in any proceeding.
- (xi) An order giving liberty to intervene and appear.
- (xii) An order for the amendment of pleadings on consent.
- (xiii) An order to receive a consent and make the same a rule of court where the parties are *sui juris*.
- (xiv) An order under the Bankers' Books Evidence Acts 1879 and 1959.
- (xv) An order for payment out of Court of funds standing to the credit of an infant on attaining majority, or (if so authorised by order of a judge) for his or her benefit during minority.
- (xvi) An order in uncontested cases to have an account taken or inquiry made.
- (xvii) An order for the issue, for service outside the jurisdiction of a citation to see proceedings in contentious probate matters.
- (xviii) An order for the issue of a citation to lodge in court a grant of probate or letters of administration in contentious probate matters.
- (xix) An order giving liberty to file a supplemental affidavit of scripts.
- (xx) An order for the lodgement of scripts by any party.
- (xxi) An order appointing a receiver in a place of a receiver who has died or been discharged, including any necessary consequential directions as to the accounts of the deceased or discharged receiver.
- (xxii) A stop order on moneys or securities in Court.
- (xxiii) An order for the issue of a sub-poena under Order 39, rule 30 of the Rules of the Superior Courts.
- (xxiv) An order to vacate a *lis pendens* on the application of—
  - (I) the person on whose application it was registered, or
  - (II) any person affected by it, on notice to the person on whose application it was registered, where the action to

which it relates has been discontinued or determined or a document or pleading has not, for a period of not less than a year before the application to vacate it, been filed in that action by or on behalf of the person on whose application it was registered.

- (xxv) An order under Order 33, rule 1 of the Rules of the Superior Courts, on consent, settling the issues to be tried.
- (xxvi) An order giving liberty to issue execution in the name of or against the legal personal representative of a deceased party.
- (xxvii) An order giving liberty to issue an execution order to replace an execution order that is lost or mislaid.
- (xxvii*a*) An order giving liberty to issue an execution order at any time during the period of 12 years from the date of the judgment or order of the Court whose execution is directed or authorised by the execution order.
- (xxvii*b*) An order giving liberty to amend the identity of the parties to an execution order in accordance with any amendment made by the Court to the identity of the parties to the judgment or order of the Court whose execution is directed or authorised by the execution order following the death of any party entitled or liable to execution under that order or the assignment of the debt due under that order.
- (xxviii) An order for the transfer of proceedings to the High Court or the District Court, including all ancillary orders for the transfer of moneys lodged in the Circuit Court.
- (xxix) An order giving liberty to—
  - (I) serve a third party notice to proceedings on notice to the plaintiff in the proceedings,
  - (II) join a party as a co-defendant to proceedings on notice to the plaintiff in the proceedings, or
  - (III) join a party as a co-plaintiff to proceedings on notice to the defendant in the proceedings.
- (xxx) An order for the recovery of—
  - (I) a liquidated amount, or
  - (II) a specific chattel or chattels,

or both in any proceedings in which an appearance has not been entered or a defence has not been delivered.

- (xxxvi) An order entering judgment in an action for unliquidated damages, together with interest thereon and the costs, charges and expenses of the action, in which an appearance has not been entered or a defence has not been delivered.
- (xxxvii) An order for the recovery of possession of any land in ejectment proceedings in which an appearance has not been entered or a defence has not been delivered.
- (xxxviii) An order for possession of any land within the meaning of section 3 of the Registration of Title Act 1964, in proceedings for an application under section 62(7) of that Act in which an appearance has not been entered or a defence has not been delivered.
- (xxxix) An order for the recovery of possession of any land on foot of a legal mortgage or charge in proceedings in which no other relief is claimed and an appearance has not been entered or a defence has not been delivered.
- (xl) An order that—
  - (I) a debtor liable under a judgment or order of the Court to pay an amount of money or, where the debtor is a body corporate, an officer, employee or member of the body corporate, and
  - (II) any other person who a County Registrar considers appropriate,

may be examined orally by the County Registrar to ascertain what (if any) debts are owing to the debtor and what (if any) property or other means the debtor has to satisfy the judgment or order.

(2) In any case in which a County Registrar may make an order in accordance with sub-rule (1), he may—

- (a) make any supplementary or ancillary order,
- (b) place a stay, subject to such conditions as he thinks just, on any order made, or
- (c) give any necessary directions

and may in respect of the costs of the application direct payment of a sum in gross in lieu of payment of costs to be taxed

(3) In sub-rule (1), “execution order” shall be interpreted in accordance with the Second Schedule to the Courts and Court Officers Act 1995.”



12. Order 18 of the Circuit Court Rules is amended by the substitution for Rule 7 of the following—

“7. Any party dissatisfied with any certificate, ruling or decision of the County Registrar, may, within ten days from the date of such certificate or within ten days from the date of perfection of such ruling or decision, apply to the Judge by motion on notice to review such certificate, ruling or decision, and the Judge may thereupon make such order as he thinks fit.”

13. Order 26 of the Circuit Court Rules is amended by the deletion in Rule 3 of the words “, or the Land Commission,”.

14. Order 27 of the Circuit Court Rules is amended

(1) by the substitution for Rule 1 of the following—

“1. (i) In any case in which the plaintiff is not entitled under the provisions of the preceding Order to apply for judgment, and a defendant has made default in entering an Appearance or delivering a Defence, as the case may be, the plaintiff may, at any time after such default, on notice to be served on such defendant not less than four clear days before the hearing, apply to the Court for judgment which said applications shall be made by way of motion on notice in accordance with the Form 9A or 10A of the Schedule of Forms, as appropriate, grounded upon an affidavit.

(ii) No notice of motion for judgment in default of Appearance or Defence may be served unless the plaintiff has at least fourteen days prior to the service of such notice written to the defendant giving him notice of his intention to serve a notice of motion for judgment and at the same time consenting to the late entry of an Appearance or late delivery of a Defence within fourteen days from the date of the letter.”, and

(2) by the substitution for sub-rule (a) of Rule 4 of the following—

“(a) Where an application is brought under this Order for Judgment in default of Appearance or Defence against a party who has been served with a Civil Bill or originating document outside the State under the provisions of Order 14, such application shall be supported by an affidavit stating that in the deponent’s belief—

(i) each claim made is one which by virtue of the 1998 Act or as the case may be, Council Regulation No. 44/2001, the Court has power to hear and determine;

(ii) the Courts of no other State have exclusive jurisdiction within the meaning of the 1968 Convention Act or Council Regulation No. 44/2001, to hear and determine such claim;

- (iii) the defendant or respondent has been served with or has otherwise been able to receive a Civil Bill or originating document or notice thereof in sufficient time to enable him to arrange his defence, or that all necessary steps have been taken to that end, as required by Article 20 of the 1968 Convention Act or as the case may be, by Article 26 of Council Regulation No. 44/2001.”.

15. Order 29 of the Circuit Court Rules is amended by the substitution for paragraph (c) of Rule 2 of the following—

- “(c) the consent is to judgment upon the plaintiff’s claim without terms or conditions other than terms or conditions as to stay of execution or payment by instalments.”

16. Order 50 of the Circuit Court Rules is amended by the substitution for the first paragraph of sub-rule (a) of Rule 1 of the following—

- “(a) Any person desirous of taking proceedings in the Court for the purpose of obtaining a grant, or revocation or a grant of Probate or Letters of Administration shall issue a Civil Bill in the form prescribed in Form 2G of the Schedule of Forms; such Civil Bill shall be headed with the words “Testamentary Civil Bill”. Save in relation to proceedings aforementioned, any person desirous of taking proceedings in the Court pursuant to the provisions of the Succession Act 1965 shall issue a Civil Bill in the form prescribed in Form 2H of the Schedule of Forms; such Civil Bill shall be headed with the words “Succession Law Civil Bill”. On issuing a Testamentary Civil Bill the plaintiff shall, if no caveat has already been lodged, lodge a caveat in the Probate Office entitled in the estate of the deceased person. Following the issuing of the Testamentary Civil Bill, details of the lodgement of the caveat shall be endorsed thereon by the Probate Officer prior to service thereof. Thereafter, the caveat lodged in the matter will continue in force until the Probate Office is satisfied that the proceedings have been completed, whether determined, discontinued or otherwise.”

17. Order 51, Rule 3 of the Circuit Court Rules is amended by the substitution in each of sub-rules (4), (5), (7) and (15) for references to “the County Registrar” of references to “the County Registrar or the Property Registration Authority”.

18. Order 53 of the Circuit Court Rules is amended by the substitution in Rule 2 for the words “the form annexed hereto” of the words “Form 41 in the Schedule of Forms”.

19. Order 56 of the Circuit Court Rules is amended by the substitution for that Order of the following Order—

**“ORDER 56****PLANNING****Rule 1 — Appeal under Section 14(4) of the Planning and Development Act 2000**

1. (1) In this Rule—

“the Act” means the Planning and Development Act 2000 (No. 30 of 2000);

“the Planning Authority” has the meaning assigned to it by Section 2(1) of the Act.
- (2) (a) An appeal to the Circuit Court under Section 14(4) of the Act shall be commenced by the issue of a Notice of Motion, which shall be in accordance with Form 35A of the Schedule of Forms, or such modification as may be appropriate, and shall be called an action.
- (b) The appellant shall be the plaintiff and the Planning Authority shall be the defendant.
- (3) Applications under this Rule shall be brought in the County where there is situate either the place in relation to which the application is being made or the Offices of the relevant Planning Authority.
- (4) In every action the Notice of Motion shall be served no later than 14 days prior to the return date thereon, in accordance with the provisions as to service of Civil Bills and other documents contained in Order 11.
- (5) This sub-rule shall not apply to the Dublin Circuit. Every Notice of Motion shall state the date of commencement of the Sittings at which it is intended that the action shall be listed for hearing, and shall be issued and filed by the plaintiff in the Office not later than 21 days before the commencement of such Sittings.
- (6) This sub-rule shall apply only to the Dublin Circuit. Every Notice of Motion shall state the date upon which it is intended that the action shall be listed for hearing, and shall be issued and filed by the plaintiff in the Office not later than 21 days before such date.
- (7) Every Notice of Motion shall be dated, and bear the name, address and description of the plaintiff and shall be signed by his Solicitor, if any, or, if none, by himself.
- (8) Upon the filing in accordance with this Rule of a Notice of Motion the County Registrar shall enter the same for hearing.
- (9) If a defendant wishes to dispute wholly or partly the claim of the plaintiff, he shall, within ten days after the service on him of the Notice of

Motion, serve on the plaintiff and any other parties a Defence in accordance with Form 6A of the Schedule of Forms, or such modification as may be appropriate, and such Defence shall be delivered to the plaintiff within seven days after the date of the last service.

(10) Save by special leave of the Court every action under this Rule shall be heard upon oral evidence.

(11) In every action to which this Rule applies, the Judge may make all such orders as to costs as may be just and reasonable.

**Rule 2 — Appeal under Section 97(14) of the Act**

2. (1) In this Rule—

“the Act” means the Planning and Development Act 2000 (No. 30 of 2000);

“certificate” has the same meaning as in Section 97 of the Act, and

“the Planning Authority” has the meaning assigned to it by Section 2(1) of the Act.

(2) All applications by way of an Appeal against the refusal by a Planning Authority to grant a certificate under Section 97 of the Act shall be brought by way of Civil Bill being a Planning Civil Bill in accordance with Form 2L of the Schedule of Forms annexed hereto, with such modifications as may be appropriate in the circumstances. There shall be filed with each such Application a copy of the statutory declaration made by the applicant under sub-section (5) of Section 97 and a copy of the written notice given by the Planning Authority under sub-section (13) of Section 97 of the reasons for its refusing a certificate. In default of such filing the respondent may file the same and thereupon or at any time thereafter the Judge may make such Order as to him shall seem right.

(3) Applications under this Rule shall be brought in the County where there is situate either the place in relation to which the application is being made or the Offices of the relevant Planning Authority.

(4) The relevant Planning Authority shall be named as a defendant to every Planning Civil Bill.

(5) All Planning Civil Bills shall be served in accordance with the provisions of Order 11. Service of a Planning Civil Bill upon a Planning Authority shall be effected by sending the same by prepaid registered post to the office of the Planning Authority, addressed to the County Manager or City Manager, as may be appropriate.

(6) All Planning Civil Bills shall be dated and bear the name, address and description of the plaintiff and shall be signed by the plaintiff’s Solicitor, if any, or, if none, by himself.

(7) If any defendant wishes to dispute wholly or partly the claim of the plaintiff, he shall within ten days after service on him of the Civil Bill enter an Appearance and within a further ten days thereafter serve on the plaintiff and any other party a Defence in accordance with Form 6A of the Schedule of Forms or as near thereto as the circumstances admit.

(8) Upon the application on notice of any party, the Judge may order any other party to deliver further and better particulars of any matters stated in the Planning Civil Bill or Defence or to deliver copies of any document referred to therein or to deliver copies of any other relevant document. The costs of and incidental to any such application shall be in the discretion of the Judge. In case of non-compliance with any such Order the Judge may deal with the matter as to him shall seem right.

(9) In every case where the Court shall make an Order directing the issuance of a certificate, the County Registrar shall cause to be served upon the relevant Planning Authority a copy of the Order of the Court and the service of such copy Order shall be deemed to be a sufficient communication to the Planning Authority, a sufficient direction to issue the certificate and a sufficient transmission of such direction.

(10) In every action to which this Rule applies, the Judge may make all such orders as to costs as may be just and reasonable.

**Rule 3 — Injunctions in relation to unauthorised development under Section 160 of the Act**

3. (1) In this Rule:

“the Act” means the Planning and Development Act 2000 (No. 30 of 2000), and

“the Planning Authority” has the meaning assigned to it by Section 2(1) of the Act.

(2) An application under this Rule shall be brought in the County in which the defendant, or any one of the defendants, ordinarily resides or carries on any profession, business or occupation or where the land or development sought to be affected or any part is situate.

(3) (a) An application for an Order under Section 160 of the Act shall be by motion on notice to the person against whom relief is sought, subject to the provisions of sub-rule (3)(b), in accordance with Form 35B of the Schedule of Forms.

(b) An Order under Section 160 of the Act against a person whose identity is unknown to the plaintiff, shall be referred to as “an Order under sub-rule (3)(b)”, and the person against whom it is granted or sought shall be referred to as “the defendant”.

- (c) A plaintiff in an application for an Order under sub-rule (3)(b) shall describe the defendant by reference to:-
  - (i) a photograph, or
  - (ii) any other means whereby the respondent can be identified with sufficient particularity to enable service to be effected; and the form of the notice of motion shall be modified accordingly.
- (d) A plaintiff in an application for an Order under sub-rule (3)(b) shall, in addition to the requirements of sub-rules (4) and (7), include in the affidavit grounding the application, or shall file a separate affidavit containing, the following averments:
  - (i) verifying that he was unable to ascertain, within the time reasonably available to him, the defendant's identity;
  - (ii) setting out the action taken to ascertain the defendant's identity, and
  - (iii) verifying the means by which the defendant has been described in the originating application and that the description is the best that the plaintiff is able to provide.
- (e) Sub-rule (3)(c) is without prejudice to the power of the Court to make an order for substituted service.

(4) The Notice of Motion shall be entitled in the matter of the Act on the application of the person bringing the application; shall state the relief sought; describe the land or development sought to be affected; shall state the name and place of residence or address for service of the person seeking relief; the date upon which it is proposed to apply to the Court for relief; and shall be filed in the Office of the Court for the County in which the application is being brought in accordance with sub-rule (1) (hereinafter referred to as "the appropriate Office").

(5) Subject to the provisions of sub-rule (3) and without prejudice to the power of the Court to make an order for substituted service, notice of the motion shall be given to the person against whom the relief is sought (the defendant); but if it shall appear to the Court that any person to whom notice has not been given ought to have or ought to have had such notice, the Court may adjourn the hearing, in order that such notice may be given, upon such terms (if any) as the Court may think fit to impose or may dismiss the application.

(6) There must be at least ten days between the service of the notice and the day named therein for the hearing of the motion.

(7) (a) Subject to the right of the Court to give such directions in that behalf as it considers appropriate or convenient, evidence at the hearing of the motion under this Rule shall be by affidavit.

(b) Any affidavit to be used in support of the motion shall be filed in the appropriate Office and a copy of any such affidavit shall be served with the notice. Any affidavit to be used in opposition to the application shall be filed in the appropriate Office by the defendant within seven days of the service on him of the applicant's affidavit, and the respondent must within such period serve a copy of any affidavit intended to be used by him on the plaintiff.

(8) Pending the determination of an application under Section 160 of the Act, the Court on the application of the plaintiff or the defendant, by interlocutory order, (or if satisfied that delay might entail irreparable or serious mischief, by interim order on application *ex parte*) may make any order in the nature of an injunction; and for the detention, preservation or inspection of any property or thing; and for all or any of the purposes aforesaid may authorise any person to enter upon or into any land or building; and for all or any of the purposes aforesaid may authorise any sample to be taken or any observations to be made or experiment to be tried, which it may consider appropriate, necessary or expedient.

(9) In every action to which this Rule applies, the Judge may make all such orders as to costs as may be just and reasonable.

#### **Rule 4 — Applications under Section 90**

4. (1) In this Rule:

“the Act” means the Planning and Development Act 2000 (No. 30 of 2000);

“notice” means a notice referred to in Section 88 of the Act, and

“the Planning Authority” has the meaning assigned to it by Section 2(1) of the Act.

(2) Every application under Section 90 of the Act for an order compelling a person to comply with a notice shall be made by way of Motion on Notice which shall set out the grounds upon which the plaintiff is relying for the reliefs sought.

(3) Applications shall be brought in the County where there is situate the place in relation to which the notice relates.

(4) All applications shall be served no later than 10 days prior to the return date set out in the Motion in accordance with the provisions as to service of Civil Bills and other documents contained in Order 11.

(5) This sub-rule shall not apply to the Dublin Circuit. Every Notice of Motion shall state the date of commencement of the Sittings at which it is

intended that the action shall be listed for hearing, and shall be issued and filed by the plaintiff in the Office not later than 21 days before the commencement of such Sittings.

(6) This sub-rule shall apply only to the Dublin Circuit. Every Notice of Motion shall state the date upon which it is intended that the action shall be listed for hearing, and shall be issued and filed by the plaintiff in the Office not later than 21 days before such date.

(7) There shall be filed with the application true copies of the notice and copies of the notice as amended or modified, if any.

(8) All applications shall be dated, and bear the name, address and description of the plaintiff and shall be signed by his Solicitor, if any, or, if none, by himself.

(9) Save by special leave of the Court or save as otherwise provided for by the Acts, all applications under this Rule shall be heard upon oral evidence.

(10) The Court may make such Order as to costs as may be appropriate, including an Order measuring the costs.”

20. Order 57 of the Circuit Court Rules is amended by the substitution for Rules 1 to 5 inclusive of that Order of the following Rules—

**“ORDER 57**

**EMPLOYMENT**

**Rule 1 — Unfair Dismissals Acts 1977 to 2001**

1. (1) In this Rule—

“the Acts” mean the Unfair Dismissals Acts 1977 to 2001;

“the 1993 Act” means the Unfair Dismissals (Amendment) Act 1993;

“the Minister” means the Minister for Enterprise, Trade and Employment, and

“the Tribunal” means the Employment Appeals Tribunal.

(2) All appeals or applications for enforcement under Section 11 of the 1993 Act shall be made by way of Motion on Notice which shall set out the grounds upon which the plaintiff is relying for the reliefs sought and shall, in the case of an application for enforcement of the determination of the Tribunal under Section 11(3)(a) of the 1993 Act, indicate whether or not an appeal has been brought from the determination concerned and, if no such appeal has been brought, that the time for appeal has elapsed, or, if such appeal has been brought, the date upon which Notice of Appeal was given



and evidence of abandonment thereof. Such applications shall be in accordance with Form 36A of the Schedule of Forms annexed hereto.

(3) Applications shall be brought in the County where the employer concerned ordinarily resides or carries on any profession, business or occupation.

(4) All applications shall be served no later than 10 days prior to the return date set out in the Motion either in accordance with the provisions as to service of Civil Bills and other documents contained in Order 11 of these Rules or by being delivered to or served upon the Solicitor who is on record before the Tribunal as acting for the person named as the defendant before the Court; and service of an application or any other document upon such Solicitor, or delivery of the same at his office, or sending the same to him by prepaid post to such office shall be deemed to be good service upon the party for whom such Solicitor acts upon the day when the same is so delivered or served, or upon which in the ordinary course of postage it would be delivered. The Motion shall be listed for mention only on the return date set out therein at which time a date for hearing shall be fixed by the Court.

(5) Notice of every application shall be given to the Tribunal. Such notice shall be effected before the filing of the application by the delivery of a copy of the application at, or by sending same by prepaid registered post to, the Office of the Secretary of the Tribunal.

(6) The following documents shall be filed with the application—

- (I) in the case of an appeal under section 11(1) of the 1993 Act, the original letter or notice from the Tribunal communicating its determination or a certified copy thereof;
- (II) in the case of an application under section 11(2)(b) of the 1993 Act, a certified copy of the order made on the appeal and an affidavit or statutory declaration as to the service of that order;
- (III) in the case of an application under section 11(3)(a) of the 1993 Act:
  - (a) a certified copy of the original Notice of Appeal to the Tribunal;
  - (b) a certified copy of the determination of the Tribunal;
  - (c) the original letter or notice from the Tribunal communicating its determination or a certified copy thereof.

(7) If the plaintiff wishes to appeal against part only of a determination of the Tribunal, the application shall clearly identify that part against which it is intended to appeal.

(8) All applications shall be dated, and bear the name, address and description of the plaintiff and shall be signed by his Solicitor, if any, or, if none, by himself.

(9) Upon the application on notice of any party the Judge may order any other party to deliver full and better particulars of any matters stated in the application, or to deliver copies of any documents referred to therein.

(10) Save by special leave of the Court or save as otherwise provided for by the Acts, all applications under the Acts shall be heard upon oral evidence.

(11) The Court may make such Order as to costs as may be appropriate, including an Order measuring the costs.

**Rule 2 — Payment of Wages Act 1991**

2. (1) In this Rule—

“the Act” means the Payment of Wages Act 1991(No. 25 of 1991);

“Commissioner” means a rights commissioner and

“the Tribunal” means the Employment Appeals Tribunal.

(2) The provisions of these Rules which relate to the enforcement of an Order of the Court shall apply, with any necessary modifications, to any decision of a Commissioner, or a determination of the Tribunal, made in proceedings under the Act and any Form in the Appendices to these Rules which contains a reference to an Order of the Court may be adapted to refer to such a decision or determination.

**Rule 3 — Adoptive Leave Act 1995**

3. (1) In this Rule—

“the Act” means the Adoptive Leave Act 1995 (No. 2 of 1995);

“Commissioner” means a rights commissioner;

“the Minister” means the Minister for Justice, Equality and Law Reform, and

“the Tribunal” means the Employment Appeals Tribunal.

(2) Applications for the enforcement of decisions of a Commissioner or determinations of the Tribunal, whether such application be made by the party in whose favour the decisions or determinations were made or by the Minister, shall, pursuant to Section 39 of the Act, be made by way of Motion on Notice in accordance with Form 36C of the Schedule of Forms annexed hereto which shall set out the grounds upon which the plaintiff relies for the reliefs sought and shall have annexed thereto—

- (a) a certified copy of the decision of the Commissioner or a certified copy of the determination of the Tribunal; and
- (b) a certified copy of the covering letter from the Commissioner or the Tribunal issued to the plaintiff with the aforementioned decision of the Commissioner or determination of the Tribunal;
- (c) a copy Notice of Appeal, if applicable,

and shall set out

- (i) all facts relevant to the alleged failure to carry out the decisions or determinations;
- (ii) whether or not an appeal has been brought from the decisions or determinations and, if no such appeal has been brought, that the time for appeal has elapsed, or, if such appeal has been brought, the date upon which Notice of Appeal was given and evidence of abandonment thereof.

(3) Applications shall, in accordance with section 39(4) of the Act, be brought in the County where the relevant employer ordinarily resides or carries on any profession, business or occupation.

(4) All applications shall be served no later than 10 days prior to the return date set out in the Motion either in accordance with the provisions as to service of Civil Bills and other documents contained in Order 11 of these Rules or by being delivered to or served upon the Solicitor who is on record before the Tribunal as acting for the person named as the defendant before the Court; and service of an application or any other document upon such Solicitor, or delivery of the same at his office, or sending the same to him by prepaid post to such office shall be deemed to be good service upon the party for whom such Solicitor acts upon the day when the same is so delivered or served, or upon which in the ordinary course of postage it would be delivered. The Motion shall be listed for mention only on the return date set out therein at which time a date for hearing shall be fixed by the Court.

(5) Notice of every application shall be given to the Tribunal and the Commissioner. Such notice shall be effected before filing of the application by the delivery of a copy of the application at, or by sending the same by prepaid registered post to, the Office of the Secretary of the Tribunal or to the Rights Commissioner, Labour Relations Commission, as appropriate.

(6) Save by special leave of the Court, all applications under Section 39 of the Act shall only be heard upon oral evidence or as may be determined by the Court.

(7) The Court may make such Order as to costs as may be appropriate including an Order measuring the costs.

**Rule 4 — Organisation of Working Time Act 1997**

4. (1) In this Rule—

“the Act” means the Organisation of Working Time Act 1997 (No. 20 of 1997),

“a determination of the Labour Court” shall be interpreted having regard to the provisions of Section 29(2) of the Act, and

“the Minister” means the Minister for Enterprise, Trade and Employment.

(2) All applications under Section 29 of the Act by way of claim for enforcement of determinations of the Labour Court by the Minister or by the employee concerned or, with the consent of the employee, by any trade union of which the employee is a member shall be made by way of Motion on Notice in accordance with Form 36D of the Schedule of Forms annexed hereto with such amendments as are appropriate which shall set out the grounds upon which the plaintiff relies for the reliefs sought and which shall have annexed thereto the original determination of the Labour Court or a certified copy of same, certified by the plaintiff employee or his trade union or on behalf of the Minister as being a true copy of the determination received from the Labour Court and sought to be enforced, and shall state the date on which the determination of the Labour Court was communicated to the plaintiff.

(3) Applications shall be brought in the County where the employer concerned ordinarily resides or carries on any profession, business or occupation.

(4) Notice of every application shall be given to the employer or employers in question and to the Labour Court by serving notice of the proceedings (including the Notice of Motion and grounding Affidavits, if any) no later than 10 days prior to the return date specified in the Notice of Motion, in the case of the employer or employers personally in accordance with the provisions of Order 11 of these Rules, or by leaving a true copy of same at the employer’s residence or place of business or by pre-paid registered post to the employer’s residence or place of business and, in the case of the Labour Court, by leaving a true copy of same at the Labour Court.

(5) Save by special leave of the Court, all applications under Section 29 of the Act shall be heard upon oral evidence or as may be determined by the Court.

(6) The Court may make such Order as to costs as may be appropriate including an Order measuring the costs.

**Rule 5 — Parental Leave Act 1998**

5. (1) In this Rule—

“the Act” means the Parental Leave Act 1998 (No. 30 of 1998);

“Commissioner” means a rights commissioner;

“the Minister” means the Minister for Justice, Equality and Law Reform,  
and

“the Tribunal” means the Employment Appeals Tribunal.

(2) All applications served or proceedings taken before these Rules shall have come into operation but which are in accordance with the existing Rules and practice of the Court shall have the same validity as application made or proceedings taken in accordance with these Rules.

(3) Applications for the enforcement of decisions of a Commissioner or determinations of the Tribunal, whether such application be made by the party in whose favour the decisions or determinations were made or by the Minister, shall, pursuant to section 22 of the Act, be made by way of Motion on Notice grounded upon Affidavit sworn by the party seeking enforcement of the decisions or determinations or, in the case of the Minister, by an appropriate officer duly authorised by the Minister, which said Affidavit shall exhibit

- (a) a certified copy of the decision of the Commissioner or a certified copy of determination of the Tribunal and
- (b) a certified copy of the covering letter from the Commissioner or the Tribunal issued to the plaintiff with the aforementioned decision of the Commissioner or determination of the Tribunal;
- (c) a copy Notice of Appeal, if applicable;

and shall set out

- (i) all the facts relevant to the alleged failure to carry out the decisions or determinations;
- (ii) whether or not an appeal has been brought from the decisions or determinations and, if no such appeal has been brought, that the time for appeal has elapsed or, if such appeal has been brought, the date upon which Notice of Appeal was given and evidence of abandonment.

(4) Applications shall, in accordance with section 22(4) of the Act, be brought in the County where the relevant employer ordinarily resides or carries on any profession, business or occupation.

(5) Notice of every application shall be given to the employer or employers in question and to the Tribunal and the Commissioner as appropriate by serving notice of the proceedings (including the Notice of Motion and grounding Affidavits, if any) no later than 10 days prior to the return date specified in the Notice of Motion, in the case of the employer or employers personally in accordance with the provisions of Order 11 of these Rules, or by leaving a true copy of same at the employer's residence or place of business or by pre-paid registered post to the employer's residence or place of business and by the delivery of a copy of the application at, or by sending the same by prepaid registered post to the Office of the Secretary of the Tribunal or to the Rights Commissioner at the Labour Relations Commission, as appropriate.

(6) Save by special leave of the Court, all applications under Section 22 of the Act shall only be heard upon Affidavit.

(7) The Court may make such Order as to costs as may be appropriate."

21. Order 57 of the Circuit Court Rules is amended by the substitution for Rules 7 and 8 of that Order of the following Rules—

**“Rule 7 — Protection of Employees (Part-Time Work) Act 2001**

7. (1) In this Rule—

“the Act” means the Protection of Employees (Part-Time Work) Act 2001 (No. 45 of 2001);

“a determination of the Labour Court” shall be interpreted having regard to the provisions of Section 18(2) of the Act, and

“the Minister” means the Minister for Enterprise, Trade and Employment.

(2) All applications under Section 18 of the Act by way of claim for enforcement of determinations of the Labour Court by the employee concerned or, with the consent of the employee, by any trade union of which the employee is a member, or by the Minister shall be made by way of Motion on Notice in accordance with Form 36F of the Schedule of Forms annexed hereto with such amendments as are appropriate which shall set out the grounds upon which the plaintiff relies for the reliefs sought and which shall have annexed thereto the original determination of the Labour Court or a certified copy of same, certified by the plaintiff employee or his trade union or on behalf of the Minister as being a true copy of the determination received from the Labour Court and sought to be enforced and shall state the date on which the determination of the Labour Court was communicated to the plaintiff.

(3) Applications shall be brought in the County where the employer concerned ordinarily resides or carries on any profession, business or occupation.

(4) Notice of every application shall be given to the employer or employers in question and to the Labour Court by serving notice of the proceedings (including the Notice of Motion and grounding Affidavits, if any) no later than 10 days prior to the return date specified in the Notice of Motion, in the case of the employer or employers personally in accordance with the provisions of Order 11 of these Rules, or by leaving a true copy of same at the employer's residence or place of business or by pre-paid registered post to the employer's residence or place of business and, in the case of the Labour Court, by leaving a true copy of same at the Labour Court.

(5) Save by special leave of the Court, all applications under Section 18 of the Act shall be heard upon oral evidence or as may be determined by the Court.

(6) The Court may make such Order as to costs as may be appropriate including an Order measuring the costs.

### **Rule 8 — Carer's Leave Act 2001**

8. (1) In this Rule:

“the Act” means the Carer's Leave Act 2001 (No. 19 of 2001);

“Commissioner” means a rights commissioner;

“the Minister” means the Minister for Justice, Equality and Law Reform, and

“the Tribunal” means the Employment Appeals Tribunal.

(2) All applications served or proceedings taken before these Rules shall have come into operation but which are in accordance with the existing Rules and practice of the Court shall have the same validity as application made or proceedings taken in accordance with these Rules.

(3) Applications for the enforcement of decisions of a Commissioner or determinations of the Tribunal, whether such application be made by the party in whose favour the decisions or determinations were made or by the Minister, shall, pursuant to section 22 of the Act, be made by way of Motion on Notice grounded upon Affidavit sworn by the party seeking enforcement of the decisions or determinations or, in the case of the Minister, by an appropriate officer duly authorised by the Minister, which said Affidavit shall exhibit

(a) a certified copy of the decision of the Commissioner or a certified copy of determination of the Tribunal and

(b) a certified copy of the covering letter from the Commissioner or the Tribunal issued to the plaintiff with the aforementioned decision of the Commissioner or determination of the Tribunal;

(c) a copy Notice of Appeal, if applicable;

and shall set out

(i) all the facts relevant to the alleged failure to carry out the decisions or determinations;

(ii) whether or not an appeal has been brought from the decisions or determinations and, if no such appeal has been brought, that the time for appeal has elapsed or, if such appeal has been brought, the date upon which Notice of Appeal was given and evidence of abandonment thereof.

(4) Applications shall, in accordance with section 22(4) of the Act, be brought in the County where the relevant employer ordinarily resides or carries on any profession, business or occupation.

(5) Notice of every application shall be given to the employer or employers in question and to the Tribunal and the Commissioner as appropriate by serving notice of the proceedings (including the Notice of Motion and grounding Affidavits, if any) no later than 10 days prior to the return date specified in the Notice of Motion, in the case of the employer or employers personally in accordance with the provisions of Order 11 of these Rules, or by leaving a true copy of same at the employer's residence or place of business or by pre-paid registered post to the employer's residence or place of business and by the delivery of a copy of the application at, or by sending the same by prepaid registered post to the Office of the Secretary of the Tribunal or to the Rights Commissioner at the Labour Relations Commission, as appropriate.

(6) Save by special leave of the Court, all applications under Section 22 of the Act shall only be heard upon Affidavit.

(7) The Court may make such Order as to costs as may be appropriate."

22. Order 59 of the Circuit Court Rules is amended—

(1) by the re-numbering in Rule 1 of sub-rules (7) and (8) respectively as sub-rules (6) and (7) respectively;

(2) by the substitution for the words "this Order" of the words "this Rule" where those words appear in sub-rules (1), (2), (3), (6) and (7) of Rule 1; sub-rules (1), (2), (3), (4), (5), (6), (9) and (11) of Rule 2; sub-rules (1), (2), (3)(a), (7)(d), (10)(f), (10)(i), (21), (23)(e) and (24) of Rule 4, and sub-rules (1), (2) and (6) of Rule 5;

(3) by the substitution in each of sub-rule (1)(b) and sub-rule (6) of Rule 1 for the words "the Births and Deaths Registration Acts 1863 to 1987" of the words "the Civil Registration Act 2004";

(4) by the substitution for sub-rule (6) of Rule 2 of the following—



“(6) Every Family Law Civil Bill issued pursuant to this Rule shall be served in the manner prescribed by Order 11 on the respondent (or party directed to be notified as aforesaid) at his last known place of residence. An affidavit of service of every Family Law Civil Bill shall be sworn and shall be filed in the Office. Where it is difficult or impossible to serve any such respondent or other person within the jurisdiction, the Court or the County Registrar may make an Order for substituted service or for service outside the jurisdiction of the said Family Law Civil Bill or notice thereof or for both substituted service and service outside the jurisdiction.”

(5) by the substitution in sub-rule (10) of Rule 2 for the words “Rule 7” of the words “sub-rule (7)”;

(6) by the substitution in sub-rule (1) of Rule 4, in each instance in which it appears in paragraph (a) of sub-rule (3) of Rule 4, in sub-paragraph (i) of paragraph (a) of sub-rule (4) of Rule 4, in paragraph (h) of sub-rule (20) of Rule 4, in sub-rule (30) of Rule 4, in sub-rule (31) of Rule 4 and in paragraph (b) of sub-rule (32) of Rule 4 for the words “the 1976 Act” of the words “the First 1976 Act”;

(7) by the substitution in paragraph (a) of sub-rule (3) of Rule 4 for the words “Rule 4(b) of these Rules” of the words “sub-rule (4)(b) of this Rule”;

(8) by the substitution in sub-rule (4) of Rule 4 for the words “Form 1” of the words “Form 2N”;

(9) by the substitution in each of sub-rule (6), paragraph (a) of sub-rule (7) and paragraph (a) of sub-rule (9) of Rule 4 for the words “Rules 17 and 18 hereof” of the words “sub-rules (17) and (18)” and for the words “Rule 19 hereof” of the words “sub-rule (19)” where those words appear;

(10) by the substitution in paragraph (g) of sub-rule (4) of Rule 4 for the words “the Family Law (Divorce) Act, 1996” of the words “the 1996 Act” and for the words “the Family Law Act 1995” of the words “the 1995 Act”, and by the substitution in paragraph (d) of sub-rule (9) of Rule 4, in the title immediately following sub-rule (28) of Rule 4 and in sub-rule (29) of Rule 4 for the words “the Family Law (Maintenance of Spouses and Children) Act 1976” of the words “the First 1976 Act” and by the deletion from the title immediately following sub-rule (28) of Rule 4 of the words “(as amended)(hereinafter “the 1976 Act”)” and by the substitution in sub-rule (33) of Rule 4 for the words “the Family Home Protection Act 1976” of the words “the Second 1976 Act”;

(11) by the substitution in paragraph (a) of sub-rule (7) of Rule 4 for the words “the provisions of Order 10 Rule 21” of the words “the provisions of Order 11 Rule 21”;

(12) by the substitution in paragraph (b) of sub-rule (7) of Rule 4 for the words “Rule 8 (a) hereof” of the words “sub-rule (8)(a)”;

(13) by the substitution in paragraph (c) of sub-rule (9) of Rule 4 for the words “Rule 36 hereof” of the words “sub-rule (36)”;

(14) by the deletion from paragraph (b) of sub-rule (10) of Rule 4 of the words “appearance”;

(15) by the substitution in paragraph (g) of sub-rule (10) of Rule 4 for the words “Rule 10 hereof” of the words “sub-rule (9)”;

(16) by the substitution for sub-rule (11) of Rule 4 of the following—

“11. Subject to paragraphs (g), (h) and (i) of sub-rule (10), when a Defence has been duly entered and served, the Applicant may serve a notice of trial or a notice to fix a date for trial, as appropriate, in accordance with Forms 15A and 15B of the Schedule of Forms.”;

(17) by the substitution in each of sub-rules (12) and (13) of Rule 4 for the words “This Rule” of the words “This sub-rule”, where those words appear;

(18) by the substitution for paragraph (a) of sub-rule (16) of Rule 4 of the following—

“(a) Save where the Court shall otherwise direct, any notice party, including the trustees of a pension scheme, who wishes to make representations to the Court pursuant to section 12(18) and/or section 13(2) of the 1995 Act or section 17(18) of the 1996 Act shall make such representations by Affidavit of Representation to be filed and served on all parties to the proceedings within 28 days of service upon them of notice of the application for relief under section 12 and/or 13 of the 1995 Act or section 17 of the 1996 Act in accordance with sub-rules (7) and (9) or within such time or in such manner as the court may direct.”;

(19) by the substitution for sub-rule (17) of Rule 4 of the following—

“17. Without prejudice to the right of each party to make application to the Court for an Order of Discovery pursuant to these Rules and without prejudice to the jurisdiction of the Court pursuant to section 12(25) of the 1995 Act and section 17(25) of the 1996 Act, in any case where financial relief under the Acts is sought, the parties shall file Affidavits of Means in accordance with sub-rules (6) and (9) in respect of which the following rules shall be applicable—

(a) either party may request the other to vouch any or all items referred to therein within 14 days of the request;

(b) in the event of a party failing to properly comply with the provisions in relation to the filing and serving of Affidavits of Means as set down in these Rules or failing to properly vouch the matters set out therein the Court may on application grant an Order for Discovery and/or may make such Orders as the Court deems appropriate and necessary (including an Order that such party shall not be entitled to pursue or defend as appropriate such claim for any ancillary reliefs under the Acts save as permitted by the

Court upon such terms as the Court may determine are appropriate and/or adjourning the proceedings for a specified period of time to enable compliance) and furthermore and/or in the alternative relief pursuant to section 38(8) of the 1995 Act or section 38(7) of the 1996 Act may be sought in accordance with sub-rule (23).”;

(20) by the substitution in sub-rule (18) of Rule 4 for the words “Pensions Acts 1990 —1996” of the words “Pensions Acts 1990 to 2002”;

(21) by the substitution for sub-rule (19) of Rule 4 of the following—

“19. An Affidavit of Welfare shall be in the form set out in Form 37B. In circumstances in which the Respondent agrees with the facts as averred to in the Affidavit of Welfare filed and served by the Applicant, the Respondent may file and serve an Affidavit of Welfare in the alternative form provided for in Form 37B herein. In circumstances in which the Respondent disagrees with the Affidavit of Welfare filed and served by the Applicant, a separate Affidavit of Welfare, including the schedule provided for in the form set out in Form 37B shall be sworn, filed and served by the Respondent in accordance with sub-rule (9).”;

(22) by the substitution in sub-rule (20) of Rule 4 for the words “Rule 4” of the words “sub-rule (4)” where those words appear in sub-paragraph (i) of each of paragraphs (a), (b), (c), (e), (f), (g), (h) and (i);

(23) by the substitution for sub-rule (21) of Rule 4 of the following—

“21. Save where the Court otherwise directs and subject to sub-rule (25), every Application under this Rule shall be heard on oral evidence, such hearings to be held in camera.”, and

(24) by the substitution in sub-rule (22) of Rule 4 for the words “Notwithstanding the provisions of Rule 21 hereof” of the words “Notwithstanding the provisions of sub-rule (21)”;

(25) by the substitution in paragraph (a) of sub-rule (23) of Rule 4 for the words “of section 17(25)” of the words “or section 17(25)” and for the words “section 12(25) of the 1995” of the words “section 12(25) of the 1995 Act”;

(26) by the substitution in paragraph (e) of sub-rule (23) of Rule 4 for the words “under this Rule” of the words “under this sub-rule”;

(27) by the substitution in each of paragraphs (a) and (b) of sub-rule (26) of Rule 4 for the words “Rules 7, 16, 17, 18, 21 and 22 hereof” of the words “sub-rules (7), (16), (17), (18), (21) and (22)”;

(28) by the substitution in each of sub-rules (30) and (31) of Rule 4 for the words “For the purposes of Rule 29 hereof” of the words “For the purposes of sub-rule (29)”;

(29) by the substitution in sub-rule (30) of Rule 4 for the words “Rule 3 hereof” of the words “sub-rule (3)”;

(30) by the substitution for paragraph (a) of sub-rule (32) of Rule 4 of the following—

“(a) Subject to the right of the Court to give such directions as it considers appropriate or convenient, evidence at the hearing of the motion under sub-rule (29) shall be by affidavit.”;

(31) by the substitution for paragraph (b) of sub-rule (34) of Rule 4 of the following—

“(b) Where necessary, the Court may make an order determining who shall bear any costs incurred by trustees of a pension scheme pursuant to section 12(22) of the 1995 Act or section 17(22) of the 1996 Act and in making such determination the Court shall have regard, inter alia, to the representations made by the trustees pursuant to sub-rule (16), if any.”;

(32) by the substitution in each of sub-rules (2), (9) and (12) of Rule 5 for the words “a health board” or “the health board” of the words “the Health Service Executive”;

(33) by the substitution in sub-rule (4) of Rule 5 for the words “Rule 9 hereof” of the words “sub-rule (8)”;

(34) by the substitution in each of sub-rules (5) and (6) of Rule 5 for the words “under Rule 3 of this Order” of the words “under sub-rule (3)”;

(35) by the substitution in each of sub-rules (7) and (8) of Rule 5 for the words “under Rule 3” of the words “under sub-rule (3)”;

(36) by the substitution in sub-rule (8) of Rule 5 for the words “twenty-one” of the word “eighteen”;

(37) by the substitution in sub-rule (8) of Rule 5 for the words “the provisions or Order 11 of these Rules” of the words “the provisions of Order 11”;

(38) by the substitution in each of sub-rules (8) and (9) of Rule 5 for the words “Rule 4 hereof” of the words “sub-rule (4)”, and

(39) by the substitution in sub-rule (12) of Rule 5 for the words “the 1996 Act” of the words “the Act”

and Order 59 as so amended is as set out in Schedule 1.

23. Order 61A of the Circuit Court Rules (inserted by the Circuit Court Rules (Jurisdiction and the Recognition and Enforcement of Judgments in Civil or Commercial Matters) 2004 (S.I. 882 of 2004)) is amended by the substitution in Rule 1 and in Rule 2 for the words “Article 33 of Council Regulation (EC) No.

1347 /2000” of the words “Article 39 of Council Regulation (EC) No. 2201/2003”, and by the substitution in Rule 3 for the words “Article 33” of the words “Article 39”.

24. Order 63 of the Circuit Court Rules is amended by the substitution for Rule 1 of the following—

“1. (1) In this Order, “the Act” means the Courts and Court Officers Act 1995 (No. 31 of 1995).

(2) An application by the prosecutor or an accused pursuant to section 32(1) of the Act for an order transferring the trial of a person charged with an indictable offence to the Circuit Court sitting within the Dublin Circuit shall, save where the Court otherwise directs or permits, be made by motion on notice to the accused or, as the case may be, the prosecutor.

(3) The Notice of Motion shall specify the grounds upon which such application is to be made and any facts relied on in the application shall be verified in an Affidavit sworn by or on behalf of the applicant.

(4) An application by the prosecutor pursuant to section 32(3) of the Act may be made ex parte at any time or place approved by the Judge concerned, by arrangement with the County Registrar.

(5) An Order made pursuant to section 32(1) of the Act shall specify the following—

- (i) the Sitting of the Circuit Court within the Dublin Circuit to which the case has been transferred;
- (ii) whether the accused is in custody or on bail;
- (iii) the name and address of the accused’s Solicitor, if the accused is represented by a Solicitor.”

25. Order 63D of the Circuit Court Rules (inserted by the Circuit Court Rules (Equal Status Act 2000) 2004 (S.I. No. 879 of 2004)) is deleted.

26. Order 69 of the Circuit Court Rules is amended by the substitution in Rule 3 for the words “the form annexed hereto” of the words “Form 42 in the Schedule of Forms”.

27. The Circuit Court Rules (No. 4) (Restoration of Companies to the Register Pursuant to Section 12 of the Companies Act 1982 as inserted by Section 46 of the Companies (Amendment)(No. 2) Act 1999) 2003 (S.I. No 615 of 2003) are amended—

(1) by the deletion in paragraph 2 of the words “The Order referred to in these rules shall be added to and construed together with those Orders contained in the Circuit Court Rules, 2001, as amended. ORDER 53” and the number “1.”, and

(2) by the insertion therein as paragraph 3 of the following—

“3. The Form annexed hereto shall be inserted in the Schedule of Forms annexed to the Circuit Court Rules as Form 41.”, and

(3) by the substitution for the word and number “Form 1” in the form annexed thereto of the word and number “Form 41”.

28. The Circuit Court Rules (No. 2) (Section 39, Criminal Justice Act 1994) 2004 (S.I. No 448 of 2004) are amended by the insertion therein as paragraph 3 of the following—

“3. The Form annexed hereto shall be inserted in the Schedule of Forms annexed to the Circuit Court Rules as Form 42.”

and by the substitution for the word and number “Form 1” in the form annexed thereto of the word and number “Form 42”.

29. The Circuit Court Rules (Protection of Employees (Part Time Work) Act 2001) 2004 (S.I. No 721 of 2004) are amended by the insertion therein as paragraph 3 of the following—

“3. The Form annexed hereto shall be inserted in the Schedule of Forms annexed to the Circuit Court Rules as Form 36F.”

and by the substitution for the word and number “Form 1” in the form annexed thereto of the word and number “Form 36F”.

30. The Circuit Court Rules (Equal Status Act 2000) 2004 (S.I. No 879 of 2004) are amended by the insertion therein as paragraph 3 of the following—

“3. The Form annexed hereto shall be inserted in the Schedule of Forms annexed to the Circuit Court Rules as Form 43.”

and by the substitution for the word and number “Form 1” in the form annexed thereto of the word and number “Form 43”.

31. The Circuit Court Rules (European Arrest Warrant Act 2003) 2005 (S.I. No 57 of 2005) are amended by the insertion in paragraph 1 immediately following the words “the following Order” of the words “as Order 70”.

32. The Forms in Schedule 2, other than Forms 9A and 10A, shall be substituted for the Forms bearing the like numbers in the Schedule of Forms annexed to the Circuit Court Rules.

33. Form 9A in Schedule 2 shall be added to Schedule of Forms annexed to the Circuit Court Rules, immediately following Form 9. Form 10A in Schedule 2 shall be added to Schedule of Forms annexed to the Circuit Court Rules, immediately following Form 10.

34. Form 35C shall be deleted from the Schedule of Forms annexed to the Circuit Court Rules.

## SCHEDULE 1

## ORDER 59

## FAMILY LAW

**Rule 1 — Appointment of registered father as guardian**

1. (1) This Rule provides for a special procedure for the determination of an application by the father to be appointed as guardian of an infant where—

(a) the mother consents in writing to the appointment of the father as guardian, and

(b) the father is registered as the father in a Register maintained under the Civil Registration Act 2004.

(2) Every application under this Rule shall be brought in the County where the applicant or the infant to whom the application relates ordinarily resides or carries on any profession, business or occupation.

(3) All proceedings under this Rule shall be instituted by the issue, out of the Office, of an originating Motion.

(4) All applications made with the consent in writing of the mother pursuant to section 6A of the Guardianship of Infants Act 1964 (as inserted by section 12 of the Status of Children Act 1987) shall be brought in accordance with Form 37E of the Schedule of Forms annexed hereto or such modification thereof as may be appropriate and shall be dated and shall bear the name, address and description of the applicant and shall be signed by his solicitor, if any, or if none, by himself.

(5) On the issue of an originating Motion, a copy thereof shall be filed and the County Registrar shall thereupon enter the same and cause the same to be listed on the return date mentioned therein. It shall not be necessary in the first instance to give notice of the application to the mother save that, in cases where the mother has not completed a Statutory Declaration in Form 37F of the Schedule of Forms annexed hereto or a suitable modification thereof or in the absence of the appearance of the mother in Court on the return date, the Judge may in his discretion adjourn the said application and may direct that notice thereof be served upon the mother and may give such further or other directions as to the hearing of the said application as may to him seem appropriate in the circumstances of the case.

(6) Every application under this Rule shall be heard on oral evidence. It will be necessary for the applicant to produce suitable evidence of the consent in writing of the mother, and a certified copy of the entry in the Register maintained under the Civil Registration Act 2004, showing that the applicant is registered as the father of the infant to whom the application relates.

(7) Every application under this Rule shall be heard otherwise than in public.



**Rule 2 — Declaration of Parentage**

2. (1) Every application under this Rule shall be brought in the County where any party to the application ordinarily resides or carries on any profession, business or occupation, or, where no party to the proceedings ordinarily resides or carries on any profession, business or occupation in the State, before the Dublin Circuit.

(2) All proceedings under this Rule shall be instituted by the issue, out of the Office of the County Registrar, of a Family Law Civil Bill.

(3) Every Family Law Civil Bill containing an application made pursuant to Section 35 of the Status of Children Act 1987, shall be brought in accordance with Form 2N of the Schedule of Forms annexed hereto or such modification thereof as may be appropriate and shall be dated and shall bear the name, address and description of the applicant and shall be signed by his Solicitor, if any, or if none, by himself, save that where the applicant is under eighteen years of age on the date of the institution of proceedings, the Family Law Civil Bill shall bear the name, address and description of the next friend of the applicant and shall be signed by the Solicitor of the next friend, if any, or if none, by the next friend. Every Family Law Civil Bill issued pursuant to this Rule shall contain the following information where applicable, and where not applicable, that fact shall be stated—

- (a) the address within the State where every party to the proceedings resides or carries on any profession, business or occupation;
- (b) the date of birth of the applicant;
- (c) the place of birth of the applicant;
- (d) if the place of birth of the applicant is not within the State, the reasons for seeking the declaration from the Court;
- (e) the name and address of the person named as the father of the applicant;
- (f) whether the person named as the father of the applicant is or is not alive;
- (g) the name and address of the person named as the mother of the applicant;
- (h) whether the person named as the mother of the applicant is or is not alive;
- (i) in respect of each person named as father or mother, a brief statement of the grounds upon which it is alleged that the said person is the father or mother of the applicant.



(4) Any person or persons named as father or mother of the applicant shall be named as respondents to the proceedings, unless he or she is the next friend of the applicant for the purpose of the said application. If any person who would otherwise be named as respondent is not alive or is not available for service of proceedings within the jurisdiction, then the application may be made in the first instance without service on that person. In every case the Court may direct that notice of any proceedings under this Rule shall be given to such person or persons as the Court thinks fit and the Court may, either of its own motion or on the application of that person or any party to the proceedings, order that that person shall be added as a party to those proceedings. Such notice shall be given by service upon such person to be notified of a true copy of Family Law Civil Bill and of notice of the making of the order directing the giving of such notice.

(5) On the issue of a Family Law Civil Bill pursuant to this Rule, a copy thereof shall be filed and the County Registrar shall thereon enter the same.

(6) Every Family Law Civil Bill issued pursuant to this Rule shall be served in the manner prescribed by Order 11 on the respondent (or party directed to be notified as aforesaid) at his last known place of residence. An affidavit of service of every Family Law Civil Bill shall be sworn and shall be filed in the Office. Where it is difficult or impossible to serve any such respondent or other person within the jurisdiction, the Court or the County Registrar may make an Order for substituted service or for service outside the jurisdiction of the said Family Law Civil Bill or notice thereof or for both substituted service and service outside the jurisdiction.

(7) If the respondent or any person served with notice of the said Family Law Civil Bill or any person who has been made a party to the said proceedings wishes to dispute, wholly or in part, the claim of the applicant or any of the information set out on the Family Law Civil Bill, he shall, within ten days of the service on him of the said Civil Bill or within such further time as the Court may allow, serve upon the applicant or his Solicitor a Defence in Form 6A in the Schedule of Forms hereto or such modification thereof as may be appropriate. A true copy of such Defence shall be filed at the Office and served on every other party to the said proceedings within two days after the service thereof upon the applicant or his Solicitor. If default is made in serving and/or filing any Defence, the Court may on application made by Motion on notice to the party in default give judgment on the Civil Bill or direct that the application proceed on the footing that the matters set out in the Civil Bill be deemed to be admitted by the party in default, upon the Court being satisfied that the said party in default was served with notice of the said application at least four clear days prior to the hearing thereof.

(8) On the return date fixed therefor, or on any adjourned date, the Court may give such direction or directions as it may deem expedient relating to the said application and to the hearing thereof, including but not limited to the giving of particulars, the provision of information, the sending of papers to the Attorney General, the adding of the Attorney General or any other person as a party to the proceedings, the notification of the application to any person, and

any other matter in relation to which applications or directions are provided by Part VI of the Status of Children Act 1987.

(9) Save where the Court otherwise directs, every proceeding under this Rule shall be heard on oral evidence. On the hearing of every proceeding the Court may direct that the whole or any part thereof shall be heard otherwise than in public, and an application for a direction under this Rule shall be so heard unless the Court otherwise directs.

(10) Every application made pursuant to section 35 (v) (for a direction that papers be sent to the Attorney General) or section 35 (vii) (ordering that a person be added as a party to the proceedings) of the Status of Children Act 1987, and every application for judgment pursuant to sub-rule (7) shall, without prejudice to the power of the Court to act of its own motion, be made by Motion on notice to such parties as are affected thereby, which notice shall be served at least four clear days before the hearing of such Motion. Service by post shall be deemed to have been effected on the second day following the day of posting.

(11) Any declaration made under this Rule shall be made in Form 37G of the Schedule of Forms annexed hereto or such modification thereof as may be appropriate. A copy of every declaration made under this Rule shall be furnished by the County Registrar to An tÁrd-Chláraitheóir within ten days of the making of such declaration.

### **Rule 3 — Blood Tests where Parentage is in Issue**

3. (1) Every application made pursuant to Section 38 of the Status of Children Act 1987, for a direction for the use of blood tests shall, without prejudice to the power of the Court to make a direction of its own motion, be made by Motion on Notice in accordance with Form 37H of the Schedule of Forms annexed hereto or such modification thereof as may be appropriate. Such notice of motion shall be headed up with the title of the proceedings in which the application is brought and shall specify the name of the person whose parentage is in dispute and shall set out the full name and address and date of birth of each person from whom it is proposed that a blood sample be taken.

(2) The notice of motion shall be served on every person from whom it is proposed that a blood sample be taken at least four clear days before the date fixed for the hearing thereof. Service by post shall be deemed to have been effected on the second day after the day of posting.

(3) Every said application shall be heard on oral evidence, unless the Court otherwise allows or directs.

(4) Every direction under section 38(1) shall be in Form 37I of the Schedule of Forms annexed hereto.

(5) Where blood samples have been tested pursuant to section 40 of the Act, no party to the proceedings shall, unless the Court otherwise directs, be entitled to call as a witness the person under whose control the blood samples were tested or any person by whom anything necessary for the purpose of enabling

these tests to be carried out was done, unless within fourteen days after receiving a copy of the report he serves a notice in Form 37J of the Schedule of Forms annexed hereto or such modification thereof as may be appropriate on the other parties to the proceedings or on such of them as the Court may direct, of his intention to call that person as a witness.

**Rule 4—**

**Guardianship of Infants Act 1964**

**Family Law (Maintenance of Spouses and Children) Act 1976**

**Family Home Protection Act 1976**

**Judicial Separation and Family Law Reform Act 1989**

**Family Law Act 1995**

**Family Law (Divorce) Act 1996**

**Children Act 1997**

**Introduction**

4. (1) In this Rule

“the 1996 Act” means the Family Law (Divorce) Act 1996 (No. 33 of 1996) and

“the 1995 Act” means the Family Law Act 1995 (No. 26 of 1995) and

“the 1989 Act” means the Judicial Separation and Family Law Reform Act 1989 (No. 6 of 1989) and

“the 1964 Act” means the Guardianship of Infants Act 1964 (No. 7 of 1964),

“the 1997 Act” means the Children Act 1997 (No. 40 of 1997),

“the First 1976 Act” means the Family Law (Maintenance of Spouses and Children) Act 1976 (No. 11 of 1976) and

“the Second 1976 Act” means the Family Home Protection Act 1976 (No. 27 of 1976).

**Venue**

(2) Any proceedings under this Rule shall be brought in the county where any party to the proceedings ordinarily resides or carries on any profession, business or occupation.

**Commencement**

(3) (a) All proceedings for divorce, judicial separation, relief after foreign divorce or separation outside the State, nullity, declarations of marital status, the determination of property issues between spouses pursuant to section 36 of the 1995 Act/formerly engaged couples pursuant to section 44 of the 1996 Act, relief pursuant to section 25 of the 1995 Act, section 18 of the 1996 Act or section 15A of the 1995 Act, relief

pursuant to the 1964 Act, relief pursuant to the 1997 Act, relief pursuant to the First 1976 Act or relief pursuant to the Second 1976 Act under this Rule shall be instituted by the issuing out of the office of the County Registrar for the appropriate county of the appropriate Family Law Civil Bill in accordance with Form 2N of the Schedule of Forms annexed hereto with such modifications thereto as may be appropriate in the format and manner hereinafter provided save that no Family Law Civil Bill for relief after foreign divorce or separation outside the State shall be issued until requirements set down in sub-rule (4)(b) of this Rule have been complied with. Upon issue, the Family Law Civil Bill shall be served in a manner provided for hereunder.

- (b) No proceedings for a relief order after foreign divorce or separation outside the State shall issue without the leave of the appropriate Court in accordance with section 23(3) of the 1995 Act. Such application for leave to issue proceedings shall be made ex parte by way of ex parte docket grounded upon the Affidavit of the Applicant or another appropriate person. The aforementioned Affidavit shall exhibit a draft of the Family Law Civil Bill for relief after divorce or separation outside the State which the Applicant seeks leave to issue as well as the foreign divorce or separation decree, shall set forth fully the reasons why relief is being sought and shall make specific averment to the fact that, to the knowledge, information and belief of the Applicant, the jurisdictional requirements of section 27 of the 1995 Act are complied with in the particular case, specifying the particular basis of jurisdiction being relied upon.

### **Form of Proceedings**

(4) Every Family Law Civil Bill shall be in numbered paragraphs setting out the relief sought and the grounds relied upon in support of the application. The Civil Bill shall be in accordance with the form set out in Form 2N herein or such modification thereof as may be appropriate, subject to the requirements hereinafter set out.

- (a) A Family Law Civil Bill for a Decree of Divorce shall, in all cases, include the following details—
- (i) the date and place of marriage of the parties;
  - (ii) the length of time the parties have lived apart, including the date upon which the parties commenced living apart, and the addresses of both of the parties during that time, where known;
  - (iii) details of any previous matrimonial relief sought and/or obtained and details of any previous separation agreement entered into between the parties (where appropriate a certified copy of any relevant court order and/or deed of separation/separation agreement should be annexed to the Civil Bill);

- (iv) the names and ages and dates of birth of any dependent children of the marriage;
  - (v) details of the family home(s) and/or other residences of the parties including, if relevant, details of any former family home/residence to include details of the manner of occupation/ownership thereof;
  - (vi) where reference is made in the Civil Bill to any immovable property, whether it is registered or unregistered land and a description of the land/premises so referred to;
  - (vii) the basis of jurisdiction under the 1996 Act;
  - (viii) the occupation(s) of each party;
  - (ix) the grounds relied upon for the relief sought;
  - (x) each section of the 1996 Act under which relief is sought.
- (b) A Family Law Civil Bill for a Decree of Judicial Separation shall, in all cases, include the following details:
- (i) the date and place of marriage of the parties;
  - (ii) the names and ages and dates of birth of any dependent children of the marriage;
  - (iii) details of the family home(s) and/or other residence of the parties including, if relevant, details of any former family home/residence to include details of the manner of occupation/ownership thereof;
  - (iv) where reference is made in the Civil Bill to any immovable property, whether it is registered or unregistered land and a description of the land/premises so referred to;
  - (v) the basis of jurisdiction under the Act;
  - (vi) the occupation(s) of each party;
  - (vii) the grounds relied upon for the decree and any other relief sought;
  - (viii) each section of the Act under which relief is sought including whether or not an Order pursuant to section 54(3) of the 1995 Act is sought.
- (c) A Family Law Civil Bill for relief after foreign divorce or separation outside the State pursuant to section 23 of the 1995 Act shall, in all cases, include the following details—
- (i) the date and place of marriage and divorce/separation of the parties (a certified copy of the decree absolute or final decree of

divorce/separation together with, where appropriate, an authenticated translation thereof shall be annexed to the Family Law Civil Bill);

- (ii) financial and property and custodial/access arrangements operating ancillary to the said decree, whether such arrangements were made by agreement or by Order of the Court or otherwise and whether such arrangements were made contemporaneous to the decree or at another time and the extent of compliance therewith;
  - (iii) the names and ages and dates of birth of any dependent children of the marriage;
  - (iv) the family home and/or other residence of the parties including, if relevant, details of any former family home/residence to include details of the manner of occupation/ownership thereof;
  - (v) where reference is made in the Civil Bill to any immovable property within the State, whether it is registered or unregistered land and a description of the land/premises so referred to;
  - (vi) the basis of jurisdiction under section 27 of the 1995 Act;
  - (vii) the present marital status and occupation(s) of each party;
  - (viii) the grounds relied upon for the relief sought;
  - (ix) each section of the 1995 Act under which relief is sought;
  - (x) details relevant to the matters referred to in section 26 of the 1995 Act.
- (d) A Family Law Civil Bill for nullity shall, in all cases, include the following details—
- (i) the date and place of marriage of the parties;
  - (ii) the domicile of the spouses on the date of the marriage and on the date of the institution of proceedings and, where either spouse has died prior to the institution of proceedings, the domicile of the said spouse at the date of death;
  - (iii) whether or not the spouses or either of them has been ordinarily resident in the State throughout the period of one year prior to the date of institution of proceedings and, where either spouse has died prior to the institution of proceedings, whether or not the said spouse was ordinarily resident in the State throughout the period of one year prior to his death;
  - (iv) the address and description of each party;

- (v) the number of children of the marriage;
  - (vi) the grounds upon which decree and any other relief is sought;
  - (vii) the relief sought (including whether or not a declaration relating to the custody of a dependent member of the family pursuant to section 46 of the 1995 Act is being sought) and the issues to be tried.
- (e) A Family Law Civil Bill for Declaration of Marital Status shall, in all cases, include the following details—
- (i) the nature of the Applicant's reason for seeking such a declaration;
  - (ii) full details of the marriage/divorce/annulment/legal separation in respect of which the declaration is sought including the date and place of such marriage/divorce/annulment/legal separation (where possible, a certified copy of the marriage certificate/decreed of divorce/ annulment/legal separation should be annexed to the Civil Bill);
  - (iii) the manner in which the jurisdictional requirements of section 29(2) of the 1995 Act are satisfied;
  - (iv) particulars of any previous or pending proceedings in relation to any marriage concerned or to the matrimonial status of a party to any such marriage in accordance with section 30 of the 1995 Act;
  - (v) the relief being sought;
  - (vi) any other relevant facts.
- (f) A Family Law Civil Bill for the determination of property issues between spouses, pursuant to section 36 of the 1995 Act or between formerly engaged persons, pursuant to section 44 of the 1996 Act, shall, in all cases, include the following—
- (i) the description, nature and extent of the disputed property or monies;
  - (ii) the state of knowledge of the Applicant spouse in relation to possession and control of the disputed property or monies at all relevant times;
  - (iii) the nature and extent of the interest being claimed by the Applicant in the property or monies and the basis upon which such a claim is made;
  - (iv) the nature and extent of any claim for relief being made and the basis upon which any such claim for relief is being made;



- (v) where reference is made in the Civil Bill to any immovable property, whether it is registered or unregistered land and a description of the land/premises so referred to;
  - (vi) the manner in which it is claimed that the Respondent spouse has failed, neglected or refused to make to the Applicant spouse such appropriate payment or disposition in all of the circumstances and details of any payment or disposition made;
  - (vii) that the time limits referred to at section 36(7) of the 1995 Act have been complied with;
  - (viii) any other relevant matters.
- (g) A Family Law Civil Bill for relief pursuant to section 18 of the 1996 Act or section 15A or section 25 of the 1995 Act shall, in all cases include the following details—
- (i) the date and place of marriage and the date of any decree of divorce/judicial separation and the marriage certificate and a certified copy of the decree of divorce/separation shall be annexed to the Civil Bill (with authenticated translations, where appropriate);
  - (ii) details of previous matrimonial relief obtained by the Applicant and in particular lump sum maintenance orders and property adjustment orders, if any;
  - (iii) details of any benefits previously received from or on behalf of the deceased spouse whether by way of agreement or otherwise and details of any benefits accruing to the Applicant under the terms of the Will of the deceased spouse or otherwise;
  - (iv) the date of death of the deceased spouse, the date on which representation was first granted in respect of the estate of the said spouse and, if applicable, the date upon which notice of the death of the deceased spouse was given to the Applicant spouse and the date upon which the Applicant spouse notified the personal representative of his/her intention to apply for relief pursuant to section 18(7) of the 1996 Act and section 15A(7) of the 1995 Act;
  - (v) the nature and extent of any claim for relief being made and the basis upon which any such claim for relief is being made;
  - (vi) the marital status of the deceased spouse at the date of death and the marital status of the Applicant at the date of the application and whether the Applicant has remarried since the dissolution of the marriage between the Applicant and the deceased spouse;



- (vii) details of all dependents of the deceased spouse at the date of death and of all dependents of the Applicant at the date of the application together with details of any other interested persons;
- (viii) that no order pursuant to section 18(10) of the 1996 Act or section 15A(10) of the 1995 Act has previously been made;
- (ix) details of the value of the estate of the deceased spouse, where known;
- (x) any other relevant facts.

Applications pursuant to section 15A(6) or section 25(7) of the 1995 Act or section 18(6) of the 1996 Act by the personal representative in relation to the distribution of the estate shall be by motion, grounded on affidavit, on notice to the applicant spouse and such other persons as the Court shall direct.

- (h) A Family Law Civil Bill for relief under the 1964 Act or the 1997 Act shall in all cases contain the following details—
  - (i) the precise reliefs being sought;
  - (ii) whether the Applicant is the mother or the father or some other relative of the infant;
  - (iii) whether the Respondent is the mother or the father or some other relative of the infant;
  - (iv) details of the guardians of the infant;
  - (v) the residential address and occupation of the Applicant and the Respondent;
  - (vi) the grounds upon which the application is being made;
  - (vii) the date of birth and place of residence of the infant together with all other relevant details relating to the infant;
  - (viii) any other relevant information.
- (i) A Family Law Civil Bill for relief under the First 1976 Act shall in all cases contain the following details—
  - (i) the precise reliefs being sought and the persons in respect of whom they are being sought;
  - (ii) the residential address and occupation of the Applicant and the Respondent;
  - (iii) the relationship between the Applicant and the Respondent and the persons in respect of whom the application is being made;

- (iv) date of marriage (if applicable) including details of the date and place of marriage;
  - (v) names and dates of birth of all children concerned in the application together with their places of residence;
  - (vi) the nature of the failure to maintain being asserted;
  - (vii) any relevant change of circumstances (if applicable);
  - (viii) any other relevant circumstances.
- (j) A Family Law Civil Bill for relief under the Second 1976 Act shall in all cases contain the following details—
- (i) the address and description of the family home;
  - (ii) the date and place of marriage of the parties;
  - (iii) the residential address and occupation of the Applicant and the Respondent (if known);
  - (iv) the relief being sought and the facts intended to be relied upon;
  - (v) the rateable valuation of the premises;
  - (vi) any other relevant circumstances.

(5) All Family Law Civil Bills shall be dated and shall bear the name, address and description of the Applicant and an address for service of proceedings, and shall be signed by the party's Solicitor, if any, or, where the Applicant does not have a Solicitor, by that party personally. The address to which a Respondent should apply in order to receive information in relation to legal aid shall also be included in such Civil Bills.

### **Issuing and Entry**

(6) On the issuing of a Family Law Civil Bill the original thereof shall be filed, together with the appropriate certificate (pursuant to section 5 of the 1989 Act or section 6 of the 1996 Act), an Affidavit of Means in the intended action sworn by the Applicant in compliance with sub-rules (17) and (18) hereof and, in all circumstances where there are dependent children, an Affidavit of Welfare in the intended action in compliance with sub-rule (19) hereof, and the County Registrar shall thereupon enter same.

### **Service**

- (7) (a) All Family Law Civil Bills shall be served by registered post on the Respondent at his last-known address or alternatively shall be served personally on the Respondent by any person over the age of eighteen years together with the appropriate certificate in the form set out in Form 37D of the Schedule of Forms annexed hereto (pursuant to

section 5 of the 1989 Act or section 6 of the 1996 Act), an Affidavit of Means in compliance with sub-rules (17) and (18) hereof in the form set out in Form 37A of the Schedule of Forms annexed hereto or such modification thereof as may be appropriate and in all cases where there are dependent children, an Affidavit of Welfare in compliance with Rule 19 hereof in the form set out in Form 37B of the Schedule of Forms annexed hereto. Where relief pursuant to section 12 and/or section 13 of the 1995 Act or section 17 of the 1996 Act is sought, notice thereof in accordance with Form 37C of the Schedule of Forms annexed hereto shall also be served on the trustees of the pension scheme in question by registered post at their registered office or other appropriate address and an Affidavit of such Service sworn and filed within fourteen days of service of the Civil Bill. Service shall be endorsed upon all Family Law Civil Bills in accordance with the provisions of Order 11 Rule 21 of these Rules. All other pleadings may be served by ordinary pre-paid post.

- (b) In all cases in which a declaration of marital status under Section 29 of the 1995 Act is sought, the Family Law Civil Bill shall, in addition to the provisions of sub-rule (8)(a) hereof, be served upon the parties to the marriage or, where no longer living, their personal representatives (all of whom shall be parties to the proceedings) and to such other persons as the Court may direct, including the Attorney General, in accordance with the provisions as to service of Family Law Civil Bills hereinbefore set out in respect of the Respondent to proceedings which said persons (excepting the Attorney General) may be made parties to the application in accordance with section 29(6) of the 1995 Act. The Attorney General shall, however, be entitled to interplead in such proceedings.
- (c) Where relief is sought pursuant to sections 15A or 25 of the 1995 Act or section 18 of the 1996 Act, the Family Law Civil Bill shall be served in accordance with these Rules on the personal representative of the deceased and on the spouse (if any) of the deceased and on such other person or persons as the Court shall direct.
- (d) Where, in any application pursuant to this Rule, it is appropriate to direct an Order to any third person who is not a party to the proceedings, the Court may if it thinks fit adjourn the matter and direct the Applicant or the Respondent to notify the third person against whom an Order is sought of the fact that an Order is sought against him and of the adjourned date, so that this said third person may appear and be heard in relation to the making of the said Order. Alternatively, the Court may, when making an Order directed to any third person, provide, in the said Order, that the said third person should have liberty to apply to the Court on notice to the Applicant and the Respondent to set aside the Order made insofar as it is directed against or relates to the said third person.

**Appearance**

(8) If a Respondent intends to contest the application, or any part thereof, he/she shall enter an Appearance in the Office within 10 days of the service upon him/her of the Family Law Civil Bill together with the appropriate certificate in the form set out in Form 37D of the Schedule of Forms annexed hereto (pursuant to section 6 of the 1989 Act and section 7 of the 1996 Act), and shall serve a copy of the Appearance and appropriate certificate on the Applicant's Solicitors or, where appropriate, on the Applicant. The Appearance shall bear an address for service of any interlocutory applications and shall be signed by the Respondent's Solicitor or, if the Respondent does not have a Solicitor, by the Respondent personally.

**Defence**

- (9) (a) A Respondent shall at the same time as entering an Appearance, or within 10 clear days from the date of service of the Appearance, or such further time as may be agreed between the parties or allowed by the Court, file and serve a Defence, together with an Affidavit of Means in compliance with sub-rules (17) and (18) hereof and, in all cases where there are dependent children, an Affidavit of Welfare in compliance with sub-rule (19) hereof on the Applicant, or the Applicant's Solicitor, if any, and on the County Registrar in the forms set out in Forms 37A and 37B of the Schedule of Forms annexed hereto or such modification thereof as may be appropriate. Where relief pursuant to section 12 and/or section 13 of the 1995 Act or section 17 of the 1996 Act is sought by way of Counterclaim, notice thereof in accordance with Form 37C of the Schedule of Forms annexed hereto shall also be served on the trustees of the pension scheme in question by registered post at their registered office and a Affidavit of such Service sworn and filed within 7 days of service of the Defence and Counterclaim.
- (b) No Appearance or Defence shall be entered after the time specified in these Rules without the leave of the Court or of the County Registrar or the agreement of the parties, and no Defence shall be entered unless the Respondent has previously entered an Appearance as required by these Rules.
- (c) Whether or not a Defence is filed and served in any proceedings, the Respondent shall, where appropriate, in any event be obliged to file and serve an Affidavit of Means and a Welfare Statement in accordance with these Rules of Court within 20 days after the service of the Family Law Civil Bill upon him/her subject to sub-rule (36).
- (d) Without prejudice to the entitlement of the Court to permit representations in relation to the making or refusal of an attachment of earnings order at the hearing of the action, such representations for the purposes of section 8(6)(b) of the 1995 Act or section 13(6)(b) of the

1996 Act or section 10(3)(a) of the First 1976 Act may be included in the Defence.

### **Motions for Judgment**

- (10) (a) In any case in which a Respondent has made default in entering an Appearance or filing a Defence, as the case may be, the Applicant may, subject to the provisions of the following sub-rules of this Rule, at any time after such default, on notice to be served on the Respondent and, where relief pursuant to section 12 and/or 13 of the 1995 Act and section 17 of the 1996 Act is sought, on the trustees of the pension scheme concerned, not less than fourteen clear days before the hearing, apply to the Court for judgment in default of appearance/defence.
- (b) No notice of motion for Judgment in default of defence shall be served unless the Applicant has at least fourteen days prior to the service of such notice written to the Respondent giving him notice of his/her intention to serve a notice of motion for Judgment in default of defence and at the same time consenting to the late filing of a Defence within fourteen days from the date of the letter.
- (c) If no defence is delivered within the said period the Applicant shall be at liberty to serve a notice of motion for Judgment in default of defence which shall be returnable to a date not less than fourteen clear days from the date of the service of the notice, such notice of motion to be filed not later than six days before the return date.
- (d) If in any case the Applicant can establish special reasons for making it necessary to serve a notice of motion for Judgment in default of appearance/defence in the cases provided for by this Rule with greater urgency than in accordance with the provisions hereinbefore contained, he may apply *ex parte* to the Court for an Order giving him liberty to serve a notice of motion for Judgment in default of appearance/defence giving not less than four clear days' notice to the Respondent, or in the alternative the Judge may deem good the service of a notice of motion giving not less than four clear days' notice to the Respondent.
- (e) Upon the hearing of such application the Court may, on proof of such default as aforesaid, and upon hearing such evidence, oral or otherwise, as may be adduced, give judgment upon the Applicant's claim endorsed upon the Family Law Civil Bill, or may give leave to the Respondent to defend the whole or part of the claim upon such terms as he or she may consider just.
- (f) Upon the hearing of an application for judgment under this Rule the Court may make such order as to costs as the Court considers just.
- (g) In any case in which the parties are agreed in respect of all of the reliefs being sought and a Defence in accordance with sub-rule (9)

has been filed and served by the Respondent which reflects this agreement, the Applicant or the Respondent may, subject to the provisions of the following sub-rules of this Rule, at any time after such Defence has been filed and served, on notice to be served on the other party and, where relief pursuant to section 12 and/or 13 of the 1995 Act and section 17 of the 1996 Act is sought, on the trustees of the pension scheme concerned, not less than fourteen clear days before the hearing, apply to the Court for judgment, the application to be by way of motion on notice.

- (h) Upon the hearing of such application the Court may, upon hearing such evidence, oral or otherwise, as may be adduced
  - (i) give judgment in the terms agreed between the parties or
  - (ii) give such directions in relation to the service of a Notice of Trial/Notice to fix a date for Trial as to the Court appears just.
- (i) Upon the hearing of an application for judgment under this Rule the Court may make such order as to costs as the Court considers just.

**Notice of Trial/Notice to fix a date for Trial**

(11) Subject to paragraphs (g), (h) and (i) of sub-rule (10), when a Defence has been duly entered and served, the Applicant may serve a notice of trial or a notice to fix a date for trial, as appropriate, in accordance with Forms 15A and 15B of the Schedule of Forms.

**Notice of Trial (Circuits other than Dublin Circuit)**

(12) This sub-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 and, where relief is sought under sections 12 and/or 13 of the 1995 Act or section 17 of the 1996 Act, upon the trustees of the pension scheme in question, and shall be for the Sittings next ensuing after the expiration of the time mentioned in the said notice, and same shall be filed at the Office not later than seven days before the opening of such Sittings. Such notice of trial and filing thereof shall operate to set down the action or matter (including counterclaim if any) for hearing at the next ensuing Sittings.

**Notice to fix a date for Trial (Dublin Circuit)**

(13) This sub-rule shall apply only to the Dublin Circuit. Ten days' notice to fix a date for trial shall be necessary and sufficient and shall be served upon the Respondent and all other necessary parties and, where relief is sought under sections 12 and/or 13 of the 1995 Act or section 17 of the 1996 Act, upon the trustees of the pension scheme in question, and filed at the Office. Such notice to fix a date for a trial shall set out the date upon which a date for hearing shall be fixed by the County Registrar and shall operate to set down the action or matter (including a Counterclaim if any) for hearing upon such date as may be fixed by the County Registrar.

### **Service by Respondent**

(14) Where the Applicant has failed to serve a notice of trial or notice to fix a date for trial, as appropriate, within ten days after the service and entry of the Defence, the Respondent may do so and may file the same in accordance with these Rules.

### **Joinder**

(15) The Court, if it considers it desirable, may order that two or more actions be tried together, and on such terms as to costs as the Court shall deem just.

### **Affidavits of Representation**

(16) (a) Save where the Court shall otherwise direct, any notice party, including the trustees of a pension scheme, who wishes to make representations to the Court pursuant to section 12(18) and/or section 13(2) of the 1995 Act or section 17(18) of the 1996 Act shall make such representations by Affidavit of Representation to be filed and served on all parties to the proceedings within 28 days of service upon them of notice of the application for relief under section 12 and/or 13 of the 1995 Act or section 17 of the 1996 Act in accordance with sub-rules (7) and (9) or within such time or in such manner as the Court may direct.

(b) Without prejudice to the entitlement of the Court to permit representations by persons having a beneficial interest in property (not being the other spouse) pursuant to section 15(5) of the 1995 Act and section 19(5) of the 1996 Act or by interested persons pursuant to section 15A(5) or section 25(6) of the 1995 Act and section 18(5) of the 1996 Act at the hearing of the action, such representations may be made by way of Affidavit of Representation to be filed and served on all parties to the proceedings as directed by the Court.

### **Affidavit of Means**

(17) Without prejudice to the right of each party to make application to the Court for an Order of Discovery pursuant to these Rules and without prejudice to the jurisdiction of the Court pursuant to section 12(25) of the 1995 Act and section 17(25) of the 1996 Act, in any case where financial relief under the Acts is sought, the parties shall file Affidavits of Means in accordance with sub-rules (6) and (9) in respect of which the following rules shall be applicable—

(a) either party may request the other to vouch any or all items referred to therein within 14 days of the request;

(b) in the event of a party failing to properly comply with the provisions in relation to the filing and serving of Affidavits of Means as set down in these Rules or failing to properly vouch the matters set out therein the Court may on application grant an Order for Discovery and/or may make such Orders as the Court deems appropriate and necessary



(including an Order that such party shall not be entitled to pursue or defend as appropriate such claim for any ancillary reliefs under the Acts save as permitted by the Court upon such terms as the Court may determine are appropriate and/or adjourning the proceedings for a specified period of time to enable compliance) and furthermore and/or in the alternative relief pursuant to section 38(8) of the 1995 Act or section 38(7) of the 1996 Act may be sought in accordance with sub-rule (23).

(18) The Affidavit of Means shall set out in schedule form details of the party's income, assets, debts, expenditure and other liabilities wherever situated and from whatever source and, to the best of the deponent's knowledge, information and belief the income, assets, debts, expenditure and other liabilities wherever situated and from whatever source of any dependent member of the family and shall be in accordance with the form set out in Form 37A herein or such modification thereof as may be appropriate. Where relief pursuant to section 12 of the 1995 Act is sought, the Affidavit of Means shall also state to the best of the deponent's knowledge, information and belief, the nature of the scheme, the benefits payable thereunder, the normal pensionable age and the period of reckonable service of the member spouse and where information relating to the pension scheme has been obtained from the trustees of the scheme under the Pensions Acts 1990 to 2002, such information should be exhibited in the Affidavit of Means and where such information has not been obtained a specific averment shall be included in the Affidavit of Means as to why such information has not been obtained.

#### **Affidavit of Welfare**

(19) An Affidavit of Welfare shall be in the form set out in Form 37B. In circumstances in which the Respondent agrees with the facts as averred to in the Affidavit of Welfare filed and served by the Applicant, the Respondent may file and serve an Affidavit of Welfare in the alternative form provided for in Form 37B herein. In circumstances in which the Respondent disagrees with the Affidavit of Welfare filed and served by the Applicant, a separate Affidavit of Welfare, including the schedule provided for in the form set out in Form 37B shall be sworn, filed and served by the Respondent in accordance with sub-rule (9).

#### **Counterclaims**

(20) Save where otherwise directed by the Court, a Counterclaim, if any, brought by a Respondent shall be included in and served with the Defence, in accordance with the provisions of these Rules relating thereto, and shall, in particular, set out in numbered paragraphs

(a) in the case of an application for a decree of divorce—

- (i) the facts specified at sub-rule (4)(a) hereof in like manner as in the Family Law Civil Bill;
- (ii) outline the ground(s) for a decree of divorce, if sought;



- (iii) specify any ground upon which the Respondent intends to rely in support of any ancillary relief claimed; and
  - (iv) the relief sought pursuant to the 1996 Act;
- (b) in the case of an application for a decree of judicial separation
- (i) the facts specified at sub-rule (4)(b) hereof in like manner as in the Family Law Civil Bill;
  - (ii) outline the ground(s) for a decree of judicial separation, if sought;
  - (iii) specify any additional ground upon which the Respondent intends to rely in support of any ancillary relief claimed; and
  - (iv) the relief sought pursuant to the 1995 Act;
- (c) in the case of an application for relief after divorce or separation outside the State
- (i) the facts specified at sub-rule (4)(c) hereof in like manner as in the Family Law Civil Bill;
  - (ii) specify any additional ground upon which the Respondent intends to rely in support of any ancillary relief claimed; and
  - (iii) the relief sought pursuant to the 1995 Act;
- (d) in the case of an application for a decree of nullity
- (i) outline the ground(s) for a decree of nullity, if sought;
  - (ii) specify any additional ground upon which the Respondent intends to rely in support of any relief claimed; and
  - (iii) the relief sought (including whether or not a declaration relating to the custody of a dependent member of the family pursuant to section 46 of the 1995 Act is being sought) and any additional issues to be tried;
- (e) in the case of an application for a Declaration of Marital Status
- (i) the facts specified at sub-rule (4)(e) hereof in like manner as in the Family Law Civil Bill;
  - (ii) specify any additional ground upon which the Respondent intends to rely in support of any relief claimed; and
  - (iii) the relief sought pursuant to the 1995 Act;

- (f) in the case of an application for the determination of property issues between spouses, pursuant to section 36 of the 1995 Act/formerly engaged person pursuant to section 44 of the 1996 Act
  - (i) the facts specified at sub-rule (4)(f) hereof in like manner as in the Family Law Civil Bill;
  - (ii) specify any additional ground upon which the Respondent intends to rely in support of any relief claimed; and
  - (iii) the relief sought pursuant to the 1995 Act;
- (g) in the case of an application for relief under the 1964 Act or the 1997 Act
  - (i) the facts specified at sub-rule (4)(h) hereof in like manner as in the Family Law Civil Bill;
  - (ii) specify any additional ground upon which the Respondent intends to rely in support of any relief claimed; and
  - (iii) the relief sought pursuant to the 1964 and/or the 1997 Act;
- (h) in the case of an application for relief under the First 1976 Act
  - (i) the facts specified at sub-rule (4)(i) hereof in like manner as in the Family Law Civil Bill;
  - (ii) specify any additional ground upon which the Respondent intends to rely in support of any relief claimed; and
  - (iii) the relief sought pursuant to the First 1976 Act;
- (i) in the case of an application for relief under the Second 1976 Act
  - (i) the facts specified at sub-rule (4)(j) hereof in like manner as in the Family Law Civil Bill;
  - (ii) specify any additional ground upon which the Respondent intends to rely in support of any relief claimed; and
  - (iii) the relief sought pursuant to the Second 1976 Act.

### **Evidence**

(21) Save where the Court otherwise directs and subject to sub-rule (25), every Application under this Rule shall be heard on oral evidence, such hearings to be held in camera.

(22) Notwithstanding the provisions of sub-rule (21), where relief pursuant to section 12 of the 1995 Act or section 17 of the 1996 Act is sought by the Applicant or the Respondent, evidence of the actuarial value of a benefit under the

scheme (as defined in section 12(1) of the 1995 Act and section 17(1) of the 1996 Act) may be by Affidavit filed on behalf of the Applicant/Respondent, such Affidavit to be sworn by an appropriate person and served on all parties to the proceedings and filed at least 14 days in advance of the hearing and subject to the right of the Respondent/Applicant to serve Notice of Cross-examination in relation to same. Where one of the parties has adduced evidence of the actuarial value of a benefit by Affidavit as provided for herein and the other party intends to adduce similar or contra oral evidence, notice of such intention shall be served by the disputing party upon all other parties at least 10 days in advance of the hearing.

### **Interim and Interlocutory Applications**

- (23) (a) An application for Preliminary Orders pursuant to section 6 of the 1995 Act or section 11 of the 1996 Act or for maintenance pending suit/relief pursuant to section 7 or section 24 of the 1995 Act or section 12 of the 1996 Act or for information pursuant to section 12(25) of the 1995 Act or section 17(25) of the 1996 Act or for relief pursuant to section 35 of the 1995 Act or section 37 of the 1996 Act or for relief pursuant to section 38(8) of the 1995 Act or section 38(7) of the 1996 Act or for a report pursuant to section 47 of the 1995 Act or section 42 of the 1995 Act or for any other interlocutory relief shall be by Notice of Motion to be served upon the parties to the proceedings and, in the case of applications pursuant to section 12(25) of the 1995 Act or section 17(25) of the 1996 Act, upon the trustees of the pension scheme concerned.
- (b) Prior to any interlocutory application for discovery or for information pursuant to section 12(25) of the 1995 Act or section 17(25) of the 1996 Act being made, the information being sought shall be requested in writing voluntarily at least 14 days prior to the issuing of the motion for the relief concerned and upon failure to make such a request, the judge may adjourn the motion or strike out the motion or make such other order, including an order as to costs, as to the Court may appear appropriate.
- (c) An application for alimony pending suit in nullity proceedings shall be by Notice of Motion grounded upon Affidavit setting out the assets, liabilities, income, debts and expenditure of the Applicant for alimony and, in so far as same is known to the Applicant, the assets, liabilities, income, debts, and expenditure of the Respondent to the said Motion. In every case in which the Respondent wishes to defend such an application for alimony, the Respondent shall file a replying Affidavit setting out details of his assets, liabilities, income, debts and expenditure.
- (d) Applications for the appointment of medical and/or psychiatric inspectors in respect of the Applicant and/or the Respondent shall be made by Motion on Notice to the other party and such Motion shall be issued not later than 14 days after the elapsing of the times for the entry of an Appearance and delivery of a Defence save with the leave

of the Court or the County Registrar. Where medical and/or psychiatric inspectors are appointed by the Court or the County Registrar, the solicitors for the parties shall attend with the parties on the appointed day at the place in which the inspection is to take place for the purpose of identifying the parties to the County Registrar or his/her nominee. In any circumstances in which a party is unrepresented, appropriate photographic proof of identity must be produced sufficient to satisfy the County Registrar or his/her nominee of the identity of the party concerned. No inspection shall be carried out unless the procedures contained herein are satisfied. Upon completion of the inspection, a report thereof shall be sent by the inspector directly to the County Registrar for the County in which the proceedings have issued.

- (e) In any case where the Court is satisfied that the delay caused by proceeding by Motion on Notice under this Rule would or might entail serious harm or mischief, the Court may make an Order *ex parte* as it shall consider just. Urgent applications under this sub-rule may be made to a Judge at any time or place approved by him, by arrangement with the County Registrar for the County in question.
- (f) Interim and interlocutory applications shall where appropriate be made to the County Registrar in accordance with the Second Schedule to the Court and Court Officers Act 1995 and Orders 18 and 19 of the Rules of the Circuit Court.

(24) If on the date for hearing of any Application under this Rule the matter is not dealt with by the Court for any reason, and, in particular, on foot of an adjournment sought by either party, the other party, whether consenting to the adjournment or not, may apply for, and the Court may grant, such interim or interlocutory relief as to it shall seem appropriate without the necessity of service of a Notice of Motion.

(25) Any interim or interlocutory application shall be heard on Affidavit, unless the Court otherwise directs, save that the Deponent of any Affidavit must be available to the Court to give oral evidence or to be cross-examined as to the Court shall seem appropriate, save that a Motion for Discovery and a Motion in the course of nullity proceedings for the appointment of medical/psychiatric inspectors shall be heard on a Notice of Motion only. Where any oral evidence is heard by the Court in the course of such applications *ex parte*, a note of such evidence shall be prepared by the applicant or the applicant's solicitor and approved by the Judge and shall be served upon the respondent forthwith together with a copy of the Order made (if any), unless otherwise directed by the Court.

#### **Further relief and applications on behalf of dependent persons**

- (26) (a) Where either party or a person on behalf of a dependent member of the family wishes at any time after the hearing of the Application to seek further relief as provided for in the Act or to vary or discharge

an Order previously made by the Court that party shall issue a Notice of Motion to re-enter or to vary or discharge as the case may be grounded upon an Affidavit seeking such relief. Such Motions shall be subject to the provisions of sub-rules (7), (16), (17), (18), (21) and (22), as appropriate.

- (b) Where a person on behalf of a dependent member of the family wishes to make application for ancillary reliefs at the hearing of the action, such application shall be by way of Notice of Motion to be served on all other parties to the proceedings setting out the reliefs sought grounded on Affidavit which said Motion shall be listed for hearing on the same date as the hearing of the action contemporaneously therewith. Such Motions shall be subject to the provisions of sub-rules (7), (16), (17), (18), (21) and (22), as appropriate.

(27) Where any party to proceedings for a declaration under section 29 of the 1995 Act alleges that the marriage in question was void or voidable and the Court decides to treat the application as one for annulment of the marriage, the provisions of these Rules in relation to the procedures applicable to decrees of nullity may be adapted in such manner as the Court shall direct.

#### **Relief under section 33 of the 1995 Act**

(28) Applications under section 33 of the 1995 Act for an order or orders exempting the marriage from the application of section 31(1)(a) or section 32(1)(a) of the 1995 Act may be made ex parte by the parties where both are over the age of 18 years, by the legal guardians of the parties to the intended marriage where both are under the age of 18 years or, where one of the parties is over the age of 18 years, by that party and the legal guardian or guardians of the other party, and further, where deemed appropriate by the Court, a guardian or guardians ad litem may be appointed by the Court to represent either or both of the parties. Such applications may be grounded upon Affidavit or upon oral evidence given by or on behalf of the parties, as the Court may direct, which evidence shall set out the reasons justifying the exemption and the basis upon which it is claimed that the application is in the interests of the parties to the intended marriage.

#### **Applications under section 8 of the First 1976 Act**

(29) Applications pursuant to section 8 of the First 1976 Act may be made by way of originating Notice of Motion, grounded upon affidavit.

(30) For the purposes of sub-rule (29), the notice of motion shall be entitled in the matter of the Act (as amended) and shall state the relief sought (including whether or not relief pursuant to section 8B of the First 1976 Act, as inserted by section 43 of the 1995 Act is sought); state the name and place of residence or address for service of the applicant; the date upon which it is proposed to apply to the Court for relief and shall be filed in the Office of the County Registrar for the County in which the application is being brought in accordance with sub-rule (3) (hereinafter referred to as “the appropriate Office”).

(31) For the purposes of sub-rule (29), without prejudice to the jurisdiction of the Court to make an Order for substituted service, the Motion shall be served by registered post on the Respondent at his last-known address or alternatively shall be served personally on the Respondent by any person over the age of eighteen years. Where relief pursuant to section 8B of the First 1976 Act is sought, the motion shall be served upon the trustees of the pension scheme also. There must be at least ten clear days between the service of the notice and the day named therein for the hearing of the motion.

(32) (a) Subject to the right of the Court to give such directions as it considers appropriate or convenient, evidence at the hearing of the motion under sub-rule (29) shall be by affidavit.

(b) Any affidavit to be used in support of the motion shall be filed in the Office of the appropriate County Registrar and a copy of any such affidavit shall be served with the notice. Any affidavit to be used in opposition to the application shall be filed in the Office of the appropriate County Registrar and served upon the applicant and, where relief pursuant to section 8B of the First 1976 Act is sought, upon the trustees of the pension scheme by the respondent following the service on him of the applicant's affidavit and any affidavit of representations to be used by the trustees of the pension scheme shall be filed in the appropriate Office and served upon the applicant and the respondent.

(33) The plaintiff in proceedings wherein it is sought to have a conveyance declared void pursuant to the provisions of section 3 of the Second 1976 Act (as amended by section 54 of the Family Law Act 1995)(which said proceedings shall be instituted by way of Equity Civil Bill seeking declaratory relief) shall forthwith and without delay following the institution of such proceedings cause relevant particulars of the proceedings to be entered as a *lis pendens* upon the property and/or premises in question under and in accordance with the Judgments (Ireland) Act 1844.

### **Costs**

(34) (a) The costs as between party and party may be measured by the Judge, and if not so measured shall be taxed, in default of agreement by the parties, by the County Registrar according to such scale of costs as may be prescribed. Any party aggrieved by such taxation may appeal to the Court and have the costs reviewed by it.

(b) Where necessary, the Court may make an order determining who shall bear any costs incurred by trustees of a pension scheme pursuant to section 12(22) of the 1995 Act or section 17(22) of the 1996 Act and in making such determination the Court shall have regard, *inter alia*, to the representations made by the trustees pursuant to sub-rule (16), if any.

## **General**

(35) The Court may, upon such terms (if any) as it may think reasonable, enlarge or abridge any of the times fixed by these Rules for taking any step or doing any act in any proceeding, and may also, upon such terms as to costs or otherwise as it shall think fit, declare any step taken or act done to be sufficient, even though not taken or done within the time or in the manner prescribed by these Rules.

## **Certificates**

(36) The Certificates required by Sections 5 or 6 of the 1989 Act and Sections 6 or 7 of the 1996 Act shall be in accordance with Form 37D of the Schedule of Forms annexed hereto.

## **Service of orders by the registrar of the Court**

(37) In all circumstances in which the registrar of the Court and/or the County Registrar is required to serve or lodge a copy of an order upon any person(s) or body such service or lodgment shall be satisfied by the service of a certified copy of the said order by registered post to the said person(s) or body.

## **Rule 5 — Domestic Violence**

5. (1) In this Rule “the Act” means the Domestic Violence Act 1996 (No. 1 of 1996).

### **Venue**

(2) In accordance with section 14 of the Act, an application under this Rule shall be brought in the county where the applicant in the proceedings ordinarily resides (subject to section 14(2) of the Act) or where the place in relation to which the application for a Barring Order is made is situate save that, where the application is made by the Health Service Executive pursuant to section 6 of the Act, the application shall be brought in the county where any party on whose behalf the application is made ordinarily resides or where the place in relation to which the application for a Barring Order is made is situate.

### **Forms**

(3) An application for the making, varying or discharging of a Barring Order or Safety Order shall be instituted by the issuing of a Domestic Violence Civil Bill in the form specified at Form 20 of the Schedule of Forms annexed hereto or such modification thereof as may be appropriate in the circumstances.

### **Interim orders**

(4) An application for a Protection Order may be made by Motion on Notice or by ex parte application after the institution of proceedings for a Barring Order or Safety Order and an application for an interim Barring Order may be made by Motion on Notice or by ex parte application after the institution of



proceedings for a Barring Order and such applications shall be grounded upon an affidavit to be sworn by the applicant or such other person as may be appropriate. An application for the discharge or variation of a Protection Order or interim Barring Order made pursuant to this Rule shall be by Motion on Notice or by ex parte application and shall be grounded upon an affidavit to be sworn by the respondent or such other person as may be appropriate. Urgent applications under this Rule may be made to a Judge at any time or place approved by him or her, by arrangement with the County Registrar. Where interim relief of any nature is granted following an ex parte application, the applicant shall forthwith cause a Notice of Motion to issue in respect of the reliefs which are being sought and/or affirming the ex parte Orders which have been made, such Motion to be returnable before the Court not later than 8 days following the granting of the ex parte relief and to be served upon the respondent in accordance with the provisions of sub-rule (8), unless otherwise directed by the Court. Save where otherwise directed by the Court, all ex parte Orders obtained shall lapse upon the expiration of 8 days following the making thereof.

### **Entry**

(5) Every Domestic Violence Civil Bill under sub-rule (3) shall be entered in the Office before service and a date for the hearing of same or a date upon which a date for hearing shall be fixed by the Court shall be obtained.

### **Dates**

(6) Every Domestic Violence Civil Bill under sub-rule (3) shall state the date upon which the application shall be listed for hearing or shall state the date upon which a date for hearing shall be fixed by the Court. For the purpose of obtaining an expeditious hearing of such application, the same may be set down for hearing at any sitting of the Court within the Circuit.

### **Signature**

(7) Every Domestic Violence Civil Bill under sub-rule (3) and every Notice of Motion and every ex parte docket shall be dated and bear the name, address and description of the applicant and shall be signed by the applicant or by the applicant's solicitor.

### **Service**

(8) Every Domestic Violence Civil Bill under sub-rule (3) and every Notice of Motion under sub-rule (4) shall be served at least four clear days before the date scheduled for the hearing thereof, either personally in accordance with the provisions of Order 11, or alternatively, by leaving a true copy of the same at the respondent's residence. In the event that there is no Summons Server assigned to the relevant area any person over the age of eighteen years shall be deemed to be an authorised person for the purpose of the service of such Domestic Violence Civil Bill or Notice of Motion. An Affidavit of Service of every Domestic Violence Civil Bill under sub-rule (3) and every Motion on Notice under sub-rule (4) shall be sworn and shall be handed in at the hearing of the application or Motion.



## **Evidence**

(9) Save by special leave of the Court, all applications made ex parte or by Motion on Notice for an interim Barring Order or Protection Order or for the variation or discharge of same pursuant to sub-rule (4) shall be heard on affidavit evidence only and where, by leave of the Court, any oral evidence is heard by the Court in the course of such applications ex parte, a note of such evidence shall be prepared by the applicant or the applicant's solicitor or the Health Service Executive or the solicitor for the Health Service Executive and approved by the Judge, unless otherwise directed by the Court. Save by special leave of the Court, all applications for a Barring Order or Safety Order and all applications for a variation or discharge of any Barring Order or Safety Order pursuant to sub-rule (4) shall be heard on oral evidence.

## **Joinder**

(10) Any application for a Barring Order or Safety Order may be joined together with any other application on the same Notice or application.

## **Service**

(11) On the making, varying or discharging of a Barring Order, a Safety Order, an interim Barring Order or a Protection Order, the County Registrar shall cause a copy of the Order in question to be given or sent as soon as practicable to the applicant, to the respondent, to the Health Service Executive where application was made by the Health Service Executive pursuant to section 6 of the Act, to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which is situate the place in relation to which the application for the Barring Order or interim Barring Order was made or the member of the Garda Síochána in charge of the Garda Síochána station for the area in which the person for whose benefit the safety order or protection order was made resides or such other area as the Court shall deem appropriate and to such other persons as are specified in section 11 of the Act. Where an interim Barring Order or Protection Order is made ex parte, the copy Order sent to the respondent spouse shall have enclosed therewith a copy of the affidavit upon which the application was grounded and a copy of the approved note of any oral evidence heard in the course of such application, unless otherwise ordered by the Court.

## **Stamp duty**

(12) No stamp duty shall be payable in respect of any applications brought under the Act.

## **Rule 6 — Section 40, Civil Liability and Courts Act 2004 (No. 31 of 2004)**

### **Admission to proceedings for the purposes of section 40 of the Civil Liability and Courts Act 2004**

6. (1) A person (hereinafter referred to as “the recorder”) referred to in section 40(3)(a) of the Civil Liability and Courts Act 2004 intending to attend

any proceedings to which a relevant enactment (as defined in section 40(2) of the said Act) relates for the purpose of the preparation and publication of a report of such proceedings in accordance with section 40(3) shall, prior to or at the commencement of the hearing of the proceedings, identify himself or herself to the Court and apply for such direction as the Court may give under section 40(3) of the said Act.

(2) On any such application, the Court—

- (a) if satisfied that the recorder is a person referred to in section 40(3)(a) of the said Act and that the recorder intends to attend the proceedings for the purpose of the preparation and publication of a report of proceedings to which a relevant enactment relates, and
- (b) having heard any submission made by or on behalf of any party to the proceedings, may allow the recorder to attend the proceedings subject to such directions as the court may give in that regard.

(3) Where a party, being the applicant or the respondent or other party in the proceedings, wishes to be accompanied in court in any proceedings to which a relevant enactment relates by another person (hereinafter referred to as “the accompanying person”) in accordance with section 40(5) of the said Act, the party to the proceedings shall complete Form 37K and

- (a) where the other party or parties to the proceedings have agreed to the accompanying person, the party making such application shall lodge Form 37K, duly completed, with the County Registrar prior to or at the commencement of the hearing in the proceedings, and shall apply to the Court at that hearing to approve the accompanying of the party concerned by the accompanying person and for such directions as the Court may give under section 40(5) of the said Act;
- (b) Save in ex parte applications, where the other party or parties have not agreed to the accompanying of the party by the accompanying person, the party seeking to be so accompanied shall, by motion (to which Form 37K, duly completed, shall be appended) on notice to the other party or parties returnable not later than fourteen days prior to the date fixed for the hearing of such proceedings, unless the Court otherwise directs, apply to the Court to approve the accompanying of the party concerned by the accompanying person and for such directions as the Court may give under section 40(5) of the said Act;
- (c) In ex parte applications, subject to the filing of Form 37K in accordance with sub-rule (a) above, the approval of any accompanying person shall be at the discretion of the Court.

On any such application, the Court may approve the accompaniment of the party concerned by the accompanying person, subject to such directions as the Court may give, or may refuse such approval.

(4) The Court may, of its own motion or on the application of any party or person, vary or modify any directions given under sub-rule (2) or sub-rule (3) during the course of any proceedings.

**Disclosure of documents, information or evidence for the purposes of section 40 of the Civil Liability and Courts Act 2004**

(5) An application by a party for an order for the disclosure to any third party of documents, information or evidence connected with or arising in the course of proceedings under a relevant enactment (as defined in section 40(2) of the Civil Liability and Courts Act 2004) for the purposes set out in section 40(8) of the said Act shall be made by motion to the Court on notice to the other party or parties, grounded upon an affidavit sworn by or on behalf of the moving party.

SCHEDULE 2  
FORM 1A  
AN CHÚIRT CHUARDA  
THE CIRCUIT COURT

CIRCUIT

COUNTY OF

BETWEEN

Plaintiff

AND

Defendant

The Plaintiff and the Defendant hereby consent to the enlargement of jurisdiction of this Honourable Court pursuant to section 22(1)(b) of the Courts (Supplemental Provisions) Act 1961.

Dated this            day            of 200    .

Signed .....  
Solicitors for the Plaintiff

Signed.....  
Solicitors for the Defendant

To: The County Registrar

FORM 2L  
AN CHÚIRT CHUARDA  
THE CIRCUIT COURT

CIRCUIT

COUNTY OF

PLANNING CIVIL BILL

IN THE MATTER OF THE PLANNING AND DEVELOPMENT ACT  
2000

BETWEEN

..... Plaintiff

AND

.....Defendant

You are hereby required within ten days after the service of this Civil Bill upon you to enter or cause to be entered with the County Registrar, at his Office at.....  
an Appearance to answer the claim of.....  
of.....  
the Plaintiff herein.

And take notice that unless you do enter an Appearance, you will be held to have admitted the said claim, and the Plaintiff may proceed therein and judgment may be given against you in your absence without further notice.

And further take notice that, if you intend to defend the proceeding on any grounds, you must not only enter an Appearance, but also, within ten days after Appearance, deliver a statement in writing showing the nature and grounds of your Defence.

The Appearance may be entered by posting same to the said Office and by giving copies to the Plaintiff or his Solicitor by post and the Defence may be delivered by posting same to the Plaintiff or his Solicitor.

Dated the            day            of 200.

Signed.....  
Plaintiff/Solicitors for the Plaintiff

To:.....  
The Defendant/Solicitor for the Defendant

FORM 2L (continued)

INDORSEMENT OF CLAIM

[Insert particulars of Plaintiff's appeal pursuant to the Planning and Development Act 2000 including the basis upon which jurisdiction is claimed. A copy of the statutory declaration made by the applicant under sub-section (5) of Section 97 of the Planning and Development Act 2000 and a copy of the written notice given by the planning authority under sub-section (13) of Section 97 of the reasons for its refusing a certificate shall be annexed hereto.]

THE PLAINTIFF CLAIMS:

[Insert reliefs sought by the Plaintiff]

.....

Plaintiff/Solicitors for the Plaintiff

FORM 9A  
AN CHÚIRT CHUARDA  
THE CIRCUIT COURT

CIRCUIT

COUNTY OF

NOTICE OF MOTION FOR JUDGMENT BY DEFAULT OF  
APPEARANCE

BETWEEN

.....

Plaintiff

AND

.....

Defendant

Take notice that the Plaintiff will apply to the Court on the        day  
of        20    or the next opportunity thereafter for judgment in default of  
appearance on the grounds that:

The Civil Bill herein was issued on the        day of        and served on  
the day of        . The time for Appearance to the Civil Bill expired  
on        20    as appears by the declaration/affidavit of service lodged  
herewith. No appearance having been entered by or on behalf of the  
Defendant the Plaintiff will apply for judgment in terms of the indorsement of  
claim in the Civil Bill herein.

Dated this        day of        20

Signed .....  
Plaintiff/Solicitor for the Plaintiff

To: Defendant /Solicitor for the Defendant

and

To: The County Registrar

FORM 10A  
AN CHÚIRT CHUARDA  
THE CIRCUIT COURT

CIRCUIT

COUNTY OF

NOTICE OF MOTION FOR JUDGMENT BY DEFAULT OF DEFENCE

BETWEEN

.....

Plaintiff

AND

.....

Defendant

Take notice that the Plaintiff will apply to the Court on the            day  
of            20    or the next opportunity thereafter for judgment in default of  
defence on the grounds that:

The Civil Bill herein was issued on the            day of            and served on  
the            day of            . An appearance having been entered by the  
Defendant on the            day of            but no Defence having been delivered  
by the Defendant, the Plaintiff will apply for judgment in terms of the  
indorsement of claim in the Civil Bill herein.

Dated this            day of            20

Signed .....  
Plaintiff/Solicitor for the Plaintiff

To: Defendant /Solicitor for the Defendant

and

To: The County Registrar



FORM 14A

AN CHÚIRT TEAGHLAIGH CHUARDA

THE CIRCUIT FAMILY COURT

CIRCUIT

COUNTY OF

IN THE MATTER OF COUNCIL REGULATION (EC) NO. 2201/2003

AND IN THE MATTER OF {insert any other applicable legislation}.

BETWEEN

A.B

APPLICANT

AND

C.D.

RESPONDENT

APPEARANCE

1. To the County Registrar

At

I request you will enter an Appearance herein on behalf of the Respondent to the proceedings served upon him on for the purpose of contesting the jurisdiction of this Honourable Court to hear and determine the within proceedings.

Dated this day of

Signed:.....  
Respondent/Solicitors for the Respondent

2. To the Applicant/Solicitors for the Applicant

The Appearance mentioned above was this day lodged by hand/sent by post and the said Respondent intends to contest the jurisdiction of this Honourable Court to hear and determine the within proceedings.

Dated this day of 200 .

Signed:.....  
Respondent/Solicitors for the Respondent

Form 35A

AN CHÚIRT CHUARDA

THE CIRCUIT COURT

CIRCUIT

COUNTY OF

IN THE MATTER OF SECTION 14 OF THE PLANNING AND DEVELOPMENT ACT 2000

NOTICE OF MOTION

BETWEEN

..... Plaintiff

AND

.....Defendant

TAKE NOTICE that application will be made to the Court on the day of 200 or the next opportunity thereafter for the following reliefs:

[Here insert reliefs sought by way of appeal pursuant to section 14 of the Planning and Development Act 2000]

The said application will be grounded on the affidavit of ..... filed on the.....a copy of which is served herewith.

Any affidavit intended to be used in reply thereto should be filed and delivered before the hearing of the application.

Dated the day of 200 .

Signed..... Plaintiff/Solicitor for the Plaintiff

To:..... The Defendant/Solicitor for the Defendant

And To: The County Registrar

Form 35B

AN CHÚIRT CHUARDA

THE CIRCUIT COURT

CIRCUIT

COUNTY OF

IN THE MATTER OF THE PLANNING AND DEVELOPMENT ACT  
2000

NOTICE OF MOTION FOR RELIEF UNDER SECTION 160 OF THE  
PLANNING AND DEVELOPMENT ACT 2000

BETWEEN

..... Plaintiff

AND

.....Defendant

TAKE NOTICE that application will be made to the Court on the        day  
of        200    or the next opportunity thereafter for the following reliefs:

[Here insert details of the injunctive relief sought.]

The said application will be grounded on the affidavit  
of.....  
filed on the.....a copy of which is served herewith.

Any affidavit intended to be used in reply thereto should be filed and  
delivered before the hearing of the application.

Dated the        day of        200    .

Signed.....

Plaintiff/Solicitor for the Plaintiff

To:.....

The Defendant/Solicitor for the Defendant

And

To: The County Registrar

FORM 36A  
AN CHÚIRT CHUARDA  
THE CIRCUIT COURT

CIRCUIT

COUNTY OF

IN THE MATTER OF THE UNFAIR DISMISSALS ACTS 1977 TO 2003

NOTICE OF MOTION FOR RELIEF UNDER SECTION 11 OF THE  
UNFAIR DISMISSALS (AMENDMENT) ACT 1993

BETWEEN

Plaintiff

AND

Defendant

TAKE NOTICE that application will be made to the Court on the            day  
of 200    or the next opportunity thereafter for the following reliefs:

[Here insert details of the relief sought and, in the case of an appeal under  
section 11(1) or an application for enforcement for a determination of the  
Employment Appeals Tribunal under section 11(3)(a), state the date on which  
the determination of the Employment Appeals Tribunal was communicated]

And further take notice that the said application will be grounded upon:

1. [here insert grounds upon which the Applicant is relying for the reliefs sought]
2. [here insert basis of jurisdiction]
3. [here insert name, address and description of the Plaintiff]
4. [There must be annexed to this Notice of Motion the documents referred to in the relevant paragraph of Order 57, Rule 1(6).]

Dated the            day of            200    .

Signed.....  
Plaintiff/Solicitor for the Plaintiff

To:.....  
The Defendant/Solicitor for the Defendant  
And

To: The Employment Appeals Tribunal

And  
To: The County Registrar

FORM 40B  
AN CHÚIRT TEAGHLAIGH CHUARDA  
THE CIRCUIT FAMILY COURT

CIRCUIT

COUNTY OF

IN THE MATTER OF ARTICLE 39 OF COUNCIL REGULATION (EC)  
NO. 2201/2003

BETWEEN

Plaintiff

AND

Defendant

CERTIFICATE PURSUANT TO ARTICLE 39 OF COUNCIL  
REGULATION (EC) NO. 2201/2003

IT IS HEREBY CERTIFIED that the Order/Decree/Written Judgment, a copy of which is annexed hereto at Annex "A", was made by this Honourable Court on the day of which said Order/Decree/Written Judgment has been authenticated by the Seal of the Court and signed by me on the day of

IT IS FURTHERMORE HEREBY CERTIFIED that a certified copy of the Civil Bill or other originating document by which the proceedings were commenced is annexed hereto at Annex "B".

Dated this day of 200 .

Seal of the Court

Signed:.....  
County Registrar / Person authorised

## EXPLANATORY NOTE

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

These Rules contain various amendments to the Circuit Court Rules 2001, including, in particular, (a) certain amendments to the following Orders of the Circuit Court Rules 2001: Order 1, Order 5, Order 6, Order 11, Order 13, Order 14B, Order 18, Order 26, Order 27, Order 29, Order 50, Order 53, Order 57, Order 59, Order 61A, Order 63 and Order 69; (b) certain amendments to the Circuit Court Rules (No. 4) (Restoration of Companies to the Register Pursuant to Section 12 of the Companies Act 1982 as inserted by Section 46 of the Companies (Amendment)(No. 2) Act 1999) 2003 (S.I. No 615 of 2003), Circuit Court Rules (No. 2) (Section 39, Criminal Justice Act 1994) 2004 (S.I. No 448 of 2004), Circuit Court Rules (Protection of Employees (Part Time Work) Act 2001) 2004 (S.I. No 721 of 2004), Circuit Court Rules (Equal Status Act 2000) 2004 (S.I. No 879 of 2004) and Circuit Court Rules (European Arrest Warrant Act 2003) 2005 (S.I. No 57 of 2005) and (c) the substitution or deletion of certain forms.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHAN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
51 FAICHE STIABHNA, BAILE ÁTHA CLIATH,  
(Teil: 01 - 6476834/35/36/37; Fax: 01 - 6476843)  
nó trí aon díoltóir leabhar.

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