



STATUTORY INSTRUMENTS

S.I. No. 102 of 2008

EUROPEAN COMMUNITIES (EVIDENCE IN CIVIL OR
COMMERCIAL MATTERS) REGULATIONS 2008

(Prn. A8/0499)

EUROPEAN COMMUNITIES (EVIDENCE IN CIVIL OR
COMMERCIAL MATTERS) REGULATIONS 2008

I, BRIAN LENIHAN TD, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Council Regulation (EC) No. 1206/2001 of 28 May 2001¹ on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Evidence in Civil or Commercial Matters) Regulations 2008.

2. In these Regulations “Council Regulation” means Council Regulation (EC) No. 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters.

3. (1) The District Court shall be competent to take evidence pursuant to a request to which Article 1.1(a) of the Council Regulation applies.

(2) Subject to paragraph (3), the power conferred on the District Court by paragraph (1) shall be exercised by a judge of the District Court assigned to the district court district in which the witness from whom evidence is to be taken resides, or carries on any profession, trade, business or other occupation.

(3) Where a request relates to more than one witness and paragraph (2) would operate to require the taking of evidence from the witnesses concerned by judges of the District Court assigned to different district court districts, the power conferred on the District Court by paragraph (1) shall, in relation to the taking of evidence from each of those witnesses, be exercised by a judge of the District Court assigned to the Dublin Metropolitan District.

4. The Courts Service is designated as the central body in the State for the purposes of Articles 3 and 17 of the Council Regulation.

¹OJ No. L174, 27. 6. 2001, p.1.



GIVEN under my Official Seal,
15 April 2008

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

EXPLANATORY NOTE

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

These Regulations specify the District Court as competent to take evidence for the purpose of Article 1.1(a) of Council Regulation (EC) No. 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters. They also specify the Courts Service as the central body in the State for the purposes of Articles 3 and 17 of the Council Regulation.

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