



STATUTORY INSTRUMENTS

S.I. No. 188 of 2008



CIRCUIT COURT RULES (JURISDICTION, RECOGNITION,
ENFORCEMENT AND SERVICE OF PROCEEDINGS) 2008

(Prn. A8/0781)

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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 29 day of April 2008.

(Signed): Matthew Deery
(Chairman of the Circuit Court Rules Committee)

Alison Lindsay
Tony Hunt
Patrick Hunt
Fergal Foley
Gerard J. Doherty
Joe Deane
Ronan Boylan
Noel Rubotham

Susan Ryan (Secretary)

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

Dated this 11 day of June 2008.

Signed: DERMOT AHERN
MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 17th June, 2008.*

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1. These Rules, which may be cited as the Circuit Court Rules (Jurisdiction, Recognition, Enforcement and Service of Proceedings) 2008, shall come into operation on the 9 day of July 2008.

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

3. The Circuit Court Rules are amended by:

(i) the insertion immediately following Rule 6 of Order 14 of the following:

“7. While the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters annexed to Council Decision No. 2005/790/EC of 20 September 2005 (OJ L 299/61 of 16 November 2005) signed at Brussels on 19 October 2005 and approved on behalf of the Community by Council Decision No. 2006/325/EC of 27 April 2006 (OJ L 120/22 of 5 May 2006) is for the time being in force, notwithstanding any other provision of these Rules to the contrary, the provisions of these Rules which relate to Regulation No. 44/2001 shall apply in relation to the Kingdom of Denmark, to the extent permitted, and subject to any modifications made necessary, by that Agreement, and the provisions of these Rules which relate to the 1968 Convention shall not apply.”

(ii) the insertion immediately following Rule 19 of Order 14B of the following:

“20. While the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil and commercial matters annexed to Council Decision No. 2005/794/EC of 20 September 2005 (OJ L 300/53 of 17 November 2005) signed at Brussels on 19 October 2005 and approved on behalf of the Community by Council Decision No. 2006/326/EC of 27 April 2006 (OJ L 120/23 of 5 May 2006) is for the time being in force, notwithstanding any other provision of these Rules to the contrary, the provisions of these Rules which relate to Council Regulation (EC) No. 1348/2000 shall apply in relation to the Kingdom of Denmark, to the extent permitted, and subject to any modifications made necessary, by that Agreement.”

(iii) the insertion immediately following Rule 24 of the Interpretation of Terms provisions of the following:

“25. References to any Regulation, Directive, Decision or Framework Decision adopted by the Council of the European Union, whether or not jointly with any other institution of the European Union, shall (save where any such amendment or extension does not have force of law in the State) be deemed to be references to such Regulation, Directive, Decision or Framework Decision as amended or extended from time to time, and, where any subsequent Regulation, Directive, Decision or Framework Decision repealing such Regulation, Directive, Decision or Framework Decision expressly so provides, to a subsequent Regulation, Directive, Decision or Framework Decision.”

EXPLANATORY NOTE

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

These Rules make provision for the extension to the Kingdom of Denmark of Council Regulations 1348 of 2000 (on service of judicial and extrajudicial documents in civil and commercial matters) and 44 of 2001 (on jurisdiction, recognition and enforcement of judgments in civil and commercial matters).

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
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