



STATUTORY INSTRUMENTS

S.I. No. 533 of 2008



EUROPEAN COMMUNITIES (EUROPEAN SMALL CLAIMS
PROCEDURE) REGULATIONS 2008

(Prn. A8/1981)

EUROPEAN COMMUNITIES (EUROPEAN SMALL CLAIMS
PROCEDURE) REGULATIONS 2008

I, DERMOT AHERN, 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 full effect to Regulation (EC) No. 861/2007 of 11 July 2007 of the European Parliament and of the Council establishing a European Small Claims Procedure¹, make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the European Communities (European Small Claims Procedure) Regulations 2008.

(2) These Regulations shall come into operation on 1 January 2009.

Definition

2. (1) In these Regulations “European Small Claims Regulation” means Regulation (EC) No. 861/2007 of 11 July 2007 of the European Parliament and of the Council establishing a European Small Claims Procedure¹.

(2) Unless provided otherwise, a word or expression used in these Regulations and in the European Small Claims Regulation has the same meaning in these Regulations as it has in the European Small Claims Regulation.

(3) References in these Regulations to numbered Articles without qualification are references to the Articles so numbered of the European Small Claims Regulation.

Jurisdiction

3. (1) Subject to paragraph (2), the District Court has jurisdiction for the purposes of the European Small Claims Regulation and such jurisdiction shall be exercised in accordance with the rules of Council Regulation (EC) No. 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters².

(2) The functions of the court under the following provisions of the European Small Claims Regulation shall, subject to the exceptions mentioned in subparagraphs (b) and (g), be exercised by the district court clerk assigned to the District Court area in which the claim is lodged:

(a) paragraph (3) of Article 4;

¹O.J. L 399, 31.07. 2007, p.1

²O.J. L 12, 16.1.2001, p.1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 16th December, 2008.*

- (b) paragraph (4) of Article 4 (other than insofar as that paragraph relates to the dismissal of a claim);
- (c) paragraphs (2), (4) and (6) of Article 5;
- (d) paragraphs (2) and (3) of Article 6;
- (e) paragraphs (2) and (3) of Article 12;
- (f) paragraph (1) of Article 14;
- (g) paragraph (2) of Article 14 (other than insofar as that paragraph relates to the extension of time limits under paragraph (1) of Article 7); and
- (h) paragraph (2) of Article 20.

(3) The functions to be exercised under paragraph (2) shall be carried out in such manner as may be prescribed by Rules of Court.

Enforcement of judgments

4. A judgment given in another Member State in the European Small Claims Procedure shall be of the same force and effect as a judgment or decree of the District Court, and may be enforced, and proceedings taken on it, as if it were a judgment or decree of that Court.



GIVEN under my Official Seal,
11 December 2008

DERMOT AHERN,
Minister for Justice, Equality and Law Reform.

EXPLANATORY NOTE

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

This Regulation sets out the effect on domestic legislation of Regulation (EC) No. 671/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure and makes the necessary provisions for the good administration of the Regulation.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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