



STATUTORY INSTRUMENTS

S.I. No. 92 of 2009



DISTRICT COURT (FORMS) RULES 2009

(Prn. A9/0400)

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The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961, section 7 of the Courts Act 1964 and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice, Equality and Law Reform, make the following rules of court.

Dated this 9th day of March 2009.

Miriam Malone Chairperson

Uinsin Mac Gruairc

Mary C Devins

Thomas E O'Donnell

Roy Pearson

Noel A Doherty

Michelle Johnston

I concur in the making of the following rules of court.

Dated this 23 day of March 2009

DERMOT AHERN
Minister for Justice, Equality and Law Reform

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 27th March, 2009.*

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DISTRICT COURT (FORMS) RULES 2009

1. These rules may be cited as the District Court (Forms) Rules 2009.
2. These rules shall come into operation on the 23rd day of March 2009 and shall be construed together with the District Court Rules 1997 to 2009.
3. The District Court Rules, 1997 (S.I. No. 93 of 1997) are amended by the substitution for rule 1 of Order 35 of the following:

“1. (1) To the extent that sections 14(1) and 14(2) of the Courts Act 1971 (as substituted by section 23 of the Civil Law (Miscellaneous Provisions) Act 2008) provide that an order so signed shall be evidence in any legal proceedings of the said decision, an order recording a decision of a Judge of the District Court may be signed by a Judge or (provided that it complies with the requirements of sub-rule (2)) by any District Court Clerk assigned to the District Court area in which the order was made.

(2) When any order referred to in sub-rule (1) is intended to be signed by a District Court Clerk, the form of order shall:

- (i) immediately following the heading of the order, include the words “BY ORDER OF JUDGE a Judge of the District Court” and identify by name the Judge who made the order;
- (ii) in the body of the order, recite the making of the order by that Judge, and
- (iii) where a form of such order which may be signed by a Judge is included in any Schedule to these Rules:
 - (a) immediately following the place for signature, instead of the specification “Judge of the District Court” include the specification: “District Court Clerk assigned to the said District Court area”, and
 - (b) contain such other modifications as are necessary.

(3) To the extent that sections 14(3) and 14(4) of the Courts Act 1971 (as substituted by section 23 of the Civil Law (Miscellaneous Provisions) Act 2008) provide that a warrant so signed shall be evidence in any legal proceedings of the matters to which the warrant relates, a warrant issued by a Judge of the District Court may be signed by a Judge or (provided that it complies with the requirements of sub-rule (4)) by any District Court Clerk assigned to the District Court area in which the warrant was issued.

(4) When any warrant referred to in sub-rule (3) is intended to be signed by a District Court Clerk, the form of warrant shall:

(i) immediately following the heading of the warrant, include the words “BY ORDER OF JUDGE a Judge of the District Court” and identify by name the Judge who issued the warrant;

(ii) in the body of the warrant, recite the making of any relevant order and the issuing of the warrant by that Judge, and

(iii) where a form of such warrant which may be signed by a Judge is included in any Schedule to these Rules:

(a) recite in the command within the warrant that the command is pursuant to said order of the Judge,

(b) immediately following the place for signature, instead of the specification “Judge of the District Court” contain the specification: “District Court Clerk assigned to the said District Court area”, and

(c) contain such other modifications as are necessary.

(5) Where a copy of an order made in any case of summary jurisdiction is required, the order shall be drawn up by the Clerk for the court area wherein the order was made and shall be signed by a Judge or (provided that it complies with the requirements of sub-rule (2)) by the Clerk. The Clerk shall retain such order in his or her custody.

(6) Any person having a bona fide interest in the matter may, upon payment of the prescribed fee (if any), obtain from the Clerk a copy of the order certified by the Clerk in accordance with the provisions of rule 4.”

4. The District Court Rules, 1997 (S.I. No. 93 of 1997) are amended by the deletion from Schedule B of Forms 35.1, 35.3 and 35.4.

EXPLANATORY NOTE

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

These Rules amend Order 35 of the District Court Rules to provide for the signing of orders or warrants by the Clerk in accordance with the provisions of sections 14(1) and 14(2) of the Courts Act 1971 (as substituted by section 23 of the Civil Law (Miscellaneous Provisions) Act 2008).

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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