



STATUTORY INSTRUMENTS.

S.I. No. 325 of 2010

DISTRICT COURT (ENFORCEMENT OF MAINTENANCE ORDERS)
RULES 2010

(Prn. A10/0962)

S.I. No. 325 of 2010

DISTRICT COURT (ENFORCEMENT OF MAINTENANCE ORDERS)
RULES 2010

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, and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice and Law Reform, make the following rules of court.

Dated this 14th day of December 2009.

Miriam Malone Chairperson

Uinsin Mac Gruairc

Mary C. Devins

Thomas E. O'Donnell

Brian Sheridan

Shalom Binchy

Roy Pearson

Noel A. Doherty

Michelle Johnston

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

Dated this 1st day of July 2010.

DERMOT AHERN,

Minister for Justice and Law Reform.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 6th July, 2010.*

S.I. No. 325 of 2010

DISTRICT COURT (ENFORCEMENT OF MAINTENANCE ORDERS)
RULES 2010

1. These rules may be cited as the District Court (Enforcement of Maintenance Orders) Rules 2010.
2. These rules shall come into operation on the 8th day of July 2010 and shall be construed together with the District Court Rules 1997 to 2010.
3. The District Court Rules 1997 (S.I. No. 93 of 1997) are amended:

- (i) by the substitution for rule 9 of Order 54 of the following rule:

“Clerk to send copy of order

9. (1) Where the Court makes a maintenance order, an order varying, discharging or discharging part of such order, an interim order or a lump sum order in respect of the birth or funeral expenses of a dependent child, the Clerk shall give to, or send by registered prepaid post to the maintenance debtor or to the respondent party (as the case may be) a copy of the order so made.

(2) A copy of an order mentioned in sub-rule (1) given or sent to a maintenance debtor shall have endorsed on it, or be accompanied by a notice containing the following statement:

“The within order is made by the District Court. If you the maintenance debtor fail to make a payment due under this order, a further summons may be issued against you to attend before the District Court, or a warrant issued for you to be arrested and brought before the District Court which may lead to your being imprisoned for a period of up to three months. The District Court can vary the terms of this order. If you are concerned that you may not be able to comply with the terms of this order and would like to apply for a variation, you should consult a solicitor or contact the District Court Clerk at.....”;

- (ii) by the substitution for Order 57 of the Order set out in Schedule 1;
- (iii) by the substitution for sub-rule (3) of rule 12 of Order 62 of the following sub-rule:

“(3) If the enforcement order has been made in respect of an order revoking a maintenance order, the Clerk shall send by registered prepaid post to the maintenance debtor a copy of such revocation order and a statement of any amounts still due and payable under the maintenance order, which statement shall contain, or be sent together with, an endorsement to the like effect as the endorsement on a notice under sub-rule (2).”

4. The Forms numbered 55.1, 57.1 to 57.14 inclusive and 62.5 in Schedule 2 are substituted for the Forms numbered 55.1, 57.1 to 57.16 inclusive and 62.5 respectively in Schedule C of the District Court Rules 1997 (S.I. No. 93 of 1997).

SCHEDULE 1**“Order 57****Proceedings under section 8 of the Enforcement of Court Orders Act 1940**

Definitions

1. In this Order:

“the Act of 1940” means the Enforcement of Court Orders Act 1940 (No. 23 of 1940);

“the Act of 2009” means the Enforcement of Court Orders (Amendment) Act 2009 (No. 21 of 2009).

Venue

2. Proceedings to which this Order relates may be brought, heard or determined at any sitting of the Court for the court area where either party to the proceedings ordinarily resides or carries on any profession, business or occupation or where the order which it is sought to enforce was made.

Application under section 8(1) by information

3. Where it is intended to make an application under section 8(1) of the Act of 1940 (as amended by the Act of 2009), the application shall be by sworn information in one of the Forms 57.1 to 57.3 Schedule C, as the case may be.

Issue of summons or warrant

4. Where the Judge thinks fit to issue a summons, the summons shall be in the Form 57.4 Schedule C. A warrant which may be issued on foot of an application under section 8(1) of the Act of 1940 shall be in one of the Forms 57.5 to 57.7 Schedule C, as the case may be.

Distress warrant

5. A warrant of distress and sale under section 8(1) of the Act of 1940 shall be in accordance with Form 57.8 or 57.9 Schedule C, as the case may be.

Issue of summons under section 6

6. (1) Where a Judge treats an application under section 8(1) of the Act of 1940 as an application for a summons under section 6 of that Act, and grants that application, he shall direct the Clerk to issue a summons addressed to the debtor in one of the Forms 57.10 to 57.12 Schedule C as the case may be.

(2) Order 53, rules 8(2), 8(3) and 8(4) apply to the service and lodgment of proof of service of a summons mentioned in sub-rule (1), provided that where a Clerk is the applicant, the Clerk may request the creditor concerned to arrange for the summons to be served personally upon the debtor at least fourteen days before the date of sitting of the Court at which the debtor is directed to appear and to lodge proof of service with the Clerk.

(3) Where an order is made under section 6 of the Act of 1940 in a case to which this Order applies, the Forms mentioned in Order 53 may be used, with such modifications as may be necessary.

Recognisance and warrant of detention

7. A recognisance under section 8(2) of the Act of 1940 shall be in accordance with Form 57.13 Schedule C. A warrant of detention on refusing to enter into a recognisance shall be in accordance with Form 57.14 Schedule C.

Clerk to tender evidence

8. On the hearing of an application under section 8(1) of the Act of 1940 (including the hearing of such an application treated as an application under section 6 of that Act) the Clerk to whom payments under the maintenance order, variation order, interim order or enforceable maintenance order are payable shall, without prejudice to any other evidence which may be required on that hearing, tender as evidence—

- (a) the maintenance order, variation order, interim order, (as the case may be) and in the case of an enforceable maintenance order a copy of the maintenance order,
- (b) the request in writing received by the Clerk from the maintenance creditor,
- (c) in the case of an enforceable maintenance order, a copy of the order made by the Master of the High Court, and
- (d) any other relevant document.

The Clerk shall also prove the amount of arrears due.

Provisions regarding warrants to apply

9. The provisions contained in Order 26 regarding warrants shall apply to warrants issued under this Order with the proviso that warrants of distress shall be addressed to and executed by the several Sheriffs and County Registrars.”

SCHEDULE 2

Schedule C
0.55, r. 2(1)(b)

55.1

MAINTENANCE ORDERS ACT 1974, Section 14(8)(a)

NOTICE THAT PAYMENTS HAVE BECOME PAYABLE TO THE
DISTRICT COURT CLERK FOR TRANSMISSION TO MAINTENANCE
CREDITOR

To

of

Maintenance Debtor

ENDORSEMENT

This notice is issued to you as maintenance debtor, by the District Court. If you the maintenance debtor fail to make a payment due under the enforceable maintenance order details of which are given below, a summons may be issued against you to attend before the District Court, or a warrant issued for you to be arrested and brought before the District Court which may lead to your being imprisoned for a period of up to three months.

If you are concerned that you may not be able to comply with the terms of the enforceable maintenance order, you should consult a lawyer practising in the country or region where the enforceable maintenance order was made.

The District Court cannot vary the terms of the enforceable maintenance order.

Under section 14(9) of the above-named Act of 1974 you are required to notify the District Court Clerk named below of any change in your address. Failure, without reasonable cause, to do so is an offence punishable on summary conviction by a fine.

District Court Area of

District No.

.....of

.....Maintenance Creditor

.....of

.....Maintenance Debtor

You are hereby given notice that the sums, particulars of which are set out below, payable by you under a maintenance order made on the..... day of..... 20..., by ‡..... and in respect of which an enforcement order was made by the Master of the High Court on the..... day of..... 20..., have pursuant

to section 14(8)(a) of the above Act become payable to the District Court Clerk for the above court area for transmission to the Maintenance Creditor.

Sums payable under the order (including payments in respect of any sums due at the date of the receipt by you of this notice) should until further notice be paid in Irish currency (euro) to

The District Court Clerk,
District Court Office,

at

whose office hours are from..... to..... Monday to Friday each week.

Dated this day of..... 20.....

Signed

District Court Clerk for the above-named District Court area,

District Court Office

at

.....

PARTICULARS OF SUMS DUE
(Set out the details)

Total amount due at the date of this notice (including any arrears, costs and expenses): €.....

In addition to this last-named sum you are obliged to pay €..... per week in accordance with the terms of the order

*delete where inapplicable

‡State Court which made order

Schedule C
O.57, r.3

57.1

ENFORCEMENT OF COURT ORDERS ACT 1940, section 8
(as amended by Enforcement of Court Orders (Amendment) Act 2009,
section 2)

INFORMATION

District Court Area of

District No.

.....Maintenance Creditor

.....Maintenance Debtor

The information of

of.....

who says on oath:

By *maintenance/*variation/*interim order dated the..... day of 20....
made at the sitting of the District Court at.....
the above-named Maintenance Debtor of.....
was ordered to pay to me the Maintenance Creditor of.....
*(the weekly sum of €.....for my support) *(and) *(the weekly sum of €.....
for the support of dependent children) *(of the family) *(together
with the sum of €..... for costs and expenses).

The payments directed to be made by that order have not been duly made
according thereto and there is now in arrear in respect of the same the sum of
€..... being the amount of..... weekly payments which have become
due and payable *(within the six months immediately preceding the date of this
information) *(together with the sum of €.....for costs and expenses
making in all the sum of €.....).

I therefore apply for a warrant for the arrest of the
said.....to be brought before the District Court in accord-
ance with section 8 of the said Act.

Signed.....

Informant

SWORN before me this..... day of..... 20....

Signed.....

Judge of the District Court

*Delete where inapplicable

ENFORCEMENT OF COURT ORDERS ACT 1940, section 8
(as amended by Enforcement of Court Orders (Amendment) Act 2009,
section 2)

INFORMATION

District Court Area of District No.
.....Maintenance Creditor
.....Maintenance Debtor

The information of
of..... who says on oath:—

1. I am the District Court Clerk for the above court area and pursuant to section 9 of the Family Law (Maintenance of Spouses and Children) Act 1976, I am the person to whom payments under the order referred to herein are to be made and the person authorised to take these proceedings.

2. By *maintenance/*variation/*interim order dated the.... day of..... 20....., made at the sitting of the District Court at..... the Maintenance Debtor of..... was ordered to pay to the Maintenance Creditor of *(the weekly sum of €..... for her/his support) *(and) *(the weekly sum of €..... for the support of..... dependent children) *(of the family) *(together with the sum of €..... for costs and expenses). I wish to refer to a copy of that order upon which marked with the letter “A”, I have endorsed my name prior to the swearing hereof.

3. The payments directed to be made by that order have not been duly made according thereto and there is now in arrear in respect of the same the sum of €..... being the amount of weekly payments which have become due and payable *(within the six months immediately preceding the date of this information) *(together with the sum of €..... for costs and expenses making in all the sum of €.....).

4. By notice dated the.... day of 20....., I have been requested in writing by the Maintenance Creditor to take such steps as I consider reasonable to recover the sums in arrear. I wish to refer to the said notice upon which marked with the letter “B” I have endorsed my name prior to the swearing hereof.

5. I therefore apply for a warrant for the arrest of the said to be brought before the District Court in accordance with section 8 of the said Act.

Signed.....
Informant

SWORN before me this.... day of..... 20.....

Signed.....
Judge of the District Court

*Delete where inapplicable

ENFORCEMENT OF COURT ORDERS ACT 1940, section 8
(as amended by Enforcement of Court Orders (Amendment) Act 2009,
section 2)

INFORMATION
(enforceable maintenance order)

District Court Area of

District No.

.....Maintenance Creditor

.....Maintenance Debtor

The information ofof

..... who says on oath:—

1. I am the District Court Clerk for the above court area, and pursuant to *(section 14(8) of the Maintenance Orders Act 1974),*(section 7(7) of the Jurisdiction of Courts and Enforcement of Judgments (European Communities) Act 1988), I am the person to whom payments under the maintenance order referred to herein are to be paid and the person authorised to take these proceedings.

2. By maintenance order made on the day of 20... by †....., the Maintenance Debtor now residing at..... in court area and district aforesaid was ordered to pay the weekly sum of €..... *(together with the sum of €..... for costs and expenses) to..... of (hereinafter referred to as the Maintenance Creditor). I wish to refer to a copy of that maintenance order upon which marked with the letter “A” I have endorsed my name prior to the swearing hereof.

3. On the.... day of..... 20....., the Master of the High Court made an enforcement order in respect of that maintenance order. I wish to refer to a copy of that enforcement order upon which marked with the letter “B” I have endorsed my name prior to the swearing hereof.

4. The payments directed to be made by the said maintenance order as ordered to be enforced by the said enforcement order have not been duly made according thereto and there is now in arrear in respect of the same the sum of €..... being the amount of weekly payments which have become due and payable *(within the six months immediately preceding the date of this information) *(together with the sum of €..... for costs and expenses making in all the sum of €.....).

5. By letter dated the day of 20....., I have been requested in writing by the Maintenance Creditor to make application under section 8 of the Enforcement of Court Orders Act 1940. I wish to refer to the said letter when

produced upon which marked with the letter "C" I have endorsed my name prior to the swearing hereof.

6. I therefore apply for a warrant for the arrest of the said to be brought before the District Court in accordance with section 8 of the said Act

Signed.....
Informant

SWORN before me this... day of..... 20.....

Signed.....
Judge of the District Court

*Delete where inapplicable
†State Court which made order

ENFORCEMENT OF COURT ORDERS ACT 1940, section 8
(as amended by Enforcement of Court Orders (Amendment) Act 2009,
section 2)

PETTY SESSIONS (IRELAND) Act 1851, SECTION 11

SUMMONS FOR ATTENDANCE OF MAINTENANCE DEBTOR

District Court Area of

District No.

.....Maintenance Creditor

.....Maintenance Debtor

WHEREAS an information and complaint has been made on oath and in writing by..... of.....

*the above-named Maintenance Creditor, that

*District Court Clerk, that

*by *maintenance/*variation/*interim order (hereinafter the “original order”) dated the....day of20..., made at the sitting of the District Court at the Maintenance Debtor, of was ordered to pay to the Maintenance Creditor, of..... *(the weekly sum of €.....for her/his support) *(and) *(the weekly sum of €..... for the support of..... dependent children) *(of the family) *(together with the sum of €..... for costs and expenses),

by maintenance order made on the.... day of..... 20... by ‡....., the Maintenance Debtor, of..... in court area and district aforesaid was ordered to pay to the Maintenance Creditor, of..... the weekly sum of €.....(together with the sum of €..... for costs and expenses). On the.... day of..... 20....., the Master of the High Court made an enforcement order in respect of that maintenance order (and the said maintenance order as ordered to be enforced is hereinafter referred to as the “original order”),

*and by *notice/*letter in writing dated the.... day of..... 20....., the said District Court Clerk was requested in writing by the Maintenance Creditor to take such steps as said District Court Clerk considered reasonable to recover the sums in arrear,

AND WHEREAS the payments directed to be made by the said original order have not been duly made according thereto, and there is now in arrear in respect of same the sum of €....., being the amount of weekly payments, which have become due and payable *(within the six months immediately preceding the †.....) *(together with the sum of €..... for costs and expenses making in all the sum of €.....);

THIS IS TO COMMAND YOU to appear at the sitting of the District Court to be held at..... in court area and district aforesaid on theday of.....20..., ata.m./p.m. to answer the said complaint.

Dated thisday of.....20...

Signed.....
Judge of the District Court

To

of

the above named maintenance debtor

* Delete where applicable

† Insert date of information on foot of which summons is issued.

‡State Court which made order

ENFORCEMENT OF COURT ORDERS ACT 1940, section 8
(as amended by Enforcement of Court Orders (Amendment) Act 2009,
section 2)

WARRANT OF ARREST

District Court Area of

District No.

.....Maintenance Creditor

.....Maintenance Debtor

WHEREAS an information has been made on oath and in writing by..... of..... that, by †maintenance/†variation/†interim order dated the.....day of..... 20..., made at the sitting of the District Court at....., the Maintenance Debtor, of..... was ordered to pay to the Maintenance Creditor of....., †(the weekly sum of €..... for her/his support) †(and) †(the weekly sum of €..... for the support of..... dependent children) †(of the family) †(together with the sum of €..... for costs and expenses).

AND WHEREAS from said information I AM SATISFIED THAT the payments directed to be made by the said order have not been duly made according thereto, and there is now in arrear in respect of same the sum of €..... being the amount of..... weekly payments which have become due and payable †(within the six months immediately preceding the (*).....), †(together with the sum of €..... for costs and expenses, making in all the sum of €.....).

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest the said of..... and to bring him/her before me or before another Judge at the sitting of the District Court in District No..... next following the date of his/her arrest to be dealt with according to law.

Dated this.....day of.....20....

Signed.....

Judge of the District Court

To the Superintendent of the Garda Síochána

At.....

†ENDORSEMENT AS TO RELEASE ON BAIL

I hereby direct that the person named in this warrant be on arrest, released on entering into a recognisance, himself/herself in the sum of €.....with one sufficient surety in the sum of €..... (or two sufficient sureties in the sum of €.....each) conditioned for the appearance of the said..... at the sitting of the District Court in District No..... next following the date of his/her arrest.

Dated this.....day of.....20....

Signed.....

Judge of the District Court

(*) Insert date of information on foot of which warrant was issued.

†Delete where inapplicable

ENFORCEMENT OF COURT ORDERS ACT 1940, section 8
(as amended by Enforcement of Court Orders (Amendment) Act 2009,
section 2)

WARRANT OF ARREST

District Court Area of

District No.

.....Maintenance Creditor
.....Maintenance Debtor

WHEREAS an information has been made on oath and in writing by the District Court Clerk for the above court area, he/she being the person to whom, pursuant to section 9 of the Family Law (Maintenance of Spouses and Children) Act 1976 payments under the order referred to herein are to be made and the person authorised to take these proceedings, that by †maintenance/†variation/†interim/order dated the.... day of.....20..... made at the sitting of the District Court at..... the Maintenance Debtor of..... was ordered to pay to the Maintenance Creditor of..... †(the weekly sum of €..... for her/his support) †(and) †(the weekly sum of €..... for the support of..... dependent children) †(of the family) †(together with the sum of €..... for costs and expenses),

AND WHEREAS from said information I AM SATISFIED THAT the payments directed to be made by the said order have not been duly made according thereto, and there is now in arrear in respect of same the sum of €....., being the amount of..... weekly payments, which have become due and payable †(within the six months immediately preceding the (*).).....) †(together with the sum of €....., for costs and expenses, making in all the sum of €.....);

AND WHEREAS from said information I AM SATISFIED THAT by notice dated the.... day of.....20..... said Clerk was requested in writing by the Maintenance Creditor to take such steps as he/she considers reasonable to recover the sums in arrear,

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest the said.....of..... and to bring him/her before me or before another Judge at the sitting of the District Court in District No..... next following the date of his/her arrest.

Dated thisday of.....20....

Signed.....
Judge of the District Court

To the Superintendent of the Garda Síochána
At.....

†ENDORSEMENT AS TO RELEASE ON BAIL

I hereby direct that the person named in this warrant be on arrest, released on entering into a recognisance, himself/herself in the sum of €..... with one sufficient surety in the sum of €..... (or two sufficient sureties in the sum of €..... each) conditioned for the appearance of the said..... at the sitting of the District Court in District No..... next following the date of his/her arrest.

Dated this.....day of.....20....

Signed.....
Judge of the District Court

(*) Insert date of information on foot of which warrant was issued.

†Delete where inapplicable

ENFORCEMENT OF COURT ORDERS ACT 1940, section 8
(as amended by Enforcement of Court Orders (Amendment) Act 2009,
section 2)

WARRANT OF ARREST

District Court Area of

District No.

.....Maintenance Creditor

.....Maintenance Debtor

WHEREAS an information has been made on oath and in writing by the District Court Clerk for the above court area, he/she being the person to whom, pursuant to †(section 14(8) of the Maintenance Orders Act 1974), †(section 7(7) of the Jurisdiction of Courts and Enforcement of Judgments (European Communities) Act 1988), payments under the maintenance order referred to herein are to be made and the person authorised to take these proceedings, that by maintenance order made on the.....day of.....20... by ‡....., the Maintenance Debtor, now residing at..... in court (area and) district aforesaid, was ordered to pay the weekly sum of €..... †(together with the sum of €.....for costs and expenses) to..... of..... (hereinafter referred to as the Maintenance Creditor);

AND WHEREAS from said information I AM SATISFIED THAT the Master of the High Court on the.....day of.....20...., made an enforcement order in respect of that maintenance order;

AND WHEREAS from said information I AM SATISFIED THAT the payments directed to be made by the said maintenance order as ordered to be enforced by the said enforcement order have not been duly made according thereto and there is now in arrear in respect of same the sum of €....., being the amount of..... weekly payments, which have become due and payable †(within the six months immediately preceding the (*).....) †(together with the sum of €..... for costs and expenses, making in all the sum of €.....);

AND WHEREAS from said information I AM SATISFIED THAT by letter dated the..... day of.....20, the said Clerk was requested in writing by the Maintenance Creditor to make application under section 8 of the Enforcement of Court Orders Act 1940.

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest the said..... of..... and to bring him/her before me or before another Judge at the sitting of the District Court in District No..... next following the date of his/her arrest.

Dated this.....day of.....20....

Signed.....

Judge of the District Court

To the Superintendent of the Garda Síochána

At.....

†ENDORSEMENT AS TO RELEASE ON BAIL

I hereby direct that the person named in this warrant be on arrest, released on entering into a recognisance, himself/herself in the sum of €.....with one sufficient surety in the sum of €..... (or two sufficient sureties in the sum of €.....each) conditioned for the appearance of the said..... at the sitting of the District Court in District No..... next following the date of his/her arrest.

Dated this.....day of.....20....

Signed.....
Judge of the District Court

(*) Insert date of information on foot of which warrant was issued.
†Delete where inapplicable

ENFORCEMENT OF COURT ORDERS ACT 1940, Section 8
WARRANT OF DISTRESS AND SALE

District Court Area of District No.
.....Maintenance Creditor
.....Maintenance Debtor

WHEREAS

The above named Maintenance Debtor of..... was this day before a sitting of the District Court at..... in court area and district aforesaid, on foot of a warrant reciting that:—

By †maintenance/†variation/†interim order dated the day of20..., made at a sitting of the District Court at..... the Maintenance Debtor, of..... was ordered to pay to....., the above named Maintenance Creditor (the weekly sum of €..... for her/his support) †(and) †(the weekly sum of €..... for the support of..... dependent children) †(of the family) †(together with the sum of €..... for costs and expenses)

‡By notice in writing dated the day of20...the District Court Clerk for the above court area was requested in writing by the Maintenance Creditor to take such steps as he/she considers reasonable to recover the sums in arrear.

‡AND WHEREAS the said †maintenance/†variation/†interim order and the said notice have been produced to the Court;

AND WHEREAS the Court is satisfied on the evidence adduced that, of the said weekly payments which have become due and payable by virtue of the said order †(within the six months immediately preceding the (*).).....) the sum of €.....†(together with the sum of €..... for costs and expenses, making in all the sum of €.....) has not been duly paid;

*AND HAVING HEARD the applicant and the Maintenance Debtor and such evidence as they respectively adduced

NOW IT IS HEREBY ORDERED AND DIRECTED that the said sum of €.....†(together with sum of €....., being the costs of these proceedings, making in all the sum of €.....) be levied by distress and sale of the goods and chattels of the Maintenance Debtor and be paid to the District Court Clerk at..... withindays from this date

This warrant to be returned in.....days if not executed.

Dated this day of20....

Signed.....
Judge of the District Court

To the several Sheriffs and County Registrars

County of

I authorise and empower

and..... of.....

Court Messengers, or either of them, and their assistants to execute the above order.

Dated this..... day of20....

Signed.....

Sheriff/County Registrar of the said County

The sum to be levied hereunder is €.....

Sheriff/County Registrar

(*) Insert date of information on foot of which warrant was issued

†Delete where inapplicable

‡ Delete where proceedings issued by maintenance debtor

ENFORCEMENT OF COURT ORDERS ACT 1940, Section 8

WARRANT OF DISTRESS AND SALE

District Court Area of

District No.

.....Maintenance Creditor

.....Maintenance Debtor

WHEREAS of
(hereinafter referred to as the Maintenance Debtor) was this day before a sitting
of the District Court at..... in court area and
district aforesaid, on foot of a warrant reciting that:—

1. By maintenance order made on the.....day of.....20..... by
‡....., the Maintenance Debtor, now residing
at..... in court (area and) district aforesaid, was
ordered to pay the weekly sum of €.....†(together with the sum of
€..... for costs and expenses) to.....
of
(hereinafter referred to as the Maintenance Creditor).

2. The Master of the High Court on the.....day of.....20....., made
an enforcement order in respect of that maintenance order.

3. By letter dated the.....day of.....20....., the District Court Clerk
for the above court area was requested in writing by the Maintenance Creditor
to make application under section 8 of the Enforcement of Court Orders Act
1940.

AND WHEREAS a copy of the maintenance order, of the enforcement order
and of the request received by the District Court Clerk have been produced to
the Court;

AND WHEREAS the Court is satisfied on the evidence adduced that of the
said weekly payments which have become due and payable by virtue of the said
maintenance order as ordered to be enforced by the said enforcement order
†(within the six months immediately preceding the (*)......), the sum of
€..... †(together with the sum of €..... for costs and expenses, making in
all the total sum of €.....) has not been duly paid;

*AND HAVING HEARD the applicant and the Maintenance Debtor and such
evidence as they respectively adduced;

NOW IT IS HEREBY ORDERED AND DIRECTED that the said sum of
€..... †(together with the sum of €....., being the costs of these pro-
ceedings, making in all the sum of €.....), be levied by distress and sale of
the goods and chattels of the Maintenance Debtor and be paid to the District
Court Clerk at..... within..... days from this date

This warrant to be returned in.....days if not executed.

Dated this..... day of..... 20....

Signed.....
Judge of the District Court

To the several Sheriffs and County Registrars

County of

I authorise and empower.....

and..... of.....
Court Messengers, or either of them, and their assistants to execute the above order.

Dated this..... day of..... 20....

Signed.....
Sheriff/County Registrar of the said County

The sum to be levied hereunder is €.....

Sheriff/County Registrar

(*) Insert date of information on foot of which summons or warrant was issued.

†Delete where inapplicable

‡State Court which made order

ENFORCEMENT OF COURT ORDERS ACT 1940, SECTION 6
(as amended by Enforcement of Court Orders (Amendment) Act 2009,
section 2)

SUMMONS FOR ATTENDANCE OF MAINTENANCE DEBTOR

District Court Area of

District No.

.....Maintenance Creditor

.....Maintenance Debtor

If you fail, without reasonable excuse, to attend in the District Court at the place and on the date given below at the time stated, a warrant may be issued, without further warning, for you to be arrested and brought before the District Court.

Failure to make a payment due under the order mentioned below may result in your being arrested and imprisoned for a period of up to three months.

WHEREAS:

1. You,..... of.....
(hereinafter referred to as the Maintenance Debtor) were today before a sitting of the District Court at..... (in the court area and district aforesaid), on foot of a warrant issued under section 8 of the Enforcement of Court Orders Act 1940 and the Judge

*after hearing the applicant and you the Maintenance Debtor and the evidence (if any) as each respectively adduced,

treated the application under section 8 of the Enforcement of Court Orders Act 1940 as an application for a summons under section 6 of the Enforcement of Court Orders Act 1940 and directed that a summons be issued for service on you;

2. An order was made on the day of20.... by the District Court sitting at..... for the District Court Area of..... District No....., under which you, the above-named Maintenance Debtor were ordered to pay to the above-named Maintenance Creditor †(the weekly sum of €..... for her/his support) †(and) †(the weekly sum of €..... for the support of..... dependent children) †(of the family) †(together with the sum of €.....for costs and expenses), *the first such payment to be made before or on the..... day of20.... and each subsequent payment to be made weekly thereafter;

*3. Proof has been given that the said order was duly served on you the Maintenance Debtor of.....;

4. The Maintenance Creditor claims that you the Maintenance Debtor have not complied with the said order and that there is now in arrear in respect of same the sum of €....., being the amount of..... weekly payments, which have become due and payable †(within the six months immediately preceding the (*).).....) †(together with the sum of €..... for costs and expenses making in all the sum of €.....);

YOU ARE REQUIRED to attend at the sitting of the District Court to be held at..... on the day of20.... at..... a.m./p.m. on the hearing of this summons.

At that hearing, having listened to the Maintenance Creditor and to you, the Court may:

- (a) treat the case as one asking the Court to vary the said order and if it does, it may change the amount of each payment, or the times at which payments are to be made or change a single payment to payment by such instalments at such times as the Judge thinks is reasonable in all the circumstances;
- (b) request that the Maintenance Creditor and you seek to resolve the dispute by mediation, which is a process which involves a neutral party attempting to help the Maintenance Creditor and you to reach a settlement or compromise;

or, if satisfied, beyond reasonable doubt, on the evidence presented, that it has been established that the failure to pay the sum in respect of which you have made default is not due to your mere inability to pay but is due to your wilful refusal or culpable neglect, and that you have no goods which could be taken in execution under process of the Court

- (c) make an order for your imprisonment for a period not exceeding 3 months, but with the imprisonment postponed provided you comply with conditions set out by the Court, or
- (d) make an order for your imprisonment for a period not exceeding 3 months, to take effect immediately.

Dated this day of.....20....

Signed.....
District Court Clerk

To.....

of.....
the above-named Maintenance Debtor

(*) Insert date of information on foot of which summons is issued.

†Delete where applicable

ENFORCEMENT OF COURT ORDERS ACT 1940, SECTION 6
(as amended by Enforcement of Court Orders (Amendment) Act 2009,
section 2)

SUMMONS FOR ATTENDANCE OF MAINTENANCE DEBTOR

District Court Area of

District No.

.....Maintenance Creditor

.....Maintenance Debtor

If you fail, without reasonable excuse, to attend in the District Court at the place and on the date given below at the time stated, a warrant may be issued, without further warning, for you to be arrested and brought before the District Court.

Failure to make a payment due under the order mentioned below may result in your being arrested and imprisoned for a period of up to three months.

WHEREAS:

1. You,..... of
(hereinafter referred to as the Maintenance Debtor) were today before a sitting of the District Court at..... (in the court area and district aforesaid), on foot of a warrant issued under section 8 of the Enforcement of Court Orders Act 1940 and the Judge

* after hearing the applicant and you the Maintenance Debtor and the evidence (if any) as each respectively adduced,

treated the application under section 8 of the Enforcement of Court Orders Act 1940 as an application for a summons under section 6 of the Enforcement of Court Orders Act 1940 and directed that a summons be issued for service on you;

2. An order was made on the day of20.... by the District Court sitting at..... for the District Court Area of..... District No....., under which you, the above-named Maintenance Debtor were ordered to pay to the above-named Maintenance Creditor †(the weekly sum of €..... for her/his support) †(and) †(the weekly sum of €..... for the support of..... dependent children) †(of the family) †(together with the sum of €.....for costs and expenses), *the first such payment to be made before or on the..... day of20.... and each subsequent payment to be made weekly thereafter;

*3. Proof has been given that the said order was duly served on you the Maintenance Debtor of.....;

4. The District Court Clerk for the above court area, being the person to whom, pursuant to section 9 of the Family Law (Maintenance of Spouses and Children) Act 1976, payments under the said order are to be made and the

person authorised to take these proceedings, was by notice dated the.... day of..... 20..., requested in writing by the Maintenance Creditor to take such steps as he/she considers reasonable to recover the sums in arrear as set out below;

5. It is claimed that you the Maintenance Debtor have not complied with the said order and that there is now in arrear in respect of same the sum of €....., being the amount of..... weekly payments, which have become due and payable †(within the six months immediately preceding the (*)).....) †(together with the sum of €..... for costs and expenses making in all the sum of €.....),

YOU ARE REQUIRED to attend at the sitting of the District Court to be held at..... on the day of20... at..... a.m./p.m. on the hearing of this summons.

At that hearing, having listened to the District Court Clerk, to the Maintenance Creditor (if in attendance) and to you, the Court may:

- (a) treat the case as one asking the Court to vary the said order and if it does, it may change the amount of each payment, or the times at which payments are to be made or change a single payment to payment by such instalments at such times as the Judge thinks is reasonable in all the circumstances;
- (b) request that the Maintenance Creditor and you seek to resolve the dispute by mediation, which is a process which involves a neutral party attempting to help the Maintenance Creditor and you to reach a settlement or compromise;

or, if satisfied, beyond reasonable doubt, on the evidence presented, that it has been established that the failure to pay the sum in respect of which you have made default is not due to your mere inability to pay but is due to your wilful refusal or culpable neglect, and that you have no goods which could be taken in execution under process of the Court

- (c) make an order for your imprisonment for a period not exceeding 3 months, but with the imprisonment postponed provided you comply with conditions set out by the Court, or
- (d) make an order for your imprisonment for a period not exceeding 3 months, to take effect immediately.

Dated this day of.....20....

Signed.....
District Court Clerk

To.....
of.....
the above-named Maintenance Debtor

(*) Insert date of information on foot of which summons is issued.
†Delete where applicable

ENFORCEMENT OF COURT ORDERS ACT 1940, SECTION 6
(as amended by Enforcement of Court Orders (Amendment) Act 2009,
section 2)

SUMMONS FOR ATTENDANCE OF MAINTENANCE DEBTOR

District Court Area of

District No.

.....Maintenance Creditor

.....Maintenance Debtor

If you fail, without reasonable excuse, to attend in the District Court at the place and on the date given below at the time stated, a warrant may be issued, without further warning, for you to be arrested and brought before the District Court.

Failure to make a payment due under the order mentioned below may result in your being arrested and imprisoned for a period of up to three months.

WHEREAS:

1. You,..... of
(hereinafter referred to as the Maintenance Debtor) were today before a sitting of the District Court at..... (in the court area and district aforesaid), on foot of a warrant issued under section 8 of the Enforcement of Court Orders Act 1940 and the Judge

*after hearing the applicant and you the Maintenance Debtor and the evidence (if any) as each respectively adduced,

treated the application under section 8 of the Enforcement of Court Orders Act 1940 as an application for a summons under section 6 of the Enforcement of Court Orders Act 1940 and directed that a summons be issued for service on you;

2. A maintenance order was made on the day of20... by §....., under which you, the above-named Maintenance Debtor now residing at in the court area and district aforesaid was ordered to pay the weekly sum of €..... †(together with the sum of €..... for costs and expenses) to of (hereinafter referred to as the Maintenance Creditor);

3. The Master of the High Court on the day of20..., made an enforcement order in respect of that maintenance order;

*4. Proof has been given that particulars of the said maintenance order and enforcement order was duly served on you the Maintenance Debtor of.....;

5. The District Court Clerk for the above court area, being the person to whom, pursuant to †(section 14(8) of the Maintenance Orders Act 1974), †(section 7(7) of the Jurisdiction of Courts and Enforcement of Judgments (European Communities) Act 1988), payments under the said order are to be made and the person authorised to take these proceedings, was by letter dated

the..... day of..... 20...., requested in writing by the Maintenance Creditor to make application under section 8 of the Enforcement of Court Orders Act 1940 in respect of the sums in arrear as set out below;

6. It is claimed that you the Maintenance Debtor have not complied with the said maintenance order as ordered to be enforced by the said enforcement order and that there is now in arrear in respect of same the sum of €....., being the amount of..... weekly payments, which have become due and payable †(within the six months immediately preceding the (*).) †(together with the sum of €..... for costs and expenses making in all the sum of €.....),

YOU ARE REQUIRED to attend at the sitting of the District Court to be held at..... on the ...day of.....20... at... a.m./p.m. on the hearing of this summons.

At that hearing, having listened to the District Court Clerk, the Maintenance Creditor (if in attendance) and to you the Court may:

(1) request that the Maintenance Creditor and you seek to resolve the dispute by mediation, which is a process which involves a neutral party attempting to help the Maintenance Creditor and you to reach a settlement or compromise;

or, if satisfied, beyond reasonable doubt, on the evidence presented, that it has been established that the failure to pay the sum in respect of which you have made default is not due to your mere inability to pay but is due to your wilful refusal or culpable neglect, and that you have no goods which could be taken in execution under process of the court which made the maintenance order

(2) make an order for your imprisonment for a period not exceeding 3 months, but with the imprisonment postponed provided you comply with conditions set out by the Court, or

(3) make an order for your imprisonment for a period not exceeding 3 months, to take effect immediately.

Dated this day of.....20....

Signed.....
District Court Clerk

To.....

of.....
the above-named Maintenance Debtor

Note: The District Court cannot vary the maintenance order: any application to vary the maintenance order must be made to the Court which made that order.

(*) Insert date of information on foot of which summons is issued.

†Delete where applicable

‡State Court which made order

ENFORCEMENT OF COURT ORDERS ACT 1940, Section 8(2)

RECOGNISANCE

District Court Area of

District No.

.....Maintenance Creditor

.....Maintenance Debtor

We..... of
a.....,
of..... a
and..... of
a..... severally acknowledge ourselves to owe
to the State the several sums following, that is to say: the
said..... the sum of..... euros, and
the said..... and.....
the sum of..... euros each, to the use of the Minister for Finance, if the
said.....fail in the condition hereunder.

..... Principal Party

.....Surety

.....Surety

ACKNOWLEDGED before me this day of..... 20....

Signed.....

Judge of the District Court
(or)
Peace Commissioner

The condition of the above-written recognisance is such that whereas by order dated the..... day of..... 20.... and made by the District Court, it was directed that the sum of €..... be levied by distress and sale of goods of the said..... and the said Court has required the said..... to enter into this recognisance to appear before the said Court on the day of..... 20..... if the said sum of €..... be not previously discharged in full either as a result of such levy as aforesaid or otherwise, if, therefore the said.....will appear and attend in person before the District Court to be held at.....on the..... day of..... 20...., if the said amount of €.....be not previously discharged in full either as a result of such levy as aforesaid or otherwise, and will not depart from the said Court without leave and will attend there in person from day to day during the time the said Court shall be so held, or any adjournment thereof, then the said recognisance to be void, or else to stand in full force and effect.

I certify that the principal party herein has not performed the above condition of this recognisance.

Dated this day of..... 20....

Signed.....
Judge of the District Court

The Court hereby orders that this recognisance be estreated as follows — that the sum of €..... be levied off the goods of the said principal party and the sum of €..... off the goods of each of the said sureties,..... and

Dated this..... day of..... 20....

Signed.....
Judge of the District Court

ENFORCEMENT OF COURT ORDERS ACT 1940, Section 8(2)

WARRANT OF DETENTION

District Court Area of

District No.

.....Maintenance Creditor

.....Maintenance Debtor

WHEREAS

the above named Maintenance Debtor of.....
was this day before a sitting of the District Court at..... in
court area and district aforesaid, on foot of a warrant reciting that:—

By †maintenance/†variation/†interim order dated ... day of..... 20....,
made by the ‡.....Court at.....
the Maintenance Debtor, of.....,
was ordered to pay to
the above named Maintenance Creditor, the (weekly sum of €..... for her/his
support) †(and) †(the weekly sum of €..... for the support of..... dependen-
t children (of the family) †(together with the sum of €..... for costs and
expenses)

AND WHEREAS the Court is satisfied on the evidence adduced that, of the
said weekly payments which have become due and payable by virtue of the said
order †(within the six months immediately preceding the (*)......), the sum
of €..... †(together with the sum of €..... for costs and expenses, making
in all the sum of €.....) has not been duly paid;

*AND HAVING HEARD the applicant and the Maintenance Debtor and such
evidence as they respectively adduced;

AND WHEREAS the Court directed that the said sum of €..... †(together
with the sum of €..... costs of the said application) be levied by distress and
sale of the goods of the Maintenance Debtor, and further did require the Main-
tenance Debtor to enter into a recognisance, himself/herself in €..... with two
sureties in €..... each, to appear before me sitting at the District Court at
aforesaid on the..... day of.....20.... ata.m./p.m or any adjournment
thereof unless the said sum of €..... †(and €.....costs) should previously have
been discharged in full either as a result of such levy or otherwise,

AND WHEREAS the Maintenance Debtor, on being so required to enter into
such recognisance, had not complied with such requirement,

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge
the Maintenance Debtor, the said.....
in the prison at..... there
to be detained by the Governor of the said prison until the said..... day
of.....20.... when the Governor shall have him/her at the District Court at
aforesaid at the said hour unless the Maintenance Debtor be previously released

from custody in pursuance of the provisions of the Enforcement of Court Orders Act 1940.

Dated this..... day of.....20.....

Signed.....
Judge of the District Court

To the Superintendent of the Garda Síochána

at.....

and his/her assistants.

And to Governor of the prison

at.....

Enforcement of Court Orders Act 1940, section 8(2)(c):

“if while the defaulter is so in custody either:—

- (i) he enters into a recognisance before a Peace Commissioner, with sureties to the satisfaction of such Peace Commissioner to appear before such Judge on the said specified day if the said amount is not previously discharged as a result of such levy or otherwise, or*
- (ii) the said amount is discharged in full either as a result of such levy or otherwise*

the defaulter shall be released from custody forthwith.”

(*) Insert date of information on foot of which warrant was issued.

†Delete where inapplicable

‡State Court which made order

ÉIRE
IRELAND

AN CHUIRT DUICHE

THE DISTRICT COURT

District Court Area of

District No.

In the matter of

*Council Regulation (EC) No. 44/2001 on jurisdiction and the recognition and enforcement of judgment in civil and commercial matters (the “Jurisdiction Regulation”).

*Council Regulation (EC) No. 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extra-judicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000.

*The Convention of the European Communities on jurisdiction and the enforcement of judgments in civil and commercial matters (and the Protocol annexed thereto) signed at Brussels on the 27th day of September, 1968.

*The Convention on jurisdiction and the enforcement of judgments in civil and commercial matters (and Protocol 1) signed at Lugano on the 16th day of September 1988.

*The Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters signed at The Hague on the 15th day of November, 1965.

Section 9(9)(a) of the Jurisdiction of Courts and Enforcement of Judgments (European Communities) Act 1998.

To

of

Maintenance debtor

ENDORSEMENT

This notice is issued to you as maintenance debtor, by the District Court. If you the maintenance debtor fail to make a payment due under the enforceable maintenance order details of which are given below, a summons may be issued against you to attend before the District Court, or a warrant issued for you to be arrested and brought before the District Court which may lead to your being imprisoned for a period of up to three months.

If you are concerned that you may not be able to comply with the terms of the enforceable maintenance order, you should consult a lawyer practising in the country or region where the enforceable maintenance order was made. The District Court cannot vary the terms of the enforceable maintenance order.

Under section 9(13) of the above-named Act of 1998 as so applied you are required to notify the District Court Clerk named below of any change in your address. Failure, without reasonable cause, to do so is an offence punishable on summary conviction by a fine not exceeding €1,270.

NOTICE CONCERNING SUMS PAYABLE UNDER AN ENFORCEABLE MAINTENANCE ORDER

Between.....
ofMaintenance Creditor
and.....
ofMaintenance Debtor

YOU ARE HEREBY GIVEN NOTICE that the sums, particulars of which are set out below, payable by you, the above-named Maintenance Debtor, under a maintenance order *(made) *(as varied) on the..... day of..... 20.... by ‡.....and in respect of which an enforcement order has been made by the Master of the High Court, Dublin on the day of..... 20.... are by virtue of section 9(9) of the above-named Act of 1998 payable to the District Court Clerk for the above-named District Court area for transmission to the Maintenance Creditor.

Sums payable under the order (including payments in respect of any sums due at the date of the receipt by you of this notice) should until further notice be paid in Irish currency (euro) to

The District Court Clerk,
District Court Office,
at

whose office hours are from..... to..... Monday to Friday each week.

Dated this day of..... 20....

Signed

District Court Clerk for the above-named District Court area,
District Court Office
at

.....
IRELAND

PARTICULARS OF SUMS DUE
(Set out the details)

Total amount due in Irish currency at the date of this notice (including any arrears, costs and expenses): €.....

In addition to this last-named sum you are obliged to pay €..... per week in accordance with the terms of the order and the provisions of the above-named Act of 1998

*delete where inapplicable
‡State Court which made order

EXPLANATORY NOTE

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

These rules amend Orders 54, 57 and 62 of the District Court Rules to facilitate the operation of section 8 of the Enforcement of Court Orders Act 1940 as amended by the Enforcement of Court Orders (Amendment) Act 2009.

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,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

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