



STATUTORY INSTRUMENTS.

S.I. No. 100 of 2013



CIRCUIT COURT RULES (RECORDING OF PROCEEDINGS) 2013

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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, 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 and Equality, make the annexed Rules of Court.

Dated this 4th day of February 2013.

(Signed): Raymond Groarke
(Chairman of the Circuit Court Rules Committee)

Alison Lindsay
Tony Hunt
Dervla Browne
Gerard J. Doherty
Fiona Duffy Coady
Noel Rubotham
Susan Ryan
Patricia Casey

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

Dated this 23rd day of March 2013.

Signed: ALAN SHATTER,
MINISTER FOR JUSTICE AND EQUALITY.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 2nd April, 2013.*

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CIRCUIT COURT RULES (RECORDING OF PROCEEDINGS) 2013

1. (1) These Rules, which may be cited as the Circuit Court Rules (Recording of Proceedings) 2013, shall come into operation on the 8th day of April 2013.

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

(3) The Circuit Court Rules as amended by these Rules may be cited as the Circuit Court Rules 2001 to 2013.

2. Order 67A of the Circuit Court Rules is amended by the insertion, immediately following rule 7 thereof, of the following rule:

“8. (1) Any party or person who seeks access to any part of a record of proceedings which is held by or for the Court (in this rule referred to as the “relevant record”) may apply to the Court by motion in the proceedings concerned on notice to the other party or the parties to those proceedings, grounded upon an affidavit.

(2) On the date first fixed for the hearing of the motion, the Court may:

(a) direct that copies of the notice of motion and affidavit be served on any other person who the Court considers has a sufficient interest in or may be affected by the application;

(b) fix time limits for the delivery of any replying affidavit.

(3) The Court may, for the purposes of considering any such application, review privately the contents of the relevant record.

(4) Subject to sub-rule (5), the Court may, where it considers it necessary in the interests of justice so to do, permit the applicant to have such access to all or such part of the relevant record concerned as is specified in the order made on the application, by such means and at such time or times as may be specified in that order and on such terms and under such conditions (including terms restraining the publication, dissemination or further disclosure of all or any part of the relevant record by the applicant, and the giving of an undertaking to such effect) as the Court may direct.

(5) Unless the Court otherwise directs, access to the relevant record concerned shall, where permitted under sub-rule (4), be afforded solely by the provision to the applicant of a transcript of all or any part of that record, on payment by the applicant to the transcript writer of the transcript writer’s fee for producing the transcript.”.

EXPLANATORY NOTE

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

These rules amend Order 67A of the Circuit Court Rules to provide for the procedure regulating applications for access to a record made of court proceedings, including an audio recording.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

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