



STATUTORY INSTRUMENTS.

**S.I. No. 396 of 2013**



RULES OF THE SUPERIOR COURTS (PAYMENTS INTO COURT) 2013

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We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, by virtue of the powers conferred upon us by The Courts of Justice Act 1924, section 36, and the Courts of Justice Act 1936, section 68 (as applied by the Courts (Supplemental Provisions) Act 1961, section 48), the Courts (Supplemental Provisions) Act 1961, section 14, and of all other powers enabling us in this behalf, do hereby make the following Rules of Court.

Dated this 24th day of January 2013.

Susan Denham

Nicholas Kearns

Elizabeth Dunne

Paul McGarry

Gerard Meehan

Patrick Groarke

Stuart Gilhooly

Mary Cummins

Noel Rubotham

John Mahon

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

Dated this 11th day of October, 2013.

ALAN SHATTER,

Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 22nd October, 2013.*

## S.I. No. of 2013

## RULES OF THE SUPERIOR COURTS (PAYMENTS INTO COURT) 2013

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Payments into Court) 2013, shall come into operation on the 11th day of November 2013.

(2) These Rules shall be construed together with the Rules of the Superior Courts.

(3) The Rules of the Superior Courts as amended by these Rules may be cited as the Rules of the Superior Courts 1986 to 2013.

2. These Rules shall apply only to and in any action in which, on the date on which these Rules come into force, a defence has not been delivered or, where the defendant is not required to deliver a defence, an affidavit in answer to the plaintiff's claim has not been filed and delivered. Any action in which, on the date on which these Rules come into force, a defence has been delivered or, where the defendant is not required to deliver a defence, an affidavit in answer to the plaintiff's claim has been filed and delivered, shall continue and may be determined and decided as if these Rules had not come into force.

3. The Rules of the Superior Courts are amended:

(i) by the substitution for rule 7 of Order 22 of the following rule:

“(1) The fact that money has been paid into Court under any of the preceding rules of this Order shall not be stated in the defence, or where the defendant is not required to deliver a defence, in the affidavit filed in answer to the plaintiff's claim.

(2) Except in an action to which a defence of tender before action is pleaded, no communication shall be made either of the fact that money has been paid into Court or of the amount so paid into Court:

(a) to the Judge at the trial of any action until all questions of liability and amount of debt or damages have been decided, or

(b) to the jury where an action is tried by a Judge with a jury.

(3) Notwithstanding sub-rules (1) and (2), a Judge may, before or at the trial of an action, enquire for good or sufficient reason as to whether, and if so in what amount, a payment has been made into Court under the preceding rules of this Order.”, and

(ii) by the substitution for sub-rule (3) of rule 14 of Order 22 of the following sub-rule:

“(3) Any tender offer of payment made hereunder shall be deemed to be a lodgment and to have the same effect as a lodgment and all the foregoing provisions of Order 22 shall apply *mutatis mutandis* to such tender offers as regards time for making and accepting same, and non-disclosure of the fact or amount of the tender offer, as they apply to a lodgment.”

EXPLANATORY NOTE

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

These rules amend Order 22 rule 7 and rule 14(3) of the Rules of the Superior Courts to remove the need for reference in a defence or replying affidavit to a payment into Court having been made and applying such provisions to a tender offer as they apply to a lodgment.

BAILE ÁTHA CLIATH  
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