



STATUTORY INSTRUMENTS.

**S.I. No. 485 of 2014**



RULES OF THE SUPERIOR COURTS (COURT OF APPEAL ACT 2014)  
2014

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We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, and reconstituted pursuant to the provisions of the Courts of Justice Act 1953, section 15, by virtue of the powers conferred upon us by the Courts of Justice Act 1924, section 36, 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 9th day of October 2014.

Susan Denham

John Edwards

Anthony Barr

Paul McGarry

Stuart Gilhooly

Michael Kavanagh

Mary Cummins

Noel Rubotham

John Mahon

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

Dated this 23rd day of October, 2014.

FRANCES FITZGERALD  
Minister for Justice and Equality

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 28th October, 2014.*

S.I. No. 485 of 2014

RULES OF THE SUPERIOR COURTS (COURT OF APPEAL ACT 2014)  
2014

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Court of Appeal Act 2014) 2014, shall come into operation on the 28th day of October 2014.

(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 2014.

2. (1) Nothing in these Rules shall affect the validity of any step taken or any other thing done:

(a) in any proceedings on any appeal to the Supreme Court initiated before the establishment day referred to in section 5 of the Court of Appeal Act 2014

(i) from the Court of Criminal Appeal, or

(ii) from the Courts-Martial Appeal Court, or

(iii) from the High Court

(I) which do not fall within a class of appeals specified in a direction given under Article 64.3.1° of the Constitution, or

(II) which fall within a class of appeals specified in a direction given under Article 64.3.1° of the Constitution the effect of which direction has been cancelled, so far as it relates to the proceedings concerned, by an order made in accordance with Article 64.3.3° of the Constitution, and

(III) in respect of which no order has been made in accordance with Article 64.4.1° of the Constitution, or

(b) in any other proceedings before the Supreme Court initiated before the establishment day referred to in section 5 of the Court of Appeal Act 2014,

and such proceedings shall, subject to any order made by the Supreme Court, the Chief Justice or a Judge of the Supreme Court nominated by the Chief Justice under section 7(6) of the Courts (Supplemental Provisions) Act 1961, in those proceedings, be continued and completed as if these Rules had not been made.

(2) Nothing in these Rules shall affect the validity of any step taken or any other thing done in any proceedings on any appeal to the Court of Criminal

Appeal to which section 78(1) of the Court of Appeal Act 2014 applies, and the proceedings on such an appeal shall, subject to any order made by the Court of Criminal Appeal or a Judge of the Court of Criminal Appeal in those proceedings, be continued and completed as if these Rules had not been made and the powers of the Court of Criminal Appeal in any such proceedings are unaffected by these Rules.

(3) Nothing in these Rules shall affect the validity of any step taken or any other thing done in any proceedings on any appeal to the Courts-Martial Appeal Court to which section 78(2) of the Court of Appeal Act 2014 applies, and the proceedings on such an appeal shall, subject to any order made by the Courts-Martial Appeal Court or a Judge of the Courts-Martial Appeal Court in those proceedings, be continued and completed as if these Rules had not been made and the powers of the Courts-Martial Appeal Court in any such proceedings are unaffected by these Rules.

(4) In any proceedings in which an appeal to the Supreme Court from the High Court was initiated before the establishment day referred to in section 5 of the Court of Appeal Act 2014:

- (a) which falls within a class of appeals specified in a direction given under Article 64.3.1° of the Constitution the effect of which direction has not been cancelled, so far as it relates to the proceedings concerned, by an order made in accordance with Article 64.3.3° of the Constitution, or
- (b) in respect of which an order has been made in accordance with Article 64.4.1° of the Constitution providing that the appeal shall be heard and determined by the Court of Appeal:
  - (i) the notice of appeal to the Supreme Court shall stand as the notice of appeal to the Court of Appeal;
  - (ii) each document delivered by a party to the appeal in the Supreme Court shall be deemed to be the corresponding document delivered by that party to the appeal to the Court of Appeal;
  - (iii) the Registrar of the Supreme Court shall deliver to the Registrar of the Court of Appeal any document lodged in the Office of the Registrar of the Supreme Court in connection with the appeal;
  - (iv) the Court of Appeal may make any order or give any direction (including any such order or direction which may be made in accordance with Order 86, Order 86A, Order 86B, Order 86C or Order 86D of the Rules of the Superior Courts) for the effective continuance of the appeal before the Court of Appeal as that Court considers necessary.

(5) In any proceedings in respect of which an order has been made in accordance with Article 64.3.3° of the Constitution cancelling the effect of a direction under Article 64.3.1°, the Registrar of the Court of Appeal shall return to the

Registrar of the Supreme Court any document held in the Office of the Registrar of the Court of Appeal in connection with the appeal.

3. The Rules of the Superior Courts are amended:

- (i) by the substitution for Orders 58 and 59 of the Order set out in Schedule 1,
- (ii) by the substitution of the Appendix in Schedule 2 as Appendix FF,
- (iii) by the substitution for Orders 86, 86A and 87 of Orders 86, 86A, 86B, 86C, 86D and 87 as set out in Schedule 3,
- (iv) by the substitution of the Appendix in Schedule 4 as Appendix U, and
- (v) by the substitution for Orders 115 and 116 of Orders 115 and 116 as set out in Schedule 5.

4. The consequential and other amendments in Schedule 6 to the provisions of the Rules of the Superior Courts shall have effect in accordance with that Schedule.

5. The Rules of the Superior Courts are amended by the substitution of the forms in Schedule 7 for the forms bearing the like numbers in Appendix F of the Rules of the Superior Courts.

6. The Rules of the Superior Courts are amended by the deletion from Appendix V of Form No. 8 and by the deletion of Appendix GG inserted in those Rules by the Rules of the Superior Courts (Courts-Martial Appeal Court) 2009 (SI 270 of 2009).

**Schedule 1**

**“ORDER 58**

**PROCEEDINGS IN THE SUPREME COURT**

**I. PRELIMINARY AND GENERAL**

*Interpretation and scope*

1. (1) In this Order—

“appellant” means:

- (a) a person who makes or intends to make an application for leave to appeal to the Supreme Court; or
- (b) a person who has been given leave to appeal to the Supreme Court (including a person maintaining an appeal to the Supreme Court initiated before the establishment day referred to in section 5 of the Court of Appeal Act 2014 and who is entitled by law to continue that appeal before the Supreme Court), and

includes, where the context so admits or requires, and subject to such modifications as may be necessary, the moving party in any matter before the Supreme Court other than by way of application for leave to appeal or appeal;

the “court below” means the court from which an appeal (or application for leave to appeal) is made to the Supreme Court;

“decision” includes judgment, order, verdict, finding or determination;

the “Office” means the Office of the Registrar of the Supreme Court;

“record” has the same meaning as in Order 125;

the “Registrar” means the Registrar of the Supreme Court;

“requisite number” means the number of copies which are to be provided under the relevant statutory practice direction or as directed by the Supreme Court or the Registrar;

“respondent” includes

- (i) a respondent to an application for leave to appeal and
- (ii) where relevant, any party other than the moving party in any matter before the Supreme Court other than by way of application for leave to appeal or appeal;

“statutory practice direction” means a practice direction issued under section 7(7) of the Courts (Supplemental Provisions) Act 1961;

references to the “Supreme Court” include:

- (a) in relation to any interlocutory application or procedural application or motion referred to in section 7(3A) of the Courts (Supplemental Provisions) Act 1961, the Chief Justice or any Judge of the Supreme Court nominated by the Chief Justice in accordance with that subsection to hear and determine such an application, and
- (b) in relation to any directions in relation to the conduct of any proceedings before the Supreme Court, the Chief Justice or a Judge of the Supreme Court nominated by the Chief Justice under section 7(6) of the Courts (Supplemental Provisions) Act 1961.

(2) This Order applies to all proceedings and applications in proceedings in which the Supreme Court has jurisdiction under law and the procedure under this Order applicable to appeals shall, save where the context otherwise requires, apply, subject to any modifications which may be necessary, to any other form of proceeding before the Supreme Court.

(3) Save where otherwise provided, references in this Order to forms are to the forms in Appendix FF, with the necessary modifications where appropriate to the case.

*Conduct of appeals and applications*

2. (1) All applications, appeals and other matters before the Supreme Court shall be prepared for hearing or determination in a manner which is just, expeditious and likely to minimise the costs of the proceedings.

(2) The Registrar may from time to time make such inquiries and seek such reports or information of the parties as he considers appropriate or as are directed by the Supreme Court concerning the progress of any application, appeal or other matter and may:

- (a) where he considers that the requirements of sub-rule (1) are not being complied with, or
- (b) where a time limit imposed by this Order has not been complied with,

list the matter before the Supreme Court.

(3) Notwithstanding any other provision of this Order, the Supreme Court may at any time direct the lodgment and service of written submissions on an application or appeal, or on any issue or motion in any application or appeal.

*Directions, intervention and concurrent listings*

3. (1) The Supreme Court may:

- (a) of its own motion when determining an application for leave to appeal, or
- (b) at any time thereafter and from time to time:

- (i) of its own motion and having heard the parties, or
- (ii) on the application of a party by motion on notice to the other party or parties

give such directions and make such orders for the conduct of proceedings before the Supreme Court, as appear convenient for the determination of the proceedings in a manner which is just, expeditious and likely to minimise the costs of those proceedings.

(2) Subject to any provision of statute, where any person not a party to an appeal is entitled under any rule of law to apply to be heard in any proceedings before the Supreme Court otherwise than as a party, that person may apply by motion in the proceedings before the Supreme Court on notice to the parties for leave to intervene in the proceedings on such terms as the Supreme Court directs. The Supreme Court, on the hearing of the motion, may give such directions as it considers appropriate as to the hearing of the application for leave to intervene, and where the application is allowed, the extent, form and manner of the intervention permitted and the parties' rights of response.

(3) The Registrar may cause appeals arising from the same proceedings or appeals raising the same or similar issues to be listed on the same occasion before the Supreme Court.

#### *Time limits*

4. (1) The Supreme Court may extend or shorten any time limit set by these Rules (unless to do so would be contrary to any provision of statute).

(2) The Supreme Court may exercise the powers to extend or shorten time either on an application by one or more parties or without an application being made.

(3) The Registrar shall notify the parties when a time limit is varied under this rule.

(4) An application for an extension of time may be granted after the time limit has expired.

#### *Service*

5. (1) A document for use in proceedings in the Supreme Court may be served by any of the following methods—

- (a) personal service,
- (b) registered post,
- (c) electronic means where the person to be served has consented to service by such means or a statutory practice direction so permits and



- (d) save in the case of a notice of appeal, any other method permitted by Order 121 (and where any such method is used, the provisions of Order 121 apply).

(2) Where, having made such inquiries, if any, as he considers appropriate, the Registrar is not satisfied as to the sufficiency of the service effected in any case, the Registrar may direct service by another method or may direct the giving of notice of the application or appeal by another means.

(3) An affidavit of service shall include details of the persons served, the method of service used and shall state the date on which the document was served personally, posted, delivered to the document exchange or sent electronically, as the case may be.

(4) Service on a party by a means which has been agreed by or among parties in the proceedings in the court below or which has been directed by the court below is, until the contrary is shown, deemed to be sufficient service.

*Notifications by the Supreme Court*

6. Unless otherwise provided in statute or this Order, where the Registrar is required to notify any person of a matter, the notification may be in such form and may be given in such manner as the Registrar considers appropriate.

*Lodgment of documents*

7. A document may be lodged in the Office by any of the following methods—

- (a) any method permitted by Order 117A (and where any such method is used, the provisions of Order 117A apply);
- (b) where permitted by a statutory practice direction, by electronic means in accordance with that direction.

*Application in first instance to Court of Appeal or High Court*

8. Subject to any provision of statute, whenever under these Rules an application may be made to the court below or to the Supreme Court, it shall be made in the first instance to the court below.

*Effect of interlocutory order in court below*

9. No interlocutory order or ruling made by a court below from which there has been no appeal operates to bar or prejudice the Supreme Court from giving such decision on the application for leave to appeal or appeal as the Supreme Court considers just.

*Application for leave or appeal not to operate as a stay*

10. (1) An application for leave to appeal or an appeal to the Supreme Court does not operate as a stay of execution or of proceedings under the decision appealed from, except so far as the Court of Appeal or (as the case may be) the High Court orders.

(2) No intermediate act or proceeding is invalidated by reason of an application for leave to appeal or an appeal to the Supreme Court, except so far as is directed by the Court of Appeal or the High Court.

*Security for costs*

11. The Supreme Court may under special circumstances direct that a deposit or other security in the amount fixed by the Supreme Court be made or given for the costs to be occasioned by any application for leave to appeal or appeal.

*Amendments*

12. (1) A notice of appeal, or any other document used in an appeal to the Supreme Court, may be amended at any time on such terms as the Supreme Court thinks fit.

(2) An application for leave to amend shall be made by motion on notice to the other parties who would be affected by the amendment.

*Additional interest allowed without special order*

13. On an appeal to the Supreme Court, interest for such time as execution has been delayed by the appeal is deemed to be allowed, unless the Supreme Court otherwise orders, and the Taxing Master or other proper officer may compute the additional amount of interest without any order for that purpose.

**II. NON-COMPLIANCE***Non-compliance with requirements as to contents of documents*

14. (1) The Registrar may refuse to issue any notice of appeal or other document which does not comply with the requirements of this Order or the requirements of any statutory practice direction which applies to the application or appeal in question.

(2) A party aggrieved by a refusal in accordance with sub-rule (1) to issue a notice of appeal or other document may apply within 14 days of the refusal by notice of motion in Form No. 4 to the Supreme Court to authorise the issue of the notice of appeal or other document.

**III. COMMENCEMENT OF PROCEEDINGS IN THE SUPREME COURT***Application for leave to appeal*

15. All applications for leave to appeal to the Supreme Court shall be brought by the lodgment for issue of a notice in the Form No. 1 (in this Order called the “notice of appeal”) which shall:

- (a) specify the grounds on which leave to appeal is sought under Article 34.5.3° or, as the case may be, Article 34.5.4° of the Constitution;
- (b) specify the grounds of appeal which will be relied upon in the event that leave to appeal is granted.

*Lodgment of application*

16. (1) Subject to any provision to the contrary in any enactment which applies to the particular category of appeal, and to the provisions of this Order, the notice of appeal and an attested copy of the order of the court below shall be lodged not later than 28 days from the perfecting of the order appealed against.

(2) The date of perfecting shall be indorsed on the order by the proper officer of the Court in which the order was made.

(3) Where a written judgment has been given in the court below, the appellant shall lodge with the Registrar an attested copy of the written judgment approved by the court below when the notice of appeal is lodged or otherwise promptly after it becomes available.

(4) Where a written judgment has not been given in the court below, in any appeal in civil proceedings, the appellant shall, at his own expense, lodge with the Registrar:

- (i) a transcript of the oral judgment of the court below certified as accurate by the person responsible for preparing the transcript and authenticated by the court below, and
- (ii) where, and then to the extent, necessary for the proper determination of the appeal, a transcript of any ruling or direction of the Judge in the court below.

(5) In any appeal in civil proceedings, the appellant shall, at his own expense, lodge with the Registrar a transcript of any oral evidence received in the court below certified as accurate by the person responsible for preparing the transcript and authenticated by the court below.

#### **IV. SERVICE OF APPLICATION FOR LEAVE TO APPEAL**

##### *Service of application*

17. (1) A copy of the notice of appeal shall, save in the case of a notice of application for leave to appeal from a decision made otherwise than *inter partes*, be served, within seven days after the notice of appeal has been lodged, on all parties directly affected by the application for leave to appeal or appeal.

(2) It is not necessary to serve parties to the proceedings in the court below who are not directly affected by the application for leave to appeal or appeal, but the Supreme Court may direct notice of the appeal to be served on all or any of the parties to the proceedings in the court below, or on any other person.

(3) Where the Supreme Court has directed further service of notice of an appeal in accordance with sub-rule (2), it may:

- (a) adjourn the determination of the application for leave to appeal or appeal on such terms as it considers just, and
- (b) give such judgment and make such order as might have been given or made if the persons served with such notice had been originally parties to the proceedings in the court below or to the appeal.

(4) The appellant shall produce to the Supreme Court or to the Registrar on request, proof of service of the notice of appeal on each respondent served.

## V. NOTICE BY RESPONDENT

### *Lodgment and service of notice by respondent*

18. (1) Each respondent served with a notice of appeal shall, within 14 days after service, lodge in the Office and serve on the appellant and every other respondent a notice in the Form No. 2 (in this Order, “respondent’s notice”), containing, in the manner provided for in that form:

- (a) a statement of whether or not that respondent opposes the application for leave to appeal;
- (b) if that respondent opposes the application for leave to appeal, a concise statement of the grounds on which leave to appeal is opposed;
- (c) a concise statement of the grounds on which the appeal will be opposed if leave to appeal is given, and
- (d) where the respondent intends, on the hearing of any appeal, to contend that the judgment or order appealed from should be affirmed on grounds other than those set out in the judgment or order of the court below, a concise statement of the additional grounds on which it is alleged the judgment or order appealed from should be affirmed.

(2) The respondent’s notice may be lodged after the time permitted, with the written consent of the appellant.

(3) A respondent who seeks to vary the decision or order of the court below (i.e. to cross-appeal) may only do so by way of notice of appeal in the Form No. 1 and the provisions of rules 15 to 17 inclusive apply to any such appeal.

(4) Unless the Supreme Court otherwise directs, a respondent who does not file notice under this rule will not receive any further communication from the Office concerning the appeal.

## VI. DETERMINATION OF APPLICATION FOR LEAVE TO APPEAL

### *Determination of application*

19. (1) Where the Supreme Court requires the delivery of written submissions by the parties participating in an application for leave to appeal (or any other application for leave to appeal arising from the same proceedings), the Registrar shall notify the parties of that requirement and the times at which such submissions shall be lodged and served by each participating party.

(2) A certificate granting leave to appeal:

- (a) shall specify the grounds on which leave is given, and
- (b) may be accompanied by directions on delivery of the appeal books in accordance with rule 25 and any applicable statutory practice direction.

*Notification of determination to parties*

20. When the Supreme Court has determined an application for leave to appeal, the Registrar shall notify the parties, and any other person he considers it necessary to notify, of the determination.

*Notice of intention to proceed with appeal*

21. (1) Where leave to appeal is granted, on all or any of the grounds raised:

- (a) the grounds of appeal are limited to those on which leave has been granted;
- (b) that part of the notice of appeal other than the grounds on which leave was sought (and excluding any grounds of appeal on which leave to appeal was refused) stands as the notice of appeal;
- (c) the appellant shall, within 28 days of the grant by the Supreme Court of leave to appeal:
  - (i) lodge in the Office and serve on all respondents notice under this rule in the Form No. 3 of intention to proceed with the appeal, or
  - (ii) lodge in the Office and serve on all respondents written notice of intention to withdraw or abandon the appeal.

(2) Where the appellant does not lodge one or other of the documents referred to in paragraph (c) of sub-rule (1) within the time permitted, or such time as extended by consent or by order, the appeal shall, unless the Supreme Court otherwise orders, be deemed to be abandoned.

(3) Where an appeal is deemed to have been abandoned, any party other than the appellant concerned may apply to the Supreme Court on notice to the other parties for an order as to the costs of the proceedings.

*Determination of appeals by settlement, abandonment, etc*

22. (1) When an appeal has been settled or compromised, every party who has joined in the settlement or compromise shall notify the Registrar in writing.

(2) Where a party notifies the Registrar in writing that no issue as to the costs of the appeal remains outstanding and no requirement arises for an order to be made by the Supreme Court, and produces to the Registrar a letter from each other party concerned confirming this, the appeal shall be deemed to be determined without further order.

(3) Where notice of intention to withdraw or abandon an appeal is lodged pursuant to rule 21(1)(c)(ii), an appeal is deemed to have been abandoned, or a party notifies each other party concerned and the Registrar in writing of his intention to concede the appeal:

- (a) the proceedings may, on the application of a party or at the direction of the Registrar, be listed before the Supreme Court on notice to the

other parties or to the parties, to enable the making of any necessary consequential order, and

- (b) the Registrar may notify the proper officer of the court below and any other person he considers necessary of the determination of the appeal.

*Notice under section 32(3) of the Civil Liability Act 1961*

23. A notice for the purposes of section 32(3) of the Civil Liability Act 1961 shall be in the Form No. 30 in Appendix C, and shall be lodged in the Office and a copy served on the appellant and every other respondent within 14 days of the service of notice of intention to proceed referred to in rule 21.

## VII. DIRECTIONS HEARING

24. (1) Following the lodgment of notice of intention to proceed, unless the Supreme Court has otherwise directed, the Registrar shall list the appeal before the Supreme Court on notice to the parties for the giving of such directions or the making of such orders in relation to the conduct of the proceedings as the Supreme Court thinks appropriate in the circumstances.

(2) Unless the Supreme Court has otherwise directed, the appellant shall lodge in the Office not later than four days before the date fixed for the directions hearing the requisite number of copies of an indexed and paginated directions booklet for the use of the Supreme Court, comprising copies of:

- (a) the judgment and/or order appealed from;
- (b) the notice of appeal;
- (c) every respondent's notice delivered;
- (d) the certificate granting leave to appeal;
- (e) the notice of intention to proceed, and
- (f) any other document in the appeal to which any party proposes to refer at the directions hearing.

## VIII. WRITTEN SUBMISSIONS AND APPEAL BOOKS

*Written submissions and appeal books*

25. (1) Unless the Supreme Court has otherwise directed, each party shall deliver or exchange and shall lodge in the Office written submissions on the appeal, identifying and addressing the issues arising in the appeal, in conformity with the requirements of, and at the time or times prescribed by, statutory practice direction and such written submissions shall be filed electronically where directed by the Registrar.

(2) Where a party has not delivered or exchanged and lodged written submissions within the time permitted, the Registrar may, at the request of a party

not in default or of his own motion, list the appeal before the Supreme Court on notice to the parties for the giving of such directions or the making of such orders as the Supreme Court considers appropriate in the circumstances.

(3) Unless the Supreme Court has otherwise directed, within such time following the delivery of the respondent's written submissions as is prescribed by statutory practice direction, appeal books, containing such documents as are prescribed by statutory practice direction, shall be delivered, and the requisite number of copies of appeal books lodged in the Office.

(4) In any case where a respondent to an appeal has by separate notice of appeal in accordance with rule 18(3) sought to vary the decision or order of the court below, for the purposes of this rule a single set of the appeal books shall, save where the Supreme Court otherwise directs, be produced for both appeals concerned.

*Certificate of readiness*

26. (1) Unless the Supreme Court has otherwise directed, the appellant shall lodge with the documents referred to in rule 25 a certificate in such form as may be prescribed by a statutory practice direction or, if not so prescribed, as the Registrar may determine, which shall, where possible, be agreed by the appellant with the respondent, which states:

- (a) that the appeal is ready for hearing and/or determination, and includes a reasoned estimate (which shall, where possible, be agreed with the respondent) of the time proposed to be taken for the hearing of the appeal, or
- (b) that the appeal is not ready for hearing and/or determination and the further action necessary in order to render the appeal ready for hearing and/or determination.

(2) Where an appellant is represented by counsel, the certificate shall be signed by counsel. Where an appellant is represented by a solicitor but not by counsel, the certificate shall be signed by the appellant's solicitor.

## **IX. INTERLOCUTORY APPLICATIONS**

*Interlocutory applications to the Supreme Court*

27. (1) Unless otherwise permitted by the Supreme Court, all interlocutory applications to the Supreme Court shall be brought by notice of application in Form No. 4 on notice to every other party to the appeal, application or other matter, grounded on an affidavit sworn by or on behalf of the moving party.

(2) The notice of application and affidavit shall be lodged in the Office and a copy of the notice and affidavit (and any exhibits) served on every party affected by the interlocutory application not later than four clear days before the date fixed for the hearing of the application.

(3) The Supreme Court may direct service of the notice of application on any other party.



(4) Every party served with the notice of application is at liberty to lodge in the Office and serve a copy of a replying affidavit.

(5) No application for interlocutory relief (including any relief by way of a stay or security for costs) may be made to the Supreme Court before the determination of the application for leave to appeal.

## **X. APPLICATIONS UNDER ARTICLE 64.3.3° OR ARTICLE 64.4.1° OF THE CONSTITUTION**

### *Conduct and determination of applications under Article 64.3.3° or Article 64.4.1° of the Constitution*

28. (1) All applications under Article 64.3.3° or Article 64.4.1° of the Constitution shall be brought by notice (in this rule, the “notice of application”) in the Form No. 4, which shall set out the grounds on which it is alleged that an order should be made in accordance with Article 64.3.3° or, as the case may be, Article 64.4.1° of the Constitution in respect of the appeal concerned.

(2) The notice of application shall not be grounded on any affidavit and shall be lodged in the Office together with such other documents as may be specified in a statutory practice direction.

(3) A copy of the notice of application as lodged shall be served, within seven days after the notice of application has been lodged, on every other party to the appeal.

(4) The moving party shall produce to the Supreme Court or to the Registrar on request, proof of service of the notice of application on every other party to the appeal.

(5) Each other party to the appeal served with a notice of application shall, within seven days after service, lodge in the Office and serve on the moving party and every other party to the appeal a notice stating whether or not that party opposes the application, and if that respondent opposes the application, setting out concisely the grounds on which the application is opposed.

(6) When the Supreme Court has determined an application to which this rule applies, the Registrar shall notify the parties, the Registrar of the Court of Appeal, and any other person he considers it necessary to notify, of the determination.

## **XI. POWERS OF SUPREME COURT ON APPEAL**

### *General*

29. (1) Subject to the provisions of the Constitution and of statute—

(a) the Supreme Court has on appeal and may exercise or perform all the powers and duties of the court below,



- (b) the Supreme Court may give any judgment and make any order which ought to have been made and may make any further or other order as the case requires.

*Powers as to evidence*

30. Subject to the provisions of the Constitution and of statute—

- (a) the Supreme Court has on appeal full discretionary power to receive further evidence on questions of fact, and may receive such evidence by oral examination in court, by affidavit, or by deposition taken before an examiner or commissioner,
- (b) further evidence may be given without special leave on any appeal from an interlocutory judgment or order or in any case as to matters which have occurred after the date of the decision from which the appeal is brought,
- (c) on any appeal from a final judgment or order, further evidence (save as to matters subsequent as mentioned in paragraph (b)) may be admitted on special grounds only, and only with the special leave of the Supreme Court (obtained by application by motion on notice setting out the special grounds),
- (d) the Supreme Court may draw inferences of fact in accordance with law,
- (e) if the Supreme Court considers that the record available to it of the proceedings in the court below is deficient, it may have regard to such evidence, or to such verified notes or other materials as the Supreme Court deems expedient,
- (f) where the Supreme Court considers it necessary, it may direct the Registrar to apply to the trial Judge for a report to the Supreme Court on the trial or any part of the trial.”

**Schedule 2****Appendix FF**

Order 58, rule 15

No. 1

## SUPREME COURT

## Application for Leave and Notice of Appeal

**For Office use**

Supreme Court record number of this appeal		
Subject matter for indexing		

Leave is sought to appeal from			
	The Court of Appeal		The High Court

[Title and record number as per the High Court proceedings]

	<b>v</b>	
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Date of filing	
Name(s) of Applicant(s)/Appellant(s)	
Solicitors for Applicant(s)/Appellant(s)	
Name of Respondent(s)	
Respondent's solicitors	
Has any appeal (or application for leave to appeal) previously been lodged in the Supreme Court in respect of the proceedings?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, give Supreme Court record number(s)	

Are you applying for an extension of time to apply for leave to appeal?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, please explain why	

### 1. Decision that it is sought to appeal

Name(s) of Judge(s)	
Date of order/ Judgment	

### 2. Applicant/Appellant Details

Where there are two or more applicants/appellants by or on whose behalf this notice is being filed please provide relevant details for each of the applicants/appellants

Appellant's full name	
-----------------------	--

Original status		Plaintiff		Defendant
		Applicant		Respondent
		Prosecutor		Notice Party
		Petitioner		

<b>Solicitor</b>			
Name of firm			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode		Ref.	
How would you prefer us to communicate with you?	<input type="checkbox"/> Document Exchange	<input type="checkbox"/> E-mail	
	<input type="checkbox"/> Post	<input type="checkbox"/> Other (please specify)	

	<b>Counsel</b>		
Name			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode			

	<b>Counsel</b>		
Name			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode			

If the Applicant / Appellant is not legally represented please complete the following

Current postal address
e-mail address
Telephone no.

How would you prefer us to communicate with you?
<input type="checkbox"/> Document Exchange <input type="checkbox"/> E-mail <input type="checkbox"/> Post <input type="checkbox"/> Other (please specify)

### 3. Respondent Details

Where there are two or more respondents affected by this application for leave to appeal, please provide relevant details, where known, for each of those respondents

Respondent's full name	
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Original status		Plaintiff		Defendant
		Applicant		Respondent
		Prosecutor		Notice Party
		Petitioner		

<b>Solicitor</b>			
Name of firm			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode		Ref.	
How would you prefer us to communicate with you?	<input type="checkbox"/> Document Exchange	<input type="checkbox"/> E-mail	
	<input type="checkbox"/> Post	<input type="checkbox"/> Other (please specify)	

	<b>Counsel</b>		
Name			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode			

	<b>Counsel</b>		
Name			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode			

If the Respondent is not legally represented please complete the following

Current postal address
e-mail address
Telephone no.

How would you prefer us to communicate with you?
<input type="checkbox"/> Document Exchange <input type="checkbox"/> E-mail <input type="checkbox"/> Post <input type="checkbox"/> Other (please specify)

#### 4. Information about the decision that it is sought to appeal

<p>Please set out below:</p> <ol style="list-style-type: none"> <li>Whether it is sought to appeal from (a) the entire decision or (b) a part or parts of the decision and if (b) the specific part or parts of the decision concerned</li> <li>(a) A concise statement of the facts found by the trial court (in chronological sequence) relevant to the issue(s) identified in Section 5 below and on which you rely (include where relevant if certain facts are contested) (b) In the case where it is sought to appeal in criminal proceedings please provide a concise statement of the facts that are not in dispute</li> <li>The relevant orders and findings made in the High Court and/or in the Court of Appeal</li> </ol>
---

**5. Reasons why the Supreme Court should grant leave to appeal**

*In the case of an application for leave to appeal to which Article 34.5.3° of the Constitution applies (i.e. where it is sought to appeal from the Court of Appeal)—*

Please list (as 1, 2, 3, etc) concisely the reasons in law why the decision sought to be appealed involves a matter of general public importance and / or why in the interests of justice it is necessary that there be an appeal to the Supreme Court

*In the case of an application for leave to appeal to which Article 34.5.4° of the Constitution applies (i.e. where it is sought to appeal to the Supreme Court from the High Court)—*

Please list (as 1, 2, 3, etc) concisely the reasons in law:

i. why the decision sought to be appealed involves a matter of general public importance and / or why in the interests of justice it is necessary that there be an appeal to the Supreme Court and

ii. why there are exceptional circumstances warranting a direct appeal to the Supreme Court

**6. Ground(s) of appeal which will be relied on if leave to appeal is granted**

Please list (as 1, 2, 3, etc) concisely:

1. the specific ground(s) of appeal and the error(s) of law related to each numbered ground
2. the legal principles related to each numbered ground and confirmation as to how that/those legal principle(s) apply to the facts or to the relevant inference(s) drawn therefrom
3. The specific provisions of the Constitution, Act(s) of the Oireachtas, Statutory Instrument(s) and any other legal instruments on which you rely
4. The issue(s) of law before the Court appealed from to the extent that they are relevant to the issue(s) on appeal

Name of solicitor or (if counsel retained) counsel or applicant/appellant in person:

**7. Other relevant information**

Neutral citation of the judgment appealed against e.g. Court of Appeal [2015] IECA 1 or High Court [2009] IEHC 608

References to Law Report in which any relevant judgment is reported

**8. Order(s) sought**

Set out the **precise** form of order(s) that will be sought from the Supreme Court if leave is granted and the appeal is successful:



What order are you seeking if successful?						
Order being appealed:	set aside		vary/substitute			
Original order:	set aside		restore		vary/substitute	

If a declaration of unconstitutionality is being sought please identify the specific provision(s) of the Act of the Oireachtas which it is claimed is/are repugnant to the Constitution

If a declaration of incompatibility with the European Convention on Human Rights is being sought please identify the specific statutory provision(s) or rule(s) of law which it is claimed is/are incompatible with the Convention

**Are you asking the Supreme Court to:**

depart from (or distinguish) one of its own decisions?  Yes  No

If Yes, please give details below:

make a reference to the Court of Justice of the European Union?  Yes  No

If Yes, please give details below:

Will you request a priority hearing?  Yes  No

If Yes, please give reasons below:

**Please submit your completed form to:**

The Office of the Registrar of the Supreme Court  
The Four Courts  
Inns Quay  
Dublin

**together with a certified copy of the Order and the Judgment in respect of which it is sought to appeal.**

**This notice is to be served within seven days after it has been lodged on all parties directly affected by the application for leave to appeal or appeal.**

O. 58, r. 18(1)

## SUPREME COURT

## Respondent's Notice

Supreme Court record number		
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[Title and record number as per the High Court proceedings]

	<b>v</b>	
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Date of filing	
Name of respondent	
Respondent's solicitors	
Name of appellant	
Appellant's solicitors	

**1. Respondent Details**

Where there are two or more respondents by or on whose behalf this notice is being filed please also provide relevant details for those respondent(s)

Respondent's full name	
------------------------	--

The respondent was served with the application for leave to appeal and notice of appeal on date	
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The respondent intends:		to oppose the application for an extension of time to apply for leave to appeal
		not to oppose the application for an extension of time to apply for leave to appeal
		to oppose the application for leave to appeal
		not to oppose the application for leave to appeal
		to ask the Supreme Court to dismiss the appeal

		to ask the Supreme Court to affirm the decision of the Court of Appeal or the High Court on grounds other than those set out in the decision of the Court of Appeal or the High Court
		Other ( <i>please specify</i> )

If the details of the respondent's representation are correct and complete on the notice of appeal, tick the following box and leave the remainder of this section blank; otherwise complete the remainder of this section if the details are not included in, or are different from those included in, the notice of appeal.

Details of respondent's representation are correct and complete on notice of appeal:	
--	--

### Respondent's Representation

<b>Solicitor</b>			
Name of firm			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode		Ref.	
How would you prefer us to communicate with you?	<input type="checkbox"/> Document Exchange	<input type="checkbox"/> E-mail	
	<input type="checkbox"/> Post	<input type="checkbox"/> Other ( <i>please specify</i> )	

<b>Counsel</b>			
Name			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode			

	<b>Counsel</b>		
Name			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode			

If the Respondent is not legally represented please complete the following

Current postal address
Telephone no.
e-mail address

How would you prefer us to communicate with you?
<input type="checkbox"/> Document Exchange <input type="checkbox"/> E-mail <input type="checkbox"/> Post <input type="checkbox"/> Other (please specify)

## 2. Respondent's reasons for opposing extension of time

<p>If applicable, set out concisely here the respondent's reasons why an extension of time to the applicant/appellant to apply for leave to appeal to the Supreme Court should be refused</p>
---

### 3. Information about the decision that it is sought to appeal

Set out concisely whether the respondent disputes anything set out in the information provided by the applicant/appellant about the decision that it is sought to appeal (Section 4 of the notice of appeal) and specify the matters in dispute:

### 4. Respondent's reasons for opposing leave to appeal

If leave to be appeal is being contested, set out concisely here the respondent's reasons why:

*In the case of an application for leave to appeal to which Article 34.5.3° of the Constitution applies (i.e. where it is sought to appeal from the Court of Appeal)—*

- \*the decision in respect of which leave to appeal is sought does not involve a matter of general public importance
- \* it is not, in the interests of justice, necessary that there be an appeal to the Supreme Court

*In the case of an application for leave to appeal to which Article 34.5.4° of the Constitution applies (i.e. where it is sought to appeal to the Supreme Court from the High Court)—*

- \*the decision in respect of which leave to appeal is sought does not involve a matter of general public importance
- \*it is not, in the interests of justice, necessary that there be an appeal to the Supreme Court
- there are no exceptional circumstances warranting a direct appeal to the Supreme Court.

\*delete where inapplicable

**5. Respondent's reasons for opposing appeal if leave to appeal is granted**

Please list (as 1, 2, 3 etc in sequence) concisely the Respondent's grounds of opposition to the ground(s) of appeal set out in the Appellant's notice of appeal (Section 6 of the notice of appeal):

Name of counsel or solicitor who settled the grounds of opposition (if the respondent is legally represented), or name of respondent in person:

**6. Additional grounds on which decision should be affirmed**

Set out here any grounds other than those set out in the decision of the Court of Appeal or the High Court on which the Respondent claims the Supreme Court should affirm the decision of the Court of Appeal or the High Court:

<b>Are you asking the Supreme Court to:</b>	
depart from (or distinguish) one of its own decisions?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, please give details below:	
make a reference to the Court of Justice of the European Union?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, please give details below:	

Will you request a priority hearing?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, please give reasons below:	

**Please submit your completed form to:**

The Office of the Registrar of the Supreme Court  
The Four Courts  
Inns Quay  
Dublin

**This notice is to be lodged and served on the appellant and each other respondent within 14 days after service of the notice of appeal.**

O. 58, r. 21(1)(c)(i)

## SUPREME COURT

## Notice of Intention to Proceed with Appeal

Supreme Court record number		
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[Title and record number as per the High Court proceedings]

	<b>v</b>	
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Date of filing	
Appellant's solicitors	
Respondent's solicitors	

**1. Order granting leave**

Date of Supreme Court order granting leave to appeal	
--	--

**2. Appellant's notice**

The appellant in this appeal:

intends to proceed with the appeal	<input type="checkbox"/> Yes <input type="checkbox"/> No
on all grounds on which leave to appeal was granted	<input type="checkbox"/> Yes <input type="checkbox"/> No
If not, specify the precise grounds on which leave to appeal was given on which the appellant intends to proceed:	
intends to withdraw or abandon the appeal	<input type="checkbox"/> Yes <input type="checkbox"/> No

Signed: \_\_\_\_\_  
 (Solicitor for) the appellant

**Please submit your completed form to:**

The Office of the Registrar of the Supreme Court  
 The Four Courts  
 Inns Quay  
 Dublin



No. 4

O. 58, r. 27(1)

## SUPREME COURT

## Notice of Application

Supreme Court record number		
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[Title and record number as per the High Court proceedings]

	<b>v</b>	
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Date of filing	
Applicant's solicitors	
Appellant's solicitors	
Respondent's solicitors	

**1. Return date** (*Note: not applicable to applications under Article 64.3.3° or Article 64.4.1° of the Constitution*)

	Date	Time
<b>TAKE NOTICE</b> that this application is listed for hearing at the following date and time:		

**2. Affidavit(s) relied on in support of this application by moving party (where applicable)**

Deponent	Date sworn

If the details of the applicant's representation are correct and complete on the notice of appeal (or, as the case may be, respondent's notice), tick the following box and leave the remainder of this section blank; otherwise complete the remainder of this section.

Details of applicant's representation are correct and complete on notice of appeal (or respondent's notice):	
--	--

**This notice is to be lodged and served on each respondent within 28 days of the grant by the Supreme Court of leave to appeal.**

**3. Details of the applicant**

Applicant's full name	
-----------------------	--

Original status		Plaintiff		Defendant
		Applicant		Respondent
		Prosecutor		Notice Party
		Petitioner		

<b>Solicitor</b>			
Name of firm			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode		Ref.	
How would you prefer us to communicate with you?	<input type="checkbox"/> Document Exchange	<input type="checkbox"/> E-mail	
	<input type="checkbox"/> Post	<input type="checkbox"/> Other (please specify)	

	<b>Counsel</b>		
Name			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode			

	<b>Counsel</b>		
Name			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode			

If the Applicant / Appellant is not legally represented please complete the following

Current address	
Telephone no.	
e-mail address	

How would you prefer us to communicate with you?
<input type="checkbox"/> Document Exchange <input type="checkbox"/> E-mail <input type="checkbox"/> Post <input type="checkbox"/> Other (please specify)

#### 4. Nature of the application

The applicant applies for	
Extension of time	
Permission to intervene	
Security for costs	
Order for substituted service	
Expedited hearing	
Review of Registrar's decision under Order 58 rule 14(2)	
An order under Article 64.3.3° of the Constitution	
An order under Article 64.4.1° of the Constitution	
Other order ( <i>please specify</i> )	

**5. Grounds on which application made**

On what grounds are you making this application?

--

**6. Consent/objection to application**

The following parties <b>consent</b> to this application	
See attached letter(s) dated:	
The following parties <b>object</b> to this application	
See attached letter(s) dated:	

**\* 7. Details of Registrar's decision being appealed**

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\* Insert where application is being made for review of Registrar's decision

**Schedule 3****“ORDER 86****COURT OF APPEAL: GENERAL****I. PRELIMINARY AND GENERAL***Interpretation and scope*

1. (1) In this Order and in Orders 86A, 86B, 86C and 86D—

“appellant” means:

- (a) a person who makes or intends to make an appeal to the Court of Appeal (including an appeal initiated in the Supreme Court before the establishment day referred to in section 5 of the Court of Appeal Act 2014 and which is required by law to be continued before the Court of Appeal);
- (b) a person who makes or intends to make an application for leave to appeal to the Court of Appeal, in any case in which leave for such an appeal is required by law, and
- (c) includes, subject to such modifications as may be necessary, a person who initiates proceedings before the Court of Appeal;

“County Registrar” has the same meaning as in the Circuit Court Rules and, includes where the context requires or permits, any person appointed to act as Registrar to the High Court on Circuit;

“Court of Appeal” means the Court of Appeal and:

- (a) in relation to any interlocutory application or procedural application or motion referred to in section 7A(6) of the Courts (Supplemental Provisions) Act 1961, includes the President of the Court of Appeal or any Judge of the Court of Appeal nominated by the President of the Court of Appeal in accordance with that sub-section to hear and determine such an application, and
- (b) in relation to any directions in relation to the conduct of any proceedings before the Court of Appeal, includes the President of the Court of Appeal or a Judge of the Court of Appeal nominated by the President of the Court of Appeal under section 7C(1) of the Courts (Supplemental Provisions) Act 1961;

the “court below” means the court (which, for the avoidance of doubt, includes a court-martial or military judge) from which an appeal (or application for leave to appeal) is made to the Court of Appeal, and where the context so admits or requires, includes any tribunal from whose decision a right of appeal lies to the Court of Appeal;

“decision” includes judgment, order, verdict, finding or determination;

“enactment” has the same meaning as in the Interpretation Act 2005;

the “Office” means the Office of the Registrar of the Court of Appeal;

the “Registrar” means the Registrar of the Court of Appeal;

“respondent” includes—

(a) a respondent to an appeal to the Court of Appeal;

(b) a respondent to an application for leave to appeal to the Court of Appeal, and

(c) where relevant, any party other than the moving party in any matter before the Court of Appeal other than by way of application for leave to appeal or appeal;

“statutory practice direction” means a practice direction issued under section 7C(2) of the Courts (Supplemental Provisions) Act 1961.

(2) This Order and Orders 86A, 86B, 86C, 86D and 87 apply to all proceedings and applications in proceedings in which the Court of Appeal has jurisdiction under law and applies, for the avoidance of doubt, so far as applicable, to all appeals to the Court of Appeal from any special tribunal or body and the procedure under this Order and Orders 86A, 86B, 86C, 86D and 87 applicable to appeals shall, save where the context otherwise requires, apply, subject to any modifications which may be necessary, to any other form of proceeding before the Court of Appeal.

(3) Save where otherwise provided, references in this Order and in Orders 86A, 86B, 86C, 86D and 87 to forms are to the forms in Appendix U, with the necessary modifications where appropriate to the case.

#### *Conduct of appeals and applications*

2. (1) All appeals and other matters before the Court of Appeal shall be prepared for hearing or determination and heard and determined in a manner which is just, expeditious and likely to minimise the costs of the proceedings.

(2) The Registrar may from time to time make such inquiries and seek such reports or information of the parties as he considers appropriate or as are directed by the Court of Appeal concerning the progress of any appeal and may:

(a) where he considers that the requirements of sub-rule (1) are not being complied with, or

(b) where a time limit imposed by this Order has not been complied with,

list the matter before the Court of Appeal.

(3) Notwithstanding any other provision of this Order, the Court of Appeal may at any time direct the lodgment and service of written submissions on an appeal or on any issue or motion in any appeal.

*Directions and time limits*

3. (1) The Court of Appeal may at any time and from time to time:

- (i) of its own motion and having heard the parties, or
- (ii) on the application of a party by motion on notice to the other party or parties,

give such directions and make such orders for the conduct of proceedings before the Court of Appeal, as appear convenient for the determination of the proceedings in a manner which is just, expeditious and likely to minimise the costs of those proceedings.

(2) Without prejudice to the generality of sub-rule (1), the Court of Appeal may give directions and make orders:

- (a) fixing time limits;
- (b) extending or shortening any time limit set by these Rules (unless to do so would be contrary to any provision of statute).

(3) An application for an extension of time may be made after the time limit has expired.

(4) Where a document is presented for lodgment late, the Registrar may accept the document for lodgment with the written consent of every other party concerned.

(5) Where a document (other than a notice of appeal or notice of expedited appeal) is presented for lodgment late, the Registrar may accept the document for lodgment without prejudice to the right of any party concerned to object to the late lodgment.

*Service*

4. (1) A document for use in proceedings in the Court of Appeal may be served by any of the following methods—

- (a) personal service,
- (b) registered post,
- (c) electronic means where the person to be served has consented to service by such means or a statutory practice direction so permits and
- (d) save in the case of a notice of appeal, any other method permitted by Order 121 (and where any such method is used, the provisions of Order 121 apply).

(2) Where, having made such inquiries, if any, as he considers appropriate, the Registrar is not satisfied as to the sufficiency of the service effected in any case, the Registrar may direct service by another method or may direct the giving of notice of the application or appeal by another means.

(3) An affidavit of service shall include details of the persons served, the method of service used and shall state the date on which the document was served personally, posted, delivered to the document exchange or sent electronically, as the case may be.

(4) Service on a party by a means which has been agreed by or among parties in the proceedings in the court below or which has been directed by the court below is, until the contrary is shown, deemed to be sufficient service.

*Notifications by the Court of Appeal*

5. Unless otherwise provided in statute or this Order, where the Registrar is required to notify any person of a matter, the notification may be in such form and may be given in such manner as the Registrar considers appropriate.

*Lodgment of documents*

6. Subject to the provisions of this Order, a document may be lodged in the Office by any of the following methods—

- (a) any method permitted by Order 117A (and where any such method is used, the provisions of Order 117A apply);
- (b) where permitted by a statutory practice direction, by electronic means in accordance with the relevant statutory practice direction.

*Application in first instance to court below*

7. Subject to any provision of statute, whenever under these Rules an application may be made either to the Court of Appeal or to the court below, it shall be made in the first instance to the court below.

*Effect of interlocutory order in court below*

8. No interlocutory order or ruling made by a court below from which there has been no appeal operates to bar or prejudice the Court of Appeal from giving such decision on the appeal as the Court of Appeal considers just.

*Security for costs*

9. The Court of Appeal may under special circumstances direct that a deposit or other security in the amount fixed by the Court of Appeal be made or given for the costs to be occasioned by any appeal.

*Amendments*

10. (1) A notice of appeal, or any other document used in an appeal to the Court of Appeal, may be amended at any time on such terms as the Court of Appeal thinks fit.

(2) An application for leave to amend shall be made by motion on notice to the other parties who would be affected by the amendment.



*Non-compliance*

11. (1) Subject to sub-rules (4) and (5) of rule 3, the Registrar may refuse to issue any notice of appeal or other document which does not comply with the requirements of this Order or the requirements of any statutory practice direction which applies to the appeal or application in question.

(2) A party aggrieved by a refusal in accordance with sub-rule (1) to issue a notice of appeal or other document may apply within 14 days of the refusal by notice of motion to the Court of Appeal to authorise the issue of the notice of appeal or other document.

(3) Subject to rule 3(5) and sub-rules (1) and (2) of this rule, non-compliance on the part of an appellant or applicant with the rules of this Order or, as the case may be, of Orders 86A, 86B, 86C, 86D and/or 87, or with any rule of practice for the time being in force, does not prevent the further prosecution of the appeal or application unless the Court of Appeal so directs, but the appeal or application may be dealt with in such manner and on such terms as the Court of Appeal thinks fit.

**II. INTERLOCUTORY APPLICATIONS***Interlocutory applications to the Court of Appeal*

12. (1) Unless otherwise permitted by the Court of Appeal, all interlocutory applications to the Court of Appeal shall be brought by motion on notice grounded on an affidavit sworn by or on behalf of the moving party.

(2) The notice of motion and affidavit shall be lodged in the Office and a copy of the notice of motion and affidavit (and any exhibits) served on every other party affected by the interlocutory application not later than four clear days before the return date of the application.

(3) The Court of Appeal may direct service of the application on any other party.

(4) Every party served with the application is at liberty to lodge in the Office and serve a copy of a replying affidavit.

(5) Unless otherwise directed, the moving party shall lodge in the Office not later than two clear days before the return date of the application an indexed and paginated motion booklet for the use of the Court of Appeal, comprising copies of:

- (a) the notice of motion;
- (b) each affidavit lodged in support of or in opposition to the motion, and all exhibits to each such affidavit, and
- (c) any other document in the appeal to which any party proposes to refer on the hearing of the application.

*Ex parte applications to the Court of Appeal*

13. Unless otherwise permitted by the Court of Appeal, notice of any intention to make an *ex parte* application to the Court of Appeal shall be given to the Court of Appeal by lodging a notice in the Form No. 1 with the Registrar not later than 48 hours before the application is intended to be made, together with the original and three copies of any affidavit grounding that application and any exhibits.

**ORDER 86A****APPEALS TO THE COURT OF APPEAL IN CIVIL PROCEEDINGS****I. POWERS OF COURT OF APPEAL ON CIVIL APPEALS***Application of this Order*

1. This Order applies only to appeals to the Court of Appeal in civil proceedings.

*General*

2. (1) Subject to the provisions of the Constitution and of statute—

- (a) the Court of Appeal has on any appeal in civil proceedings and may exercise or perform all the powers and duties of the court below,
- (b) the Court of Appeal may give any judgment and make any order which ought to have been given or made and may make any further or other order as the case requires.

(2) The powers of the Court of Appeal may be exercised by the Court of Appeal, notwithstanding that the notice of appeal asks that part only of the decision of the court below be reversed or varied, and those powers may also be exercised in favour of all or any of the respondents or parties, although particular respondents or parties may not have appealed from or complained of the decision.

(3) The failure to give adequate notice of a matter in a notice of appeal does not remove or reduce the power of the Court of Appeal to consider and deal with the matter in question, but the Court of Appeal may, in its discretion, adjourn an appeal or (where it is satisfied that the other party is not prejudiced in its conduct of the appeal by the insufficient notice) make a special order as to costs where it considers that inadequate notice of a matter has been given.

*Power to remit or direct new trial*

3. (1) Following the hearing of an appeal, the Court of Appeal may remit proceedings to the High Court with such directions as it considers just.

(2) If on the hearing of an appeal, it appears to the Court of Appeal that a new trial ought to be had, it may set aside the original decision or order and direct a new trial, which may be confined to a particular question or issue, without interfering with the original finding or decision on any other question or issue.

*Powers as to evidence*

4. Subject to the provisions of the Constitution and of statute—

- (a) the Court of Appeal has on appeal full discretionary power to receive further evidence on questions of fact, and may receive such evidence by oral examination in court, by affidavit, or by deposition taken before an examiner or commissioner,

- (b) further evidence may be given without special leave on any appeal from an interlocutory judgment or order or in any case as to matters which have occurred after the date of the decision from which the appeal is brought,
- (c) on any appeal from a final judgment or order, further evidence (save as to matters subsequent as mentioned in paragraph (b)) may be admitted on special grounds only, and only with the special leave of the Court of Appeal (obtained by application by motion on notice setting out the special grounds),
- (d) the Court of Appeal may draw inferences of fact in accordance with law,
- (e) if the Court of Appeal considers that the record available to it of the proceedings in the court below is deficient, it may have regard to such evidence, or to such verified notes or other materials as the Court of Appeal deems expedient,
- (f) where the Court of Appeal considers it necessary, it may direct the Registrar to apply to the trial Judge for a report to the Court of Appeal on the trial or any part of the trial.

## **II. APPLICATION FOR LEAVE TO APPEAL OR APPEAL DOES NOT OPERATE AS A STAY UNLESS ORDERED**

### *Appeal not to operate as a stay*

5. (1) An appeal (or, where required by law, an application for leave to appeal) to the Court of Appeal does not operate as a stay of execution or of proceedings under the decision appealed from, except so far as the High Court orders or, such order having been refused by the High Court, so far as the Court of Appeal orders.

(2) No intermediate act or proceeding is invalidated by reason of an appeal (or application for leave to appeal) to the Court of Appeal, except so far as is directed by the High Court or, such direction having been refused by the High Court, so far as the Court of Appeal directs.

## **III. APPLICATIONS FOR LEAVE TO APPEAL**

### *Conduct of applications for leave to appeal*

6. (1) Where under statute leave to appeal to the Court of Appeal is required to be sought, application for such leave shall be brought by notice of application (in this rule called the “application for leave to appeal”) in the Form No. 2, which shall include the grounds on which leave to appeal is sought and, where relevant, the reasons why it is alleged that the conditions for leave to appeal are satisfied, and to which shall be appended a draft of the proposed notice of appeal. A return date before the Court of Appeal shall be assigned to every application for leave to appeal issued under this rule.

(2) Subject to any provision to the contrary in any enactment which applies to the particular category of appeal, where under any enactment leave to appeal to the Court of Appeal may be sought in the court below or in the Court of Appeal, any application seeking leave to appeal may be made to the Court of Appeal only after the court below has refused to grant leave to appeal.

(3) Subject to any provision to the contrary in any enactment which applies to the particular category of appeal, and to the provisions of this Order, the application for leave to appeal and an attested copy of the order of the court below shall be lodged not later than 28 days from the perfecting of the order of the court below against which leave to appeal is sought.

(4) A copy of the application for leave to appeal (and appended draft notice of appeal) shall be served not later than 14 days before the return date of the application for leave to appeal, on all parties directly affected by the application.

(5) The moving party shall lodge an affidavit of service of the application for leave to appeal on each respondent served.

(6) It is not necessary to serve parties to the proceedings in the court below who are not directly affected by the application for leave to appeal, but the Court of Appeal may direct notice of the application for leave to appeal to be served on all or any of the parties to the proceedings in the court below, or on any other person.

(7) A person served with an application for leave to appeal who intends to oppose the application shall lodge in the Office and serve on the moving party and each other person served with the application for leave to appeal a statement of that person's grounds of objection to the application for leave to appeal in the Form No. 3, not later than seven days before the return date of the application for leave to appeal.

(8) On the return date of the application for leave to appeal, (or on any adjournment of such hearing), the Court of Appeal may give such directions and make such orders, including the fixing of time limits, for the conduct of the application as appear convenient for the determination of the application in a manner which is consistent with the requirements of Order 86, rule 2, which may include:

(a) directions as to the service of the application for leave to appeal on any other person including mode of service and the time allowed for such service (and may for that purpose adjourn the hearing (or further hearing) or determination of the motion to a date specified);

(b) directions as to the filing and delivery of any affidavit by any party or parties;

(c) directions as to the filing and delivery of written submissions.

(9) An order granting leave to appeal:

- (a) shall specify the grounds on which leave is given;
- (b) shall fix a time within which the notice of appeal is to be issued and served, and
- (c) shall fix a date for the directions hearing on the appeal.

(10) When the Court of Appeal has determined an application for leave to appeal, the Registrar shall notify the parties of the determination.

#### **IV. EXPEDITED APPEALS**

##### *Application of Part IV*

7. (1) This Part applies to an appeal (in this Part called an “expedited appeal”) falling within the following categories of appeals to the Court of Appeal in civil proceedings:

- (i) an appeal against the grant or refusal of relief under Article 40.4.2° of the Constitution;
- (ii) an appeal against the making or refusal of any interlocutory order;
- (iii) an appeal against the making or refusal of any order granting summary judgment;
- (iv) an appeal against the making or refusal of:
  - (a) a winding up order;
  - (b) an order appointing a provisional liquidator;
  - (c) an order appointing a receiver;
  - (d) an order in the course of examinership proceedings;
- (v) an appeal against the making or refusal of:
  - (a) an adjudication in bankruptcy;
  - (b) an order under Chapter 3 (Debt Settlement Arrangements) or Chapter 4 (Personal Insolvency Arrangements) of Part 3 of the Personal Insolvency Act 2012;
- (vi) an appeal against the making or refusal of any order in any proceedings to which Order 133 (Child Abduction and Enforcement of Custody Orders) applies;
- (vii) an appeal against the making or refusal of any order making a determination as to the capacity of a person (including an order making or refusing to make a person a ward of court);

- (viii) an appeal against the making or refusal of an order in proceedings under the European Arrest Warrant Acts 2003 and 2012 or in extradition proceedings;
- (ix) an appeal from the making or refusal of an order of prohibition in criminal proceedings;
- (x) an appeal against the refusal of an *ex parte* order;
- (xi) any other appeal designated in a statutory practice direction as an appeal to which this Part applies.

(2) Part V shall not apply to any appeal to which this Part applies.

*Notice of expedited appeal*

8. An appeal to the Court of Appeal to which this Part applies shall be brought by the lodgment in the Office for issue of a notice (in this Part called the “notice of expedited appeal”) in the Form No. 4, which shall set out:

- (i) particulars of the decision that it is sought to appeal;
- (ii) the category of expedited appeal in rule 7(1) to which the appeal relates;
- (iii) the grounds of the appeal;
- (iv) the orders sought from the Court of Appeal;
- (v) a list of the documents intended to be relied on by the appellant in the appeal, and
- (vi) particulars of the appellant and of the respondent.

*Lodgment of notice of expedited appeal*

9. (1) Subject to any provision to the contrary in any enactment which applies to the particular category of appeal, and to the provisions of this Order, the notice of expedited appeal shall be lodged for issue with an attested copy of the order of the court below not later than ten days from the perfecting of the order appealed against.

(2) Where a written judgment has been given in the court below, the appellant shall lodge with the Registrar an attested copy of the written judgment approved by the court below when the notice of expedited appeal is lodged or otherwise promptly after it becomes available.

(3) Where a written judgment has not been given in the court below, the appellant shall, at his own expense, lodge with the Registrar:

- (i) a transcript of the oral judgment of the court below certified as accurate by the person responsible for preparing the transcript and authenticated by the Judge of the court below, and

- (ii) where, and then to the extent, necessary for the proper determination of the appeal, a transcript of any relevant ruling or direction of the Judge in the court below certified as accurate by the transcript writer and authenticated by the Judge of the court below.

(4) A return date for a directions hearing shall be assigned to every notice of expedited appeal issued under this rule.

*Service of notice of expedited appeal*

10. (1) A copy of the notice of expedited appeal shall, save in the case of a notice of appeal from a decision made otherwise than *inter partes*, be served, within four days after it has been issued, on all parties directly affected by the appeal.

(2) It is not necessary to serve parties to the proceedings in the court below who are not directly affected by the appeal, but the Court of Appeal may direct notice to be served on all or any of the parties to the proceedings in the court below, or on any other person.

(3) The appellant shall lodge an affidavit of service of the notice of expedited appeal on each respondent served.

*Respondent's notice*

11. Each respondent served with a notice of expedited appeal shall, within seven days after service on him of the notice of expedited appeal, lodge in the Office and serve on the appellant and every other respondent a notice in the Form No. 5 (in this rule, the "respondent's notice"), which:

- (a) shall state if that respondent opposes the appeal, in whole or in part and, if so, sets out concisely the grounds on which the appeal is opposed;
- (b) if that respondent intends, on the hearing of the appeal, to contend that the judgment or order appealed from should be affirmed on grounds other than those set out in the judgment or order of the court below, sets out a concise statement of the additional grounds on which it is alleged the judgment or order appealed from should be affirmed;
- (c) if that respondent intends, on the hearing of the appeal, to contend that the judgment or order appealed from should be varied, shall include a separate section entitled "notice of cross-appeal", which sets out a concise statement of the grounds on which it is alleged the judgment or order appealed from should be varied;
- (d) shall set out the orders sought from the Court of Appeal, and
- (e) shall include a list of any additional documents not identified in the notice of appeal on which that respondent intends to rely at the hearing of the appeal.



## V. ORDINARY APPEALS

### *Notice of appeal*

12. (1) An appeal to the Court of Appeal (other than an appeal to which Part IV applies) shall be brought by the lodgment in the Office for issue of a notice (in this Order called the “notice of appeal”) in the Form No. 6, which shall set out:

- (i) particulars of the decision that it is sought to appeal;
  - (ii) the grounds of the appeal;
  - (iii) the orders sought from the Court of Appeal;
  - (iv) a list of the documents intended to be relied on by the appellant in the appeal, and
  - (v) particulars of the appellant and of the respondent.
- (2) Part IV shall not apply to any appeal to which this Part applies.

### *Lodgment of notice of appeal*

13. (1) Subject to any provision to the contrary in any enactment which applies to the particular category of appeal, and to the provisions of this Order, the notice of appeal shall be lodged for issue and an attested copy of the order of the court below shall be lodged not later than 28 days from the perfecting of the order appealed against.

(2) Where a written judgment has been given in the court below, the appellant shall lodge with the Registrar an attested copy of the written judgment approved by the court below when the notice of appeal is lodged or otherwise promptly after it becomes available.

(3) Where a written judgment has not been given in the court below, the appellant shall, at his own expense, lodge with the Registrar:

- (i) a transcript of the oral judgment of the court below certified as accurate by the person responsible for preparing the transcript and authenticated by the Judge of the court below, and
- (ii) where, and then to the extent, necessary for the proper determination of the appeal, a transcript of any relevant ruling or direction of the Judge in the court below certified as accurate by the transcript writer and authenticated by the Judge of the court below.

(4) The notice of appeal shall include a list of all of the documents on which the appellant intends to rely at the hearing of the appeal.

(5) A return date for a directions hearing shall be assigned to every notice of appeal issued under this rule.

*Service of notice of appeal*

14. (1) A copy of the notice of appeal shall, save in the case of a notice of appeal from a decision made otherwise than *inter partes*, be served, within seven days after the notice of appeal has been issued, on all parties directly affected by the appeal.

(2) It is not necessary to serve parties to the proceedings in the court below who are not directly affected by the appeal, but the Court of Appeal may direct notice of the appeal to be served on all or any of the parties to the proceedings in the court below, or on any other person.

(3) The appellant shall lodge an affidavit of service of the notice of appeal on each respondent served.

*Respondent's notice*

15. (1) Each respondent served with a notice of appeal shall, within 21 days after service on him of the notice of appeal, lodge in the Office and serve on the appellant and every other respondent a notice in the Form No. 7 (in this rule, the “respondent’s notice”), which:

- (a) shall state if that respondent opposes the appeal, in whole or in part and, if so, sets out concisely the grounds on which the appeal is opposed;
- (b) if that respondent intends, on the hearing of the appeal, to contend that the judgment or order appealed from should be affirmed on grounds other than those set out in the judgment or order of the court below, sets out a concise statement of the additional grounds on which it is alleged the judgment or order appealed from should be affirmed;
- (c) if that respondent intends, on the hearing of the appeal, to contend that the judgment or order appealed from should be varied, shall include a separate section entitled “notice of cross-appeal”, which sets out a concise statement of the grounds on which it is alleged the judgment or order appealed from should be varied;
- (d) shall set out the orders sought from the Court of Appeal, and
- (e) shall include a list of any additional documents not identified in the notice of appeal on which that respondent intends to rely at the hearing of the appeal.

(2) A notice for the purposes of section 32(3) of the Civil Liability Act 1961 shall be in the Form No. 30 in Appendix C, and shall be lodged in the Office and a copy served on the appellant and every other respondent within 14 days of the service of the notice of appeal.

**VI. DIRECTIONS HEARING APPLICABLE TO ALL CIVIL APPEALS***Directions hearing*

16. (1) Unless otherwise directed, the appellant shall lodge in the Office not later than four days before the date fixed for the directions hearing an indexed and paginated directions booklet for the use of the Court of Appeal, comprising copies of:

- (a) the judgment and/or order appealed from;
- (b) the notice of expedited appeal, or notice of appeal, as the case may be;
- (c) every respondent's notice delivered, and
- (d) any other document in the appeal to which any party proposes to refer at the directions hearing.

(2) The directions hearing shall be attended by the solicitor responsible for the conduct of the appeal and by a counsel instructed in the appeal, if such be the case. Where a party, not being a body corporate, is not represented by counsel or a solicitor, the directions hearing shall be attended by the party himself. Where the Court of Appeal considers it necessary or desirable, it may direct that a party, or, where the party is a body corporate, the proper officer of that party, attend the directions hearing, notwithstanding the fact that the party may be represented by counsel or a solicitor.

(3) Each counsel and solicitor attending the directions hearing shall ensure that he is sufficiently familiar with the proceedings, and has authority from the party he represents to deal with any matters that are likely to be dealt with at the directions hearing.

(4) Without prejudice to the generality of Order 86, rule 3, the Court of Appeal may, at the directions hearing, give any of the following directions:

- (i) fixing any issues to be determined in the appeal;
- (ii) for the consolidation of the appeal with another appeal or matter pending in the Court of Appeal;
- (iii) for the defining of issues by the parties, or any of them, including the exchange between the parties of memoranda for the purpose of clarifying issues;
- (iv) allowing any party to alter or amend his notice, or allowing amendment of a statement of issues;
- (v) requiring the filing of lists of documents, either generally or with respect to specific matters;

- (vi) providing for the exchange of documents or information between the parties, or for the transmission by the parties to the Registrar of documents or information electronically on such terms and subject to such conditions and exceptions as the Court of Appeal may direct;
- (vii) providing for the documents to be included in the appeal booklet to be filed in accordance with rule 17;
- (viii) fixing the times at which written submissions on the appeal, or on an issue in the appeal, identifying and addressing the issues arising in the appeal, are to be delivered and filed by each party to the appeal, and such written submissions shall be filed electronically where directed by the Registrar.

(5) Where the directions hearing is adjourned, the appellant shall, where necessary, lodge in the Office not later than four days before the date to which the directions hearing is adjourned an updated directions booklet for the use of the Court of Appeal.

(6) At the directions hearing:

- (a) in the case of an ordinary appeal, the Court of Appeal may, or
- (b) in the case of an expedited appeal, the Court of Appeal shall, unless for special reason it considers that it is not possible to do so,

fix a date and allocate a time for the hearing of the appeal.

*Appeal booklet and papers*

17. (1) Subject to any statutory practice direction and the terms of any order made at the directions hearing, the appellant shall, not later than 14 days before the date fixed for the hearing of the appeal, lodge with the Registrar in triplicate and serve on each respondent affected by the appeal an indexed and paginated appeal book (in this Part called the “appeal booklet”) comprising:

- (a) a copy of the notice of expedited appeal or notice of appeal, as the case may be;
- (b) a copy of the respondent’s notice;
- (c) where the appeal is in proceedings commenced by plenary summons, copies of the summons, any statement of claim, and defence and any requests for and replies to particulars, in chronological sequence;
- (d) where the appeal is in any other proceedings, copies of the originating document and any document in the nature of a defence or statement of opposition;
- (e) copies of each affidavit (including all exhibits) relied on or opened in the court below at the hearing at or following which the decision appealed from was made, set out in chronological sequence;

- (f) an attested copy of the order of the court below from which the appeal is made and attested copies of any further or other order of the court below relevant to the appeal;
- (g) where a written judgment was given in the court below containing the decision appealed from, an attested copy of the written judgment approved by the court below;
- (h) where a written judgment has not been given in the court below, a transcript of any oral judgment of the court below concerning the matter appealed from, certified as accurate by the person responsible for preparing the transcript and authenticated by the Judge of the court below;
- (i) where, and then only to the extent, necessary for the proper determination of the appeal, a transcript of
  - (i) any ruling or direction of the Judge in the court below concerning the matter appealed from and
  - (ii) the extracts from the record of the proceedings in the court below containing any oral evidence received in the court below relevant to the appeal, certified as accurate by the transcript writer;
- (j) the written submissions, identifying and addressing the issues arising in the appeal, of each party, and
- (k) copies of the documents relied on by each party as specified in the notice of appeal and the respondent's notice respectively, provided that where an extract only of any document, including any transcript is relied on, it shall be sufficient to include only such extract.

(2) The appellant shall lodge with the appeal booklet a single copy of the entire transcript of the evidence given in the court below. The transcript shall be lodged electronically where directed by the Registrar.

(3) The appellant shall hand into court at the hearing of the appeal three copies of an agreed indexed book of the authorities relied on by all of the parties.

*Further directions hearing*

18. The Registrar may at any time list an appeal or expedited appeal before the Court of Appeal on notice to the parties for the giving of such directions or the making of such orders for the conduct of the proceedings as the Court of Appeal considers appropriate in the circumstances.

## **VII. ELECTORAL APPEALS**

*Particular provisions concerning electoral appeals*

19. (1) The provisions of this rule apply to appeals to the Court of Appeal on questions of law

- (a) from the Circuit Court under the Local Elections (Petitions and Disqualifications) Act 1974, and
  - (b) from the High Court under the Seanad Electoral (University Members) Act 1937 as amended, the Seanad Electoral (Panel Members) Act 1947 as amended, the Electoral Act 1992, the Presidential Elections Act 1993, and the European Parliament Elections Act 1997.
- (2) Every appeal under sub-rule (1)(a) shall be by notice of appeal in the form, if any, for the time being prescribed in the Circuit Court Rules and otherwise in accordance with Part V.
- (3) Every appeal under sub-rule (1)(b) shall be by notice of appeal in accordance with Part V.
- (4) A return date for a directions hearing shall be assigned to every notice of appeal issued under this rule.
- (5) Every notice of appeal referred to in this rule shall be served within 28 days from the date on which the judgment or order appealed from was pronounced in open court and shall be lodged with the Registrar forthwith.
- (6) In the case of an appeal under sub-rule (1)(a), the Registrar shall apply to the County Registrar for such documents as are lodged in the Circuit Court for the purposes of the appeal.
- (7) The transcript writer shall furnish a transcript of the whole of the proceedings at the trial or of such part of the proceedings as the Registrar requires. The transcript shall be certified by the transcript writer to be a complete and correct transcript of the whole of the record, or of the part required. In the absence of a transcript, the County Registrar shall furnish to the Registrar a signed copy of the note made by the Judge of the Circuit Court of any question of law raised before him and of the facts in evidence in relation to that question, and of his decision on that question and on the question or matter submitted to him. Such documents, transcript or note shall be supplied for the use of the Court of Appeal and may be used and received at the hearing of the appeal.
- (8) The Registrar shall also apply to the County Registrar for the transmission to his office for the use of the Court of Appeal of a file of all documents and papers relating to the case.
- (9) If a report, or a note as is mentioned in sub-rule (7), cannot be produced, the Court of Appeal may hear and determine the appeal on any other evidence or statement of what occurred before the Judge of the Circuit Court which the Court of Appeal deems sufficient.
- (10) In the case of an appeal under sub-rule (1)(b), the appellant shall lodge with the Registrar an attested copy of the judgment or order of the High Court appealed from and the appeal books referred to in rule 17. If no transcript of the proceedings before the High Court is lodged, the appropriate Registrar of

the High Court shall furnish to the Registrar a signed copy of the note made by the High Court Judge of any question of law raised before him and of the facts and evidence relating to that question and of his decision on that question and on the question or matters submitted to him. Such copies shall be supplied for the use of the Court of Appeal and may be used and received at the hearing of the appeal.

(11) The Registrar shall also apply to the appropriate High Court Registrar for the transmission to him for the use of the Court of Appeal of a file of all documents and papers relating to the case.

(12) If a note as is mentioned in sub-rule (10) cannot be produced, the Court of Appeal may hear and determine the appeal on any other evidence or statement of what occurred before the High Court Judge which the Court of Appeal deems sufficient.

(13) The Registrar shall give notice of the order made by the Court of Appeal finally determining any appeal in the Form No. 8, to each of the persons specified in section 14(3) of the Act of 1974 in the case of an appeal under sub-rule (1)(a), or to each of the persons entitled under Order 97, rule 21(1) to receive a copy of the final order of the High Court in the case of an appeal under sub-rule (1)(b).

(14) This rule applies, so far as practicable, and with such modifications as may be necessary, to all appeals under the Electoral Acts.

### **VIII. SETTLEMENT, WITHDRAWAL OR CONCESSION OF APPEALS**

#### *Determination of appeals by settlement, abandonment, etc*

20. (1) When an appeal has been settled or compromised, every party who has joined in the settlement or compromise shall notify the Registrar in writing.

(2) Where a party notifies the Registrar in writing that no issue as to the costs of the appeal remains outstanding and no requirement arises for an order to be made by the Court of Appeal, and produces to the Registrar a letter from each other party concerned confirming this, the appeal shall be deemed to be determined without further order.

(3) Where a party notifies each other party concerned and the Registrar in writing of his intention to withdraw or concede the appeal:

- (a) the proceedings may, on the application of a party or at the direction of the Registrar, be listed before the Court of Appeal, on notice to the other parties, to enable the making of any necessary consequential order, and
- (b) the Registrar may notify the proper officer of the court below and any other person he considers necessary of the determination of the appeal.

## IX. INTEREST

### *Additional interest allowed without special order*

21. On an appeal to the Court of Appeal, interest for such time as execution has been delayed by the appeal is deemed to be allowed, unless the Court of Appeal otherwise orders, and the Taxing Master or other proper officer may compute the additional amount of interest without any order for that purpose.



**ORDER 86B****CASES STATED TO THE COURT OF APPEAL***Application of this Order*

1. This Order applies to:

- (a) a case stated by the High Court under the provisions of section 38 of the Courts of Justice Act 1936, and
- (b) a case stated by a Circuit Court Judge under the provisions of section 16 of the Courts of Justice Act 1947.

*Transmission of case stated*

2. (1) In the case of a case stated by the High Court on Circuit, or by a Circuit Court Judge, the County Registrar, and in the case of a case stated by the High Court sitting in Dublin, the Registrar of such court, as soon as the case stated has been signed and lodged with the County Registrar or Registrar, as the case may be, shall indorse on the case stated:

- (i) the date of lodgment,
- (ii) the name of the party or parties who applied for the case to be stated,
- (iii) the name of the party who is to have carriage of the case stated, and
- (iv) the names and addresses of the solicitors (if any) for the parties.

(2) The County Registrar or Registrar, as the case may be, within seven days of lodgment of the case stated, shall serve notice of the signing and lodgment of the case stated by registered post on every party who appeared on the hearing of the appeal or matter in respect of which the case is stated and shall transmit the original of the case stated to the Registrar.

(3) The Registrar shall enter the case stated before the Court of Appeal for directions.

(4) The parties shall deliver or exchange and lodge in the Office written submissions on the case stated, in conformity with the requirements of any applicable statutory practice direction, at the time or times prescribed by any applicable statutory practice direction or directed by the Court of Appeal.

(5) As soon as the necessary papers are in order and ready, the Registrar may set down the case stated for hearing and the case stated will be heard according to its order in the list unless the Court of Appeal otherwise directs.

(6) After service of notice of signing and lodgment of a case stated, any interested party may obtain, on application to the Registrar, one or more copies of the case stated on payment of the prescribed fee.

(7) The party having carriage of the case stated, shall within 28 days after the service of notice of signing and lodgment of the case stated, lodge with the

Registrar the requisite number of copies of the case stated, and of the documents (if any) referred to in the case stated.

*Application to other cases stated under statute*

3. The provisions of rule 2 apply, with any necessary modifications, to every case stated for the opinion of the Court of Appeal pursuant to the provisions of any statute for the time being in force and for which no other procedure is laid down in these Rules.

*Case stated under Article 40.4.3° of the Constitution*

4. (1) In the case of a case stated under Article 40.4.3° of the Constitution, the case shall be signed on behalf of the High Court by the appropriate High Court Registrar, and the High Court may direct which party is to have carriage of the case stated.

(2) When the case stated is signed, the appropriate High Court Registrar shall serve notice on every party to the proceedings in which the case has been stated, by registered post or, where a party consents, on that party by electronic means, and shall forthwith transmit the case stated to the Registrar.

(3) Every such party to the proceedings may receive one or more copies of the case stated from the Registrar, on payment of the prescribed fee.

(4) The Registrar shall enter the case stated before the Court of Appeal for directions.

(5) The parties shall deliver or exchange and lodge in the Office written submissions on the case stated, in conformity with the requirements of any applicable statutory practice direction, at the time or times prescribed by any applicable statutory practice direction or directed by the Court of Appeal.

(6) The party having carriage shall lodge with the Registrar as soon as may be, the requisite number of copies of the case stated, and on lodgment of those copies the case will be set down for hearing at such time as the Court of Appeal directs.

(7) If the Court of Appeal is of opinion that the law, the validity of which has been questioned, is invalid having regard to the provisions of the Constitution, the Court of Appeal shall forthwith order the release of the person detained in accordance with that law.

(8) If the Court of Appeal is of opinion that the law, the validity of which has been questioned, is not invalid having regard to the provisions of the Constitution, the Court of Appeal shall so answer the question raised for its determination in the case stated, and shall remit the case to the High Court to be dealt with according to law.

**ORDER 86C****APPEALS AND OTHER APPLICATIONS TO THE COURT OF  
APPEAL IN CRIMINAL PROCEEDINGS****I. APPLICATION OF THIS ORDER AND INTERPRETATION***Application of this Order*

1. This Order applies only to appeals in criminal proceedings.

*Interpretation*

2. (1) In this Order:

the “1967 Act” means the Criminal Procedure Act 1967;

the “2006 Act” means the Criminal Justice Act 2006;

the “2010 Act” means the Criminal Procedure Act 2010;

“Judge of the court of trial”, in any appeal in criminal proceedings, means the Judge of any Court from the conviction before or the sentence of which, a person appeals to the Court of Appeal;

“proper officer of the court of trial”, in any appeal in criminal proceedings, means the Registrar of the court or other person for the time being acting as such in any court from the conviction before or the sentence of which a person appeals to the Court of Appeal.

(2) References in this Part to any record, transcript, exhibit, document or report in connection with a trial includes, in the case of an application pursuant to section 9(3) of the 2010 Act, references to any such record, transcript, exhibit, document or report in connection with the trial which resulted in the conviction relied upon for the purposes of section 9(1)(b) of the 2010 Act in that application.

(3) References in this Part to the Director of Public Prosecutions include, where appropriate, references to the Attorney General.

(4) For the purposes of service, a solicitor retained to appear on behalf of a convicted person at his trial is, in the case of any application or appeal by the prosecutor, deemed to continue to be retained on behalf of the convicted person unless that solicitor has been discharged by the Court of Appeal.

**II. COMMENCEMENT OF APPEALS AND APPLICATIONS BY  
CONVICTED OR ACCUSED PERSON***Notice of appeal or application by convicted or accused person*

3. (1) A convicted person who wishes to appeal to the Court of Appeal in criminal proceedings shall lodge with the Registrar a notice of appeal in the Form No. 9. The completed notice lodged shall answer the questions and comply with the requirements of that form. An appeal against a conviction may be

argued only on grounds which have been set out in the notice, save where the Court of Appeal, on application made to it not less than 14 days before the date fixed for the hearing of the appeal, directs the addition of grounds of appeal.

(2) A convicted person who wishes to apply to the Court of Appeal under section 2 of the Criminal Procedure Act 1993 shall lodge with the Registrar a notice of application in the Form No. 10, supported by a statement in the Form No. 11 of the grounds of the application, which shall be verified on affidavit. An application under section 2 of the Criminal Procedure Act 1993 may be argued only on grounds which have been set out in the statement of grounds, save where the Court of Appeal, on application made to it not less than 14 days before the date fixed for the hearing of the application, directs the addition of further grounds.

(3) Every notice of appeal or application under sub-rule (1) or (2) shall be signed by the appellant himself except in the cases mentioned in sub-rules (4), (5), (6) and (7). Any other notice shall be in writing and shall be signed by the person giving the same or his solicitor.

(4) An accused person who wishes to appeal to the Court of Appeal:

- (a) under section 7(3) of the Criminal Law (Insanity) Act 2006 against a determination by the Central Criminal Court, the Circuit Court or the Special Criminal Court that he or she is unfit to be tried, or
- (b) under section 8(6) of the Criminal Law (Insanity) Act 2006 against a finding of not guilty by reason of insanity by the Central Criminal Court, the Circuit Court or the Special Criminal Court, or
- (c) under section 9(1) of the Criminal Law (Insanity) Act 2006 against a decision by the Court of trial to make or not to make an order of committal under section 4 (3)(b), 4 (5)(c), 4 (6)(a), 5(2) or 5(3) of the Criminal Law (Insanity) Act 2006,

may appeal by lodging with the Registrar a notice of appeal in the Form No. 12. The completed notice lodged shall comply with the requirements of that form.

(5) Where an appellant, applicant or any other person authorised or required to give or send any notice is unable to write, he may affix his mark to the notice in the presence of a witness who shall attest that the appellant has marked the document and a notice which includes such an attestation is deemed to be duly signed.

(6) Where it is alleged that an appellant or applicant is insane at the time when any notice is required or authorised to be given by him, the notice may be given and signed by a solicitor or other person on his behalf.

(7) In the case of a body corporate, where a notice or other document is required to be signed by the appellant in person, the notice or other document may be signed by a director, secretary or manager of the body corporate or the solicitor acting for the body corporate.

(8) In every case in which an appellant or applicant is not in prison or is represented by a solicitor, his notice of appeal or notice of application for leave to appeal shall be served on the Registrar personally or by delivering the same to the proper officer at the Office of the Registrar of the Court of Appeal for criminal business at the Criminal Courts of Justice, Parkgate Street, Dublin.

*Time limits for lodging notice of appeal*

4. (1) Subject to sub-rule (2) and save where otherwise provided by statute, every notice of appeal under rule 3 against a determination of a trial court shall be lodged within 28 days from the date of the determination appealed against.

(2) Sub-rule (1) does not apply to an application under section 2 of the Criminal Procedure Act 1993.

*Enlargement of time for appealing*

5. (1) An application to the Court of Appeal for an enlargement of time within which notice of appeal may be served shall be in the Form No. 13.

(2) The form of application shall, in addition to specifying the grounds of the application for an enlargement of time, also specify the grounds on which the applicant proposes to base his appeal.

(3) The Registrar may direct the lodgment by the intending appellant of an affidavit verifying the grounds of the application for an enlargement of time.

### **III. COMMENCEMENT OF APPEALS AND APPLICATIONS BY DIRECTOR OF PUBLIC PROSECUTIONS**

*Appeals and applications by the Director of Public Prosecutions*

6. (1) An application by the Director of Public Prosecutions to the Court of Appeal under section 2 of the Criminal Justice Act 1993 shall be commenced by originating notice of application in the Form No. 14 entitled in the matter of an application pursuant to section 2 of the Criminal Justice Act 1993, as between the Director as applicant and the person convicted as respondent. The original notice shall be lodged with the Registrar and a copy of the notice shall be served on the respondent within the period referred to in section 2(2) of the Criminal Justice Act 1993. The notice shall set out the grounds on which it is alleged that that the sentence imposed by the sentencing court was unduly lenient.

(2) An appeal by the Director of Public Prosecutions to the Court of Appeal under section 4E(7) of the 1967 Act (inserted by section 9 of the Criminal Justice Act 1999) against the dismissal of a charge by the trial court under section 4E(4) of the 1967 Act, shall be commenced by notice of appeal in the Form No. 15 entitled in the matter of an appeal pursuant to section 4E(7) of the 1967 Act, as between the Director as appellant and the person accused as respondent. The notice shall set out the grounds of appeal. The original notice shall be lodged with the Registrar and a copy of the notice shall be served on the respondent within the period referred to in section 4E(7) of the 1967 Act.

(3) Every notice of appeal under section 24 of the 2006 Act shall be lodged with the Registrar and a copy delivered to the person acquitted or his solicitor

within the period referred to in section 24(2) of the 2006 Act and shall be in the Form No. 16.

(4) An application by the Director of Public Prosecutions to the Court of Appeal under section 8(3) or section 9(3) of the 2010 Act shall be commenced by originating notice of application in the Form No. 17 or Form No. 18, as the case may be, entitled in the matter of an application pursuant to section 8(3) or, as the case may be, section 9(3) of the 2010 Act, as between the Director as applicant and the person who has been acquitted as respondent. The original notice shall be lodged with the Registrar and a copy of the notice shall be served on the respondent within seven days after the original notice is lodged. The notice shall set out in summary:

- (a) in the case of an application under section 8(3) of the 2010 Act, the relevant offence concerned and the grounds on which it is alleged
  - (i) that there is new and compelling evidence against the respondent in relation to the relevant offence concerned, and
  - (ii) that it is in the public interest that a re-trial order be made, or
- (b) in the case of an application under section 9(3) of the 2010 Act, particulars of the conviction relied upon for the purposes of section 9(1)(b) of the 2010 Act and the grounds on which it is alleged
  - (i) that there is compelling evidence against the respondent in relation to the offence to which the application for a re-trial relates, and
  - (ii) that it is in the public interest that a re-trial order be made.

(5) Where a question of law is referred to the Court of Appeal for determination in accordance with section 34 of the 1967 Act, the Director of Public Prosecutions shall serve a notice in the Form No. 19, together with a copy of the statement of the question of law concerned, on the acquitted person concerned and shall lodge a copy of that notice, together with the original statement referred to in section 34(2) of the 1967 Act, duly signed, in the Office within seven days of the service of the notice.

(6) Where the acquitted person concerned intends to be heard on the reference, he or his legal representative shall give notice in writing of that intention to the Registrar not later than 14 days after service on him of the notice mentioned in sub-rule (5), and give a copy of such notice to the Director of Public Prosecutions within the same period.

(7) The Director of Public Prosecutions shall produce to the Court of Appeal or the Registrar on request, proof of service of the notice of appeal or notice of application on each person served.

#### IV. NOTIFICATION OF APPEALS AND APPLICATIONS

*Persons to whom notice of appeal or application shall be given by Registrar*

7. (1) When the Registrar receives a notice of appeal by a person convicted or notice of an application under section 2 of the Criminal Procedure Act 1993, he shall give notice in the Form No. 20 to the following persons:

- (a) the Chief Prosecution Solicitor;
- (b) the proper officer of the court of trial;
- (c) the proper officer of An Garda Síochána responsible for criminal records (Garda Criminal Records Office);

and also, if the appellant is in prison, or has been released on bail—

- (d) the Governor of the relevant prison (unless the appellant's notice of appeal has been forwarded to the Registrar by a Governor), and
- (e) the proper officer of the Department of Justice and Equality (Irish Prison Service).

(2) When the Registrar receives a notice of appeal or notice of application by the Director of Public Prosecutions, he shall give notice to such court officers and other persons as he considers necessary in the circumstances.

#### V. DIRECTIONS

8. (1) Without prejudice to the powers of the Court of Appeal under Order 86, rule 3,

- (a) the Court of Appeal may, on the application of any person entitled to be heard on a reference under section 34 of the 1967 Act, on notice to every other person so entitled to be heard, make such orders and give such directions as to the conduct of the reference as seem appropriate;
- (b) an order assigning counsel under section 34(4) of the 1967 Act may be made on an application mentioned in paragraph (a), or otherwise at any time of the Court of Appeal's own motion;
- (c) the Court of Appeal may, in proceedings on an application under section 2 of the Criminal Procedure Act 1993 or on an application under section 2 of the Criminal Justice Act 1993, on the application made by a party on notice to every other person entitled to be heard, or of its own motion, make such orders, and give such directions as to the conduct of the proceedings, as seem appropriate;
- (d) the Court of Appeal may, in proceedings on an application for an order under section 8 or 9 of the 2010 Act, on the application made by a party on notice to every other person entitled to be heard, or of



its own motion, make such orders, including any order mentioned in section 12 of the 2010 Act, and give such directions as to the conduct of the proceedings, as seem appropriate.

(2) If it appears to the Registrar that any notice of appeal does not show any substantial ground of appeal, the Registrar may list the case before the Court of Appeal for directions without obtaining a verified transcript of the record of the proceedings at the trial in accordance with rule 9.

## **VI. TRANSCRIPT AND OTHER MATERIALS FOR USE ON HEARING OF APPEAL OR APPLICATION**

### *Provision of Record and Transcript to and by Registrar*

9. (1) The Registrar shall arrange the production of a verified transcript of the proceedings at the trial concerned in accordance with Order 87.

(2) A copy of the verified transcript shall be supplied by the Registrar free of charge:

(a) to a party who has been granted a legal aid (appeal) certificate, and

(b) to any other party by order of the Court of Appeal.

(3) Any other party in an appeal or application may obtain from the Registrar a copy of the whole or of any part of the verified transcript as relates to the appeal or application, on payment of the proper charges.

(4) In any case in which the Court of Appeal imposes a sentence in accordance with section 3(1)(d) or section 3(2) of the Criminal Procedure Act 1993, the provisions of Order 85, rule 13 shall apply as if the reference in that rule to the Central Criminal Court were a reference to the Court of Appeal and the Registrar shall respond to any application for a transcript of the hearing concerned in accordance with that rule.

### *Lodgment of appeal books*

10. (1) The moving party in any appeal, application or reference shall without delay lodge in the Office the requisite number of books each containing copies of all documents required for the hearing of the appeal, application or reference with a sufficient index, and books of authorities, unless the Court of Appeal otherwise requires.

(2) The Registrar may direct the moving party to lodge the requisite number of copies of any additional documents which the Registrar considers will be required for the hearing of the appeal, application or reference with a sufficient index.

### *Exhibits and documents relating to trial*

11. The Court of Appeal may, at any stage of an appeal or application, on the application of a party to the proceedings, order the production to the Court of Appeal or to the Registrar (who may permit inspection of same by a party to the proceedings) of any document, exhibit, or other thing connected with the



proceedings by any person having the custody or control of the document, exhibit, or other thing concerned.

*Report of trial Judge*

12. (1) Where the Court of Appeal considers it necessary, it may direct the Registrar to apply to the trial Judge for a report to the Court of Appeal on the trial or any part of the trial.

(2) The report of the Judge is to be made to the Court of Appeal.

**VII. BAIL**

13. (1) Subject to any provision of statute, the provisions of this rule apply to applications to the Court of Appeal for bail.

(2) A person who wishes to be admitted to bail, pending the determination of his appeal or application, shall apply to the Court of Appeal by way of notice of motion grounded on an affidavit. The affidavit of the applicant shall set out fully the basis upon which the application is made to the Court of Appeal and shall:

(a) set out and verify the grounds on which bail is sought;

(b) include the terms of any bail granted pending the person's trial, and

(c) the terms and conditions of bail proposed.

(3) Subject to any order of the Court of Appeal, a copy of the notice of motion and the grounding affidavit (and any exhibits) shall be served on the Chief Prosecution Solicitor not later than seven days before the return date assigned to the motion.

(4) Unless otherwise ordered by the Court of Appeal, the recognisances of the appellant and any surety may be taken before a person who would be authorised under section 22(3)(b) to (e) of the Criminal Procedure Act 1967 to take a recognisance.

(5) The recognisances shall be in the Form No. 21. The District Court clerk assigned to the District Court area in which the recognisance of a surety shall be taken shall give to such surety a certificate in the Form No. 22 which the surety shall sign and retain.

(6) The District Court clerk assigned to any District Court area in which any such recognisance shall be taken as aforesaid shall, in the Form No. 23, forthwith notify the Governor of the said prison of the perfection thereof.

(7) Where the Court of Appeal admits a person who is in custody to bail the person shall not be released until there has been paid into court such amount (if any) or proportion of the amount (if any) in which the person and his or her surety or sureties (if any) are to be bound as the Court of Appeal has determined.

(8) Where the Court of Appeal decides to admit a person to bail with one or more sureties it may direct that a sum of money equivalent to the amount of bail (additionally to any amount specified in respect of the appellant's own recognisance in accordance with sub-rule (2)) be accepted in lieu of such surety or sureties. Where any moneys are required to be paid into court under a recognisance by a person in custody, or by any surety or sureties as a condition of that recognisance, or any security accepted in the court in lieu of such payment is required to be lodged in court, such moneys or security shall be deemed to be paid into court or lodged in court when paid to or lodged with the person mentioned in sub-rule (4) before whom the appellant's recognisance is taken or, as the case may be, the District Court clerk assigned to the District Court area in which a surety's recognisance is taken.

(9) On payment to or lodgment with the said person of the required sums or security and on perfection of the recognisance, the appellant shall be released if he or she is in custody for no other cause than the offence in respect of which bail is granted.

(10) The said person before whom the appellant's recognisance is taken shall forthwith transmit the perfected recognisances to the Registrar.

(11) Subject to the terms of any order of the Court of Appeal admitting an appellant to bail, an appellant who has been admitted to bail shall be personally present at each and every hearing of his appeal, and at the final determination of his appeal. Such an appellant shall, whenever his case is called on before the Court of Appeal, surrender himself to such persons as the Court of Appeal from time to time directs, and may be searched by them, and is deemed to be in the lawful custody of those persons until further released on bail or otherwise dealt with as the Court of Appeal directs. The Court of Appeal may, in the event of such an appellant not being present at any hearing of his appeal, dismiss the appeal and issue a warrant for the apprehension of the appellant, in the Form No. 24; provided that the Court of Appeal may consider the appeal in his absence, or make such other order as it thinks fit.

(12) The Court of Appeal may revoke or vary any bail order or enlarge the recognisance of the appellant or of his sureties or substitute any other surety for a surety previously bound.

(13) Where the surety on whose recognisance an appellant has been released on bail, suspects that the appellant is about to fail in any manner to observe the conditions of his recognisance, the surety may lay an information on oath and in writing before a Judge of the District Court assigned to the District Court district in which the appellant is, or is by the surety believed to be, or in which the surety is, in the Form No. 25, and the Judge of the District Court, if satisfied by the information, may issue a warrant in the Form No. 26 for the apprehension of the appellant.

(14) The appellant shall, on being apprehended, be brought before the District Court specified in the warrant mentioned in sub-rule (13). The Judge, on verification of the information by oath of the informant, by warrant of committal

in the Form No. 27, may commit the appellant to the prison to which persons charged with indictable offences before that District Court are ordinarily committed.

(15) The Clerk of the District Court, on the committal of any appellant in accordance with sub-rule (14), shall forthwith notify the Registrar to that effect, and forward to him the information taken before the District Court and a copy of the warrant of committal.

(16) When an appellant has been released on bail and has been apprehended under this rule and is in prison, the Governor of the prison shall forthwith notify the Registrar, who shall inform the Court of Appeal, and the Court of Appeal may give such directions as to the appeal or otherwise as it thinks fit.

(17) At any time after an appellant has been released on bail the Court of Appeal may revoke the order admitting him to bail, and may issue a warrant in the Form No. 24 for his apprehension and order him to be committed to prison.

(18) Nothing in this rule affects the right of a surety to apprehend and surrender into custody the person for whose appearance he has become bound, and by such surrender to discharge himself of his suretyship.

(19) On breach of the recognisance of an appellant, the Court of Appeal may order his own recognisance to be estreated and may also, on notice to his surety, order the recognisance of the surety to be estreated. The warrant of estreatment may be in the Form No. 28.

## **VIII. LISTING AND HEARING OF APPEALS**

### *Notification of parties*

14. When a date for the hearing of an appeal or application is fixed, the Registrar shall give notice of that date to the appellant or applicant and his solicitor (if any) and to the Chief Prosecution Solicitor.

## **IX. ABANDONMENT OF APPEAL**

### *Abandonment of appeal*

15. (1) An appellant or applicant who is not on bail may, at any time after he has duly served notice of appeal or of application for enlargement of time, abandon his appeal or application by giving notice of abandonment to the Registrar and to the respondent in the Form No. 29 not later than ten days before the date fixed for the hearing of the appeal or application.

(2) When the Registrar receives a notice of abandonment under sub-rule (1), he may, at the request of the Chief Prosecution Solicitor, list the matter before the Court of Appeal on notice to the appellant and the Chief Prosecution Solicitor for the purpose of the making of any consequential order.

(3) An appellant who is on bail, or who wishes to abandon his appeal or application later than ten days before the date fixed for the hearing of the appeal or application shall apply to the Court of Appeal by motion on notice to the

Chief Prosecution Solicitor for leave to abandon the appeal or application and for such consequential orders as are required and the Court of Appeal may allow or refuse the application and if it allows the application, may make any necessary consequential orders.

(4) Where an appeal or application is abandoned or determined in accordance with this rule, the Registrar shall give notice of the abandonment or determination of the proceedings to all persons to whom he has given notice of the receipt by him of the notice of appeal or other application.

## X. ADDITIONAL EVIDENCE

### *Application for leave to introduce additional evidence*

16. (1) An application for leave to introduce additional evidence at the hearing of an appeal shall be made by motion on notice to the other party to the appeal, grounded on an affidavit sworn by or on behalf of the moving party setting out and verifying the grounds on which leave is sought. There shall be lodged with the motion and grounding affidavit an affidavit of the proposed witness, setting out the evidence which he proposes to give and the reason why he did not give such evidence at the trial, unless the Court of Appeal dispenses with the requirement for such an affidavit.

(2) Where an order is made for the attendance and examination of a witness, an order in the Form No. 30 shall be served on the witness specifying the time and place at which he is to attend.

(3) Where the Court of Appeal orders the examination of any witness to be conducted otherwise than before the Court of Appeal, the order shall specify the person appointed as examiner to take, and the place of taking, the examination, and the witness or witnesses to be examined.

(4) The Registrar shall furnish to the person appointed to take an examination any documents or exhibits and any other material relating to the appeal as and when requested so to do. Such documents and exhibits and other material shall after the examination has been concluded be returned by the examiner, together with a record of the evidence taken by him to the Registrar.

(5) When the examiner has appointed the day and time for the examination he shall request the Registrar to give notice of that day and time to the appellant and his legal representative (if any), to the Chief Prosecution Solicitor, and when the appellant is in prison, to the Governor of that prison. The Registrar shall cause to be served on every witness to be so examined notice in the Form No. 31.

(6) Every witness examined before an examiner shall give his evidence on oath to be administered by the examiner except where any witness, if giving evidence as a witness on a trial on indictment, need not be sworn.

(7) The examination of every witness examined before an examiner shall be taken in the form of a deposition in the manner for the taking of evidence under section 4F(3) of the 1967 Act. The caption in the Form No. 32 shall be attached to any such deposition.

(8) The expenses of any witness attending on the order of the Court of Appeal, and all expenses of and incidental to any examination of witnesses conducted by any person appointed by the Court of Appeal, if and so far as ordered by the Court of Appeal, may be defrayed up to an amount allowed by the Court of Appeal as part of the costs of the State in or relating to the appeal.

(9) The appellant and the Director of Public Prosecutions, or counsel or solicitor on their behalf, are entitled to be present at and take part in any examination of any witness to which this rule relates.

## **XI. SERVICE OF CERTAIN ORDERS**

### *Personal service of orders*

17. Service of any order made under rule 11 or rule 16 shall be personal, unless the Court of Appeal otherwise orders, and for the purpose of effecting due service of such an order, the Registrar may require the assistance of the Garda Síochána, who shall carry out any directions of the Registrar under this rule.

## **XII. HEARING OF APPEALS AND OTHER APPLICATIONS**

### *Appellant in custody*

18. (1) Subject to any provision of statute and to any prior order of the Court of Appeal made in accordance with section 33 of the Prisons Act 2007, an appellant or applicant who is in custody may, if he so desires, be present in person at the hearing of his appeal or application and, where the Court of Appeal, on application made in writing to the Registrar so permits, at the hearing of all interlocutory applications in relation to his appeal or application.

(2) The provisions of sub-rule (1) apply with the necessary modifications to the right of an applicant for enlargement of time to be present at the hearing of such application.

### *Person with benefit of restitution order or compensation order entitled to be heard*

19. Where a restitution order or compensation order has been made by the court of trial, the person in whose favour such order was made, the appellant, and with the leave of the Court of Appeal any other person, may be heard before any order is made by the Court of Appeal annulling or varying the restitution order or compensation order.

### *Notice of order determining appeal*

20. (1) When the Court of Appeal makes an order finally determining an appeal or application by a person convicted, the Registrar shall give notice of the order in the Form No. 33 to the following persons:

- (a) the appellant (unless the appellant has been present or has been legally represented at the hearing);
- (b) the proper officer of the court of trial;

- (c) the proper officer of An Garda Síochána responsible for criminal records (Garda Criminal Records Office);
- (d) any other person required by statute to be notified;

and also, if the appellant is in prison, or has been released on bail—

- (e) the Governor of the relevant prison (unless the appellant's notice of appeal has been forwarded to the Registrar by a Governor), and
- (f) the proper officer of the Department of Justice and Equality (Irish Prison Service).

(2) When the Court of Appeal makes an order finally determining an appeal or application by the Director of Public Prosecutions, the Registrar shall give notice to such persons as he has notified of the appeal or application in accordance with rule 7(2).

(3) The proper officer of the court of trial, on receiving a notice under sub-rule (1) or (2), shall enter the particulars of the Court of Appeal's order on the records of the court of trial.

*Issue of certain certificates following determination of appeal*

21. (1) Where a certificate referred to in section 96(4) of the 2006 Act requires to be issued on the determination of an appeal, the certificate shall be in the Form No. 34, and shall be transmitted forthwith by or on behalf of the Registrar to each of the persons referred to in section 96(6) of the 2006 Act.

(2) Where a certificate referred to in section 14 of the Sex Offenders Act 2001 requires to be issued on the determination of an appeal, the certificate shall be in the Form No. 35 and shall be transmitted forthwith by or on behalf of the Registrar to each of the persons referred to in section 14(5) of that Act.

### XIII. MISCELLANEOUS

*Notice of motion to the Court of Appeal*

22. Except where otherwise provided by this Part, every application to the Court of Appeal in proceedings begun in the Court of Appeal shall be by notice of motion in accordance with the Form No. 36 and shall be lodged with the Registrar and served on the other party to the proceedings and such other person, if any, as the Court of Appeal directs.

*Provision of forms*

23. The Registrar shall publish the necessary forms and instructions in relation to notices of appeal or notices of application so that they are available to any person who requires them. The Governor of a prison shall make those forms and instructions available to prisoners desiring to make any application, and shall lodge any such notice given by a prisoner in his custody with the Registrar.

*Inquiries by Garda Síochána*

24. The Garda Síochána of the district in which an appellant or applicant resided before his conviction or of the district from which the appellant or applicant was committed shall, when required by the Registrar, enquire as to and report to the Registrar on the means and circumstances of any appellant or applicant where such a question arises.

*Enforcement of duties by order of the Court of Appeal*

25. The performance of any duty imposed on any person by this Part may be enforced by order of the Court of Appeal.

*Warrant for apprehension of appellant*

26. Any warrant for the apprehension of an appellant issued by the Court of Appeal may be treated for all purposes, in the same manner as a warrant issued by a Judge of the District Court for the apprehension of a person charged with any indictable offence under the provisions of the Petty Sessions (Ireland) Act 1851, or any statute amending that Act.

**ORDER 86D****APPEALS AND OTHER APPLICATIONS TO THE COURT OF  
APPEAL IN MILITARY PROCEEDINGS****I. APPLICATION OF THIS ORDER AND INTERPRETATION***Application of this Order*

1. This Order applies only to proceedings in the Court of Appeal by way of appeal or reference from a military tribunal (including any court-martial or military judge).

*Interpretation*

2. In this Order:

“the Act of 1954” means the Defence Act 1954;

“the Act of 1983” means the Courts-Martial Appeals Act 1983;

“the Act of 2006” means the Defence (Amendment) Act 2006;

“Court-Martial Administrator” means the Court-Martial Administrator appointed under Chapter IVA of Part V of the Act of 1954;

“detention barrack” means a building or part of a building which has been declared under section 232 of the Act of 1954 to be a detention barrack;

“Director” means the Director of Military Prosecutions appointed under Chapter IVB of Part V of the Act of 1954;

“exhibit” means any document or thing which has been produced and used in evidence at the trial court-martial, whether it is attached to the proceedings of the court-martial or not;

“legal aid (court-martial appeal) certificate” means a certificate for free legal aid referred to in section 28 of the Act of 1983;

“military judge” has the same meaning as in section 2 of the Act of 1954;

“military proceedings” means proceedings by way of appeal or reference from a military tribunal (including any court-martial or military judge);

“prison” includes a military prison;

“promulgation” means promulgation in accordance with rules for the time being in force made by the Minister for Defence in exercise of the powers conferred on him by section 240 of the Act of 1954;

“prosecutor” means the Director, and includes any prosecuting officer appointed under section 184F(1) of the Act of 1954 and any counsel or solicitor instructed by or representing either;



“trial court-martial” means a court-martial from the conviction, sentence, finding or order of which a person appeals to the Court of Appeal, or from which a question of law is referred to the Court of Appeal.

## II. NOTICE OF APPEAL

### *Notice of appeal*

3. (1) A person desiring to appeal to the Court of Appeal in military proceedings shall lodge with the Registrar a notice of appeal in the Form No. 37. The notice so served shall answer the question and comply with the requirements set forth on such form.

(2) Every notice of appeal shall be signed by the appellant himself except in the cases mentioned in sub-rules (3) and (4). Any other notice shall be in writing and signed by the person giving the same or his solicitor.

(3) Where an appellant or any other person authorised or required to give or send any notice is unable to write, he may affix his mark thereto in the presence of a witness who shall attest the same and thereupon such notice shall be deemed to be duly signed by him.

(4) Where it is alleged that an appellant is insane at the time when any notice is required or authorised to be given by him, such notice may be given and signed by a solicitor or other person on his behalf.

(5) In every case in which an appellant is not in a prison or detention barrack or is represented by a solicitor, his notice of appeal shall be served on the Registrar personally or by delivering same to the proper officer at the Office of the Registrar of the Court of Appeal, Criminal Courts of Justice, Parkgate Street, Dublin, or by sending the same by ordinary pre-paid post addressed to the Registrar. In all other cases not specifically provided for, service of any notice or other document may be effected personally or by sending the same by ordinary pre-paid post addressed to the person on whom it is to be served.

### *Time limit for lodging notice of appeal*

4. (1) Except as provided in sub-rule (2), every notice of appeal shall be served not later than 28 days after the date of the promulgation of the finding and sentence of the trial court-martial.

(2) In the case of a person convicted by a court-martial while serving outside the State with an International United Nations Force (as defined in section 1(1) of the Defence (Amendment) (No. 2) Act 1960), or while despatched for service outside the State for any purpose specified in section 3 of the Act of 2006, a notice of appeal shall be served not later than 35 days after the date of the promulgation mentioned in sub-rule (1).

### *Notification of receipt of notice of appeal*

5. When the Registrar receives a notice of appeal, he shall give notice thereof, in the Form No. 38, to the Director, the Court-Martial Administrator, the Deputy Chief of Staff (Support) of the Defence Forces and also, if the appellant

is in a prison or detention barrack or if the operation of his sentence has been suspended or if he has been released on bail:-

- (a) to the Governor of such prison or detention barrack, as the case may be, and
- (b) to the Secretary General of the Department of Defence;

provided that the Registrar shall not be required to give such notice to the Governor of a prison or detention barrack if the appellant's notice of appeal has been forwarded to the Registrar by such Governor.

### III. APPLICATION FOR REVIEW OF SENTENCE

#### *Application for review by the Director of Military Prosecutions*

6. (1) An application by the Director to the Court of Appeal under section 212B of the Act of 1954 and in accordance with section 22B of the Act of 1983 to review a sentence awarded by a court-martial shall be initiated by serving on the Registrar a notice of review in the Form No. 39. A copy of the notice so served shall be served on the convicted person and on the Court-Martial Administrator.

(2) The procedure on such an application shall follow, as nearly as may be, the procedure on an application by the Director of Public Prosecutions to the Court of Appeal under section 2(1) of the Criminal Justice Act 1993 to review a sentence imposed by a sentencing court on conviction of a person on indictment.

### IV. REFERENCE OF A QUESTION OF LAW

#### *Reference of question of law by the summary court-martial*

7. (1) Where a question of law is referred to the Court of Appeal by the summary court-martial under section 178G(5) of the Act of 1954 or section 22A of the Act of 1983, the Court-Martial Administrator (or other officer duly authorised for that purpose by the summary court-martial) shall, as soon as the reference containing the question has been settled and signed by the military judge, indorse thereon the name of the party (if any) who requested the reference; the name of the party who is to have carriage thereof, and the names and addresses of the solicitors (if any) for the parties.

(2) The Court-Martial Administrator or such other officer shall, within seven days of such signature, lodge the original of such reference together with such other documents or materials as are prescribed in that regard by any Courts-Martial Rules for the time being in force, with the Registrar, who shall set down the same for hearing before the Court of Appeal.

(3) The Registrar shall enter the case stated before the Court of Appeal for directions.

(4) The parties shall deliver or exchange and lodge in the Office written submissions on the case stated, in conformity with the requirements of any applicable statutory practice direction, at the time or times prescribed by any applicable statutory practice direction or directed by the Court of Appeal.

(5) As soon as the necessary papers are in order and ready, the reference shall come on to be heard according to its order in the list, unless the Court of Appeal otherwise directs. The Court-Martial Administrator or such other officer shall, immediately following lodgment of the reference, serve notice of such signing and lodgment by registered post on every party who appeared upon the hearing of the appeal before the summary court-martial in respect of which the question is referred.

(6) After service of the notice of signing and lodgment, any interested party may obtain, on application to the Registrar, one or more copies of the reference and any other documents or materials lodged with it.

(7) The party having carriage of the reference shall, within 21 days after the service of the notice of signing and lodgment, lodge with the Registrar the requisite number of copies of the reference, and of any other documents or materials lodged with it.

## **V. ENLARGEMENT OF TIME FOR APPEALING**

### *Application to enlarge time for appealing*

8. (1) The Court of Appeal may enlarge the time appointed for doing any act or taking any proceeding upon such terms (if any) as the justice of the case may require, and any such enlargement may be ordered notwithstanding that the application for the same is not made until after the expiration of the time appointed.

(2) An application to the Court of Appeal for an enlargement of time within which notice of appeal may be served shall be in the Form No. 40.

(3) The form of application shall, in addition to specifying the grounds of such application, also specify the grounds on which the applicant proposes to base his appeal.

## **VI. SUSPENSION OF ORDERS OF TRIAL COURT-MARTIAL PENDING APPEAL**

### *Suspension of certain fines*

9. (1) Where a person has, on his conviction, been sentenced to a fine, the person lawfully authorised to receive such fine shall, on receiving the same, retain it until the determination of any appeal in relation thereto.

(2) An appellant who has been sentenced to a fine and has paid the same in accordance with such sentence shall, if an appeal by him is successful, be entitled, subject to any order of the Court of Appeal, to the return of the sum so paid by him.

### *Suspension of certain compensation orders*

10. Where, on the conviction of a person, the trial court-martial directs, pursuant to section 213 of the Act of 1954, the payment by that person of a sum as compensation for any personal injury, expense, loss, damage or destruction occasioned by the offence of which he was convicted, the operation of such

direction shall be suspended until the expiration of 28 clear days, or in any case to which rule 4(2) applies, 35 clear days after the date of promulgation of the finding and sentence of the trial court-martial and, in cases where notice of appeal is duly given, the period of suspension of such direction shall continue until the determination of the appeal.

*Recovery of compensation paid on successful appeal*

11. An appellant who has been directed by the trial court-martial to pay any sum as compensation and has paid the same in accordance with such direction shall, in the event of an appeal by him being successful, be entitled, subject to any order of the Court of Appeal, to the return of the sum so paid by him.

## **VII. PROCEEDINGS OF TRIAL COURT-MARTIAL**

*Delivery to Registrar of proceedings of trial court-martial*

12. (1) On request by the Registrar, the Court-Martial Administrator shall furnish to him the proceedings of the trial court-martial.

(2) A party interested in an appeal to the Court of Appeal may obtain from the Registrar a copy of the proceedings of the trial court-martial or any part thereof as relates to the appeal upon payment of the proper charges.

## **VIII. EXHIBITS FOR USE OF THE COURT OF APPEAL AND APPELLANTS**

*Documents, exhibits, etc*

13. (1) The Registrar may, on an application made to him by the appellant or the prosecutor, or shall where he considers the same to be necessary for the proper determination of any appeal or he is directed by the Court of Appeal so to do, obtain and keep available for use by the Court of Appeal, any documents, exhibits, or other things relating to the proceedings before the Court of Appeal. Pending the determination of the appeal, such documents, exhibits, or other things shall be open for inspection by any party interested, as and when the Registrar may arrange. In suitable cases the Registrar may, in lieu of obtaining possession of any such documents, exhibits or other things, direct any person having the custody and control thereof to make the same available for inspection by any party interested at such time and place as the Registrar shall direct.

(2) The Court of Appeal may, at any stage of an appeal, on the application of an appellant or the prosecutor, order any document, exhibit, or other thing connected with the proceedings to be produced to the Registrar by any person having the custody or control thereof.

(3) Service of any order made under this rule shall be personal, unless the Court of Appeal otherwise orders, and for the purpose of effecting due service thereof the Registrar may require the assistance of the Garda Síochána, and it shall be their duty to carry out any directions of the Registrar under this rule.

*Obtaining copies*

14. (1) At any time after notice of appeal has been served, an appellant or the prosecutor, or the solicitor or other person representing either of them, may

obtain from the Registrar copies of any documents or exhibits in his possession for the purpose of such appeal. Such copies shall be supplied by the Registrar upon payment of the proper charges.

(2) A copy of the proceedings of the trial court-martial shall be supplied by the Registrar free of charge:

- (a) to an appellant who has been granted a legal aid (court-martial appeal) certificate, and
- (b) to any other appellant by order of the Court of Appeal.

(3) Where an appellant who is not legally represented, or who has been granted a legal aid (court-martial appeal) certificate, requires from the Registrar a copy of any document or exhibit in his custody for the purposes of his appeal, he may obtain it free of charge if the Registrar considers it proper to supply the same.

## **IX. REPORT TO THE COURT OF APPEAL**

### *Report by military judge*

15. (1) The Registrar shall, whenever the Court of Appeal directs him so to do in relation to any appeal, request the military judge who presided at the trial court-martial to furnish him with a report in writing upon the case generally or upon any point arising thereon, and the military judge so requested shall furnish the same in accordance with such request.

(2) The said report shall be made to the Court of Appeal, and, except by leave of the Court of Appeal, the Registrar shall not furnish any part thereof to any person.

## **X. SUSPENSION OF THE OPERATION OF A CUSTODIAL SENTENCE**

### *Suspension of operation of a custodial sentence pending determination of appeal*

16. (1) An appellant who is a member of the Defence Forces and who desires to have the operation of a sentence of imprisonment or detention imposed on him suspended, pending the determination of his appeal, shall serve upon the Registrar notice in the Form No. 41 of his application for such suspension, grounded on an affidavit. The Registrar shall forthwith give notice of that application to the Director and, as soon as a date is fixed by the Court of Appeal for the hearing of such application, shall notify the appellant, the Court-Martial Administrator and the Director.

(2) The Court of Appeal may suspend the operation of a custodial sentence subject to such terms and conditions as it thinks fit.

(3) The Registrar shall notify the Governor of the prison or detention barrack, as the case may be, within which the appellant is confined, of the terms and conditions on which the Court of Appeal suspends the operation of the appellant's sentence.

(4) An appellant the operation of whose sentence has been suspended shall, by the order of the Court of Appeal, be required to be, and shall be, personally present at each and every hearing of his appeal, and at the final determination thereof, and shall whenever his case is called on before the Court of Appeal, surrender himself to such persons as the Court of Appeal shall from time to time direct, and may be searched by them, and shall be deemed to be in their lawful custody, until further released on suspension of the operation of his sentence or otherwise dealt with as the Court of Appeal shall direct. In the event of such appellant not being present at any hearing of his appeal, the Court of Appeal may dismiss the same and issue a warrant for the apprehension of the appellant, in the Form No. 42, or may consider the appeal in his absence, or make such other order as it thinks fit.

(5) The Court of Appeal may revoke or vary any order suspending the operation of a sentence of imprisonment or detention, and may on revocation issue a warrant in the Form No. 42 for the apprehension of the appellant and order him to be committed to a prison or detention barrack.

## **XI. BAIL**

### *Application for bail*

17. (1) An appellant who is not a member of the Defence Forces and who desires to be admitted to bail, pending the determination of his appeal, shall serve upon the Registrar notice in the Form No. 43 of his application for such bail, grounded on an affidavit. The Registrar shall forthwith give notice of such application to the Director and, as soon as a date is fixed by the Court of Appeal for the hearing of such application, shall notify the appellant and the Director.

(2) The Court of Appeal, when admitting such an appellant to bail, shall specify the amount (if any) in which the appellant and his surety (if any) shall be bound by recognisance.

(3) The Registrar shall notify the Governor of the prison or detention barrack, as the case may be, within which the appellant is confined, of the terms and conditions on which the Court of Appeal has admitted the appellant to bail.

(4) Unless otherwise ordered by the Court of Appeal, the recognisances of the appellant and any surety may be taken before a person who would be authorised under section 22(3)(b) to (e) of the Criminal Procedure Act 1967 to take a recognisance.

(5) The recognisances shall be in the Form No. 44. The District Court clerk assigned to the District Court area in which the recognisance of a surety shall be taken shall give to such surety a certificate in the Form No. 45 which the surety shall sign and retain.

(6) The District Court clerk assigned to any District Court area in which any such recognisance shall be taken as aforesaid shall, in the Form No. 46, forthwith notify the Governor of the said prison or detention barrack, as the case may be, of the perfection thereof.

(7) Where the Court of Appeal admits a person who is in custody to bail the person shall not be released until there has been paid into court such amount (if any) or proportion of the amount (if any) in which the person and his or her surety or sureties (if any) are to be bound as the Court of Appeal has determined.

(8) Where the Court of Appeal decides to admit a person to bail with one or more sureties it may direct that a sum of money equivalent to the amount of bail (additionally to any amount specified in respect of the appellant's own recognisance in accordance with sub-rule (2)) be accepted in lieu of such surety or sureties. Where any moneys are required to be paid into court under a recognisance by a person in custody, or by any surety or sureties as a condition of that recognisance, or any security accepted in the court in lieu of such payment is required to be lodged in court, such moneys or security shall be deemed to be paid into court or lodged in court when paid to or lodged with the person mentioned in sub-rule (4) before whom the appellant's recognisance is taken or, as the case may be, the District Court clerk assigned to the District Court area in which a surety's recognisance is taken.

(9) On payment to or lodgment with the said person of the required sums or security and on perfection of the recognisance, the appellant shall be released if he or she is in custody for no other cause than the offence in respect of which bail is granted.

(10) The said person before whom the appellant's recognisance is taken shall forthwith transmit the perfected recognisances to the Registrar.

(11) An appellant who has been admitted to bail shall, by the order of the Court of Appeal under which he was so admitted to bail, be required to be, and shall be, personally present at each and every hearing of his appeal, and at the final determination thereof, and shall, whenever his case is called on before the Court of Appeal, surrender himself to such persons as the Court of Appeal shall from time to time direct, and may be searched by them, and shall be deemed to be in their lawful custody until further released on bail or otherwise dealt with as the Court of Appeal shall direct. In the event of such appellant not being present at any hearing of his appeal, the Court of Appeal may dismiss the same and issue a warrant for the apprehension of the appellant, in the Form No. 47, or may consider the appeal in his absence, or make such other order as it thinks fit.

(12) The Court of Appeal may revoke or vary any bail order or enlarge the amount conditioned for payment by recognisance of the appellant or of his sureties or substitute any other surety for a surety previously bound.

(13) An information laid by a member of the Garda Síochána or by a surety upon whose recognisance an appellant has been released on bail, who suspects that an appellant who has been released on bail is about to contravene a condition of his recognisance, for the purposes of an application under section 6(5) of the Bail Act 1997 shall be in the Form No. 48 and the Court of Appeal's



warrant for the apprehension of the appellant on granting such application shall be in the Form No. 49.

(14) An information laid by a member of the Garda Síochána that an appellant who has been released on bail has contravened a condition of his recognisance, for the purposes of an application under section 9(4) of the Bail Act 1997 shall be in the Form No. 48 and the Court of Appeal's warrant for the apprehension of the appellant on granting such application shall be in the Form No. 49.

(15) The appellant shall, on being apprehended, be brought before the Court of Appeal, and the Court of Appeal shall make such order as is appropriate. Where such order is for the committal of the appellant, it shall be in the Form No. 50.

(16) At any time after an appellant has been released on bail the Court of Appeal may revoke the order admitting him to bail, and issue a warrant in the Form No. 47 for his apprehension and order him to be committed to a prison or detention barrack.

(17) Nothing in this rule shall affect the right of a surety to apprehend and surrender into custody the person for whose appearance he has become bound, and thereby to discharge himself of his suretyship.

(18) On breach of the recognisance of an appellant, the Court of Appeal may, notice having been given to any surety, make such order under section 9(1) of the Bail Act 1997 as is appropriate and notice of the making of such order shall be served by the prosecutor on the appellant and on any surety or sureties by prepaid ordinary post.

## **XII. PREPARATION FOR HEARING OF APPEALS AND APPLICATIONS**

### *Documents for use of Court of Appeal*

18. The Registrar shall obtain and lay before the Court of Appeal in proper form all documents, exhibits and other things relating to the proceedings in the trial court-martial which are necessary for the proper determination of the appeal or application.

### *Notification of appellant*

19. (1) Where an appellant is in custody, the Registrar shall notify the appellant and his solicitor (if any), the Governor of the prison or detention barrack, as the case may be, in which the appellant then is, the Irish Prison Service (if relevant) and the Deputy Chief of Staff (Support) of the Defence Forces of the probable day on which his appeal or application will be heard. The Irish Prison Service or Deputy Chief of Staff (Support) shall (where necessary) take steps to transfer the appellant to a prison or detention barrack or other custodial centre convenient for his appearance before the Court of Appeal at such a reasonable time before the hearing as shall enable him to consult his legal adviser.



(2) When the date for the hearing of an appeal or application is fixed, the Registrar shall give notice thereof to the appellant and his solicitor (if any), the Director and the Court-Martial Administrator.

### **XIII. ABANDONMENT OF APPEAL**

#### *Abandonment of appeal*

20. (1) An appellant or applicant who has not had his sentence suspended pending the hearing of the appeal or application and who is not on bail may, at any time after he has duly served notice of appeal or of application for enlargement of time, abandon his appeal or application by giving notice of abandonment thereof in the Form No. 51 not later than ten days before the date fixed for the hearing of the appeal or application.

(2) When the Registrar receives a notice of abandonment under sub-rule (1), he may, at the request of the Director, list the matter before the Court of Appeal on notice to the appellant and the Director for the purpose of the making of any consequential order.

(3) An appellant or applicant who has had his sentence suspended pending the hearing of the appeal or application, or who is on bail, or who wishes to abandon his appeal or application later than ten days before the date fixed for the hearing of the appeal or application shall apply to the Court of Appeal by motion on notice to the Director for leave to abandon the appeal or application and for such consequential orders as are required and the Court of Appeal may allow or refuse the application and if it allows the application, may make any necessary consequential orders.

(4) Where an appeal or application is abandoned or determined in accordance with this rule, the Registrar shall give notice of the abandonment or determination of the proceedings to all persons to whom he has given notice of the receipt by him of the notice of appeal or other application.

### **XIV. EXAMINATION OF WITNESSES**

#### *Application for leave to introduce additional evidence*

21. (1) An application for leave to introduce evidence by the attendance and examination before the Court of Appeal of any witness shall be by motion in the Form No. 52, grounded on an affidavit sworn by or on behalf of the moving party setting out and verifying the grounds on which leave is sought. There shall be lodged with the motion and grounding affidavit an affidavit of the proposed witness, setting out the evidence which he proposes to give and (save in the case of any new evidence relating to the mental condition of the appellant or of the person charged, as the case may be, given by a consultant psychiatrist) the reason why he did not give such evidence at the trial, unless the Court of Appeal dispenses with the requirement for such an affidavit.

(2) Where an order is made for the attendance and examination of a witness, an order in the Form No. 53 shall be served upon him specifying the time and place at which he is to attend.

(3) Where the Court of Appeal orders the examination of any witness to be conducted otherwise than before the Court of Appeal, such order shall specify the person appointed as examiner to take, and the place of taking, such examination, and the witness or witnesses to be examined.

(4) The Registrar shall furnish to the person appointed to take the examination any documents or exhibits and any other material relating to the said appeal as and when requested so to do. Such documents and exhibits and other material shall after the examination has been concluded be returned by the examiner, together with any depositions taken by him, to the Registrar.

(5) When the examiner has appointed the day and time for the examination he shall request the Registrar to give notice thereof to the appellant and the Director and their legal representatives (if any) and, when the appellant is in a prison or detention barrack, the Governor of that prison or detention barrack, as the case may be. The Registrar shall cause to be served on every witness to be examined notice in the Form No. 54.

(6) Every witness examined before an examiner shall give his evidence upon oath to be administered by such examiner, except where any such witness, if giving evidence as a witness on a trial on indictment, need not be sworn.

(7) The examination of every such witness shall be taken in the form of a deposition in the manner for the taking of evidence under section 4F(3) of the Criminal Procedure Act 1967. The caption in the Form No. 55 shall be attached to any such deposition.

(8) The expenses of any witness attending on the order of the Court of Appeal, and all expenses of and incidental to any examination of witnesses conducted by any person appointed by the Court of Appeal shall, if and so far as ordered by the Court of Appeal, be defrayed up to an amount allowed by the Court of Appeal as part of the costs of the State in or relating to the appeal.

(9) The provisions of rule 13(3) shall apply to the service of an order or notice on a witness under this rule.

(10) The appellant and the Director, or counsel or solicitor on their behalf, shall be entitled to be present at and take part in any examination of any witness to which this rule relates.

## **XV. HEARING OF APPEALS AND OTHER APPLICATIONS**

### *Appellant or applicant in custody*

22. (1) An appellant or applicant who is in custody shall be entitled, if he so desires, to be present in person at the hearing of his appeal or application and, subject to the prior consent of the Court of Appeal being obtained, at any interlocutory applications in relation thereto.

(2) The provisions of sub-rule (1) shall apply *mutatis mutandis* to the right of an applicant for enlargement of time to be present at the hearing of such application.

*Person with benefit of compensation order entitled to be heard*

23. Where a direction for payment of compensation has been given by the trial court-martial, the person in whose favour such direction was given, the appellant and, with the leave of the Court of Appeal, any other person, shall be entitled to be heard before any order is made by the Court of Appeal annulling or varying such direction for payment of compensation.

*Notice of order determining appeal*

24. (1) When the Court of Appeal makes an order finally determining an appeal, the Registrar shall give notice thereof in the Form No. 56 to the following persons:

- (a) the Appellant;
- (b) the Director;
- (c) the Deputy Chief of Staff (Support) of the Defence Forces;
- (d) the Court-Martial Administrator;

and also, if the appellant is in a prison or detention barrack or if the operation of his sentence has been suspended or he has been released on bail:

- (e) to the Governor of such prison or detention barrack, as the case may be, and
- (f) to the Secretary General of the Department of Defence

provided that the Registrar shall not be required to give such notice to the appellant if he has been present or has been legally represented at the hearing.

(2) The Court-Martial Administrator, on receiving a notice pursuant to sub-rule (1), shall enter the particulars contained therein in the proceedings of the trial court-martial.

## **XVI. MISCELLANEOUS**

*Notice of motion to the Court of Appeal*

25. Except where otherwise provided by this Part, notice of every application to the Court of Appeal shall be in accordance with the Form No. 57, and shall be lodged with the Registrar and served on the other party to the proceedings and such other person, if any, as the Court of Appeal may direct.

*Provision of forms*

26. The Registrar shall publish the necessary forms and instructions in relation to notices of appeal or notices of application so that they are available to any person who requires them. The Governor of a prison or a detention barrack shall cause those forms and instructions to be placed at the disposal of any prisoner desiring to make any application and shall cause any such notice given by a prisoner in his custody to be forwarded on behalf of the prisoner to the Registrar.

*Inquiries by Garda Síochána or Deputy Chief of Staff (Support)*

27. It shall be the duty of the Garda Síochána of the district in which the appellant or applicant resided before his conviction or of the district from which he was committed or the Deputy Chief of Staff (Support) of the Defence Forces to enquire as to and report to the Registrar, when required by him, upon the means and circumstances of any appellant where such a question arises.

*Enforcement of duties by order of the Court of Appeal*

28. The performance of any duty imposed upon any person by this Order may be enforced by order of the Court of Appeal.

*Warrant for apprehension of appellant*

29. Any warrant for the apprehension of an appellant issued by the Court of Appeal shall be deemed to be, for all purposes, a warrant issued by a judge of the District Court for the apprehension of a person charged with any indictable offence under the provisions of the Petty Sessions (Ireland) Act 1851, or any statute amending the same.

**ORDER 87****SUPPLEMENTAL PROVISIONS CONCERNING APPEALS IN  
CRIMINAL PROCEEDINGS****I. PRELIMINARY AND GENERAL***Interpretation and scope*

1. In this Order—

“Court” means the Court of Appeal (and, in the case of an appeal from the Central Criminal Court to the Supreme Court, includes the Supreme Court);

the “court below” means the court (which, for the avoidance of doubt, includes a court-martial or military judge) from which an appeal (or application for leave to appeal) is made to the Court of Appeal;

“exhibits” includes all books, papers and documents and all other property, matters and things whatsoever connected with the proceedings against any person who is entitled or may be authorised to appeal if the same were—

- (i) forwarded to the court of trial on the person accused being committed for trial, or
- (ii) were produced and used in evidence during the trial of, or other proceedings in relation to the person entitled or authorised to appeal;

“Judge of the court of trial”, in any appeal in criminal proceedings, means the Judge of any Court from the conviction before or the sentence of which, a person appeals;

“proper officer of the court of trial”, in any appeal in criminal proceedings, means the registrar of the court or other person for the time being acting as such in any court from the conviction before or the sentence of which a person appeals;

the “Registrar” means the Registrar of the Court of Appeal (and, in the case of an appeal from the Central Criminal Court to the Supreme Court, includes the Registrar of the Supreme Court);

“relevant appeal” means an appeal in criminal proceedings.

**II. PRODUCTION OF RECORDS AND EXHIBITS ON APPEAL***Lodgment of record and trial transcript on appeal*

2. (1) In any relevant appeal, the person responsible for the storage or custody of the record of the proceedings in the court of trial made at the request of the Courts Service shall, at the Court’s or the Registrar’s request, make available the record or any part of the record to the Court or the Registrar, in such manner as is required.

(2) In any relevant appeal, the transcript of the proceedings in the court of trial (which shall contain all submissions made by counsel in the course of the trial including opening and closing speeches to the jury and any submissions made in mitigation of sentence) or of such part of the trial as the Registrar requires, certified by the transcript writer as a complete and correct transcript of the trial, or of the part of the trial required, shall be lodged with the Registrar.

(3) Where necessary, the Registrar shall submit the transcript to the judge of the court of trial to be verified by him.

*Production of documents and exhibits to Registrar*

3. (1) The Registrar may, or shall when so directed by a Judge, apply to the proper officer of the court of trial (or to such other court officer or person who has custody of same) for the production to him for the use of the Court on the hearing of the appeal of any original document or thing to which an appeal relates which are in the custody of that officer.

(2) The Registrar may, or shall when so directed by a Judge, authorise inspection by or on behalf of a party to an appeal of any original document or thing produced to him in accordance with sub-rule (1).

**III. SUSPENSION OF CERTAIN ORDERS OF COURT OF TRIAL  
PENDING APPEAL**

*Appeal where fine is imposed*

4. Subject to any provision of statute, the operation of any order of the court of trial providing for the payment of a fine (including any such order imposing consequences in default of payment of a fine within a period prescribed) shall, subject to compliance by the person convicted with any terms or conditions imposed by the court of trial in the event of an appeal (including entry into any recognisances fixed by the Judge of the court of trial), be suspended for such period from the date of the order of the court of trial within which the person convicted may lodge notice of appeal.

*Appeal where order made affecting property*

5. (1) Subject to any provision of statute, an order of the court of trial:

- (i) providing for the forfeiture, destruction or other disposal of any property; or
- (ii) providing for the making of restitution or the payment of compensation or for the making of any other form of payment to a person, or
- (iii) providing for the return of any property to any person,

may include such directions, terms and conditions to suspend the operation of the order, or otherwise to preserve any property (or any sample, portion or representation of such property) which is the subject of the order, in the event of an appeal, as the court of trial thinks right.

(2) The proper officer of the court of trial shall keep a record of any such orders.

(3) In the absence of any directions, terms and conditions imposed by the court of trial in the case of an order mentioned in sub-rule (1), the operation of the order shall be suspended for such period from the date of the order of the court of trial within which the person convicted may lodge notice of appeal to the Court, and it shall be the duty of the person in possession of any property affected to preserve that property.

(4) In the event of an appeal to the Court, the Court may by order made on an application by any party on notice to the other party to the appeal and of which notice has been given to any other person affected, annul any order referred to in sub-rule (1), or may vary such order, and such order, if annulled, will not take effect, and, if varied, will take effect as so varied.

*Certificate of conviction*

6. (1) The proper officer of the court of trial shall not issue, under any statute authorising him so to do, a certificate of conviction of any person convicted on indictment in the court of trial for the period from the date of the order of the court of trial within which the person convicted may lodge notice of appeal to the Court or, when notice of appeal has been duly given, until the determination of the appeal.

(2) Where an application is made to the proper officer of the court of trial to issue a certificate of conviction after the expiration of the period from the date of the order of the court of trial within which the person convicted may lodge notice of appeal to the Court, he shall, before issuing the certificate, be satisfied that there is no appeal then pending in the Court against the conviction.

(3) A person wishing to obtain a certificate of conviction may obtain from the Registrar a certificate in the Form No. 58, Appendix U that no appeal against conviction is then pending. After the expiration of two months from the date of the conviction a certificate of conviction may be issued by the proper officer of the court of trial, except in cases in which he has had notice of an appeal which is still undetermined.

(4) For the purposes of this rule, “conviction” means the verdict or plea of guilty and any final judgment passed on a verdict or plea of guilty.”

**Schedule 4****Appendix U**

No. 1

Order 86, rule 13

## COURT OF APPEAL

## NOTICE OF EX PARTE APPLICATION

**For Office use**

Court of Appeal record number of this appeal		
Subject matter for indexing		

[Title and record number as per the High Court proceedings]

	<b>v</b>	
Date of filing		

TAKE NOTICE that on .....20..... at .....or at the first available opportunity thereafter, ....., intends to apply *ex parte* to the Court of Appeal for the following order(s):

The grounds of the application are:

The application is grounded on the affidavit of \_\_\_\_\_ filed with this notice.

Dated: \_\_\_\_\_ 20.....

Signed: \_\_\_\_\_  
(Solicitor for)(Intending) Appellant (*or as the case may be*)

To: Registrar of the Court of Appeal

Office of the Registrar of the Court of Appeal





O.86A, r. 6(7)

## COURT OF APPEAL

## CIVIL

STATEMENT OF GROUNDS OF OBJECTION TO APPLICATION FOR  
LEAVE TO APPEAL**For Office use**

Court of Appeal record number of this appeal		
Subject matter for indexing		

[Title and record number as per the High Court proceedings]

	<b>v</b>	
Date of filing		

TAKE NOTICE that the intended respondent intends to object to the intending appellant's above application to the Court of Appeal for leave to appeal on the grounds that:

Dated: 20.....

Signed: \_\_\_\_\_

(Solicitor for)(Intended) Respondent (*or as the case may be*)

To: Registrar of the Court of Appeal  
Office of the Registrar of the Court of Appeal (Civil)

And to (Solicitor for)(Intending) Appellant

No. 4

O.86A, r. 8(1)

COURT OF APPEAL  
CIVIL  
Notice of expedited appeal

**For Office use**

Court of Appeal record number of this appeal		
Subject matter for indexing		

[Title and record number as per the High Court proceedings]

	<b>v</b>	
Date of filing		
Name of Appellant(s)		
Appellant's solicitors		
Name of Respondent(s)		
Respondent's solicitors		
Has any appeal (or application for leave to appeal) previously been lodged in the Court of Appeal in respect of the proceedings?		
<input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, give Court of Appeal record number(s)		
Has any appeal (or application for leave to appeal) previously been lodged in the Supreme Court in respect of the proceedings?		
<input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, give Supreme Court record number(s)		

**1. Return date for directions hearing**

	Date	Time
<b>TAKE NOTICE</b> that this expedited appeal is listed before the Court of Appeal for directions at the following date and time:		

**2. Decision that it is sought to appeal**

Name(s) of Judge(s)	
Date of order/Judgment	
Neutral citation of the judgment appealed against if known e.g. High Court [2009] IEHC 608	
The relevant orders made in the High Court	

Is it sought to appeal from (a) the entire decision or (b) a part or parts of the decision and if (b) set out below the specific part or parts of the decision concerned.

**3. Category of expedited appeal**

The appeal is an expedited appeal because it is ( <i>mark appropriate box</i> ):	
an appeal against the grant or refusal of relief under Article 40.4.2° of the Constitution	
an appeal against the making or refusal of an interlocutory order	
an appeal against the making or refusal of an order granting summary judgment	
an appeal against the making or refusal of a winding up order	
an appeal against the making or refusal of an order appointing a provisional liquidator	
an appeal against the making or refusal of an order appointing a receiver	
an appeal against the making or refusal of an order in the course of examinership proceedings	
an appeal against the making or refusal of an adjudication in bankruptcy	
an appeal against the making or refusal of an order under Chapter 3 (Debt Settlement Arrangements) or Chapter 4 (Personal Insolvency Arrangements) of Part 3 of the Personal Insolvency Act 2012	
an appeal against the making or refusal of an order in any proceedings to which Order 133 (Child Abduction and Enforcement of Custody Orders) of the Rules of the Superior Courts applies	
an appeal against the making or refusal of an order making a determination as to the capacity of a person (including an order making or refusing to make a person a ward of court)	
an appeal against the making or refusal of an order in proceedings under the European Arrest Warrant Acts 2003 and 2012 or in extradition proceedings	
an appeal from the making or refusal of an order of prohibition in criminal proceedings	
an appeal against the refusal of an <i>ex parte</i> order	
an appeal designated in a statutory practice direction as an appeal to which Part IV of Order 86A of the Rules of the Superior Courts applies ( <i>in which case, specify the nature of the appeal in the row below</i> )	

**4. Grounds of appeal**

Please set out below the grounds of appeal (numbered as 1, 2, 3, etc).

Name of counsel or solicitor who settled the grounds of appeal (if the appellant is legally represented), or name of appellant in person:

**5. Order(s) sought**

Set out the **precise** form of order(s) that will be sought from the Court of Appeal if the appeal is successful:

--

What order are you seeking if successful?				
set aside		vary/substitute		

If a declaration of unconstitutionality is being sought please identify the specific provision(s) of the Act of the Oireachtas which it is claimed is/are repugnant to the Constitution

--

If a declaration of incompatibility with the European Convention on Human Rights is being sought please identify the specific statutory provision(s) or rule(s) of law which it is claimed is/are incompatible with the Convention

--

<b>Are you asking the Court of Appeal to:</b>	
depart from (or distinguish) one of its own decisions?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, please give details below:	
make a reference to the Court of Justice of the European Union?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, please give details below:	

Will you request a priority hearing?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, please give reasons below:	

### 6. Documents relied on

Please set out below a list of all of the documents on which the appellant intends to rely at the hearing of the appeal:

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## 7. Appellant Details

Where there are two or more appellants by or on whose behalf this notice is being filed please provide relevant details for each of the appellants

Appellant's full name	
-----------------------	--

Original status		Plaintiff		Defendant
		Applicant		Respondent
		Petitioner		Notice Party

<b>Solicitor</b>			
Name of firm			
Name of solicitor responsible for this appeal			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode		Ref.	

If the Appellant is not legally represented please complete the following

Current postal address
e-mail address
Telephone no.

**8. Respondent Details**

Where there are two or more respondents affected by this appeal, please provide relevant details, where known, for each of those respondents

Respondent's full name	
------------------------	--

Original status		Plaintiff		Defendant
		Applicant		Respondent
		Petitioner		Notice Party

<b>Solicitor</b>			
Name of firm			
Name of solicitor responsible for this appeal			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode		Ref.	

If the Respondent is not legally represented please complete the following

Current postal address
e-mail address
Telephone no.



**Please submit your completed form to:**

Office of the Registrar of the Court of Appeal (Civil)  
The Four Courts  
Inns Quay  
Dublin

**together with an attested copy of the Order and any written Judgment in respect of which it is sought to appeal not later than ten days from the perfecting of the Order appealed against.**

**Save in the case of a notice of appeal from a decision made otherwise than *inter partes*, this notice is to be served, within seven days after it has been issued, on all parties directly affected by the appeal. A respondent may consent in writing to late service of a notice of appeal.**

Note: The appellant must not later than four days before the date fixed for the directions hearing, lodge with the Registrar and serve on each respondent affected by the expedited appeal an indexed and paginated directions booklet.

## COURT OF APPEAL

## CIVIL

## Respondent's Notice (Expedited Appeal)

Court of Appeal record number		
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[Title and record number as per the High Court proceedings]

	<b>v</b>	
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Date of filing	
Name of respondent	
Respondent's solicitors	
Name of appellant	
Appellant's solicitors	

The respondent:		is opposing the appeal
		is not opposing the appeal

If opposing the appeal, please complete remaining sections.

## 1. Grounds of opposition

Please set out below:

1. Whether the respondent opposes (a) the entire appeal or (b) a part or parts of the appeal and if (b) the specific part or parts of the appeal opposed.
2. The grounds of opposition (numbered as 1, 2, 3 etc by reference to the appellant's grounds of appeal).

Name of counsel or solicitor who settled the grounds of opposition (if the respondent is legally represented), or name of respondent in person:

## 2. Additional grounds on which decision should be affirmed

Set out here any grounds other than those set out in the decision of the High Court on which the Respondent claims the Court of Appeal should affirm the decision of the High Court:

**3. Respondent's notice of cross-appeal (where applicable)**

If you intend to ask the Court of Appeal to vary the order of the High Court or substitute an order for the order of the High Court, set out (as 1,2,3 etc) concisely the specific ground(s) on which you assert that a variation or substitution of the High Court's order is justified.

**4. Order(s) sought by Respondent**

The respondent intends to ask the Court of Appeal to:		dismiss the appeal
		affirm the decision of the High Court on grounds other than those set out in the decision of the High Court
		vary the order of the High Court or substitute an order for the order of the High Court
		Other ( <i>please specify</i> )

Set out the **precise** form of order(s) that will be sought from the Court of Appeal if you are successful:

--

## 5. Documents relied on

Please set out below a list of all of the documents (other than those identified in the notice of appeal) on which the respondent intends to rely at the hearing of the appeal:

--

## 6. Respondent details (if not correct and complete in notice of appeal)

If the details provided in the notice of appeal for this respondent are not correct or complete, please complete this section.

Respondent's full name	
------------------------	--

Original status		Plaintiff		Defendant
		Applicant		Respondent
		Petitioner		Notice Party

<b>Solicitor</b>			
Name of firm			
Name of solicitor responsible for this appeal			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode		Ref.	

If the Respondent is not legally represented please complete the following

Current postal address
e-mail address
Telephone no.

**Please submit your completed form to:**

Office of the Registrar of the Court of Appeal (Civil)  
The Four Courts  
Inns Quay  
Dublin

**This notice is to be lodged and served on the appellant and on every other respondent within seven days of the service of the notice of appeal.**

No. 6

O.86A, r. 12(1)

## COURT OF APPEAL

## CIVIL

## Notice of appeal (Ordinary Appeal)

**For Office use**

Court of Appeal record number of this appeal		
Subject matter for indexing		

[Title and record number as per the High Court proceedings]

	<b>v</b>	
Date of filing		
Name of Appellant(s)		
Appellant's solicitors		
Name of respondent(s)		
Respondent's solicitors		
Has any appeal (or application for leave to appeal) previously been lodged in the Court of Appeal in respect of the proceedings?		
<input type="checkbox"/>	Yes	<input type="checkbox"/> No
If yes, give Court of Appeal record number(s)		
Has any appeal (or application for leave to appeal) previously been lodged in the Supreme Court in respect of the proceedings?		
<input type="checkbox"/>	Yes	<input type="checkbox"/> No
If yes, give Supreme Court record number(s)		

**1. Return date for directions hearing**

	Date	Time
<b>TAKE NOTICE</b> that this appeal is listed before the Court of Appeal for directions at the following date and time:		

**2. Decision that it is sought to appeal**

Name(s) of Judge(s)	
Date of order/Judgment	
Neutral citation of the judgment appealed against if known e.g. High Court [2009] IEHC 608	
The relevant orders made in the High Court	

Is it sought to appeal from (a) the entire decision or (b) a part or parts of the decision and if (b) set out below the specific part or parts of the decision concerned.

--

**3. Grounds of appeal**

<p>Please set out below the grounds of appeal listing (as 1, 2, 3 etc) concisely:</p> <p>(a) the specific ground(s) of appeal and the error(s) of law related to each numbered ground</p> <p>(b) the legal principles related to each numbered ground and confirmation as to how that/those legal principle(s) apply to the facts or to the relevant inference(s) drawn therefrom</p> <p>(c) the specific provisions of the Constitution, Act(s) of the Oireachtas, Statutory Instrument(s) and any other legal instruments on which you rely</p> <p>(d) the issue(s) of law before the Court appealed from to the extent that they are relevant to the issue(s) on appeal</p>

**4. Order(s) sought**



Set out the **precise** form of order(s) that will be sought from the Court of Appeal if the appeal is successful:

--

What order are you seeking if successful?						
Order being appealed		set aside		vary/substitute		

If a declaration of unconstitutionality is being sought please identify the specific provision(s) of the Act of the Oireachtas which it is claimed is/are repugnant to the Constitution
If a declaration of incompatibility with the European Convention on Human Rights is being sought please identify the specific statutory provision(s) or rule(s) of law which it is claimed is/are incompatible with the Convention

<b>Are you asking the Court of Appeal to:</b>	
depart from (or distinguish) one of its own decisions?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, please give details below:	
make a reference to the Court of Justice of the European Union?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, please give details below:	

Will you request a priority hearing?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, please give reasons below:	

**5. Documents relied on**

Please set out below a list of all of the documents on which the appellant intends to rely at the hearing of the appeal:

--

**6. Appellant Details**

Where there are two or more appellants by or on whose behalf this notice is being filed please provide relevant details for each of the appellants

Appellant's full name	
-----------------------	--

Original status		Plaintiff	
		Applicant	Respondent
		Petitioner	Notice Party

<b>Solicitor</b>			
Name of firm			
Name of solicitor responsible for this appeal			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode		Ref.	

If the Appellant is not legally represented please complete the following

Current postal address
e-mail address
Telephone no.

## 7. Respondent Details

Where there are two or more respondents affected by this application for leave to appeal, please provide relevant details, where known, for each of those respondents

Respondent's full name			
Original status		Plaintiff	Defendant
		Applicant	Respondent
		Petitioner	Notice Party

<b>Solicitor</b>			
Name of firm			
Name of solicitor responsible for this appeal			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode		Ref.	

If the Respondent is not legally represented please complete the following

Current postal address
e-mail address
Telephone no.

**Please submit your completed form to:**

Office of the Registrar of the Court of Appeal (Civil)  
The Four Courts  
Inns Quay  
Dublin

**together with a certified copy of the Order and the Judgment in respect of which it is sought to appeal.**

**Save in the case of a notice of appeal from a decision made otherwise than *inter partes*, this notice is to be served, within seven days after it has been issued, on all parties directly affected by the appeal. A respondent may consent in writing to late service of a notice of appeal.**

Note: The appellant must not later than four days before the date fixed for the directions hearing, lodge with the Registrar and serve on each respondent affected by the expedited appeal an indexed and paginated directions booklet.

No. 7

O. 86, r. 15(1)

COURT OF APPEAL

CIVIL

Respondent's Notice (Ordinary Appeal)

Court of Appeal Record number		
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[Title and record number as per the High Court/Circuit Court proceedings]

	<b>v</b>	
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Date of filing	
Name of respondent	
Respondent's solicitors	
Name of appellant	
Appellant's solicitors	

The respondent:		is opposing the appeal
		is not opposing the appeal

If opposing the appeal, please complete remaining sections.

**1. Grounds of opposition**

Please set out below:

1. Whether the respondent opposes (a) the entire appeal or (b) a part or parts of the appeal and if (b) the specific part or parts of the appeal opposed.
2. The grounds of opposition (numbered as 1, 2, 3 etc by reference to the appellant's grounds of appeal).

Name of counsel or solicitor who settled the grounds of opposition (if the respondent is legally represented), or name of respondent in person:

**2. Additional grounds on which decision should be affirmed**

Set out here any grounds other than those set out in the decision of the High Court on which the Respondent claims the Court of Appeal should affirm the decision of the High Court:

### 3. Respondent's notice of cross-appeal (where applicable)

If you intend to ask the Court of Appeal to vary the order of the High Court or substitute an order for the order of the High Court, set out (as 1,2,3 etc) concisely the specific ground(s) on which you assert that a variation or substitution of the High Court's order is justified.

### 4. Order(s) sought by Respondent

The respondent intends to ask the Court of Appeal to:		dismiss the appeal
		affirm the decision of the High Court on grounds other than those set out in the decision of the High Court
		vary the order of the High Court or substitute an order for the order of the High Court
		Other ( <i>please specify</i> )

Set out the **precise** form of order(s) that will be sought from the Court of Appeal if you are successful:

**5. Documents relied on**

Please set out below a list of all of the documents (other than those identified in the notice of appeal) on which the respondent intends to rely at the hearing of the appeal:

--

**6. Respondent details (if not correct and complete in notice of appeal)**

If the details provided in the notice of appeal for this respondent are not correct or complete, please complete this section.

Respondent's full name	
------------------------	--

Original status		Plaintiff		Defendant
		Applicant		Respondent
		Petitioner		Notice Party



<b>Solicitor</b>			
Name of firm			
Name of solicitor responsible for this appeal			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode		Ref.	

If the Respondent is not legally represented please complete the following

Current postal address
e-mail address
Telephone no.

**Please submit your completed form to:**

Office of the Registrar of the Court of Appeal (Civil)  
The Four Courts  
Inns Quay  
Dublin

**This notice is to be lodged and served on the appellant and on every other respondent within 21 days of the service of the notice of appeal.**

O.86A, r. 19(13)

COURT OF APPEAL

ELECTORAL

Court of Appeal Record number:

\*High Court/\*Circuit Court Record number:

NOTICE OF RESULT OF APPEAL

\*LOCAL ELECTIONS (PETITIONS AND DISQUALIFICATIONS) ACT  
1974

\*ELECTORAL ACT 1992

\*PRESIDENTIAL ELECTIONS ACT 1993

\*EUROPEAN PARLIAMENT ELECTIONS ACT 1997

(as the case may be)

Take notice that the Court of Appeal has this day given judgment to the effect following, viz:

Dated

(Signed).....

Registrar of the Court of Appeal

To:.....

\*Insert as appropriate

No. 9

O. 86C, r. 3(1)

COURT OF APPEAL

CRIMINAL

Court of Appeal Record number:

Bill number:

NOTICE OF APPEAL

The People at the suit of the Director of Public Prosecutions

v.

.....

To the Registrar of the Court of Appeal.

I,....., having been convicted of the offence of [*state offence shortly*] and being now a prisoner in..... [*or, now living at.....*], do hereby give you notice of appeal to the Court of Appeal against my said conviction and/or sentence on the following grounds:

Dated

(Signed)

[*or mark*]

Appellant.

Signature and address of witness attesting mark.

*Particulars of trial and conviction*

Date of trial

In what Court

Sentence

*Grounds of appeal*

*Note:* The appellant should answer the following question: Does the appellant desire to be present at the hearing of his appeal?

O. 86C, r. 3(2)

COURT OF APPEAL

CRIMINAL

Court of Appeal Record number:

Bill number:

NOTICE OF APPLICATION (CRIMINAL PROCEDURE ACT 1993,  
SECTION 2)

The People at the suit of the Director of Public Prosecutions

v.

.....

To the Registrar of the Court of Appeal.

I,....., having been convicted of the offence of [*state offence shortly*] and sentenced to [*state sentence shortly*] being now a prisoner in..... [*or, now living at.....*], do hereby give you notice of application to the Court of Appeal for an order

\*quashing the conviction

\*reviewing the sentence

because a new or newly-discovered fact shows-

\*that there has been a miscarriage of justice in relation to the conviction

\*that the sentence imposed is excessive.

Dated

(Signed)

[*or mark*]

Appellant.

Signature and address of witness attesting mark.

*Particulars of trial, conviction and sentence*

Date of trial

In what Court

Sentence

\*Insert as appropriate

*Note:* The appellant should answer the following question: Does the applicant desire to be present at the hearing of his application?

O. 86C, r. 3(2)

COURT OF APPEAL

CRIMINAL

Court of Appeal Record number:

Bill number:

STATEMENT OF GROUNDS (APPLICATION UNDER THE CRIMINAL  
PROCEDURE ACT 1993, SECTION 2)

The People at the suit of the Director of Public Prosecutions

v.

.....

To the Registrar of the Court of Appeal.

Applicant's name: .....

Applicant's address: .....

Applicant's description: .....

I have by notice of application this day applied to the Court of Appeal for an order \*quashing my conviction \*reviewing my sentence

on the grounds that

\*a new or newly-discovered fact shows that there has been a miscarriage of justice in relation to the conviction

\*a new or newly-discovered fact shows that the sentence imposed is excessive

The grounds are as follows:

[Note: the applicant should state precisely each such ground, giving particulars where appropriate, and identify in respect of each ground the facts or matters relied upon as supporting that ground.]

Name and registered place of business of solicitors for Applicant (if any):

Applicant's address for service (if acting in person or if different to the above):

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

(Signed)

Applicant/Solicitors

\*Insert as appropriate

AFFIDAVIT VERIFYING STATEMENT OF GROUNDS IN AN  
APPLICATION UNDER THE CRIMINAL PROCEDURE ACT 1993,  
SECTION 2

[To be appended to the statement of grounds]

I, ....., applicant in these proceedings, make oath and say as follows:

(a) I have read this statement [or] This statement has been read to me by .....

(b) so much of this statement as relates to my own acts and deeds is true, and so much of it as relates to the acts and deeds of any and every other person I believe to be true.

Sworn, &c

O. 86C, r. 3(4)

COURT OF APPEAL

CRIMINAL

Court of Appeal Record number:

Bill number:

NOTICE OF APPEAL

(Criminal Law (Insanity) Act 2006)

The People at the suit of the Director of Public Prosecutions

v.

.....

To the Registrar of the Court of Appeal.

I,....., of....., do hereby give you notice of appeal to the Court of Appeal:

\*under section 7(3) of the Criminal Law (Insanity) Act 2006 against a determination by the \*Central Criminal Court \*Circuit Court \*Special Criminal Court that I am unfit to be tried

\*under section 8(6) of the Criminal Law (Insanity) Act 2006 against a finding of not guilty by reason of insanity by the \*Central Criminal Court \*Circuit Court \*Special Criminal Court

\*under section 9(1) of the Criminal Law (Insanity) Act 2006 against a decision by the \*Central Criminal Court \*Circuit Court \*Special Criminal Court \*to make \*not to make an order of committal in respect of me under \*section 4(3)(b), \*section 4(5)(c), \*section 4(6)(a), \*section 5(2) \*section 5(3) of the Criminal Law (Insanity) Act 2006

*Grounds of appeal*

[Set out grounds of the appeal. In an appeal under section 8(6) of the Criminal Law (Insanity) Act 2006, please refer to the relevant grounds of appeal under that sub-section.]

Dated

(Signed)

[or mark]



(Solicitor for) Appellant.

Signature and address of witness attesting mark.

*Particulars of trial and determination, finding or order*

Date of trial

In what Court

Determination, finding or order

\*delete where inapplicable

O. 86C, r. 5(1)

COURT OF APPEAL

CRIMINAL

NOTICE OF APPLICATION FOR ENLARGEMENT OF TIME WITHIN  
WHICH TO APPEAL

The People at the suit of the Director of Public Prosecutions.

v.

.....

To the Registrar of the Court of Appeal.

I,..... having been convicted of the offence of [*state offence shortly*] and thereupon sentenced to..... on the..... day of..... 20., and being now a prisoner in..... [*or living at.....* ] give you notice that I will apply to the Court of Appeal for an enlargement of the time within which I may give notice of appeal. The grounds on which I apply for such enlargement are as follows:

The grounds on which I propose to base my appeal, are as follows:

Dated

(Signed)

[*or mark*]

Applicant.

Signature and address of

witness attesting mark

*Note:* The applicant should answer the following question: Does the applicant desire to be present at the hearing of his application for an enlargement of the time within which to give such notice as aforesaid?

No. 14

O. 86C, r. 6(1)

COURT OF APPEAL

CRIMINAL

NOTICE OF APPLICATION FOR REVIEW OF SENTENCE

(Section 2, Criminal Justice Act 1993)

In the matter of an application pursuant to section 2 of the Criminal Justice Act 1993

Director of Public Prosecutions, Applicant

v.

....., Respondent

To the Registrar of the Court of Appeal

It appearing to the Director of Public Prosecutions that the sentence imposed by the .....Court (the "sentencing court") on the .....day of .....20... on the above-named convicted person, he/she having been convicted on indictment by the said sentencing court of the offence(s) of .....and \*(being now a prisoner in.....) \*(now residing at.....) was unduly lenient, the Director of Public Prosecutions hereby gives you notice of an application to the Court of Appeal to review the said sentence on the grounds hereinafter set forth:

*Grounds of application*

[Set out the grounds on which it is alleged that the sentence imposed by the sentencing court was unduly lenient]

Dated:.....

Signed:.....  
for applicant

To: the above-named convicted person at.....

O. 86B, r 6(2)

COURT OF APPEAL

CRIMINAL

NOTICE OF APPEAL AGAINST DISMISSAL OF CHARGE

(Section 4E, Criminal Procedure Act 1967)

In the matter of an appeal pursuant to section 4E(7) of the Criminal Procedure Act 1967

Director of Public Prosecutions, Appellant

v.

....., Respondent

To the Registrar of the Court of Appeal

Whereas....., of....., was sent forward for trial to the .....Court (the "trial court") charged that \*he/\*she did..... (*state offence(s)*)

And whereas by order made on the .....day of .....20.... under section 4E(4) of the Criminal Procedure Act 1967, the said trial court dismissed the charge(s) of.....

The Director of Public Prosecutions hereby gives you notice of appeal to the Court of Appeal pursuant to section 4E(7) of the Criminal Procedure Act 1967 against the order of the trial court dismissing the said charge(s)

*[Specify grounds of appeal]*

Dated the ..... day of ..... 20....

Signed.....

for appellant

\* Insert as appropriate

No. 16

O.86C, r. 6(3)

COURT OF APPEAL

CRIMINAL

NOTICE OF APPEAL AGAINST AN ORDER FOR COSTS

(Section 24, Criminal Justice Act 2006)

The People at the suit of the Director of Public Prosecutions

v.

.....

To the Registrar of the Court of Appeal

....., having been \*acquitted \*convicted of the offence of [state offence] by the..... Court sitting at..... on the .... day of ..... 20....., the \*Director of Public Prosecutions \*Attorney General does hereby give you notice of appeal to the Court of Appeal against the order for costs made by the trial court against him in favour of the accused person, on the grounds that:

*[Specify grounds of appeal]*

Dated the .... day of ..... 20.....

Signed.....

for appellant

\* Insert as appropriate

COURT OF APPEAL

CRIMINAL

NOTICE OF APPLICATION FOR RE-TRIAL ORDER  
(section 8(3), Criminal Procedure Act 2010)

In the matter of an application pursuant to section 8(3) of the Criminal Procedure Act 2010

Director of Public Prosecutions, Applicant

v.

....., Respondent

To the Registrar of the Court of Appeal

Whereas....., of....., the above-named Respondent, was tried on indictment before the .....Court (Bill number.....) for the offence(s) of..... (*state offence(s)*)(the “relevant offence”) and was on the ....day of .....20... acquitted \*(at the trial) \*(by the .....Court on appeal against conviction) \*(by the .....Court on appeal from a decision on appeal)

And whereas it appears to the Director of Public Prosecutions—

(a) that there is new and compelling evidence against the Respondent in relation to the relevant offence concerned, and

(b) that it is in the public interest to do so.

The Director of Public Prosecutions hereby gives you notice of an application to the Court of Appeal for a re-trial order in respect of the Respondent in relation to the relevant offence concerned pursuant to section 8(3) of the Criminal Procedure Act 2010

Grounds of application

*[Set out the grounds on which it is alleged (i) that there is new and compelling evidence against the respondent in relation to the relevant offence concerned, and (ii) that it is in the public interest that a re-trial order be made]*

Dated:.....

Signed:.....  
for applicant

To: the above-named Respondent at.....

No. 18

O. 86C, r. 6(4)

COURT OF APPEAL

CRIMINAL

NOTICE OF APPLICATION FOR RE-TRIAL ORDER

(section 9(3), Criminal Procedure Act 2010)

In the matter of an application pursuant to section 9(3) of the Criminal Procedure Act 2010

Director of Public Prosecutions, Applicant

v.

....., Respondent

To the Registrar of the Court of Appeal

Whereas....., of....., the above-named Respondent, was tried on indictment before the .....Court (Bill number.....) for the offence(s) of..... (*state offence(s)*)(the “relevant offence”) and was on the ....day of .....20... acquitted \*(at the trial) \*(by the .....Court on appeal against conviction) \*(by the .....Court on appeal from a decision on appeal)

And whereas .....of.....\*(or the said Respondent) was on the ....day of .....20... convicted by the .....Court (Bill number.....) of an offence against the administration of justice (namely,.....) relating to the proceedings which resulted in the acquittal of the said Respondent, which conviction is relied upon for the purposes of section 9(1)(b) of the Criminal Procedure Act 2010

And whereas it appears to the Director of Public Prosecutions—

(a) that there is compelling evidence against the Respondent, and

(b) that it is in the public interest to do so.

The Director of Public Prosecutions hereby gives you notice of an application to the Court of Appeal for a re-trial order in respect of the Respondent pursuant to section 9(3) of the Criminal Procedure Act 2010

Grounds of application

[Set out the grounds on which it is alleged (i) that there is compelling evidence against the respondent in relation to the offence to which the application for a re-trial relates, and (ii) that it is in the public interest that a re-trial order be made.]

128 [485]

Dated:.....

Signed:.....

for applicant

To: the above-named Respondent at.....



No. 19

O.86C, r. 6(5)

COURT OF APPEAL

CRIMINAL

NOTICE OF REFERENCE OF QUESTION OF LAW

Criminal Procedure Act 1967, Section 34

The People at the suit of the Director of Public Prosecutions

v.

.....

TAKE NOTICE that the \*[Attorney General] \*[Director of Public Prosecutions] will apply to the Court of Appeal for the determination of a question of law arising during the trial of the above proceedings.

A copy of the statement of the question of law \*[and the observations of the trial judge/ member of the Court who pronounced the decision] is served together with this notice.

Dated ..... 20 ...

Signed.....

To..... of.....

And to the Registrar of the Court of Appeal

The Court of Appeal will, on such reference, hear argument, if the acquitted person so wishes, by counsel on his or her behalf or, with the leave of the Court of Appeal, by the acquitted person himself or herself.

Note: section 34(7) of the above-mentioned Act provides that the acquitted person may, in relation to such reference, apply for a legal aid (Court of Appeal) certificate to the Court of Appeal either—

(a) by letter addressed to the Registrar of the Court of Appeal setting out the facts of the case and the grounds of the application, or

(b) to the Court of Appeal itself

and that the Court shall grant the certificate if (but only if) it appears to the Court that the means of the acquitted person are insufficient to enable him or her to obtain legal aid.

If a legal aid (trial on indictment) certificate was granted in respect of the acquitted person in relation to the trial on indictment concerned, a legal aid (Court of Appeal) certificate shall be deemed to have been granted in respect of him or her in relation to such reference.

If the acquitted person intends to be heard on the reference, he or she or his or her legal representative should give notice in writing of this intention to the Registrar of the Court of Appeal not later than fourteen days after service of this notice, and give a copy of such notice to the person named above within the same period.

\* Insert as appropriate

No. 20

O. 86C, r. 7(1)

COURT OF APPEAL

CRIMINAL

NOTICE THAT NOTICE OF APPEAL HAS BEEN RECEIVED BY THE  
REGISTRAR.

The People at the suit of the Director of Public Prosecutions.

v.

.....

This is to give you notice that the above-named appellant [*or applicant*] who was convicted at the..... Court on the..... day of..... 20..... has lodged a notice of appeal against his conviction and sentence [*if not appropriate strike out "conviction and"*].

Dated

(Signed)

Registrar of the Court of Appeal.

To [*the persons mentioned in Order 86C, r. 7(1)*].

O. 86C, r. 13(5)

COURT OF APPEAL

CRIMINAL

RECOGNISANCE PENDING APPEAL TO COURT OF APPEAL

Name of Appellant.....

Be it remembered that whereas.....
was convicted by the \*Circuit \*Central \*Special Criminal Court, and was thereupon
sentenced to..... and now is in lawful custody and having
duly appealed against his conviction and sentence to the Court of Appeal and having
been granted bail pending the determination of his appeal on entering into his own
recognisance \*(in the sum of €.....) with two sufficient sureties each in the sum of
€ .....

the said
..... of ..... (occupation)
..... of ..... (occupation)

and ..... of..... (occupation) personally
come before the undersigned and severally acknowledge themselves to owe to the
State the said several sums to be levied off their several goods and chattels, lands
and tenements respectively to the use of the Minister for Finance if he the
said.....fail in the condition indorsed hereon.

Principal party.....

Taken and acknowledged this..... day of..... 20.....,
at..... before me,..... a.....

\*Surety.....

\*Surety.....

Taken and acknowledged this..... day of..... 20.....,
at..... before me,..... a Judge of the District Court.

CONDITION

The condition of the within written recognisance is such that if he the
said..... shall personally appear and surrender himself at and before the
Court of Appeal at each and every hearing of his appeal and at the final determi-
nation thereof and abide by the judgment of the Court of Appeal and not depart
or be absent from the Court of Appeal at any such hearing without leave and in
the meantime shall not depart out of the area to which the jurisdiction of the Court
of Appeal extends then this recognisance shall be void, otherwise it shall be of full
force and effect.

The following to be filled in by the appellant and signed by him:—

When released on bail my residence to which any notices, etc., are to be addressed will be as follows:—

(Signed).....  
Appellant

\*delete if inapplicable

O. 86C, r. 13(6)

COURT OF APPEAL

CRIMINAL

CERTIFICATE OF SURETY

Name of Appellant .....

This is to certify that you .....  
of .....  
whose signature is below have been accepted by the District Court on this  
..... day of ..... 20....., as surety for the above-  
named ..... in the sum of €..... in a recognisance the condition  
whereof is that.....

(Signed).....

District Court Clerk

I acknowledge that the above certificate is correct.

(Signed).....

Surety

No. 23

O. 86C, r. 13(6)

COURT OF APPEAL

CRIMINAL

NOTICE OF PERFECTION OF RECOGNISANCE

Name of Appellant .....

To the Governor of .....

TAKE NOTICE that (names and addresses) have this day, pursuant to an order of the Court of Appeal herein dated the..... day of..... 20....., entered into recognisances (state amounts) the condition of such recognisances being that:.....

Dated.....

(Signed).....

District Court Clerk

O. 86C, r. 13(11); r. 13(17)

COURT OF APPEAL

CRIMINAL

WARRANT FOR ARREST OF PERSON ON BAIL

—————  
COURT OF APPEAL

The People at the suit of the Director of Public Prosecutions

v.

.....

To the Commissioner and members of the Garda Síochána and the Governor  
..... of ..... Prison.

Whereas ..... was released on bail, and

\*did not appear for the hearing of \*his \*her trial not being present at any hearing  
of his appeal

\*the Court has revoked \*his \*her bail

it has now been ordered that a warrant be issued for the arrest of the said.....

YOU ARE HEREBY COMMANDED to arrest the said ..... and to  
bring \*him \*her to the said Prison, and there deliver \*him \*her with this warrant into  
the custody of the said Governor and you the said Governor are hereby required to  
receive the said ..... into your custody and safely to keep \*him \*her until  
further order of the Court of Appeal.

Dated

(Signed)

Registrar

\*insert as appropriate



No. 25

O. 86C, r. 13(13)

COURT OF APPEAL

CRIMINAL

INFORMATION OF SURETY FOR ARREST OF \*APPELLANT/  
\*APPLICANT

The People at the suit of the Director of Public Prosecutions

v.

.....

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

1. I, ....., say that the above-named ..... having been granted bail by the Court of Appeal, himself in the sum of € ..... and with ..... surety in the sum of € ....., was released on such bail on condition that

2. I became surety for the performance of the said condition by the said ..... in the sum of €.....

3. I suspect that the said ..... is about to [*state in what manner the appellant is believed to be about to fail in the observance of his recognisances*] and I therefore desire to surrender the said ..... into custody and thereby discharge myself from my said recognisances. I verily believe that the said ..... is now in .....in the district of .....

I therefore pray for a warrant for the arrest of the said .....

Sworn, &c.

Laid before me the ..... day of .....

(Signed)

Judge of the District Court assigned to District No.....

O. 86C, r. 13(13)

COURT OF APPEAL

CRIMINAL

WARRANT ON INFORMATION OF SURETY

The People at the suit of the Director of Public Prosecutions

v.

.....

To the Commissioner and members of the Garda Síochána

Whereas an information has been duly laid before the undersigned by..... of..... that..... having been released on bail by the Court of Appeal on recognisances the condition whereof was that ..... and that the said..... suspects that the said..... is about to [*state in what manner the appellant is believed to be about to fail in the observance of his recognisances*], and that the said is..... believed to be within the district of .....

YOU ARE HEREBY COMMANDED to arrest the said..... and to bring him before the District Court sitting at..... to the intent that he may be committed to..... and there to be detained according to law.

Dated

(Signed)

Judge of the District Court assigned to District No...

No. 27

O. 86C, r. 13(14)

COURT OF APPEAL

CRIMINAL

COMMITAL OF APPELLANT ON SURETY'S INFORMATION

\_\_\_\_\_
The People at the suit of the Director of Public Prosecutions

v.

.....

To the Superintendent of the Garda Síochána at..... and to the Governor of.....

Whereas on the ..... day of ..... 20....., information was laid before the Judge of the District Court assigned to District No..... upon an application for a warrant for the apprehension of ..... that he being a prisoner released on bail by the Court of Appeal was believed and suspected of being about to fail to observe the conditions of his recognisances by the said ..... his surety. And that the said ..... was then desirous of surrendering the said .....

And whereas the said ..... being now before the District Court sitting at ..... and surrendered by the said ..... in discharge of his recognisance you are therefore hereby commanded forthwith to deliver the said ..... to the Governor of ..... together with this warrant of committal and you the said Governor are required to receive the said..... into your custody and safely to keep him according to law.

Dated

(Signed)

Judge of the District Court

O. 86C, r. 13(19)

COURT OF APPEAL

CRIMINAL

WARRANT FOR ESTREATMENT OF RECOGNISANCES

The People at the suit of the Director of Public Prosecutions.

v.

.....

To the Superintendent of the Garda Síochána at .....

Whereas on the ..... day of ..... 20....., .....entered into a recognisance..... the condition of such recognisance being that.....

And whereas

\*the said accused failed to appear in accordance with the said recognisance

\*the said accused appeared before the Court in accordance with section 9(7) of the Bail Act 1997 and the Court was satisfied that the said accused had contravened a condition of the recognisance namely.....

And the Court made an order under section 9(1)(i) of the Bail Act 1997 estreating the said recognisance in the amount of €..... against ....., the above-named \*accused,...../†surety....., and ordering that the said sum be paid by the said ..... within a period of..... in default of payment a warrant for the committal of ..... to prison to be issued.

AND WHEREAS notice pursuant to section 9(9) of the Bail Act 1997 was given to the above-named \*accused,..... / †surety....., by .....on the .....day of .....20... of the making of the said order under section 9(1)(i) of the Bail Act 1997 and stating that an application to vary or discharge the order may be made to the Court within 21 days from the date of the issue of the notice.

\*AND WHEREAS at a sitting of the Court on the .....day of ..... 20... the Court made an order under section 9(10) of the Bail Act 1997 varying the said order of estreatment by ordering that the said recognisance be estreated in the amount of €..... against ....., the above-named \*accused, ..... / †surety....., and ordering that the said sum be paid by the said ..... within a period of..... in default of payment a warrant for the committal of ..... to prison to be issued.

AND WHEREAS the said order made on the ....day of ..... 20... \*(as varied on the .... day of ..... 20...) has not been complied with

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest the said..... of..... and to lodge him/her in the prison at..... to be imprisoned there for the period of..... unless the said sum of €..... be sooner paid.

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

(Signed)

Registrar

\*delete where inapplicable

†applies only to a surety

O. 86C, r. 15(1)

COURT OF APPEAL  
CRIMINAL  
NOTICE OF ABANDONMENT

The People at the suit of the Director of Public Prosecutions.

v.

.....

I, ..... having been convicted of ..... at ..... and having duly sent to the Court of Appeal a notice of appeal against my said conviction and/or sentence, hereby give you notice that I do not intend further to prosecute my appeal, and that I hereby abandon all further proceedings in regard thereto as from the date hereof.

Dated

(Signed)

(Witness)

To the Registrar of the Court of Appeal.

No. 30

O. 86C, r. 16(2)

COURT OF APPEAL

CRIMINAL

ORDER TO WITNESS TO ATTEND BEFORE THE COURT FOR EXAMINATION

The People at the suit of the Director of Public Prosecutions

v.

.....

To .....

of .....

You are ordered to attend before the Court of Appeal on the ..... day of ..... 20....., at ..... at ..... o'clock in the ..... noon to give evidence on behalf of ..... [*add if required:*] and also to bring with you and produce at the time and place aforesaid [*specify documents to be produced*].

Dated

(Signed)

Registrar

O. 86C, r. 16(5)

COURT OF APPEAL

CRIMINAL

NOTICE TO WITNESS TO ATTEND BEFORE EXAMINER FOR EXAMINATION.

The People at the suit of the Director of Public Prosecutions

v.

.....

To .....

of .....

Take notice that you are ordered by the Court of Appeal to attend before ....., the Examiner appointed by the said Court, on the ..... day of ..... 20....., at ..... at .....o'clock in the ..... noon to give evidence on behalf of ..... [add if required:] and also to bring with you and produce at the time and place aforesaid [specify documents to be produced].

Dated

(Signed)

Registrar



No. 32

O. 86C, r. 16(7)

CAPTION FOR DEPOSITION OF WITNESS EXAMINED BEFORE  
EXAMINER.

—————  
COURT OF APPEAL

CRIMINAL

The People at the suit of the Director of Public Prosecutions

v.

.....

The deposition taken before the undersigned, being an Examiner duly appointed by the Court of Appeal in that behalf, of ..... of ..... examined before me under an order of the said Court dated the ..... day of ..... 20....., in the presence of the said ..... appellant [*or* his counsel and solicitor] and counsel [*or* solicitor] for the Director of Public Prosecutions at ..... on the ..... day of ..... 20....

The appellant personally [*or* by his counsel or solicitor] and counsel [*or* solicitor] for the Director of Public Prosecutions had full opportunity of asking questions of the said witness, to whom the deposition was read by me before being signed by the said witness.

The deposition of ..... of ..... who (upon oath duly administered by me) says as follows:—

[here follows deposition]

(Signed)

[Witness].

Taken before me this ..... day of ..... 20.....

Examiner.

COURT OF APPEAL

CRIMINAL

NOTICE OF RESULT OF APPEAL

The People at the suit of the Director of Public Prosecutions

v.

.....

Take notice that the Court of Appeal has this day given judgment to the effect following, viz.:

Dated

(Signed)

Registrar

No. 34

O. 86C, r. 21(1)

COURT OF APPEAL

CERTIFICATE OF QUASHING OF CONVICTION OR VARIATION OF SENTENCE

(Section 96(4), Criminal Justice Act 2006)

The People at the suit of the Director of Public Prosecutions

v.

.....

Bill No. ....

\*Court of Appeal/\*Supreme Court number.....

Name of person convicted .....

Address of person convicted .....

Date of birth of person convicted .....

Date of Conviction .....

Court of trial .....

Date of determination of appeal .....

Offence(s) of which the person was originally convicted	Effect of appeal court's decision on conviction	Sentence(s) following appeal court's decision
...	...	...

This is to certify for the purposes of Part 9 of the Criminal Justice Act 2006 that the above named defendant's \*conviction of the above offence(s) was quashed \*sentence(s) for the above offence(s) was/were varied on the above date.

.....  
Date

.....  
Registrar

\* Delete/Insert as appropriate

COURT OF APPEAL

CERTIFICATE

(section 14, Sex Offenders Act 2001)

O. 86C, r. 21(2)

The People at the suit of the Director of Public Prosecutions

v.

.....

Bill No .....

\*Court of Appeal/\*Supreme Court number.....

Name of person convicted .....

Address of person convicted .....

Date of birth of person convicted .....

Date of Conviction .....

Court of trial .....

Date of determination of appeal .....

Offence(s) of which the person was originally convicted	Effect of appeal court's decision on conviction	Sentence(s) following appeal court's decision
...	...	...

The effect of the determination of the decision of the Court of Appeal is that the above named defendant has become subject to the requirements of Part 2 of the Sex Offenders Act 2001

.....  
Date

.....  
Registrar

\* Delete/Insert as appropriate

No. 36

O. 86C, r. 22

COURT OF APPEAL

CRIMINAL

NOTICE OF MOTION

The People at the suit of the Director of Public Prosecutions

v.

.....

Take notice that I the above-named ..... will apply to the Court of Appeal on the .....day of ..... at ..... o'clock

For the following order(s):

On the following grounds:

Dated

(Signed)

To: Registrar of the Court of Appeal

And to: (Solicitor for) Appellant/applicant/Chief Prosecution Solicitor

O. 86D, r. 3(1)

COURT OF APPEAL  
MILITARY  
NOTICE OF APPEAL

To the Registrar of the Court of Appeal

Particulars of Appellant

No..... Rank..... Name.....  
Unit.....

Type of court-martial.....  
(summary, limited or general)

Place at which held.....Date(s) held.....

Date of promulgation of finding.....

Date of promulgation of sentence (if any).....

Offence(s) of which \*charged/\*convicted .....

.....  
.....

Sentence (if any) .....

.....  
.....

The above-named accused person,

\*having been convicted by a court-martial of the offence(s) mentioned and  
\*(being now a prisoner in ..... ) \*(now living at  
.....)

\*in respect of whom a finding was made under section 202 of the Defence Act 1954  
that he was unfit to take his trial

\*in respect of whom a special finding was made under section 203 of the Defence  
Act 1954 that he was not guilty by reason of insanity of the offence charged

\*in respect of whom a decision was made by the said court-martial \*[not] to make  
an order of committal under \*section 202(1)(b) \*section 203(2) of the Defence  
Act 1954

Now I, the above-named appellant, \*[or the Director of Military Prosecutions]

do hereby give you notice of appeal to the Court of Appeal against:

\*said conviction and/or sentence

\*said finding

\*said decision

on the grounds hereinafter set forth:

GROUND OF APPEAL

Dated:.....

Signed:.....

(or mark) Appellant

Signature and address of witness attesting mark.....

NOTE: An appellant (other than the Director of Military Prosecutions) should answer the following question:

Does the appellant desire to be present at the hearing of his appeal?

\*delete if inapplicable

O. 86D, r.5

COURT OF APPEAL

MILITARY

NOTICE THAT NOTICE OF APPEAL HAS BEEN RECEIVED BY THE REGISTRAR

Particulars of Appellant

No..... Rank..... Name.....

Unit.....

This is to give you notice that the above-named appellant, who was convicted by \* the summary \*a limited \*a general court-martial on the..... day of..... 20....., has lodged a notice of appeal against the \*(finding and) sentence

Dated:.....

Signed:.....

Registrar of the Court of Appeal

To:

the Director of Military Prosecutions at .....

the Court-Martial Administrator at .....

the Deputy Chief of Staff (Support) of the Defence Forces at .....

\*the Governor of the prison/detention barrack at .....

the Secretary General of the Department of Defence at .....

\*delete if inapplicable



No. 39

O. 86D, r. 6(1)

COURT OF APPEAL

MILITARY

NOTICE OF APPLICATION FOR REVIEW OF SENTENCE

To the Registrar of the Court of Appeal

Particulars of Person Convicted:

No..... Rank..... Name.....  
Unit.....

Type of court-martial:.....  
(summary, limited or general)

Place at which held.....Date(s) held.....

Date of promulgation of finding:.....

Date of promulgation of sentence:.....

Offence(s) of which convicted: .....  
.....  
.....

Sentence: .....  
.....  
.....

It appearing to the Director of Military Prosecutions that the sentence awarded by the above court-martial to the above-named convicted person, he/she having been convicted by said court-martial of the offence(s) mentioned and \*(being now a prisoner in .....) \*(now residing at ..... ) was unduly lenient, the Director of Military Prosecutions hereby gives you notice of an application to the Court of Appeal to review the said sentence on the grounds hereinafter set forth:

GROUNDS OF APPLICATION

*[Include, as appropriate:*

*(a) any fact or circumstance which it is alleged was taken into consideration by the court-martial in imposing sentence but was not relevant to the case;*

*(b) any fact or circumstance which it is alleged was relevant to the case but was not taken into consideration by the court-martial in imposing sentence.]*

Dated:.....

Signed:.....

For Director

To: the above-named convicted person at .....

And to: the Court-Martial Administrator at .....

\*delete if inapplicable

No. 40

O. 86D, r 8(2)

COURT OF APPEAL

MILITARY

NOTICE OF APPLICATION FOR ENLARGEMENT OF TIME WITHIN WHICH TO APPEAL

To the Registrar of the Court of Appeal

Particulars of Appellant

No..... Rank..... Name.....

Unit.....

Type of court-martial.....

(summary, limited or general)

Place at which held.....Date(s) held.....

Date of promulgation.....

Offence(s) of which convicted .....

.....  
.....

Sentence .....

.....  
.....

I, the above-named applicant, having been convicted by a court-martial of the offence(s) mentioned and \*(being now a prisoner in ..... ) \*(living at.....) give you notice that I will apply to the Court of Appeal for an enlargement of the time within which I may give notice of appeal. The grounds on which I apply for such enlargement are as follows:

The grounds on which I propose to base my appeal are as follows:

Dated.....

Signed.....

(or mark)Applicant

Signature and address of witness attesting mark

.....

NOTE:

The applicant should answer the following question:

Does the applicant desire to be present at the hearing of his application for an enlargement of the time within which to give such notice as aforesaid?

\*delete if inapplicable

No. 41

O. 86D, r 16(1)

COURT OF APPEAL

MILITARY

NOTICE OF APPLICATION BY APPELLANT FOR SUSPENSION OF THE  
OPERATION OF A CUSTODIAL SENTENCE PENDING APPEAL

To the Registrar of the Court of Appeal

Particulars of Appellant

No..... Rank..... Name.....

Unit.....

I, the above-named appellant, having been convicted by \*the summary \*a limited \*  
a general court-martial, being now a prisoner in .....  
and having given notice of appeal to the Court of Appeal, do hereby give you notice  
that I will apply to such Court to have the operation of the sentence  
of..... passed on me suspended pending the determination of my  
appeal on the following grounds:—

Dated:.....

Signed:.....

NOTE:

The applicant should answer the following question:

Does the applicant desire to be present at the hearing of his application to have the  
operation of the sentence passed on him suspended pending the determination of  
his appeal?

\*delete if inapplicable

O. 86D, rr. 16(4) and 16(5)

COURT OF APPEAL

MILITARY

WARRANT FOR ARREST OF APPELLANT WHOSE SENTENCE HAS BEEN SUSPENDED

Particulars of Appellant

No..... Rank..... Name.....

Unit.....

To the Commissioner and members of the Garda Síochána and the Governor of..... Prison (or Detention Barrack).

Whereas the above-named appellant had the operation of the sentence passed on him suspended, and it has now been ordered that a warrant be issued for the arrest of the said appellant.

YOU ARE HEREBY COMMANDED to arrest the said appellant and to bring him to the said Prison or Detention Barrack, and there deliver him with this warrant into the custody of the said Governor and you, the said Governor, are hereby required to receive the said appellant into your custody and safely to keep him until further order of the Court of Appeal.

Dated:.....

Signed:.....

Registrar

No. 43

O. 86D, r. 17(1)

COURT OF APPEAL

MILITARY

NOTICE OF APPLICATION BY APPELLANT FOR BAIL PENDING APPEAL

To the Registrar of the Court of Appeal

Name of Appellant:.....,

I, the above-named appellant, having been convicted by the summary court-martial (or a limited court-martial or a general court-martial), being now a prisoner in..... and having given notice of appeal to the Court of Appeal, do hereby give you notice that I will apply to such Court for bail \*(with sureties) on the following grounds:-

\*The under-mentioned persons are willing to become sureties for my presence at the hearing and determination of the appeal in the sum of €..... each.

Name of surety.....  
Occupation.....  
Address.....

Name of surety.....  
Occupation.....  
Address.....

Dated:.....

Signed:.....

\*delete if inapplicable

O. 86D, r. 17(5)

COURT OF APPEAL

MILITARY

RECOGNISANCE PENDING APPEAL TO COURT OF APPEAL

Name of Appellant.....

Be it remembered that whereas.....

was convicted by \*[the summary court-martial] \*[a limited court-martial] \*[a general court-martial], and was thereupon sentenced to..... and now is in lawful custody and having duly appealed against his conviction and sentence to the Court of Appeal and having been granted bail pending the determination of his appeal on entering into his own recognisance \*(in the sum of €.....) with two sufficient sureties each in the sum of € .....

the said

..... of ..... (occupation)
..... of ..... (occupation)

and

..... of ..... (occupation)

personally come before the undersigned and severally acknowledge themselves to owe to the State the said several sums to be levied off their several goods and chattels, lands and tenements respectively to the use of the Minister for Finance if he the said ..... fail in the condition indorsed hereon.

Principal party.....

Taken and acknowledged this ..... day of ..... 20.....,

at..... before me, ..... a.....

\*Surety.....

\*Surety.....

Taken and acknowledged this..... day of..... 20.....,

at..... before me,..... a Judge of the District Court.

CONDITION

The condition of the within written recognisance is such that if he the said..... shall personally appear and surrender himself at and before the Court of Appeal at each and every hearing of his appeal and at the final determination thereof and abide by the judgment of the Court of Appeal and not depart or be absent from the Court of Appeal at any such hearing without leave and in the meantime shall not depart out of the area to which the jurisdiction of the Court



of Appeal extends then this recognisance shall be void, otherwise it shall be of full force and effect.

The following to be filled in by the appellant and signed by him:—

When released on bail my residence to which any notices, etc., are to be addressed will be as follows:—

(Signed).....  
Appellant

\*delete if inapplicable

O. 86D, r. 17(5)

COURT OF APPEAL  
MILITARY  
CERTIFICATE OF SURETY

Name of Appellant.....

This is to certify that you.....

of.....

whose signature is below have been accepted by the District Court on this ..... day  
of ..... 20....., as surety for the above-named ..... in the  
sum of €..... in a recognisance the condition whereof is  
that.....

(Signed) .....  
District Court Clerk

I acknowledge that the above certificate is correct.

(Signed).....  
Surety

No. 46

O. 86D, r. 17(6)

COURT OF APPEAL

MILITARY

NOTICE OF PERFECTION OF RECOGNISANCE

Name of Appellant.....

To the Governor of.....

Take notice that (names and addresses) have this day, pursuant to an order of the Court of Appeal herein dated the ..... day of ..... 20....., entered into recognisances (state amounts) the condition of such recognisances being that: .....

Dated.....

(Signed).....

District Court Clerk

O. 86D, rr. 17(11) and 17(16)

COURT OF APPEAL

MILITARY

WARRANT FOR ARREST OF APPELLANT ON BAIL

Name of Appellant.....

To the Commissioner and members of the Garda Síochána and the Governor of.....  
Prison (or Detention Barrack).

Whereas..... was released on bail, and it has now been ordered that a warrant be issued for the arrest of the said.....

YOU ARE HEREBY COMMANDED to arrest the said..... and to bring him to the said Prison (or Detention Barrack) and there deliver him with this warrant into the custody of the said Governor and you, the said Governor, are hereby required to receive the said..... into your custody and safely to keep him until further order of this Court.

Dated.....

(Signed).....  
Registrar

O. 86D, rr. 17(13) and 17(14)

COURT OF APPEAL

MILITARY

INFORMATION FOR ARREST OF APPELLANT

Name of Appellant.....

The information of.....  
of.....

who says on oath:—

1. I,....., do say that the above-named having been granted bail by the Court of Appeal, himself in the sum of €..... and with..... surety in the sum of €....., was released on such bail on condition that:

\*2. I became surety for the performance of the said condition by the said..... in the sum of €..... I suspect that the said..... is about to contravene a condition of his recognisance, namely..... and I therefore desire to surrender the said..... into custody and thereby discharge myself from my said recognisances.

OR

\*2. I am a member of the Garda Síochána.

\*I suspect that the said ..... is about to contravene a condition of his recognisance, namely.....

\*The said ..... has contravened a condition of his recognisance, namely.....,

3. I believe that the said ..... is now at .....

\*The basis for such suspicion

\*The basis for my so saying  
is as follows:-

I therefore pray for a warrant for the arrest of the said.....

Signed.....

Informant

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

Signed.....

\*delete where inapplicable

No. 49

O. 86D, rr. 17(13) and 17(14)

COURT OF APPEAL

MILITARY

WARRANT ON INFORMATION OF \*SURETY \*GARDA SÍOCHÁNA

Name of Appellant .....

To the Commissioner and members of the Garda Síochána.

Whereas from the information on oath and in writing sworn on this day before M..... Justice of the Court of Appeal by ..... of .....

THE COURT BEING SATISFIED

that the said appellant ..... having been released on bail by the Court of Appeal on recognisances the condition whereof was that ..... and that

\*the said \*informant \*surety ..... suspects that the said appellant.....is about to contravene a condition of his recognisance,

\*the said appellant..... has contravened a condition of his recognisance, and that the said appellant..... is believed to be at.....

YOU ARE HEREBY COMMANDED to arrest the said..... and to bring him before the Court of Appeal sitting at the Criminal Courts of Justice, Parkgate Street, Dublin to the intent that he may be committed to.....and there to be detained according to law.

Dated.....

(Signed).....

Registrar

\*delete if inapplicable

O. 86D, r. 17 (15)

COURT OF APPEAL

MILITARY

COMMITTAL OF APPELLANT ON \*SURETY'S \*GARDA SÍOCHÁNA'S INFORMATION

Name of Appellant .....

To the Superintendent of the Garda Síochána at .....

and to the Governor of .....

Whereas on the ..... day of ..... 20....., an information was sworn before M...Justice .....of the Court of Appeal by

\*..... as surety upon an application by said surety for a warrant for the apprehension of the above-named appellant, ....., that he being a prisoner released on bail by the Court of Appeal was suspected of being about to contravene a condition of his recognisances and that the said surety ..... was then desirous of surrendering the said appellant.

\*..... a member of the Garda Síochána upon an application by said member for a warrant for the apprehension of the above-named appellant, ....., that he being a prisoner released on bail by the Court of Appeal \*was suspected of being about to contravene a condition of his recognisances \*had contravened a condition of his recognisances.

And whereas the said appellant ..... being now before the Court of Appeal \*and surrendered by the said surety ..... in discharge of his recognisance

You are therefore hereby commanded forthwith to deliver the said ..... to the Governor of ..... together with this warrant of committal and you, the said Governor, are required to receive the said .....into your custody and safely to keep him according to law.

Dated.....

(Signed).....

Registrar

\*delete if inapplicable



No. 51

O. 86D, r. 20(1)

COURT OF APPEAL

MILITARY

NOTICE OF ABANDONMENT

Particulars of Appellant

No..... Rank..... Name.....  
Unit.....

I, ..... having been convicted by the summary court-martial (or a limited court-martial or a general court-martial), and having duly sent to the Court of Appeal a notice of appeal against my said conviction and/or sentence, do hereby give you notice that I do not intend further to prosecute my appeal, and that I hereby abandon all further proceedings in regard thereto as from the date hereof.

Dated.....

(Signed).....  
(or mark) Appellant

Signature and address of witness .....

To the Registrar of the Court of Appeal.

O. 86D, r. 21(1)

COURT OF APPEAL

MILITARY

APPLICATION FOR ORDER FOR ATTENDANCE OF WITNESS

Particulars of Appellant

No..... Rank..... Name.....  
Unit.....

Take notice that the above named appellant..... will apply to the Court of Appeal for an order for the attendance and examination before such Court of the witness hereinafter specified, viz:

1. Name and address of witness:

.....

2. Whether such witness has been examined at the trial:

.....

3. If not, the reason why he was not so examined:

.....

4. On what matters it is proposed to examine him:

.....

There is lodged herewith an affidavit of the said witness of the evidence which he proposed to give, and the reason why he did not give evidence at the trial.

Dated.....

(Signed).....

To the Registrar of the Court of Appeal  
and to the Director of Military Prosecutions.

No. 53

O. 86D, r. 21(2)

COURT OF APPEAL

MILITARY

ORDER TO WITNESS TO ATTEND BEFORE THE COURT FOR EXAMINATION

Particulars of Appellant

No..... Rank..... Name.....  
Unit.....

To:.....  
Of:.....

You are ordered to attend before the Court of Appeal on the ..... day of ..... 20....., at the Criminal Courts of Justice, Parkgate Street, Dublin at ..... o'clock in the ..... noon to give evidence on behalf of ..... *(add if required)* and also to bring with you and produce at the time and place aforesaid *(specify documents to be produced)*.

Dated.....

(Signed).....  
Registrar

O. 86D, r. 21(5)

COURT OF APPEAL

MILITARY

NOTICE TO WITNESS TO ATTEND BEFORE EXAMINER FOR EXAMINATION

Particulars of Appellant

No..... Rank..... Name.....  
Unit.....

To:.....  
of.....

Take notice that you are ordered by the Court of Appeal to attend at .....before....., the Examiner appointed by the said Court, on the ..... day of ..... 20....., at ..... o'clock in the ..... noon to give evidence on behalf of..... (*add if required*) and also to bring with you and produce at the time and place aforesaid (*specify documents to be produced*).

Dated.....

(Signed).....  
Registrar

No. 55

O. 86D, r. 21(7)

CAPTION FOR DEPOSITION OF WITNESS EXAMINED BEFORE  
EXAMINER

COURT OF APPEAL

MILITARY

Particulars of Appellant

No..... Rank..... Name.....  
Unit.....

The deposition taken before the undersigned, being an Examiner duly appointed by the Court of Appeal in that behalf of..... of....., examined before me under an order of the said Court dated the ..... day of ..... 20....., in the presence of the said ..... appellant (or his counsel and solicitor) and counsel (or solicitor) for the Director of Military Prosecutions at..... on the ..... day of ..... 20.....

The appellant personally (or by his counsel or solicitor) and counsel (or solicitor) for the Director of Military Prosecutions had full opportunity of asking questions of the said witness, to whom the deposition was read by me before being signed by the said witness.

The deposition of ..... of ..... who (upon oath duly administered by me) says as follows:—

(here follows deposition)

(Signed).....  
(Witness)

Taken before me this ..... day of ..... 20.....

.....  
Examiner

O. 86D, r. 24(1)

COURT OF APPEAL

MILITARY

NOTICE OF RESULT OF APPEAL

Particulars of Appellant

No..... Rank..... Name.....  
Unit.....

Take notice that the Court of Appeal has this day given judgment to the effect following, viz:

To the Appellant of .....

- And to the Director of Military Prosecutions
- And to the Court-Martial Administrator
- And to the Deputy Chief of Staff (Support) of the Defence Forces
- And to the Secretary, Department of Defence.

Dated.....

(Signed).....  
Registrar

No. 57

O. 86D, r. 25

COURT OF APPEAL

MILITARY

NOTICE OF APPLICATION

Particulars of Appellant

No..... Rank..... Name.....  
Unit.....

Take notice that I the above-named appellant will apply to the Court of Appeal  
for..... on the following  
grounds:—

Dated.....

(Signed).....

To: the Registrar  
and to: the Director of Military Prosecutions

O. 87, r. 6

COURT OF APPEAL

CERTIFICATE THAT NO APPEAL IS PENDING.

I certify that there is not pending in the Court of Appeal any appeal by or on behalf of ..... against any conviction or sentence by the ..... Court.

Dated

(Signed)

Registrar



**Schedule 5****“Order 115****Orders of the Superior Courts**

1. (1) Every order of the Supreme Court, of the Court of Appeal, and of the High Court, when drawn up, shall be dated the day of the week, month and year on which the same was made, unless such Court shall otherwise direct, and shall take effect accordingly. Every such order shall be passed and perfected with all convenient speed.

(2) The date of perfecting shall be indorsed on the order by the proper officer.

2. Save where otherwise provided in these Rules:

(a) every order of the Supreme Court shall be issued out of the Office of the Registrar of the Supreme Court, provided that an order of execution may issue out of the Central Office;

(b) every order of the Court of Appeal shall be issued out of the Office of the Registrar of the Court of Appeal, provided that an order of execution may issue out of the Central Office;

(c) every other order shall be issued out of Central Office.

3. A Registrar may submit a draft of any order proposed to be issued to the parties to the proceedings and invite comment on the form of order before it is issued.

**Order 116****Seals**

1. (1) The seals to be used in the respective offices of the Supreme Court, Court of Appeal and High Court shall be:

(a) the seal of the Supreme Court;

(b) the seal of the Chief Justice;

(c) the seal and an official duplicate seal of the Court of Appeal;

(d) the seal of the High Court;

(e) the seal of the High Court (Wards of Court);

(f) the seal of the High Court (Bankruptcy);

(g) the seal of the High Court (Probate);

(h) the seal of the High Court (Central Criminal Court).

2. (1) The seals of the Supreme Court and the Chief Justice shall be kept in the custody of the Registrar of the Supreme Court.

(2) The seal of the Court of Appeal shall be kept in the custody of the Registrar of the Court of Appeal.

(3) The official duplicate seal of the Court of Appeal shall be kept in the custody of the officer of the Court of Appeal nominated for that purpose by the Registrar of the Court of Appeal.

3. (1) The seal of the High Court shall be kept in the custody of the officer for the time being managing the Central Office.

(2) The seal of the High Court (Wards of Court) shall be kept in the custody of the Registrar of Wards of Court.

(3) The seal of the High Court (Bankruptcy) shall be kept in the custody of the Examiner.

(4) The seal of the High Court (Probate) shall be kept in the custody of the Probate Officer.

(5) The seal of the High Court (Central Criminal Court) shall be kept in the custody of the officer for the time being managing the Central Office.

4. All documents or copies thereof appearing to be sealed with one of the above-mentioned seals shall be presumed to be documents or copies thereof (as the case may be) issued from the Court or Judge whose seal is affixed thereto, and if duly stamped may be received in evidence, and no signature or other formality except such sealing as aforesaid, shall be required for the authentication of any such document or copy.”

## Schedule 6

### Consequential and other amendments

Provision	Amendment
Order 7, rule 2(2)	<p>the insertion immediately following that sub-rule of the following sub-rule:</p> <p>“(2A) Where such notice is given at any time in which an appeal is pending in the Court of Appeal or the Supreme Court, the party concerned shall additionally lodge a copy of the notice in the Office of the Registrar of the Court of Appeal or, as the case may be, the Office of the Registrar of the Supreme Court.”</p>
Order 11C, rule 10	<p>the insertion of the words “or the Court of Appeal” immediately before the words “...or the Supreme Court”</p>
Order 40, rule 7	<p>the insertion of the words “, or the Court of Appeal” immediately following the words “...or matters pending in the High Court” and</p> <p>the insertion of the words “, and of the Court of Appeal” immediately following the words “...and the Judges and officers of the High Court”</p>
Order 41, rule 6	<p>the substitution for that rule of the following rule:</p> <p>“6. (1) Particulars of every judgment or order of the High Court shall be entered in proper books to be kept for that purpose and the judgment or order shall be filed in the Central Office.</p> <p>(2) Every judgment or order of the Court of Appeal shall be filed in the Office of the Registrar of the Court of Appeal.</p> <p>(3) Every judgment or order of the Supreme Court shall be filed in the Office of the Registrar of the Supreme Court.</p> <p>(4) Every judgment or order pronounced or made by the High Court, by the Court of Appeal or by the Supreme Court when so filed shall be deemed for all purposes to be duly entered, and the entry thereof shall be dated as of the day on which the judgment or order was pronounced or made, unless the Court otherwise directs.”</p>
Order 42, rule 35	<p>the insertion immediately following that rule of the following rule:</p> <p>“35A. A person seeking to issue execution consequent on a right arising from a judgment or order of the Supreme Court or the Court of Appeal shall first lodge in the Central Office an attested copy of the judgment or order of the Supreme Court or the Court of Appeal arising from which such right arises.”</p>

<b>Provision</b>	<b>Amendment</b>
Order 42A, rule 15	<p>the substitution for the existing rule of the following rule:</p> <p>“15. Execution shall not issue on a judgment or decision in respect of which a relevant order has been made until after the expiration of the period specified in accordance with the provisions of rule 13 applicable to the proceedings concerned, or if that period has been extended by the Court, until after the expiration of any such extended period. If an appeal is made to the High Court under rule 13, execution of the judgment or decision shall not issue until after such appeal (including any further appeal on a point of law to the Court of Appeal or, where applicable, to the Supreme Court) is determined. Any party wishing to issue execution on a judgment or decision in respect of which a relevant order has been made shall produce to the appropriate officer an affidavit of service of the relevant order concerned granting leave to enforce a judgment or decision and of any order made by the Master, the High Court, the Court of Appeal or, where applicable, the Supreme Court (as the case may be) in relation to the judgment or decision.”</p>
Order 42A, rule 16(2)	<p>the deletion of the words “rule 1,” immediately following the words “by notice of appeal in accordance with Order 58,”</p>
Order 42A, rule 20	<p>the substitution for that rule of the following rule:</p> <p>“20. In the case of a judgment or decision of the High Court, the Court of Appeal or the Supreme Court sought to be enforced in another Member State of the European Union or in a Contracting State of the Lugano Convention, a Registrar of the High Court or the Registrar of the Court of Appeal or the Supreme Court (as the case may be) shall, at the request of an interested party, give such party a copy of the order and the written judgment (if any) of the Court duly authenticated.”</p>
Order 42A, rule 21(1)	<p>the substitution for that sub-rule of the following sub-rule:</p> <p>“(1) In the case of a judgment or decision of the High Court, the Court of Appeal or the Supreme Court sought to be enforced or recognised in another Member State of the European Union or a Contracting State of the Lugano Convention, any application for a certificate signed by a Registrar of the High Court or the Registrar of the Court of Appeal or the Supreme Court (as the case may be) shall be made on affidavit to the said Registrar.”</p>
Order 42A, rule 21(3)	<p>the insertion of the words “, the Court of Appeal” immediately following the words “...judgment or decision of the High Court” and</p> <p>the insertion of the words “or by the Registrar of the Court of Appeal” immediately following the words “...by a Registrar of the High Court”</p>
Order 42A, rule 21(4)	<p>the insertion of the words “, the Court of Appeal ” immediately before the words “...or the Supreme Court”</p>

Provision	Amendment
Order 42B, rule 1	<p>the substitution therein for the definition of “domestic judgment” of the following definition:</p> <p>““domestic judgment” means any</p> <p>(a) judgment of the High Court for any sum of money or order of the High Court requiring payment of any sum of money (including a judgment given or order made by consent or a settlement made a rule of court), or</p> <p>(b) judgment of the Court of Appeal for any sum of money or affirming, whether having varied the same or not, a judgment of the High Court for any sum of money (including a judgment given or order made by consent or a settlement made a rule of court), or</p> <p>(c) judgment of the Supreme Court for any sum of money or affirming, whether having varied the same or not, a judgment of the High Court (or of the Court of Appeal) for any sum of money (including a judgment given or order made by consent or a settlement made a rule of court), or</p> <p>(d) judgment entered in the Central Office pursuant to these Rules or on foot of any order for any sum of money,</p> <p>to which Regulation No 805/2004 applies.”</p>
Order 42B, rule 4(3)	<p>the insertion of the words “the Court of Appeal or” immediately following the words “...domestic judgment has been given or made by”</p>
Order 42B, rule 5(1)	<p>the insertion of the words “, the Court of Appeal” immediately following the words “...as a European Enforcement Order shall, unless the Master, the High Court”</p>
Order 42B, rule 6(2)	<p>the substitution for that sub-rule of the following sub-rule:</p> <p>“(2) If not made at the hearing referred to in sub-rule (1), an application to the High Court, or (where the Court of Appeal or the Supreme Court is the court of origin) to the Court of Appeal or Supreme Court, as the case may be, under Article 6(2) of Regulation No 805/2004 for the issue of a certificate indicating the lack or limitation of enforceability of a domestic judgment may be made in accordance with rule 8.”</p>
Order 42B, rule 7(1)	<p>the substitution for that sub-rule of the following sub-rule:</p> <p>“(1) Where, on any appeal to a Judge of the High Court, the Court of Appeal or the Supreme Court, a judgment is given or order, ruling or decision is made in respect of a domestic judgment which has been certified as a European Enforcement Order, an application under Article 6(3) of Regulation No 805/2004 for the issue of a replacement certificate may be made by either party to the said appeal <i>ex parte</i> to the High Court, Court of Appeal or Supreme Court (as the case may be) at the hearing of the said appeal, or on the delivery of the judgment on the said appeal.”</p>
Order 42B, rule 9(1)	<p>the substitution therein for the words:</p> <p>“(where the Supreme Court is the court of origin) to the Office of the Registrar of the Supreme Court, which shall assign a return date to such application”</p> <p>of the words:</p> <p>“(where the Court of Appeal or the Supreme Court is the court of origin) to the Office of the Registrar of the Court of Appeal or the Office of the Registrar of the Supreme Court (as the case may be), which shall assign a return date to such application”</p>

Provision	Amendment
Order 42B, rule 9(2)	<p>the substitution for that sub-rule of the following sub-rule:</p> <p>“(2) Where, on any application under this rule, it is determined that the European Enforcement Order certificate in respect of the domestic judgment concerned ought be rectified or withdrawn, the person on whose application the domestic judgment concerned was certified as a European Enforcement Order shall within seven days of such determination lodge the original European Enforcement Order certificate in respect of the domestic judgment concerned in the Central Office, or (where the Court of Appeal certified the domestic judgment concerned as a European Enforcement Order) the Office of the Registrar of the Court of Appeal, or (where the Supreme Court certified the domestic judgment concerned as a European Enforcement Order) the Office of the Registrar of the Supreme Court. In the case of rectification, a Registrar of the High Court, or the Registrar of the Court of Appeal, or the Registrar of the Supreme Court (as the case may be) shall rectify such certificate, re-sign, re-seal and subject to any direction made in that regard, re-issue such rectified certificate to the person on whose application the domestic judgment concerned was certified as a European Enforcement Order. In the case of withdrawal such Registrar shall cancel such certificate.”</p>
Order 42B, rule 10(1)	<p>the insertion of the words “by the Registrar of the Court of Appeal on behalf of the Court of Appeal,” immediately following the words “... in accordance with rule 4(2), rule 8 or rule 9) on behalf of the Master,”</p>
Order 52, rule 2	<p>the substitution for that rule of the following rule:</p> <p>“2. Save as otherwise provided by these Rules, all such applications other than such as under the existing practice are made <i>ex parte</i> or are authorised by these Rules to be so made, shall be made by motion on notice to the parties concerned, which shall be filed:</p> <p>(a) in the case of applications to the Supreme Court, in the Office of the Registrar of the Supreme Court,</p> <p>(b) in the case of applications to the Court of Appeal, in the Office of the Registrar of the Court of Appeal,</p> <p>(c) in the case of applications relating to wards of court, in the Office of Wards of Court,</p> <p>(d) in matters of bankruptcy, arrangement, or insolvency where an order of adjudication or, as the case may be, a winding up order, has been made or in any other case in which an account or inquiry has been directed to be taken by the Examiner and a notice to proceed has issued in accordance with Order 55, rule 11, the Examiner’s Office, and</p> <p>(e) in the case of other applications, in the Central Office.”</p>
Order 57, rule 1(b)	<p>the substitution of the words “the High Court, the Court of Appeal or the Supreme Court” for the words “the High Court or the Supreme Court”</p>
Order 57, rule 2(1)(c)	<p>the substitution of the words “the High Court, the Court of Appeal or the Supreme Court” for the words “the High Court or the Supreme Court”</p>
Order 57, rule 11	<p>the substitution of the words “the High Court, the Court of Appeal or the Supreme Court” for the words “the High Court or the Supreme Court”</p>

Provision	Amendment
Order 74, rule 133(1)	the insertion of the words “Court of Appeal or the” immediately following the words “...then pending against the company in the High Court or on appeal in the”
Order 74, rule 134	the insertion of the words “Court of Appeal or the” immediately following the words “...if such action be pending in the High Court or on appeal in the”
Order 84, rule 15(1)(i)	the substitution of the word “appear” for “appeal” immediately following the words “...any warrants for failure to”
Order 99, rule 1	<p>the insertion immediately following sub-rule (3) of the following sub-rule:</p> <p>“(3A) Subject to sub-rule (4A), the Court of Appeal shall, when determining liability for the costs of an appeal or an application for leave to appeal, have regard to—</p> <p>(a) the number and extent of the issues raised, pursued or contested by the respective parties on the appeal or application and</p> <p>(b) whether it was reasonable for a party to raise, pursue or contest the issue, or issues, concerned.”</p>
Order 99, rule 1(4A)	the insertion of the words “, the Court of Appeal” immediately following the words “The High Court”
Order 99, rule 1(5)	<p>the insertion of the words “Court of Appeal” immediately following the words “...in any proceeding in the High Court” and</p> <p>the insertion of the words “, the Court of Appeal” immediately following the words “...those costs shall, if the High Court”</p>
Order 99, rule 1A(1)	<p>the substitution for that sub-rule of the following sub-rule:</p> <p>“(1) Notwithstanding sub-rules (3) and (4) of rule 1:</p> <p>(a) the Supreme Court, in considering the awarding of the costs of any appeal or any application in respect of an appeal, may, where it considers it just, have regard to the terms of any offer in writing sent by any party to any other party or parties offering to satisfy the whole or part of that other party’s (or those other parties’) claim or counterclaim the subject of the appeal, or application;</p> <p>(b) the Court of Appeal, in considering the awarding of the costs of any appeal or any application in respect of an appeal, may, where it considers it just, have regard to the terms of any offer in writing sent by any party to any other party or parties offering to satisfy the whole or part of that other party’s (or those other parties’) claim or counterclaim the subject of the appeal, or application;</p> <p>(c) the High Court, in considering the awarding of the costs of any action (other than an action in respect of a claim or counterclaim concerning which a lodgment or tender offer in lieu of lodgment may be made in accordance with Order 22) or any application in such an action, may, where it considers it just, have regard to the terms of any offer in writing sent by any party to any other party or parties offering to satisfy the whole or part of that other party’s (or those other parties’) claim, counterclaim or application;</p> <p>(d) the High Court, in considering the awarding of the costs of any appeal from the Circuit Court, may, where it considers it just, have regard to the terms of any offer in writing sent by any party to any other party to the appeal offering to satisfy the whole or part of that other party’s (or those other parties’) claim or counterclaim the subject of the appeal.”</p>

Provision	Amendment
Order 99, rule 1B	the insertion of the words “, the Court of Appeal” immediately following the words “...sub-rules (3) and (4) of rule 1, the Supreme Court”
Order 110, rule 2(b)	the substitution of the words “Court of Appeal” for the words “Supreme Court” in each place in which those words appear.
Order 110, rule 3	the substitution of the words “Court of Appeal” for the words “Supreme Court”.
Order 110, rule 4	the substitution of the words “Court of Appeal” for the words “Supreme Court”.
Order 114, rule 1	<p>the substitution for that rule of the following rule:</p> <p>“1. The following persons shall have power to take affidavits and affirmations in all causes or matters pending in the High Court, the Court of Appeal or the Supreme Court and to administer the necessary oaths and affirmations for that purpose:</p> <p>(a) every Registrar, assistant Registrar, Court Clerk and senior Clerk of the High Court, the Court of Appeal or the Supreme Court;</p> <p>(b) where any business of an office of the High Court, the Court of Appeal or the Supreme Court is specified in accordance with section 14 of the Courts and Court Officers Act 2009 as business that shall be transacted in a combined court office established under that section, and while so specified, any member of the staff of the Courts Service employed in that combined court office.”</p>
Order 117, rule 3	the insertion of the words “, the Office of the Registrar of the Court of Appeal” immediately following the words “...the Office of the Registrar of the Supreme Court”
Order 117, rule 4(a)	<p>the substitution for that paragraph of the following paragraph:</p> <p>“(a) any appeal book, directions book or motion book to be lodged in the Office of the Registrar of the Supreme Court or any appeal booklet, directions booklet or motion booklet to be lodged in the Office of the Registrar of the Court of Appeal;”</p>
Order 117, rule 5(g)	the insertion of the words “, the Court of Appeal,” immediately following the words “the High Court”
Order 117A, rule 1	<p>the substitution therein for the definition of “office” of the following definition:</p> <p>““office” means any office by law attached to the Supreme Court, the Court of Appeal, the High Court or the President of the High Court;”</p>



Provision	Amendment
Order 117A, rule 2(1)	<p>the substitution for that sub-rule of the following sub-rule:</p> <p>“(a) The proper officer may, with the approval of:</p> <p>(i) the Chief Justice in respect of proceedings in the Supreme Court, or</p> <p>(ii) the President of the Court of Appeal in respect of proceedings in the Court of Appeal, or</p> <p>(iii) the President of the High Court in respect of proceedings in the High Court,</p> <p>stipulate conditions, to be published in such manner as the Chief Justice, the President of the Court of Appeal or the President of the High Court, as the case may be, may approve, subject to which non-personal delivery of a court document may be effected.</p> <p>(b) In paragraph (a), the “proper officer” means:</p> <p>(i) the Registrar of the Supreme Court, in the case of the Supreme Court;</p> <p>(ii) the Registrar of the Court of Appeal, in the case of the Court of Appeal, and</p> <p>(iii) the officer for the time being managing the Central Office, in the case of the High Court.”</p>
Order 117A, rule 4(f)	<p>the substitution for that paragraph of the following paragraph:</p> <p>“(f) any other court document in respect of which:</p> <p>(i) the Chief Justice in respect of proceedings before the Supreme Court,</p> <p>(ii) the President of the Court of Appeal in respect of proceedings before the Court of Appeal, and</p> <p>(iii) the President of the High Court in respect of proceedings before the High Court,</p> <p>has by practice direction directed that a method of lodgment other than non-personal delivery is required.”</p>
Order 118, rule 1	<p>the insertion of the words “, the Court of Appeal” immediately following the words “the Supreme Court”</p>
Order 118, rule 2	<p>the insertion of the words “, the Court of Appeal,” immediately following the words “the Supreme Court”</p>
Order 118, rule 4(1)	<p>the insertion of the words “, the Court of Appeal,” immediately following the words “the Supreme Court”</p>
Order 119, rule 1(1)	<p>the insertion of the words “, the President of the Court of Appeal” immediately following the words “The Chief Justice”</p>
Order 119, rule 2(1)	<p>the deletion from paragraph (a) of the words “, including sittings of the Court of Criminal Appeal;”;</p> <p>the re-designation of paragraph (b) as paragraph (c), and</p> <p>the insertion immediately before paragraph (c) as so re-designated of the following paragraph:</p> <p>“(b) the Judges of the Court of Appeal shall on all occasions during the sittings, wear such costume as is directed by the President of the Court of Appeal;”</p>

Provision	Amendment
Order 123, rule 1	the deletion of that rule.
Order 123, rule 6(1)	<p>the substitution for that sub-rule of the following sub-rule:</p> <p>“(1) In case of an appeal, only such part of the record of the proceedings as the parties agree to be relevant shall be transcribed and included in the books of appeal to be lodged by the appellant pursuant to Order 58 or, as the case may be, Order 86. Any party may, however, cause any additional part of the record to be transcribed and included in the books of appeal but shall not be allowed the expenses of such additional part of the transcript (or of making copies thereof) as part of any costs awarded to him unless the Supreme Court or Court of Appeal shall immediately after the appeal certify that in its opinion it was expedient or desirable that the transcript of such additional part of the record should have been lodged with the books of appeal.”</p>
Order 123, rule 6(2)	the insertion of the words “or Court of Appeal” immediately following the words “The Supreme Court”.
Order 123, rule 7	the insertion of the words “, Court of Appeal” immediately following the words “The Supreme Court”.
Order 123, rule 8(b)	the insertion of the words “, the Court of Appeal” immediately following the words “permitted by the Supreme Court”.
Order 123, rule 9(1)	<p>the substitution for that sub-rule of the following sub-rule:</p> <p>“(1) Any party or person who seeks access to any part of a record of proceedings (in this rule referred to as the “relevant record”) which is held by or for the Supreme Court, the Court of Appeal or the Court, as the case may be (in this rule referred to as the “relevant court”) may apply to the relevant court by motion in the proceedings concerned on notice to the other party or the parties to those proceedings, grounded upon an affidavit.”</p>
Order 125, rule 1	<p>the insertion immediately following the definition of “probate action” of the following definition:</p> <p>““record” means a contemporaneous record of the proceedings concerned made by any one or more means, including, without limitation—</p> <p>(a) any shorthand or other note, whether written, typed or printed, and</p> <p>(b) any sound recording or other recording, capable of being reproduced in legible, audible or visual form, approved by the court;”</p> <p>the insertion immediately following the definition of “solicitor” of the following definition:</p> <p>““statutory practice direction” means, as the case may be, a practice direction issued by the Chief Justice in accordance with section 7 of the Courts (Supplemental Provisions) Act 1961 or a practice direction issued by the President of the Court of Appeal in accordance with section 7C of that Act;”</p> <p>the substitution for the definition therein of “Superior Courts” of the following definition:</p> <p>““Superior Courts” means the Supreme Court, the Court of Appeal and the High Court (including the Central Criminal Court);”</p>

Provision	Amendment
Order 125, rule 1	<p>the insertion immediately following the definition of “Superior Courts” (as so amended) of the following definition:</p> <p>““transcript writer” means any person (including a body corporate acting by its employee or contractor) appointed by the Courts Service to make a transcript of the record.”</p>
Order 125, rule 4(1)	<p>the insertion of the words “, the Court of Appeal,” immediately following the words “...of an office of the High Court”</p>
Order 125, rule 4(2)	<p>the insertion immediately following rule 4(1) of the following sub-rule:</p> <p>“(1A) If and where any business of the office of the Registrar of the Supreme Court, the Registrar of the Court of Appeal or, as the case may be, the principal officer, within the meaning of Part I of the Court Officers Act 1926, of any office attached to the High Court or the President of the High Court is specified in accordance with section 14 of the Courts and Court Officers Act 2009 as business that shall be transacted in a combined court office established under that section, and while so specified, any member of the staff of the Courts Service employed in that combined court office and directed in accordance with section 22(2) of that Act by a combined court office manager to act as registrar to the Supreme Court, registrar to the Court of Appeal or, as the case may be, as the principal officer, of an office attached to the High Court or the President of the High Court, any reference in these Rules to the Registrar of the Supreme Court, the Registrar of the Court of Appeal or, as the case may be, the principal officer concerned shall be deemed to include a reference to the member concerned of the staff of the Courts Service.”</p>
Order 133, rule 11(3)	<p>the insertion of the words “the Office of the Registrar of the Court of Appeal or” immediately following the words “...the appropriate office of the High Court or, as the case may be, to”.</p>
Order 133, rule 11(4)	<p>the insertion of the words “, Court of Appeal” immediately following the words “...if such proceedings are in being before the High Court”.</p>

**Schedule 7**

Appendix F, Part II

No. 3

ORDER OF FIERI FACIAS TO ENFORCE JUDGMENT OR ORDER OF  
THE SUPREME COURT OR COURT OF APPEAL IN CASES NOT  
OTHERWISE PROVIDED FOR

\_\_\_\_\_  
\*[SUPREME COURT]

\*[COURT OF APPEAL]

20 No.

Between A.B.,

Plaintiff,

and C.D.,

Defendant.

To the sheriff (County Registrar) of..... greeting. You are hereby commanded that of the goods and chattels of.... in your bailiwick, you cause to be made the sum of €..... and also interest thereon, at the rate of €... per cent. per annum, from the ..... day of....., which said sum of money and interest were lately in the \*[Supreme Court] \*[Court of Appeal] in a certain action [or matter as the case may be] entitled ..... by a judgment [or order] of the \*[Supreme Court] \*[Court of Appeal], bearing date the ..... day of ..... adjudged to be paid by the said ..... to the said ..... together with €..... costs in the said judgment [or order] mentioned. And that of the goods and chattels of the said ..... in your bailiwick you further cause to be made the sum of €..... together with interest thereon at the rate of €..... per cent. per annum from the ..... day of ..... and that you have the moneys and interests aforesaid before the said Court immediately after the execution hereof, to be paid to the said ..... in pursuance of the said judgment [or order]. And in what manner, &c.

And have there then this order.

BY ORDER, &c.

Levy, &c. [as in Form No. 1].

This order was issued, &c. [as in Form No. 1].

The said C.D., &c. [as in Form No. 1].

\*delete where inapplicable

Appendix F, Part III

No. 1

O. 42A, r. 22

CERTIFICATE

Certificate of Judgment sought to be enforced or recognised in a Contracting State of the Brussels or Lugano Convention

\*[THE HIGH COURT]

\*[THE COURT OF APPEAL]

\*[THE SUPREME COURT]

20.... No.....

Between AB,..... Plaintiff,

and CD,..... Defendant.

I, EF, \*[a Registrar of the High Court of Ireland] \*[the Registrar of the Court of Appeal of Ireland] \*[the Registrar of the Supreme Court of Ireland] hereby certify:

That the originating summons [or, other originating document as the case may be,] a certified true copy of which is annexed hereto was issued out of the Central Office of the High Court of Ireland on the ..... day of ..... 20....., by AB, the above-named plaintiff against CD, the above-named defendant for (here state nature of the proceedings and the relief claimed).

That the Court assumed jurisdiction in these proceedings pursuant to the particular provisions(s) of

\*the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters (including the Protocol annexed to the Convention) signed at Brussels on the 27th September, 1968

\*the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters signed at Lugano on 30 October 2007 and concluded on behalf of the European Community pursuant to Council Decision 2009/430/EC and the Protocols and Annexes thereto

(here state the particular provision(s)).

That the said originating summons [or, other originating document as the case may be] was duly served on the ..... day of ..... 20....., upon the said CD by (state mode of service).

The said CD entered an appearance [or did not enter an appearance].

That CD was represented [or was not represented] at the hearing of the proceedings.

That the said plaintiff [or defendant] obtained judgment against the said defendant [or plaintiff] in the \*[High Court] \*[Court of Appeal] \*[Supreme Court] for (state relief ordered) [together with an order for costs].

That the said judgment carries interest at the rate of ..... per cent. per annum on the judgment debt and costs from date of judgment until payment.

That the time for lodging an appeal against the judgment expired [or will expire] on the ..... day of ..... 20....

That no application to set the judgment aside [or no appeal against the judgment] has been brought within the time prescribed.

That enforcement of the judgment is not for the time being stayed or suspended and that the time available for its enforcement has not expired.

This certificate is issued under section 14 of the Jurisdiction of Courts and Enforcement of Judgments Act 1998.

Dated the ..... day of ..... 20....

(Signed) EF \*[a Registrar of the High Court of Ireland] \*[the Registrar of the Court of Appeal of Ireland] \*[the Registrar of the Supreme Court of Ireland]

\*delete where inapplicable

Appendix F, Part IV

No. 2

O. 42B, r. 9(3)

[Title as in the proceedings]

Regulation (EC) No 805/2004

CERTIFICATE OF \*RECTIFICATION / \*WITHDRAWAL OF A  
EUROPEAN ENFORCEMENT ORDER CERTIFICATE (Article 10(3))

TAKE NOTICE that on application made to this Court on the ..... day of .....  
20....

THE FOLLOWING EUROPEAN ENFORCEMENT ORDER CER-  
TIFICATE

1. Member State of origin: IRELAND (IE)

2. Court/Authority issuing the certificate:

2.1 Name: \*Supreme Court/\*Court of Appeal/\*High Court/\*Master of the  
High Court

2.2 Address: Four Courts, Dublin, Ireland

2.3 Tel/fax/e-mail:

3. If different, Court/Authority issuing the judgment:

3.1 Name: \*Supreme Court/\*Court of Appeal/\*High Court/\*Master of the  
High Court

3.2 Address: Four Courts, Dublin, Ireland

3.3 Tel/fax/e-mail:

4. Judgment:

4.1 Date:

4.2 Reference number (record number):

4.3 Parties:

4.3.1 Name and address of creditor(s):

4.3.2 Name and address of debtor(s):

HAS BEEN

\*5. RECTIFIED as due to a material error there is the following discrepancy between the European Enforcement Order Certificate and the underlying judgment:

\*6. WITHDRAWN because:

6.1 \*the certified judgment was related to a consumer contract but was given in a Member State where the consumer is not domiciled within the meaning of Article 59 of Regulation (EC) No. 44/2001.....

6.2 \*the European Enforcement Order Certificate was clearly wrongly granted for another reason: .....

and the original of the said European Enforcement Order Certificate (and every duplicate thereof) has not been lodged with this Court.

Done at the Four Courts, Dublin on the ..... day of ..... 20.....

Signed .....

\*[A Registrar of the High Court of Ireland]

\*[Registrar of the Court of Appeal of Ireland]

\*[Registrar of the Supreme Court of Ireland]

(seal)

\*delete where appropriate



EXPLANATORY NOTE

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

These Rules regulate the procedure to be employed in the exercise by the Supreme Court and Court of Appeal of the jurisdiction conferred on those courts respectively by the amendments of the Constitution comprised in the Thirty-third Amendment of the Constitution, and make consequential amendments to the existing Rules and forms.

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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