



STATUTORY INSTRUMENTS.

S.I. No. 172 of 2016



CIRCUIT COURT RULES (CHOICE OF COURT (HAGUE
CONVENTION) ACT 2015) 2016

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CIRCUIT COURT RULES (CHOICE OF COURT (HAGUE
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We, the Circuit Court Rules Committee, constituted pursuant to the provisions of section 69 of the Courts of Justice Act 1936, by virtue of the powers conferred on us by section 66 of the Courts of Justice Act 1924 and section 70 of the Courts of Justice Act 1936, (as applied by section 48 of the Courts (Supplemental Provisions) Act 1961) and section 27 of the Courts (Supplemental Provisions) Act 1961, and of all other powers enabling us in this behalf, do hereby, with the concurrence of the Minister for Justice and Equality, make the annexed Rules of Court.

Dated this 8th day of March 2016.

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

Alison Lindsay
Sarah Berkeley
Fiona Duffy Coady
Keith Byrne
Mairead Ahern
Rita Considine
Keith Walsh
Noel Rubotham

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

Dated this 20th day of April 2016.

Signed: FRANCES FITZGERALD,
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 22nd April, 2016.*

S.I. No. 172 of 2016

CIRCUIT COURT RULES (CHOICE OF COURT (HAGUE
CONVENTION) ACT 2015) 2016

1. (1) These Rules, which shall come into operation on the 19th day of May 2016, may be cited as the Circuit Court Rules (Choice of Court (Hague Convention) Act 2015) 2016.

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

(3) The Circuit Court Rules as amended by these Rules may be cited as the Circuit Court Rules 2001 to 2016.

2. The Circuit Court Rules are amended by the insertion, immediately following rule 3 of Order 61A of the following rule:

“4. (1) In this rule, the expressions “Contracting State” and “Convention” each has the meaning assigned to it by the Choice of Court (Hague Convention) Act 2015.

(2) In the case of a judgment or decision of the Court sought to be enforced in another Contracting State:

(a) the County Registrar 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, and

(b) any application for the document referred to in Article 13(1)(d) of the Convention signed by the County Registrar shall be made on affidavit to the County Registrar.

(3) The affidavit by which an application mentioned in sub-rule (2)(b) is made shall:

(a) specify the judgment or decision concerned and exhibit a certified copy thereof;

(b) contain an averment that the court had jurisdiction to give the judgment or decision concerned pursuant to an exclusive choice of court agreement enforceable in the State;

(c) state the date on which the time for the lodging of an appeal against the judgment or decision will expire or, if it has expired, the date on which it expired;

(d) state whether notice of appeal against, or in any case where the defendant does not appear, a notice to set aside, the judgment or decision has been entered;

(e) confirm that the judgment or decision is not the subject of a stay remaining unexpired, and

(f) state whether the judgment is for the payment of a sum of money, the rate of interest, if any, payable on the sum and the date from which interest is payable.

(4) The document referred to in Article 13(1)(d) of the Convention and in sub-rule (2)(b) shall be in the Form 40F in the Schedule of Forms.”

3. The Form numbered 40F in the Schedule shall be added to the Schedule of Forms annexed to the Circuit Court Rules immediately following Form 40E.

Schedule
FORM 40F

O. 61A, r. 4

AN CHÚIRT CHUARDA
THE CIRCUIT COURT

CIRCUIT

COUNTY OF

In the matter of Article 13(1)(d) of the Convention on Choice of Court Agreements done at The Hague on the 30th day of June 2005 and approved on behalf of the European Union pursuant to Council Decision 2014/887/EU

And in the matter of the Choice of Court (Hague Convention) Act 2015

Between *AB*,

Plaintiff

and *CD*

Defendant

I certify that the order of the court in the above proceedings made on the day of20.... a certified copy of which is appended to this certificate:

- (a) is not the subject of an appeal which remains to be determined, and
- (b) is not the subject of a stay which remains unexpired, and
- (c) *has effect *is enforceable in this State.

Dated

Signed

County Registrar
For the Court

*Delete where inapplicable

EXPLANATORY NOTE

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

These rules amend the Circuit Court Rules by the insertion of a new rule 4 of Order 61A and the insertion of Form 41F to the Schedule of Forms annexed to the Circuit Court Rules, in order to facilitate the operation of the Choice of Court (Hague Convention) Act 2015.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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