



STATUTORY INSTRUMENTS.

**S.I. No. 327 of 2019**



DISTRICT COURT (PERSONAL INJURIES: SECTION 8 NOTICES)  
RULES 2019

S.I. No. 327 of 2019

**District Court (Personal Injuries: Section 8 Notices) Rules 2019**

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961 and section 24 of the Interpretation Act 2005, and of all other powers enabling them in this behalf, do hereby, with the concurrence of the Minister for Justice and Equality, make the following rules of court.

Dated this 29<sup>th</sup> day of April 2019.

Rosemary Horgan      Chairperson

Patrick Durcan

Shane McCarthy

Riobard Pierse

Edel Haughton

Noel A Doherty

Michelle Johnston

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

Dated this 1st day of July 2019.

Signed: CHARLES FLANAGAN

Minister for Justice and Equality

## S.I. No. 327 of 2019

## District Court (Personal Injuries: Section 8 Notices) Rules 2019

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961 and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice and Equality, make the following rules of court:-

1 (1) These Rules, which shall come into operation on the 1<sup>st</sup> day of August 2019, may be cited as the District Court (Personal Injuries: Section 8 Notices) Rules 2019.

(2) These Rules shall be construed together with the District Court Rules 1997 (S.I. No. 93 of 1997) and all other District Court Rules.

(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2019.

2. The District Court Rules 1997 (S.I. No. 93 of 1997) are amended by the substitution in Order 40A for rule 6 of the following rule:

“6. (1) A personal injuries summons must:

- (a) set out full and detailed particulars of-
    - (i) the nature of the claim and of each allegation, assertion or plea comprising that claim;
    - (ii) the injuries to the claimant alleged to have been occasioned by the wrong of the respondent;
    - (iii) the acts of the respondent constituting the wrong and the circumstances relating to the commission of the wrong;
    - (iv) each instance of negligence by the respondent, and
  - (b) contain a schedule of full particulars of all items of special damage in respect of which the claimant is making a claim.
- (2) Where a claimant who has not served the notice required by section 8(1) of the 2004 Act within the time prescribed for service of that notice alleges that there was a reasonable cause for failing to do so within that time, the personal injuries summons must include details of the cause of that failure.
- (3) Where a claimant alleges that he or she was unable, at the time at which a personal injuries summons was issued, to include in the personal injuries summons any of the information required by this rule to be specified in the personal injuries summons, he or she must include in the personal injuries summons a statement of the reasons why it is claimed that any such information could not be

provided at the time of issue of the personal injuries summons. The claimant must, when the personal injuries summons is served or as soon as may be thereafter (whether by amendment or otherwise) provide and verify such of the information required by this rule as was not included in the personal injuries summons.”

EXPLANATORY NOTE

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

These Rules amend Order 40 A, District Court Rules, to facilitate the operations of section 8(1) of the Civil Liability and Courts Act 2004, as amended by section 13 of the Central Bank (National Claims Information Database) Act 2018.

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