



STATUTORY INSTRUMENTS.

S.I. No. 423 of 2019



DISTRICT COURT (EXTENSION OF VALIDITY OF CLAIM NOTICE)
RULES 2019

S.I. No. 423 of 2019

District Court (Extension of validity of Claim Notice) 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, 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 29th 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 foregoing rules

Dated this 1st day of August 2019

CHARLES FLANAGAN,
Minister for Justice and Equality.

S.I. No. 423 of 2019

District Court (Extension of validity of Claim Notice) 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 These rules may be cited as the District Court (Extension of validity of Claim Notice) Rules 2019.

2 These rules shall come into operation on the 2nd day of September 2019 and shall be read together with all other District Court Rules for the time being in force.

3 The District Court Rules 1997 (S.I. No. 93 of 1997) are hereby amended:

(i) by the substitution for sub-rule (3) of rule 5 of Order 39 of the following rule:

“(3) Sub-rules (1) and (2) do not apply:

(a) to any period of time fixed by an Act of the Oireachtas, or

(b) to any period of time fixed by a statute which was in force in Saorstát Éireann immediately before the date of the coming into operation of the Constitution and which continued in force by virtue of Article 50 of the Constitution, or

(c) to any application to which rule 10(2) of Order 40 applies.”, and

(ii) by the substitution for rule 10 of Order 40 of the following rule:

“10 Duration

10. (1) A claim notice is valid for service for one year after the day it is filed.

(2) If a claim notice has not been served on a respondent, the Court may extend the validity of the claim notice for three months from the day of the order.

(3) An order may be made under sub-rule (2) before or after expiry of the claim notice.

(4) The Court may on an application made under sub-rule (2) before the expiry of the claim notice make an order extending the validity of the claim notice if it is satisfied that reasonable efforts have been made to serve the respondent, or for other good reason.

(5) The Court may on an application made under sub-rule (2) after the expiry of the claim notice make an order extending the validity of the claim notice if it is satisfied that there are special circumstances which justify an extension, such circumstances to be stated in the order.

(6) The claimant may apply under sub-rule (2) without notice to the respondent, but if the Court considers that the respondent ought to be heard, the Court may adjourn the further hearing and direct the claimant to give written notice to the respondent of the place and time to which the application was adjourned.

(7) If a witness summons has not been served on a witness, the Court may from time to time extend the validity of the witness summons for such period from the day of the order as the Court directs, not being more than six months from that day.

(8) An order may be made under sub-rule (7) before or after expiry of the witness 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, District Court Rules regulating the time limits within which and the circumstances within which a Claim Notice may be renewed, and effect a related amendment to rule 5 of Order 39.

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