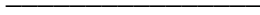




STATUTORY INSTRUMENTS.

S.I. No. 561 of 2023



DISTRICT COURT (SERVICE OF BOOK OF EVIDENCE) RULES 2023

S.I. No. 561 of 2023

DISTRICT COURT (SERVICE OF BOOK OF EVIDENCE) RULES 2023

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, make the following rules of court.

Dated this 29th day of November 2022.

Paul Kelly	_____	Chairperson
Alan Mitchell	_____	
Marie Quirke	_____	
Shane McCarthy	_____	
Ann McGarry	_____	
Eoin Martin	_____	
Ciara McMahan	_____	
James Finn	_____	
Eoin Manning	_____	

I concur in the making of the following rules of court.

Dated this 9th day of November 2023.

Helen McEntee
Minister for Justice

S.I. No. 561 of 2023

DISTRICT COURT (SERVICE OF BOOK OF EVIDENCE) RULES 2023

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, make the following rules of court: -

1. (1) These rules may be cited as the District Court (Service of Book of Evidence) Rules 2023.

(2) These rules shall come into operation on the 24th day of November 2023 and shall be read together with all other District Court Rules for the time being in force.

(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2023.

2. (1) The District Court Rules are amended by the substitution for rule 7 of Order 24 of the following rule:

“Times for service of documents

7. (1) The documents specified in section 4B(1) of the Act shall be in accordance with Forms 24.3 to 24.7, Schedule B and shall be served personally upon the accused or upon his solicitor, if any, at the earliest opportunity, but shall not, subject to any extension granted by the Court in accordance with section 4B(3) of the Act, be served later than 42 days from the date on which—

- (i) the accused, on being informed in accordance with rule 1 by the Court of his or her right to be tried by a jury, objects to being tried summarily or the Director of Public Prosecutions informs the Court that he or she does not consent to the accused being tried summarily for the offence concerned or,
- (ii) in the case of an offence in respect of which the Director of Public Prosecutions may elect to prosecute either summarily or on indictment, the Director of Public Prosecutions elects to try the offence on indictment, or
- (iii) the Court determines that the facts alleged do not constitute a minor offence and are not fit to be tried summarily.

Service

(2) Notwithstanding the provisions of Order 10, service of the documents specified in section 4B(1) of the Act upon the accused or upon the solicitor for the accused may be effected:

- (a) by serving copies of the documents personally upon the accused, or
- (b) by delivering copies of the documents to the solicitor for the accused, or
- (c) by leaving copies of the documents at the office of the solicitor for the accused, or
- (d) by sending copies of the documents by prepaid registered post in an envelope addressed to the accused or to the solicitor for the accused, or
- (e) by consent of the parties, by sending copies of the documents by electronic means to the accused or the solicitor for the accused.

Lodgement of documents

(3) Copies of the documents served in accordance with sub-rule (2) together with a statutory declaration as to service thereof shall be lodged with the Clerk within eight days of such service.

(4) Notwithstanding sub-rule (3), where service has been effected by electronic means in accordance with sub-rule (2)(e), the documents may be lodged with the Clerk without such a statutory declaration but instead with a certificate of the person responsible for such service, certifying the date and time of such service and that the documents were accessed by the accused or his or her solicitor.”

EXPLANATORY NOTE

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

The Rules amend Order 24 of the District Court Rules to provide for service of documents, including the Book of Evidence, by electronic means on the accused or the solicitor for the accused, by consent of the parties.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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