



STATUTORY INSTRUMENTS.

S.I. No. 364 of 2024



DISTRICT COURT (CIVIL RESTRAINING AND BEHAVIOUR ORDERS)
RULES 2024

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DISTRICT COURT (CIVIL RESTRAINING AND BEHAVIOUR ORDERS)
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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 16th day of April 2024.

Paul Kelly Chairperson

Marie Quirke

Sandra Murphy

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 17th day of July 2024.

Helen McEntee

Minister for Justice

S.I. No. 364 of 2024

DISTRICT COURT (CIVIL RESTRAINING AND BEHAVIOUR ORDERS)
RULES 2024

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 (Civil Restraining and Behaviour Orders) Rules 2024.

(2) These rules shall come into operation on the 2nd day of September 2024 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 2024.

2. The District Court Rules 1997 (S.I No 93 of 1997) are amended by the substitution for Order 96C of the Order set out in Schedule 1.

3. (1) The Forms in Schedule 2 shall be added to Schedule C of the District Court Rules 1997 (S.I. No. 93 of 1997) immediately following Form 96C.6.

Schedule 1

“ORDER 96C: CIVIL RESTRAINING AND BEHAVIOUR ORDERS

Preliminary

1. Definitions

1. In this Order—

“the 2001 Act” means the Children Act 2001;

“the 2006 Act” means the Criminal Justice Act 2006 (No. 26 of 2006);

“the 2023 Act” means the Criminal Justice (Miscellaneous Provisions) Act 2023 (No. 24 of 2023);

“behaviour order” has the meaning given to it by section 257D(1) of the 2001 Act, (inserted by section 162 of the 2006 Act);

“civil order” has the same meaning as in section 113(1) of the 2006 Act;

“relevant conduct” has the same meaning as in section 27 of the 2023 Act;

“section 28 order” means an order under section 28 of the 2023 Act.

Civil Orders under the 2006 Act

2. Application for civil order

2. An application pursuant to section 115(1) of the 2006 Act for a civil order may be made at any sitting of the Court for the court area in which the respondent resides at the time the application is made.

3. Notice of application

3. (1) Notice of an application for a civil order may be in the Form 96C.1, Schedule C. A copy or copies of the behaviour warning or behaviour warnings or of the written record of the behaviour warning or behaviour warnings issued to the respondent in accordance with section 114 of the 2006 Act which are intended to be relied upon in the application must be attached to the notice of application.

(2) A copy of the notice of application must be served upon the respondent in accordance with Order 10 not later than 14 days before the date fixed for the hearing of the application.

(3) The original notice of application must be lodged with the Clerk not later than two days before the date fixed for the hearing of the application.

4. Form and service of civil order

4. (1) A civil order may be in the Form 96C.2, Schedule C.

(2) The applicant must cause a copy of any civil order to be served on the respondent in accordance with Order 10.

5. Application to vary or discharge a civil order

5. (1) An application pursuant to section 115(7) of the 2006 Act for an order discharging or varying a civil order may be made at any sitting of the Court for the court area in which the person subject to the civil order resides at the time such application is made.

(2) Such an application must be preceded by the issue of a notice of application in the Form 96C.3, Schedule C.

(3) A copy of the notice of application (together with true copies of the notice of application for a civil order and attachments thereto and of the civil order) must be served upon the person referred to in section 115(8) of the 2006 Act in accordance with Order 10 not later than seven days before the date fixed for the hearing of the application.

(4) The original notice of application to vary or discharge and attachments must be lodged with the Clerk not later than two days before the date fixed for the hearing of the application.

6. Variation or discharge of a civil order

6. (1) Where the Court varies the terms of a civil order, the terms of any such variation may be indorsed upon the original or a copy of the civil order and re-signed by the Judge.

(2) Where an order discharging or varying a civil order is made in a Court area different from the Court area in which the civil order to which the application relates was made, the Clerk shall send to the Clerk assigned to the Court area wherein the civil order was made notice that the civil order has been discharged, or a copy of the civil order as varied, as the case may be.

Behaviour Orders under the 2001 Act

7. Application for behaviour order

7. An application pursuant to section 257D(1) of the 2001 Act for a behaviour order may be made at any sitting of the Children Court for the court area in which the respondent resides at the time the application is made.

8. Notice of application

8. (1) Notice of an application for a behaviour order may be in the Form 96C.4, Schedule C. A copy or copies of the behaviour warning or behaviour warnings or a copy of the written record of the behaviour warning or behaviour warnings issued to the respondent in accordance with section 257B of the 2001

Act which are intended to be relied upon in the application must be attached to the notice of application.

(2) A copy of the notice of application must be served upon each of the persons referred to in section 257D(8) of the 2001 Act not later than 14 days before the date fixed for the hearing of the application.

(3) The original notice of application and attachments must be lodged with the Clerk not later than two days before the date fixed for the hearing of the application.

9. Form and service of civil order

9. (1) A behaviour order may be in the Form 96C.5, Schedule C.

(2) The applicant must cause a copy of any such order to be served on each of the persons referred to in section 257D(8) of the 2001 Act.

10. Application to vary or discharge a behaviour order

10. (1) An application pursuant to section 257D(7) of the 2001 Act for an order discharging or varying a behaviour order may be made at any sitting of the Children Court for the court area in which the child subject to the behaviour order is residing at the time such application is made.

(2) Such an application must be preceded by the issue of a notice of application in the Form 96C.6, Schedule C.

(3) A copy of the notice of application (together with copies of the notice of application for a behaviour order and attachments thereto and of the behaviour order) must be served upon each of the persons referred to in section 257D(8) of the 2001 Act not later than four days before the date fixed for the hearing of the application.

(4) The original notice of application for discharge or variation and attachments must be lodged with the Clerk not later than two days before the date fixed for the hearing of the application.

11. Variation or discharge of a civil order

11. (1) Where the Court varies the terms of a behaviour order, the terms of any such variation may be indorsed upon the behaviour order and re-signed by the Judge.

(2) Where an order discharging or varying a behaviour order is made in a Court area different from the Court area in which the behaviour order to which the application relates was made, the Clerk shall send to the Clerk assigned to the Court area wherein the behaviour order was made notice that the behaviour order has been discharged, or a copy of the behaviour order as varied, as the case may be.

Section 28 Orders under the 2023 Act

12. Venue

12. Proceedings under Part 5 of the 2023 Act may be brought, heard and determined before:

- (i) a sitting of the Court for the Court District in which the applicant or the respondent resides or is treated by the Court in accordance with section 36(2) of the 2023 Act as residing, or
- (ii) a special sitting of the Court arranged in accordance with section 38 of the 2023 Act.

13. Section 28 Order

13. (1) An application to the Court under section 28(1) of the 2023 Act for a section 28 order must be preceded by the issue and service upon the respondent of a summons in the Form 96C.7, Schedule C.

(2) An order of the Court granting the application may be in the Form 96C.8, Schedule C.

14. Interim order inter partes

14. (1) When a summons for a section 28 order has been issued, an application to the Court in accordance with section 28(12) of the 2023 Act for an interim section 28 order (save where made on or in the course of the hearing of an application for a section 28 order) may be made by motion on notice in the Form 96C.9, Schedule C, to the respondent (such notice and a copy of the grounding affidavit or information to be served on the respondent at least two clear days before the hearing) and grounded on an affidavit sworn by the applicant, or on information on oath and in writing sworn by the applicant in the Form 96C.10, Schedule C.

(2) An order of the Court granting the application may be in the Form 96C.11, Schedule C.

(3) In any case under this rule, the Court may hear evidence *viva voce* and on oath.

15. Ex parte order

15. (1) Whether or not a summons for a section 28 order has been issued, an application to the Court in accordance with section 28(7) of the 2023 Act for an *ex parte* section 28 order may be made at any sitting of the Court mentioned in rule 12 and grounded on an affidavit sworn by the applicant, or on information on oath and in writing sworn by the applicant in the Form 96C.10, Schedule C.

(2) An order of the Court granting the application may be in the Form 96C.11, Schedule C.

(3) In any case under this rule, the Court may hear evidence *viva voce* and on oath.

16. Vary or discharge section 28 order

16. (1) An application to the Court under section 29 of the 2023 Act to vary or discharge a section 28 order must be preceded by the issue and service of a summons in the Form 96C.12, Schedule C.

(2) An order of the Court granting the application may be in the Form 96C.13, Schedule C.

17. Further section 28 order

17. (1) An application to the Court under section 30 of the 2023 Act for a further section 28 order must be preceded by the issue and service of a summons in the Form 96C.7, Schedule C.

(2) An order of the Court granting the application may be in the Form 96C.8, Schedule C.

18. Clerk to supply copies of orders

18. Where the Court makes, varies or discharges a section 28 order or makes a further order under section 30 of the 2023 Act, the Clerk must, in accordance with section 35(1) of the 2023 Act, give or send a certified copy of the order in question as soon as practicable:

- (a) to the applicant, and
- (b) to the respondent,

by ordinary prepaid post, and

- (c) where an application has been made by a member of the Garda Síochána acting in accordance with section 31 of the 2023 Act, to that member, and
- (d) to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which the person, for whose benefit the order is made, resides, and
- (e) where the order in question is a variation or discharge of a section 28 order and the person for whose benefit the order was made had previously resided elsewhere, to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which that person had so resided, but only if that member had previously been sent a copy of the section 28 order, or any order relating thereto under section 35(1) of the 2023 Act and this rule, and
- (f) where the order in question prohibits or restricts the respondent from approaching a specified place and the Court so directs, to

the member of the Garda Síochána in charge of the Garda Síochána station for the area in which the specified place is situated,

by prepaid registered post or, where so agreed with the member of the Garda Síochána concerned, by electronic mail.

19. Service

19. (1) A summons issued under the 2023 Act in accordance with this Order must be served by the Clerk by prepaid ordinary post upon the person to whom it is directed at least seven days before the date fixed for the hearing of the application. Where, however, the Clerk, having consulted the Judge for the time being assigned to the Court District in which the summons is being issued, otherwise certifies on the summons that the proceedings are urgent, the summons may be served at least two days before the date fixed for the hearing.

(2) The Clerk must endorse on the original of every such summons served the date and place of posting of the envelope containing the copy summons for service and the party to whom the envelope was posted (or such other particulars of service as are appropriate to the case) and that endorsement shall be *prima facie* evidence of such service.

(3) The summons shall be deemed to be issued when it has been signed by the Judge or the Clerk. It shall be deemed to be served at the time at which the said envelope would be delivered in the ordinary course of post.

(4) Without prejudice to the power of the Court to give such a direction of its own motion, a request for a direction under section 34(4) of the 2023 Act may be made *viva voce* at the time the order is made or if made subsequently may be made *ex parte* at any sitting of the Court for the Court District.

(5) The Court may, for the purpose of ensuring the expeditious hearing of applications under the 2023 Act, direct or deem sufficient service of a document under the 2023 Act by other means, including by electronic mail, where it is satisfied that such service is likely to bring, or has brought, the document to the attention of the person to be served.

20. Direction in relation to cross-examination or for evidence through television link

20. The Court may give a direction under section 32 or section 39 of the 2023 Act at any time in the course of proceedings under the 2023 Act—

- (a) upon a request for such a direction made by either party or a witness affected by a proposed cross-examination, and having heard the parties, or
- (b) on its own motion and having heard the parties,

and may adjourn the proceedings for the purposes of section 32 or, as the case may be, section 39, of the 2023 Act for such period as it considers appropriate in the circumstances, and may make such orders and give further directions in

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accordance with section 32 or, as the case may be, section 39, of the 2023 Act accordingly.”

Schedule 2

No. 96C.7

Criminal Justice (Miscellaneous Provisions) Act 2023, section 28(1)

SUMMONS

Schedule C

O.96C, r.14(1)

District Court Area of District No.

.....of.....

Applicant

.....of.....*(in the Court District aforesaid)

Respondent

YOU ARE HEREBY REQUIRED to appear at the sitting of the District Court to be held at on the day of 20, atm. to answer the application of *the applicant who resides at *(in the Court District aforesaid) *(or Garda..... ofon behalf of the applicant by virtue of section 31 of the above-mentioned Act)

for an order prohibiting you from:

*using or threatening to use violence against, molesting or putting in fear *the applicant *.....of....., being a person connected to the applicant

*following or communicating by any means with or about *the applicant *.....of....., being a person connected to the applicant

*approaching, within such distance as the court shall specify, the place of residence, education or employment of *the applicant *.....of....., being a person connected to the applicant

*engaging in such other forms of relevant conduct (within the meaning of section 27 of the said Act) as the Court specifies.

Dated this day of 20

Signed

Judge of the District Court/District Court Clerk

To of, Respondent

**Delete where inapplicable*

No. 96C.8

Criminal Justice (Miscellaneous Provisions) Act 2023, section 28(1)

ORDER

Schedule C

O.96C, r.14(2)

District Court Area of

District No.

.....of.....

Applicant

.....of.....

Respondent

THE APPLICATION of *the applicant of *(in the Court District aforesaid) (*Gardaof..... on behalf of the applicant by virtue of section 31 of the above-mentioned Act) for an order under section 28 of the said Act against, the above-named respondent of *(in the Court District aforesaid) coming, by summons duly served, before the Court this day,

*in the presence of the respondent

AND THE COURT on the evidence given being of opinion (a) that there are reasonable grounds for believing that the respondent has engaged in relevant conduct (within the meaning of section 27 of the said Act) towards *the applicant *.....of....., being a person connected to the applicant, and (b) that the making of this order is, in all of the circumstances, necessary for, and proportionate to, the purpose of protecting the safety and welfare of the applicant,

NOW THE COURT HEREBY PROHIBITS you the respondent from

*using or threatening to use violence against, molesting or putting in fear *the applicant *.....of....., being a person connected to the applicant

*following or communicating by any means with or about *the applicant *.....of....., being a person connected to the applicant

*approaching, within

[insert distance] of	.....	being the place of residence of *the applicant *.....of....., being a person connected to the applicant
[insert distance] of	.....	being the place of education of *the applicant *.....of....., being a person connected to the applicant
[insert distance] of	being the place of employment of *the applicant

		*.....of....., being a person connected to the applicant
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*engaging in *[insert any other form of relevant conduct within the meaning of section 27 of the Act which is specified by the Court]*

*SAVE AND EXCEPT *[insert any EXCEPTIONS specified by the Court under section 28(5) of the Act]*.....

*IT IS A CONDITION OF THIS ORDER THAT *[insert any CONDITIONS specified by the Court under section 28(5) of the Act]*.....

THIS ORDER SHALL REMAIN IN FORCE *FOR A PERIOD OF FIVE YEARS FROM THE DATE BELOW *UNTIL THE ...DAY OF20 ...

*AND THE COURT being satisfied *that there are reasonable grounds for believing that the respondent who was not present in Court when this order was made, may evade service of the order *[insert other reason] DIRECTS under section 34(4) of the above Act that this order be served personally on the respondent by a member of An Garda Síochána within the period of

Application may be made to this Court by you or on your behalf under section 29 of the 2023 Act to vary or discharge this order.

Dated this day of 20

Signed

Judge of the District Court

To of, Applicant

To of, Respondent

*To ofGarda Station, who made the application in accordance with section 31 of the said Act

To the member in charge of.....Garda Station (area in which the applicant or other person for whose benefit the order is made resides)

*To the member in charge of.....Garda Station (area in a specified place is situated which the respondent is prohibited or restricted from entering)

WARNING

A person who contravenes this order commits an offence under section 44(1) of the 2023 Act and may be arrested without warrant by a member of the Garda Síochána, and shall be liable on summary conviction to a class B fine or to imprisonment for a term not exceeding 12 months, and may also be liable to action for contempt of court.

**Delete where inapplicable*

No. 96C.9

Criminal Justice (Miscellaneous Provisions) Act 2023, section 28(12)

NOTICE OF APPLICATION FOR INTERIM ORDER

Schedule C

O.96C, r.15(1)

District Court Area of _____ District No. _____

.....of.....*(in the Court District aforesaid)
....Applicant

.....of.....*(in the Court District aforesaid) Respondent

A summons for an order under section 28 of the above-mentioned Act has been issued against you the above-named respondent of*(in Court District aforesaid) *(and is due to be heard at on theday of 20...)

TAKE NOTICE that *the applicant *(or Garda..... ofon behalf of the applicant by virtue of section 31 of the above-mentioned Act) will apply to the District Court sitting at..... on the day of 20.... at a.m./p.m. (the “return date”) for an interim order against you under section 28(12) of the said Act

for an order prohibiting you from:

*using or threatening to use violence against, molesting or putting in fear *the applicant *.....of....., being a person connected to the applicant

*following or communicating by any means with or about *the applicant *.....of....., being a person connected to the applicant

*approaching, within such distance as the court shall specify, the place of residence, education or employment of *the applicant *.....of....., being a person connected to the applicant

*engaging in such other forms of relevant conduct (within the meaning of section 27 of the said Act) as the Court specifies.

on the grounds that it is necessary and proportionate to do so for the purpose of protecting the safety and welfare of the applicant

*This application will be supported by the *affidavit of sworn on the day of 20.... *information of

Signed:.....

*(Solicitor for the) applicant

To..... of..... *(Solicitor for the) respondent

And to District Court Clerk at

This notice of motion was filed at..... on the day of 20.... with the District Court Clerk assigned to the above Court area and district and issued returnable to the return date given above.

**Delete where inapplicable*

No. 96C.10

Criminal Justice (Miscellaneous Provisions) Act 2023, section 28 *(12) *(7)

INFORMATION SUPPORTING APPLICATION FOR *INTERIM *EX PARTE ORDER

Schedule C

O.96C, rr.15(1), 16(1)

District Court Area of District No.
.....of..... *(in the Court District aforesaid)
Applicant

.....of..... *(in the Court District
aforesaid) Respondent

The information of *the above-named applicant of *(or Garda of
.....Garda Station on behalf of the applicant by virtue of section 31 of the
above-mentioned Act) who says on oath:-

† On theday of 20, I caused a summons for hearing at the District
Court at on the ... day of 20...; at am./pm. to be issued against
you the above-named respondent of, applying for an order under section
28 of the said Act for an order prohibiting you from:

*using or threatening to use violence against, molesting or putting in fear *the
applicant *.....of....., being a person connected to the applicant

*following or communicating by any means with or about *the applicant
*.....of....., being a person connected to the applicant

*approaching, within such distance as the court shall specify, the place of
residence, education or employment of *the applicant *.....of.....,
being a person connected to the applicant

*engaging in such other forms of relevant conduct (within the meaning of section
27 of the said Act) as the Court specifies.

† I now request an Interim Order against the respondent pursuant to the
provisions of section 28(12) of the said Act on the grounds:- [Set out in detail
the facts supporting the application.]

☐ I now request an ex parte Order against the respondent pursuant to the
provisions of section 28(7) of the said Act on the grounds:- [Set out in detail the
facts supporting the application.]

† I say that it is necessary and proportionate to make an Interim Order for the
purpose of protecting the safety and welfare of the applicant. [Set out in detail
the nature and extent of the risk to the safety and welfare of the applicant]

☐ I say that there are reasonable grounds for believing that there is an immediate
risk to the safety and welfare of the applicant. [Set out in detail the nature and
extent of the immediate risk to the safety and welfare of the applicant]

Dated this ...day of, 20....

Signed

Informant

Sworn before me this ...day of, 20....

Signed

Judge of the District Court

To of..... , Respondent.

**Delete where inapplicable*

† Delete where application is made ex parte

Delete where application is made inter partes

No. 96C.11

Criminal Justice (Miscellaneous Provisions) Act 2023, section 28 *(12) *(7)

***INTERIM *EX PARTE ORDER**

Schedule C

O.96C, rr.15(2), 16(2)

District Court Area of _____ District No. _____
of.....*(in the Court District aforesaid)
Applicant

.....of.....*(in the Court District aforesaid) Respondent

WHEREAS

†*the applicant above-named of *(or Garda of Garda Station on behalf of the applicant by virtue of section 31 of the above-mentioned Act) has issued a summons for an order under section 28 of the said Act to be heard at the District Court at on the day of 20; at am./pm.,

†the Court is satisfied that the summons herein dated the day of 20 *was duly served on the respondent *has not yet been served

AND HAVING HEARD what was alleged on behalf of the applicant †and on behalf of the respondent

AND WHEREAS the Court on the *information in writing *affidavit sworn by *(name on behalf of) the applicant *and the evidence given is of the opinion

†that it is necessary and proportionate to make an Interim Order for the purpose of protecting the safety and welfare of the applicant.

having regard to the particular circumstances of the case, that there are reasonable grounds for believing that there is an immediate risk to the safety and welfare of the applicant

NOW THE COURT HEREBY PROHIBITS you the respondent from

*using or threatening to use violence against, molesting or putting in fear *the applicant *.....of....., being a person connected to the applicant

*following or communicating by any means with or about *the applicant *.....of....., being a person connected to the applicant

*approaching, within

[insert distance] of	.....	being the place of residence of *the applicant *.....of....., being a person connected to the applicant
[insert distance] of	.....	being the place of education of *the applicant *.....of.....,

		being a person connected to the applicant
[insert distance] of	.....	being the place of employment of *the applicant *.....of....., being a person connected to the applicant

*engaging in [insert any other form of relevant conduct within the meaning of section 27 of the Act which is specified by the Court]

*SAVE AND EXCEPT [insert any EXCEPTIONS specified by the Court under section 28(5) of the Act].....

*IT IS A CONDITION OF THIS ORDER THAT [insert any CONDITIONS specified by the Court under section 28(5) of the Act].....

†TAKE NOTICE THAT THIS ORDER SHALL HAVE EFFECT until the determination by the Court of the application under section 28(1) of the Act.

TAKE NOTICE THAT THIS ORDER SHALL HAVE EFFECT FOR A PERIOD OF EIGHT DAYS ONLY *[Or insert any shorter period specified by the Court] FROM THIS DATE, that is until the day of 20, however, an application to this Court may be made the applicant on notice to you for an Interim Order under section 28(12) of the said Act within that period or at any time prior to the determination of an application under section 28(1) of the said Act.

*AND THE COURT being satisfied *that there are reasonable grounds for believing that the respondent who was not present in Court when this order was made, may evade service of the order *[insert other reason] DIRECTS under section 34(4) of the above Act that this order be served personally on the respondent by a member of An Garda Síochána within the period of

Application may be made to this Court by you or on your behalf under section 29 of the 2023 Act to vary or discharge this order.

There are served on you with this order (or there will as soon as practicable be served on you) a copy of the *information *affidavit grounding the application for this order *and a note of the evidence given by the applicant on said application.

Dated this day of 20

Signed

Judge of the District Court

To of, Applicant

To of, Respondent

*To ofGarda Station, who made the application in accordance with section 31 of the said Act

To the member in charge of.....Garda Station (area in which the applicant or other person for whose benefit the order is made resides)

*To the member in charge of.....Garda Station (area in a specified place, which the respondent is prohibited or restricted from entering)

WARNING

A person who contravenes this order commits an offence under section 44(1) of the 2023 Act and may be arrested without warrant by a member of the Garda Síochána, and shall be liable on summary conviction to a class B fine or to imprisonment for a term not exceeding 12 months, and may also be liable to action for contempt of court.

**Delete where inapplicable*

† Delete where application is made ex parte

Delete where application is made inter partes

No. 96C.12

Criminal Justice (Miscellaneous Provisions) Act 2023, section 29

SUMMONS TO *VARY *DISCHARGE *(INTERIM) *(EX PARTE)
SECTION 28 ORDER

Schedule C

O.96C, r.17(1)

District Court Area of

District No.

.....of.....*(in the Court District aforesaid)

....Applicant

.....of.....*(in the Court District aforesaid) Respondent

YOU ARE HEREBY REQUIRED to appear at the District Court at on the ... day of 20.., at m. to answer the application of the *(applicant) *(Garda of Garda Station on behalf of the applicant by virtue of section 31 of the above-mentioned Act),*respondent to have the *(interim) *(*ex parte*) section 28 order made on the day of 20... at the District Court at *discharged *varied as follows:-

*[Set of details of variation sought]

Dated this ... day of 20...

Signed

Judge of the District Court or District Court Clerk

To of , *applicant *respondent *(Garda of Garda Station on behalf of the applicant by virtue of section 31 of the above-mentioned Act)

**Delete where inapplicable*

No. 96C.13

Criminal Justice (Miscellaneous Provisions) Act 2023, section 29

ORDER *VARYING *DISCHARGING *(INTERIM) *(EX PARTE)
SECTION 28 ORDER

Schedule C

O.96C, r.17(2)

District Court Area of District No.
.....of..... *(in the Court District aforesaid)
.... Applicant

.....of..... *(in the Court District
aforesaid) Respondent

THE APPLICATION of the above-named *(applicant) *(Garda of
.....Garda Station on behalf of the applicant by virtue of section 31 of the
above-mentioned Act) *(respondent) for an order *varying *discharging the
*(interim) *(ex parte) section 28 order made by the District Court at on the
... day of 20... coming by summons duly served before the Court on this date,

THE COURT, having considered the evidence tendered,

*being of the opinion that it is necessary and proportionate to do so, HEREBY
VARIES the said *(interim) *(ex parte) section 28 order as follows:-

*[Set out details of variation]

*being of the opinion that the said order is no longer necessary and proportionate
under all of the circumstances to protect the safety and welfare of the applicant,
HEREBY DISCHARGES the said *(interim) *(ex parte) section 28 order

*AND THE COURT being satisfied *that there are reasonable grounds for
believing that the respondent who was not present in Court when this order was
made, may evade service of the order *[insert other reason] DIRECTS under
section 34(4) of the above Act that this order be served personally on the
respondent by a member of An Garda Síochána within the period of

Dated this ... day of 20....

Signed

Judge of the District Court

To of, Applicant

To of, Respondent

*To ofGarda Station, who made the application in
accordance with section 31 of the said Act

To the member in charge of.....Garda Station (area in which the applicant
or other person for whose benefit the order was made resides)

* To the member in charge of.....Garda Station (area in which the
applicant or other person for whose benefit the order was made previously
resided and who was sent a copy of the section 28 *(interim) *(ex parte) order)

*To the member in charge of.....Garda Station (area in a specified place, which the respondent is prohibited or restricted from entering)

***WARNING**

A person who contravenes this order commits an offence under section 44(1) of the 2023 Act and may be arrested without warrant by a member of the Garda Síochána, and shall be liable on summary conviction to a class B fine or to imprisonment for a term not exceeding 12 months, and may also be liable to action for contempt of 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 substitute Order 96C and prescribe new forms 96C.7 to 96C.13 to Schedule C, of the District Court Rules to facilitate the operation of Part 5 of the Criminal Justice (Miscellaneous Provisions) Act 2023.

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