



STATUTORY INSTRUMENTS.

**S.I. No. 416 of 2007**



RULES OF THE SUPERIOR COURTS (CHARGING ORDERS) 2007

**(Prn. A7/1249)**

RULES OF THE SUPERIOR COURTS (CHARGING ORDERS) 2007

We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, and reconstituted pursuant to the provisions of the Courts of Justice Act 1953, section 15, by virtue of the powers conferred upon us by the Courts of Justice Act 1924, section 36, and the Courts of Justice Act 1936, section 68 (as applied by the Courts (Supplemental Provisions) Act 1961, section 48), and the Courts (Supplemental Provisions) Act 1961, section 14, and of all other powers enabling us in this behalf, do hereby make the following Rules of Court.

Dated this 26th day of April, 2007.

RICHARD JOHNSON  
JOSEPH FINNEGAN  
LIAM McKECHNIE  
ELIZABETH DUNNE

LYNDON McCANN  
PATRICK GROARKE  
NOEL RUBOTHAM  
MARY CUMMINS

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

Dated this 4th day of July, 2007.

BRIAN LENIHAN  
Minister for Justice, Equality and Law Reform

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 10th July, 2007.*

## S.I. No. 416 of 2007

## RULES OF THE SUPERIOR COURTS (CHARGING ORDERS) 2007

1. The Rules of the Superior Courts are hereby amended by the substitution for rule 1 of Order 46 thereof of the following—

“1. An application for an order charging stock or shares under section 23 of the Debtors (Ireland) Act 1840 or section 132 of the Common Law Procedure Amendment Act (Ireland) 1853, shall be made by motion ex parte grounded upon an affidavit. Such order shall in the first instance be an order to show cause, and shall fix a time at which the judgment debtor shall appear before the Court or an officer of the Court, as such Court shall appoint, to show cause why such order should not be made absolute. The order shall be served on the judgment debtor or his solicitor at least seven days before the date fixed for the hearing, in the manner provided by Order 121, or in such other manner as the Court may direct. Where the judgment debtor fails to appear or to show cause, the order shall be made absolute. The Court may on the application of any person interested, and on such terms as to costs or otherwise as may be just, discharge or vary an order made in accordance with this rule.”

2. These rules shall come into operation on the 1st day of August 2007.

3. These rules shall be construed together with the Rules of the Superior Courts 1986 to 2007 and may be cited as the Rules of the Superior Courts (Charging Orders) 2007.

EXPLANATORY NOTE

*(This does not form part of the instrument and does not purport to be a legal interpretation)*

These Rules align the procedure for making applications for Orders charging stocks or shares under Order 46, rule 1, with sections 23 and 24 of the Debtors (Ireland) Act 1840 and Sections 132 and 133 of the Common Law Procedure Amendment Act (Ireland) 1853.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
51 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
(Teil: 01 - 6476834/35/36/37; Fax: 01 - 6476843)  
nó trí aon díoltóir leabhar.

---

DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased directly from the  
GOVERNMENT PUBLICATIONS SALE OFFICE  
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2  
or by mail order from  
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,  
51 ST. STEPHEN'S GREEN, DUBLIN 2  
(Tel: 01-6476834/35/36/37; Fax: 01-6476843)  
or through any bookseller.

---

€2.54

ISBN 1-4064-3206-7



9 781406 432060