



STATUTORY INSTRUMENTS

S.I. No. 189 of 2008



CIRCUIT COURT RULES (TRIAL) 2008

(Prn. A8/0782)

CIRCUIT COURT RULES (TRIAL) 2008

We, the Circuit Court Rules Committee, constituted pursuant to the provisions of section 69 of the Courts of Justice Act 1936, and section 12 of the Courts of Justice Act 1947, by virtue of the powers conferred on us by section 66 of the Courts of Justice Act 1924 and section 70 of the Courts of Justice Act 1936, (as applied by section 48 of the Courts (Supplemental Provisions) Act 1961) and section 27 of the Courts (Supplemental Provisions) Act 1961, and of all other powers enabling us in this behalf, do hereby, with the concurrence of the Minister for Justice, Equality and Law Reform, make the annexed Rules of Court.

Dated this 29 day of April 2008.

(Signed): Matthew Deery
(Chairman of the Circuit Court Rules Committee)

Alison Lindsay
Tony Hunt
Patrick Hunt
Fergal Foley
Gerard J. Doherty
Joe Deane
Ronan Boylan
Noel Rubotham

Susan Ryan (Secretary)

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

Dated this 11 day of June 2008.

Signed: DERMOT AHERN
MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 17th June, 2008.*

S.I. No. 189 of 2008

CIRCUIT COURT RULES (TRIAL) 2008

1. These Rules, which may be cited as the Circuit Court Rules (Trial) 2008, shall come into operation on the 9 day of July 2008.
2. These Rules shall be construed together with the Circuit Court Rules 2001.
3. The Circuit Court Rules are amended:

- (i) by the substitution for rule 3 of Order 33 of the following:

“3. This Rule shall apply only to the Dublin Circuit. A party desiring to give notice of trial in accordance with rule 1 or rule 4 shall lodge with the Office a notice of trial in the Form 15A of the Schedule of Forms. On receipt of such notice, duly completed, from the Office, that party shall serve a copy of the completed notice on all of the other parties. At least twenty one days’ notice of the date fixed for trial shall be given, save that the parties shall be at liberty to agree that a shorter notice period shall apply. The service of notice of trial, as duly completed in the Office, on all other parties shall operate to set down the action (including a counterclaim if any) for hearing upon the date of trial set out in the notice of trial or upon any subsequent day upon which the trial may come on in its order in the list or upon such other date as may be fixed by the Court or the County Registrar following the service of notice of trial.”, and

- (ii) by the substitution for rule 4(13) of Order 59 of the following:

“(13) This rule shall apply only to the Dublin Circuit. A party desiring to give notice to fix a date for trial in accordance with sub-rule (11) or sub-rule (14) shall lodge with the Office a notice to fix a date for trial in the Form 15B of the Schedule of Forms. On receipt of such notice, duly completed, from the Office, that party shall serve a copy of the completed notice setting out the date upon which a date for hearing will be fixed by the County Registrar on all of the other parties and, where relief is sought under sections 12 and/or 13 of the 1995 Act or section 17 of the 1996 Act, on the trustees of the pension scheme in question. At least ten days’ notice to fix a date for trial shall be given. The service of notice to fix a date for a trial, as duly completed in the Office, on all necessary parties shall operate to set down the action (including a counterclaim if any) for hearing upon such date as may be fixed by the County Registrar.”

EXPLANATORY NOTE

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

These Rules amend the Circuit Court Rules to provide that a notice of trial for the Dublin Circuit shall firstly be completed in the Circuit Court Office before being served and to require at least 21 days notice of the date fixed for trial to be given to the parties.

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,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
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