



STATUTORY INSTRUMENTS.

S.I. No. 153 of 2011



CIRCUIT COURT RULES (MULTI-UNIT DEVELOPMENTS ACT 2011)
2011

(Prn. A11/0517)

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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 and Law Reform, make the annexed Rules of Court.

Dated this 22nd of day of February 2011.

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

Alison Lindsay

Tony Hunt

Gerard J. Doherty

Joe Deane

Noel Rubotham

Susan Ryan

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

Dated this 31st day of March 2011.

Signed: ALAN SHATTER,
MINISTER FOR JUSTICE AND LAW REFORM.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 5th April, 2011.*

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1. (1) These Rules, which shall come into operation on the 14th day of April 2011, may be cited as the Circuit Court Rules (Multi-Unit Developments Act 2011) 2011.

(2) These Rules shall be construed together with the Circuit Court Rules.

(3) The Circuit Court Rules as amended by these Rules may be cited as the Circuit Court Rules 2001 to 2011.

2. The Circuit Court Rules are amended by the insertion immediately following Order 46A of the following Order:

“Order 46B
Multi-Unit Developments Act 2011

1. In this Order, “the Act” means the Multi-Unit Developments Act 2011 and any reference in this Order to a section shall, unless the context otherwise requires, be deemed to be a reference to a section of the Act.

2. (1) Proceedings for relief under section 24 shall be brought in the County in which the relevant multi-unit development or any part thereof is situated.

(2) Subject to compliance with sub-rule (4) where necessary, proceedings for relief under section 24 shall be by Ordinary Civil Bill in accordance with Order 1, rule 2, in which the applicant for relief shall be named as plaintiff and every person against whom relief is sought shall be named as a defendant.

(3) The indorsement of claim in the Civil Bill shall:

- (i) specify the capacity mentioned in paragraphs (a) to (e) of section 25(1) in which the plaintiff makes the application, or give particulars of any order made giving to a person referred to in paragraph (f) of section 25(1) the permission to make an application under section 24 referred to in that paragraph;
- (ii) contain the name, address and description of each plaintiff and each defendant and identify with sufficient particularity the relevant multi-unit development or part thereof;
- (iii) state the circumstances giving rise to the application;
- (iv) specify any of the orders mentioned in section 24(5) and any other orders referred to in section 24 that the applicant requests the Court to make;

- (v) specify each right conferred on the plaintiff by the Act or any rule of law which it is alleged has been infringed;
- (vi) specify each obligation imposed on each defendant by the Act or any rule of law which it is alleged has not been discharged;
- (vii) state whether or not mediation or other dispute resolution process has been attempted;
- (viii) state whether or not any proceedings for any remedy preserved by section 29 have been notified by the parties to the proceedings in relation to the multi-unit development concerned.

(4) Where a person mentioned in section 25(1)(f) wishes to apply to the Court for permission to make an application for an order under section 24, that person may apply to the Court for such permission *ex parte*, grounded upon an affidavit. Where permission is granted, the applicant shall proceed by Civil Bill in accordance with sub-rule (3), to which shall be attached the order made under section 25(1)(f) granting such permission.

3. Applications for the following reliefs in proceedings under the Act may be brought by motion on notice in the proceedings before the Court to which the application relates, grounded upon an affidavit sworn by or on behalf of the moving party:

- (a) any interlocutory order;
- (b) any ancillary order under section 24(7)(a) sought following the trial of the proceedings;
- (c) any order under section 24(7)(b);
- (d) an order under section 25 granting permission to appear and be heard at an application for an order under section 24;
- (e) an order directing a mediation conference, in accordance with section 27(1);
- (f) an order directing service of the proceedings on any other person or directing the giving of notice in lieu of service;
- (g) any order sought on consent.

4. (1) Where an order directing a mediation conference is made—

- (a) the Judge or the County Registrar, as the case may be, may extend the time for compliance by any party with any provision of these Rules;
- (b) the Judge may extend the time for compliance by any party with any order made by the Judge in the proceedings and

(c) the Judge or the County Registrar, as the case may be, may adjourn the proceedings pending receipt of the report mentioned in section 28.

(2) Where, at any time, Order 19A applies to proceedings under the Act, the provisions of section 27 and section 28 shall prevail over any provision of Order 19A, rule 7.”

EXPLANATORY NOTE

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

These rules insert a new Order 46B into the Circuit Court Rules to provide for the procedure in respect of proceedings under the Multi-Unit Developments Act 2011.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
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TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
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DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
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€2.54



Wt. (B28357). 285. 4/11. Cahill. Gr. 30-15.