



STATUTORY INSTRUMENTS.

S.I. No. 357 of 2012

RULES OF THE SUPERIOR COURTS (EUROPEAN COMMUNITIES
(MEDIATION) REGULATIONS 2011) 2012

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We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, 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), the Courts (Supplemental Provisions) Act 1961, section 14 and the European Communities (Rules of Court) Regulations 1972 (S.I. No. 320 of 1972), and of all other powers enabling us in this behalf, do hereby make the following Rules of Court.

Dated this 13th day of October, 2011.

Susan Denham

Nicholas Kearns

Joseph Finnegan

Donal O'Donnell

Paul McGarry

Patrick O'Connor

Mary Cummins

Noel Rubotham

Geraldine Manners

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

Dated this 15th day of September, 2012.

ALAN SHATTER,
Minister for Justice and Equality

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 25th September, 2012.*

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(MEDIATION) REGULATIONS 2011) 2012

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (European Communities (Mediation) Regulations 2011) 2012, shall come into operation on the 15th day of October, 2012.

(2) These Rules shall be construed together with the Rules of the Superior Courts.

(3) The Rules of the Superior Courts as amended by these Rules may be cited as the Rules of the Superior Courts 1986 to 2012.

2. Order 56A of the Rules of the Superior Courts is amended by the insertion of the following rule immediately following rule 4:

“5. (1) An application to the Master under Regulation 5(2) of the European Communities (Mediation) Regulations 2011 (S.I. No. 209 of 2011) (in this rule referred to as “the Regulations”) may be made by originating motion *ex parte* grounded on an affidavit exhibiting the agreement concerned and entitled in the matter of that agreement and in the matter of the Regulations.

(2) Subject to the power conferred on the Master by Regulation 5(5) of the Regulations to require a party who is not an applicant to verify, by affidavit or otherwise, that party’s consent to the application, the affidavit referred to in sub-rule (1) shall exhibit the written consent of each other party to the mediation who is not an applicant.”

EXPLANATORY NOTE

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

These rules insert a new rule 5 in Order 56A in the Rules of the Superior Courts facilitating an application to the Master by a party or parties to an agreement, following the use of mediation referred to in Regulation 5(2) of the European Communities (Mediation) Regulations 2011(S.I. No. 209 of 2011), for an order making the agreement a rule of court.

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,
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