



STATUTORY INSTRUMENTS.

S.I. No. 126 of 2013

EUROPEAN COMMUNITIES (EVIDENCE IN CIVIL OR
COMMERCIAL MATTERS) REGULATIONS 2013

EUROPEAN COMMUNITIES (EVIDENCE IN CIVIL OR
COMMERCIAL MATTERS) REGULATIONS 2013

I, ALAN SHATTER, Minister for Justice and Equality, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Council Regulation (EC) No. 1206/2001 of 28 May 2001¹ on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters, hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Evidence in Civil or Commercial Matters) Regulations 2013.

(2) These Regulations come into operation on 1 June 2013.

2. In these Regulations “Council Regulation” means Council Regulation (EC) No. 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters.

3. (1) The Circuit Court shall be competent to take evidence pursuant to a request to which Article 1.1(a) of the Council Regulation applies.

(2) Subject to paragraph (3), the power conferred on the Circuit Court by paragraph (1) shall be exercised by the county registrar for the county or county borough in which the witness from whom evidence is to be taken resides, or carries on any profession, trade, business or other occupation.

(3) Where a request relates to more than one witness and paragraph (2) would operate to require the taking of evidence from the witnesses concerned by county registrars for different counties or county boroughs, the power conferred on the Circuit Court by paragraph (1) shall, in relation to the taking of evidence from each of those witnesses, be exercised by such county registrar as may be designated by the Chief Executive of the Courts Service or by such member of staff of the Courts Service as he or she may authorise in that behalf.

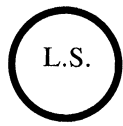
4. The Courts Service is designated as the central body in the State for the purposes of Articles 3 and 17 of the Council Regulation.

5. Notwithstanding their revocation by Regulation 6, the European Communities (Evidence in Civil and Commercial Matters) Regulations 2008 (S.I. No. 102 of 2008) will continue to apply and have effect in relation to a request to which Article 1.1(a) of the Council Decision applies made before the commencement of these Regulations.

¹OJ No.L174, 27.6.2001, p.1.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 16th April, 2013.*

6. The European Communities (Evidence in Civil or Commercial Matters) Regulations 2008 are hereby revoked.



GIVEN under my Official Seal,
12 April 2013.

ALAN SHATTER,
Minister for Justice and Equality.

EXPLANATORY NOTE

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

These Regulations specify the Circuit Court as competent to take evidence for the purpose of Article 1.1(a) of Council Regulation (EC) No. 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters. The power conferred on the Circuit Court will be exercised by the county registrar in accordance with the provisions of Regulation 3. The Regulations take effect from 1 June 2013. They also specify the Courts Service as the central body in the State for the purposes of Articles 3 and 17 of the Council Regulation.

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