



STATUTORY INSTRUMENTS.

**S.I. No. 408 of 2014**



CIRCUIT COURT RULES (FAMILY LAW REPORTING) 2014

CIRCUIT COURT RULES (FAMILY LAW REPORTING) 2014

We, the Circuit Court Rules Committee, constituted pursuant to the provisions of section 69 of the Courts of Justice Act 1936, 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), 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 Equality, make the annexed Rules of Court.

Dated this 24th day of February 2014.

(Signed): Raymond Groarke  
(Chairman of the Circuit Court Rules Committee)

Alison Lindsay  
Tony Hunt  
Dervla Browne  
Gerard J. Doherty  
Fiona Duffy Coady  
Ronan Boylan  
Noel Rubotham

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

Dated this 4th day of September 2014.

Signed: FRANCES FITZGERALD,  
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 16th September, 2014.*

## S.I. No. 408 of 2014

## CIRCUIT COURT RULES (FAMILY LAW REPORTING) 2014

1. (1) These Rules, which may be cited as the Circuit Court Rules (Family Law Reporting) 2014, shall come into operation on the 6th day of October 2014.

(2) These Rules shall be construed together with the Circuit Court Rules 2001 to 2014.

(3) The Circuit Court Rules 2001 to 2014 as amended by these Rules may be cited as the Circuit Court Rules 2001 to 2014.

2. The Circuit Court Rules are amended:

(i) by the substitution for rule 1(7) of Order 59 of the following sub-rule:

“(7) Subject to any provision of statute and to any order of the Court made in accordance with Order 59, rule 6, every application under this rule shall be heard otherwise than in public.”;

(ii) by the substitution for rule 2(9) of Order 59 of the following sub-rule:

“(9) Save where the Court otherwise directs, every proceeding under this rule shall be heard on oral evidence. On the hearing of every proceeding the Court may, subject to any order of the Court made under section 40(3A) of the Civil Liability and Courts Act 2004 and in accordance with Order 59, rule 6, direct in accordance with section 36(4) of the Status of Children Act 1987 that the whole or any part thereof shall be heard otherwise than in public, and an application for a direction in accordance with section 36(4) shall be so heard unless the Court otherwise directs.”;

(iii) by the substitution for rule 4(21) of Order 59 of the following sub-rule:

“(21) Save where the Court otherwise directs and subject to sub-rule (25), every application under this rule shall be heard on oral evidence. Subject to any provision of statute and to any order of the Court made in accordance with Order 59, rule 6 in the case of an application under a relevant enactment (within the meaning of section 39 of the Civil Liability and Courts Act 2004), hearings of applications under this rule shall be held in camera.”;

(iv) by the insertion immediately following rule 5(12) of Order 59 of the following sub-rule:

“(13) Subject to any provision of statute and to any order of the Court made in accordance with Order 59, rule 6, proceedings under the Act shall be heard otherwise than in public.”;

(v) by the substitution for rule 6 of Order 59 of the following rule:

**“Rule 6 — Section 40, Civil Liability and Courts Act 2004 (No. 31 of 2004)**

*Section 40 of the Civil Liability and Courts Act 2004*

6. (1) In this rule:

the “2004 Act” means the Civil Liability and Courts Act 2004;

a “recorder” means a person referred to in section 40(3)(a) of the 2004 Act intending to attend or attending any proceedings to which a relevant enactment relates for the purpose of the preparation and publication of a report of such proceedings in accordance with section 40(3) of the 2004 Act;

“relevant enactment” has the same meaning as in section 39 of the 2004 Act.

*Recorders*

(2) A recorder shall, prior to or at the commencement of the hearing of the proceedings, identify himself or herself to the Court and apply for such direction as the Court may give under section 40(3) of the 2004 Act.

(3) On any such application, the Court—

(a) if satisfied that the recorder is a person referred to in section 40(3)(a) of the 2004 Act and that the recorder intends to attend the proceedings for the purpose of the preparation and publication of a report of proceedings to which a relevant enactment relates, and

(b) having heard any submission made by or on behalf of any party to the proceedings, may allow the recorder to attend the proceedings subject to such directions as the court may give in that regard.

(4) The Court may, of its own motion or on the application of any party or person, vary or modify any directions given under sub-rule (3) during the course of any proceedings.

*Bona fide members of the press*

(5) Prior to, at the commencement of, or during the course of the hearing of proceedings to which a relevant enactment relates, the Court may

- (a) make inquiries of any person attending the proceedings with a view to verifying whether that person is a bona fide member of the press within the meaning of section 40(3A) of the 2004 Act;
- (b) hear any application by or on behalf of a party or person mentioned in section 40(3A)(b) of the 2004 Act (or the Director of Public Prosecutions in a case to which paragraph (e) of that sub-section refers) for an order under 40(3A)(b) of the 2004 Act or may for the purposes of considering the making of any such order of its own motion, hear submissions from any such party or person.

(6) An application referred to in paragraph (b) of the preceding sub-rule, if made prior to the commencement of the hearing of the proceedings, shall be by way of Notice of Motion, on notice to the other party and to any other person the Court shall direct.

(7) The Court may, at any time during the course of the hearing of the proceedings, of its own motion or on the application of a party or person mentioned in section 40(3A)(b) of the 2004 Act (or the Director of Public Prosecutions in a case to which paragraph (e) of that sub-section refers), having heard the parties and any other person it considers necessary, vary or modify any order made in accordance with sub-rule (5)(b).

*Accompanying person*

(8) Where a party, being the applicant or the respondent or other party in the proceedings, wishes to be accompanied in court in any proceedings to which a relevant enactment relates by another person (hereinafter referred to as “the accompanying person”) in accordance with section 40(5) of the 2004 Act, the party to the proceedings shall complete Form 37K and

- (a) where the other party or parties to the proceedings have agreed to the accompanying person, the party making such application shall lodge Form 37K, duly completed, with the County Registrar prior to or at the commencement of the hearing in the proceedings, and shall apply to the Court at that hearing to approve the accompanying of the party concerned by the accompanying person and for such directions as the Court may give under section 40(5) of the 2004 Act;
- (b) Save in *ex parte* applications, where the other party or parties have not agreed to the accompanying of the

party by the accompanying person, the party seeking to be so accompanied shall, by motion (to which Form 37K, duly completed, shall be appended) on notice to the other party or parties returnable not later than fourteen days prior to the date fixed for the hearing of such proceedings, unless the Court otherwise directs, apply to the Court to approve the accompanying of the party concerned by the accompanying person and for such directions as the Court may give under section 40(5) of the 2004 Act;

- (c) In *ex parte* applications, subject to the filing of Form 37K in accordance with sub-rule (a) above, the approval of any accompanying person shall be at the discretion of the Court.

(9) On any such application, the Court may approve the accompaniment of the party concerned by the accompanying person, subject to such directions as the Court may give, or may refuse such approval.

(10) The Court may, of its own motion or on the application of any party or person, vary or modify any directions given under sub-rule (9) during the course of any proceedings.

*Disclosure of documents, information or evidence for the purposes of section 40 of the Civil Liability and Courts Act 2004*

(11) An application by a party for an order for the disclosure to any third party of documents, information or evidence connected with or arising in the course of proceedings under a relevant enactment for the purposes set out in section 40(8) of the 2004 Act shall be made by motion to the Court on notice to the other party or parties, grounded upon an affidavit sworn by or on behalf of the moving party.”, and

- (vi) by the substitution for rule 21 of Order 59A of the following rule:

“21. Save where the Court otherwise directs and subject to rule 25, every application under this Order shall be heard on oral evidence. Subject to any provision of statute and to any order of the Court made in accordance with Order 59, rule 6 in the case of an application under a relevant enactment (within the meaning of section 39 of the Civil Liability and Courts Act 2004), hearings of applications under this rule shall be held in camera.”.

EXPLANATORY NOTE

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

These Rules amend the Circuit Court Rules by the substitution a number of sub-rules and rule 6 in Order 59, the substitution of rule 21 of Order 59A and by the insertion of a new sub-rule 5(13) in Order 59, to provide for the reporting of family law proceedings following amendment of the Civil Liability and Courts Act 2004 by the Courts and Civil Law (Miscellaneous Provisions) Act 2013.

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