



STATUTORY INSTRUMENTS.

S.I. No. 141 of 2015



DISTRICT COURT (FAMILY LAW REPORTING) RULES 2015

S.I. No. 141 of 2015

DISTRICT COURT (FAMILY LAW REPORTING) RULES 2015

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961, and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice and Equality, make the following rules of court.

Dated this 14th day of July 2014.

Rosemary Horgan Chairperson
Mary C Devins
Conal Gibbons
Anne Watkin
Roy Pearson
Noel A Doherty
Michelle Johnston

I concur in the making of the following rules of court.

Dated this 14th day of April, 2015.

FRANCES FITZGERALD,
Minister for Justice and Equality

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 24th April, 2015.*

S.I. No. 141 of 2015

DISTRICT COURT (FAMILY LAW REPORTING) RULES 2015

1. (1) These Rules, which may be cited as the District Court (Family Law Reporting) Rules 2015, shall come into operation on the 11th day of May, 2015.

(2) These Rules shall be construed together with the District Court Rules 1997 (S.I. No. 93 of 1997) and all other District Court Rules.

(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2015.

2. The District Court Rules 1997 (S.I. No. 93 of 1997) are amended by the substitution for Order 61A of the following Order:

“Order 61A

Section 40, Civil Liability and Courts Act 2004

Definitions

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

(2) On any such application, the Court

(a) if satisfied that the applicant 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 (or any part of the proceedings) subject to such directions as the Court may give in that regard.

(3) The Court may, of its own motion or on the application of any party or person, vary or modify any such directions given under section 40(3) of the Act during the course of the proceedings.

(4) Where the Court refuses to allow a recorder who has made an application under sub-rule (1) to attend the relevant proceedings, the Court must give its reasons for such refusal.

Bona fide representatives of the press

3. (1) 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* representative 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 subsection 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.

(2) 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 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 subsection refers), having heard the parties and any other person it considers necessary, vary or modify any order made in accordance with sub-rule (1)(b).

Accompanying persons

4. (1) Where a party (in this rule referred to as the “applicant”) wishes to be accompanied in court in any proceedings referred to in section 40(5) of the 2004 Act, by another person (in this rule referred to as “the accompanying person”) the applicant shall, unless the Court otherwise directs, complete a notice of application in the Form 61A.1, Schedule C and

- (a) where the other party or parties agree to the accompanying person, the applicant must lodge Form No. 61A.1 duly completed, with the Clerk prior to the commencement of the hearing in the proceedings, and must apply to the Court at that hearing to approve the accompanying person and for such directions as the Court may give under section 40(5) of the 2004 Act;
- (b) except in *ex parte* applications, where the other party or parties have not agreed to the accompanying person, the applicant must, by application to the Court in the Form No. 61A.1, on notice to the other party or parties, returnable not later than seven days prior to the date fixed for the hearing in such proceedings, apply to the Court to approve 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 lodgment of Form No. 61A.1 duly completed in accordance with paragraph (a), the approval of any accompanying person is at the discretion of the Court.

(2) On any application concerning an accompanying person, the Court, having heard any submission made by or behalf of any other party to the proceedings, may allow the accompanying person to attend the proceedings (or any part of the proceedings) subject to such directions as the Court may give in that regard.

(3) The Court may, of its own motion or on the application of any party or person, vary or modify any directions given under section 40(5) of the Act during the course of the proceedings.

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

5. (1) 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 (as defined in section 39 of the 2004 Act) for the purposes set out in section 40(8) of the 2004 Act must be made by application to the Court on notice to the opposing party or parties, grounded upon an affidavit sworn by or on behalf of the moving party.”

EXPLANATORY NOTE

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

These Rules substitute Order 61A of the District Court Rules to facilitate 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.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€2.54

