



STATUTORY INSTRUMENTS.

S.I. No. 618 of 2015



CIRCUIT COURT RULES (JURISDICTION AND THE RECOGNITION
AND ENFORCEMENT OF JUDGMENTS IN CIVIL OR COMMERCIAL
MATTERS) 2015

S.I. No. 618 of 2015

CIRCUIT COURT RULES (JURISDICTION AND THE RECOGNITION
AND ENFORCEMENT OF JUDGMENTS IN CIVIL OR COMMERCIAL
MATTERS) 2015

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) and section 27 of the Courts (Supplemental Provisions) Act 1961, Regulation 3 of 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, with the concurrence of the Minister for Justice and Equality, make the annexed Rules of Court.

Dated this 2nd day of March 2015.

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

David Dodd
Fiona Duffy Coady
Mairead Ahern
Noel Rubotham

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

Dated this 22nd day of December 2015.

Signed: FRANCES FITZGERALD,
MINISTER FOR JUSTICE AND EQUALITY.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 5th January, 2016.*

S.I. No. 618 of 2015

CIRCUIT COURT RULES (JURISDICTION AND THE RECOGNITION AND ENFORCEMENT OF JUDGMENTS IN CIVIL OR COMMERCIAL MATTERS) 2015

1. (1) These Rules, which shall come into operation on the 30th day of December 2015, may be cited as the Circuit Court Rules (Jurisdiction and the Recognition and Enforcement of Judgments in Civil or Commercial Matters) 2015.

(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 2015.

(4) Notwithstanding the commencement of these Rules, any application to the Circuit Court concerning:

(a) a judgment given in legal proceedings instituted in a Member State of the European Union (other than the State) before 10 January 2015;

(b) an authentic instrument formally drawn up or registered before 10 January 2015, or

(c) a court settlement approved or concluded before 10 January 2015,

which falls within the scope of Council Regulation (EC) No. 44/2001 of 22 December 2000 on jurisdiction and enforcement of judgments in civil and commercial matters may be commenced, continued and determined as if these Rules had not come into force.

2. The “Interpretation of Terms” provisions of the Circuit Court Rules are amended:

(i) by the substitution therein for the definition of “domicile” at paragraph 9 of the following definition—

“9. “domicile” is to be determined in accordance with the provisions of Section 15 of the 1998 Act and Articles 52 and 53 of the 1968 Convention, or as the case may be, the provisions of Articles 62 and 63 of Regulation (EC) No 1215/2012 or the provisions of Articles 59 and 60 of the Lugano Convention.”;

(ii) by the substitution therein for the definition of “Council Regulation (EC) No 44/2001” at paragraph 25 of the following definition—

“25. “Regulation No. 1215/2012” means Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12

December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) (O.J. L. 351/1 of 20 December 2012)”.

3. The Circuit Court Rules are amended:

(i) by the substitution for the title “**Brussels Convention 1968**” preceding paragraph (h) of Order 2 of the title “**Cases to which the Brussels Convention, the Lugano Convention or Regulation No. 1215/2012 apply**”;

(ii) by the substitution for paragraphs (j) to (k) of Order 2 of the following paragraphs:

“(j) Where jurisdiction depends on the domicile of a corporation or association, that jurisdiction shall in accordance with Article 63 of Regulation No. 1215/2012 be exercised by the Judge of the Circuit Court for the time being assigned to the Circuit where the corporation or association has its registered office (or where there is no registered office, place of formation) or central administration or principal place of business.

(k) Subject to Chapter II of Regulation No. 1215/2012 or, as the case may be, to Title II of the Lugano Convention, the jurisdiction of the Court in proceedings that may be instituted in the State in accordance with Article 4, 11(1)(a), 14, 18, 21(1)(a) or 22 or the proviso to Article 24(1) of Regulation No. 1215/2012 or, as the case may be, Article 2, 9(1)(a), 12, 16, 19(1) or 20 or the proviso to Article 22(1) of the Lugano Convention, shall in accordance with Regulation 11(1) of the European Union (Civil and Commercial Judgments) Regulations 2015, be exercised by a judge of the Court for the time being assigned to the circuit where the defendant, or one of the defendants, ordinarily resides or carries on any profession, business or occupation.

(l) The jurisdiction of the Court relating to proceedings that may be instituted in the State in accordance with Article 11(1)(b) or 18 of Regulation No. 1215/2012 or, as the case may be, in accordance with Article 9(1)(b) or 16 of the Lugano Convention, by a plaintiff domiciled in the State shall in accordance with Regulation 11(3) of the European Union (Civil and Commercial Judgments) Regulations 2015 be exercised by a judge of the Court for the time being assigned to the circuit in which the plaintiff or one of the ordinarily resides or carries on any profession, business or occupation.

- (m) The jurisdiction of the Court relating to proceedings that may be instituted in the State in accordance with Article 21(1)(b)(i) of Regulation No. 1215/2012, by a plaintiff domiciled in the State shall in accordance with Regulation 11(4) of the European Union (Civil and Commercial Judgments) Regulations 2015 be exercised by a judge of the Court for the time being assigned to the circuit in which the plaintiff or one of the plaintiffs ordinarily carries on or last carried on any profession, business or occupation.”;

(iii) by the substitution for rule 10 of Order 5 of the following rule:

“10. Where proceedings are commenced in the Court on the basis of jurisdiction derived from:

- (i) Regulation No. 1215/2012, or
- (ii) the Lugano Convention as applied by the 1998 Act, or
- (iii) the 1968 Convention as applied by the 1998 Act, or
- (iv) Regulation 2201/2003 or, as the case may be,
- (v) the Maintenance Regulation

the Civil Bill shall:

- (a) before issue be indorsed with a statement that the Court has power under:
 - (i) Regulation No. 1215/2012, or
 - (ii) the Lugano Convention as applied by the 1998 Act, or
 - (iii) the 1968 Convention as applied by the 1998 Act, or
 - (iv) Regulation 2201/2003 or, as the case may be,
 - (v) the Maintenance Regulation,

to hear and determine the action, cause or matter, and:

- (I) specify the particular provision of Regulation No. 1215/2012, the Lugano Convention, Regulation 2201/2003 or, as the case may be, the Maintenance Regulation under which the Court has power to hear and determine the action, cause or matter, or

- (II) specify the particular provision of the 1968 Convention under which the Court should assume jurisdiction;
- (b) contain a statement that no proceedings between the parties concerning the same cause of action is pending between the parties in another Member State of the European Union or, as the case may be, Contracting State of the Convention concerned;
- (c) contain a statement of the facts which are relied upon to show jurisdiction and venue;
- (d) in proceedings referred to in Sections 3, 4 or 5 of Chapter II (Jurisdiction) of Regulation No. 1215/2012 where the policyholder, the insured, a beneficiary of the insurance contract, the injured party, the consumer or the employee is the defendant, the Civil Bill shall be endorsed before it is issued with a statement that:
 - (i) the defendant has a right to contest the jurisdiction of the Court and if he or she wishes to do so, he or she should enter an appearance to contest jurisdiction in accordance with Order 14, rule 5, and
 - (ii) if he or she enters an unconditional appearance, the Court has jurisdiction under Article 26.1 of Regulation No. 1215/2012, and
 - (iii) if he or she does not enter an appearance, judgment may be given in default against him or her.”, and
- (iv) by the substitution for Order 14 of the Order set out in Schedule 1;
- (v) by the substitution for sub-rule (4) of rule 12 of Order 14B of the following sub-rule:
 - “(4) The Affidavit referred to in rule 12(3) shall, where the claim is one to which Regulation No. 1215/2012 applies, also state that in the deponent's belief:
 - (i) each claim made by the originating document is one which, by virtue of Regulation No. 1215/2012 or any amendment thereof, the Court has power to hear and determine; and

(ii) no other Court has exclusive jurisdiction within the meaning of Regulation No. 1215/2012 to hear and determine such claim.”, and

(vi) by the substitution for Order 61A of the Order set out in Schedule 2.

4. The Forms numbered 5A and 40A in Schedule 3 shall be substituted for the forms bearing the like numbers respectively in the Schedule of Forms annexed to the Circuit Court Rules.

5. The Form numbered 40E in Schedule 3 shall be added to the Schedule of Forms annexed to the Circuit Court Rules immediately following Form 40D.

SCHEDULE 1

“Order 14

Service out of the Jurisdiction under the 1998 Act, Regulation No. 1215/2012 or the Lugano Convention

1. Notwithstanding the provisions of Order 13, service of a Civil Bill or notice thereof out of the jurisdiction is permissible without the leave of the Court if it complies with the following conditions:

(i) the claim made by the Civil Bill is one which by virtue of:

- (a) Regulation No. 1215/2012, or
- (b) the Lugano Convention as applied by the 1998 Act, or
- (c) the 1968 Convention as applied by the 1998 Act,

the Court has power to hear and determine; and

(ii) no proceedings between the parties concerning the same cause of action is pending between the parties in another Member State of the European Union or, as the case may be, Contracting State of the Convention concerned; and

(iii) either—

- (a) the defendant or other person to be served is domiciled in Ireland or in any other Member State of the European Union or, as the case may be, Contracting State of the Convention concerned, or
- (b) the proceedings commenced by the Civil Bill are proceedings to which the provisions of (I) Article 16 of the 1968 Convention or (II) Article 24 of Regulation No. 1215/2012 or (III) Article 22 of the Lugano Convention, concerning exclusive jurisdiction, apply, or
- (c) the defendant or other party to be served is a party to an agreement conferring jurisdiction to which the provisions of (I) Article 17 of the 1968 Convention or (II) Article 25 of Regulation No. 1215/2012 or (III) Article 23 of the Lugano Convention, concerning prorogation of jurisdiction, apply.

2. Where the person to be served is not a citizen of Ireland, notice of the document, and not the document itself, is to be served on him.

3. Service of an originating document (or notice of an originating document) to which this Order applies may be:

- (a) in accordance with Order 14B, or

- (b) where service is effected in a state which is party to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters done at the Hague on the 15th November 1965, but which is not a Member State of the European Union in which the Regulation referred to in Order 14B, rule 1 is in force, by a method permitted in accordance with that Convention, or
- (c) by a method which is compatible with the law of the state in which service is to be effected, or
- (d) on a defendant or his legal representative in a manner which has been agreed or consented to in writing by the defendant or his legal representative, or
- (e) where a defendant is present within the jurisdiction, personally on that defendant in accordance with Order 11, rule 6, or
- (f) on a solicitor who has undertaken to accept service, in accordance with Order 11, rule 10.

4. Where a Civil Bill or notice thereof is to be served out of the State under rule 1, the time to be inserted therein within which the person to be served shall enter an appearance shall be—

- (i) five weeks where a Civil Bill or notice thereof is to be served in the European territory of another Member State of the European Union or, as the case may be, Contracting State of the Convention concerned, or
- (ii) six weeks where a Civil Bill or notice thereof is to be served in any non-European territory of another Member State of the European Union or, as the case may be, Contracting State of the Convention concerned.

The time for entering an appearance provided in Order 15, rule 2 shall be modified accordingly.

5. (1) Where a person served desires to contest the jurisdiction of the Court to hear and determine the claim under the provisions of the 1968 Convention, Regulation No. 1215/2012 or the Lugano Convention, he may enter an appearance solely for the purpose of contesting jurisdiction, in the Form 5A.

(2) Any person who desires to contest jurisdiction shall, in addition to entering an appearance for the purpose of contesting jurisdiction, deliver a Defence stating that he contests the jurisdiction of the Court, under the provisions of the 1968 Convention, Regulation No. 1215/2012 or, as the case may be, the Lugano Convention and shall set out therein the grounds upon which jurisdiction is contested. In such cases the appearance which has been

entered shall be deemed for the purposes of Article 18 of the 1968 Convention, Article 26 of Regulation No. 1215/2012 or Article 24 of the Lugano Convention to have been entered solely to contest jurisdiction, notwithstanding anything pleaded in the Defence which may go to the merits of the claim.

(3) Where a Defence has been delivered in which jurisdiction is contested, any party to the proceedings may apply to the Court by motion on notice grounded upon affidavit for determination of the question of jurisdiction as a preliminary issue, or the matter may be set down for trial. The Judge may determine the question of jurisdiction on affidavit, or may direct the trial of an issue, with or without pleadings, as he may see fit, and may give such direction in relation thereto as he may see fit.

(4) Any person who desires to contest jurisdiction in proceedings in which there is no provision in these Rules for the delivery of a Defence, shall at the soonest opportunity apply to the Court on fourteen days' notice to the other party or parties for an order declining jurisdiction and the Judge may determine the question of jurisdiction on affidavit, or may direct the trial of a preliminary issue, with or without pleadings, or may direct that the question of jurisdiction be determined at the hearing of the substantive matter, as he may see fit, and may give such directions in relation thereto as he may see fit.

6. Where a person served with a Civil Bill outside the State pursuant to rule 1 has entered an Appearance, the time within which a Defence should be delivered by him shall be 28 days from the date of entry of his Appearance, or where an application has been brought for an order declining jurisdiction in accordance with rule 5, the time shall be 28 days from the date of determination of that application, unless the Court otherwise orders.

7. While any amendments to the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters annexed to Council Decision No 2005/790/EC of 20 September 2005 (OJ L 299/61 of 16 November 2005) signed at Brussels on 19 October 2005 and approved on behalf of the European Community by Council Decision No 2006/325/EC of 27 April 2006 (OJ L 120/22 of 5 May 2006) which have the effect of applying the provisions of Regulation No. 1215/2012 to the Kingdom of Denmark are for the time being in force, notwithstanding any other provision of these Rules to the contrary, the provisions of these Rules which relate to Regulation No. 1215/2012 shall apply in relation to the Kingdom of Denmark, to the extent permitted, and subject to any modifications made necessary, by that Agreement and any such amendments, and the provisions of these Rules which relate to the 1968 Convention shall not apply.”

SCHEDULE 2

“Order 61A

Jurisdiction and the Recognition and Enforcement of Judgments and Decisions of the Circuit Court in Civil or Commercial Matters

1. Order 61 of these Rules shall apply to the provision of documentation pursuant to Article 53 or Article 60 of Regulation No. 1215/2012, Article 54 or Article 58 of the Lugano Convention, Article 39 of Council Regulation (EC) No. 2201/2003 and Articles 20(1) and 48(3) of the Maintenance Regulation, and an application for such documentation shall be made in like manner as an application under Order 61, rule 2 save that the Affidavit grounding the application shall:

(i) state the particular provision or provisions of the Regulations aforementioned, or of the Lugano Convention, by which the Court assumed jurisdiction,

(ii) provide the other details required in paragraphs (a), (b), (d), (e), (f) and (g) of rule 2 of Order 61,

(iii) give such further information not provided in accordance in sub-paragraph (ii) as is required to be provided in Form 40A, 40B, 40C, 40D or 40E (as the case may be) as is within the applicant’s knowledge, in the sequence in which the information appears in the Form concerned.

2. (1) The certificate provided pursuant to Article 53 or Article 60 of Regulation No. 1215/2012 shall be in accordance with Form 40E in the Schedule of Forms.

(2) The certificate provided pursuant to Article 54 or Article 58 of the Lugano Convention shall be in accordance with Form 40A in the Schedule of Forms.

(3) The certificate provided pursuant to Article 39 of Council Regulation (EC) No. 2201/2003 shall be in accordance with Form 40B or Form 40C, as appropriate, in the Schedule of Forms and shall be signed by the County Registrar and shall be authenticated by the seal of the Court and have annexed to it a certified true copy of the Civil Bill or other originating document by which the proceedings were commenced.

(4) The extract provided pursuant to Articles 20(1) and 48(3) of the Maintenance Regulation shall be in accordance with Form 40D in the Schedule of Forms.

3. In the case of a judgment in default of appearance, the Affidavit grounding the application under rule 1 shall, in addition, exhibit a certified true copy of the affidavit or document, with any exhibit thereto, which establishes that notice of the institution of proceedings was served on the person in default and the County Registrar or person authorised in that

behalf shall certify that the said document is a true copy of the document relied upon by the Court on giving judgment.”

SCHEDULE 3

FORM 5A

AN CHÚIRT *TEAGHLAIGH CHUARDA

THE CIRCUIT *FAMILY COURT

CIRCUIT

COUNTY OF

IN THE MATTER OF

*the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters signed at Brussels on 27 September 1968

*Regulation (EU) No 1215/2012

*the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters signed at Lugano on 30 October 2007

*Council Regulation (EC) No 2201/2003

*Council Regulation (EC) No 4/2009

AND IN THE MATTER OF {insert any other applicable legislation}.

BETWEEN

..... *Plaintiff/*Applicant

AND

..... *Defendant/*Respondent

APPEARANCE CONTESTING JURISDICTION

1. To the County Registrar

At

I request you will enter an Appearance herein on behalf of the *Defendant/*Respondent to the proceedings served upon him on20.... for the purpose of contesting the jurisdiction of this Honourable Court to hear and determine the within proceedings.

Dated this.... day of20....

Signed:.....

*Defendant/*Respondent/Solicitors for the *Defendant/

*Respondent

2. To the *Plaintiff/*Applicant /Solicitors for the *Plaintiff/*Applicant

The Appearance mentioned above was this day lodged by hand / sent by post and the said *Defendant/*Respondent intends to contest the jurisdiction of this Honourable Court to hear and determine the within proceedings.

14 [618]

Dated this.... day of20....

Signed:.....

*Defendant/*Respondent/Solicitors for the *Defendant/*
Respondent

*delete where inapplicable

FORM 40A

CERTIFICATE CONCERNING A JUDGEMENT IN CIVIL AND
COMMERCIAL MATTERS

Article 53 of Regulation (EU) No 1215/2012 of the European Parliament and of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

1. COURT OF ORIGIN

1.1 Name:

1.2 Address:

1.2.1 Street and number/PO box:

1.2.2 Place and postal code:

1.2.3 Member State:

AT BE BG CY CZ DK
 DE EE EL ES FI FR HR
 HU IE IT LT LU LV
 MT NL PL PT RO SE
 SI SK UK

1.3 Telephone:

1.4 Fax:

1.5 E-mail (if available):

2. CLAIMANT(S) ⁽¹⁾

2.1 Surname and given name(s)/name of company or organisation:

2.2 Identification number (if applicable and if available):

2.3 Date (dd/mm/yyyy) and place of birth or, if legal person, of incorporation/formation/ registration (if relevant and if available):

2.4 Address:

2.4.1 Street and number/PO box:

2.4.2 Place and postal code:

2.4.3 Country:
AT BE BG CY CZ DK
DE EE EL ES FI FR HR
HU IE IT LT LU LV
MT NL PL PT RO SE
SI SK UK Other (Please specify (ISO-code))

2.5 E-mail (if available):

3. DEFENDENT(S) ⁽²⁾

3.1 Surname and given name(s)/name of company or organisation:

3.2 Identification number (if applicable and if available):

3.3 Date (dd/mm/yyyy) and place of birth or, if legal person, of incorporation/formation/registration (if relevant and if available):

3.4 Address:

3.4.1 Street and number/PO box:

3.4.2 Place and postal code:

3.4.3 Country:
AT BE BG CY CZ DK
DE EE EL ES FI FR HR
HU IE IT LT LU LV
MT NL PL PT RO SE
SI SK UK Other (Please specify (ISO-code))

3.5 E-mail (if available):

4. THE JUDGEMENT

4.1 Date (dd/mm/yyyy) of the judgment:

4.2 Reference number of the judgment:

4.3 The judgment was given in default of appearance

4.3.1 No

4.3.2 Yes (please indicate the date (dd/mm/yyyy) on which the document instituting the proceedings or an equivalent document was served on the defendant):

- 4.4 The judgment is enforceable in the Member State of origin without any further conditions having to be met.
- 4.4.1 Yes (please indicate the date (dd/mm/yyyy) on which the judgment was declared enforceable, if applicable):
- 4.4.2 Yes, but only against the following person(s) (please specify):
- 4.4.3 Yes, but limited to part(s) of the judgment (please specify):
- 4.4.4 The judgment does not contain an enforceable obligation
- 4.5 As of the date of issue of the certificate, the judgment has been served on the defendant(s):
- 4.5.1 Yes, (please indicate the date of service (dd/mm/yyyy) if known):
- 4.5.1.1 The judgment was served in the following language(s):
 BG ES CS DK DE ET
 EL EN FR HR GA IT
 LV LT HU MT NL PL
 PT RO SK SL FI SV
 Other (Please specify (ISO-code))
- 4.5.2 Not to the knowledge of the Court
- 4.6 Terms of the judgment and interest:
- 4.6.1 Judgment on a monetary claim ⁽³⁾
- 4.6.1.1 Short description of the subject matter of the case:
- 4.6.1.2 The court has ordered:
 (surname and given name(s)/name of
 company or organisation) ⁽⁴⁾
 to make a payment to
 (surname and given name(s)/name of
 company or organisation)
- 4.6.1.2.1 If more than one person has been liable for one and the same claim, the whole amount may be collected from any one of them:
- 4.6.1.2.1.1 Yes
- 4.6.1.2.1.2 No

- 4.6.1.3 Currency:
 euro (EUR) Bulgarian lev (BGN)
 Czech koruna (CZK) Danish krone (DKK)
 kuna (HRK) Hungarian forint (HUF)
 Polish zloty (PLN) pound sterling (GBP)
 Romanian leu (RON) Swedish krona (SEK)
 Other (please specify ISO code):

4.6.1.4 Principal Amount:

4.6.1.4.1 Amount to be paid in one sum

4.6.1.4.2 Amount to be paid in instalments ⁽⁵⁾

Due date (dd/mm/yyyy)	Amount

4.6.1.4.3 Amount to be paid regularly

4.6.1.4.3.1 per day

4.6.1.4.3.2 per week

4.6.1.4.3.3 other (state frequency):

4.6.1.4.3.4 From date (dd/mm/yyyy) or event:

4.6.1.4.3.5 If applicable, until (date (dd/mm/yyyy) or event):

4.6.1.5 Interest, if applicable:

4.6.1.5.1 Interest:

4.6.1.5.1.1 Not specified in the judgment

4.6.1.5.1.2 Yes, specified in the judgment as follows:

4.6.1.5.1.2.1 Amount:
or:

4.6.1.5.1.2.2 Rate... %

4.6.1.5.1.2.3 Interest due from (date (dd/mm/yyyy) or event) to
..... (date (dd/mm/yyyy) or event) ⁽⁶⁾

4.6.1.5.2 Statutory Interest (if applicable) to be calculated in
accordance with (please specify relevant statute):

- 4.6.1.5.1.2.1 Interest due from (date (dd/mm/yyyy) or event) to (date (dd/mm/yyyy) or event) ⁽⁶⁾
- 4.6.1.5.3 Capitalisation of interest (if applicable, please specify):
- 4.6.2 Judgment ordering a provisional, including a protective, measure:
- 4.6.2.1 Short description of the subject matter of the case and the measure ordered:
- 4.6.2.2 The measure was ordered by a court having jurisdiction as to the substance of the matter:
- 4.6.2.2.1 Yes
- 4.6.3 Other type of judgment:
- 4.6.3.1 Short description of the subject matter of the case and the ruling by the court:
- 4.7 Costs ⁽⁷⁾:
- 4.7.1 Currency:
 euro (EUR) Bulgarian lev (BGN)
 Czech koruna (CZK) Danish krone (DKK)
 kuna (HRK) Hungarian forint (HUF)
 Polish zloty (PLN) pound sterling (GBP)
 Romanian leu (RON) Swedish krona (SEK)
 Other (please specify ISO code):
- 4.7.2 The following persons(s) against whom enforcement is sought has/have been ordered to bear the costs:
- 4.7.2.1 Surname and given name(s)/name of company or organisation:⁽⁸⁾
- 4.7.2.2 If more than one person has been ordered to bear the cost, the whole amount may be collected from any one of them:
- 4.7.2.2.1 Yes
- 4.7.2.2.2 No
- 4.7.3 The costs of which recovery is sought are as follows: ⁽⁹⁾
- 4.7.3.1 The costs have been fixed in the judgment by way of a total amount (please specify amount):

- 4.7.3.2 The costs have been fixed in the judgment by way of a percentage of total costs (please specify percentage of total):
- 4.7.3.3 Liability for the costs has been determined in the judgment and the exact amounts are as follows:
 - 4.7.3.3.1 Court fees:
 - 4.7.3.3.2 Lawyers' fees:
 - 4.7.3.3.3 Cost of service of documents:
 - 4.7.3.3.4 Other:
- 4.7.3.4 Other (please specify):
- 4.7.4 Interest on costs:
 - 4.7.4.1 Not applicable
 - 4.7.4.2 Interest specified in the judgment
 - 4.7.4.2.1 Amount:
or
 - 4.7.4.2.2 Rate...%
 - 4.7.4.2.2.1 Interest due from (date (dd/mm/yyyy) or event) to (date (dd/mm/yyyy) or event) ⁽⁶⁾
 - 4.7.4.3 Statutory Interest (if applicable) to be calculated in accordance with (please specify relevant statute):
 - 4.7.4.3.1 Interest due from (date (dd/mm/yyyy) or event) to (date (dd/mm/yyyy) or event) ⁽⁶⁾
 - 4.7.4.4 Capitalisation of interest (if applicable, please specify):

Done at: ...

Signature and/or stamp of the court of origin

⁽¹⁾ Insert information for all claimants if the judgment concerns more than one.

⁽²⁾ Insert information for all defendants if the judgment concerns more than one.

⁽³⁾ If the judgment only concerns costs relating to a claim which has been decided in an earlier judgment, leave point 4.6.1. blank and go to point 4.7.

⁽⁴⁾ If more than one person has been ordered to make a payment, insert information for all persons.

⁽⁵⁾ Insert information for each instalment.

⁽⁶⁾ Insert information for all periods if more than one.

- (7) This point also covers situations where the costs are awarded in a separate judgment.
- (8) Insert information for all persons if more than one.
- (9) In the event that the costs may be recovered from several persons, insert the breakdown for each person separately.

FORM 40E

CERTIFICATE REFERRED TO IN ARTICLES 54 AND 58 OF THE
LUGANO CONVENTION ON JURISDICTION AND THE
RECOGNITION AND ENFORCEMENT OF JUDGMENTS IN CIVIL
AND COMMERCIAL MATTERS ON JUDGMENTS AND COURT
SETTLEMENTS

(English, inglés, anglais, inglese,.)

1. Member State of origin
2. Court or competent authority issuing the certificate
 - 2.1. Name
 - 2.2. Address
 - 2.3. Tel./fax/e-mail
3. Court which delivered the judgment/approved the court settlement (*)
 - 3.1. Type of court
 - 3.2. Place of court
4. Judgment/court settlement (*)
 - 4.1. Date
 - 4.2. Reference number
 - 4.3. The parties to the judgment/court settlement (*)
 - 4.3.1. Name(s) of plaintiff(s)
 - 4.3.2. Name(s) of defendant(s)
 - 4.3.3. Name(s) of other party(ies), if any
 - 4.4. Date of service of the document instituting the proceedings where judgment was given in default of appearance
 - 4.5. Text of the judgment/court settlement (*) as annexed to this certificate
5. Names of parties to whom legal aid has been granted.

The judgment/court settlement (*) is enforceable in the *Member State/*State of origin (Articles 38 and 58 of the *Regulation/*Convention) against:

Name:

Done at....., date.....

Signature.....

County Registrar/person authorised

(* Delete as appropriate.

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 of Orders 14 and 61A in full, the amendment of the interpretation of Terms and various other Orders and the substitution of Forms 5A and 40A and addition of Form 40E to the Schedule of forms to those Rules to facilitate the operation of Regulation (EU) No. 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast).

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.

€4.57

