



STATUTORY INSTRUMENTS.

S.I. No. 229 of 2024



RULES OF THE SUPERIOR COURTS (PARTICULARS) 2024

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We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, and reconstituted pursuant to the provisions of the Courts of Justice Act 1953, section 15, by virtue of the powers conferred upon us by the Courts of Justice Act 1924, section 36, 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, and of all other powers enabling us in this behalf, do hereby make the following Rules of Court.

Dated this 1st day of February 2024.

Donal O'Donnell (Chairperson)

George Birmingham

Elizabeth Dunne

Brian Murray

Máire R. Whelan

Nuala Butler

Richard Humphreys

Siobhán Phelan

Yvonne McNamara

Gráinne Larkin

Michele O'Boyle

Áine Hynes

James Finn

Mary Cummins

John Mahon

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

Dated this 9th day of May 2024.

HELEN MCENTEE

Minister for Justice

S.I. No. 229 of 2024

RULES OF THE SUPERIOR COURTS (PARTICULARS) 2024

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Particulars) 2024, shall come into operation on the 7th day of June 2024.

(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 2024.

2. These Rules shall apply in proceedings commenced both before and from the date on which these Rules come into operation.

3. The Rules of the Superior Courts are amended:

(i) by the insertion immediately following rule 10 of Order 1A of the following rule:

“10A. Where a party intends both to request further information under section 11(1) or section 11(2) of the 2004 Act and to request further particulars, all such requests shall, save on consent or by order of the Court, be made in the same notice or letter, and be replied to in the same notice or letter.”;

(ii) by the substitution for sub-rule (1) of rule 12 of Order 1A of the following sub-rule:

“Applications by motion on notice

12. (1) The following applications in a personal injuries action shall be made by motion to the Court on notice to the opposing party or parties, grounded upon an affidavit sworn by or on behalf of the moving party:

(i) An application by a defendant under section 10(3) of the 2004 Act for a stay or dismissal of the action by reason of a plaintiff’s failure to comply with section 10 of the 2004 Act;

(ii) An application for relief arising from a failure to provide further information requested under section 11(1) or section 11(2) of the 2004 Act and/or a failure to provide further and better particulars following a request;

(iii) An application by a plaintiff under section 12(3) of the 2004 Act for a stay of the action or for judgment by reason of a defendant’s failure to comply with section 12 of the 2004 Act;

- (iv) An application by a party wishing to have evidence in the action given by affidavit, under section 19 of the 2004 Act.

An order sought in an application referred to in paragraphs (i), (ii) or (iii) of this sub-rule shall not be made unless:

- (a) the moving party shall have first written to the relevant opposing party requesting that such party agree to the moving party's request;
 - (b) a period of 28 days for compliance with the moving party's request has been allowed; and
 - (c) the party requested has failed, refused or neglected to comply with such request.", and
- (iii) by the substitution for sub-rule (2) of rule 7 of Order 19 of the following sub-rule:

“(2) Before applying under this rule to the Court a party may apply for particulars by notice or letter. Subject to the provisions of Order 1A, rule 10A, the costs of each such notice or letter and of any particulars delivered pursuant thereto shall be allowable on adjudication of costs. In dealing with the costs of any application for particulars, the provisions of Order 1A, rule 10A and of this rule shall be taken into consideration by the Court.”

EXPLANATORY NOTE

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

These rules amend Order 1A and Order 19 of the Rules of the Superior Courts to require, subject to consent or leave of the court, that section 11 notices under the Civil Liability and Courts Act 2004 be combined with requests for particulars.

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