



STATUTORY INSTRUMENTS.

S.I. No. 231 of 2024



DISTRICT COURT (GARDA SÍOCHÁNA (COMPENSATION) ACT 2022)
RULES 2024

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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, section 24 of the Interpretation Act 2005, and of all other powers enabling them in this behalf, do hereby, with the concurrence of the Minister for Justice, make the following rules of court.

Dated this 8th day of November 2023.

Paul Kelly Chairperson

Alan Mitchell

Marie Quirke

Eoin Martin

Ciara McMahon

James Finn

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. 231 of 2024

DISTRICT COURT (GARDA SÍOCHÁNA (COMPENSATION) ACT 2022)
RULES 2024

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, section 24 of the Interpretation Act 2005, and of all other powers enabling them in this behalf, do hereby, with the concurrence of the Minister for Justice, make the following rules of court:-

1. (1) These rules may be cited as the District Court (Garda Síochána (Compensation) Act 2022) Rules 2024.

(2) These rules shall come into operation on the 31st day of May 2024 and shall be read together with all other District Court Rules for the time being in force.

(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2024.

2. (1) The District Court Rules are amended by the substitution for Order 40A of the Order set out in Schedule 1.

(2) The Form in Schedule 2 shall be added to Schedule C of the District Court Rules 1997 (S.I. No. 93 of 1997) immediately following Form 40A.08.

Schedule 1

“ORDER 40A: PERSONAL INJURIES PROCEEDINGS

1 — DEFINITIONS

1 Definitions

1. In this Order, unless the context or subject matter otherwise requires—

The “1961 Act” means the Civil Liability Act 1961 (No. 41 of 1961);

the “2003 Act” means the Personal Injuries Assessment Board Act 2003 (No. 46 of 2003);

the “2004 Act” means the Civil Liability and Courts Act 2004 (No. 31 of 2004);

the “2022 Act” means the Garda Síochána (Compensation) Act 2022 (No. 33 of 2022);

“assessors” has the meaning given by section 20(2) of the 2003 Act;

the “Board” has the meanings given to it by section 4 of the 2003 Act;

“claimant” includes a deceased person, where personal injuries proceedings are instituted for the benefit of dependants of a deceased person;

“dependant” includes:

- (i) a dependant within the meaning of section 47 of the 1961 Act, and
- (ii) in the case of a personal injuries action involving proceedings under section 23 of the 2022 Act, a claimant who had been an applicant to whom section 8(2)(b) or section 8(4) of the 2022 Act refers, who brings proceedings in accordance with section 23(1) of the 2022 Act;

“Garda compensation personal injuries summons” means a summons by which a personal injuries action involving proceedings under section 23 of the 2022 Act is instituted in accordance with rule 3(2);

“order” includes any judgment, decree or dismiss;

“personal injuries proceedings” means an action for the recovery of damages, in respect of a wrong, for—

- (a) personal injuries, or
- (b) both such injuries and damage to property (but only if both have been caused by the same wrong), or
- (c) under section 48 of the 1961 Act, or
- (d) under section 23 of the 2022 Act,

but does not include an action where the damages claimed include damages for false imprisonment or trespass to the person,

and “proceedings” must be interpreted accordingly;

“personal injuries summons” means a summons by which personal injuries proceedings are begun in the Court in accordance with rule 3(1);

“pleading” has the same meaning as in section 2 of the 2004 Act;

“Personal Public Service Number” or “PPSN” means the Personal Public Service Number allocated and issued to a person under section 262 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005).

2 — PERSONAL INJURIES PROCEEDINGS UNDER THE 2004 ACT

2 Priority of provisions of this Order in personal injuries proceedings

2. (1) The provisions of this Order apply to personal injuries proceedings.

(2) Save where otherwise expressly provided by this Order, if any conflict arises between the provision of any rule of this Order and any other provision of these Rules, the provision of the rule of this Order prevails in respect of personal injuries proceedings.

3 Venue

3. (1) Save where otherwise provided by these Rules or by an Act and subject to Order 41B and the Conventions to which it relates, a personal injuries summons must be filed with and issued by the Clerk assigned to the Court area:

- (a) in which the respondent or one of the respondents ordinarily resides or carries on any profession, business or occupation, or
- (b) at the election of the claimant, in which any tort alleged in the personal injuries summons is alleged to have been committed.

(2) Notwithstanding sub-rule (1), proceedings under section 23 of the 2022 Act must be instituted by filing an originating document, to be called a Garda compensation personal injuries summons, with the Clerk assigned to the Court area:

- (a) in which the respondent has his or her principal office, or
- (b) at the election of the claimant, in which any malicious incident alleged in the Garda compensation personal injuries summons is alleged to have occurred,

and by the issuing of that Garda compensation personal injuries summons by the Clerk concerned.

(2) Unless otherwise provided by law, personal injuries proceedings in the Court must be heard and determined at a sitting of the Court for the transaction of civil business for the Court area in which the personal injuries proceedings were brought.

(3) Except in a case to which section 7(6)(a)(ii) of the Courts Act 1964 applies, a personal injuries summons which has been issued by a Clerk is deemed to have been issued on the date on which it was filed with the Clerk for issue.

4 Form of personal injuries summons and Garda compensation personal injuries summons

4. (1) Personal injuries proceedings in the Court must be instituted by the issue for service on each respondent of a personal injuries summons in the Form No. 40A.01, Schedule C.

(2) Notwithstanding sub-rule (1), personal injuries proceedings in the Court which are proceedings under section 23 of the 2022 Act must be instituted by the issue for service on each respondent of a personal injuries summons in the Form No. 40A.09, Schedule C, to be called a Garda compensation personal injuries summons.

(3) Save where otherwise expressly provided by this Order, the provisions of these Rules which apply to a claim notice apply, with appropriate modifications, to a personal injuries summons and to Garda compensation personal injuries summons.

5 Content of personal injuries summons

5. (1) A personal injuries summons must specify:

- (i) the claimant's name, the address at which he or she ordinarily resides and his or her occupation;
- (ii) the claimant's Personal Public Service Number (and where a claimant has not been issued with a PPSN, this must be stated in the personal injuries summons);
- (iii) the respondent's name, the address at which the respondent ordinarily resides (if known to the claimant) and the respondent's occupation (if known to the claimant).

(2) In any proceedings the bringing of which requires to be authorised in accordance with sections 14, 17, 32, 36 or 49, or rules under section 46(3) of the 2003 Act, the personal injuries summons or Garda compensation personal injuries summons must contain a statement:

- (a) confirming whether or not the proceedings have been authorised by the Personal Injuries Assessment Board,
- (b) specifying the section of the 2003 Act or the rule made under section 46(3) of the 2003 Act in accordance with which any such authorisation has been issued, and
- (c) citing the date of issue of the authorisation and any reference or record number relating to any such authorisation.

6 Particulars of claim in personal injuries summons or Garda compensation personal injuries summons

6. (1) A personal injuries summons must:
- (a) set out full and detailed particulars of-
 - (i) the nature of the claim and of each allegation, assertion or plea comprising that claim;
 - (ii) the injuries to the claimant alleged to have been occasioned by the wrong of the respondent;
 - (iii) the acts of the respondent constituting the wrong and the circumstances relating to the commission of the wrong;
 - (iv) each instance of negligence by the respondent, and
 - (b) contain a schedule of full particulars of all items of special damage in respect of which the claimant is making a claim.
- (2) A Garda compensation personal injuries summons must:
- (a) set out full and detailed particulars of-:
 - (i) the injuries or death alleged to have been occasioned by the malicious incident concerned;
 - (ii) the malicious incident, and
 - (iii) in the case of proceedings brought by one or more persons to whom section 8(2)(b) of the 2022 Act refers, the applicability of that section to each person by whom or for whose benefit the proceedings are brought, and.
 - (b) contain a schedule of full particulars of all items of special damage in respect of which the claimant is making a claim.

(3) Where a claimant who has not served the notice required by section 8(1) of the 2004 Act within the time prescribed for service of that notice alleges that there was a reasonable cause for failing to do so within that time, the personal injuries summons or Garda compensation personal injuries summons must include details of the cause of that failure.

(4) Where a claimant alleges that he or she was unable, at the time at which a personal injuries summons or Garda compensation personal injuries summons was issued, to include in the summons any of the information required by this rule to be specified therein, he or she must include in the summons a statement of the reasons why it is claimed that any such information could not be provided at the time of issue of the summons. The claimant must, when the summons is served or as soon as may be thereafter (whether by amendment or otherwise) provide and verify such of the information required by this rule as was not included in the summons.

7 Form of personal injuries defence

7. (1) Each respondent who intends to defend personal injuries proceedings must deliver to the claimant (or his solicitor) an appearance and defence in the

Form 40A.02, Schedule C and file a copy of the appearance with the Clerk within 28 days after the service on him or her of the personal injuries summons.

(2) Where any respondent makes a counterclaim, the counterclaim must be in the Form 40A.03, Schedule C and must be appended to the defence.

8 Affidavit of verification under section 14 of the 2004 Act

8. (1) An affidavit of verification of a pleading or of further information requiring to be verified on oath under section 14(1) or section 14(2) of the 2004 Act must be in the Form 40A.04, Schedule C.

(2) The affidavit may be endorsed on the pleading or other document concerned, or may exhibit the relevant pleading or other document.

(3) A copy of the affidavit of verification must be delivered to the party to whom the pleading or other document is to be delivered.

(4) Where the affidavit is endorsed on the pleading or other document, it must be delivered within the time prescribed by these Rules for delivering the pleading or other document. Otherwise, the affidavit must be delivered within the time prescribed by section 14 of the 2004 Act for filing the affidavit in Court.

(5) Where the affidavit of verification is delivered after delivery of the pleading or other document, the time prescribed by these Rules for delivery of any pleading or other document in reply runs from the date of delivery of the affidavit of verification.

(6) An affidavit of verification must be filed in Court as required by section 14(4) of the 2004 Act by filing the original affidavit duly stamped with the Clerk.

9 Applications by notice of motion in personal injuries proceedings

9. (1) The following applications in personal injuries proceedings must be made by application to the Court by motion on notice to the opposing party or parties. The notice of motion must be in the Form 40A.05, Schedule C, and must be supported by an affidavit sworn by or on behalf of the moving party:

- (i) an application under section 9(2) of the 2004 Act (in the absence of agreement between or among the parties) for the extension of the period provided for in this Order or otherwise in these Rules, within which any document may be served or thing may be done;
- (ii) an application by a respondent under section 10(3) of the 2004 Act for a stay or dismissal of proceedings by reason of a claimant's failure to provide the information necessary to comply with section 10 of the 2004 Act;
- (iii) an application by a respondent under section 11(3) of the 2004 Act for a stay or dismissal of proceedings by reason of a claimant's failure to provide further information requested under section 11(1) or section 11(2) of the 2004 Act;

- (iv) an application by a claimant under section 12(3) of the 2004 Act for a stay of proceedings or for judgment by reason of a respondent's failure to provide the information necessary to comply with section 12 of the 2004 Act;
- (v) an application by a party for a direction of the Court under section 15 of the 2004 Act that a mediation hearing be held;
- (vi) an application to the Court to order delivery by the opposing party of further and better particulars of any pleading delivered by that opposing party;
- (vii) an application by a party wishing to have evidence given by affidavit, under section 19 of the 2004 Act;
- (viii) an application by a party wishing to have an approved person appointed to carry out any investigation and to give any evidence in relation to any matter, under section 20 of the 2004 Act.

(2) No application described in sub-rule (1) may be issued unless:

- (a) the moving party has first written to the relevant opposing party requesting that the relevant opposing party agree to any extension proposed or (as the case may be) provide the information identified in, or agree to, the moving party's request;
- (b) a period of 14 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.

(3) No application for judgment in default of defence may be granted in personal injuries proceedings unless the moving party has satisfied the Court that he has verified his personal injuries summons in those proceedings on oath in accordance with this Order.

10 Adjournment to facilitate mediation

10. (1) Where in accordance with section 15 of the 2004 Act the Court directs that a mediation conference be held, it may adjourn the personal injuries proceedings for such time as it considers appropriate to enable the mediation hearing to be held.

(2) Where the Court directs that a mediation conference be held, it may extend the time for compliance by the parties or any of them with any provision of these Rules or any order of the Court in the personal injuries proceedings.

(3) The report under section 16 of the 2004 Act of the person appointed under section 15(4) of the 2004 Act to be the chairperson of a mediation hearing must be provided in an affidavit which must verify:

- (a) his or her appointment as mediator;
- (b) whether the mediation hearing was or was not held;

- (c) if not held, the reasons why the mediation hearing did not take place;
- (d) if held—
 - (i) the time and place at which the mediation hearing was held;
 - (ii) the parties in attendance;
 - (iii) whether or not a settlement was reached in the personal injuries proceedings, and
 - (iv) the terms of any settlement signed by the parties.

(4) The Court may give a direction under section 15 of the 2004 Act of its own motion on any occasion on which the personal injuries action is before the Court.

11 Offer of settlement

11. (1) Copies of the claimant's notice of an offer of terms of settlement required by section 17(1) of the 2004 Act and of the respondent's notice required by section 17(2) of the 2004 Act must be filed in Court.

(2) Copies of the notices referred to in sub-rule (1) must be filed by being delivered, together with an affidavit or statutory declaration of service of the notice on the opposing party, to the Clerk as soon as may be after the expiry of the prescribed period referred to in section 17(3) of the 2004 Act.

(3) The notices referred to in sub-rule (1) must be in the Form 40A.06, Schedule C.

(4) The notices referred to in sub-rule (1) must not be given or produced to the Judge before the determination of the personal injuries proceedings.

12 Pre-trial hearing

12. (1) A pre-trial hearing as provided for in section 18 of the 2004 Act must be held in personal injuries proceedings where the Court, on the application by motion on notice to the opposing party or parties by the party wishing to apply for a pre-trial hearing, considers that a pre-trial hearing is appropriate.

(2) A Judge presiding over a pre-trial hearing may at such hearing give such directions and make such orders as he or she considers necessary for the purposes of determining what matters relating to the proceedings are in dispute.

3 — APPLICATIONS UNDER THE 2003 ACT

13 Application for approval of an assessment

13. (1) An application for the approval by the Court of an assessment under section 35(2) of the 2003 Act must be made by notice of motion in the Form 40A.07, Schedule C.

(2) The notice of motion must be filed with and issued by the Clerk assigned to the Court area:

- (a) in which the respondent or one of the respondents ordinarily resides or carries on any profession, business or occupation, or
- (b) at the election of the applicant, in which any tort to which the relevant claim mentioned in section 35 of the 2003 Act relates is alleged to have been committed

(3) The notice of motion must be supported by an affidavit entitled

“IN THE MATTER OF THE PERSONAL INJURIES ASSESSMENT
BOARD ACT 2003

and

IN THE MATTER OF AN APPLICATION RELATING TO A.B., A [WARD,
CHILD OR PERSON WHO IS THE SUBJECT OF A DECISION-MAKING
REPRESENTATION ORDER], OF [ADDRESS] BY C.D., ACTING AS
[STATE CAPACITY] ON BEHALF OF THE SAID A.B.”

(4) The notice of motion must be addressed to the respondent by name and must be served by the applicant on the respondent not later than seven days before the return date.

(5) The notice of motion must be served

- (a) by delivering it to the respondent;
- (b) by leaving it at the address at which the respondent ordinarily resides (or in the case of a company, its registered office) or, in a case in which an address for service has been furnished by the respondent, at that address, or
- (c) by sending it by post in a prepaid registered letter to the address at which the respondent ordinarily resides (or in the case of a company, its registered office) or, in a case in which an address for service has been furnished, to that address.

(6) When considering an application concerning such an assessment the Court may appoint a person of full age to act as guardian ad litem of the child.

(7) Where applicable, the provisions of Order 45, rule 7 (concerning lodgments) apply mutatis mutandis to assessments made in favour of children, wards or persons the subjects of Decision-Making Representation Orders which are approved in accordance with this rule in respect of the amount recoverable in accordance with section 38 of the 2003 Act.

(8) The Clerk must send by ordinary pre-paid post or by e-mail to the Personal Injuries Assessment Board a certified copy of any order made pursuant to this rule.

(9) If an order to pay issues in accordance with section 38 of the 2003 Act, a copy of the order to pay must be sent forthwith by the Personal Injuries Assessment Board to the Clerk by ordinary pre-paid post or in electronic form.

(10) If an order to pay issues in accordance with section 38 of the 2003 Act, the Court may direct investment in accordance with Order 43, rule 12.

14 Application to Court by assessors

14. (1) An application by an assessor for an order under section 27(2) of the 2003 Act must be made at a sitting of the District Court in the Court area within which the person against whom the order concerned is sought resides or carries on business.

(2) Such an application must be by notice of application in the Form 40A.08, Schedule C, and must be addressed to the respondent by name.

(3) Notice of the application must be served by the applicant not later than seven days before the return date. The notice must be served:

- (a) by delivering it to the respondent;
- (b) by leaving it at the address at which the respondent ordinarily resides or, in a case in which an address for service has been furnished, at that address; or
- (c) by sending it by post in a prepaid registered letter to the address at which the respondent ordinarily resides or, in a case in which an address for service has been furnished, to that address.”

Schedule 2**“No. 40A.09****Garda compensation personal injuries summons**

Schedule C, O.40A, r.4

District Court Area of**District No.****Record number:**

Between

..... Claimant

Commissioner of the Garda Síochána,.. Respondent

GARDA COMPENSATION PERSONAL INJURIES SUMMONS**Civil Liability and Courts Act 2004, section 10**

This Garda compensation personal injuries summons is issued at the request of the claimant(s), who makes a claim in the District Court to recover against the respondent damages not exceeding €15,000.

Particulars of first claimant:

Name

Address	*(in the above Court *(area) and district)
Occupation	
PPSN	(if none, state “none”)
*Solicitor	
Address for service of documents	

[Repeat particulars for second and any subsequent claimant]

Particulars of first respondent:

Name	Commissioner of the Garda Síochána
Address	*(in the above Court *(area) and district)
Occupation (if known)	Commissioner of the Garda Síochána
*Solicitor (if known)	
Address for service of documents (if known)	

[Repeat particulars for second and any subsequent respondent]

STATEMENT OF CLAIM

[A Garda compensation personal injuries summons must contain a statement entitled "Statement of Claim" which must

- (a) set out, in numbered paragraphs, full and detailed particulars of-*
 - (i) the injuries or death alleged to have been occasioned by the malicious incident concerned;*
 - (ii) the malicious incident, and*
 - (iii) in the case of proceedings brought by one or more persons to whom section 8(2)(b) of the 2022 Act refers, the applicability of that section to each person by whom or for whose benefit the proceedings are brought,*
- (b) contain a schedule of full particulars of all items of special damage in respect of which the claimant is making a claim, and*
- (c) give details of the basis upon which jurisdiction is claimed.*

The following is a suggested format in which the statement of claim might be presented:

1. DESCRIPTION OF PARTIES

2. PARTICULARS OF THE MALICIOUS INCIDENT CONCERNED

3. PARTICULARS OF THE INJURIES OR DEATH ALLEGED TO HAVE BEEN OCCASIONED BY THE MALICIOUS INCIDENT

**4. (WHERE RELEVANT) PARTICULARS OF THE APPLICABILITY OF SECTION 8(2)(B) OF THE 2022 ACT TO EACH PERSON BY WHOM OR FOR WHOSE BENEFIT THE PROCEEDINGS ARE BROUGHT*

5. RELIEFS CLAIMED

*6. The bringing of these personal injuries proceedings requires to be authorised in accordance with *section 14 *section 17 *section 32 *section 36 *section 49 *rules under section 46(3) of the Personal Injuries Assessment Board Act 2003 and these personal injuries proceedings have been authorised by the Personal Injuries Assessment Board, under *section 14 *section 17 *section 32 *section 36 *section 49 *rules under section 46(3) by authorisation dated theday of20.... under reference number*

Schedule

PARTICULARS OF ITEMS OF SPECIAL DAMAGE

(Full particulars should be set out. Add additional sheets if necessary)]

[If applicable, insert the particulars required by Order 39, rule 4 (1A)]

LIST OF CORRESPONDENCE AND OTHER DOCUMENTS ON WHICH
THE CLAIMANT WILL RELY AT TRIAL

	Document	Date	Description
1	<i>e.g. letter</i>	<i>1 September 2013</i>	<i>Letter from the claimant to the respondent</i>
2			
Etc			

(A) IF YOU DISPUTE THE CLAIM and wish to defend the proceedings, then you must give, or send by post, to the claimant or claimant’s solicitor at the address for service mentioned above an appearance and defence in Form 40A.02, Schedule C of the District Court Rules, not later than 28 days after the service on you of this claim notice, and at the same time file a copy of your appearance with the District Court Clerk at the address below.

(B) IF YOU ADMIT THE CLAIM, you should contact the claimant or claimant’s solicitor within 10 days after the service on you of this claim notice to make arrangement to agree payment of the claim and costs, all further proceedings will be stayed, you need not attend court and you will avoid further costs.

IF YOU DO NOT ACT IN ACCORDANCE WITH (A) OR (B) ABOVE you will be held to have admitted the claim and the claimant may apply for judgment to the District Court and if judgment is given, proceed to execution.

Signed:.....

*(Solicitor for) Claimant

To the respondent(s) at the address given above

This Garda compensation personal injuries summons is issued at on the day of 20.... by the District Court Clerk assigned to the above Court area and district

EXPLANATORY NOTE

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

These rules amend the District Court Rules by the substitution of Order 40A and insertion of a new Form No. 40A.09 to Schedule C to facilitate the operation of the Garda Síochána (Compensation) Act 2022.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
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