



STATUTORY INSTRUMENTS.

S.I. No. 13 of 2025



RULES OF THE SUPERIOR COURTS (DIGITAL) 2025

S.I. No. 13 of 2025

RULES OF THE SUPERIOR COURTS (DIGITAL) 2025

We, the Superior Courts Rules Committee, constituted pursuant to the provisions of section 67 of the Courts of Justice Act 1936 and reconstituted pursuant to the provisions of section 15 of the Courts of Justice Act 1953, by virtue of the powers conferred upon us by section 36 of the Courts of Justice Act 1924, section 68 of the Courts of Justice Act 1936 (as applied by section 48 of the Courts (Supplemental Provisions) Act 1961), section 14 of the Courts (Supplemental Provisions) Act 1961 and sections 20 and 21 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020, hereby make the following Rules of Court.

Dated this 30th day of September 2024.

Donal O'Donnell (Chairperson)

Nuala Butler

Richard Humphreys

Siobhán Phelan

Yvonne McNamara

Gráinne Larkin

Michele O'Boyle

Áine Hynes

James Finn

John Mahon

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

Dated this 14th day of January 2025.

Helen McEntee

Minister for Justice

S.I. No. 13 of 2025

RULES OF THE SUPERIOR COURTS (DIGITAL) 2025

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Digital) 2025, shall come into operation on the 31st day of January 2025.

(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 2025.

2. The Rules of the Superior Courts are amended:

(i) by the substitution for Order 5, rule 2 of the following rule:

“2. (1) Originating summonses shall be prepared by the plaintiff or his or her solicitor, and shall be written or printed, or partly written and partly printed, on paper of the same description as by these Rules directed in the case of proceedings directed to be printed.

(2) Notwithstanding any provision of this Order, where the issue of an originating summons is for the time being authorised by digital delivery in accordance with Order 117, it shall not be necessary to prepare or lodge any written or printed summons, or any written or printed copy of any summons, intended for issuing.”;

(ii) by the substitution for Order 9, rule 1 of the following rule:

“1. (1) No service of a summons shall be required when the defendant, by his or her solicitor, accepts service, and undertakes in writing to enter an appearance.

(2) Where service of a summons which has been issued in accordance with Order 117 is effected by digital delivery on a defendant, or the solicitor for a defendant, who is a digital user who has consented to digital delivery of the summons, no further service of the summons on that defendant shall be required.”;

(iii) by the substitution for Order 12, rule 1 of the following rule:

“1. (1) Appearances shall be entered in the Central Office, Four Courts, Dublin, except in the case of minor matters, when the appearance shall be entered in the Office of Wards of Court, or except as otherwise provided in these Rules.

(2) A digital user may enter an appearance by digital delivery, where such entry is for the time being authorised in accordance with Order 117.”;

- (iv) by the substitution for sub-rule (1) of rule 20 of Order 40 of the following sub-rule:

“(1) No foreign language affidavit shall be used in evidence in the absence of the affidavit referred to in rule 18(3) or, as the case may be, the statement of truth referred to in Order 40A, rule 17(2).”;

- (v) by the insertion immediately following Order 40 of the Order set out in Schedule 1;

- (vi) by the substitution for Order 58, rule 5(1) of the following sub-rule:

“(1) A document for use in proceedings in the Supreme Court may be served by any of the following methods—

- (a) personal service,
- (b) registered post,
- (c) electronic means where the person to be served has consented to service by such means or a statutory practice direction so requires or permits,
- (d) digital delivery, where such delivery is for the time being authorised in accordance with Order 117, and
- (e) save in the case of a notice of application for leave or notice of appeal, any other method permitted by Order 121 (and where any such method is used, the provisions of Order 121 apply).”;

- (vii) by the substitution for Order 58, rule 7 of the following rule:

“7. A document may be lodged or filed in the Office by any of the following methods—

- (a) any method permitted by Part III or Part IV of Order 117 (subject to the provisions of that Order),
- (b) where required or permitted by a statutory practice direction, electronic means in accordance with that direction, or
- (c) digital delivery, where such delivery is for the time being authorised in accordance with Part V of Order 117.”;

(viii) by the substitution for Order 86, rule 4(1) of the following sub-rule:

“4. (1) A document for use in proceedings in the Court of Appeal may be served by any of the following methods:

- (a) personal service,
- (b) registered post,
- (c) electronic means where the person to be served has consented to service by such means or a statutory practice direction so permits,
- (d) digital delivery, where such delivery is for the time being authorised in accordance with Order 117, and
- (e) save in the case of a notice of appeal, any other method permitted by Order 121 (and where any such method is used, the provisions of Order 121 apply).”;

(ix) by the substitution for Order 86, rule 6 of the following rule:

“6. Subject to the provisions of this Order, a document may be lodged or filed in the Office by any of the following methods:

- (a) any method permitted by Part III or Part IV of Order 117 (subject to the provisions of that Order);
- (b) where permitted by a statutory practice direction, by electronic means in accordance with the relevant statutory practice direction; or
- (c) digital delivery, where such delivery is for the time being authorised in accordance with Part V of Order 117.”;

(x) by the substitution for rule 1 of Order 115 of the following rule:

“1. (1) Every order of the Supreme Court, of the Court of Appeal, and of the High Court, when drawn up, shall be dated the day of the week, month and year on which the same was made, unless such Court shall otherwise direct, and shall take effect accordingly. Every such order shall be passed and perfected with all convenient speed.

(2) The date of perfecting shall be indorsed on or included within the order by the proper officer.

(3) An order issued by digital delivery, where such delivery is for the time being authorised in accordance with Order 117, shall suffice as between the parties, but the proper officer may, on request, issue an order in printed form and authenticated in such other manner as the proper

officer considers appropriate, on payment of any applicable fee.

(4) Where any order issued by digital delivery is amended, the amendment history shall be retained for so long as records of the proceedings are retained on the network.”;

(xi) by the insertion in Order 116, immediately following rule 3, of the following rule:

“3A. Each officer referred to in rules 2 and 3 as having custody of a seal referred to in rule 1 may additionally apply or authorise the application of an electronic seal (within the meaning of Article 3 of Regulation 910/2014/EU) which corresponds to the seal in his or her custody, in any case of digital delivery.”;

(xii) by the substitution for Orders 117 and 117A of the Order set out in Schedule 2;

(xiii) by the insertion in Order 125, rule 1, in the appropriate sequence, of the following definitions:

““court document” includes any pleading, notice, affidavit, bill of costs or other document required by these Rules to be lodged with any officer or in any office in or in connection with any proceeding;

“court office” or “office”, when used without qualification, means any office by law attached to the Supreme Court, the Court of Appeal, the High Court or the President of the High Court and, in the case of digital delivery of a document, also includes any office of the Courts Service for the time being designated for the purposes mentioned in section 20(5)(b) of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020;

“court officer” or “officer”, when used without qualification, means any officer of a court or officer attached to a court office and, where the context so admits or requires, includes any member of staff employed in a court office;

“digital delivery” of a court document or other document means delivery of that document by electronic means:

- (i) by a digital user to the appropriate court office or court officer,
- (ii) by a court officer or member of the staff of the Courts Service assigned to a court office to a digital user, or
- (iii) by a digital user to another digital user (including a digital user who is a party, or who is the solicitor for a party),

in accordance with any conditions stipulated in the manner provided in Order 117;

“digital user” means:

- (i) a solicitor, a firm of solicitors or a legal partnership acting through a person or persons authorised for the purpose by that firm, or
- (ii) a party suing or defending in person,

which is or who is for the time being authorised to deliver to a court office or court officer and to receive from a court office or court officer by digital means any court document or other document which may be lodged or filed in or delivered to the court concerned in or in connection with any proceedings or category of proceedings or in any stage or step in such proceedings, in respect of which digital delivery is for the time being authorised in accordance with section 20 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020;

“document”, where the context so admits or requires, includes information transmitted by digital means;

“electronic signature” means an electronic signature within the meaning of section 2 of the Electronic Commerce Act 2000 and/or Article 3 of Regulation 910/2014/EU, which is used in accordance with the requirements of that Act and/or that Regulation;

“network” means an electronic information and communications network or system maintained and supported by the Courts Service for the purposes of use by court users in civil proceedings, for the time being in use, to which digital users have access, and which is used or capable of use for digital delivery;

“statement of truth” means a statement of truth for the time being required or authorised to be made in place of an affidavit or statutory declaration, in accordance with section 21 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020, and which is or is intended to be transmitted to or by a network for the purposes of a cause or matter.”; and

- (xiv) by the substitution for rule 3 of Order 125 of the following rule:

“3. (1) The respective forms in the said Appendices shall, where applicable or appropriate, be used with such variations or modifications as circumstances may require. Where such forms are applicable or appropriate, any costs occasioned by the use of any other or more prolix forms shall be borne by, or disallowed to, the party using the same, unless the Court shall otherwise direct.

(2) Acceptance of valid completion of all required fields in any document for the time being authorised for digital delivery shall be deemed to satisfy the requirements of any prescribed form for the document concerned, unless the Court shall otherwise direct.”.

Schedule 1
“Order 40A
Statements of Truth

I. General

1. In this Order,
“relevant document” has the same meaning as in section 2 of the Statutory Declarations Act 1938.

2. (1) Where any affidavit is required or permitted to be lodged or filed or delivered in any proceedings in which digital delivery is for the time being authorised in accordance with Order 117:

- (a) the lodgment or filing of a statement of truth shall satisfy any obligation to lodge or, as the case may be, to file an affidavit;
- (b) the service of a statement of truth shall satisfy any obligation to serve an affidavit;
- (c) the party or person concerned may make and transmit a statement of truth in lieu of swearing and filing an affidavit; and
- (d) the provisions of this Order shall apply to every such statement of truth.

(2) This Order applies to statements of truth whether made within or outside the State.

3. The provisions of these Rules which confer an entitlement to cross-examine, or to apply to cross-examine, the deponent to any affidavit shall apply *mutatis mutandis* to the maker of any statement of truth. The Court may, on the application of any party, order the attendance for cross-examination of the maker of any such statement of truth.

4. (1) A statement of truth:

- (a) may only be made within the network, in accordance with the terms and conditions of use for the time being in effect concerning the network, and any instructions for the maker provided on the network;
- (b) shall be made by being signed by the maker using an electronic signature;
- (c) shall include each of the following statements:
 - “- I have an honest belief that the facts stated in this Statement of Truth are true.

- I understand that it is a crime to make a Statement of Truth if I do not honestly believe it is true.

- I understand that if I make a false Statement of Truth, I may have to go to prison, pay a fine, or both.”

- (2) Where any document is intended to be exhibited to a statement of truth:
- (a) in any case in which exhibits are required to be transmitted to the network with the statement of truth, the statement of truth shall identify the exhibit or sequence of exhibits, or
 - (b) in any other case, the maker shall, prior to signing the statement of truth, mark each exhibit for identification purposes by signing or as otherwise provided in any practice direction,

and each such exhibit is subject to the requirements of rule 6.

5. (1) A statement of truth may only be filed by being transmitted, in accordance with the terms and conditions of use for the time being in effect concerning the network, and any instructions for the filing of statements of truth provided on the network, by a digital user:

- (a) who is a solicitor or which is a firm of solicitors or a legal partnership for the time being on record for the maker of the statement of truth concerned or, as the case may be, the party on whose behalf the statement of truth concerned is made, and who has or which has verified the identity of the maker of the statement of truth concerned;
- (b) who is a natural person on whose behalf as a party to proceedings the statement of truth concerned is made and who has verified the identity of the maker of the statement of truth concerned; or
- (c) who is a natural person making the statement of truth concerned on his or her own behalf as a party to proceedings in which the statement of truth concerned is made.

(2) Where a solicitor makes a statement of truth on behalf of a client to ground an application in proceedings in which the solicitor has no personal interest, it shall not be necessary for the solicitor’s identity to be independently verified and it shall suffice for the solicitor to provide his or her Law Society solicitor number.

6. (1) Notwithstanding sub-rules (2) and (3), it shall be and remain the obligation of the party filing any statement of truth to retain all exhibits to any statement of truth, which remain subject to the directions of any court before which such statement of truth is, or may be, relied upon or opened.

(2) Where so required by practice direction, copies of each exhibit to a statement of truth shall be uploaded to the network when the statement of truth concerned is transmitted for filing on the network. Such copies shall be made available on the network to the parties and the Court only for such period as is provided in the terms and conditions for use of the network, and may thereafter,

subject to the direction of the Court, any practice direction and any other requirement of law, be deleted from the network.

(3) In any case in which sub-rule (2) does not apply, and where the network so facilitates, the parties may agree to upload to the network copies of exhibits. Such copies shall be made available on the network to the parties and the Court only for such period as is provided in the terms and conditions for use of the network, and may thereafter, subject to the direction of the Court, any practice direction and any other requirement of law, be deleted from the network.

7. (1) A statement of truth filed by a digital user mentioned in rule [5(i)(a)] shall, unless rule 5(2) applies, include or have associated with it a certificate that a named solicitor has satisfied himself or herself of the identity of the maker by reference to a relevant document, or that the maker is personally known to a named solicitor.

(2) A statement of truth filed by a digital user mentioned in rule [5(i)(b)] shall include or have associated with it a certificate that the person filing the statement of truth has satisfied himself or herself of the identity of the maker by reference to a relevant document, or that the maker is personally known to the person filing the statement of truth.

(3) Nothing in this rule limits the power of a court to inquire into the circumstances in which a statement of truth was made or to require or permit further evidence to be given of the matters contained in a statement of truth.

8. The filing of a statement of truth in accordance with rule 5 shall satisfy any requirement of these Rules for the filing of an affidavit in a court office.

9. Where a special time is limited for filing any statement of truth, no statement of truth filed after that time shall be used, unless by leave of the Court.

II. Formal requirements

10. Every statement of truth shall be entitled in the same form as would be used in an affidavit sworn in the cause or matter concerned, or shall capture and confirm the title and record number of the cause or matter as recorded on the network.

11. A statement of truth shall be confined to such facts as the maker is able of his or her own knowledge to prove, and shall state the maker's means of knowledge thereof, except on interlocutory motions, on which statements as to the maker's belief, with the grounds thereof, may be admitted. The costs of any statement of truth which shall unnecessarily set forth matters of hearsay or argumentative matter, or copies of or extracts from documents, shall not be allowed.

12. Every statement of truth shall capture or record the date on which it is made and the place where it is made.

13. (1) Every statement of truth shall state the description, trade, profession or employment of the maker and:

- (i) the maker's place of business, trade, profession or employment; or
- (ii) the true place of abode of the maker.

(2) Every statement of truth shall state that the maker is over 18 years of age, but if the maker is under 18 years of age, the statement of truth shall state the maker's exact age.

14. There shall be included in or associated with every statement of truth a record showing on whose behalf it is filed, and no statement of truth shall be used without such record, unless the Court shall otherwise direct.

15. The Court may order to be struck out from any statement of truth any matter which is scandalous and may order the costs of any application to strike out such matter to be paid as between legal practitioner and client.

16. The Court may receive any statement of truth made for the purpose of being used in any cause or matter notwithstanding any defect or irregularity in its form, and may direct the proper officer to endorse a memorandum on the statement of truth (which may be done by electronic means) that it has been so received.

17. (1) Statements of truth may be made only in a language supported by the network.

(2) A person who is not capable of making a statement of truth in a language supported by the network may swear a foreign language affidavit in accordance with Order 40, and the translator may make a statement of truth in which:

- (i) the translator sets out his or her qualifications as a translator;
- (ii) copies of the foreign language affidavit and the translator's original translation thereof are exhibited; and
- (iii) the translator confirms that the translation is accurate.

III. Particular types and uses of statement of truth and use of statements of truth at trial

18. (1) The provisions of rules 25 to 27 inclusive in Part III of Order 40 shall apply *mutatis mutandis* to statements of truth.

(2) The provisions of rules 28, 29 and 31 in Part IV of Order 40 shall apply *mutatis mutandis* to statements of truth.

(3) The provisions of rules 33 to 38 inclusive in Part V of Order 40 shall apply *mutatis mutandis* to statements of truth.”

Schedule 2

“Order 117

**Requirements as to form and delivery to offices of documents and copies
in corporeal form (hard copy) and in digital form (soft copy)**

I. Definitions

Definitions

1. (1) In this Order,

“non-personal delivery in hard copy of a court document” means:

- (a) delivery of that document in hard copy at the office or to the officer specified in the provision of these Rules concerned:
 - (i) by pre-paid registered post,
 - (ii) by pre-paid ordinary post, or
 - (iii) through a document exchange service accepted by the officer for the time being managing the Central Office, or
- (b) deposit of that document in hard copy in a box or at a facility maintained for the purpose by the office or officer so specified,

in accordance with any conditions stipulated in the manner provided in rule 2, but does not include digital delivery in accordance with Part V of this Order;

“personal delivery” means lodgment of a court document in hard copy, together with any copy required and proof of payment of any court fee required (where necessary, endorsed on the court document), at an office, with the officer concerned or with a member of the staff of the officer or office who is authorised to accept it;

the “proper officer” means:

- (i) the Registrar of the Supreme Court, in the case of the Supreme Court;
- (ii) the Registrar of the Court of Appeal, in the case of the Court of Appeal; and
- (iii) the officer for the time being managing the Central Office, in the case of the High Court.

II. Form of documents and provision of copies

Notices in writing

2. (1) All notices required by these Rules shall be in writing, unless expressly authorised by the Court to be given orally.

(2) Nothing in this Order operates to require a document delivered in electronic form, including by digital delivery, to be printed.

Digital documents

3. (1) Where a document is for the time being authorised in accordance with this Order 117 to be filed or lodged in any of the offices by digital delivery or to be prepared and submitted in digital form (in soft copy) for use in Court, such document may comprise or include:

- (a) information transmitted to a network in the form of an electronic document or other electronic data (including, for the avoidance of doubt, a statement of truth), and
- (b) information made available to a digital user on a network to which the digital user concerned has access,

which is capable of being presented or reproduced in legible form,

and such document shall not require to be provided in printed form, notwithstanding any other provision of these Rules.

(2) Any document required or permitted to be filed or lodged in any of the offices by delivery in person (of a hard copy) or by non-personal delivery in hard copy in accordance with this Order or prepared otherwise than in digital form for use in Court shall be clearly and legibly written.

Paper size

4. Hard copy documents to be filed or lodged in the Office of the Registrar of the Supreme Court, the Office of the Registrar of the Court of Appeal or in the Central Office shall be printed on A4 size paper.

Copy documents

5. Copies of documents for use in Court or for marking as attested or certified copies shall correspond in form with the original document.

Production of copies

6. Where a party requires the production by another party of printed copies of any documents, the party who provides such copies is entitled to be reimbursed the reasonable cost of producing such copies (and the client of any solicitor who is reimbursed such cost is entitled to credit for the payment of such cost). The Court may in any instance direct the production of printed copies of any document, on such terms as to costs and otherwise, as the Court considers just.

Failure to provide copy

7. Where a party entitled to a copy of a document filed or lodged by another party has requested a copy of such document from the party who has filed it, and the other party defaults in providing such document, the requesting party may obtain a copy of the document from the court office, on payment of any applicable fee.

Additional time following failure to provide copy

8. Where a party or his or her solicitor fails to deliver a copy of any document which ought to be delivered by him or her or does not deliver the same within the time allowed, an addition of two clear days shall be made to the period within which any proceedings which may have to be taken after obtaining such copy ought to be so taken.

Requirements for copies

9. (1) Where a document has been filed or lodged in any of the offices by digital delivery, any copy or legible print of such document furnished by a party or his or her solicitor to another party or person otherwise than through the network prescribed for such digital delivery shall correspond entirely in its content with the digital original document.

(2) Every copy of a document furnished by a party or his or her solicitor to another party in hard copy shall be clearly and legibly written on paper of durable quality of the same size as, and corresponding in form with, the original document.

(3) The name and address of the party or the name and registered place of business of the solicitor by whom a copy of any document is furnished shall be included therein or indorsed thereon in like manner as upon documents filed in Court, and such party or solicitor shall be answerable for the same being a true copy of the original.

Filing clause

10. (1) The note prescribed by Order 40, rule 11, shall be printed on every printed copy and included in every digital copy of an affidavit and copied on or included in every copy of an affidavit furnished to any party.

(2) The note prescribed by Order 40A, rule 14, shall be printed on every printed copy and included in every digital copy of a statement of truth and copied on or included in every copy of a statement of truth furnished to any party.

Use of digital delivery where possible

11. A court officer may issue or deliver any court document or other document to any party or other person by digital delivery, where available.

III. Lodgment or filing of documents by personal delivery

Personal delivery during office opening hours

12. Lodgment or filing of court documents may be effected by personal delivery during the hours at which the Office of the Registrar of the Supreme Court, Office of the Registrar of the Court of Appeal or, as the case may be, the Central Office, is open to the public.

IV. Lodgment or filing of documents by non-personal delivery in hard copy

Conditions for non-personal delivery of documents to offices in hard copy

13. (1) The proper officer may, with the approval of:
- (i) the Chief Justice in respect of proceedings in the Supreme Court, or
 - (ii) the President of the Court of Appeal in respect of proceedings in the Court of Appeal, or
 - (iii) the President of the High Court in respect of proceedings in the High Court,

stipulate conditions, to be published in such manner as the Chief Justice, the President of the Court of Appeal or the President of the High Court, as the case may be, may approve, subject to which non-personal delivery in hard copy of a court document may be effected.

(2) Conditions referred to in sub-rule (1) may be particular or general, and may include a requirement for the discharge of the expense of returning any court document, or copy of such document, by particular means to the person who has delivered it.

(3) Subject to sub-rule (4) and rules 15 and 16, where a provision of these Rules requires or authorises a party or person to lodge any court document, such lodgment may be effected by non-personal delivery in hard copy in accordance with any condition stipulated for that means of non-personal delivery in hard copy.

(4) Nothing in sub-rule (3) limits or modifies any provision of these Rules which requires or authorises a party or person to lodge any court document by ordinary pre-paid post, pre-paid registered post or other method of delivery not being personal delivery.

Additional requirements for non-personal delivery in hard copy of documents to offices

14. (1) Where any court document is authorised to be lodged by non-personal delivery in hard copy:

- (a) the court document shall be accompanied by such document, if any, as is required under any conditions stipulated concerning non-personal delivery in hard copy in accordance with rule 13;
- (b) where payment of a court fee is chargeable in respect of the lodgment or, as the case may be, filing, of the court document, the court document shall not be used unless and until payment of the applicable court fee is recorded by a means for the time being authorised for the recording of the payment of a court fee;
- (c) the date of filing, lodgment or, as the case may be, issue of the court document shall, unless the contrary is proven, be deemed to be the date of filing, lodgment or, as the case may be, issue

recorded in any cause book or other record kept for the purpose in the office or by or on behalf of the officer concerned and such date may be endorsed on the court document and any copies by or on behalf of the proper officer;

- (d) for the purpose of fixing the return date or the date for hearing of any originating document lodged for issue by non-personal delivery in hard copy, a period of four days shall, in any case in which service is necessary, be allowed, subject to the provisions of any order of court in that regard;
- (e) there shall be delivered with any court document lodged by non-personal delivery in hard copy so many copies of that document and such other documents and such and so many copies of other documents as would be required on the personal delivery of that court document;
- (f) no court document lodged by non-personal delivery in hard copy shall in any case be deemed to have been lodged with any officer or in any office unless in fact received (as the case may be) at that office, or by that officer or a staff member authorised by such officer to receive it;
- (g) no court document lodged by non-personal delivery in hard copy shall in any case be deemed to have been lodged at or within any period of time unless in fact received (as the case may be) at or within that period of time.

(2) Where a court document, having been issued, has been returned to the party or person who lodged it for issue by non-personal delivery in hard copy, and that court document is not received by that party or person within a reasonable time after it is sent,

- (a) the office or officer concerned may, at the request of that party or person, furnish to that person-
 - (i) a copy of any duplicate or copy of the court document concerned retained by the office or officer, with a certificate endorsed thereon confirming the issue of the court document to which the duplicate or copy relates;
 - (ii) a certificate as to any record made of the issue of the court document concerned, and
- (b) the party or person may, subject to and in accordance with any order or direction of the Court, proceed on a copy of the court document certified in accordance with paragraph (a)(i) or, where the court so permits, a copy of the court document lodged for issue, certified by the party who lodged it or his or her solicitor to be a true copy of the court document lodged, and a certificate given in accordance with paragraph (a)(ii).

Certain documents required to be delivered by personal delivery

15. The following documents shall be delivered by personal delivery, unless otherwise provided by practice direction (in the case of documents specified at paragraphs (a) to (e)) or permitted by order of court:

- (a) books of appeal referred to in Order 58, rule 12 or motion books to be lodged in the Office of the Registrar of the Supreme Court;
- (b) a court document required to be lodged in accordance with Order 63A rule 7;
- (c) the original will of any ward lodged in the Office of Wards of Court;
- (d) a form or notice of motion referred to in Order 70A, rule 29(3);
- (e) any court document required under these Rules to be handed to a registrar or handed into court;
- (f) any other court document in respect of which:
 - (i) the Chief Justice in respect of proceedings before the Supreme Court,
 - (ii) the President of the Court of Appeal in respect of proceedings before the Court of Appeal, and
 - (iii) the President of the High Court in respect of proceedings before the High Court,

has by practice direction directed that a method of lodgment other than non-personal delivery in hard copy is required.

Requirements for particular documents

16. (1) An affidavit of scripts and any scripts annexed thereto shall be filed in the Central Office by pre-paid registered post or by personal delivery.

(2) Save for personal applications for probate or letters of administration (to which Part XXIX of Order 79 applies), applications under rule 3 of Order 79 for probate or letters of administration for which the deposit of an original will or codicil is required may be made through a solicitor by pre-paid registered post or by lodgment directly in the Probate Office by or on behalf of that solicitor.

V. Lodgment or filing of documents by digital delivery

Application of this Part

17. (1) This Part applies to the digital delivery of any document.

(2) In the event that any conflict arises between the provision of any rule of this Part and any other provision of these Rules, the provision of the rule of this Part shall, in respect of the digital delivery of any document, prevail.

(3) The provisions of this Order are without prejudice to the use of and permission of access to any network used for any purpose not regulated by these Rules.

(4) Nothing in this Order authorises access for any person to a court document filed or stored in electronic form where such access would not otherwise be authorised.

Authorisation of digital delivery of court documents or documents

18. (1) Having consulted with the Chief Executive Officer of the Courts Service:

- (i) the Chief Justice in respect of proceedings in the Supreme Court, or
- (ii) the President of the Court of Appeal in respect of proceedings in the Court of Appeal, or
- (iii) the President of the High Court in respect of proceedings in the High Court,

may, from time to time, by practice direction, authorise (including on a temporary or trial basis) the use of digital delivery by or in respect of any:

- (a) category or class of proceedings or of applications within proceedings;
- (b) category or class of court documents or documents;
- (c) category or class of parties, legal representatives and/or other persons interested in proceedings (in this rule a “court user”).

(2) Unless otherwise expressly provided in such practice direction where the use of digital delivery is authorised in accordance with sub-rule (1), such delivery shall be an alternative to any other method by which such document could be filed, lodged, issued or transmitted by or to the party or person concerned.

(3) A network operated for the purposes of digital delivery shall, for the purposes of the delivery of any court document or document to any office or officer be deemed to be operational only during the opening times of the office concerned.

(4) Any period when a network operated for the purposes of digital delivery is inoperative shall be treated, for the purposes of Order 122, rule 3, as a period during which the office concerned is closed.

Conditions for becoming digital user

19. (1) A natural person shall not be authorised to become a digital user unless:

- (i) such person has first submitted sufficient evidence of his or her identity, which may, without limitation, include:
 - (a) production of the original or a certified copy of a relevant document (within the meaning of section 2 of the Statutory Declarations Act 1938);

- (b) provision of the personal public service number (within the meaning of section 262 of the Social Welfare Consolidation Act 2005) issued to the person;
 - (c) provision of proof of the person's residential address; and
- (ii) such person has undertaken to comply with any published terms and conditions of use of the network concerned for the purposes of digital delivery.
- (2) A firm of solicitors or legal partnership shall not be authorised to become a digital user unless:
- (i) such firm or partnership has first submitted sufficient evidence of its establishment and standing;
 - (ii) such firm or partnership has submitted sufficient evidence of the identity of each natural person authorised on behalf of the firm or partnership to transmit court documents or documents through the network by digital delivery;
 - (iii) such firm or partnership has undertaken to comply with any published terms and conditions of use of the network concerned for the purposes of digital delivery.

Additional conditions for use of the network

20. The Chief Executive Officer of Courts Service may, with the approval of:

- (i) the Chief Justice in respect of proceedings in the Supreme Court, or
- (ii) the President of the Court of Appeal in respect of proceedings in the Court of Appeal, or
- (iii) the President of the High Court in respect of proceedings in the High Court,

stipulate additional conditions for use of the network.

Documents transmitted by digital delivery

21. (1) Any court document transmitted by digital delivery by or on behalf of a party shall:

- (a) contain:
 - (i) the name and registered place of business of the solicitor for the party transmitting or delivering the same or, as the case may be,
 - (ii) the name and place of residence, or address for service, as prescribed by Order 4, rule 15, of any party suing or appearing in person;

- (b) include the name of the natural person transmitting the court document concerned;
- (c) where submitted otherwise than by the party himself or herself, include a statement that the court document is submitted with the authority of the party on whose behalf it is submitted.

(2) Any document other than a court document which is transmitted by or on behalf of a party by digital delivery as a copy in electronic form of an original document shall have endorsed on or associated with such copy a certificate given by the party or by a named solicitor that the copy has been compared to, and is a true copy, of the original document.

Additional requirements for digital delivery

22. (1) Where any court document is required or authorised to be filed or lodged by digital delivery:

- (a) the court document shall be accompanied by such information, if any, as is required under any conditions stipulated in accordance with rule 20;
- (b) where a court fee is chargeable in respect of the court document, the court document shall not be used unless and until payment of the applicable court fee is recorded by a means for the time being authorised for the recording of the payment of a court fee;
- (c) the date of filing, lodgment or, as the case may be, issue of the court document shall, unless the contrary is proven, be deemed to be the date of filing, lodgment or, as the case may be, issue recorded in any cause book or other record kept for the purpose in the office or on the network by or on behalf of the officer concerned and such date may be endorsed electronically on the court document and any copies by or on behalf of the proper officer [and may be notified electronically through the network to the party concerned];
- (d) for the purpose of fixing the return date or the date for hearing of any originating document lodged for issue by digital delivery, a period of four days shall, in any case in which service is necessary, be allowed, subject to the provisions of any order of court in that regard;
- (e) any obligation or entitlement arising under these Rules to lodge or, as the case may be, to file, a court document shall, unless the contrary is proved, be satisfied by the digital delivery of the document to the network and the issuance through the network of confirmation of lodgment or, as the case may be, filing;
- (f) the network or the proper officer shall alert digital users, prior to submission, where the filing, lodgment or issue of any court document is subject to checking by a court officer.

(2) Where a court officer is satisfied that it is necessary to do so, he or she may:

- (a) retransmit a court document by digital delivery, and may certify the date of issue of the court document concerned;
- (b) deliver a printed copy of the court document concerned by delivery in hard copy in accordance with Part IV of this Order, and may certify the date of issue of the court document concerned,

and in either such case, any party or person affected may, subject to and in accordance with any order or direction of the Court, proceed on a court document or copy of a court document certified in accordance with paragraph (a) or (b).

(3) Where any affidavit is for the time being authorised to be filed by digital delivery, the affidavit shall be transmitted in such electronic format as is accommodated by the network, and it shall be and remain the obligation of the party filing any such affidavit to retain the affidavit bearing the original manuscript signature of the deponent and any and all of the marked exhibits to the affidavit, which remain subject to the directions of any court before which such affidavit is, or may be, relied upon or opened.

(4) Where any written statement of evidence or written statement outlining the essential elements of evidence is authorised or required by any Practice Direction or any order or direction of the Court to be delivered and/or filed in any proceedings in which digital delivery is for the time being authorised, such statement may be delivered and/or filed by transmission through the network, but shall, if intended to be admitted into evidence, be subject to verification on oath or affirmation at the trial of the proceedings.

(5) Where any affidavit or any statement referred to in sub-rule (4) is for the time being authorised to be filed by digital delivery, Order 40A, rules 6(2) and 6(3) shall apply *mutatis mutandis* to any exhibits to such affidavit or statement.

Signature and seal

23. (1) Where any provision of these Rules or the existing practice of the Supreme Court, the Court of Appeal or the Court requires that any court document or document be signed, such requirement shall be satisfied in the case of any court document or document transmitted or to be transmitted by digital delivery by the inclusion of an electronic signature.

(2) Where any provision of these Rules or the existing practice of the Supreme Court, the Court of Appeal or the Court requires that any court document or document be sealed, such requirement shall be satisfied in the case of any court document or document transmitted or to be transmitted by digital delivery by the inclusion of an electronic seal in accordance with Regulation 910/2014/EU.

VI. Service of documents using digital delivery

Service of documents where digital delivery applies

24. (1) Where any provision of any enactment, of these Rules or the existing practice of the Supreme Court, the Court of Appeal or the Court requires or permits that any court document or document be served upon any person, such requirement shall be satisfied, in any case where the person to be served is or becomes a digital user, by the transmission by digital delivery of the court document or document transmitted through the network to the person concerned, and in any such case any record generated by or within the network of such transmission may be produced as evidence of such service in lieu of any affidavit of service. (Where the person to be served is not and does not become a digital user, such person shall be served with a printed copy of the court document or document in such other manner as is permitted in the circumstances by these Rules).

(2) Sub-rule (1) does not apply in any case where these Rules or the existing practice of the Supreme Court, the Court of Appeal or the Court require personal service, but any requirement that a person being served personally with a court document be shown any sealed original or copy of the court document shall, where the court document concerned has been issued by digital delivery, be satisfied by serving the person personally with a copy of the court document concerned and, at the same time, providing the person with a written statement that the court document concerned has been issued by digital delivery.

VII. Misuse of digital delivery network

Reference to Court

25. (1) Where a party alleges that another person has improperly used permissions available to a digital user to prejudice that party in any proceedings, the party aggrieved may apply to the Court by motion on notice, grounded on an affidavit, and the court may make such order or give such directions as are just in the circumstances.

(2) Where a court officer is concerned that a person has improperly used permissions available to a digital user, the court officer may refer the matter to the Court on notice to the parties concerned, and the Court may make such order or give such directions as are just in the circumstances.”

EXPLANATORY NOTE

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

These rules facilitate the digitalisation of civil proceedings in the Superior Courts, including the filing, issuing and service of documents digitally and provide for the making and transmission of a statement of truth in place of an affidavit in proceedings where digital filing is authorised.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD,
KILMAINHAM, DUBLIN 8,
D08 XAO6

Tel: 046 942 3100
E-mail: publications@opw.ie

€ 6.50

