

1997 93

S.I. No. 93 of 1997.

DISTRICT COURT RULES, 1997

We, the District Court Rules Committee, in exercise of the powers conferred on us by section 91 of the Courts of Justice Act, 1924, section 72 of the Courts of Justice Act, 1936, section 17 of the Interpretation Act, 1937 (as applied by section 48 of the Courts (Supplemental Provisions) Act, 1961), and section 34 of the Courts (Supplemental Provisions) Act, 1961, do hereby make the annexed Rules of Court.

GIVEN this 30th day of January, 1997.

Peter Smithwick Chairman.
John Garavan
John P. Clifford
Gillian M. Hussey
John P. Brophy
Deirdre M. Kennedy
Gerard Griffin
Sean McMullin
James McCormack Secretary

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

Dated this 24th day of February, 1997.

NORA OWEN,

Aire Dlí agus Cirt.

DISTRICT COURT RULES, 1997

These Rules may be cited as the "District Court Rules, 1997" or in abbreviated form as "DCR 1997", and shall come into operation on the 1st day of May, 1997.

On and from the said date the Rules listed in Schedule A hereto shall stand annulled, save as to any proceedings pending in the Court, which proceedings shall be continued and completed as if these Rules had not been made.

The Interpretation Act, 1937, shall apply to these Rules.

INTERPRETATION OF TERMS

In these Rules—

"civil proceedings" includes those suits or actions at law in which jurisdiction is conferred by any enactment upon the District Court in civil cases as described in section 77A of the Courts of Justice Act, 1924 and in any enactment extending or amending that section either expressly or by implication;

"civil summons" means a summons issued under Order 39, 42, 47, 49 or 62 of these Rules;

"Clerk", save where the context otherwise requires, means a District Court Clerk or any person temporarily assigned to perform the duties and fulfil the functions of such Clerk;

"County Registrar" when used in relation to the execution of decrees, warrants or other execution orders in any county or county borough in which the powers and duties of the Under-Sheriff or Sheriff are not transferred to a County Registrar, means the Under-Sheriff or Sheriff, as the case may be;

"Court" unless the context otherwise requires, means the District Court established under section 5 of the Courts (Establishment and Constitution) Act, 1961;

"court area" means one of the areas created under section 21 (repealed by section 32 (1) of the Courts (Supplemental Provisions) Act, 1961) of the Courts of Justice Act, 1953, and such words shall be construed to include the Dublin Metropolitan District as hereinafter defined;

"criminal proceedings" includes proceedings under Part II of these Rules;

"district", save where the context otherwise requires, means one of the districts created under section 22 (repealed by section 32 (2) of the Courts (Supplemental Provisions) Act, 1961) of the Courts of Justice Act, 1953;

"Dublin Metropolitan District" means the district styled and known as the Dublin Metropolitan District under section 64 of the Courts of Justice Act, 1936 and described and defined in the District Court Districts (Dublin) Order, 1945 (S R & O. 1945, No. 279) and varied by the District Court Districts (Dublin) (Amendment) Order, 1982 (S.I. No. 88 of 1982);

"Judge" means a Judge of the District Court and includes the President of the District Court;

"licensing year" means a period of twelve months ending on the 30th day of September in any year;

"Minister" means the Minister for Justice (save where the context otherwise requires);

"oath" includes solemn affirmation and statutory declaration;

"party" includes any person entitled to appear and be heard in relation to any action, application or other proceedings;

"penalty" includes any fine or other penal sum and, where a fine is ordered to be paid, any compensation, costs or expenses, in addition to such fine;

"prescribed", in relation to fees, means prescribed by the Minister with the sanction of the Minister for Finance;

reference to any enactment shall, save where the context otherwise requires, be construed as a reference to that enactment as amended, extended or applied by or under any subsequent enactment;

"summons" means a summons other than a civil summons;

"summons server" means a person appointed by a County Registrar under the provisions of section 44 of the Court Officers Act, 1926.

EXPLANATORY NOTE

These Rules, which come into operation on the 1st day of May, 1997, replace in revised and consolidated form the Rules listed in Schedule A hereto. They prescribe the practice and procedures to be followed and the forms to be used in the District Court proceedings to which they relate on and from the operative date, save for proceedings pending in the Court on that date, which proceedings shall be continued and completed as if these Rules had not been made.

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PART I PRELIMINARY AND GENERAL
ORDER 1 SITTINGS

Sittings 1. Sittings of the Court shall be held in the places, on the days and at the hours from time to time appointed under the statutory and other provisions in that behalf for the time being in force.

Further sittings

A Judge may, however, hold a sitting of the Court within his or her district—

(1) at a place or time not so appointed, for the preliminary examination of indictable offences;

(2) at a time not so appointed, for the purpose of hearing any proceedings adjourned from a sitting so appointed; and

(3) at a place or time not so appointed for the hearing of such summary offences as may be specified from time to time by order of the Minister pursuant to section 15 of the Courts Act, 1971.

Times and places at which business may be transacted *2. A Judge may when sitting at a place, on a day, and at an hour appointed for the transaction of any particular class of business of the Court, transact at such sitting any other class of business of the Court.

*Courts of Justice Act 1953 [s.27 (2)].

ORDER 2 ADJOURNMENT OF PROCEEDINGS AND OF THE COURT

Adjournment of proceedings †1. A Judge may transfer or adjourn the transaction of any business of the Court in which he or she has jurisdiction either to—

(1) another occasion at the place in which he or she was transacting such business at the time of such transfer or adjournment, whether such occasion is or is not a day and hour appointed, or

(2) to another occasion (whether such occasion is or is not a day and hour appointed) at some other place in his or her district which is a place appointed for the transaction of business of the Court, whether such business does or does not include the said business so transferred or adjourned.

2. (1) A Judge may at any time adjourn the hearing of any proceedings upon such terms as he or she thinks fit and may adjourn generally with liberty to re-enter.

(2) Proceedings which have been adjourned generally with liberty to re-enter may be re-entered by giving not less than ten days' notice in writing to the other party and lodging a copy of such notice with the Clerk not less than four days before the date of the hearing.

Adjournment of the Court 3. (1) Where a Judge is not in attendance at the time appointed for the holding of a Court the Clerk may, in pursuance of a direction received from such Judge on or before the day and time so appointed, adjourn the holding of such Court and the hearing of the proceedings thereat in accordance with such direction.

(2) Where no such direction is received by the Clerk and no Judge is in attendance one hour after the time appointed for the holding of a Court, the Clerk shall adjourn the holding of such Court and the hearing of the proceedings thereat to the next Court to be held in the court area.

(3) The Clerk shall post a notice of adjournment (Form 2.1 Schedule B) on the door of the courthouse and shall retain a copy thereof.

(4) All persons whose attendance shall have been required by any summons, order, civil summons, recognisance or notice at the Court so adjourned shall be deemed to have had notice of such adjournment and shall be obliged to attend on the day to which such

adjournment shall take place, without the issue or service of any further summons, order, civil summons, recognisance or notice.

†Courts of Justice Act 1953 [s. 27 (3)].

*4. Notwithstanding the provisions of rule 3, where there is no sitting of the Court on the day to which a person is remanded in custody, such person shall stand remanded to the sitting of the Court next held in the same District Court district, and the Clerk shall forthwith transmit to the Governor of the prison or to the person in charge of the remand institution where such person is detained the certificate specified in Order 19, rule 2 (5) (a) of these Rules at Form 19.3, Schedule B.

*Criminal Procedure Act 1967 [s. 24 (5)].

ORDER 3 LANGUAGE

Either the National language or the English language may be used in any court document or at the hearing of any cause or matter.

ORDER 4 MODE OF ADDRESS

A Judge shall be addressed in court as "A Bhreithimh" or as "Judge".

ORDER 5 JUDGES' ROBES

1. The Judges shall, during the sittings of the Court, wear a black coat and gown of uniform nature and material and white bands.

2. A Judge, when hearing and determining such proceedings as are referred to in section 45 (1) of the Judicial Separation and Family Law Reform Act, 1989 (No. 6 of 1989) or proceedings involving a child or young person (within the meaning of the Children Acts, 1908 to 1989), shall not wear such gown or bands.

ORDER 6 RIGHT OF AUDIENCE

Persons entitled to appear and address the Court 1. The following persons shall be entitled to appear and address the Court and conduct proceedings—

(a) any party to the proceedings; or

(b) a solicitor for such party; or

(c) a counsel instructed by the solicitor for such party; or

(d) where the proceedings are in relation to the taxes and duties under the care and management of the Revenue Commissioners, or in relation to any fine, penalty or forfeiture incurred in connection therewith or otherwise incurred under the Customs Acts, a duly authorised officer of the Revenue Commissioners or the Revenue solicitor; or

(e) in proceedings at the suit of the Director of Public Prosecutions in respect of an offence, the said Director or any member of the Garda Síochána or other person appearing on behalf of or prosecuting in the name of the Director.

2. Save where otherwise provided by statute or by rules of court, the father, mother, son, daughter, husband, wife, brother or sister of any party may appear on behalf of that party provided that any such person has the leave of the Court to appear and be heard and that the Court is satisfied that the party is, from infirmity or other unavoidable cause, unable to appear.

ORDER 7 MINORS AND OTHER PERSONS UNDER DISABILITY

Construction 1. In this Order—

"minor" shall be construed in accordance with the provisions of section 3 of the Age of Majority Act, 1985 (No. 2 of 1985).

Minors — next friend/guardian ad litem 2. A minor may sue by his or her next friend, and may defend any proceeding by his or her guardian ad litem. In any such case, before the name of any person shall be used in proceedings as next friend or guardian ad litem of the minor, such person shall sign an authorisation in the Form 7.1, Schedule C for that purpose, which shall be lodged with the Clerk together with the civil summons or other originating document or, as the case may be, with a notice of intention to defend.

Appointment by the Court 3. Where any proceedings are brought before the Court on behalf of or against a minor the Court may, if it thinks it expedient so to do, at any stage of the proceedings by an order in writing in the Form 7.2, Schedule C, appoint a next friend or a guardian ad litem to act for and on behalf of such minor, and may at any time replace a person so appointed.

Court approval required for acceptance of lodgments, etc. 4. (1) Where a sum of money has been lodged in court by the defendant in an action for a wrong in which the plaintiff is a minor, an application made to the judge pursuant to section 63 (1) of the Civil Liability Act, 1961 (No. 41 of 1961) by the plaintiff to decide whether that sum of money should be accepted or the action should go to trial may, upon notice to the defendant and the Clerk in the Form 7.3, Schedule C, be made at any sitting of the Court for the court area wherein the action is listed for hearing.

(2) The provisions of Order 41, rule 2 (4) of these Rules shall apply to proceedings brought by or on behalf of a minor, where a settlement, compromise, payment or acceptance of money paid into court therein is proposed.

Orders for investment, etc. 5. (1) The Court may direct that any sum of money or other personal property to which the minor may be declared entitled in such proceedings be secured or invested for the benefit of the minor in such manner as the Court may consider advisable.

— interim payments

(2) Unless the Court shall otherwise decide, no interim payment out of any money so secured or invested shall be made save in pursuance of an order of the Court made upon the application of the minor's next friend or guardian ad litem. Such application may be made at any sitting of the Court for the court district wherein the proceedings were heard and determined, upon lodging with the Clerk a notice in the Form 7.4, Schedule C.

On attaining full age 6. (1) Where the minor attains full age while proceedings to which the foregoing rules of this Order relate are still before the Court, application may be made by the former minor's solicitor, next friend or, as the case may be, guardian ad litem at any sitting of the Court for the court area wherein the proceedings are being heard for an order that the plaintiff or defendant, formerly a minor, may proceed or defend in his or her own name.

— payment out of sums invested

(2) A person who, on attaining full age, seeks the payment of any sum of money which was secured or invested for his or her benefit under rule 5 (1) hereof or any balance of such sum remaining due, may apply at any sitting of the Court for the court area wherein the proceedings were heard and determined for an order authorising such payment. Notice of the application in the Form 7.5, Schedule C shall be lodged with the Clerk at least two days prior to the date of hearing. The applicant shall, if required at the hearing, produce proof of age in the manner prescribed in rule 7 hereof.

— order for payment

(3) On hearing the application the Court may by order direct the payment out to the applicant of any sum of money which the Court is satisfied is due to the applicant, together with accrued interest or dividend thereon (if any), or may make any other order on such application as to the Court shall seem just.

Proof of age 7. A certified extract from the Register of Births showing the date of the minor's birth shall, if required, be produced and proved on behalf of the minor at the hearing of proceedings involving such minor, on an application to have a proposed settlement approved by the Court or on any other application relating to a minor or a person who has lately been a minor. The said date of birth shall be noted in any order of the Court made in any such proceeding or application.

Persons of unsound mind 8. A person of unsound mind may sue by his or her committee or next friend and may defend any proceedings by his or her committee or guardian ad litem and the provisions of this Order, with any necessary modifications, shall apply in appropriate cases and those provisions shall be construed accordingly.

Service of documents 9. Save where the Court otherwise orders, service of documents upon a minor shall be effected in accordance with the provisions (including rule 9) of Order 10 of these Rules, and upon a person of unsound mind in accordance with the provisions (including rule 10) of that Order.

ORDER 8 TENDERING OF EVIDENCE

Evidence by a witness 1. Save where any enactment or rule otherwise provides, the evidence of all witnesses in the Court shall be given viva voce and on oath.

2. In any proceedings a witness who is not a party shall not absent himself or herself from the Court without leave. The Court may, however, order such witness to leave the Court until his or her evidence is required or after such evidence has been given.

In civil proceedings facts may be proved by affidavit 3. (1) In civil proceedings, the Court may at any time, for such reasons as it thinks fit and on such conditions as it thinks reasonable, permit any particular fact or facts to be proved by affidavit or permit the affidavit of any witness to be read at the hearing. The Court shall not, however, grant such permission where it appears that any party to the proceedings bona fide requires the production of a witness for cross-examination and that such witness can be produced.

Documents to be marked and returned

(2) A document put in evidence other than an original will, shall be marked by the Clerk and, unless the Judge otherwise directs, shall be returned to the party tendering the same as soon as possible after the hearing.

ORDER 9 AFFIDAVITS

Affidavits to be made before Commissioners for Oaths 1. Unless otherwise provided by statute or Rules of Court, an affidavit to be used in the Court shall be made before a Commissioner to administer Oaths for the High Court or, where a person making an affidavit resides outside the State or is for the time being thereout, then an affidavit shall be made before any person duly authorised to administer oaths in the country where such person ordinarily resides or is, and the signature of such person purporting to act as such Commissioner or of the person duly authorised to administer oaths shall be prima facie evidence that such affidavit was duly made.

No affidavit to be sworn before the solicitor for the party 2. No affidavit shall be sufficient if sworn before the solicitor acting for the party on whose behalf the affidavit is to be used or before the partner, agent, or clerk of such solicitor or before the said party.

ORDER 10 SERVICE OF DOCUMENTS

Persons authorised to serve documents

Meaning of word "document" 1. In this Order "document" means a summons, a civil summons, a witness summons, a notice, an order of the Court and such other documents as may be specified by the County Registrar pursuant to the powers vested in him or her.

Generally 2. (1) Where a summons-server stands assigned to a particular court area a document shall be served by such summons-server unless these Rules or statute otherwise provide or unless the Court otherwise directs.

(2) The fee to be paid to a summons-server for the service of any such document shall be the sum of £3.25 (or such other sum as for the time being stands duly fixed by Rule of Court) payable on proof of each separate service effected.

3. (1) In proceedings by way of summons in which the prosecutor is the Director of Public Prosecutions or an officer or member of the Garda Síochána, a Minister of the Government or a Minister of State or an officer of either such Minister, or an officer of the Revenue Commissioners, a document shall be served by a member of the Garda Síochána, or by any other person or any other means authorised by statute or rules of Court.

(2) A member of the Garda Síochána shall not serve a document in any proceedings in which such member is the person instituting the proceedings.

School Attendance Act 4. In proceedings under the School Attendance Act, a summons or notice may be served by an officer of the appropriate School Attendance Committee.

Modes of Service

Service generally 5. Save where otherwise provided by statute or by Rules of Court, service of a document shall be effected upon a person in the State by delivering to that person a copy thereof or by leaving the copy for that person at his or her last or most usual place of abode, or at his or her office, shop, factory, home or place of business with that person's husband or wife, as the case may be or with a child or other relative (apparently residing with that person) of that person or of his wife or her husband as the case may be, or with any agent, clerk, servant or employee of that person, or with the person in charge of the house or premises wherein that person usually resides, provided that the person (other than the person upon whom service is to be effected) with whom the copy is left is not under the age of sixteen years and is not the person instituting the proceedings.

Service on a company *6. (1) A document may be served upon a company by leaving a copy thereof at or sending a copy thereof by post to the registered office of the company or, if the company has not given notice to the registrar of companies of the situation of its registered office, by registering it at the office for the registration of companies.

(2) For the purposes of this rule, any document left at or sent by post to the place for the time being recorded by the registrar of companies as the situation of the registered office of a company shall be deemed to have been left at or sent by post to the registered office of the company notwithstanding that the situation of its registered office may have been changed.

Service on local authority, etc. 7. A document may be served upon a local authority, statutory board or body, or an unincorporated society or club by leaving a copy thereof with any employee of such authority, board, body, society or club at the principal office thereof or by sending such copy by prepaid registered post to such principal office.

Service on firm 8. Where persons are sued as partners in the name of their firm, a copy of the document shall be served either upon any one or more of the partners or at the principal place within the jurisdiction at which the business of the partnership is carried on, upon any person having at the time of service the control or management of the partnership business there; and such service shall be deemed good service on the firm so sued, whether any of the members thereof are out of the jurisdiction or not, and no leave to issue a document against them shall be necessary; provided that in the case of a partnership which has been dissolved to the knowledge of the applicant before the commencement of the action, the document shall be served upon every person within the jurisdiction sought to be made liable.

Service on minor 9. Where the person upon whom service is to be effected is a minor, service upon the father, mother, other guardian or, if there is none, then upon the person with whom the minor resides or under whose care he or she is, or upon his or her solicitor shall unless the Court otherwise decides, be deemed good service upon such minor.

Service on lunatic or person of unsound mind 10. Where the person upon whom service is to be effected is a lunatic or person of unsound mind not so found by inquisition, service upon his or her solicitor or upon the committee of the lunatic or upon the guardian ad litem or the person with whom the person of unsound mind resides or under whose care he or she is, shall, unless the Court otherwise decides, be deemed good service upon such lunatic or person of unsound mind.

Service on prisoner 11. Where the person upon whom service is to be effected is a prisoner or a person detained in a place of detention under the order of any court or tribunal, service upon the governor, director or other person in charge of the prison or place of detention shall, unless the Court otherwise decides, be deemed good service upon such prisoner or person so detained.

*Companies Act 1963 379;.

Service on solicitor 12. Service of a document shall be deemed good service if the Judge is satisfied that a solicitor acting on behalf of the person to be served has accepted service thereof. Such service may be effected by delivering to the solicitor or by leaving at his or her office for, or by sending by post in an envelope to, such solicitor, a copy of the document.

Service by registered post, etc. 13. (1) Whenever and so long as no summons server stands assigned to a particular area, by the County Registrar for the county in which the area is situated, for the service of a document in proceedings to which subsection (1) of section 7 of the Courts Act, 1964 (as amended by section 22 of the Courts Act, 1971) relates, then, unless otherwise provided, such document may be served by registered prepaid post in accordance with the provisions of the said section 7.

(2) In a case of summary jurisdiction to which subsection (1) of section 22 of the Courts Act, 1991 relates, a summons may be served upon the person to whom it is directed—

(a) by sending, by registered prepaid post, a copy thereof in an envelope addressed to that person at his or her last known residence or most usual place of abode or at his or her place of business in the State, or

(b) by delivery by hand, by a person (other than the person on whose behalf it purports to be issued) authorised by these Rules in that behalf, of a copy thereof in such an envelope as aforesaid,

and the provisions of the said section 22 shall apply in every such case. Where the Court has proceeded to hear a complaint or accusation to which the summons relates and such person claims not to have had notice of the summons or the hearing to which it relates, application pursuant to section 22 (6) of the said Act to have the proceedings set aside may be made in accordance with that section and rule 23 of this Order.

Substituted service, etc. 14. (1) Wherever the Court is satisfied upon ex parte application made in that behalf, that, for good cause shown, service of a document cannot be effected in a manner or in any manner prescribed by these Rules, it may make an order for substituted or other service or for the substitution for service of notice by advertisement or otherwise. Particulars of such order shall be endorsed on the original and each copy of the document to be served.

(2) Where the Court is satisfied that any particular mode of service prescribed is at any time not then available, it may by order in writing direct that the service of documents or of any particular class of documents be effected in such other manner as it thinks proper. Such direction shall be retained by the Clerk and shall remain in force until the said mode of service is again available or until the direction is revoked by the Court.

15. The Court may, if it sees fit so to do, deem the service of any document actually effected in any proceedings, even though not effected in a manner prescribed by these Rules, to be good and effected service.

Proof of Service

16. A person who serves a document shall either prove the service by evidence given orally before the Court or make, before a Judge or a Peace Commissioner, a statutory declaration as to service, in the Form 10.1, 10.2, 10.3 or 10.4, Schedule B, as the case may be.

17. Where a statutory declaration is made, and lodged under rule 21 hereof, it shall be prima facie evidence of the mode, time and place of service as therein set out and it shall not be necessary for the person effecting service to attend in person at the Court to depose to such service, but the Court may, if it thinks fit, require the person who effected service to attend before it and give evidence touching such service notwithstanding the making of such statutory declaration.

17A. When service of a document upon a person has been effected by registered prepaid post, such service may be proved by a statutory declaration, in the Form 10.1 or 10.2, Schedule B, as the case may be, which shall be made not earlier than ten days after the day on which the envelope containing the copy of the document for service was posted. Such declaration shall be made by the person who posted the envelope, shall exhibit the certificate of posting, shall state, where appropriate, that the original document was duly stamped at the time of posting, and that the envelope has not been returned undelivered to the sender.

18. Where service of a document is effected by registered prepaid post or by ordinary prepaid post the document shall be deemed to be served upon the person to whom it was directed at the time at which the envelope containing the copy for service would be delivered in the ordinary course of post. The document shall, unless otherwise provided, be deemed to be issued at the time at which the envelope was posted.

Document to be stamped 19. Where a document is required by law to be stamped, service thereof shall have no effect or validity unless, at the time of such service, the original document was so stamped.

Time for service and lodgment of documents

Time for service 20. Save where otherwise provided by statute or by Rules of Court, a document which is required to be served shall be served at least seven days or, in the case of service by registered prepaid post, at least twenty-one days, before the date fixed for the hearing.

Time for lodgment 21. A document intended for entry for hearing shall, together with a statutory declaration as to service thereof, be lodged with the Clerk at least four days before the date fixed for the hearing.

Late entries 22. No document shall be received or entered by the Clerk after the time specified by these Rules without the order of the Judge, and any late entry shall be made in accordance with such direction as the Judge may give.

In a case of summary jurisdiction,

— application to have proceedings set aside

Where no notice of summons or of hearing was received 23. (1) In this rule—

"the Act of 1851" means the Petty Sessions (Ireland) Act, 1851;

"the Act of 1986" means the Courts (No. 3) Act, 1986 (No. 33 of 1986);

"the Act of 1991" means the Courts Act, 1991 (No. 20 of 1991).

(2) Where a summons has been issued under section 11 (2) of the Act of 1851 or section 1 of the Act of 1986 and the Court has proceeded to hear the complaint or accusation to which the summons relates and the person to whom the summons is directed intends to apply pursuant to section 22 (6) (a) of the Act of 1991 to have the proceedings set aside on the ground that he or she did not receive notice of the summons or of the hearing to which the summons relates, such application may be made at any sitting of the Court for the transaction of summary business for the court area wherein the hearing to which the summons relates has taken place. Where the application is not made within twenty-one days after the said summons or hearing comes to the notice of the applicant, a further period within which to make the application may be sought *ex parte* at any sitting of the Court for the said court area.

(3) Notice of such application to have proceedings set aside shall be in the Form 10.5, Schedule B, and when completed, shall forthwith be lodged with the Clerk for the said court area.

(4) Upon receipt of the notice the Clerk shall enter and, having regard to the provisions of section 22 (6) (b) of the said Act of 1991, shall list the matter for hearing and give, or send by ordinary post, to the applicant and the opposing party named in the proceedings a notice in the Form 10.6, Schedule B.

(5) The order of the Court on hearing the application shall be in the Form 10.7, Schedule B.

ORDER 11 SERVICE OUT OF THE JURISDICTION

PART I — GENERAL

Definitions 1. In this Order—

"Central Authority", when used in relation to the State, means the Master of The High Court and, when used in relation to any other State which is a party to the Hague Convention means the authority or authorities so designated by that State under Article 2 of that Convention to receive requests for the service of documents;

"document" includes an extrajudicial document;

"The Hague Convention" means the Hague Convention of 15th November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters;

"jurisdiction" shall mean the jurisdiction of the State.

Cases in which may be allowed 2. Service out of the jurisdiction of a civil summons or other originating document, or of notice thereof, may be allowed by the Court in the following cases—

(a) in proceedings for ejectment where the premises sought to be recovered are within the jurisdiction;

(b) in proceedings founded on a contract where such a contract is

(i) made within the jurisdiction, or

(ii) made by or through an agent trading or residing within the jurisdiction on behalf of a principal trading or residing out of the jurisdiction, or

(iii) by its terms or implications to be governed by Irish Law;

(c) in proceedings brought in respect of a breach committed within the jurisdiction of a contract wherever made, even though such breach was preceded or accompanied by a breach out of the jurisdiction which rendered impossible the performance of the part of the contract which ought to have been performed within the jurisdiction;

(d) in proceedings founded on a tort committed within the jurisdiction;

(e) where any relief is sought against a person domiciled or ordinarily resident within the jurisdiction;

(f) where any person out of the jurisdiction is a necessary or proper party to an action properly brought against another person duly served within the jurisdiction;

(g) in proceedings relating to a minor or person of unsound mind domiciled in, or a citizen of Ireland.

How application to be made 3. An application for leave to serve a civil summons or other originating document, or notice thereof, upon a person out of the jurisdiction shall be made *ex parte* and shall be supported by an affidavit, or other evidence, stating that in the belief of the deponent the plaintiff has a good cause of action, and showing in what place or country such person is or probably may be found, and whether such person is or is not a citizen of Ireland, and the grounds on which the application is being made.

No such leave shall be granted unless it shall be made sufficiently to appear to the Court that the case is a proper one for service out of the jurisdiction under this Order.

Court to fix date of hearing 4. Upon granting such an application, the Court shall fix the date of hearing of the proceedings, and in so doing shall have regard to the place or country where or within which such summons, document or notice is to be served.

Where person to be served 5. Whenever an order is made granting leave to serve out of the jurisdiction under the provisions of this Order,

— is a citizen of Ireland

(1) if the person to be served is a citizen of Ireland, the civil summons or other originating document (together with any other document required in any particular case to be served) shall be served upon that person;

— is not a citizen of Ireland

(2) if the person to be served is not, or is not known or believed to be, a citizen of Ireland, notice of the civil summons or other originating document, and not the summons or document itself, (together with any other document required in any particular case to be served) shall be served upon that person;

Copy of order granting leave must also be served

(3) it shall be necessary in all cases to serve a copy of such order granting leave together with the civil summons or other originating document or notice thereof referred to in paragraphs (1) and (2) hereof.

How service to be effected 6. (a) Whenever leave is granted under this Order to serve out of the jurisdiction a civil summons or other originating document, or notice thereof, such service shall be effected by registered post or by insured post, as appropriate, or by such other method as the Court shall determine.

(b) When service is being effected by registered post, application for an advice of delivery should be made to the postal authorities at the time of posting. Proof of such service by post shall be by the production of a statutory declaration as to service, the certificate of posting and the advice of delivery form (when returned), which documents shall be lodged with the Clerk together with the originals of the documents which were posted. Such service shall be deemed to have been effected at the time at which the envelope containing the copy civil summons or other originating document or copy of the notice thereof, and the copy of the order granting leave to serve out of the jurisdiction (and copy of any other document required to be served) would have been delivered in the ordinary course of post.

In cases where The Hague Convention applies

(c) In a case where the person to be served is in another State which is a party to The Hague Convention of 15th November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, service shall be effected in accordance with the provisions of that Convention (which may include service by post under paragraph (a) hereof provided the State of destination has not made an objection to such service under Article 10 (a) of The Hague Convention.

PART II

—SERVICE UNDER THE HAGUE CONVENTION

Hague Convention procedure 7. Where any document for use in civil or commercial proceedings in the District Court is to be served upon a person in any other State which is a party to The Hague Convention, that document shall be served in accordance with the provisions (including Articles 8 to 11) of that Convention.

Party to lodge documents with Master 8. Any party to any proceedings of a civil or commercial nature or a solicitor acting for any such party or, as the case may be, any district court clerk who wishes to have a document served abroad pursuant to The Hague Convention may lodge with the Central Authority, i.e. the Master of The High Court.

(a) a request for service of the document, in the form specified in the Annex to that Convention, and a copy thereof.

(b) two copies of the document to be served, with an additional copy thereof for each person to be served.

(c) a translation of each document into the official language or one of the official languages of the State addressed, unless that document is already in one of those languages.

(d) an undertaking to pay the costs of service, payment or reimbursement of which is or may be sought by the Central Authority of the State addressed under Article 12 of that Convention,

and the relevant provisions of Order 11B of the Rules of the Superior Courts (inserted by the Rules of the Superior Courts (No 3), 1994) shall apply in every such case.

Certificate of service 9. (1) A certificate of service completed and forwarded under Article 6 of The Hague Convention by the Central Authority of the State addressed or any authority which it may have designated for that purpose shall be prima facie evidence of the facts stated therein. A document purporting to be such a certificate shall, until the contrary is proved be deemed to be such a certificate.

to be lodged with Clerk

(2) Upon receipt of the said certificate the plaintiff (or solicitor for the plaintiff) shall lodge with the clerk the original of the document instituting the proceedings (and, where appropriate, the notice thereof) and the said certificate at least four days prior to the date fixed for the hearing.

Procedure on non appearance of defendant 10. (1) Where a document instituting proceedings (or notice thereof) had to be transmitted abroad for the purposes of service under the provisions of The Hague Convention and the defendant has not appeared or given notice to defend, judgment shall not be given until it is established that

(a) the document or notice was served by a method prescribed by the internal law of the State addressed for the service of documents in domestic actions upon persons within its territory, or

(b) the document or notice was actually delivered to the defendant or to the defendant's residence by another method provided for by that Convention, and that in either of these cases the service or the delivery was effected in sufficient time to enable the defendant to defend.

(2) At the hearing of the proceedings the Clerk shall produce to the Court any communication or correspondence received from the defendant.

Judgment may be given notwithstanding r.7 (1) 11. Notwithstanding the provisions of rule 10 (1) hereof, the court may give judgment even if no certificate of service or delivery as provided by The Hague Convention has been received, if all the following conditions are fulfilled—

(a) the document or notice thereof was transmitted by one of the methods provided for in that Convention,

(b) a period of time of not less than six months, considered adequate by the judge in the particular case, has elapsed since the date of the transmission of the document or notice,

(c) no certificate of any kind has been received, even though every reasonable effort has been made to obtain it through the competent authorities of the State addressed.

Time for appeal may be extended 12. In any case where the document instituting proceedings to which this Order relates (or notice thereof) had to be transmitted abroad for service under the provisions of The Hague Convention and judgment has been given against a defendant who has not appeared, any application by or on behalf of such defendant to extend the time for appeal from the judgment shall be by motion on notice and shall be grounded upon the affidavit of the moving party. Upon hearing the application the court may, if satisfied that—

(a) the application was made within a reasonable time after the defendant had knowledge of the judgment and

(b) the defendant without any fault on his or her part, did not have knowledge of the documents in sufficient time to defend or, as the case may be, knowledge of the judgment in sufficient time to appeal and

(c) the defendant had disclosed a prima facie defence to the action on the merits,

extend the time for appeal from the judgment on such terms and conditions as to the Court seem just.

ORDER 12 MISCELLANEOUS

Abridgement or extension of time for service or lodgment 1. A Judge may whenever he or she thinks fit abridge or extend the time provided by these Rules for the service or lodgment for entry of any summons or civil summons. A note of the abridgement or extension of the time for service shall be endorsed on the original summons and on the copy issued for service and shall be signed by the Judge.

Amendments 2. A Judge may amend any summons, civil summons, notice or counterclaim by adding or striking out parties or by amending such other defects and errors in any such

document as may be necessary for the purpose of determining the real question at issue between the parties. Such amendments may be made in such manner as the Judge directs and upon such terms as the Judge thinks fit. If in the opinion of the Judge, the amendment is one which might prejudice any party to the proceedings in the merits of that party's case, he or she may make the amendment and, if necessary, adjourn the case or may refuse to make any such amendment and, if necessary, dismiss the proceedings.

Enlargement or abridgement of time 3. (1) Save where such time is appointed by statute, and subject to paragraph (2) of this rule, a Judge may upon such terms as he or she thinks fit enlarge or abridge the time appointed by these Rules, or fixed by the Judge under this rule, for doing any act or taking any proceeding, and any such enlargement or abridgement may be made although the application for the same is not made until after the expiration of the time appointed or fixed. The Judge may declare any step taken or act done to be sufficient even though not taken or done within the time or in the manner prescribed by these Rules.

Notices requiring Case Stated not capable of enlargement

(2) The times limited by these Rules for lodging a notice requiring a Case Stated and for entering into a recognisance conditioned to prosecute without delay such Case Stated shall not be capable of enlargement under paragraph (1) of this rule.

Documents lost or destroyed — duplicate to issue 4. Where it appears to the Court that an original decree, dismiss, order or warrant has been lost or destroyed or that the same is improperly in the hands of the opposite party or of a person not entitled to it, or that it is unavailable to the parties by reason of its being in the hands of the County Registrar, Governor of a prison or other officer entitled to hold the same, the Court may issue a duplicate of such decree, dismiss order or warrant. Application for such duplicate shall be made on forty-eight hours' notice to the opposite party and to the Clerk. Where the Judge permits the issue of the duplicate decree, dismiss, order or warrant, as the case may be, there shall be clearly written or stamped upon the face of the same the word "Duplicate".

Time for giving of notice 5. Before any application, other than an ex parte application or an application for an adjournment, is made to the Court, the applicant shall, unless any statute or rule otherwise provides, give at least forty-eight hours' notice in writing to the Clerk of the Court at which such application is to be made.

How notice may be given to Garda Superintendent 6. Where under these Rules notice is required to be given to a Superintendent of the Garda Síochána the same may be given by leaving the notice with such Superintendent or with the officer in charge of the Garda Síochána station for which such Superintendent acts or by forwarding the same by prepaid post to such Superintendent and, in such latter case, the date of receipt shall be the day of the actual receipt of the notice by the Superintendent.

How notice may be given to Clerk, etc. 7. Where under these Rules notice is required or authorised to be given to the Clerk or other parties the same may be given by leaving the

notice with such Clerk or other parties or by forwarding the same by prepaid post and in such latter case the date of receipt shall be the day of the actual receipt of the notice.

Notices to be in writing 8. All notices required by these Rules to be given shall be in writing unless expressly authorised by the Court to be otherwise given.

Remission of fees by Judge 9. A Judge may, in any case where he or she is satisfied of the inability of the party liable thereto to pay the fees or any of the fees prescribed in respect of proceedings in the Court, remit in whole or in part the fees payable in respect of any document or documents, and on the occasion of every such remission shall make a note of such remission on the document or documents upon which the fees shall have been remitted, and shall sign such note.

Last day Saturday, Sunday or office closed 10. Where the time for doing any act or taking any proceeding expires on a Saturday, a Sunday or other day on which the offices of the Court are closed, and by reason thereof such act or proceeding cannot be done or taken on that day, such act or proceeding shall, so far as regards the time of doing or taking the same, be held to be duly done or taken if done or taken on the day on which the offices shall next be open.

Proceedings by summons for recovery of money 11. Where under any statute proceedings for the recovery of any sum of money claimed to be due are directed to be brought summarily or in the District Court or before a Judge, and neither the statute in question nor any other enactment nor any of these or any other Rules lays down the procedure to be followed in bringing the proceedings, such proceedings shall be brought by summons and not by civil summons.

Newspaper Notices 12. The Court shall, where necessary, determine in which newspaper shall be inserted any notice which may from time to time be required in any action or matter.

No procedure 13. Where no provision is made in any statute or Rules of Court governing practice and procedure in a particular proceeding the Court may adopt such procedure as it shall consider appropriate.

Practice and Procedure in Metropolitan District to continue 14. Notwithstanding the provisions of these Rules, it shall be lawful in the Dublin Metropolitan District to continue any practice or procedure now in force in that district either in addition to or in substitution for any practice or procedure laid down by these Rules.

All Clerks competent to perform duties 15. Where more than one Clerk is assigned to a court area every such Clerk shall be competent to perform all and any of the duties of a Clerk of the Court, and the Principal Clerk in such court area or, in the Dublin Metropolitan District or in

the district including Cork City, the Chief Clerk, may make such division of duties among the Clerks assigned to such court area or district, as appropriate, as he or she thinks proper.

Size of documents 16. All documents and forms for lodgment in the Court or for service in connection with proceedings in the Court, except accounts, maps and plans, shall be written, printed or typewritten on paper of A4 size.

Slip Rule 17. Clerical mistakes in decrees, orders or warrants, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Court.

Minute Book 18. (1) The Clerk of each court area shall keep a book, to be known as the Minute Book, in which shall be entered all the cases, other than those in which particulars of the offences are entered on charge sheets, which are for hearing at sittings of the Court for that court area.

Decision of Court to be recorded

(2) To enable effect to be given to the decision of the Court and to enable an order to be drawn up if required, the Judge shall, upon pronouncing his or her decision, cause a memorandum of that decision to be made in the minute book or charge sheet, as appropriate, and the Clerk shall attach a note of the decision to the relevant court-file. No alteration shall be made to the said memorandum except by the Judge who made it.

Recognisance by body corporate 19. A body corporate may, in any case in which a recognisance is required by these Rules, enter into such recognisance by its agent duly authorised for that purpose. Such authority shall empower the agent (who shall be a director, manager or other responsible officer of the body corporate) to bind the body corporate to perform and comply with all and any of the conditions of the recognisance and shall acknowledge the legal liability of the body corporate in the event of its failing to perform or comply with any condition thereof. A copy of a resolution of the board of directors or the managing committee of the body corporate purporting to be signed by the chairman for the time being of such board or committee shall be prima facie evidence of the appointment and authority of such agent. The Judge may, if he or she thinks fit, exempt such body corporate from the necessity for entering into such recognisance.

Exemptions from entering into recognisance 20. Any provision of these Rules requiring an appellant to the Circuit Court or an applicant for a case stated to enter into a recognisance shall not apply to the Attorney General, the Director of Public Prosecutions, the Director of Consumer Affairs and Fair Trade, any Minister of the Government or any Minister of State or an officer of either such Minister, an officer or member of the Garda Síochána acting in an official capacity, or to an officer of the Revenue Commissioners acting in an official capacity.

Interest on lodgments 21. Where a lodgment of a sum of money not less than £150 is made, the person making the lodgment may by notice, in the Form 18.5 Schedule B, request the

Clerk to place the money on a deposit account and such person shall be entitled, where the lodgment is being refunded, to receive payment of any interest which accrued due thereon. The interest shall not form part of the lodgment.

Value-added tax 22. There shall be added to the costs awarded in any proceeding any sum payable by way of value-added tax on such costs by the party to whom they are awarded where, and only where, such party establishes that such sum is not otherwise recoverable.

Schedules and forms 23. The schedules to these Rules shall be taken to be part of the Rules and all forms therein contained shall be deemed valid and sufficient in law, and shall be the proper forms to be used, even when other and different forms shall be or have already been provided by any statute or other enactment under which the proceedings are brought. No departure from any of the forms in the said schedules, or omission of any of the particulars required thereby, or use of any other words than those indicated in such forms, shall vitiate or make void the proceedings or matter to which such forms relate, if the form or the words used be otherwise sufficient in substance and effect.

Reference to and modification of forms 24. Wherever mention is made in these Rules of a form immediately followed by a number and a Schedule, the reference is to be read as a reference to a form denoted by that number in the said Schedule; and every reference to any such form shall be construed to mean a reference to such modification of the form in the said Schedule as may be suitable for use in the particular proceeding or matter.

It shall be sufficient in any such form to state sums of money, dates and other numbers either in figures or in words.

Non-compliance with Rules 25. Non-compliance with any of these Rules shall not render any proceedings void, but in case of such non-compliance, the Judge may direct that the proceedings be treated as void, or that they be set aside in part as irregular, or that they be amended or otherwise dealt with in such manner or upon such terms as the Judge thinks fit.

Where no form provided 26. Where no form is provided by statute or by rules of Court the parties or the Court shall frame the form, using as guides the forms contained in the Schedules to these Rules.

PART II CRIMINAL PROCEEDINGS
ORDER 13 VENUE

*1. Criminal proceedings shall be brought, heard and determined either—

(a) in the court area wherein the offence charged or, if more than one offence is stated to have been committed within a Judge's district, any one of such offences is stated to have been committed; or

(b) in the court area wherein the accused has been arrested, or

(c) in the court area wherein the accused resides, or

(d) in the court area specified by order made pursuant to the provisions of section 15 of the Courts Act, 1971.

Indictable offences 2. Where the proceedings are in respect of indictable offences such proceedings may be dealt with in any court area within the Judge's district.

Summary proceedings where accused is in custody 3. Where the proceedings are in respect of summary offences and the accused is in custody and is unable to give bail for his or her appearance at a sitting of the Court such proceedings may be heard and determined in any court area within the Judge's district.

Power of Judge 4. Nothing in this Order shall limit the power of a Judge to adjourn a case from one court area to another, nor restrict any statutory power conferred upon or vested in a Judge to exercise his or her jurisdiction in any court area other than in one of those mentioned in this Order.

*Courts of Justice Act 1924 [s. 79] and District Court (Areas) Order, 1961.

ORDER 14ADMISSION TO COURT AND PUBLICATION OF PROCEEDINGS

Proceedings to be in open Court *1. Save where otherwise provided by law, the place in which the Court shall sit for hearing summary proceedings and for the preliminary examination of indictable offences shall be deemed an open court to which, subject to the provisions hereinafter contained, the public generally may have access so far as the same can conveniently accommodate them.

Power to exclude public †2. In any criminal proceedings for an offence which is, in the opinion of the Court, of an indecent or obscene nature, the Court may, subject to rule 4 hereof, exclude from the Court during the hearing all persons except officers of the Court, persons directly concerned in the proceedings, bona fide representatives of the Press and such other persons as the Court may in its discretion permit to remain.

‡3. During the conduct of a preliminary examination where the Court is satisfied, that, because of the nature or circumstances of the case or otherwise in the interests of fair procedures it is desirable, to do so, the Court may, subject to rule 4, exclude the public or any particular portion of the public or any particular person or persons, except bona fide representatives of the Press, from the Court during the hearing.

§4. In any criminal proceedings—

(a) where the accused is a person under the age of twenty-one years, or

(b) where the offence is of an indecent or obscene nature and the person with or against whom it is alleged to have been committed is under that age or is a female,

a parent or other relative or friend of that person shall be entitled to remain in Court during the whole of the hearing.

Prohibition of publication of proceedings ¶5. No person shall publish or cause to be published any information as to any particular preliminary examination other than a statement of the fact that such examination in relation to a named person on a specified charge has been held and of the decision thereon or such information as the Judge permits to be published at the request of the accused.

Form of certificate 6. A certificate pursuant to section 17 (2) of the Criminal Procedure Act, 1967, shall be in accordance with Form 14.1 Schedule B.

*Article 34 of the Constitution of Ireland and Criminal Procedure Act, 1967 [s.16 (1)].

† Criminal Justice Act, 1951 [s.20 (3)].

‡ Criminal Procedure Act, 1967 [s. 16 (2)].

§ Criminal Justice Act, 1951 [s. 20 (4)].

¶Criminal Procedure Act, 1967 [s. 17 (1), (3)].

ORDER 15*ISSUE OF SUMMONSES ALLEGING OFFENCES

Making of complaint to, and issue of summons by a Judge. 1. (1) Where in the first instance a summons is sought pursuant to section 10 of the Petty Sessions (Ireland) Act, 1851 to require the attendance before the Court of a person against whom a complaint is made, the complaint shall be made to a Judge and may be made with or without oath as the Judge shall direct.

(2) Where the complaint is made on oath it shall be made by sworn information (Form 15.3 Schedule B).

(3) Having received such complaint, the Judge may issue a summons (Form 15.1 Schedule B) in any case in which that Judge has jurisdiction in the district to which he or she is assigned.

Application to, and issue of summons by Court Office. 2. (1) When, upon application made to an office of the District Court pursuant to section 1 (4) of the Courts (No. 3) Act, 1986 for the issue of a summons in relation to an offence, a summons is issued, such summons shall be in the Form 15.2 Schedule B.

(2) A Clerk shall issue such summons or cause it to be issued if such Clerk is assigned to any court area in the district in which a Judge has jurisdiction in relation to the offence to which the summons relates.

Contents of summons and Court to which returnable. 3. (1) A summons shall state shortly in ordinary language particulars of the cause of complaint or the offence alleged and shall state the name and address of the person against whom the complaint has been made or who is alleged to have committed the offence.

(2) A summons issued by an office of the District Court and to which rule 2 (1) of this Order relates shall also notify such person that he or she will be accused of that offence at a sitting of the District Court to be specified in the summons.

(3) Every summons shall require the appearance of the person to whom it is directed at a sitting of the Court having jurisdiction to deal with the complaint or the offence alleged, provided that the court at which such person is required to appear shall—

(a) where the summons is issued by a Judge, be a court within the area of jurisdiction, of that Judge, or

(b) where the summons is issued or caused to be issued by a Clerk, be a court within the district in which a Judge has jurisdiction in relation to the offence to which the summons relates.

4. Two or more complaints or offences may be alleged in the one summons.

*Provisions relating to the issue of summonses in matters other than criminal matters are contained in Order 99 of these Rules.

Signing of summonses 5. (1) A summons issued by a Judge shall be signed by the Judge who issues it and no summons shall be signed in blank.

(2) A summons against a person who is a member of the Garda Síochána shall be signed by a Judge.

(3) (a) Where a summons is signed by a Judge such summons shall not be avoided by reason of the death of that Judge or by reason of his or her ceasing to hold office.

(b) Where a summons is issued by an office of the District Court such summons shall not be avoided by reason of the death of the Clerk whose name appears on the summons or by reason of his or her ceasing to hold office.

Copies for service 6. There shall be issued with every summons a copy thereof for service upon each person to whom the summons is directed.

May be served in any part of the State 7. A summons may be served in any part of the State and upon service being effected in a manner prescribed by these Rules, the person against whom the complaint is made or the offence is alleged shall be as effectively bound by the proceedings as if he or she resided within the area of jurisdiction of the Judge issuing it or within the limits of the court area or areas for which the Clerk issuing it or causing it to be issued has been assigned.

8. Where an enactment constituting an offence states the offence to be the doing or the omission to do any one of a number of different acts in the alternative, or states any part of the offence in the alternative, the acts, omissions or other matters stated in the alternative in the enactment may be stated either in the alternative or in the conjunctive in the summons alleging such offence.

9. In alleging an offence contrary to any statute or statutes it shall be sufficient to state the substance of the offence in ordinary language with such particulars of the offence as may be necessary for giving reasonable information as to the nature of the complaint, and it shall not be necessary to negative any exception or exemption from or qualification to the operation of a statute creating such offence.

Summons in lieu of a warrant 10. Where under Order 16, rule 1 (1) of these Rules a warrant is sought for the arrest of a person charging that person with having committed an indictable offence a Judge may, if he or she thinks fit, instead of issuing a warrant issue a summons requiring the appearance of that person, notwithstanding that the complaint had been made by information on oath and in writing. A Judge who has issued such summons may at any time (the complaint having been made by information) issue a warrant for the arrest of that person.

ORDER 16 ISSUE OF WARRANTS CHARGING OFFENCES

Application for, and issue of warrant. 1. (1) Where in the first instance a warrant is sought for the arrest of a person charging him or her with having committed an indictable offence, the complaint shall be made to a Judge and shall be made by information on oath and in writing (Form 15.3 Schedule B).

(2) Having received such complaint, the Judge may issue a warrant (Form 16.1 Schedule B) if the offence is stated to have been committed, or if such person resides, within the Judge's district.

(3) A Judge may issue such warrant whether the information has been sworn before him or her or before another Judge. Where the information has been sworn before another Judge, the duly completed information shall be produced to the Judge issuing the warrant.

(4) Any such information may be sworn and any such warrant may be issued or executed on any day and at any time.

Signing of warrants 2. (1) A warrant shall be signed by the Judge who issues it and no warrant shall be signed in blank.

(2) A warrant shall not be avoided by reason of the death of the Judge who signed it or by reason of his or her ceasing to hold office.

O.15, rr. 8 and 9 to apply to warrants. 3. The provisions of Order 15, rules 8 and 9 of these Rules shall apply to warrants charging offences and those provisions shall be construed accordingly.

Summons in lieu of warrant, but warrant may issue at any time. 4. Having received a complaint to which rule 1 (1) of this Order relates, a Judge may issue a summons instead of a warrant notwithstanding that the complaint had been made by sworn information. A Judge who has issued such summons may at any time (the complaint having been made by sworn information) issue a warrant for the arrest of the person to whom the summons was directed.

Power to arrest without warrant — warrant may still issue. 5. Where at common law or under any statute there is power to arrest a person without a warrant, a warrant for his or her arrest may be issued in accordance with the provisions of rule 1 of this Order.

Where suspect is within Judge's jurisdiction Judge may issue warrant 6. Where a complaint is made to a Judge that a person has committed or is believed to have committed, outside the jurisdiction of such Judge, any indictable offence and that such person is, or is suspected to be, within the limits of the jurisdiction of such Judge, the Judge may, upon the complaint being made on oath and in writing, issue a warrant (Form 16.1 Schedule B) for the arrest of the said person.

Binding over of informant 7. Where an information is made on oath and in writing, the Judge before whom it is made may, if he or she thinks fit, bind the informant by recognisance to appear at the Court where the person against whom the complaint was made is to be tried or the complaint is to be heard and at any adjournment thereof to give evidence in the matter of the said complaint.

ORDER 17PROCEDURE ON ARREST

Particulars to be set out in charge sheet 1. (1) Whenever a person is arrested and brought to a Garda Síochána station, and is being charged with an offence, or where an offence is alleged against a person who is already on remand to the Court and a summons in respect of the offence is not issued, particulars of the offence alleged against that person shall be set out on a charge sheet (Form 17.1 Schedule B).

(2) When particulars of any offence are set out on a charge sheet in accordance with this rule, a copy of the particulars shall be furnished as soon as may be to the person against whom the offence is alleged.

(3) A charge sheet to which this rule applies shall be lodged as soon as possible with the Clerk for the court area in which the case is to be heard.

Person arrested to be brought before a Judge as soon as practicable *2. (1) A person arrested pursuant to a warrant shall on arrest be brought before a Judge having jurisdiction to deal with the offence concerned as soon as practicable.

(2) A person arrested without warrant shall, on being charged with an offence, be brought before a Judge having jurisdiction to deal with the offence as soon as practicable.

*3. Where a person is arrested pursuant to a warrant later than the hour of 10 o'clock on any evening or, having been arrested without warrant, is charged after that hour and a Judge is due to sit in the district in which the person was arrested not later than noon on the following day, it shall be sufficient compliance with subsection (1) or (2), as the case may be, of section 15 of the Criminal Justice Act, 1951 if that person is brought before a Judge at the commencement of the sitting.

Release on bail in certain cases by members of Garda Síochána †4. (1) Whenever a person is brought in custody to a Garda Síochána station by a member of the Garda Síochána, the sergeant or other member in charge of the station may, if he or she considers it prudent to do so and no warrant directing the detention of that person is in force, release that person on bail and for that purpose take from him or her a recognisance (Form 17.2 Schedule B) with or without sureties approved by that member and in such sum or sums as such member shall determine, for his or her due appearance before the Court at the appropriate time and place or at any adjournment thereof.

(2) A sum of money equivalent to the amount of bail may be accepted in lieu of a surety or sureties. In such cases the recognisance (Form 17.3 Schedule B) and the money shall be deposited by the member of the Garda Síochána receiving it with the Clerk of the Court before which the person is bound by the recognisance to appear.

*Criminal Justice Act, 1951 [s. 15] as amended.

†Criminal Procedure Act, 1967 [s. 31].

(3) The recognisance may be entreated in the like manner as a recognisance entered into before a Judge is estreated.

(4) This rule does not apply to a person arrested under section 251 of the Defence Act, 1954, on suspicion of being a deserter or an absentee without leave from the Defence Forces.

(5) A recognisance taken under this rule shall be transmitted to the Clerk of the Court before which the person is bound by the recognisance to appear.

Release on bail in pursuance of endorsement *5. Where a person is arrested on a warrant containing an endorsement directing the release of that person on his or her entering into a recognisance the sergeant or other member of the Garda Síochána in charge of any station to which on arrest the person named in the warrant is brought shall discharge that person upon his or her entering into a recognisance, with or without sureties approved by that member, in accordance with the endorsement.

6. A recognisance of an accused and of the sureties, if any, under this Order may be taken on any day and at any time.

* Criminal Procedure Act, 1967 [s. 30 (2)].

ORDER 18PROCEDURE ON ADMITTING TO BAIL

Admission to bail *1. Subject to rule 2 hereof a Judge shall admit to bail a person charged before him or her with an offence if it appears to that Judge to be a case in which bail ought to be allowed and if such person is to be granted bail it shall be in the discretion of the Judge to determine the amount of bail and whether the bail shall be with or without a surety or sureties and the amount in which each surety shall be bound.

Bail in cases of treason, murder, and certain other offences †2. A person charged with any of the following offences shall not be admitted to bail except by order of the High Court:—

(a) treason,

(b) an offence under section 2 of the Treason Act, 1939,

(c) an offence under section 6 of the Offences Against the State Act, 1939,

(d) a grave breach such as is referred to in section 3 (1) (i) of the Geneva Conventions Act, 1962,

(e) an offence under section 9 of the Official Secrets Act, 1963 or an offence under Part II of that Act committed in a manner prejudicial to the safety or preservation of the State,

(f) murder, attempt to murder, conspiracy to murder or piracy, including an accessory before or after the fact.

(g) an offence under section 7 of the Genocide Act, 1973.

Sufficiency of sureties 3. Before taking a recognisance a Judge shall in every case satisfy himself or herself as to the sufficiency of each person proposed to be accepted as surety.

‡4. Refusal of bail at a particular appearance before the Court shall not prevent a renewal of the application for bail at a subsequent appearance or while the accused is in custody awaiting trial.

Release on completion of recognisance §5. Where a Judge grants bail to an accused person who is in custody that person shall on completion of the recognisance (Form 18.1, 18.2 or 18.3 Schedule B as the case may be) be released if he or she is in custody for no other cause than the offence in respect of which bail is granted.

Acceptance of deposit in lieu of sureties ¶6. Where a Judge decides to admit to bail a person charged with an offence he or she may direct that a sum of money equivalent to the amount of bail be accepted in lieu of a surety or sureties and such person shall be released on the lodgment of the said sum of money with—

- (a) the Clerk of the court area in which the order admitting to bail was made, or
- (b) the Governor of the prison wherein the accused is in custody,

as the case may be, unless such person is in custody for a cause other than the offence in respect of which bail is granted.

Provided that before being released such person shall himself or herself enter into a recognisance (Form 18.3 or 18.4 Schedule B as the case may be) in the amount in which it shall have been determined that he or she shall be bound, and the Clerk or Governor receiving such money shall issue a receipt for it and shall complete the certificate of such lodgment on the recognizance.

*Criminal Procedure Act, 1967 [s. 28 (1)].

†Criminal Procedure Act, 1967 [s. 29 (1)], as amended.

‡Criminal Procedure Act, 1967 [s. 28 (2)].

§Criminal Procedure Act, 1967 [s. 28 (4)].

¶Criminal Procedure Act, 1967 [s. 26].

7. Any such money received shall be deposited by the Governor receiving it with the Clerk of the court area in which is situate the Court before which such person is to appear.

8. Where the recognisance is conditioned for the appearance of such person before a Court other than a sitting of the District Court the money shall be deposited by the Clerk or Governor receiving it with the appropriate County Registrar or the appropriate officer of the Central Criminal Court or the Special Criminal Court as the case may be.

9. The Clerk or Governor, as the case may be, shall give a receipt for the money lodged to the party entering into the recognisance.

Repayment of deposit 10. Upon the condition or conditions of the recognisance being duly fulfilled, the Judge shall give to the party by whom the said sum of money was lodged a certificate (Form 18.6 Schedule B) that the condition or conditions of the said recognisance have been performed, and the said sum shall thereupon be repaid to such party.

Consent to bail on committal warrant 11. Where the recognisance is not perfected forthwith the Judge may certify on the committal warrant a consent to such person being bailed, stating the amount of bail required.

Where person committed to prison without bail — bail may subsequently be granted 12. Where on remand or on sending forward for trial or sentence a person is committed to prison without bail the Judge may, at any time prior to the day of the adjourned hearing or the first day of the sittings of the Court to which such person has been sent forward for trial or sentence, determine that such person be admitted to bail, and may by body warrant (Form 18.7 Schedule B) cause such person to be brought before him or her for the purpose of being so admitted to bail, or by certificate (Form 18.8 Schedule B) signify to the governor of the prison his or her consent to bail, stating the amount of bail required.

Peace Commissioner may admit to bail in prison 13. Where a certificate of consent to bail is granted, a Peace Commissioner at the prison or other place wherein the person is in custody shall, on production of the certificate, admit such person to bail as directed by the certificate, at any time before the day of the adjourned hearing if such person is on remand or before the first day of the sittings of the Court before which such person is to be tried or sentenced if he or she has been sent forward for trial or sentence.

Taking recognisance of sureties unable to attend 14. Whenever it is not convenient for a surety to attend at the prison wherein the person is in custody to join with that person in the recognisance then a Judge or Peace Commissioner having jurisdiction in the place where the proposed surety resides may take the recognisance and shall then cause it to be forwarded to the Clerk of the court area wherein the order committing the person was made. Such Clerk shall transmit the recognisance of the surety to the Governor of the prison wherein the person is in custody and thereupon a Peace Commissioner attending at such prison may (upon production of the recognisance already taken from the surety) take the recognisance of such person and admit him or her to bail.

Governor to release person on completion of recognisance 15. Where a Peace Commissioner at a prison admits to bail a person there in custody, and in respect of whom a certificate of consent to bail has been granted, the Governor shall thereupon release such person unless he or she is in custody for a cause other than the offence in respect of which bail is granted.

Transmitting recognisance to Clerk 16. A recognisance taken by a Peace Commissioner shall be transmitted to the Clerk of the Court before which the person is bound by the recognisance to appear.

Provisions to apply to witness 17. The provisions of this Order shall, with any necessary adaptations, apply to a witness who is granted bail or is remanded in custody with or without consent to bail.

May be taken at any time 18. A recognisance of an accused and of the sureties if any, under this Order may be taken on any day and at any time.

ORDER 19 REMANDS BY THE COURT

Remand by the Court

*1. Where an accused person is before the Court in connection with an offence the Court may remand the accused from time to time as occasion requires. Where the remand is in custody the warrant of committal shall be in accordance with Form 19.1 Schedule B.

Period of remand by the Court †2. (1) The Court shall not remand a person for a period exceeding eight days, except where this rule otherwise provides.

(2) Where the Court remands a person on bail, it may remand that person for a longer period than eight days if he or she and the prosecutor consent.

(3) Where the Court remands a person in custody (other than on the occasion of such person's first appearance before the Court) it may remand such person for a period exceeding eight days but not exceeding thirty days if he or she and the prosecutor consent.

(4) If the Court is satisfied that any person who has been remanded is unable by reason of illness or accident to appear or to be brought before the Court at the expiration of the period of remand, the Court may, in such person's absence, remand him or her for such further period, which may exceed eight days, as the Court considers reasonable. Where the remand is in custody the warrant of committal shall be in accordance with Form 19.2 Schedule B.

(5) (a) Where there is no sitting of the Court on the day to which a person is remanded in custody, such person shall stand so remanded to the sitting of the Court next held in the same district court district, and the Clerk shall forthwith transmit to the Governor of the prison or the person in charge of the remand institution where such person is detained a certificate (Form 19.3 Schedule B) informing him or her of the time, date and place of such next sitting.

(b) Where there is no sitting of the Court on the day to which a person is remanded on bail, such person shall stand so remanded to the sitting of the Court next held in the same district court area.

Committal to custody of Garda Síochána ‡3. (1) The Court may, where it remands a person in custody for a period not exceeding four days, commit such person (Form 19.4 Schedule B) to the custody of a member of the Garda Síochána.

(2) Outside the Dublin Metropolitan Police District the Court, before so remanding such person shall satisfy itself that suitable facilities are available for the custody of such person during the period of remand.

*Criminal Procedure Act, 1967 [s. 21].

†Criminal Procedure Act, 1967 [s. 24].

‡Criminal Procedure Act, 1967 [s. 25].

Person remanded in custody may be brought before the Court before expiration of period 4. Where a person has been remanded in custody the Judge may, if it is expedient in the interests of fair procedure by warrant (Form 18.7 Schedule B) order such person to be brought before him or her at any time before the expiration of the period for which such person has been so remanded, for the further hearing of the charge.

Persons on bail — hearing may be brought forward 5. Where a person is remanded on bail to appear at a specified time and place, the Judge may at any time order such person to appear before him or her at any time prior to the date of the adjourned hearing, and either at the specified place or at any other place, for the further hearing of the charge, and the Clerk shall notify the prosecutor and that person accordingly.

ORDER 20ARREST OF PERSON ABOUT TO ABSCOND

Arrest of person about to abscond

*1. (1) Where a person charged with an offence has been admitted to bail the Court may, if it thinks fit, on the application of the surety or any of the sureties of the accused, or of a member of the Garda Síochána, and upon information (Form 20.1 Schedule B) being made in writing and on oath by or on behalf of such surety or member that the accused is about to abscond for the purpose of evading justice, issue a warrant (Form 20.2 Schedule B) for the arrest of the accused.

(2) When arrested the accused shall be brought before a Judge.

(3) If the accused is brought before a Judge otherwise than at a sitting of the Court for the district in which the order sending him or her forward for trial was made or, if the accused is on remand, of the Court before which he or she was bound by recognisance to appear, the Judge shall remand him or her (Form 20.3 Schedule B) to appear before such sitting as

aforesaid and for this purpose the Judge shall have the powers of remand conferred on the Court by Part III of the Criminal Procedure Act, 1967 (No. 12 of 1967).

(4) The Court sitting as aforesaid may commit the accused to prison to await his or her trial or until he or she enters into a fresh recognisance or, if the accused is on remand, further remand him or her (Form 20.4 or 20.5, Schedule B, as the case may be).

*Criminal Procedure Act, 1967 [s. 33].

ORDER 21 ATTENDANCE OF WITNESSES

Attendance of witness may be procured by summons

1. (1) Any party desiring the attendance of any person to give evidence or to produce any accounts, papers, documents or things to the Court, may apply for, and the Judge, Clerk or a Peace Commissioner may issue, a witness summons (Form 21.1 Schedule B) requiring the person to whom the summons is directed to comply with the requirements thereof at the time and place stated therein.

Court may order issue of summons

(2) In any case of difficulty as regards the issue of such summons, application may be made to the Court for the issue of the same, and on such application the Court may issue or direct the issue of the summons or otherwise deal with the matter in such manner as to it shall seem just.

Signing and service of summons

(3) Such summons shall be signed by the Judge, Clerk or Peace Commissioner issuing it, and with it there shall also be issued a copy for service upon each person to whom it is directed, and such copies shall be served at least three clear days before the date fixed for the hearing of the complaint.

Service effective in any part of State

(4) Such summons may be served in any part of the State and upon service being effected, the witness shall be as effectively bound thereby as if he or she resided within the area of jurisdiction for issuing summonses of the Judge, Clerk or Peace Commissioner who issued it.

Failure to attend or evading service—warrant may issue

(5) Where a person to whom such summons is directed fails to attend at the time and place appointed and no just excuse is offered for such failure, then upon proof in the manner provided by these Rules that such summons was duly served upon such person, or upon an information (Form 21.2 Schedule B) being made that such person is evading service and that he or she is able to give evidence in the case, the Judge before whom the complaint is to be heard may issue a warrant (Form 21.3 or 21.4, Schedule B) for his or her arrest.

Warrant may issue instead of summons

(6) Where a Judge is satisfied by Information (Form 21.5 Schedule B) made on oath and in writing that it is probable that a person who is able to give evidence in a case will not attend to give evidence without being compelled to do so, he or she may issue a warrant (Form 21.6 Schedule B) for the arrest of such person.

Procedure on arrest

(7) When arrested, any such person shall be brought forthwith before the said Judge, or before another Judge having jurisdiction in such Judge's district, and the Judge shall remand him or her either in custody or on bail, until the hearing of the said complaint; and if remanded on bail, it may be made a condition of the recognisance that he or she shall bring with him or her and produce at the time and place at which he or she is bound to attend all such accounts, papers, documents or things as aforesaid.

Refusal to give evidence 2. (1) Where a person attends as a witness, either in obedience to a summons or by virtue of a warrant or is present in Court and is required to give evidence, and refuses to be examined upon oath, or refuses to answer lawful questions then put to him or her, or refuses to produce any accounts, papers documents or things (without offering any just excuse for such refusal), the Judge may adjourn the proceedings to the same or any other Court in his or her district for any period not exceeding eight days, and may by warrant (Form 21.7 Schedule B) commit the said witness to prison until the time of such hearing. If such witness, upon being brought up upon such adjourned hearing, again refuses to be sworn, or to testify as aforesaid, or to produce such accounts, papers, documents or things as aforesaid, as the case may be, the Judge may again adjourn the proceedings and commit the witness in like manner, and so again from time to time until he or she consents to be sworn or to testify as aforesaid, or to produce such accounts, papers, documents or things, as the case may be, (provided that no such imprisonment shall in any case of summary or civil jurisdiction exceed one month in the whole). *In proceedings under the Customs Acts such witness shall, in addition, for every such refusal as aforesaid forfeit such sum not exceeding twenty pounds as the Judge shall think fit, and the Judge shall cause a record of any such fine to be made in the minute book or charge sheet as the case may be.

(2) Nothing herein contained shall prevent the Judge from sending any such case for trial, or otherwise disposing of the same in the meantime, according to any other evidence received.

*Customs Consolidation Act, 1876 [ch.36 s.228].

ORDER 22PROCEDURE ON ACCUSED'S FAILURE TO APPEAR

Failure to appear, — on summons or evading service

1. Where a summons is issued requiring the appearance before the Court of a person against whom a complaint has been made or an offence has been alleged and such person fails to appear at the required time and place or at any adjourned hearing of the matter, and it is proved to the Judge there present that such person has been served with the summons, or where at any time either before or after the date on which such person is required by the summons to appear an information, in the Form 22.1, Schedule B, is made that he or she is evading service or is about to abscond or has absconded, the Judge may issue a warrant, in the Form 22.2, Schedule B, for the arrest of such person.

— after release or remand on bail 2. Where—

(a) a person who has been arrested and charged with an offence is released on bail by recognisance by a member of the Garda Síochána for his or her appearance before a sitting of the Court at a time on a date and at a place specified in the recognisance or

(b) an accused person is before the Court in connection with an offence and, on being remanded, is admitted to bail by recognisance for his or her appearance before a subsequent sitting of the Court (either in the same or another place),

and that person, having entered into the recognisance, fails to appear at a time on a date and at a place at or on which he or she was bound by the recognisance to appear, the Judge then and there sitting may, on production of the recognisance to him or her, issue a warrant, in the Form 22.3, Schedule B, for the arrest of that person.

— in a case of summary jurisdiction. Court may adjourn and notify deft. 3. Where a summons has been issued under section 11 (2) of the Petty Sessions (Ireland) Act, 1851 or section 1 of the Courts (No. 3) Act, 1986 and served upon the person to whom it is directed by a means of service provided for in section 22 (1) of the Courts Act, 1991 and that person neither appears at the time and place specified in the summons nor at the hearing of the complaint or accusation to which the summons relates, and the Court, considering it undesirable in the interests of justice, because of the gravity of the offence or otherwise, to continue the hearing in the absence of the person, adjourns the hearing pursuant to section 22 (4) of the said Act of 1991 to enable the person to be notified of the adjourned hearing, the Clerk shall, unless the Court otherwise directs, issue and serve or cause to be served upon that person a notice in the Form 22.4, Schedule B. Service shall be effected at least fourteen days prior to the date of the adjourned hearing and in such manner as the Court shall direct. The original notice, with the details of service endorsed thereon, shall be retained by the Clerk and produced to the Court at the adjourned hearing.

— where deft. claims not to have received summons 4. Where, in any case to which rule 3 hereof relates, the Court has proceeded to hear the complaint or accusation to which the summons relates and the defendant, having failed to appear at the said hearing, subsequently claims not to have received the summons or notice of the said hearing, such defendant may make application, as provided for in Order 10, rule 23 of these Rules, to have the proceedings set aside.

ORDER 23 TRIAL OF SUMMARY OFFENCES

Where accused appears and admits complaint

1. Where the accused, personally or by solicitor or counsel appears and admits the truth of the complaint made against him or her, the Court may if it sees no sufficient reason to the contrary, convict or make an order against him or her accordingly, but if the accused does not admit the truth of the complaint, the Court shall, subject to the provisions of rule 2 hereof, proceed to hear and determine such complaint.

Where accused does not appear 2. Subject to the provisions of O.22, r. 3, where the accused is not present and is not represented to answer the complaint and, in the case of a summons it appears to the Court that the summons was duly served, the Court may proceed to deal with the complaint or may issue a warrant for the arrest of the accused.

Where prosecutor does not appear 3. Where the accused (or his or her representative) is present at the required time and place and the prosecutor (or his or her representative) is not present, the Court may strike out, dismiss without prejudice or adjourn the hearing of the complaint.

Penalty, — in fixing means of accused to be considered, *4. Where the Court imposes a penalty it shall, in fixing the amount of the penalty, take into consideration amongst other things the means of the accused so far as they are known to it at the time.

— Time for payment of, 5. The Court may order that a penalty shall be paid within such period, not less than fourteen clear days, as it shall think fit to fix for the purpose, and if it fixes no period, such penalty shall be paid within the period of fourteen clear days from the date of the order, and on subsequent application by or on behalf of the accused, it may allow such further time for payment as it shall think fit.

— Where no time allowed for payment of †6. Where the Court is satisfied that the accused is possessed of sufficient means to enable him or her to pay the penalty forthwith, or that the accused has no fixed abode within the jurisdiction, or if the accused, on being asked if he or she desires time for payment, does not express any such desire, or if for any special reason the Court expressly directs that no time shall be allowed for payment, it may order that the penalty shall be paid forthwith, and where no time is allowed the reason therefor shall be stated in the warrant of committal.

— Imprisonment in default of payment of, 7. Where a penalty has been imposed against a person such person shall in default of payment within the time specified (if any) be imprisoned for a term not exceeding the appropriate period specified in the following scale:—

*Criminal Justice Administration Act, 1914 [s. 43 (2)].

†Criminal Justice Administration Act, 1914 [s. 1 (1), (4)].

Penalty Period of Imprisonment
Not exceeding £50 5 days
Exceeding £50 but not exceeding £250 15 days
" £250 " " £500 45 days
" £500 90 days

And such imprisonment shall be terminated upon payment of the said penalty, or shall be reduced on payment of part of the said penalty in accordance with the provisions of section 3 of the Criminal Justice Administration Act, 1914.

Penalties on companies to be recovered by distress 8. Where a penalty is imposed on a company, then in default of payment within the time specified (if any) such penalty shall be levied by distress and sale of the goods of such company or by the taking of the money of the company.

Payment of compensation *9. Where any sum is awarded under the provisions of any Act as compensation for damage, or as the value of any article, or as the amount of any injury done, it shall be paid as compensation to the person aggrieved; but where the person aggrieved is unknown, such sum shall be applied and accounted for in the same way as any penal sum; and where several persons join in the commission of the same offence, and each is ordered to pay any such compensation, value or amount as aforesaid, not more than the amount of the damage or injury done or the value of the article shall be paid to the person aggrieved, and any further sum forfeited shall be applied and accounted for in the same way as any penal sum.

Appropriation of fines 10. It shall not be necessary for the Court, when imposing a penalty, to make an order relating to the method of disposing of the same in any case where provision is already made by law for the disposal thereof.

Where penalty imposed, Clerk to send notice 11. Where a penalty has been imposed by the Court, the Clerk shall send a notice (Form 23.1 Schedule B) to the accused stating that such penalty has been imposed, the amount thereof and the time within which the same is to be paid. Such notice may be sent by ordinary letter post addressed to the accused at his or her last known or most usual place of abode. The failure of the Clerk to comply with the provisions of this rule, or any omission from or misstatement in the notice shall not in any way prejudice the issue by the Court of any warrant.

Provisions to apply to indictable offences dealt with summarily 12. The provisions of rules 4 to 11 of this Order shall also apply to indictable offences being dealt with summarily.

*Petty Sessions (Ireland) Act, 1851 [s. 22 (7)].

ORDER 24 SUMMARY TRIAL AND PRELIMINARY EXAMINATION OF INDICTABLE OFFENCES

In this Order "the Act" means the Criminal Procedure Act, 1967 (No. 12 of 1967).

Summary trial of indictable offences *1. Where an accused person is before the Court charged with an indictable offence with which the Court has jurisdiction to deal summarily if the accused does not object, the Judge shall inform the accused of his or her right to be tried by a jury, and if the accused (enquiry having been made of him or her by the Judge) does not

object to being tried summarily, and if, after hearing such facts as may be alleged in support of the charge, the Judge is of opinion that they constitute a minor offence fit to be so tried, the Judge shall take the accused's plea and try him or her summarily.

Summary disposal on a plea of guilty — D. P. P. consenting †2. Where an accused person is before the Court charged with an indictable offence with which the Court has jurisdiction to deal summarily if the accused pleads guilty and the Director of Public Prosecutions consents, the Judge, on being satisfied that the accused understands the nature of the offence and the facts alleged, may deal with the case summarily if the accused pleads guilty and the Director so consents.

Summary trial with consent of D. P. P ‡3. Where an accused person is before the Court charged with an indictable offence requiring the consent of the Director of Public Prosecutions to summary trial, then, on such consent being conveyed to the Court, the Court shall proceed in accordance with the provisions of rule 1 hereof.

Consent of D. P. P §4. The consent of the Director of Public Prosecutions under any provision of this Order may be conveyed in writing signed by the Director or orally by a person prosecuting at the suit of or appearing on behalf of the said Director.

Sending forward for sentence on a plea of guilty ¶5. Where an accused person is before the Court charged with an indictable offence not being an offence under the Treason Act, 1939, murder, attempt to murder, conspiracy to murder, piracy, genocide or a grave breach such as is referred to in section 3 (1) (i) of the Geneva Conventions Act, 1962, including an offence by an accessory before or after the fact nor an offence being dealt with summarily, and the Court is satisfied that the accused person understands the nature of the offence and the facts alleged, then, if the accused signs a plea of guilty (Form 24.1 Schedule B), the Judge may by order (Form 24.2 Schedule B) send him or her forward for sentence with that plea to the court to which, if he or she had pleaded not guilty, the accused could lawfully have been sent forward for trial.

*Criminal Justice Act, 1951 (s. 2 (2) (a), (i), (ii)].

†Criminal Procedure Act, 1967 (s. 13 (2), (a)].

‡Criminal Procedure Act, 1967 (s. 19)].

§Criminal Procedure Act, 1967 (s. 20)].

¶Criminal Procedure Act, 1967 (s. 13 (2) (b)].

Waiver of preliminary examination. *6. Where the accused waives a preliminary examination and the prosecutor does not require the attendance of a witness, the Judge shall, having informed the accused of the requirements of section 20 of the Criminal Justice Act, 1984, by order (Form 24. 3 Schedule B) send the accused forward for trial to the court to which, if he

or she had not waived such preliminary examination, the accused could lawfully have been sent forward for trial.

Where witnesses required by prosecutor or accused †7. Where the prosecutor requires the attendance of a witness pursuant to subsection (2) of section 7 of the Act, the Judge shall conduct a preliminary examination of the charge. Neither the prosecutor nor the accused shall be entitled to require the attendance of a witness or to examine him or her by way of sworn deposition if it appears to the Court that the witness is outside the State and that it is not reasonably practicable to secure his or her attendance for examination under section 7 of the Act.

Child cannot exercise waiver without consent of parent or guardian ‡8. A child or young person (within the meaning of the Children Acts, 1908 to 1989) shall not be permitted to exercise a waiver except with the consent of the parent or guardian having the actual possession and control of him or her. The order sending forward for trial in such cases shall be in accordance with Form 24.4 Schedule B.

Preliminary examination 9. Where an accused person is before the Court charged with an indictable offence not being dealt with in accordance with rules 1, 2, 3, 5 or 6 hereof the Judge shall conduct a preliminary examination of the charge.

Times for service of documents 10. (1) The documents specified in section 6 (1) of the Act shall be in accordance with Forms 24.5 to 24.9 Schedule B and shall be served personally upon the accused at the earliest opportunity, but, save with the leave of the Court, shall not be served later than thirty days after the first appearance of the accused before the Court where the offence is not a scheduled offence or later than thirty days after the accused has elected for trial by jury where the offence is a scheduled offence. In this rule "scheduled offence" has the meaning assigned to it under section 2 of the Criminal Justice Act, 1951.

Lodgment of documents

(2) Copies of the said documents together with a statutory declaration as to service thereof shall be lodged with the Clerk within eight days of such service and such Clerk shall forthwith transmit the same to the Judge.

Production of exhibits 11. The prosecutor shall produce to the Court all exhibits in relation to the case and the Court may make such order as to the retention or custody of such exhibits as the Court thinks fit.

Inspection of exhibits §12. The accused shall have the right to inspect all exhibits.

*Criminal Procedure Act, 1967 [s. 12].

†Criminal Law (Jurisdiction) Act, 1976 18;.

‡Criminal Procedure Act, 1967 [s. 12 (4)].

§Criminal Procedure Act, 1967 [s. 6 (3)].

Further statements 13. Any further statement served upon the accused pursuant to section 6 (4) of the Act shall be in accordance with Form 24.10 Schedule B.

Deposition 14. A deposition shall be in accordance with one of the Forms 24.11 to 24.14 Schedule B, as the case may be.

Order on preliminary examination 15. Where the Judge is of opinion that there is sufficient case to put the accused on trial for the offence with which he or she has been charged such Judge shall, having informed the accused of the requirements of section 20 of the Criminal Justice Act, 1984, by order (Form 24.15 Schedule B) send him or her forward for trial.

Sending forward for trial on indictable offence other than that charged 16. Where, pursuant to section 8 (2) of the Act, the Judge is of opinion that there is a sufficient case to put the accused on trial for some indictable offence other than that charged, he or she shall direct the prosecutor to prepare that charge, which shall be in accordance with Form 24.16 Schedule B. The new charge shall be read to the accused by the Clerk and the Court shall, having informed the accused of the requirements of section 20 of the Criminal Justice Act, 1984, by order (Form 24.17 Schedule B) send the accused forward for trial.

Where summary offence only disclosed 17. Where, pursuant to section 8 (4) of the Act, the Judge is of opinion that a summary offence only is disclosed, and the Director of Public Prosecutions consents, he or she shall direct the prosecutor to prepare such summary charge, which shall be in accordance with Form 24.18 Schedule B. The new charge shall be read to the accused by the Clerk and the Judge shall deal with it accordingly.

Witness order 18. An order requiring a witness, a statement of whose evidence has been supplied to the accused or whose deposition has been taken, to attend and give evidence at the trial of the accused and to produce any document or thing specified in the order shall be in accordance with Form 24.19 Schedule B.

Notice of Witness order 19. The prosecutor shall cause a notice to be served upon each person in respect of whom a witness order has been made. Such notice shall be in accordance with Form 24.20 Schedule B and shall be served by a member of the Garda Síochána as provided by Order 10 of these Rules.

Where person unlikely to comply with witness order 20. An application pursuant to section 9 (3) of the Act alleging that a particular person is unlikely to comply with a witness order shall be by information in accordance with Form 24.21 Schedule B.

Summons or warrant to issue 21. A summons or warrant which may be issued by the Judge on foot of such information shall be in accordance with Form 24.22 or 24.23 Schedule B as the case may be.

Failure to comply with summons warrant to issue 22. A warrant pursuant to section 9 (3) of the Act for the arrest of a person who fails to attend in answer to a summons issued under rule 21 of this Order shall be in accordance with Form 24.24 Schedule B.

Persons may be bound by recognisance 23. Where the person referred to in rule 20 is before the Court either in obedience to a summons or by virtue of a warrant and enters into a recognisance it shall be in accordance with Form 24.25 Schedule B. A warrant for his or her committal on refusing to enter into such recognisance shall be in accordance with Form 24.26 Schedule B.

Application to take section 14 (1) deposition 24. An application for the taking of a deposition pursuant to section 14 (1) of the Act shall be by information which shall be in accordance with Form 24.27 Schedule B.

Summons or warrant to issue 25. A summons or warrant which may be issued by the Judge on foot of such information shall be in accordance with Form 24.28 or 24.29 Schedule B, as the case may be.

Failure to answer summons — warrant to issue 26. A warrant for the arrest of a person who fails to attend in answer to a summons issued under rule 25 shall be in accordance with Form 24.30 Schedule B.

Securing attendance of accused 27. A summons or warrant for securing the attendance of the accused before the Judge shall be in accordance with Form 24.31 or 24.32 Schedule B, as the case may be. Where the accused is in custody the warrant shall be in accordance with Form 24.33 Schedule B.

Failure to attend on summons 28. A warrant for the arrest of an accused who fails to attend in answer to a summons issued under rule 27 shall be in accordance with Form 24.34 Schedule B.

Transmission of deposition by Clerk 29. A deposition taken pursuant to section 14 of the Act by a Judge other than the Judge conducting the preliminary examination shall be transmitted by the Clerk to the Clerk for the court area to which the accused stands remanded.

Sending forward in custody or on bail 30. Where the Court makes an order sending a person forward for trial or sentence, the Court may by warrant (Form 24.35 Schedule B) commit such person to prison to await his or her trial or sentence or release that person conditionally on his or her entering into a recognisance (Form 18.2 or 18.4 Schedule B, as the case may be).

Provisions of O.18 regarding bail to apply 31. The provisions regarding bail, contained in Order 18 of these Rules, in respect of a person charged before the Court with an offence, shall also apply in the case of a person sent forward for trial or sentence with consent to bail.

Transmission of documents to County Registrar 32. Where the Court makes an order sending an accused forward for trial or sentence, the Clerk for the court area where such order was made shall transmit to the appropriate County Registrar within ten days from the making of such order, or forthwith where the trial of the accused is imminent,

- (a) the documents on which the Judge conducted the preliminary examination;
- (b) any deposition or statement taken before any Judge in relation to the charge in respect of which such order was made;
- (c) any exhibit put in evidence and handed in to the Court;
- (d) the order of the Judge sending the accused forward for trial or sentence;
- (e) the witness order made by the Judge;
- (f) any recognisance taken in relation to the case, or money lodged in lieu of surety or sureties;
- (g) a plea of guilty (if any).

Transmission of further document to Co. Registrar 33. Where, after an accused person has been sent forward for trial, a recognisance is entered into by a witness under section 9 (3) of the Act or a deposition is taken under section 14 of the Act, the Clerk shall transmit the recognisance or deposition, as the case may be, to the appropriate County Registrar.

Illness of Judge during taking of depositions 34. Where under Part II of the Criminal Procedure Act, 1967, a preliminary examination of an indictable offence is being conducted by a particular Judge and, owing to the illness of that Judge or for any other reason, the examination is continued by another Judge, a deposition or statement taken or signed by the former may for the purposes of that Act be treated by the latter as if it had been taken or signed by him or her.

Adjournment of preliminary examination 35. At any stage of the preliminary examination the Judge may adjourn the same to any other day and to any other court or place in his or her district, and may remand the accused either in custody or on bail to appear at such adjourned hearing. In such event the information, depositions and recognisances (if any) already taken shall be forwarded to the Clerk of the court area in which the adjourned examination is to take place.

Transmitting a person to another district 36. (1) Where a person is charged before the Court with an indictable offence and it appears to the Court that evidence (or further evidence) will be available before the Court in some other district, the Court may remand such person either in custody or on bail to appear before the Court in such other district. Where the remand in custody is for a period not exceeding four days the Court may commit such person to the custody of a member of the Garda Síochána. The warrant of committal shall be in accordance with Form 24.36 or 24.37 Schedule B, as the case may be. Where such person is remanded on bail the recognisance shall be in accordance with Form 18.1 or 18.3 Schedule B, as the case may be.

Judge of such other district to receive all documents

(2) When such person appears or is brought before the Court in such other district the Judge shall receive the informations, depositions and recognisances (if any) already taken, and they shall thereupon be deemed to have been taken and treated to all intents as if they had been taken before such Judge, who shall proceed to deal with the case.

Documents to be transmitted to Clerk

(3) All informations, depositions, recognisances or money lodged in lieu of sureties (if any) taken in the matter shall be transmitted by the Clerk of the Court for the court area in which the same shall have been taken to the Clerk of the Court for the court area in which the person is to appear.

ORDER 25 ISSUE OF WARRANTS IN EXECUTION OF COURT ORDERS

Warrants of committal sentence of imprisonment

1. Where a person has been sentenced to imprisonment the Court shall issue the warrant of committal (Form 25.1, 25.2, 25.3 or 25.4, Schedule B as the case may be) forthwith, where the imprisonment is to take place immediately; but where the imprisonment is not to take place immediately, the Court may either issue such warrant of committal forthwith, directing that it is not to be executed until the time at which the imprisonment is to take place, or may issue such warrant at, or at any time after, the time fixed for the imprisonment to commence.

2. In all cases of summary jurisdiction whenever an order has been made, upon the conviction of any person of an offence,

— in default of payment of penalty

(a) for the payment of a penal sum and that sum has not been paid, the Court may issue a warrant of committal to imprisonment for the non-payment thereof (Form 25.5 or 25.6, Schedule B, as the case may be) at any time not later than six months from the expiration of the time fixed by the said order for the payment of that sum;

— on the non-performance of a condition

(b) for the performance of a condition and that condition has not been performed, the Court may, upon the application of the prosecutor, issue a warrant of committal to imprisonment for the non-performance of the condition (Form 25.7, Schedule B) at any time not later than six months from the expiration of the time fixed by the said order for the performance thereof.

— In case of suspended sentence, 3. Where the Court, upon imposing a sentence of imprisonment, conditionally suspends the execution thereof, it may, upon the application of the prosecutor, issue a warrant of committal (Form 25.8, Schedule B) on being satisfied of the failure of the accused to comply with the terms upon which the said sentence was suspended.

Restriction on issue of warrant 4. Where by order the execution of a sentence of imprisonment has been conditionally suspended, no warrant shall be issued, to enforce such sentence, later than six months from the expiration of the time fixed by the said order for the performance of the condition.

— for contempt of Court 5. Where, under section 9 of the Petty Sessions (Ireland) Act, 1851 or, as the case may be, section 6 of the Summary Jurisdiction (Ireland) Amendment Act, 1871, a Judge by warrant commits a person to prison for any contempt of the Court, such warrant shall be in the Form 25.9, Schedule B.

Compensation etc. — No warrant unless fine is imposed 6. Save where expressly authorised by statute, no warrant of committal shall be issued to enforce payment of any compensation, costs or expenses unless a fine has also been imposed.

Warrants of distress 7. Where an order is made directing that any penalty or other sum of money be levied by distress, the Court may thereupon (if no time is allowed for payment) or after the expiration of the time allowed for payment, issue a warrant (Form 25.10 Schedule B) to levy by distress the said penalty or sum of money if the order has not been complied with.

Warrants where recognisances are entreated 8. Where the Court makes an order entreating a recognisance, the warrant of distress and the warrant to commit to prison in execution of such order shall be in accordance with Form 27.5 and Form 27.7, respectively, in Schedule B, as provided for in Order 27 of these Rules.

Warrant not to issue where notice of appeal lodged *9. (1) Where an appeal is lodged against an order and a recognisance is entered into and the warrant to execute the order has not been

issued, such warrant shall not be issued until the appeal is decided or the appellant has failed to perform the condition of the recognisance, as the case may be.

— Where issued, Clerk to secure its return

(2) Where such warrant has been issued but not executed the Clerk shall forthwith notify the Superintendent of the Garda Síochána to whom the warrant was addressed that an appeal has been lodged and a recognisance entered into and the Superintendent shall return the warrant to the Clerk for cancellation by the Court.

— Where executed, appellant to be discharged on notice of appeal being given

(3) Where such warrant has been issued and executed before notice of appeal is given or before a recognisance is entered into, the appellant shall, on notice of appeal being given and the recognisance being entered into, forthwith be discharged from custody or from prison. Where such warrant is a warrant of distress such distress shall be returned to the owner.

Order suspended

(4) Save where otherwise provided by statute or by rules of court, the order appealed from shall be entirely suspended until the appeal is decided or the appellant fails to perform the condition of the recognisance, as the case may be. This rule shall not be taken to over-ride any statute expressly authorising or directing the levy of any sum to be made notwithstanding an appeal.

Clerk to make note of issue 10. Whenever a warrant is issued for the purpose of enforcing an order made by the Court, the Clerk shall make a note on the minute book, charge sheet, fines register, as appropriate, of the issue of the warrant and its nature and date.

*Petty Sessions (Ireland) Act, 1851 [s. 23].

ORDER 26 ENDORSEMENT, ADDRESSING, EXECUTION, RE-ISSUE OF WARRANTS

Endorsement as to release on bail

1. A Judge, on issuing any warrant of arrest under this Part of these Rules may, if he or she thinks fit, by endorsement on the warrant (Form 26.1 Schedule B), direct that the person named in the warrant be, on arrest, released on his or her entering into a recognisance with or without sureties, for his or her appearance at a sitting of the Court specified in the endorsement, and the endorsement shall fix the amounts in which that person and the sureties (if any) are to be bound.

Addressing of warrants 2. Unless otherwise provided warrants issued under this Part of these Rules shall be addressed for execution to the Superintendent or an Inspector of the Garda Síochána who acts for the place where the warrant is issued; provided that the Court may, if it thinks fit, address any such warrant to any Superintendent or Inspector of the Garda Síochána who acts for any part of the court district in which the warrant is issued.

— Extradition warrants 3. Warrants issued under section 26, 27, or 49 of the Extradition Act, 1965, may be addressed to any member of the Garda Síochána in any part of the State and may be executed by any member of the Garda Síochána in any part of the State subject to the provisions of Order 29, rule 12 of these Rules.

4. Warrants of committal may, in the Dublin Metropolitan District, be addressed to the Governor of the Prison into whose custody the person is being committed.

In cases of emergency 5. Notwithstanding the provisions of rule 2 hereof, in any case which appears to the Court by whom any such warrant is issued, to be a case of emergency, the Court may address such warrant to any member of the Garda Síochána within its district, and such member of the Garda Síochána may execute such warrant at any place within the district in which the Court issuing such warrant has jurisdiction, but the member of the Garda Síochána to whom any such warrant is so addressed shall, if the time will permit, show or deliver the same to the Superintendent or Inspector under whose command the said member is, who shall proceed in respect of the same according to the Acts regulating the Garda Síochána.

Certain Warrants may be issued or executed at any time 6. A warrant of arrest, or a warrant to commit a person sentenced to imprisonment without the option of a fine, or a search warrant, may be issued or executed on any day and at any time.

Execution of warrants 7. (1) Where the person against whom the warrant is issued is found or, in case of distress, any goods of such person are found in any place for which the Superintendent or Inspector to whom the warrant is addressed acts, then such Superintendent or Inspector or any other Superintendent or Inspector acting in his or her stead for the time being, or any member of the Garda Síochána appointed by any such Superintendent or Inspector shall execute the warrant.

— in other parts of the State

(2) Where such person or the goods of such person, as the case may be, cannot be found in any place for which such Superintendent or Inspector acts, but may be found elsewhere within the State, that Superintendent or Inspector, or any other Superintendent or Inspector acting in his or her stead for the time being, may certify on the warrant (Form 26.2 Schedule B) the place where he or she believes that such person or goods (as the case may be) will be found, and shall forthwith transmit the warrant to the Superintendent of the Garda Síochána who acts for such last-mentioned place, and the warrant shall then be executed as if issued in the first instance to the Superintendent or an Inspector who acts for that last-mentioned place.

(3) The provisions of this rule shall apply notwithstanding that such Superintendent or Inspector does not certify on the warrant the place where he or she believes that the said person or goods will be found, if such place may be ascertained by other means than such certificate.

Goods seized to be sold by auction and any surplus to be paid to owner *8. (1) Where any goods are seized under a warrant of distress the Superintendent or Inspector of the Garda Síochána to whom the warrant is addressed may sell or authorise any sergeant or member of the Garda Síochána to sell by auction the said goods within such period as shall be specially fixed by the warrant, or, if no period shall be so fixed, then within five days from the day on which they were seized, unless the sum to be levied by the warrant, and also the expenses of taking and keeping such goods, shall have been paid before the goods are sold. Where such goods are sold the surplus, if any, after retaining the amount directed to be levied, together with all reasonable expenses actually incurred in auctioning such goods as well as the expense of taking and keeping the same, shall be paid to the owner of the goods. It shall not be necessary for the person conducting the auction to procure a licence to act as an auctioneer.

Where sale does not satisfy amount to be levied

(2) Where the sale of the said goods does not realise a sum sufficient, after payment of the said expenses, to satisfy the amount ordered to be levied by the warrant, the person to whom the warrant is addressed shall certify thereon accordingly and return the warrant with that certificate endorsed thereon to the Court which issued the same.

Payment to stay execution

(3) Where any person against whom any such warrant is issued pays or tenders to the person having the execution of the warrant the sum in such warrant mentioned, or produces the receipt of the Clerk for the same, and also pays the amount of the expenses of any distress up to the time of such payment or tender, the person having the execution of such warrant shall refrain from executing the same.

If payment made after committal, prisoner to be discharged

(4) Where a person who is apprehended under any warrant of committal pays or causes to be paid to the Governor of the prison in which he or she is imprisoned the sum in the warrant mentioned or such reduced sum as may be determined in accordance with the provisions of section 3 of the Criminal Justice Administration Act, 1914, the said Governor shall receive the same and shall thereupon discharge such person if he or she be in the governor's custody for no other matter.

*Petty Sessions (Ireland) Act, 1851 [s. 32].

Receipt for prisoner 9. Where a warrant to commit a person to prison is issued, the officer or member of the Garda Síochána or other person whose duty it is to convey such person to prison shall deliver the said warrant and the said prisoner to the Governor of the prison named in the warrant, who shall thereupon give to such officer, member or other person a receipt for such prisoner (Form 26.3 Schedule B) but, if the said prisoner is already in the custody of the Governor, the warrant only shall be delivered, or transmitted by post. The Governor shall, subject to the provisions of section 3 of the Criminal Justice Administration Act, 1914, detain the said prisoner for such period and in such manner as is stated in the warrant, and in case of adjournment or remand, or the issue of a body warrant, the Governor shall cause the prisoner

to be brought before the Court as is specified and at such time and place as is named in the warrant.

Sums to be paid to Clerk 10. (1) Where a warrant to levy a penalty is issued, the member of the Garda Síochána executing such warrant shall pay the sum levied under it to the appropriate Clerk in accordance with the provisions of the Fines Act (Ireland), 1851.

(2) Where a warrant to levy any sum other than a penalty is issued the member of the Garda Síochána executing such warrant shall pay the sum levied under it to the Clerk of the Court from which the warrant was issued and such Clerk shall pay it to the person entitled to receive it in such manner and subject to such account (if any) as the Court directs.

Return of unexecuted warrants 11. Where a warrant, other than

—a warrant for the arrest of a person charged with an indictable offence,

—a warrant for the arrest of a person who has failed to appear in answer to a summons in respect of an offence,

—a bench warrant for the arrest of a person who has failed to appear in compliance with the terms of a recognisance, or

—a search warrant,

—Court may reissue

is addressed, transmitted or endorsed for execution, to any person and he or she is unable to find the person against whom the warrant has been issued or to discover where that person is or where he or she has goods, such person having the execution of the warrant shall return the warrant to the Court which issued the same (within such time as is fixed by the warrant or within a reasonable time, not exceeding six months where no time is so fixed) with a certificate (Form 26.4, Schedule B) endorsed thereon stating the reason why it has not been executed, and the Court may re-issue the said warrant, after examining any person on oath if the Court thinks fit so to do concerning the non-execution of the warrant, or may issue any other warrant for the same purpose from time to time as shall seem expedient.

ORDER 27*ESTREATMENT OF RECOGNISANCES

FORFEITURE OF MONEY LODGED

Judge to certify non-performance of condition 1. Where, upon the non-performance of a condition of a recognisance which the Court has power to estreat, it is intended to apply to the Court for an order to estreat the recognisance or for an order to forfeit a sum of money which was lodged in lieu of a surety or sureties by the party entering into the recognisance, the recognisance shall first be produced to a Judge assigned to the court district wherein it is then deposited, who may, upon having such proof as the Judge shall think fit, endorse on the

recognisance a certificate in the Form 27.1 Schedule B, and such certificate shall be evidence of the non-performance of any condition of the recognisance certified therein.

Venue for application to estreat or to forfeit 2. An application for an order to estreat such recognisance or to forfeit such sum of money shall be made by a superintendent of the Garda Síochána and may be made at any subsequent sitting of the Court at which the order directing that the recognisance be entered into was made or before which the principal party was bound by the recognisance to appear.

Notice of application — to estreat 3. (1) Such application for an order to estreat shall be preceded by the issue and service of a notice in the Form 27.2 Schedule B upon the principal party or the surety or sureties to the recognisance or upon all or any of them as appropriate notifying them of such application.

— to forfeit money lodged

(2) Such application for an order to forfeit a sum of money lodged in lieu of a surety or sureties shall be preceded by the issue and service of a notice in the Form 27.3 Schedule B upon the party by whom the said sum was lodged.

— Service of notice

(3) A notice issued under this rule shall be served upon each person to whom it is directed in accordance with the provisions of Order 10, rule 3 (1) of these Rules or by ordinary post and shall be served at least seven days before the date fixed for hearing the application.

(4) Where the person upon whom it is proposed to serve a notice issued under this rule has not a fixed address within the State, service of the notice upon that person may be effected in such manner as the Judge shall direct.

(5) Where, however, it is proposed to serve a notice of application for an order to forfeit a sum of money lodged in lieu of a surety or sureties and the Judge is satisfied, upon application made in that behalf, that the person to be served has not a fixed address within the State and that the person's whereabouts are unknown and cannot be ascertained by reasonable enquiries, the Judge may, if considering it proper to do so, by order dispense with service in such case.

*Petty Sessions (Ireland) Act, 1851.

— Lodgment of notice

(6) When service of a notice issued under this rule has been effected, the original notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the date fixed for the hearing.

Order of the Court 4. The Court, on hearing an application aforementioned and upon production of the recognisance with the certificate aforesaid endorsed thereon and on hearing any further evidence (if any) tendered in support of the application, may,—

— to entreat

(a) where the application is for an order to estreat a recognisance, make an order in the Form 27.4, Schedule B (which may be by way of an endorsement on the recognisance) to estreat the recognisance in such amount or amounts and against the principal party or the surety or sureties or against all or any of them as the Court thinks fit,

*Provided that a recognisance shall not be entreated against any person who has not been served with the notice of application to entreat; or

— to forfeit money lodged

(b) where the application is for an order to forfeit a sum of money lodged in lieu of a surety or sureties, make an order in the Form 27.5 Schedule B (which may be by way of an endorsement on the recognisance) directing the forfeiture of the sum of money lodged or any part thereof.

Clerk to send notices 5. (1) Whenever the Court makes an order to entreat a recognisance the Clerk shall send by ordinary post to each person against whom the order was made a notice in the Form 23.1 Schedule B (with any necessary modifications) informing that person of the making of the order, of the amount in which the recognisance has been entreated against that person and of the time (if any) allowed for payment thereof.

(2) Whenever the Court makes an order directing the forfeiture of a sum of money lodged in lieu of a surety or sureties (or part thereof) the Clerk shall, if the whereabouts of the person by whom the sum of money was lodged are known, notify such person of the making of the said order and of the amount of money which was directed to be forfeited. Where such amount is less than the sum of money lodged the balance shall be repayable to such person.

Enforcement of order — by distress 6. (1) Where an order to entreat a recognisance has not been complied with, the Court may, at any time after the expiration of the time allowed for payment or, if no such time was allowed, at any time after the making of the order to entreat, issue a warrant in the Form 27.6 Schedule B to levy the amount due by any person under the order by distress and sale of the goods of such person.

*See the Petty Sessions (Ireland) Act, 1851 (sec. 34).

by committal

*(2) At any time after the issue of such warrant of distress the said superintendent may, having first given at least seven days' notice of the application (in the Form 27.7 Schedule B) to the person against whom the warrant of distress was issued (the respondent) and having lodged the original of that Form with the Clerk, apply to the Court for the issue of a warrant to commit the respondent to prison, and the Court may, if satisfied on hearing the applicant that it was found impossible to execute that warrant of distress, issue a warrant (Form 27.8; Schedule B) to commit the respondent to prison for a term not exceeding the appropriate period specified in the scale set out in Order 23, r.7 of these Rules, and thereupon the applicant shall return the warrant of distress to the Court for cancellation.

In case of peace recognisance — fresh bond may be require 7. Where the Court estreats as against the principal party a recognisance to keep the peace or to be of good behaviour or to keep the peace and to be of good behaviour it may, in addition to entreating the recognisance, order the principal party to enter into a fresh recognisance with or without sureties to perform the obligation of the original recognisance during the period for which it would have remained in force but for the order to estreat.

*See The Fines Act (Ireland), 1851, [s. 3].

ORDER 28 RECOGNISANCES UNDER THE PROBATION OF OFFENDERS ACT, 1907

1. A recognisance under the Probation of Offenders Act, 1907, shall be in accordance with Form 28.1 Schedule B.

Breach of recognisance 2. Where a person is bound by a recognisance entered into by him or her under the law relating to the Probation of Offenders to appear for conviction or sentence when called on, a Judge on being satisfied by information on oath (Form 28.2 Schedule B) that such person has failed to observe a condition of the recognisance, may issue a warrant (Form 28.3 Schedule B) to arrest such person, or, if he or she thinks fit, instead of issuing a warrant in the first instance may issue a summons (Form 28.4 Schedule B) requiring such person to appear at a court and on a date and at a time specified in the summons, and may also by the said summons, if he or she thinks fit, direct such person's sureties (if any) to appear at the said court.

Procedure on arrest 3. When such person is arrested he or she shall, if not brought forthwith before the court before which he or she is bound by the said recognisance to appear, be brought before a Judge in the district where he or she has been arrested, and such Judge may remand such person in custody or on bail to appear before the court before which he or she is bound by the said recognisance to appear.

4. Where the court before which such person is summoned to appear is not the court before which he or she is bound by the said recognisance to appear, the Judge before whom such person appears in answer to the summons may remand him or her in custody or on bail to appear before such last mentioned court.

5. A Judge shall not remand a person in custody for a period exceeding eight days.

ORDER 29 EXTRADITION

Definition

1. In this Order—

"the Act of 1994" means the Extradition (Amendment) Act, 1994 (No. 6 of 1994);

"judge of the District Court assigned to the Dublin Metropolitan District" means the President of the District Court and any other judge of the District Court assigned to the Dublin Metropolitan District nominated for the purposes of the Principal Act by the President of the District Court;

"the Principal Act" means the Extradition Act, 1965 (No. 17 of 1965);

Part II Warrant of arrest (sec. 26) 2. Where, on production to a judge of the District Court assigned to the Dublin Metropolitan District of a certificate of the Minister for Justice under section 26 (1) (a) of the Principal Act (as substituted by section 7 of the Act of 1994) certifying that a request has been made in accordance with Part II of the Principal Act for the extradition of a person, the Judge issues a warrant under section 26 (1) (b) of the Principal Act (as substituted by the said section 7) for the arrest of that person, such warrant shall be in the Form 29.1, Schedule B.

Provisional arrest (sec. 27) 3. (1) An application for the issue of a warrant under section 27 (1) of the Principal Act (as substituted by section 8 of the Act of 1994) for the arrest of a person shall be made by the information on oath and in writing, in the Form 29.2, Schedule B, of a member of the Garda Síochána not below the rank of inspector.

(2) Where, on foot of such information and without a certificate of the Minister for Justice under section 26 (1) (a) of the Principal Act, the Judge issues a warrant for the arrest of the person, such warrant (for provisional arrest) shall be in the Form 29.3, Schedule B.

(3) Where a Judge issues a warrant under section 27 (1) of the Principal Act, the Clerk shall forthwith send to the Minister for Justice a notice in the Form 29.4, Schedule B informing the Minister of the issue of the warrant.

(4) Where a person arrested under a warrant issued under the said section 27 (1) is before a Judge of the District Court assigned to the Dublin Metropolitan District and the Judge remands the said person in custody pending the production of a certificate of the Minister for Justice under section 26 (1) (a) of the Principal Act, the committal warrant in such case shall be in the Form 29.5, Schedule B.

Committal of person whose extradition is requested (sec. 29) 4. (1) Where a person is before the Court under section 26 or 27 of the Principal Act and the Court makes an order under section 29 (1) of that Act committing that person to a prison or, as the case may be, a remand institution, there to await the order of the Minister for Justice for his or her extradition, such order of the Court shall be in the Form 29.6, Schedule B.

(2) Upon the making of such an order by the Court, the Clerk shall forthwith send to the Minister, under subsection (3) (b) of the said section 29, a certificate of the committal in the Form 29.7, Schedule B.

Consent to surrender 5. The consent to be surrendered given, by a person committed under section 29 of the Principal Act, before a Judge of the District Court assigned to the Dublin

Metropolitan District under section 31 of that Act (as substituted by section 4 of the Act of 1994) shall be in writing in the Form 29.8, Schedule B.

Part III Proceedings before the Court (sec. 47) 6. (1) Where a person named or described in a warrant is before the District Court in pursuance of Part III of the Principal Act, and the Court makes an order under section 47 (1) of that Act (as substituted by section 12 of the Act of 1994) for the delivery of that person into the custody of a member of a police force of the place in which the warrant was issued for conveyance to that place, and remands him or her in custody until so delivered, the order of the Court in such case shall be in the Form 29.9, Schedule B.

(2) If in any such case the Court adjourns the proceedings and remands that person in custody under section 47 (4) of the Principal Act (as substituted by section 12 of the Act of 1994), the committal warrant shall be in the Form 29.10, Schedule B.

Consent to being delivered up (sec. 48) 7. The consent of a person to whom an order under section 47 (1) of the Principal Act relates to be delivered up under the order, given before a Judge of the District Court assigned to the Dublin Metropolitan District under section 48 (1) of the Principal Act (as substituted by section 4 of the Act of 1994) shall be in writing in the Form 29.11, Schedule B.

Provisional warrant (sec. 49) 8. (1) An application to a Judge of the District Court for the issue of a provisional warrant for the arrest of a person under section 49 (1) of the Principal Act shall be made by the information on oath and in writing, in the Form 29.12, Schedule B, of a member of the Garda Síochána not below the rank of inspector.

(2) When on foot of such information the Judge issues a provisional warrant for the arrest of that person, such warrant shall be in the Form 29.13, Schedule B.

(3) Where a Judge of the District Court assigned to the Dublin Metropolitan District remands a person in custody for not more than seven days under section 49 (6) of the Principal Act (as substituted by section 13 of the Act of 1994) the committal warrant in such case shall be in the Form 29.14, Schedule B.

Form of recognisance (sec. 7A) 9. Where a person arrested under Part II or III of the Principal Act is admitted to bail by order of the High Court under section 7A of that Act (as inserted by section 5 of the Act of 1994) and the order directs that a recognisance be entered into before a Judge of the District Court or before the Governor or Deputy Governor of a prison or a remand institution, such recognisance may be in the Form 29.15, Schedule B, or any modification thereof which may be necessary to comply with the terms and conditions of the said Order of the High Court.

Provisions applicable to warrants 10. (1) Subject to the provisions of paragraphs (2) and (3) of this rule, the provisions of these Rules applicable to warrants in proceedings as to offences shall apply to warrants issued under the Principal Act.

(2) A warrant of arrest issued under section 26, 27 or 49 of the Principal Act may be addressed to any member of the Garda Síochána in any part of the State.

(3) A warrant to which paragraph (2) hereof relates may be executed by any member of the Garda Síochána in any part of the State, and may be so executed notwithstanding that it is not in the possession of the member at the time; and the warrant shall be shown to, and a copy of same given to, the person arrested at the time of such arrest or, if the warrant is not then in the possession of the member, within twenty-four hours thereafter.

Evidence by affidavit 11. In any proceedings brought before the Court under the Extradition Acts, 1965 to 1994 (other than an application for the issue of a warrant of arrest) the Court may at any time, for such reasons as it thinks fit and on such conditions as it thinks reasonable, permit the evidence of any witness to be given by affidavit and permit the affidavit of such witness to be read at the hearing. The Court shall not, however, grant such permission when it appears that any party to the proceedings bona fide requires the production of the witness for cross-examination and that such witness can be produced.

ORDER 30 COMMUNITY SERVICE

Definitions

1. In this Order—

"the Act" means the Criminal Justice (Community Service) Act, 1983 (No. 23 of 1983);

"district of residence" has the meaning assigned to it by section 6 of the Act;

"offender" has the meaning assigned to it by section 2 of the Act;

"relevant officer" means a probation and welfare officer discharging functions under the Act.

Community service order 2. A community service order made by the Court under section 3 of the Act shall be in the Form 30.1 Schedule B.

Applications by a relevant officer 3. (1) Complaint by a relevant officer of an offence under section 7 (4) of the Act shall be brought before the Court by issuing and serving upon the offender a summons in the Form 30.2 Schedule B.

(2) An application under section 9, 10 (1) or 11 (1) of the Act, when made by a relevant officer, shall be brought before the Court by issuing and serving upon the offender a summons in the Form 30.3 Schedule B.

(3) A summons issued under this rule shall be served upon the offender by a member of the Garda Síochána at least seven days before the date fixed for the hearing of the summons.

Applications by an offender 4. (1) An application under section 9, 10 (1) or 11 (1) of the Act, when made by an offender, shall be brought before the Court by issuing and serving upon the relevant officer a notice of application in the Form 30.4 Schedule B.

(2) Such notice shall be served by giving, or sending by ordinary prepaid post, to the relevant officer a copy thereof at least seven days before the date fixed for the hearing of the application.

Lodgment with the Clerk 5. The original of every summons and every notice of application served under this Order shall be lodged with the Clerk at least four days before the date fixed for the hearing thereof.

Order on change of residence by offender 6. An order of the Court under section 10 (1) of the Act shall be in the Form 30.5 Schedule B.

Clerk to send copies of orders 7. (1) Where the Court makes a community service order and the Judge so making is not the Judge assigned to the district of residence, the Clerk shall forthwith send a certified copy of the order by ordinary post to the latter Judge.

(2) Where the Court makes, or amends under section 10 (1) of the Act, a community service order, the Clerk shall forthwith give, or send by ordinary post, two certified copies of the order or of the order as so amended, to the relevant officer specified therein.

Warrant of execution under section 8 (1) (a) 8. Where the Court orders, pursuant to section 8 (1) (a) of the Act, that the offender be imprisoned or detained the warrant shall be in the Form 30.6 Schedule B.

ORDER 31 PROCEEDINGS UNDER— CRIMINAL JUSTICE ACT, 1984— CRIMINAL JUSTICE (FORENSIC EVIDENCE) ACT, 1990

Definitions

1. In this Order—

"the Act of 1984" means the Criminal Justice Act, 1984 (No. 22 of 1984);

"the Act of 1990" means the Criminal Justice (Forensic Evidence) Act, 1990 (No. 34 of 1990).

Application for preservation of photograph or print 2. (1) An application under section 8 (7) of the Act of 1984 for an order for the preservation of a photograph or a print shall be brought before the Court by the issue and service of a notice in the Form 31.1, Schedule B.

(2) Such notice shall be served upon the person who had been detained at least seven days before the date fixed for hearing the application, and shall be served by a member of the Garda Síochána in accordance with the relevant provisions of Order 10 of these Rules.

(3) When service has been effected, the original notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the said date of hearing.

Order of the Court 3. The order of the Court granting the application shall be in the Form 31.2, Schedule B.

Application for order to arrest 4. An application under section 10 of the Act of 1984 for an Order to arrest shall be made by the information on oath and in writing, in the Form 31.3, Schedule B, of a member of the Garda Síochána not below the rank of superintendent.

Order to arrest 5. The order of the Court granting the application shall be in the Form 31.4, Schedule B.

Application for retention of records and samples 6. (1) An application under paragraph (5) of section 4 of the Act of 1990 for an order for the retention of records and samples to which that section applies may be brought before the Court by the issue and service of a notice in the Form 31.5, Schedule B.

(2) Such notice shall be served upon the respondent, i.e. the person from whom the sample was taken or, as the case may be, the Director of Public Prosecutions, at least seven days before the date fixed for hearing the application.

(3) Where the application is being made by or on behalf of the Director of Public Prosecutions service of the notice shall be effected by a member of the Garda Síochána in accordance with the relevant provisions of Order 10 of these Rules. In all other cases service may be effected in accordance with the provisions of that Order or, in case of urgency, by ordinary post.

(4) When service has been effected the original notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the said date of hearing.

Order of the Court 7. The order of the Court granting the application shall be in the Form 31.6, Schedule B.

ORDER 31 PROCEEDINGS UNDER THE POLICE (PROPERTY) ACT, 1897

Definition

1. In this Order—

"the Act" means the Police (Property) Act, 1897 (60 and 61 Vict. c.30).

Application for order for disposal of property 2. (1) An application pursuant to section 1 of the Act for an order for the disposal of property which has come into the possession of the Garda Síochána may be made at any sitting of the Court for the court district wherein the property is located or wherein the claimant of the property resides at the time of the application.

(2) Such application shall be preceded by the issue and service of a notice in the Form 31A.1, Schedule B, and

(a) where the applicant is a member of the Garda Síochána, the notice shall be served upon each known claimant of the property by a member of the Garda Síochána in accordance with the relevant provisions of Order 10 of these Rules;

(b) where the applicant is a claimant of the property and such property has come into the possession of the Garda Síochána in connection with a criminal charge, the notice shall be served upon the member of the Garda Síochána who prosecuted that charge or, if such member cannot be ascertained, and in all other cases where the applicant is a claimant of the property, the notice shall be served upon the superintendent of the Garda Síochána for the district wherein the property is located. Service under this sub-paragraph may be effected either by registered prepaid post or by giving to, or leaving at the Garda Síochána station for, such member or superintendent a copy of the notice. Such claimant shall also serve the notice by registered prepaid post upon any other known claimant of the property.

(3) Where service is being effected by registered prepaid post the notice shall be served at least twenty-one days prior to the date fixed for hearing the application. In all other cases the notice shall be served at least seven days prior to that date.

(4) In all cases, when service has been effected the original notice, together with statutory declaration as to the service thereof (and, where appropriate, the certificate of posting), shall be lodged with the Clerk at least four days prior to the date of hearing.

(5) Where, in an application to which this Order relates, the applicant member of the Garda Síochána cannot ascertain either the owner or any claimant of the property, such application may be made ex parte upon prior lodgment of the notice with the Clerk.

Order of the Court 3. The order of the Court granting the application shall be in the Form 31A.2, Schedule B.

ORDER 32 MISUSE OF DRUGS

Definitions

1. In this Order—

"the Act" means the Misuse of Drugs Act, 1977 (No. 12 of 1977) as amended by the Misuse of Drugs Act, 1984) (No. 18 of 1984);

"offender" means a person convicted of an offence to which section 28 (1) of the Act applies.

Search Warrant 2. (1) An application under section 26 of the Act for a search warrant shall be made by the sworn information (in the Form 32.1 Schedule B) of a member of the Garda Síochána. Such information may be sworn before a Judge of the District Court in whose district the relevant premises or land is situate, or before a Peace Commissioner acting for that district.

(2) A search warrant issued under that section shall be in the Form 32. 2 Schedule B.

Recognisance 3. Where the Court, having convicted a person of an offence to which section 28 (1) of the Act applies, permits the offender to enter into a recognisance under section 28 (2) (a) of the Act, such recognisance shall be in the Form 32.3 Schedule B.

Breach of recognisance 4. (1) An allegation under section 28 (5) of the Act that an offender has been in breach of a recognisance shall be made by information in the Form 32.4 Schedule B which may be sworn at any sitting of the Court for the court area wherein the recognisance is deposited.

(2) Having considered such information, the Court may, by issuing a warrant in the Form 32.5 Schedule B, direct that the offender be brought before the Court or, if it thinks fit, instead of issuing a warrant in the first instance, may issue a summons in the Form 32.6, Schedule B commanding his or her appearance at a specified sitting of the Court to answer the complaint in the information. The Court may also, if it thinks fit, by the same form of summons (with suitable modifications), command the offender's surety or sureties, if any, to appear at the said sitting.

(3) When an offender is arrested pursuant to a warrant issued under this rule he or she may, if not brought forthwith before a sitting of the Court for the district in which the warrant was issued, be brought before a sitting of the Court for the district wherein the offender was arrested and he or she may then be remanded in custody or on bail to appear before a sitting of the Court for the first-mentioned district, provided that any such offender shall not be remanded in custody for a period exceeding eight days.

Application to bring offender before Court for inquiry under section 28 (7) 5. (1) An application under section 28 (6) of the Act to have an offender brought before the Court may be made ex parte at any sitting of the Court for the district wherein the order under section 28 (2) of the Act was made, on giving prior notice in the Form 32.7, Schedule B, to the Clerk.

(2) Where the Court grants the application, or on receipt of a message mentioned in section 28 (6) of the Act, the Court shall fix a date, time and place for hearing an inquiry into the case by the Court under section 28 (7) of the Act and, by warrant in the Form 32.8 Schedule B, order the person in charge of the custodial treatment centre wherein the offender is detained to have the offender brought before the Court for the said hearing.

(3) The applicant for the order shall then give or send a notification in the Form 32.9, Schedule B to the prosecutor, the offender, the person in charge of the said centre, as appropriate, and shall lodge a copy thereof with the Clerk.

Forfeiture order 6. A forfeiture order granted by the Court under section 30 of the Act shall be in the Form 32.10 Schedule B.

ORDER 33 COMPENSATION ORDERS

Interpretation 1. In this Order—

"the Act" means the Criminal Justice Act, 1993 (No. 6 of 1993);

"compensation order" has the meaning assigned to it by section 6 of the Act;

references to a convicted person include, in cases to which section 99 of the Children Act, 1908 applies, references to that person's parent or guardian;

references to a conviction of a person include references to dealing with a person under section 1 (1) of the Probation of Offenders Act, 1907.

Compensation order — form of 2. (1) Where, on conviction of a person of an offence, the Court makes a compensation order under section 6 (1) of the Act ordering that person or, as the case may be, that person's parent or guardian, to pay compensation in respect of personal injury or loss to an injured party, such compensation order shall be in the Form 33.1, 33.2, 33.3 or 33.4, Schedule B, as appropriate.

— service of

(2) The Clerk shall give, or send by prepaid registered post, to the convicted person {or, as the case may be, that person's parent or guardian) and to the injured party a certified copy of the said order and shall retain the original order and the certificates of posting in his or her custody.

— suspension of operation of

(3) The operation of a compensation order shall, in accordance with the provisions of section 8 (1) of the Act, be suspended—

(a) in any case, until the ordinary time for giving notice of an appeal (whether against the conviction to which the order relates or the sentence) has expired, that is to say, until the expiration of fourteen days from the date of conviction or sentence, and

(b) in a case where the notice aforesaid is given within that time or such extended time as the court to which the appeal is brought may allow, until the appeal or any further appeal therefrom is finally determined or abandoned or the ordinary time for instituting any further appeal has expired.

(4) Where notice of an appeal against a compensation order made by the District Court is duly given, the operation of the order shall be suspended in accordance with the provisions of section 8 (1) (b) of the Act.

— when not to take effect

(5) In a case where the operation of a compensation order is suspended under the said section 8 (1) (b), the order shall not take effect if the conviction concerned is reversed on appeal.

(6) Where a compensation order has been made against a person in respect of an offence taken into consideration in determining his or her sentence, the order shall cease to have effect if that person successfully appeals against his or her conviction of the offence, or, if more than one, all the offences of which that person was convicted in the proceedings in which the order was made.

Application by convicted person under sec. 6 (8) (a) — venue for 3. (1) An application under section 6 (8) (a) of the Act by a convicted person against whom a compensation order has been made for an order reducing the amount remaining to be paid, varying any instalment payable, or directing that no payments or further payments be made under the order, may be made at any sitting of the Court for the court district wherein the compensation order was made.

— service and lodgment of notice of

(2) Such application shall be preceded by the issue and service of a notice in the Form 33.5 or 33.6, Schedule B, as appropriate, upon the injured party by prepaid registered post at least twenty-one days prior to the date fixed for hearing the application. When service has been effected, the original notice together with a statutory declaration as to service thereof shall be lodged with the Clerk at least seven days prior to the said date for hearing.

Order of the Court

(3) The order of the Court on hearing the application shall be in the Form 33.7 or 33.8, Schedule B, as appropriate, and the Clerk shall give, or send by prepaid registered post, to each of the parties a certified copy of the said order.

Application by injured party under sec. 6 (8) (b) — venue for 4. (1) An application under section 6 (8) (b) of the Act by an injured party for an order increasing the amount to be paid, the amount of any instalment or the number of instalments payable, under a compensation order may be made at any sitting of the Court for the court district wherein the compensation order was made.

— service and lodgment of notice of

(2) Such application shall be preceded by the issue and service of a notice in the Form 33.9 or 33.10, Schedule B, as appropriate, upon the convicted person (or, as the case may be, that person's parent or guardian) by prepaid registered post at least twenty-one days prior to the date fixed for hearing the application. When service has been effected, the original notice

together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least seven days prior to the said date for hearing.

Order of the Court

(3) The order of the Court on hearing the application shall be in the Form 33.11 or 33.12, Schedule B, as appropriate, and the Clerk shall give, or send by prepaid registered post, to each of the parties a certified copy of the said Order.

Clerk to — register the order, notify convicted person of where and when payments may be made 5. (1) Whenever a compensation order or an order under section 6 (8) of the Act is made by the District Court, or whenever notification of the making of such an order by another court is received by the District Court clerk specified in the order, such clerk shall register particulars of the order and shall notify by prepaid ordinary post the convicted person concerned (or, as the case may be, that person's parent or guardian) of the hours and days during which, and the place at which, payments under the order may be made.

— give receipt for and transmit payments

(2) Such clerk shall give a receipt for every payment made to him or her under the order and shall transmit the payments to the injured party concerned.

Enforcement of Orders 6. Where, for the purpose of securing compliance with a compensation order or an order under section 6 (8) of the Act, application is made to the Court

— for an attachment of earnings order, or

— under section 8 of the Enforcement of Court Orders Act, 1940,

the relevant provisions of Order 56 (relating to attachment of earnings) and Order 57 (relating to proceedings under the said section 8) of these Rules shall, with any necessary modifications, apply, and the relevant forms prescribed therein, suitably adapted, may be used.

In every such case, references in those orders and forms

—to the maintenance creditor shall be construed as references to the injured party, and

—to the maintenance debtor shall be construed as references to the convicted person or, in a case to which section 99 of the Children Act, 1908 applies, to that person's parent or guardian.

Form of court order under sec. 9 (ii) 7. Where the amount paid under a compensation order exceeds the damages as assessed by the Court in civil proceedings brought in respect of the injury or loss concerned and the Court makes an order in those proceedings in accordance with the provisions of paragraph (ii) of section 9 of the Act that the amount of the excess be

repaid to the person against whom the compensation order was made, the order of the Court in such case shall be in the Form 33.13, Schedule B.

ORDER 34 MISCELLANEOUS SEARCH WARRANTS

Warrant — under the Larceny Act, 1916 (6 & 7 Geo. 5 C.H. 50)

Application for, — venue 1. (1) An application by a member of the Garda Síochána to a Judge of the District Court for the grant of a warrant pursuant to section 42 (1) of the Larceny Act, 1916 may be made at any sitting of the Court for the court district wherein the property is located.

— by sworn information

(2) Such application shall be by the information on oath and in writing in the Form 34. 1, Schedule B, of the member of the Garda Síochána seeking the grant of the warrant.

Form of warrant

(3) A warrant to search for and seize the property, which is granted on foot of such information, shall be in the Form 34.2, Schedule B.

— under the National Monuments (Amendment) Act, 1987

No. 17 of 1987

Application for, — venue 2. (1) An application for the issue of a search warrant pursuant to section 22 of the National Monuments (Amendment) Act, 1987 in relation to a place described in that section may be made at any sitting of the Court for the court district wherein such place is located.

— by sworn information

(2) Such application shall be by the information on oath and in writing in the Form 34.3, Schedule B, of the member of the Garda Síochána seeking the issue of the warrant.

Form of warrant

(3) A search warrant issued on foot of such information shall be in the Form 34.4, Schedule B.

— under the Prohibition of Incitement to Hatred Act, 1989

(No. 19 of 1989)

Application for, — venue 3. (1) An Application to a Judge of the District Court for the issue of a warrant pursuant to section 9 of the Prohibition of Incitement to Hatred Act, 1989 may,

subject to the provisions of section 9 (3) of that Act, be made at any sitting of the Court for the court district wherein the premises or other place in respect of which the warrant is sought is situated.

— by sworn information

(2) Such application shall be by the information on oath and in writing in the Form 34.5 or 34.6, Schedule B, as appropriate, of a member of the Garda Síochána not below the rank of sergeant.

Forms of warrant

(3) A warrant issued on foot of such information shall be in the Form Forms of warrant 34.7 or 34.8 Schedule B, as appropriate.

Warrant — under the Video Recordings Act, 1989 (No. 22 of 1989)

Application for, — venue 4. (1) An application to a Judge of the District Court for the issue of a warrant pursuant to section 25 of the Video Recordings Act, 1989 may be made at any sitting of the Court for the court district wherein the premises or other place in respect of which the warrant is sought is situated.

— by sworn information

(2) Such application shall be by the information on oath and in writing in the Form 34.9, Schedule B, of a member of the Garda Síochána not below the rank of sergeant.

Form of warrant

(3) A warrant issued on foot of such information shall be in the Form 34.10, Schedule B.

— under the Firearms and Offensive Weapons Act, 1990

(No. 12 of 1990)

Application for, — venue 5. (1) An application to a Judge of the District Court for the issue of a search warrant pursuant to section 15 of the Firearms and Offensive Weapons Act, 1990 may be made at any sitting of the Court for the court district wherein the premises in respect of which the warrant is sought are situated.

— by sworn information

(2) Such application shall be by the information on oath and in writing in the Form 34.11, Schedule B, of the member of the Garda Síochána seeking the issue of the warrant.

Form of warrant

(3) A search warrant issued on foot of such information shall be in the Form 34.12, Schedule B.

— under the Broadcasting Act, 1990 (No. 24 of 1990)

Application for, — venue 6. (1) An application for the grant of a search warrant pursuant to section 14 of the Broadcasting Act, 1990 may be made at any sitting of the Court for the court district wherein the place in respect of which the warrant is sought is situated.

— by sworn information

(2) Such application shall be by the information on oath and in writing in the Form 34.13, Schedule B, of the member of the Garda Síochána seeking the grant of the warrant.

Form of warrant

(3) A warrant granted to the applicant on foot of such information shall be in the Form 34.14, Schedule B.

— under the Companies Act, 1990 (No. 33 of 1990)

Application for, — venue 7. (1) An application for the issue of a warrant pursuant to section 20 (1) of the Companies Act, 1990 may be made at any sitting of the Court for the court district wherein the premises in respect of which the warrant is sought are situated.

— by sworn information

(2) Such application shall be by the information on oath and in writing in the Form 34. 15, Schedule B, laid by an officer authorised by the Minister for Industry and Commerce or laid under the authority of the said Minister.

Form of warrant

(3) A warrant issued to a member of the Garda Síochána on foot of such information shall be in the Form 34.16, Schedule B, and shall continue in force until the end of the period of one month after the date on which it is issued.

— under the Criminal Damage Act, 1991 (No. 31 of 1991)

Application for, 8. (1) An application by a member of the Garda Síochána for a search warrant under section 13 of the Criminal Damage Act, 1991 shall be by information on oath and in writing in the Form 34.17, Schedule B and may be made to the Judge of the District Court for the court district wherein the premises in respect of which the warrant is sought are situated.

Form of warrant

(2) A search warrant issued under section 13 (2) of that Act by the Judge on foot of such information shall be in the Form 34.18, Schedule B or, where the property concerned is data or where the warrant is issued on a ground referred to in section 13 (1) (c) of the Act, Form 34.19, Schedule B.

— under the Criminal Law (Sexual Offences) Act, 1993 (No. 20 of 1993)

Application for, 9. (1) Where the issue of a warrant pursuant to Section 10 (2) of the Criminal Law (Sexual Offences) Act, 1993 to search a premises and arrest a person is sought, application therefor may be made at any sitting of the Court for the court district wherein the premises are situated.

— by sworn information

(2) Such application shall be by the information on oath and in writing, in the Form 34.20, Schedule B, of a member of the Garda Síochána not below the rank of sergeant.

Form of warrant

(3) A warrant issued by a Judge to a member of the Garda Síochána on foot of such information shall be in the Form 34.21 Schedule B.

— under the Criminal Law Amendment Act, 1935 (No. 6 of 1935)

Application for, 10. (1) Where the issue of a search warrant pursuant to section 19 of the Criminal Law Amendment Act, 1935 in respect of premises suspected to be a brothel is sought, application therefor may be made at any sitting of the Court for the district court area wherein the premises concerned are situated.

— by sworn information

(2) Such application shall be by the information on oath and in writing, in the Form 34.22, Schedule B, of a member of the Garda Síochána not below the rank of sergeant.

Form of Warrant

(3) A search warrant issued by a Judge of the District Court on foot of such information shall be in the Form 34.23, Schedule B.

ORDER 35 CERTIFIED COPIES OF ORDERS AND OF OTHER DOCUMENTS

1. (1) Where, pursuant to section 14 of the Courts Act, 1971, a copy of an order made in any case of summary jurisdiction is required, the order shall be drawn up by the Clerk for the court area wherein the order was made and shall be signed by a Judge. The Clerk shall retain such order in his or her custody.

(2) Any person having a bona fide interest in the matter may, upon payment of the prescribed fee (if any), obtain from the Clerk a copy of the order (in the Form 35.1, 35.2, 35.3 or 35.4,

Schedule B, as appropriate) certified by the Clerk in accordance with the provisions of rule 4 of this Order.

2. Any party in any proceedings may, upon payment of the prescribed fee (if any), obtain from the Clerk a copy of any information, written complaint or deposition which is in his or her custody and was made or taken in any case in his or her court area, and of any order which is in that Clerk's custody and was made by a Judge in the preliminary examination of any indictable offence in the said court area.

3. Where a Judge is satisfied that a copy of any order or other document is reasonably required by any person for the purpose of any legal proceedings, such Judge may direct the Clerk to furnish a copy of such order or other document to such person upon payment by such person of the prescribed fee (if any).

4. A copy of an order or other document furnished under this Order shall be certified by the Clerk to be a true copy of the original order or document as the case may be, which is in his or her custody.

ORDER 36 COSTS AND WITNESSES' EXPENSES

Costs in summary cases

1. Where the Court makes an order in any case of summary jurisdiction (including an order to "strike out" for want of jurisdiction) it shall have power to order any party to the proceedings other than the Director of Public Prosecutions, or a member of the Garda Síochána acting in discharge of his or her duties as a police officer, to pay to the other party such costs and witnesses' expenses as it shall think fit to award.

Costs of adjournment 2. On the adjournment of any proceedings the Court may order that a party shall pay any costs and witnesses' expenses incurred on such adjournment independently of any order otherwise made in the case.

Expenses, manner payable 3. Any witnesses' expenses ordered to be paid shall be payable in such manner and to such person as the Court shall direct.

Enforcement of order 4. Where there is no provision in these Rules for the enforcement of an order awarding costs or witnesses' expenses, such costs or expenses may be recovered by warrant of distress.

ORDER 37 PROCEEDINGS INVOLVING CHILDREN OR YOUNG PERSONS

1. Forms Nos. 37.1 to 37.18, Schedule B, and the recitals A to S immediately following those forms in the said schedule shall be the forms and recitals to be used in proceedings under the Children Acts, 1908 to 1989.

2. Subject to rule 1 hereof, the provisions of the Summary Jurisdiction Rules, 1909 (S. R. and O. 952) dated July 31, 1909, made under section 133 (7) of the Children Act, 1908 shall, with any necessary modifications, apply to proceedings under the Children Acts, 1908 to 1989.

3. The procedure to be followed and the forms to be used in any application in relation to a compensation order made under the Criminal Justice Act, 1993 which involves a child or young person are prescribed in Order 33 of these Rules.

ORDER 38 MISCELLANEOUS MATTERS

Power of Court in cases of variance, defects, omissions, no offence disclosed or no appearance

Variance between evidence and complaint 1. (1) Subject to the provisions of paragraph (3) hereof, in cases of summary jurisdiction no variance between the complaint and the evidence adduced in support thereof, as to the time at which the offence or cause of complaint is stated to have been committed or to have arisen, shall be deemed material, provided that such information or complaint was in fact made within the time limited by law for making the same; nor shall any variance between the complaint and the evidence adduced in support thereof, as to the place in which the offence or cause of complaint is stated to have been committed or to have arisen, be deemed material, provided that the said offence or cause of complaint was committed or arose within the jurisdiction of the Judge by whom the case is being heard, or that, the accused resides or in the case of an offence was arrested within such jurisdiction. In any such case the Court may amend the summons, warrant or other document by which the proceedings were originated and proceed to hear and determine the matter.

Defects

(2) Subject to the provisions of paragraph (3) hereof, no objection shall be taken or allowed on the ground of a defect in substance or in form or an omission in the summons, warrant or other document by which the proceedings were originated, or of any variance between any such document and the evidence adduced on the part of the prosecutor at the hearing of the case in summary proceedings or at the examination of the witnesses during the preliminary examination of an indictable offence, but the Court may amend any such summons, warrant or other document, or proceed in the matter as though no such defect, omission or variance had existed.

Court's discretion

(3) Provided, however, that if in the opinion of the Court the variance, defect or omission is one which had misled or prejudiced the accused or which might affect the merits of the case, it may refuse to make any such amendment and may dismiss the complaint either without prejudice to its being again made, or on the merits, as the Court thinks fit; or if it makes such amendment, it may upon such terms as it thinks fit adjourn the proceedings to any future day at the same or at any other place.

No offence disclosed or no appearance

(4) Where the Court is of opinion that the complaint before it discloses no offence at law, or if neither prosecutor nor accused appears, it may if it thinks fit strike out the complaint with or without awarding costs.

Order to inspect and copy entries in Banker's Books

Application for, — venue 2. (1) An application by a party to proceedings before the Court for an order under section 7 of the Bankers' Books Evidence Act, 1879 (42 & 43 Vict. CH. 11) authorising that party to inspect and take copies of entries in a banker's books for any purposes of such proceedings may be made at any sitting of the Court for the Court district wherein the proceedings have been brought.

— notice of

(2) Such application shall be preceded by the issue of a notice in the Form 38.1, Schedule B, which shall be lodged with the Clerk prior to the making of the application.

Order of the Court.

(3) The order of the Court granting the application shall be in the Form 38.2, Schedule B, which shall, unless the Court otherwise directs, be served upon the relevant bank three clear days before the order is to be obeyed. Service may be effected by delivering a copy of the order to the office of the bank wherein the relevant records are kept.

Notice to Coroner of result of proceedings

3. At the conclusion of criminal proceedings in the District Court in relation to the death of a person the Clerk shall, pursuant to section 25 (3) of the Coroners Act, 1962 (No. 9 of 1962), inform (in the Form 38.3, Schedule B) the coroner holding an inquest in relation to the death of the result of the proceedings.

PART III CIVIL PROCEEDINGS

ORDER 39 COMMENCEMENT OF PROCEEDINGS

Venue

1. Save where otherwise provided by statute or by Rules of Court and subject to order 62 of these Rules and the Conventions to which it relates, civil proceedings in the District Court shall be brought, heard and determined at sittings of the Court for the transaction of civil business for the district court area—

(a) wherein the defendant or one of the defendants ordinarily resides or carries on any profession, business or occupation, or

at the election of the plaintiff

(b) in proceedings founded on contract, (except proceedings arising from an agreement under the Consumer Credit Act, 1995) wherein the contract is alleged to have been made, or

(c) in proceedings founded on tort, wherein the tort is alleged to have been committed, or

(d) in ejectment proceedings, wherein the lands the subject of such proceedings are situate.

Issue of civil summons 2. Civil proceedings in the Court shall, unless otherwise provided by statute or by Rules of Court, be instituted by the issue for service upon each defendant named therein of a civil summons in one of the Forms Nos. 39.1 to 39.9, Schedule C, as appropriate.

Description of parties 3. Subject to the provisions of rule 9 hereof, a civil summons, a decree and a dismiss shall state—

(a) the surname, first name, the residence or place of business and the occupation of the plaintiff, and

(b) the surname, first name (if known), the residence or place of business and the occupation of each defendant and, if a defendant is sued in a representative capacity, the capacity in which he or she is sued.

It shall be sufficient to describe corporate bodies by the proper and respective titles in which they are entitled to sue or be sued without inserting any description or place of residence or place of business.

Where the Attorney General or any Minister of the Government or any Minister of State shall be a party to any proceedings on behalf of the State it shall not be necessary to set forth his or her description or residence or place of business.

Contents of civil summons 4. — the claim

(1) Subject to the provisions of Order 40 of these Rules, a civil summons shall set out concisely the nature of the plaintiff's claim and the grounds therefor.

— the 10-day costs

(2) A civil summons shall show on its face the appropriate costs as set out in the schedule of costs for the time being in force and payable if the plaintiff's claim is paid within ten days after the date of the service of the civil summons upon the defendant.

— return date

(3) There shall be specified in every civil summons issued for service the place, date and time of sitting of the Court to which such summons has been made returnable.

— defence

(4) A civil summons shall contain two detachable notices of intention to defend and such summons shall set out—

(a) the steps to be taken by a defendant who disputes the claim and wishes to defend the proceedings,

(b) the fact that if the defendant pays the amount claimed and costs within ten days after the date of the service of the civil summons, all further proceedings will be stayed,

(c) the steps to be taken by a defendant who admits the claim and desires further time for payment,

and, in appropriate cases,

(d) the consequences which may follow if the defendant fails to act in accordance with provision (a), (b) or (c) hereof.

— signature and date of issue

(5) A civil summons being issued for service shall be dated and signed by the plaintiff in person or by his or her solicitor or firm of solicitors or by some person duly authorised in that behalf by such solicitor or firm of solicitors.

— stamping

(6) A civil summons shall, before being issued for service, be stamped as prescribed by law and if it is not so stamped the service thereof shall have no effect or validity.

When issued 5. A civil summons shall be deemed to be issued for service when it has been completed, signed, stamped and given or posted to a summons-server or other authorised person together with a copy or copies thereof for service or when a copy thereof has been sent by post to each defendant named therein.

Service and lodgment 6. (1) A civil summons being issued for service under this Order shall be served upon each defendant named therein in a manner prescribed in Order 10 of these Rules at least fourteen days or, where service is being effected by registered post, at least twenty-one days, prior to the date of sitting of the Court to which such summons has been made returnable.

(2) When service has been effected the original of every such civil summons, together with statutory declaration as to service thereof, shall be lodged with the Clerk at least four days prior to the return date.

Regulation of Court business 7. Where at any time and from time to time, because of the volume of civil business coming before the Court, a Judge considers it necessary so to do in order to ease the pressure of business, such Judge may limit the number of civil summonses

(either ordinary or summary judgment or both) returnable to any sitting or sittings of the Court, and while such limitation continues in force every civil summons of a kind to which the limitation applies shall, before being issued for service, be lodged with the Clerk for the insertion of a return date thereon and, where appropriate, for the allocation of a court record number.

Payment in certain cases to stay proceedings 8. If a defendant, before the entry of the civil summons, pays to the plaintiff or to his or her solicitor the amount sued for and the appropriate (ten day) costs as shown on the face of the civil summons or if the defendant so pays the said amount and costs within ten days after the date of service of the civil summons upon the defendant although that summons may have already been entered, all further proceedings in the matter shall be stayed.

Partners 9. (1) Two or more persons claiming or being liable as partners and carrying on business within the jurisdiction may sue or be sued in the name of the respective firms, if any, of which such persons were partners at the time the cause of action accrued, and any party to an action may in such case apply by notice of motion to the Court for an order directing the persons who appear to be partners or the persons carrying on the business to furnish the names, descriptions and places of residence of the persons who were, at the time of the accrual of the cause of action, partners in any such firm in such manner and verified on oath or otherwise as the Court may direct.

Disclosure of names of claimant partners

(2) When a civil summons is issued by partners in the name of their firm the plaintiffs or their solicitors shall, on demand in writing made by or on behalf of any defendant, forthwith declare in writing the names, descriptions and places of residence of all the persons constituting the firm on whose behalf the action is brought. If the plaintiffs or their solicitors shall fail to comply with such demand all proceedings in the action may, upon an application for that purpose, be stayed upon such terms as the Court may direct. When the names of the partners are so declared, the action shall proceed in the same manner, and the same consequences in all respects shall follow, as if they had been named as plaintiffs in the civil summons, but all proceedings shall nevertheless continue in the name of the firm.

Suing by trade name

(3) Any person carrying on business within the jurisdiction in a name or style other than his or her own name which is not registered pursuant to the provisions of the Registration of Business Names Act, 1963, may be sued in such name or style; and the plaintiff in such case may apply by notice of motion to the Court for an order directing the person who appears to have control or to be managing such business to furnish the name, description and place of residence of the person who at the time of the accruing of the cause of action was carrying on the business as aforesaid, in such manner and verified on oath or otherwise as the Court may direct.

One person as a party on behalf of several 10. Where several persons have the same interest in one action or matter, one or more of such persons may sue or be sued or may be authorised by

the Court to defend such action or matter on behalf of or for the benefit of all persons so interested.

Actions by or against minors or others under disability 11. Procedures in relation to, and certain forms for use in, actions brought by or against minors or other persons under disability are prescribed in Order 7 of these Rules.

No cause of action to be split or divided 12. No cause of action in the whole amounting to a sum beyond such sum as may be recoverable in the Court shall be split or divided so as to be made the ground of two or more different proceedings in order to bring such cases within the jurisdiction of the Court, and if the Court shall find that the plaintiff in such cases shall have split a cause of action as aforesaid it shall dismiss every such proceeding with costs, without prejudice, however, to the plaintiff's right to sue upon such cause of action in any other court and in such manner as he or she may lawfully do. Where a plaintiff shall be satisfied to recover such sum as is within the jurisdiction of the Court and shall state upon the face of the civil summons that he or she abandons all claim to any larger amount, the Court may, if such plaintiff shall satisfactorily prove the claim, make a decree for the said sum which is within its jurisdiction, and the same shall be in full discharge of the whole amount claimed in the civil summons.

Definitions 13. In this Order—

"the Act of 1924" means the Courts of Justice Act, 1924 (No. 10 of 1924);

"the Act of 1991" means the Courts Act, 1991 (No. 20 of 1991).

Consent proceedings 14. (1) Where proceedings of the kind mentioned in paragraph A of section 77 of the Act of 1924 are brought before the District Court and the amount claimed in such proceedings is in excess of £5,000 and, pursuant to the proviso (inserted by section 4 (c) of the Act of 1991) at the end of the said paragraph A, the necessary parties to the proceedings sign a form of consent either before or at any time during the hearing, such consent shall be in the Form 39.10, Schedule C. When completed, the form shall be attached to and lodged together with the original civil summons or other originating document or, as appropriate, shall be produced to the Court during the hearing. Every form of consent so lodged or produced shall be retained by the Clerk with the original civil summons or other originating document and shall be noted on the court record and on any court order or copy thereof issued in relation to the proceedings.

(2) Costs, where allowed in any such proceedings, shall be in accordance with the provisions of item No. 10 in the Schedule of Costs annexed to these Rules or any similar provisions for the time being in force.

Actions transferred from the High Court or Circuit Court 15. (1) Where an action is remitted or transferred to the District Court by the High Court under section 25 of the Act of 1924 or by the Circuit Court under section 15 of the Act of 1991, the plaintiff shall, within the period

of fourteen days from the date of the order for remittal or transfer, lodge with the Clerk a certified copy of such order together with the summons or other originating document (or a copy thereof) and copies of all documents already delivered and orders made in the action. Where the plaintiff omits or refuses to lodge those documents within that period, the defendant may do so at any time after the expiration of the said fourteen days. The party lodging the documents shall give notice to the other party or parties in the proceedings of such lodgment.

(2) Upon receipt of the documents the Clerk shall enter and list the action for hearing and notify the parties of the place, date and time fixed therefor. The action shall then be heard and determined by the Court as if it had originally been commenced therein. A note of the remittal or transfer shall be entered on the court record and on any court order or copy thereof issued in relation to the action.

(3) Costs, where allowed in any such action, shall be in accordance with the provisions of item No. 11 in the Schedule of Costs annexed to these Rules or any similar provisions for the time being in force.

ORDER 40 PARTICULARS TO BE GIVEN IN CERTAIN CIVIL SUMMONSES, ETC.

Consumer Credit Act 1995

1. A civil summons in proceedings brought in pursuance of the Consumer Credit Act, 1995 shall contain a statement that the appropriate provisions of the Act have been complied with in respect of the transaction.

2. In proceedings instituted under the jurisdiction conferred by section 53 of the Courts of Justice Act, 1936 (No. 48 of 1936) as modified by section 33 (3) of the Courts (Supplemental Provisions) Act, 1961, in which the proceedings are not brought before the Judge within whose district the defendant ordinarily resides or carries on any business, profession or occupation, the civil summons and the decree or dismissal shall state the place in which the contract is alleged to have been made or in which the tort is alleged to have been committed or, in ejectment proceedings, the place where the lands the subject of the proceedings are situated.

Further particulars may be ordered 3. Further and better particulars of any matter, may in all cases in which particulars are required, be ordered by the Judge upon such terms as to costs and otherwise, as may be just, and the Judge may, in case of failure to comply with such order, or where particulars have not been furnished, adjourn or dismiss the case upon such terms as to costs and otherwise as may be just.

ORDER 41 DEFENCE, LODGMENT AND COUNTERCLAIM

Notice of intention to defend

1. A defendant who intends to defend a civil summons shall give, or send by post, to the plaintiff or solicitor for the plaintiff notice of such intention, in the Form 41.1, Schedule C, not later than four days before the date of sitting of the Court to which the civil summons is returnable, and shall at the same time lodge with the Clerk a copy of such notice.

Lodgment in satisfaction 2. (1) Together with the notice of intention to defend, a defendant may lodge in court a sum of money which he or she alleges is sufficient to satisfy the plaintiff's claim, whether with or without an acknowledgement of liability, and thereupon shall notify the plaintiff or solicitor for the plaintiff of such lodgment. No lodgment of money under this rule shall be made later than the time prescribed in rule 1 hereof save by leave of the Court.

— by separate document

(2) A defendant making a lodgment under paragraph (1) hereof may, at his or her option, intimate such fact by a document other than and in addition to the notice of intention to defend and, in that event, such document shall be in accordance with Form 41.2, Schedule C, which shall be served upon the plaintiff. The original of the document shall be lodged with the Clerk who shall keep it in a separate file and neither the Clerk nor any other person shall disclose the fact of such lodgment to the Judge until he or she shall have decided all issues between the parties.

— acceptance of

(3) The plaintiff may at any time before the day fixed for the hearing accept the amount so lodged, and thereupon the said amount may be paid to him or her without the necessity of any formal decree or order by the Judge, upon the plaintiff lodging with the Clerk a signed notice of acceptance of the amount lodged in respect thereof in full satisfaction of the claim, save as to costs; such costs, in default of agreement, to be measured by the Judge.

where the plaintiff is under legal disability

(4) Notwithstanding paragraph (3) hereof and subject to the provisions of section 63 of the Civil Liability Act, 1961 (No. 41 of 1961), where the plaintiff is under legal disability, then, together with the notice of acceptance of the amount lodged there shall be served upon the defendant a notice of motion to have such acceptance approved by the Court, and thereafter no further proceedings in the action shall be taken except by leave of the Court. On the hearing of the motion the plaintiff may be declared entitled to such costs as the Court may consider just, whether or not the acceptance is approved by the Court.

liability for costs where lodgment is not accepted

(5) Where the plaintiff does not accept the amount lodged within the time specified in paragraph (3) hereof, he or she shall be liable for all costs incurred subsequent to the lodgment in respect of the action or claim unless the Judge decides that the amount due in respect of the claim is greater than the amount lodged in respect thereof.

— where amount decreed does not exceed amount lodged.

— disposal of amount lodged.

(6) Where a Judge decides that the amount to which a plaintiff is entitled in respect of the claim is not in excess of the amount so lodged, he or she shall give judgment for the plaintiff

for the amount which the judge finds to be due, but shall award to the defendant the costs incurred in respect of the action or claim subsequent to the lodgment and such order may be made as to the disposal of the amount lodged in court as the judge may think fit.

Defence of tender 3. Where the defence is a tender before action brought, such defence shall not be available unless, together with the notice of intention to defend, the defendant, lodges with the Clerk the amount alleged to have been tendered and gives notice thereof to the plaintiff or solicitor for the plaintiff.

Late entry 4. Except where all parties are agreed, no notice of intention to defend shall be lodged after the time specified in these Rules without the leave of the Court.

Counterclaim 5. (1) A defendant in any action may set-off, by way of defence, any debt or liquidated money demand, or may set up, by way of counterclaim, any claim for any debt, demand or damages, whether liquidated or unliquidated, for which the plaintiff is alleged to be liable.

— notice of

(2) A defendant who wishes to counterclaim under paragraph (1) hereof shall give, or send by ordinary post, to the plaintiff or solicitor for the plaintiff a notice in the Form 41.3, Schedule C, setting out particulars of the counterclaim. Such notice shall be so given or sent as soon as possible after the service upon the defendant of the civil summons, but shall in every case be given to the plaintiff or solicitor (or sent by post so soon as to reach him or her) not later than four days before the date of sitting of the Court to which the civil summons is returnable. A copy of the notice shall at the same time be lodged with the Clerk. Except where the plaintiff agrees to accept shorter notice, no notice of a counterclaim shall be given or sent under this rule later than the time specified herein save by leave of the Court granted under paragraph (3) hereof.

— extension of time for giving notice

(3) Where a defendant who wishes to counterclaim fails to give or send notice thereof within the time specified in paragraph (2) hereof, such defendant may, upon giving prior notice of the application to the plaintiff or solicitor and to the Clerk, apply to the Court for an extension of the time for giving or sending the notice of counterclaim. The Court may, upon hearing the application, if satisfied that it is in the interests of both parties to do so, extend the said time on such terms and conditions as it thinks proper;

Provided always that the plaintiff shall be given reasonable notice and adequate particulars of the counterclaim in sufficient time to enable him or her to prepare for the hearing.

Counterclaim for amount in excess of jurisdiction 6. No counterclaim shall be maintainable for any amount which is greater than is recoverable by civil summons under the jurisdiction of the Court unless the defendant, before the hearing of the proceedings, consents in writing

to accept an amount which is within such jurisdiction in full satisfaction and discharge of the counterclaim.

Lodgment in response to counterclaim 7. A plaintiff may, in response to a counterclaim, lodge in court a sum of money which he or she alleges is sufficient to satisfy the said counterclaim, and the provisions of rule 2 of this Order relating to lodgment shall apply mutatis mutandis in every such case.

Order of the Court 8. The Court may make any decree or dismiss in respect of the original claim and the counterclaim as to it shall seem just and, save where otherwise provided by statute, may make one decree for any balance appearing to be due to either the plaintiff or the defendant.

— costs

The costs of and incidental to a counterclaim to be awarded to either party shall be in the discretion of the Court.

ORDER 42 THIRD PARTY PROCEDURE

Claim against person not already a party

1. Where in any civil proceedings a defendant

(a) claims against any person not already a party any contribution or indemnity, or

(b) claims against such person any relief or remedy relating to or connected with the original subject matter of the proceedings and substantially the same as some relief or remedy claimed by the plaintiff, or

(c) requires that any question or issue relating to or connected with the original subject matter of the proceedings should be determined not only as between the plaintiff and the defendant but also as between either or both of them and such person,

such defendant may within ten days of the service upon him or her of the civil summons or notice of application (exclusive of the date of such service) issue and serve upon such person a notice (in this Order called a third party notice (Form 42.1 or 42.2, Schedule C, as the case may be), containing a statement of the nature of the claim against the defendant and the nature and grounds of the defendant's claim against the third party or of the question or issue to be determined.

Copy of summons to be served 2. With the third party notice the defendant shall serve upon such person a copy of the civil summons or notice of application.

Copy to be lodged 3. The defendant shall within the period aforesaid give or send by post to the plaintiff or solicitor for the plaintiff and to the Clerk a copy of the third party notice.

Service 4. The provisions of Order 10 of these Rules relating to the service of documents shall apply to the service of a third party notice.

5. Where a third party notice is served upon the person to whom it is issued such person shall, as from the time of service, be a party (in this Order referred to as a third party) with the same rights as if he or she had been duly sued in the ordinary way by the defendant by whom the notice is issued or by the plaintiff.

Notice of intention to defend 6. Where a third party disputes the claim by the defendant against him or her or the claim by the plaintiff against the defendant such party shall, within ten days of the service of the third party notice, give or send by post to the defendant or solicitor for the defendant and to the Clerk notice of intention to defend (in the Form 42.3 Schedule C), and the provisions of Order 41 (relating to Defence, Lodgment and Counterclaim) of these Rules shall mutatis mutandis apply in such case. The Clerk shall notify (Form 42.4 Schedule C) the third party of the place, date and time of sitting of the Court for the hearing of the claim.

7. Proceedings on a third party notice may at any stage be set aside by the Court.

Where no notice of intention to defend given 8. Where a third party fails to give notice of intention to defend he or she shall be bound by any decree (including a decree by consent) or decision in the proceedings so far as it is relevant to any claim, question or issue stated in the third party notice.

Court may grant decree of dismiss 9. Where in any civil proceedings a defendant has served a third party notice, the Court may at or after the trial, or if the proceedings are decided otherwise than by trial, on an application by motion grant such decree or dismiss to or against any party or parties as the nature of the case may require.

Execution not to issue without leave 10. Where in civil proceedings a decree is granted against a defendant and a decree is granted to that defendant against a third party, execution shall not issue against the third party without the leave of the Court until the decree against the defendant has been satisfied.

Claim against person already a party 11. Where in any civil proceedings a defendant claims against any person already a party

(a) any contribution or indemnity, or

(b) any relief or remedy relating to or connected with the original subject matter of the proceedings and substantially the same as some relief or remedy claimed by the plaintiff, or

(c) that any question or issue relating to or connected with the original subject matter of the proceedings should be determined not only as between the plaintiff and the defendant but also as between either or both of them and that person,

the defendant may, within ten days of the service upon him or her of the civil summons or notice of application (exclusive of the date of service) issue and serve upon such person a notice in the prescribed form (Form 42.5 Schedule C) containing a statement of the nature and grounds of the defendant's claim or of the question or issue to be determined. This rule shall not apply to any claim which could be made by counterclaim.

Adjournments 12. The Court may at any time adjourn the proceedings to enable service, lodgment or posting of documents or the giving of notice under this Order to be effected.

ORDER 43 SECURITY FOR COSTS

Application for security

1. A party to proceedings who requires security for costs from another party shall be at liberty to apply by notice to that other party for such security, and where the latter does not undertake by notice to comply therewith the party requiring the security may, when lodging a notice of intention to defend, apply to the Court for such security. On hearing the application the Court may order the plaintiff to lodge in court the costs of a dismiss, or may make such other order as it thinks fit, and, if security for costs is ordered, the security shall be of such amount and be given at such time or times and in such manner and form as the Court shall direct.

If Plaintiff is outside jurisdiction or is a foreign national 2. (1) A defendant shall not be entitled to an order compelling the Plaintiff to give security for costs solely on the ground that the plaintiff resides outside the jurisdiction of the Court unless the defendant shows to the satisfaction of the Court that he or she has a defence upon the merits.

(2)*No order for security for costs shall be made against a party who applies, under the provisions of the 1968 Convention defined in Order 62 of these Rules, for enforcement of a judgment given in another Contracting State, solely on the ground that the plaintiff is a foreign national or that the plaintiff is not domiciled or resident in the State.

*See Article 45 of the 1968 Convention.

ORDER 44 ATTENDANCE OF WITNESSES

Attendance of witness may be procured by summons

1. (1) Any party desiring the attendance of any person to give evidence or to produce any books, papers or documents to the Court may apply for, and the Judge, Clerk or a Peace Commissioner may sign and issue a witness summons (Form 44.1 Schedule C) requiring the person to whom the summons is directed to comply with the requirements thereof at the time and place stated therein, and with every such summons there shall also be issued a copy for service upon each person to whom it is directed.

Court may order issue of summons

(2) In any case of difficulty as regards the issue of such summons, application may be made to the Court for the issue of same, and on such application the Court may issue or direct the issue of the summons, or otherwise deal with the matter in such manner as to it shall seem just.

Service of summons

(3) Such summons shall be served, in a manner as provided by Order 10 of these Rules for the service of documents, at least three clear days before the date fixed for the hearing.

Service effective in any part of State

(4) Such summons may be served in any part of the State and upon service being effected in a manner so prescribed, the witness shall be as effectively bound thereby as if he or she resided within the area of jurisdiction for issuing summonses of the Judge, Clerk or Peace Commissioner.

Reasonable expenses to be paid

(5) Where it shall appear that the reasonable expenses of the person required to attend as a witness have not been paid or offered to him or her the Court may set aside or disregard the service of the summons.

Procedure on failure to appear

(6) The Judge hearing the proceedings may proceed as is provided in Order 21 of these Rules for the purpose of procuring the attendance of a person who fails or refuses to attend.

Refusal to give evidence

(7) The provisions of rule 2 of Order 21, relating to the refusal of a witness to give evidence, shall apply to a witness to whom this Order relates.

ORDER 45 JUDGMENT IN DEFAULT

Definitions

1. In this Order—

"The Act of 1988" means the Jurisdiction of Courts and Enforcement of Judgments (European Communities) Act 1988 (No. 3 of 1988).

"the Convention" has the meaning assigned to it in the Act of 1988.

"The Hague Convention" means the Hague Convention of 15th November, 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

Where no notice of intention to defend lodged 2. (1) Where the claim in civil proceedings is in respect of a debt or liquidated money demand and the defendant fails to give notice of intention to defend within the time limited by these Rules, the plaintiff may in default of such notice apply for judgment, by lodging with or sending by post to the Clerk:—

(a) An affidavit of debt (Form 45.1, 45.2, 45.3, 45.4, 45.5 or 45.6 Schedule C as the case may be) verifying the plaintiff's claim and made by the plaintiff or by some person on his or her behalf who can swear positively to the facts;

Statutory certificates

(b) Where the claim is by a Minister of a Government Department, or the Land Commission, or the Commissioners of Public Works or such other bodies or persons who are by statute so entitled, the same may be verified and the sum then actually due may be proved by any certificate under seal which is by statute made evidence of the matters therein certified instead of by affidavit as is provided in paragraph (a) hereof.

(c) Where a defendant has executed a consent which has been duly witnessed, an affidavit (Form 45.7 or 45.8 Schedule C) verifying such consent in lieu of an affidavit of debt.

(d) A completed form of decree (Form 45.9, 45.10, 45.11, 45.12, 45.13, 45.14 or 45.15 Schedule C as the case may be) signed by the plaintiff or solicitor for the Plaintiff.

(2) The affidavit verifying the plaintiff's claim specified in paragraph (1) (a) or paragraph (1) (c) hereof shall be sworn and the certificate specified in paragraph (1) (b) shall be given within the period of one month next preceding the date of application for judgment, otherwise the same shall not be sufficient.

(3) Where the plaintiff's request for judgment includes a claim in respect of value-added tax, the affidavit shall contain averments as to whether or not value-added tax is payable by the plaintiff on his or her legal costs, and if payable whether or not the sum so payable is recoverable by the plaintiff from the Revenue Commissioners.

(4) Subject to the provisions of paragraph (5) hereof, the Judge shall thereupon sign a decree for the amount of the debt then due and the costs thereof (including the amount in respect of any value-added tax payable on such costs where he or she is satisfied that such tax is so payable and is not otherwise recoverable) together with all actual and necessary outlay, if any.

Refusal to enter judgment

— Clerk to notify

(5) The Judge may in any case refuse to enter judgment and in any such case he or she, shall direct that the case shall be listed for hearing at the first available opportunity, in which event the Clerk shall give to the plaintiff or solicitor for the plaintiff at least seven days notice by ordinary post of the place, date and time of such hearing.

Review of default judgment 3. (1) A party against whom any decree may have been obtained in accordance with the provisions of rule 2 of this Order may apply by notice of motion (Form 45.16 Schedule C) to the Court in the court area in which the decree was obtained for an order to vary or set aside the said decree on the ground that the same was obtained by fraud, misrepresentation, surprise, mistake or other sufficient ground, but service of the notice of motion shall not operate as a stay of proceedings in the action unless the defendant lodges

with the Clerk together with the original of the notice of motion the amount for which the decree was made and costs.

Mode and time for service of notice

(2) Such notice of motion shall be served either personally or by post upon the plaintiff or solicitor for the plaintiff within ten clear days from the date upon which the making of such decree shall have come to the knowledge of the defendant.

(3) The Court may declare sufficient the service of such notice actually effected.

(4) Such notice shall be lodged with the Clerk four days at least before the date fixed for the hearing of the motion and shall set forth clearly and briefly the reasons why the party applying did not give notice of intention to defend the civil summons, the nature of the fraud, misrepresentation, surprise, mistake or other sufficient ground relied upon, and setting out the grounds of defence to the action in which the said decree was made.

Power of Court on hearing application

(5) The Court may, on the hearing of any such motion, grant or refuse the application to vary or set aside the decree upon terms as to costs or otherwise including lodgment with the Clerk of the amount of such decree or any part thereof, and may give such directions and such extensions of time as may be necessary in regard to the further conduct of the action.

Costs in discretion of Court

(6) The costs of any such motion, if awarded by the Court, shall be such an amount as the Court may consider reasonable.

Where the Conventions apply 4. Notwithstanding the provisions of this Order, where the proceedings are proceedings to which the Conventions apply and the defendant is domiciled in a Contracting State other than the State

(1) the civil summons (with any necessary modifications) or, as the case may be, notice thereof in the Form 62.1 Schedule C (with two notices of intention to defend attached thereto) and a certificate in the Form 62.2 Schedule C shall be served on the defendant in accordance with the provisions of the Hague Convention and Order 11 of these Rules.

(2) The provisions contained in Order 62 rules 4 and 5 of these Rules shall apply to proceedings to which this rule relates.

Where no notice to defend is received 5. (1) If, in the proceedings under Rule 4 hereof, no notice of intention to defend is received by the clerk from the defendant, the Judge shall, in accordance with Rule 2 hereof, direct that the case be listed for hearing in Court and the plaintiff or his solicitor be notified. At the hearing it shall be necessary for the plaintiff to show to the satisfaction of the Court that, to the best of his belief—

Necessary proofs

- (a) each claim made in the civil summons is one which by virtue of the provisions of the Conventions, the Court has jurisdiction to hear and determine,
- (b) no proceedings involving the same cause of action are pending between the parties in another Contracting State,
- (c) the defendant was duly served with the document instituting the proceedings or notice thereof, and
- (d) the defendant has been able to receive the said document or notice in sufficient time to enable him to arrange for his defence, or all necessary steps have been taken to this end, as required by Article 20 of the 1968 Convention.

The Hague Convention

(2) Where, however the document instituting the proceedings (or notice thereof) had to be transmitted abroad for service in accordance with the Hague Convention, the provisions of paragraphs 1 (c) and 1 (d) of this rule shall not apply. The other paragraphs of this rule shall be subject to rule 6 hereof.

Service of documents 6. (1) Where any document for use in proceedings to which this Order relates is to be served upon a person outside the jurisdiction and the service is to be effected in a State which is a party to the Hague Convention, the provisions (including Articles 8 to 11) of the convention and Order 62 of these Rules shall apply in every such case.

Procedure on non-appearance of defendant

(2) Where the document instituting the proceedings (or notice thereof) was transmitted abroad for service under the provisions of The Hague Convention and the defendant has not appeared or given notice to defend, judgment shall not be given until the provisions of Article 15 of that Convention as set out in Order 11 rule 10 of these Rules have been complied with.

(3) Notwithstanding the provisions of paragraph (2) of this rule, the Court may give judgment even if no certificate of service or delivery as provided by that Convention has been received if all the conditions listed in the said Article 15 and set out in Order 11 rule 10 of these Rules are fulfilled.

Extension of time to appeal

(4) Where judgment has been given in proceedings to which this rule relates against a defendant who has not appeared and that defendant wishes to apply for an extension of time for appeal from the judgment, the provisions of Order 11 Rule 12 shall apply in every such case.

ORDER 46 HEARING OF CIVIL PROCEEDINGS

Decree or Dismiss

1. The Court shall have full jurisdiction in all cases to grant a decree or to grant a dismissal either on the merits or without prejudice to the plaintiff's right to proceed by a new civil summons.

Trial of two or more actions together 2. The Court may, if it considers it desirable, order that two or more actions be tried together, and on such terms as to costs as it shall deem just.

Counterclaim as separate action 3. A counterclaim may be proceeded with separately and, if so proceeded with, shall be treated as an action irrespective of whether the original proceeding in which the counterclaim was made is withdrawn, stayed, discontinued or dismissed.

Non-appearance of defendant 4. If, when a case is called in court, the plaintiff appears and the defendant does not appear and the Court is satisfied that the civil summons has been served upon the defendant, the plaintiff may prove the claim in so far as the burden of proof lies upon him or her.

Non-appearance of plaintiff 5. If, when a case is called in court, the defendant appears and the plaintiff does not appear and if the defendant has no counterclaim, the Court may in its discretion grant a dismiss. Where the defendant has a counterclaim the Court may then in its discretion allow the defendant to prove such counterclaim in so far as the burden of proof lies upon him or her.

Procedure when previous dismiss without prejudice is produced 6. If, when a case is called in court, the defendant produces a dismiss without prejudice obtained by him or her against the plaintiff for the same cause of action, the plaintiff shall not be at liberty to proceed with the case until he or she has paid to the defendant the amount of such dismiss.

Stay of execution *7. (1) Whenever judgment shall be given by the Court for payment of any sum of money by way of debt or damages by any person and the Court is satisfied at the time of giving such judgment—

- (a) that such person is unable to discharge by an immediate payment in full the said sum of money and all costs payable by him or her under the said judgment, and
- (b) that such inability is not occasioned by such person's own conduct, act or default, and
- (c) that there is reasonable ground for granting to such person an extension of time in which to pay the said sum of money and costs, the Court may stay the execution of the judgment for such time and upon such conditions as shall appear to the Court to be reasonable.

*Enforcement of Court Orders Act, 1926, Sect. 21

Instalment decree

(2) The conditions upon which a stay of execution may be granted may include a condition that the said sum of money and costs shall be paid by such person by such instalments and at such times as the Court may appoint and that upon failure by such person to pay an instalment the stay shall cease. The decree in such cases shall be in accordance with Form 46.1 Schedule C.

Order for recovery of rates, in default distress 8. Where the Court makes an order for the recovery of rates it may direct that the sum be paid either at once or by instalments and that, in default of the said sum being paid at the time and in the manner so directed, the amount not so paid be levied by distress and sale of the goods and by taking the money of the person against whom the said order has been made.

Decree against one defendant and dismiss as to another 9. The Court may at the hearing of any civil summons where there shall be more than one defendant, grant a decree with costs against one or more of such defendants and grant a dismiss as to the other or others of the defendants with or without costs at the discretion of the Court; and where the plaintiff succeeds against one or more of the defendants and fails against the other or others, the Court may order that the defendant or defendants against whom the plaintiff has succeeded shall (in addition to the plaintiff's own costs) pay to the plaintiff by way of recoupment the costs which the plaintiff is liable to pay and pays to the defendant or defendants against whom he or she has failed. The decree in such cases shall be in accordance with Form 46. 2 Schedule C.

Cross decrees may be set off 10. If cross decrees shall be made by the Court between the same parties or there shall be at the same time unexecuted or only partially executed decrees as between the same parties, the Court may, on the application of either party, order that such decrees be set off against each other and, if of unequal amounts, that a decree only upon which the larger sum shall be due be issued or executed as the case may be, and the same shall be issued or executed only for such sum as shall remain due after deducting the sum due upon the other decree.

Decree by consent 11. A defendant, not being represented by solicitor or counsel, who consents to a decree being made against him or her shall sign a consent and such consent shall be proved either in open court or by an affidavit verifying the execution thereof made before a Commissioner for Oaths, and the Court shall then grant a decree in accordance with the terms of the consent.

Forms of decree 12. A decree, save where otherwise provided, shall be in accordance with Form 46.3, 46.4, or 46.5 Schedule C, as the case may be.

Form of dismiss 13. A dismiss, save where otherwise provided, shall be in accordance with Form 46.6 Schedule C.

Lodgment of 14. Where the successful party in civil proceedings (or that party's solicitor) wishes to obtain the decree or dismiss, he or she shall prepare, sign and lodge with the Clerk such decree or dismiss for verification and for signing by the Judge. However, for the purposes of an appeal from the decision of the Court, the decree or dismiss may be so prepared, signed and lodged by any party to the proceedings or by that party's solicitor.

— for appeal

Interest on decrees 15. (1) Where a decree for the recovery of a sum of money is granted and the sum decreed (exclusive of costs and witnesses' expenses) exceeds £150, the decree shall carry interest on the said sum at the rate per annum standing specified for the time being in section 26 of the Debtors (Ireland) Act, 1840, until it is satisfied.

(2) Such interest shall be calculated from the date of the decree unless the Court otherwise directs.

(3) A decree for the payment of an amount not exceeding £150 shall not carry interest.

ORDER 47EJECTMENT PROCEEDINGS

Particulars to be given in ejectment civil summons

1. (1) An ejectment civil summons shall specify the names of the landlord or lessor and tenant or tenants, respectively, the nature of the tenancy, the description of the premises and the places wherein the same shall be respectively situated and the rent at which the same shall be then or shall have been last held, and in cases where the proceedings shall be grounded upon the tenancy having determined, the facts of the determination of such tenancy and the means by which the same shall have been determined, and in cases where the proceedings shall be grounded upon the non-payment of rent the civil summons shall specify the amount of the rent due after all fair and just allowances, up to what gale day the same was due, and the appropriate costs as set forth in the Schedule of Costs for the time being in force and payable if the plaintiff's claim is settled before entry.

(2) A civil summons for the ejectment of tenants at will, permissive occupants, caretakers and servants shall also state the fact of demand for possession having been made by or on behalf of the owner of the said premises and the date of such demand and the fact of the refusal or omission to quit and deliver up possession.

Overholding 2. A civil summons in ejectment for overholding shall be in accordance with Form 47.1 Schedule C.

Permissive occupant 3. A civil summons in ejectment of tenants at will, permissive occupants, caretakers and servants shall be in accordance with Form 47.2 Schedule C.

Non-payment of rent 4. A civil summons in ejectment for non-payment of rent shall be in accordance with Form 47.3 Schedule C.

Service and lodgment 5. (1) An ejectment civil summons shall be served upon all and every persons or person who shall be in actual possession of the premises specified in and claimed by such summons as tenants or sub-tenants. It shall be served in a manner prescribed in Order 10 of these Rules at least fourteen days or, if service is being effected by registered post, at least twenty-one days before the date of sitting of the Court to which such summons is returnable.

(2) When service has been effected, the original of every such civil summons, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the return date.

(3) Where the immediate tenant of the plaintiff in an ejectment civil summons is not himself or herself in actual possession of the premises, the civil summons shall be served upon such immediate tenant as well as any person upon whom service must be effected under paragraph (1) of this rule.

(4) Where there is no person in actual possession of the premises, the affixing of a copy of the civil summons upon the door or some other conspicuous part of the premises so claimed shall be deemed to be good and sufficient service of such civil summons, (in lieu of any mode of service already prescribed by these Rules). Where the person last in actual possession of the premises was a sub-tenant, the civil summons shall also be served upon the immediate tenant of the plaintiff, as provided by paragraph (3) of this rule.

Affidavits in ejectment for non-payment of rent 6. In ejectment proceedings for non-payment of rent the plaintiff shall be at liberty to prove the nature and conditions of the tenancy and the amount of rent due by affidavit sworn by the plaintiff or by the agent thereunto authorised and filed with the Clerk, and upon reading such affidavit and if the defendant shall not give notice of intention to defend and appear and give evidence, the Court may make a decree without requiring the attendance of the plaintiff.

Decree overholding 7. A decree in ejectment for overholding shall be in accordance with Form 47.4 Schedule C.

Decree permissive of occupant 8. A decree in ejectment of tenants at will, permissive occupants, caretakers and servants shall be in accordance with Form 47.5 Schedule C.

Decree nonpayment of rent 9. A decree in ejectment for non-payment of rent shall be in accordance with Form 47.6 Schedule C.

Stay of execution 10. Upon giving a decree on foot of any civil summons in ejectment, the Court shall be at liberty to grant such stay of execution on such conditions as it may think reasonable in the circumstances.

Payment or tender in ejectment for non-payment of rent 11. The defendant in any ejectment proceedings for non-payment of rent, or any person having a specific interest in the contract of tenancy, at any time before the decree shall have been delivered to the County Registrar for execution, may pay to the plaintiff all rent and arrears of rent due at the time of the service of the civil summons, and a sum sufficient to cover the plaintiff's costs, or may tender the same and, in case such tender shall be refused, may deposit the same with the Clerk, who shall give a receipt (Form 47.7 Schedule C) therefor and give notice to the plaintiff of such

lodgment. The Court may order that all further proceedings be stayed upon payment to the plaintiff of the money so lodged together with such costs up to the date of tender as the Court may think reasonable; provided that the decision of the Court shall be subject to appeal in like manner as if it were a decree or dismiss on foot of a civil summons in ejectment for non-payment of rent.

Writ of restitution 12. Whenever a decree for possession for non-payment of rent shall have been executed, the Court may award a writ of restitution on the application of the defendant or any other person having a specific interest in the contract of tenancy, and on the payment to the plaintiff or the lodgment with the Clerk of the amount due for rent, arrears of rent and costs within six months after the execution of the decree, in the manner provided by sections 70 and 71 of the Landlord and Tenant Law Amendment Act, Ireland, 1860.

Form of dismiss 13. An ejectment dismiss shall be in accordance with Form 47.8 Schedule C.

Form of warrant for possession 14. A warrant for possession pursuant to section 86 of the Landlord and Tenant Law Amendment Act, Ireland, 1860 shall be in accordance with Form 47.9 Schedule C.

ORDER 48 EXECUTION OF DECREES AND DISMISSES

Execution by Co. Registrar/Sheriff

1. (1) Decrees for the recovery of money and dismisses shall require all Sheriffs and County Registrars to take in execution the goods of the defendant or of the plaintiff, as appropriate, to satisfy the debt, costs, value-added tax, expenses, interest on the debt, as the case may be.

County Registrar's warrant

(2) A warrant (Form 48.1 Schedule C) shall be added to each decree and dismiss.

Addressing of warrants

(3) Such warrants and warrants for the recovery of rates in proceedings brought by summons shall be addressed for execution to the County Registrar for the county in which the court area is situate, or where such court area comprises portion of two or more counties, to the County Registrar of that county comprising the portion of the court area in which the person against whom the decree or dismiss shall have been given resides or carries on any profession, business, or occupation.

May be executed by another County Registrar 2. A warrant addressed to a County Registrar may be executed by another County Registrar if the person against whom the said warrant has been issued has goods within the county for which such other County Registrar acts.

Execution of warrants 3. (1) Where the warrant is for the payment of money and goods are seized under such warrant the person to whom such warrant is addressed may sell by auction the said goods within such period as shall be specially fixed by the warrant or, if no period shall be so fixed, then within five days from the day on which the goods were seized, unless the sum for which the warrant was issued and also the expenses of taking and keeping such goods shall be paid before the goods are sold. Where such goods are sold the surplus, if any, after retaining the amount directed to be levied together with all reasonable expenses actually incurred in auctioning such goods as well as the expense of taking and keeping the same, shall be paid to the person from whom the goods were seized. It shall not be necessary for the person conducting such auction to procure a licence to act as an auctioneer.

Payment to stay execution

(2) Where the person against whom any such warrant is issued pays or tenders to the person having the execution of the warrant the sum in such warrant mentioned, the person having the execution of such warrant shall refrain from executing the same.

Receipt to be given

(3) Whenever any money is levied or paid to a court messenger under any warrant he or she shall give a receipt in accordance with Form 48.2 Schedule C for the same.

Decree in force for 12 years 4. (1) A decree or dismiss shall remain in full force and effect for a period of twelve years from the date thereof but such decree or dismiss shall not be executed after the expiration of six years from the date thereof without leave of the Court. An application for such leave shall be made by notice of motion (Form 48.3 Schedule C) which shall be served upon the person sought to be made liable.

Execution where change of parties by death or otherwise

(2) If, at any time during the said period of twelve years, any change has taken place, by death, assignment or otherwise, in the parties, a party may apply to the Court on notice (Form 48.3 Schedule C) to be served upon the other party to have the decree or dismiss amended accordingly, and the Court, if satisfied that the party so applying is entitled to execution, may make any order to that effect and may make any amendment required to give effect to such order and may impose such terms as to costs or otherwise as to it appear just.

ORDER 49 INTERPLEADER

Notice of Claim

1. A claim to or in respect of any goods or chattels not exceeding £5,000 in value taken in execution or intended execution by a County Registrar shall be in writing (Form 49.1 Schedule C) and shall contain the full name and description of the claimant and an address within the State at which service will be accepted by or on behalf of the claimant.

2. Upon receipt of any such claim, the County Registrar shall forthwith send notice (Form 49.2 Schedule C) of such claim to the party claiming execution or to his or her solicitor.

Notice of admission or denial of claim 3. Within two days after receiving the notice aforesaid the party claiming execution shall give notice (Form 49.3 Schedule C) to the County Registrar as to whether he or she disputes or admits the title of the claimant to the goods or chattels or requests the County Registrar to withdraw from possession.

Deposit by claimant 4. If within the said period of two days the party claiming execution does not admit the title of the claimant or does not request the County Registrar to withdraw from possession, the County Registrar shall forthwith send notice (Form 49.4 Schedule C) to the claimant, requiring him or her within two days of the service of such notice to deposit with the County Registrar the amount for which the warrant of execution was issued or, if the value of the goods or chattels seized is less than the amount set out in the warrant of execution, the value of such goods or chattels, and giving the claimant notice that in default of his or her making such deposit an application will be made, after service of an interpleader civil summons, to the Court for an order for sale.

Procedure on deposit being made 5. Where the claimant deposits with the County Registrar the amount for which the warrant of execution was issued or, in the event of the value of the goods or chattels as determined by the County Registrar or by a valuer appointed by the County Registrar, being less than that amount, a sum equal to the value as so determined, the County Registrar shall withdraw from the possession of the goods and chattels and the sum deposited shall be disposed of as the Court shall direct.

Application for sale 6. (1) Where the claimant does not make such deposit as aforesaid the Court may, at any time after the service of an interpleader civil summons, upon application made by the execution creditor upon notice to the claimant and the County Registrar, or by the County Registrar upon notice to the parties, make an order for the sale of all or any of the goods and chattels seized, subject to such conditions as to the giving of security by the execution creditor or otherwise as to the Court may seem fit.

Service of notice

(2) The notice of application to the Court for an order for the sale of all or any of the goods and chattels seized shall be in Form 49.5 Schedule C and shall be served two clear days before the day named in such notice for the hearing.

Application may be heard out of court 7. A Judge may hear and determine such application out of court and at any place which he or she may deem suitable. The costs of such application shall be provided for by the Court on the hearing of the interpleader civil summons.

Order for sale 8. The order by a Judge for sale shall be in accordance with Form 49.6 Schedule C and shall direct that the proceeds of the sale be lodged with the Clerk to abide the order of the Court on the hearing of the interpleader civil summons.

Service of Interpleader civil summons 9. (1) An interpleader civil summons (Form 49.7 Schedule C) shall be served upon the claimant and upon the party claiming execution.

(2) An interpleader civil summons shall be served in a manner provided by Order 10 of these Rules. Where the warrant of execution has been lodged with the County Registrar by a solicitor for the party claiming execution or where the claim has been made by a solicitor for the claimant the interpleader civil summons may be served upon the solicitor for the party claiming execution or the claimant, as the case may be.

Liability for costs 10. Upon the hearing of the interpleader civil summons the Court shall determine the liability of the parties respectively to pay costs and expenses and the amount of the same and by whom and to whom such payments are to be made. The scale of costs set out for tort cases in the Schedule of Costs annexed hereto or any other similar Schedule for the time being in force shall be the appropriate scale for proceedings instituted by interpleader civil summons, and the decree in such proceedings shall be in accordance with Form 49.8 Schedule C.

ORDER 50APPLICATION TO HAVE AN ACTION FORWARDED TO THE CIRCUIT COURT OR TO THE HIGH COURT

Form of notice

1. (1) An application to have an action forwarded to the Circuit Court or to the High Court pursuant to section 22 (8) (b) of the Courts (Supplemental Provisions) Act, 1961 (inserted by section 21 of the Courts Act, 1971), shall be preceded by the issue and service of a notice (Form 50.1 Schedule C) signed by the applicant or solicitor for the applicant.

Service of notice

(2) Such notice shall be served upon the other party to the proceedings in accordance with the provisions of Order 10 of these Rules at least seven days before the date of hearing of the application.

Lodgment of notice

(3) When service has been effected the original of such notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the date of such hearing.

Order of Court

(4) The order of the Court hearing the application shall be in accordance with Form 50.2 or 50.3 Schedule C, as the case may be.

ORDER 51COSTS AND EXPENSES

Costs in general to be in discretion of Court

1. Save as otherwise provided by statute or by Rules of Court, the granting or withholding of the costs of any party to civil proceedings in the Court shall be in the discretion of the Court.

Scales of costs 2. Save as otherwise provided, the costs specified in each scale in the Schedule of Costs annexed to these Rules or in any other similar Schedule for the time being in force shall be the only lawful costs.

Witnesses' expenses 3. The Court shall have discretion to allow or to refuse to allow the expenses (or any part thereof) of any witness and where allowed, the amount of such expenses (or part thereof) may be measured by the Court.

Where no solicitor retained 4. No costs other than actual and necessary outlay shall be allowed or awarded to a party who conducts his or her own case.

Costs where defendant not represented by solicitor 5. Where the plaintiff is successful and the defendant has not been professionally represented at the hearing, the costs shall be in accordance with the appropriate scale for undefended cases, unless the Court, upon application made to it at the hearing, shall direct that the scale for defended cases shall apply.

Costs in Schedule to be exclusive of V. A. T. and outlay 6. The costs set forth in the scales in the Schedule of Costs annexed to these Rules or any other similar schedule for the time being in force shall in every instance be exclusive of and in addition to any sum allowed as recovery of value-added tax and all such actual and necessary outlay as may be allowed.

Costs of adjournment 7. The Court may allow the costs and expenses of any adjournment of the hearing or further hearing of any civil proceedings and may order that such costs be added to or deducted from the costs allowed to either party on the final determination of the proceedings, or may if it thinks it reasonable to do so, make a separate order (Form 51.1 Schedule C) for their payment.

Power to strike out with costs claims in excess of jurisdiction *8. Where civil proceedings are brought in the Court which the Court has no jurisdiction to hear and determine, the Court shall, as soon as such want of jurisdiction becomes apparent, order such proceedings to be struck out and may, if it so thinks proper, make an order awarding to the defendant such costs as the Court could have awarded if it had jurisdiction to try and determine such proceedings and either the plaintiff did not appear or appeared and failed to prove his or her claim.

Costs in hire purchase claims 9. Proceedings by the owner of a chattel against the hirer thereof under a hire-purchase agreement for the recovery or return of the same shall, for the purpose of the measurement of the costs, be deemed to be an action in contract in which the

amount sued for is the amount of the instalments due and unpaid under the agreement at the date of commencement of the proceedings.

*Courts of Justice Act, 1936 (No. 48) Sec 60

Costs in actions for wrongful detention 10. In actions for wrongful detention brought by virtue of section 33, subsection (3) of the Courts (Supplemental Provisions) Act, 1961, the costs awarded shall be on the tort scale according to the value of the goods as determined by the Court.

Costs to apply for A. G. , Govt. Ministers etc. 11. The scales of costs in the Schedule of Costs annexed hereto or any other similar schedule for the time being in force shall apply to proceedings to which the Attorney General or any Minister of the Government or any Minister of State or any Government Department is a party.

Costs in consent proceedings 12. Solicitors' costs, where allowed, in consent proceedings to which section 4 (c) of the Courts Act, 1991 and Order 39, r. 14 of these Rules relate, shall be in accordance with the provisions of item No. 10 in the Schedule of Costs annexed to these Rules or any similar provisions for the time being in force.

Costs in actions transferred from the High Court or the Circuit Court 13. Solicitors' costs, where allowed, in actions remitted or transferred from the High Court or the Circuit Court and to which Order 39, r. 15 of these Rules relates, shall be in accordance with the provisions of item No. 11 in the Schedule of Costs annexed to these Rules or any similar provisions for the time being in force.

In certain cases costs may be measured 14. In any case where the Court is of opinion that there is no appropriate scale of costs provided, it may measure the costs.

ORDER 52 COUNSEL'S FEES

No fee where sum does not exceed £500

1. (1) In any award of costs in the Court a fee for counsel may not be included—

(a) in any action in contract, breach of contract, tort or in claims for damages unconnected with contract, where the amount recovered by the plaintiff or, where the action was dismissed, the amount claimed against the defendant does not exceed £500, and

No fee where annual rent does not exceed £500

(b) in any ejectment proceedings for over-holding or non-payment of rent, where the annual rent does not exceed £500

Court to certify fees

(2) In the award of costs in any other proceedings in the Court a fee for counsel may not be included unless the Court certifies that, in its opinion, the employment of such counsel was

necessary for the attainment of justice or for enforcing or defending the rights of the party concerned.

Schedule of fees

(3) Where counsel is allowed, the scales of fees in the Schedule of Counsel's fees hereto shall operate, provided that in any proceedings not covered by these scales the fees shall be such as shall be determined by the Court having regard to the said scales and to the amount involved in the case.

ORDER 53 ENFORCEMENT OF JUDGMENTS

Definition

1. In this Order—

"the Act of 1926" means the Enforcement of Court Orders Act, 1926 (No. 18 of 1926);

"the Act of 1940" means the Enforcement of Court Orders Act, 1940 (No. 23 of 1940);

"the Act of 1986" means the Courts (No. 2) Act, 1986 (No. 26 of 1986);

"debt" includes any balance of a debt remaining due after payment or recovery of part thereof;

"judgment" includes any order or decree of a competent court.

Venue 2. Proceedings for the enforcement of a judgment under the Enforcement of Court Orders Acts, 1926 and 1940 may be brought, heard and determined at any sitting of the Court for the court area wherein the debtor is ordinarily resident.

Summons for attendance of debtor 3. (1) Whenever a debt is due on foot of a judgment of a competent court and the creditor wishes to enforce that judgment, such creditor or the solicitor for such creditor shall, if he or she requires the attendance of the debtor before the Court for examination as to the debtor's means pursuant to section 15 (as substituted by section 1 (1) of the Act of 1986) of the Act of 1926, prepare and lodge with the Clerk a summons in duplicate in the Form 53.1 Schedule C together with the statutory declaration (in the Form 53.2 Schedule C) required by subsection (2) of the said section 15. The Clerk shall list the matter for hearing and, having completed and signed the original and copy summons, shall issue same to the creditor or solicitor for the creditor for service upon the debtor.

Statutory declaration

(2) Such summons shall be served upon the debtor in a manner prescribed in Order 10 of these Rules at least fourteen days or, if service is being effected by registered post, at least twenty-one days before the date of sitting of the Court at which the examination of the debtor is to take place.

(3) When service has been effected, the original of such summons, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the said date of sitting of the Court.

Statement of means 4. (1) A summons referred to in rule 3 shall, in addition to requiring the attendance of the debtor at a sitting of the Court for examination as to his or her means, also require the debtor to complete, detach and lodge with the Clerk not less than one week before the date of the said sitting the statement of means (Form 53.3 Schedule C) attached to the summons.

(2) The creditor or solicitor for the creditor shall be entitled, on payment of the prescribed fee, to inspect and take or obtain copies of the statement of means at any time after it is lodged.

Creditor's proofs at the hearing 5. At the examination pursuant to a summons served under rule 3 (2) of this Order the creditor or solicitor for the creditor shall produce to the Court

(a) the judgment on which he or she relies or other evidence of the original debt due to the creditor thereunder,

(b) a certificate in the Form 53.4 Schedule C signed by the creditor or solicitor for the creditor setting out the amount outstanding at the date of the certificate, and

(c) evidence that the debtor is ordinarily resident in the court area wherein the examination is taking place.

A copy of the said certificate (Form 53.4 Schedule C) shall also be furnished to the debtor or solicitor for the debtor prior to the date on which the examination is due to take place.

Instalment Order 6. (1) An order for the payment of debt and costs made pursuant to section 17 of the Act of 1926 at the examination proceedings shall be in accordance with Form 53.5 Schedule C. The order shall be served upon the debtor in accordance with the provisions of Order 10 of these Rules.

(2) An instalment order made pursuant to that section shall, unless the debt and costs payable thereunder have been duly paid in full, continue in force until the expiration of twelve years from the date of the judgment to which it relates, and no instalment which accrues due under such order after the order ceases to be in force shall be payable or recoverable.

Variation of instalment order 7. (1) An application to the Court pursuant to section 5 of the Act of 1940 to vary the terms of an instalment order shall be preceded by the issue and service of a summons in the Form 53.6 Schedule C. Such summons shall be served upon the creditor or the debtor, as the case may be, in accordance with the provisions of Order 10 of these Rules.

(2) When service has been effected the original summons, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the date fixed for the hearing of the application.

(3) The order of the Court granting the application shall be in the Form 53.7 Schedule C. The applicant party therefor shall cause the said order to be served upon the other party in accordance with the provisions of Order 10 of these Rules.

(4) An order varying an instalment order shall not so operate as to make the instalment order enforceable after the expiration of twelve years from the date of the relevant judgment.

Application for arrest and imprisonment 8. (1) An application to the Court pursuant to section 6 of the Act of 1940 for the arrest and imprisonment of the debtor shall be preceded by the issue and service of a summons in the Form 53.8 Schedule C. Such summons shall be served upon the debtor in accordance with the provisions of Order 10 of these Rules.

(2) When service has been effected the original summons, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the date fixed for the hearing of the application.

(3) The order of the Court granting the application shall be in the Form 53.9 Schedule C.

(4) The warrant to enforce such order shall be in the Form 53.10 Schedule C and may be added to the form of such order.

(5) Before making an order to which this rule relates, the Court shall be satisfied of the due service upon the debtor of the instalment order, that the debtor has failed to comply with such order and, in the event of the debtor's failure to attend Court on the hearing of the application for arrest and imprisonment, of the due service upon him or her of the summons issued under this rule.

(6) No order under this rule shall be made against a debtor who is a member of the permanent Defence Forces or a reservist for the time being called out on permanent service.

Where appeal is lodged, warrant not to issue 9. (1) Where a notice of appeal against an order for arrest and imprisonment has been lodged and a recognisance (if required) has been entered into and the warrant to enforce the order has not been issued, such warrant shall not be issued until the appeal has been decided or the appellant has failed to perform the conditions of the recognisance, as the case may be.

Where issued, Clerk to secure its return

(2) Where such warrant has been issued but not executed when the notice of appeal is lodged, the Clerk shall forthwith notify the Superintendent of the Garda Síochána to whom the warrant was addressed that a notice of appeal has been lodged (and that a recognisance has been entered into, if that be the case) and shall request the Superintendent to return the warrant for cancellation by the Court.

Where amount due is paid to him, or her, Clerk to secure return of warrant 10. Where a warrant to enforce an order for arrest and imprisonment has been issued but not executed and the amount of the arrears of instalments and costs specified in the said order is paid to the Clerk, he or she shall forthwith notify the Superintendent of the Garda Síochána to whom the warrant was addressed that such payment has been made and shall request the Superintendent to return the warrant for cancellation by the Court.

Notice by Governor to Clerk 11. The Governor of the prison in which the debtor is imprisoned by virtue of a warrant under rule 8 (4) of this Order shall forthwith, upon the reception in the prison of the debtor, give notice in writing of such reception to the Clerk specified in the warrant.

Where debtor is in custody and Clerk receives payment, Clerk to notify the Governor, etc 12. Where, subsequent to the arrest and imprisonment of a debtor under section 6 of the Act of 1940, the amount of the arrears of instalments and costs specified in the order for arrest and imprisonment is paid to the Clerk, he or she shall give a certificate of payment to the person making the payment on behalf of the debtor and shall forthwith forward a similar certificate to the Governor of the prison in which the debtor is imprisoned and to the creditor or solicitor for the creditor. Such certificate shall be in the Form 53.11 Schedule C.

Where statement of means is false 13. An order for arrest and imprisonment made pursuant to section 16 (2) of the Act of 1926 shall be in accordance with Form 53.12 Schedule C.

Warrants — provisions of O.26 to apply 14. The provisions contained in Order 26 of these Rules (relating to warrants in criminal proceedings) shall apply to warrants issued under this Order.

Registration of decrees as Judgment — mortgages 15. Every decree of the District Court shall be deemed to be a judgment entered up in a superior court at Dublin within the meaning and for the purposes of section 6 of the Judgment-Mortgage (Ireland) Act, 1850 (13 & 14 Vic. c. 29) and that Act shall apply and have effect in relation to every decree of the District Court accordingly, save that

(a) any such affidavit as is mentioned in the said section 6 made in relation to any such decree shall be filed in the district court office in which such decree is entered in lieu of the superior or other court mentioned in that section, and

(b) any costs entitled to be stated in the said affidavit of filing and registering the said affidavit pursuant to the said section 6 shall not exceed in amount the amount of the decree.

Registration of decrees in the Central Office 16. (1) Any decree of the District Court may be registered in the Central Office of the High Court in like manner as a similar judgment of the High Court may be registered in that Office.

(2) The practice and procedure in use in the said Central Office in relation to the registration of judgments of the High Court shall apply to and be followed in relation to the registration (under section 25 of the Courts Act, 1981) of decrees of the District Court.

Application of section 336 of the Irish Bankrupt and Insolvent Act, 1857 to decree 17. Every decree of the District Court shall be deemed to be a judgment of a superior Court within the meaning and for the purpose of section 336 of the Irish Bankrupt and Insolvent Act, 1857 (20 & 21 Vic. c. 60) and that section shall apply and have effect in relation to every such decree of the District Court accordingly, save that registration in the Central Office of the High Court under the Courts Act, 1981 shall be substituted for registration in the office of the registrar of judgments.

ORDER 54 MAINTENANCE OF SPOUSES AND CHILDREN

Definitions

1. In this Order—

"the Act" means the Family Law (Maintenance of Spouses and Children) Act, 1976 (No. 11 of 1976);

"the Act of 1987" means the Status of Children Act, 1987 (No. 26 of 1987);

"competent authority" has the meaning assigned to it in Order 98 of these Rules.

Venue 2. (1) Subject to the provisions of Order 62 of these Rules, proceedings under the Act may be brought, heard or determined at any sitting of the Court for the court area where either party to the proceedings ordinarily resides or carries on any profession, business or occupation.

(2) Where however the Clerk, having consulted the Judge for the time being assigned to the district within which such area is situate, certifies on a summons or a notice of application that the proceedings are urgent, the summons or notice may be issued for, and the proceedings may be heard and determined at, any sitting of the Court in that district.

Hearings to be otherwise than in public 3. Proceedings under the Act shall be heard otherwise than in public and only officers of the Court, the parties and their legal representatives, witnesses (subject to the provisions of Order 8 rule 2 of these Rules) and such other persons as the Judge in his or her discretion shall allow, shall be permitted to be present at the hearing.

Applications for maintenance orders 4. (1) An application for a maintenance order under section 5 (1) (a) or 5 (1) (b) of the Act shall be preceded by the issue and service upon the respondent of a summons in the Form 54.1 or 54.2 Schedule C, as appropriate.

(2) An application for a maintenance order under section 5A (1) or 5A (2) of the Act (inserted by section 18 of the Act of 1987) shall be preceded by the issue and service upon the respondent of a summons in the Form 54.3 or 54.4 Schedule C, as appropriate.

(3) The order of the Court granting such application shall be in the Form 54.5, 54.6, 54.7 or 54.8 Schedule C, as appropriate.

Application to discharge maintenance order 5. An application by a maintenance debtor for the discharge of a maintenance order under section 6 (1) (a) of the Act or for the discharge of part of such order under section 6 (3) of the Act shall be preceded by the issue and service upon the maintenance creditor of a summons in the Form 54.9 Schedule C. The order of the Court granting the application shall be in the Form 54.10 Schedule C.

Application to discharge or vary order 6. An application by either party to the proceedings to discharge or vary a maintenance order under section 6 (1) (b) of the Act shall be preceded by the issue and service upon the other party of a summons in the Form 54.11 Schedule C. The order of the Court granting the application shall be in the Form 54.12 Schedule C.

Interim order 7. An interim order made by the Court under section 7 of the Act shall be in the Form 54.13 Schedule C.

Application for lump sum order for birth/funeral expenses 8. An application by a spouse or parent under section 21A (1) of the Act (inserted by section 21 of the Act of 1987) for a lump sum order in respect of the expenses incidental to the birth or funeral of a dependent child shall be preceded by the issue and service upon the other spouse or parent, as the case may be, of a summons in the Form 54.14 Schedule C. The order of the Court granting the application shall be in the Form 54.15 Schedule C.

Clerk to send copy of order 9. Where the Court makes a maintenance order, an order varying, discharging or discharging part of such order, an interim order or a lump sum order in respect of the birth or funeral expenses of a dependent child, the Clerk shall give to, or send by prepaid ordinary post to the maintenance debtor or the respondent party (as the case may be) a copy of the order so made.

Application for direction that payments be made to Clerk 10. An application under section 9 (1) (b) of the Act for a direction that payments under a maintenance order, a variation order or an interim order be made to the Clerk shall be made ex parte. Notice of such application in the Form 54.16 Schedule C, signed by the maintenance creditor or by his or her solicitor, shall be lodged with the Clerk at least 48 hours prior to the date of the intended application. The order of the Court granting the application shall be in the Form 54.17 Schedule C.

Payments to the Clerk 11. (1) Where the Court directs that payments under a maintenance order, a variation order or an interim order shall be made to the Clerk, such Clerk shall send a

notice in the Form 54.18 Schedule C by prepaid ordinary post to the maintenance debtor indicating the place at which and the days and hours during which payments under the order should be made.

(2) The Clerk shall give a receipt to the maintenance debtor for each payment made by him or her and shall transmit such payment to the maintenance creditor or, if authorised in writing by the maintenance creditor so to do, the Clerk may transmit the payment to the competent authority.

Application to discharge direction 12. An application under section 9 (3) of the Act by a maintenance debtor to have a direction under section 9 (1) of the Act discharged shall be preceded by the issue and service upon the maintenance creditor of a summons in the Form 54.19 Schedule C. The order of the Court granting the application shall be in the Form 54.20 Schedule C.

Recovery of arrears by Clerk 13. (1) Where payments to the Clerk under a maintenance order, a variation order or an interim order are in arrears, and such Clerk receives a request in writing in the Form 54.21 Schedule C from the maintenance creditor to take such steps as he or she considers reasonable to recover such arrears, such Clerk may make application under section 10 of the Act for an attachment of earnings order or under section 8 of the Enforcement of Court Orders Act, 1940 (in accordance with the provisions of Order 56 or 57, as the case may be of these Rules).

(2) Where payments referred to in paragraph (1) hereof are in arrears and the Clerk has received no request to recover the arrears, such Clerk may in his or her discretion, having considered the extent of the arrears and any other relevant matter, notify the maintenance creditor of the means of enforcement available in respect of the order.

Service of summonses 14. (1) A summons required by this Order to be served may be served upon the person to whom it is directed in accordance with the provisions of Order 10 of these Rules at least fourteen days before the date of the sitting of the Court to which the summons is returnable.

(2) Save where service has been effected by the Clerk, the original of every such summons served, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least two days before the said date of hearing.

Rules to apply orders for maintenance pending suit, etc. 15. Where the Clerk receives a copy of an order for maintenance pending suit, of a periodical payments order or of a secured periodical payments order made under the Judicial Separation and Family Law Reform Act, 1989 (No. 6 of 1989) from the Registrar of the Court which made that order, and payments under the order are directed to be made to the District Court Clerk (as provided for in section 24 of the said Act), such Clerk shall register particulars of the order and shall proceed in relation thereto as if it were a maintenance order made at a sitting of the District Court for the district court area to which that Clerk is assigned.

ORDER 55 RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS AS
BETWEEN THE STATE AND NORTHERN IRELAND, ENGLAND AND WALES AND
SCOTLAND

Definition

1. In this Order—

"the Act" means the Maintenance Orders Act, 1974 (No. 26 of 1974).

Order not to apply to proceedings under the E. C. (Judgments) Convention 1968.

1A . This Order shall not apply to proceedings brought by virtue of the Conventions defined in section 1 (1) of the Jurisdiction of Courts and Enforcement of Judgments (European Communities) Act, 1988, which are provided for in Order 62 of these Rules.

ENFORCEMENT OF ENFORCEABLE MAINTENANCE ORDERS

Clerk to register order 2. (1) Where a copy of a maintenance order, in respect of which an enforcement order has been made, is received by the Clerk from the Master of the High Court such clerk shall—

(a) register particulars of such maintenance order and such enforcement order, and
Notice to maintenance debtor

(b) by notice (Form 55.1 Schedule C) inform the maintenance debtor of the days and hours during which and the place at which the payments under the order are to be made. Such notice shall be sent by registered prepaid post and a copy thereof shall also be sent by registered prepaid post to the person entitled to receive the payments.

Clerk to register particulars of variation etc.

(2) Where a maintenance order has been varied or revoked by a court in a reciprocating jurisdiction and a certified copy of the variation or revocation order is received by the Clerk he or she shall register particulars thereof and shall send a copy of such variation or revocation order by registered prepaid post to the maintenance debtor.

Receipt for payment 3. The Clerk shall give a receipt to the maintenance debtor for each payment made by him or her pursuant to the order and shall transmit such payment to the person entitled to receive same.

Where maintenance debtor ceases to reside in court area 4. (1) Where the maintenance debtor ceases to reside in the district court area in which the proceedings have been entered, the Clerk for such court area shall forward to the Clerk of the court area in which the maintenance debtor is for the time being residing the following documents—

- (a) a copy of the maintenance order together with a copy, of the enforcement order,
- (b) a certificate of arrears (Form 55.2, Schedule C),
- (c) a copy of the variation order (if any), and

(d) any other relevant document.

(2) The Clerk who receives the documents referred to in paragraph (1) shall proceed in the same manner as if the copy maintenance order and enforcement order had been received by him or her from the Master of the High Court.

Where maintenance debtor ceases to reside in the State

(3) Where the maintenance debtor ceases to reside in the State the Clerk shall forward the documents referred to in paragraph (1) to the Master of the High Court together with a statement (Form 55.8 Schedule C) giving such information as he or she possesses as to the whereabouts of such maintenance debtor.

Recovery of arrears by Clerk 5. (1) Where payments to the Clerk under an enforceable maintenance order are in arrears and such clerk receives a request in writing from the maintenance creditor to take such steps as he or she considers reasonable to recover such arrears, such Clerk may make an application, under section 10 of the Family Law (Maintenance of Spouses and Children) Act, 1976 for an attachment of earnings order or, for an order under section 8 of the Enforcement of Court Orders Act, 1940, (as provided for in Order 56 or Order 57, as the case may be, of these Rules).

(2) Where payments referred to in paragraph (1) hereof are in arrears and the Clerk has received no request to recover the arrears, such Clerk may in his or her discretion, having considered the extent of the arrears and any other relevant matter, notify the maintenance creditor of the means of enforcement available in respect of the order.

INSTITUTION OF PROCEEDINGS AGAINST A PERSON RESIDING IN A RECIPROCATING JURISDICTION

Clerk to send documents to Master of High Court 6. Where proceedings are instituted against a person residing in a reciprocating jurisdiction for the making, variation or revocation of a maintenance order, pursuant to section 17 of the Act, the Clerk to whom the application for the issue of a summons is made, shall send the following documents to the Master of the High Court by registered prepaid post—

(a) notice of the institution of the proceedings in one of the Forms 55.3 to 55.7, Schedule C, as the case may be,

(b) a statement (Form 55.8, Schedule C) signed by such clerk, giving such information as he or she possesses as to the whereabouts of the person against whom the proceedings have been instituted,

(c) a statement (Form 55.9, Schedule C) signed by such Clerk giving such information as he or she possesses for facilitating the identification of that person,

(d) where available, a photograph of that person, and

(e) any other relevant document.

The Clerk shall also send with the aforesaid documents a Schedule thereof in duplicate (Form 55.10 Schedule C).

Listing of proceedings by Clerk 7. (1) When proof of service of the notice of institution of proceedings has been received by the Clerk he or she shall list the proceedings for hearing at a scheduled sitting of the Court on a day not earlier than twenty-one days after the day on which the notice of the institution of proceedings was served, and shall, by notice (Form 55.11 Schedule C) inform both parties to the proceedings by registered prepaid post of the date, time and place of such hearing.

Hearing to be otherwise than in public

(2) Such proceedings shall be heard otherwise than in public and only officers, of the Court, the parties and their legal representatives, witnesses (subject to the provisions of Order 8, rule 2 of these Rules) and such other persons as the Judge in his or her discretion shall allow, shall be permitted to be present at the hearing.

Clerk to produce documents 8. On the hearing of the proceedings the Clerk shall produce to the Court any communication or correspondence received by him or her.

Order of Court 9. The order of the Court hearing the proceedings shall be in accordance with one of the Forms 55.12 to 55.17, Schedule C, as the case may be. Notice of the making of any such order (Form 55.18 Schedule C) shall be sent by the Clerk by registered prepaid post to the person against whom the order is made.

TRANSMISSION OF MAINTENANCE ORDERS TO RECIPROCATING JURISDICTION FOR ENFORCEMENT

Application to enforce order 10. (1) An application by a maintenance creditor to have a maintenance order made by the Court enforced against a person residing in a reciprocating jurisdiction, pursuant to section 19 of the Act, shall be by notice which shall be in accordance with Form 55.19 Schedule C.

Clerk to send documents to Master of High Court

(2) The Clerk to whom such application is made shall, if it appears to him or her that the maintenance debtor is residing in a reciprocating jurisdiction,

(a) send notice of the order (Form 55.18 Schedule C) by registered prepaid post to the maintenance debtor, and

(b) send by registered prepaid post to the Master of the High Court the following documents—

(i) a certified copy of the maintenance order,

(ii) in the case of a maintenance order made in default of appearance, the original or a certified copy of the document which establishes that notice of the institution of the proceedings was served upon the person in default,

- (iii) a certificate (Form 55.20 Schedule C) signed by such Clerk certifying that the maintenance order is enforceable in the State and that the notice thereof has been sent to the maintenance debtor by registered post,
- (iv) a certificate (Form 55.21 Schedule C) signed by such Clerk of any arrears under the order,
- (v) a statement (Form 55.8 Schedule C) signed by such Clerk giving such information as he or she possesses as to the whereabouts of the maintenance debtor,
- (vi) a statement (Form 55.9 Schedule C) signed by such Clerk giving such information as he or she possesses for facilitating the identification of the maintenance debtor,
- (vii) where available, a photograph of the maintenance debtor, and
- (viii) any other relevant document.

The Clerk shall also send with the aforesaid documents a Schedule thereof in duplicate (Form 55.22 Schedule C).

Where maintenance order varied or revoked

- (3) Where a maintenance order which is being enforced by a court in a reciprocating jurisdiction is varied or revoked, the Clerk shall send a certified copy of such variation order or revocation order, as the case may be, to such court.

OBTAINING OF EVIDENCE FROM COURT IN RECIPROCATING JURISDICTION

Request for the taking of evidence 11. A request for the taking of evidence of a person residing in a reciprocating jurisdiction, pursuant to section 20 of the Act, shall be in accordance with Form 55.23 Schedule C, and shall be sent by registered prepaid post by the Clerk to the Master of the High Court for transmission by him to the appropriate authority in the reciprocating jurisdiction.

TAKING OF EVIDENCE FOR COURT IN RECIPROCATING JURISDICTION

Receipt of request to take evidence 12. (1) Where, pursuant to section 21 of the Act, a Judge receives a request from the Master of the High Court for the taking of evidence of a person residing in such Judge's district, the Judge shall cause the Clerk for the court area in which such person resides to sign and issue a summons (Form 55.24 Schedule C) directed to such person requiring him or her to attend before such Judge at a specified date, time and place to give evidence in relation to the subject matter of the request.

Evidence on oath and in writing

- (2) The evidence of such person shall be taken on oath and in writing in the Form 55.25 Schedule C.

- (3) Such evidence may, at the discretion of the Judge, be taken in chambers.

Procedure on failure to attend, etc.

(4) The procedure contained in Order 21 of these Rules for the purpose of procuring the attendance of a person who fails or refuses to attend or, when present in court, refuses to take the oath or refuses to give evidence, shall apply to the taking of evidence under this rule.

Clerk to transmit evidence

(5) When the evidence has been taken the Clerk shall transmit same by registered prepaid post to the Master of the High Court.

ORDER 56 ATTACHMENT OF EARNINGS

Definitions

1. In this Order—

"the Act" means the Family Law (Maintenance of Spouses and Children) Act, 1976 (No. 11 of 1976);

"competent authority" has the meaning assigned to it in Order 98 of these Rules;

Venue 2. (1) Proceedings to which this Order relates may be brought, heard or determined at any sitting of the Court for the court area where either party to the proceedings ordinarily resides, or carries on any profession, business or occupation.

Hearing to be otherwise than in public

(2) Such proceedings shall be heard otherwise than in public and only officers of the Court, the parties and their legal representatives, witnesses (subject to the provisions of Order 8, rule 2 of these Rules) and such other persons as the Judge in his or her discretion shall allow, shall be permitted to be present at the hearing.

Application 3. An application for an attachment of earnings order under section 10 of the Act shall be preceded by the issue and service upon the maintenance debtor of a summons (Form 56.1 or 56.2 Schedule C, as the case may be). The order of the Court granting the application shall be in accordance with Form 56.3 or 56.4 Schedule C, as the case may be.

Service of order 4. The Clerk specified in an attachment of earnings order or the maintenance creditor, as the case may be, shall cause the order to be served upon the employer to whom it is directed and upon any subsequent employer of the maintenance debtor concerned of whom the Clerk so specified or the maintenance creditor becomes aware.

Mode of service 5. Such service may be effected by leaving a copy of the order at, or sending a copy of the order by registered prepaid post to the residence or place of business in the State of the person to be served. A copy of the order shall also be sent by registered prepaid post to the maintenance debtor.

Receipt for payment 6. The Clerk shall issue a receipt for each payment made by any such employer and shall transmit such payment to the maintenance creditor or, if authorised in writing by the maintenance creditor so to do, may transmit the payment to the competent authority.

Payment by Clerk 7. The Clerk may send by post any payment received by him or her under an attachment of earnings order to the person entitled thereto.

Order requiring statement of particulars 8. An order under section 13 (1) (b) of the Act requiring a statement of particulars of a maintenance debtor's earnings shall be in accordance with Form 56.5 Schedule C. The Clerk shall cause the order to be served upon the person to whom it is directed by sending a copy thereof by prepaid post to the residence or place of business in the State of such person.

Application for determination as to earnings 9. An application under section 15 of the Act for a determination as to whether payments of a particular class or description are earnings for the purposes of an attachment of earnings order shall be preceded by the issue and service of a summons (Form 56.6 Schedule C) upon each of the other parties to the proceedings.

Parties to such proceedings Order of Court 10. The parties to proceedings in respect of an application under rule 9 shall be the employer, the maintenance debtor and the person to whom payments under the order are being made. The order of the Court hearing such application shall be in accordance with Form 56.7 Schedule C. A copy of such order shall be sent by the Clerk by prepaid post to each of the parties to the proceedings.

Application to vary or discharge attachment of earnings order 11. An application under section 17 of the Act for the variation or discharge of an attachment of earnings order shall be preceded by the issue and service of a summons (Form 56.8 Schedule C) upon the maintenance creditor and/or the maintenance debtor, as the case may be. The order of the Court on hearing the application shall be in accordance with Form 56.9 Schedule C. The Clerk or the maintenance creditor, as the case may be, shall cause the order to be served upon the employer in the manner prescribed in rule 5 of this Order.

Clerk to notify employer of cesser of order 12. Where an attachment of earnings order ceases to have effect the Clerk shall notify (Form 56.10 Schedule C) the employer accordingly.

Cesser of warrant and lapse of enforcement proceedings 13. Where an attachment of earnings order has been made, any proceedings commenced under section 8 of the Enforcement of Court Orders Act, 1940, shall lapse and any warrant or order issued or made under that section in any such proceedings shall cease to have effect.

Clerk to produce documents 14. On the hearing of an application for an attachment of earnings order the Clerk to whom payments under the maintenance order, variation order, interim order, or enforceable maintenance order are payable shall tender as evidence—

(a) the maintenance order, variation order, interim order (as the case may be) and in the case of an enforceable maintenance order a copy of the maintenance order,

(b) the request in writing received by the Clerk from the maintenance creditor,

(c) in the case of an enforceable maintenance order, a copy of the order made by the Master of the High Court, and

(d) any other relevant document.

The Clerk shall also prove the amount of arrears due.

ORDER 57 PROCEEDINGS UNDER SECTION 8 OF THE ENFORCEMENT OF COURT ORDERS ACT, 1940

Definition

1. In this Order "the Act" means the Enforcement of Court Orders Act, 1940 (No. 23 of 1940).

Venue 2. Proceedings to which this Order relates may be brought, heard or determined at any sitting of the Court for the court area where either party to the proceedings ordinarily resides or carries on any profession, business or occupation or where the order which it is sought to enforce was made.

Information 3. An application under section 8 (1) of the Act shall be by sworn information in one of the Forms 57.1 to 57.3 Schedule C, as the case may be.

Warrant 4. A warrant of arrest which may be issued on foot of such information shall be in one of the Forms 57.4 to 57.6 Schedule C as the case may be.

Summons in lieu of warrant 5. A Judge may, however, if he or she thinks fit, instead of issuing such warrant of arrest as is provided by section 8 (1) of the Act, issue a summons in one of the Forms 57.7 to 57.9 Schedule C, as the case may be on foot of such information.

Warrant may issue notwithstanding issue of summons 6. Where, after the issue of the summons, it seems fit to the Judge, at any time before the date of hearing of the application to issue a warrant of arrest the Judge may issue such warrant notwithstanding the fact that a summons has already been issued.

Warrant of committal 7. A warrant of committal under section 8 (1) of the Act shall be in accordance with Form 57.10 or 57.11 Schedule C, as the case may be.

Distress warrant 8. A warrant of distress and sale under section 8 (1) of the Act shall be in accordance with Form 57.12 or 57.13 Schedule C, as the case may be.

Recognisance and warrant of detention 9. A recognisance under section 8 (2) of the Act shall be in accordance with Form 57.14 Schedule C. A warrant of detention on refusing to enter into a recognisance shall be in accordance with Form 57.15 Schedule C.

Warrant of committal 10. A warrant of committal under section 8 (2) (d) of the Act shall be in accordance with Form 57.16 Schedule C.

Clerk to produce documents 11. On the hearing of an application under section 8 (1) of the Act the Clerk to Whom payments under the maintenance order, variation order, interim order or enforceable maintenance order are payable shall tender as evidence—

(a) the maintenance order, variation order, interim order, (as the case may be) and in the case of an enforceable maintenance order a copy of the maintenance order,

(b) the request in writing received by the Clerk from the maintenance creditor,

(c) in the case of an enforceable maintenance order, a copy of the order made by the Master of the High Court, and

(d) any other relevant document.

The Clerk shall also prove the amount of arrears due.

Provisions regarding warrants to apply 12. The provisions contained in Order 26 of these Rules regarding warrants shall apply to warrants issued under this Order with the proviso that warrants of distress shall be addressed to and executed by the several sheriffs and county registrars.

ORDER 58 CUSTODY AND GUARDIANSHIP OF INFANTS

Definitions

1. In this Order—

"the Act" means the Guardianship of Infants Act, 1964 (No. 7 of 1964);

"the Act of 1987" means the Status of Children Act, 1987 (No. 26 of 1987);

"infant" shall be construed in accordance with section 2 of the Age of Majority Act, 1985 (No. 2 of 1985)

Venue 2. (1) Proceedings under the Act may be brought, heard or determined at any sitting of the Court for the court area where any party to the proceedings resides or carries on any profession, business or occupation.

(2) Where however the Clerk, having consulted the Judge for the time being assigned to the district within which such area is situate, certifies on a notice of application or a summons that the proceedings are urgent, the said notice or summons may, subject to the provisions of rule 9 of this Order, be issued for, and the proceedings may be heard and determined at any sitting of the Court in that district.

Hearing to be otherwise than in public 3. Proceedings under the Act shall be heard otherwise than in public and only officers of the Court, the parties and their legal representatives, witnesses (subject to the provisions of Order 8, rule 2 of these Rules) and such other persons as the Judge in his or her discretion shall allow, shall be permitted to be present at the hearing.

Guardianship applications and court orders 4. (1) (a) An application to the Court under section 6A (inserted by section 12 of the Act of 1987) of the Act by the father of an infant whose father and mother have not married each other for an order appointing him to be a guardian of the infant shall be preceded by the completion by the applicant of a notice in the Form 58.1 Schedule C.

(b) Where the mother of the infant consents in writing (Form 58.2 Schedule C) to the appointment of the father as a guardian and the applicant is registered as the father in a register maintained under the Births and Deaths Registration Acts, 1863 to 1987, the application may be made ex parte, subject to the prior lodgment with the Clerk of the completed notice (Form 58.1 Schedule C) together with the said consent in writing and a certified extract from the said register showing that the applicant is so registered.

(c) In any other case, an application under the said section 6A shall be preceded by the issue and service of the notice (Form 58.1 Schedule C) upon the mother and upon any other guardian of the infant.

(d) The order of the Court granting such application shall be in the Form 58.3 Schedule C.

(2) An application under section 7 (4) of the Act shall be preceded by the issue and service of a notice in the Form 58.4 Schedule C upon the surviving parent and upon any other guardian of the infant. The Order of the Court on hearing the application shall be in the Form 58.5, 58.6 or 58.7 Schedule C, as appropriate.

(3) An application to appoint a guardian or guardians under section 8 (1) of the Act shall be made ex parte in the first instance subject to the prior lodgment with the Clerk of a notice in the Form 58.8 Schedule C. The order of the Court thereon shall be in the Form 58.9 Schedule C.

(4) An application to appoint a guardian or guardians under section 8 (2) of the Act shall be made ex parte if made by the surviving parent, subject to the prior lodgment with the Clerk of a notice in the Form 58.10, Schedule C, and in any other case it shall be preceded by the issue

and service of a notice in the Form 58.10 Schedule C upon that parent. The order of the Court thereon shall be in the Form 58.11 Schedule C.

(5) (i) An application to remove from office a guardian appointed by will or deed or order of court and to appoint another guardian in his or her place under section 8 (4) and 8 (5) of the Act shall be preceded by the issue and service of a notice in the Form 58.12 Schedule C upon each guardian of the infant. The order of the Court thereon shall be in the Form 58.14 Schedule C.

(ii) An application to appoint a guardian in place of a deceased guardian, under section 8 (5) of the Act, may be made ex parte where the infant has no guardian or where the applicant is the only guardian, subject to the prior lodgment with the Clerk of a notice in the Form 58.13 Schedule C, and in any other case it shall be preceded by the issue and service of the said notice upon each guardian of the infant. The order of the Court thereon shall be in the Form 58.15 Schedule C.

Application seeking Court's direction 5. Where the Court's direction is sought under section 11 (1) of the Act or section 11 (4) (inserted by section 13 of the Act of 1987) of the Act, the application therefor shall be preceded by the issue and service of a notice in the Form 58.16 Schedule C upon each of the other guardians or each of the guardians of the infant, as the case may be. The order of the Court thereon shall be in the Form 58.17 Schedule C.

Application to vary/discharge 6. An application under section 12 of the Act for an order varying or discharging a previous order shall be preceded by the issue and service of a notice in the Form 58.18 Schedule C upon each of the other guardians or each of the guardians of the infant as the case may be. The order of the Court thereon shall be in the Form 58.19 Schedule C.

Application for production of infant 7. An application under Part III of the Act for an order for the production of an infant shall be preceded by the issue and service of a notice in the Form 58.20 Schedule C upon the person having custody of the infant. The order of the Court thereon shall be in the Form 58.21 Schedule C which shall be served upon the said person. The order of the Court under Part III of the Act shall be in the Form 58.22, 58.23 or 58.24 Schedule C, as appropriate.

Custody/Right of access — non-compliance with direction 8. Where complaint is made to a Judge alleging an offence of failure or refusal, under section 5 of the Courts (No. 2) Act, 1986, to comply with the requirements of a direction given in an order under section 7 or section 11 of the Act, the summons which may be issued and served upon the person against whom the offence is alleged shall be in the Form 58.25 or 58.26 Schedule C, as appropriate. The relevant provisions of Order 15 of these Rules shall apply in such case.

Service and lodgment of documents 9. (1) A notice or court order required by this Order to be served, may be served upon the person to whom it is directed in accordance with the provisions of Order 10 of these Rules at least fourteen days or, in the case of proceedings

certified as urgent under rule 2 (2) hereof, at least two days, before the date of the sitting of the Court to which it is returnable.

(2) Save where service has been effected by the Clerk, the original of every such notice or order served shall, together with a statutory declaration as to service thereof, be lodged with the Clerk at least two days before the date of the said sitting.

Clerk to supply copies of orders 10. Where the Court makes an order under the Act, the Clerk shall give, or send by ordinary post, a copy of such order to each person in whose favour or against whom the order was made.

11. The age of an infant may be proved by producing a certified extract from the Register of Births showing the date of the infant's birth.

Court may direct service 12. In any proceedings under the Act the Court may direct the service of notice upon any person not already served.

Effect of appeal from orders 13. Notwithstanding the provisions of Order 25, r. (4) and Order 101 of these Rules and that an appellant has entered into a recognisance for appeal, an appeal from an order made under the Act shall stay the operation of the order only if, and to such extent and upon such terms (if any) as, the Court shall determine.

ORDER 59 DOMESTIC VIOLENCE

Definitions

1. In this Order—

"the Act" means the Domestic Violence Act, 1996;

Venue 2. Proceedings under this Order may be brought, heard and determined before a sitting of the District Court for the Court District in which the applicant resides or, if the application is for a barring order, where there is situate the place in relation to which that application is made.

Hearing otherwise than in public 3. Proceedings under the Act shall be heard otherwise than in public and only officers of the Court, the parties and their legal representatives, witnesses (subject to the provisions of Order 8, rule 2 of these Rules) and such other persons as the Judge shall in the exercise of his or her discretion allow, shall be permitted to be present at the hearing.

Safety Order 4. (1) An application to the Court under section 2 (2) of the Act for a safety order shall be preceded by the issue and service upon the respondent of a summons in the Form 59.1, Schedule C.

(2) The order of the Court granting the application shall be in the Form 59.2, Schedule C.

Barring Order 5. (1) An application to the Court under section 3 (2) of the Act for a barring order shall be preceded by the issue and service upon the respondent of a summons in the Form 59.3, Schedule C.

(2) The order of the Court granting the application shall be in the Form 59.4, Schedule C.

Interim barring order 6. (1) Where an interim barring order is made under the terms of section 4 of the Act on the occasion of the making of an application for a barring order, it may be made on the evidence of applicant viva voce and on oath.

(2) Where an interim barring order is made under the terms of section 4 of the Act between the making of an application for a barring order and its determination, it shall be made on the information on oath and in writing of the applicant in the Form 59.5, Schedule C.

(3) Where the Court in exceptional cases considers it necessary or expedient in the interests of justice, an interim barring order may be made ex parte or notwithstanding the fact that the summons referred to in rule 5 of this Order has not been served.

(4) The order of the Court shall be in the Form 59.6, Schedule C.

Protection Order 7. (1) Where a summons applying for a safety order or a barring order has been issued but the application has not been determined by the Court, an application may be made to the Court ex parte under section 5 (1) of the Act for a protection order pending such determination.

(2) An application to the Court under section 5 of the Act for a protection order, save where made in the course of the hearing of an application for a safety order or a barring order, shall be by sworn information in the Form 59.7, Schedule C.

(3) The Order of the court granting a protection order under the terms of section 5 of the Act shall be in the Form 59.8, Schedule C.

Vary Safety Barring Interim Barring Protection Order 8. (1) An application to the Court under section 2 (3) to vary a safety order, section 3 (6) to vary a barring order, section 3 (6) as applied by section 4 (2) to vary an interim barring order or section 5 (2) to vary a protection order, shall be preceded by the issue and service of a summons in the Form 59.9, Schedule C.

(2) The Order of the Court granting the application shall be in the Form 59.10, Schedule C.

Discharge Safety, Barring Interim Barring Protection Order 9. (1) An application to the Court under section 13 (1) of the Act for the discharge of a safety order, a barring order, an interim barring order or a protection order shall be preceded by the issue and service of a summons in the Form 59.11, Schedule C.

(2) The order of the Court granting the application shall be in the Form 59.12, Schedule C.

Clerk to supply copies of orders 10. (1) Where the Court makes, varies or discharges a safety order or a protection order, the Clerk shall give or send a certified copy of the order in question as soon as practicable.

(a) to the applicant for the safety order or, in respect of a protection order, the applicant for the safety order or barring order concerned,

(b) to the respondent to the application for the safety order or in respect of a protection order, the respondent to the application for the safety order or barring order concerned,

(c) where a health board by virtue of section 6 of the Act made the application for the safety order or, in respect of a protection order, for the safety order or barring order, to the health board,

by ordinary prepaid post, and

(d) to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which the person for whose benefit the safety order or protection order was made resides, and

(e) where the order in question is a variation or discharge of a safety , order or a protection order and the person for whose benefit the order was made had previously resided elsewhere, to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which that person had so resided but only if that member had previously been sent under this Rule a copy of such safety order or protection order or any order relating thereto by prepaid registered post.

(2) Where the Court makes, varies or discharge a barring order or an interim barring order, the Clerk shall give or send a certified copy of the order in question as soon as practicable

(a) to the applicant for the barring order,

(b) to the respondent to the application for the barring order,

(c) where a health board by virtue of section 6 of the Act made the application for the barring order concerned, to the health board,

by ordinary prepaid post, and

(d) to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which is situate the place in relation to which the application for the barring order was made, and

(e) where the order in question is a variation or discharge of a barring order or an interim barring order and the place in respect of which the previous order was made is elsewhere, to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which is situated that place but only if that member had previously been sent under this Rule a copy of such barring order or interim barring order or any order relating thereto, by prepaid registered post.

Clerk to notify Gardaí when Interim barring order ceases to have effect 11. (1) Where an interim barring order has been made and the application for a barring order has been determined, the Clerk shall send notice in the Form 59.13, Schedule C that the interim barring order has ceased to have effect, by prepaid registered post to the member of the Garda Síochána referred to in Rule 10 (2) (d) or (e), as the case be.

Clerk to notify Gardaí when Protection Order ceases to have effect.

(2) Where a protection order has been made and the application for a safety order or a barring order has been determined, the Clerk shall send notice in the Form 59.13, Schedule C that the protection order has ceased to have effect, by prepaid registered post to the member of the Garda Síochána referred to in Rule 10 (1) (d) or (e), as the case may be.

Service of Summonses 12. (1) A summons issued under these Rules shall be served by the Clerk by prepaid ordinary post upon the person to whom it is directed at least seven days before the date fixed for the hearing of the application. Where, however, the Clerk having consulted the Judge for the time being assigned to the Court District in which the summons is being issued, certifies on the summons that the proceedings are urgent, such summons may be served at least two days before the date fixed for the hearing.

(2) The Clerk shall endorse on the original of every such summons served the time, date and place of posting of the envelope containing the copy summons for service and that endorsement shall be prima facie evidence of such service.

(3) The summons shall be deemed to be issued when it has been signed by the Judge or the Clerk. It shall be deemed to be served at the time at which the said envelope would be delivered in the ordinary course of post.

Effect of appeal from orders 13. (1) Notwithstanding the provisions of Order 25, r. 9 (4) and Order 101 of these Rules and that an appellant has entered into a recognisance for appeal,

(a) an appeal from a safety order or a barring order shall, if the court that made the order or the court to which the appeal is brought so determines (but not otherwise), stay the operation of the order on such terms (if any) as may be imposed by the court making the determination;
(b) an appeal from a protection order or an interim barring order shall not stay the operation of the order.

(2) (a) An application to the District Court to stay the operation of a safety order or a barring order under the terms of section 12 of the Act, may be made following the service and lodgment of a notice of appeal and lodgment of the recognisance for appeal and when made otherwise than upon the occasion of the making of those orders shall be preceded by the issue of a notice in the Form 59.14, Schedule C which shall be served upon the respondent to the application two days before the hearing of the application.

(b) Where the Court grants a stay on the operation of a safety order or a barring order under this Rule, and the Clerk has supplied the copies of the orders as directed by Rule 10 of this Order, the Clerk shall send notification of the granting of the stay in the Form 59.15, Schedule C to the same persons and in the manner directed by Rule 10 of this Order.

ORDER 60 PROTECTION OF THE FAMILY HOME

Definition

1. In this Order—

"the Act" means the Family Home Protection Act, 1976 (No. 27 of 1976).

Venue 2. (1) Proceedings under the Act may be brought, heard or determined at any sitting of the Court for the court area in which the family home, as defined in section 2 of the Act, is situate.

(2) Where however the Clerk, having consulted the Judge for the time being assigned to the court district within which such court area is situate, certifies on a notice of application or a summons that the proceedings are urgent, the said notice or summons may, subject to the provisions of rule 9 hereof, be issued for, and the proceedings may be heard and determined at any sitting of the Court for that district.

Hearing to be otherwise than in public 3. Proceedings under or referred to in the Act in which each spouse is a party (whether by joinder or otherwise) shall be heard otherwise than in public and only officers of the Court, the parties and their legal representatives, witnesses (subject to the provisions of Order 8, rule 2 of these Rules) and such other persons as the Judge in his or her discretion shall allow, shall be permitted to be present at the hearing.

Application under sec. 9 (1) 4. An application by a spouse under section 9 (1) of the Act for an order prohibiting the disposition or removal of household chattels in the family home shall be preceded by the issue and service upon the respondent spouse of a notice in the Form 60.1 Schedule C. The order of the Court granting the application shall be in the Form 60.2 Schedule C, a copy of which shall be served upon the respondent spouse.

Application under sec. 9 (2) 5. An application by a spouse under section 9 (2) of the Act for an order permitting the disposition or removal of household chattels in the family home shall be preceded by the issue and service upon the respondent spouse of a notice in the Form 60.3 Schedule C. The order of the Court granting the application shall be in the Form 60.4 Schedule C, a copy of which shall be served upon the respondent spouse.

Summons under sec. 9 (4) 6. Where complaint is made by a spouse to a Judge under section 9 (4) of the Act that the other spouse has contravened the provisions of section 9 (2) of the Act, the summons which may be issued and served upon the other spouse shall be in the Form 60.5 Schedule C. The relevant provisions of Order 15 of these Rules shall apply in such case.

Application under sec. 9 (5) 7. An application by a spouse under section 9 (5) of the Act for an order that the respondent spouse provide household chattels for the applicant spouse or a sum of money in lieu thereof shall be preceded by the issue and service upon the respondent

spouse of a notice in the Form 60.6 Schedule C. The order of the Court granting the application shall be in the Form 60.7 Schedule C, a copy of which shall be served upon the respondent spouse.

Summons under sec. 15 8. Where complaint is made to a Judge under section 15 of the Act that a person knowingly gave information which was false or misleading in any material particular, the summons which may be issued and served upon that person shall be in the Form 60.8 Schedule C. The relevant provisions of Order 15 of these Rules shall apply in such case.

Service and lodgment of documents 9. (1) A notice or summons required by this Order to be served may be served in accordance with the provisions of Order 10 of these Rules and every such notice shall be served at least fourteen days or, in the case of proceedings certified as urgent under rule 2 (2) hereof, at least two days before the date of the sitting of the Court to which it is returnable.

(2) Save where service has been effected by the Clerk, the original of every such notice or summons served shall, together with a statutory declaration as to service thereof, be lodged with the Clerk at least two days before the date of the said sitting.

Joinder of parties 10. The provisions of Order 42 (Third Party Procedure) of these Rules shall, with necessary modifications, apply to the proceedings mentioned in section 11 of the Act.

ORDER 61 USE OF BLOOD TESTS IN DETERMINING PARENTAGE

Definitions

1. In this Order—

"the Act" means the Status of Children Act, 1987 (No. 26 of 1987);

"the Regulations" means the Blood Tests (Parentage) Regulations, 1988 (S.I. No. 215 of 1988);

"direction form" means Form 1 in the Schedule to the Regulations;

"sampler" has the meaning assigned to it in Regulation 3 of the Regulations;

Application for a direction for the use of blood tests 2. (1) Where in any civil proceedings before the Court the parentage of any person is in question, an application under section 38 (1) of the Act by a party to the proceedings for a direction for the use of blood tests shall be preceded by the issue and service of a notice in the Form 61.1 Schedule C. Such notice shall be served by registered prepaid post upon the other party or parties to the proceedings and upon each person in respect of whom the direction is sought or, where such person is a person to whom section 39 (3) of the Act applies, upon the person having charge of or control over

him or her and shall be served at least fourteen days before the date of hearing of the application.

(2) The original of every such notice served, together with statutory declaration as to service thereof, shall be lodged with the Clerk at least two days before the said date of hearing.

(3) Where the Court of its own motion proposes to give a direction for the use of blood tests or where application for such a direction is made in the course of hearing the proceedings, and if each of the parties to the proceedings and each person in respect of whom the direction is proposed or sought (or his or her legal or other representative, as the case may be) is then present in court, the Court may dispense with the requirement to serve notice of application.

(4) The direction of the Court shall be in the Form 61.2 Schedule C, and shall be served by prepaid ordinary post upon each person in respect of whom it was given or where such person is a person to whom section 39 (3) of the Act applies, upon the person having charge of or control over him or her.

Order revoking or varying a direction 3. Where under section 38 (3) of the Act the Court revokes or varies a direction previously given under section 38 (1) of the Act, the order so revoking or so varying shall be in the Form 61.3 Schedule C, and shall be served by prepaid ordinary post upon each person directly affected by that order or where such person is a person to whom section 39 (3) of the Act applies, upon the person having charge of or control over him or her.

Notice of intention to call witness 4. (1) A notice under section 40 (5) of the Act by a party to civil proceedings of that party's intention to call a person as a witness shall be in the Form 61.4 Schedule C. Such notice shall be served by registered prepaid post upon the other parties to the proceedings or upon such of them as the Court may direct, at least fourteen days before the sitting of the Court at which it is intended to call as a witness the person named in the notice.

(2) The original of every such notice served, together with statutory declaration as to service thereof, shall be lodged with the Clerk at least two days before the said sitting of the Court.

Clerk to send direction form to sampler 5. Where the Court gives a direction under section 38 (1) of the Act, the Clerk shall complete and sign Part I and the appropriate section of Part II of a direction form as prescribed in the Regulations and shall send that form by prepaid ordinary post to the sampler named in the direction.

ORDER 62PROCEEDINGS UNDER

THE BRUSSELS CONVENTION OF THE EUROPEAN COMMUNITIES ON JURISDICTION AND THE ENFORCEMENT OF JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS, 1968 OR

THE LUGANO CONVENTION ON JURISDICTION AND THE ENFORCEMENT OF JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS BETWEEN MEMBER

STATES OF THE EUROPEAN COMMUNITIES AND THE EUROPEAN FREE TRADE ASSOCIATION, 1988 OR

THE ROME CONVENTION BETWEEN THE MEMBER STATES OF THE EUROPEAN COMMUNITIES ON THE SIMPLIFICATION OF PROCEDURES FOR THE RECOVERY OF MAINTENANCE PAYMENTS OR

THE NEW YORK CONVENTION ON THE RECOVERY ABROAD OF MAINTENANCE.

Definitions 1. In this Order—

"the Act of 1976" means the Family Law (Maintenance of Spouses and Children) Act, 1976 (No. 11 of 1976);

"the Act of 1988" means the Jurisdiction of Courts and Enforcement of Judgments (European Communities) Act, 1988 (No. 3 of 1988);

"the Act of 1993" means the Jurisdiction of Courts and Enforcement of Judgments Act, 1993 (No. 9 of 1993);

"the Act of 1994" means the Maintenance Act, 1994 (No. 28 of 1994);

"the Conventions" means the 1968 Convention, the 1971 Protocol, the 1978 Accession Convention, the 1982 Accession Convention and the 1989 Accession Convention as defined in section 1 of the Act (as amended by section 3 of the Act of 1993);

"the 1968 Convention" means the Convention on Jurisdiction and the enforcement of judgments in civil and commercial matters (including the Protocol annexed to that Convention) done at Brussels on the 27th day of September, 1968, (as adjusted by the Accession Conventions of 1978, 1982 and 1989);

"the Lugano Convention" means the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters signed at Lugano on the 16th day of September, 1988, and includes Protocol 1;

"the New York Convention" means the Convention on the recovery abroad of maintenance done at New York on the 20th day of June, 1956;

"the Central Authority" means a Central Authority appointed by order of the Minister for Equality and Law Reform under subsection (1) (a) of section 4 of the Act of 1994 to discharge the functions required of it under the Act of 1994 or required of a Central Authority under the Rome Convention or of a transmitting agency or receiving agency under the New York Convention, however as provided by paragraph (b) of that subsection, pending the appointment of a Central Authority the said Minister shall discharge its functions and references in this Order to the Central Authority shall be construed accordingly as reference to the Minister;

"central authority of a reciprocating jurisdiction", when used in the context of proceedings under Part III of the Act of 1994, means:—

(a) the central authority of such a jurisdiction which has been designated pursuant to paragraph 1 or, where appropriate, paragraph 2 of Article 2 of the Rome Convention, or

(b) an authority of such a jurisdiction with functions corresponding to those exercisable by the Central Authority within the State;

"central authority of a designated jurisdiction" means:—

(a) a transmitting or receiving agency in a state which is a contracting party to the New York Convention, or

(b) an authority of a designated jurisdiction with functions corresponding to those exercisable by the Central Authority within the State;

"Contracting State",

(a) when used in the context of proceedings under the 1968 Convention, has the meaning assigned to it in section 1 (1) of the Act of 1988 (as substituted by section 3 of the Act of 1993), and,

(b) when used in the context of proceedings under the Lugano Convention, means a State in respect of which that Convention has entered into force or taken effect in accordance with Article 61 or 62 thereof;

"reciprocating jurisdiction" means a Contracting State (within the meaning of the Acts of 1988 and 1993) which is declared by order of the Minister for Foreign Affairs to be a reciprocating jurisdiction;

"designated jurisdiction" means:—

(a) any state which is a contracting party to the New York Convention, or

(b) any other state or jurisdiction which is declared by order of the Minister for Foreign Affairs to be a designated jurisdiction for the purposes of Part III of the Act of 1994;

"maintenance creditor" includes any body which, under the law of a reciprocating jurisdiction, is entitled to exercise their rights of redress of, or to represent, the creditor, and references in District Court Rules to a maintenance creditor or to a claimant (as defined herein) shall be construed as including references to the Central Authority;

"claimant" means, according to the context, either:—

(a) a person residing in a designated jurisdiction (including any body which under the law of that jurisdiction is entitled to exercise the rights of redress of or to represent that person) and claiming pursuant to Part III of the Act of 1994 to be entitled to receive maintenance from a person residing in the State, or

(b) a person residing in the State including a competent authority within the meaning of Part IX (Liability to Maintain Family) of the Social Welfare (Consolidation) Act, 1993] and claiming pursuant to Part III of the Act of 1994 to be entitled to recover maintenance from a person residing in a designated jurisdiction;

"respondent" means, according to the context, either:—

(a) a person residing in the State from whom maintenance is sought to be recovered pursuant to Part III of the Act of 1994 by a person residing in a designated jurisdiction, or

(b) a person residing in a designated jurisdiction from whom maintenance is sought to be recovered pursuant to Part III of the Act of 1994 by a person residing in the State.

"domiciled" shall be construed in accordance with section 13 and the Fifth Schedule of the Act of 1988 (as applied by the Act of 1993) and Articles 52 and 53 of both the 1968 Convention and the Lugano Convention;

"enforceable maintenance order" has the meaning assigned to it in section 7 (1) of the Act of 1988 (as applied by section 11 of the Act of 1993 and as substituted by section 11 of the Act of 1994);

the terms "enforcement order", "judgment" and "maintenance debtor" have the meanings assigned to them respectively in section 1 (1) of the Act of 1988 or, as the case may be, section 11 (2) of the Act of 1993.

"maintenance order" has the meaning assigned to it by section 1 of the Act of 1988 as amended by section 9 of the Act of 1994, and includes, where the context is appropriate, an instrument or settlement referred to in Article 50 or 51 of the 1968 Convention or the Lugano Convention in so far as it provides for the payment of maintenance.

PART I — CIVIL PROVISIONS

Venue in insurance matters 2. Whenever it is proposed to bring proceedings before the District Court by virtue of Article 8.2 (which relates to insurance matters) of either the 1968 Convention or the Lugano Convention against an insurer domiciled in a Contracting State other than the State and the policyholder is domiciled in the State, such proceedings may be brought, heard and determined at any sitting of the Court for the transaction of civil business for the district court area in which the policy-holder is ordinarily resident or carries on any profession, business or occupation.

Venue in consumer contracts 3. Whenever a consumer who is domiciled in the State proposes to bring proceedings before the District Court by virtue of Article 14 (which relates to consumer contracts) of either the 1968 Convention or the Lugano Convention against the other party to a contract and that other party is domiciled in a Contracting State other than the State, such proceedings may be brought, heard and determined at any sitting of the Court for the transaction of civil business for the district court area in which the consumer is ordinarily resident or carries on any profession, business or occupation.

Application of The Hague Convention 4. (1) The provisions of The Hague Convention of 15th November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (hereinafter referred to as The Hague Convention) shall apply to proceedings brought in the District Court by virtue of the Conventions.

(2) When any document for use in such proceedings is required by this Order to be served and such document is to be served upon a person in another State which is a party to The Hague Convention, service shall be effected in accordance with the provisions (including Articles 8 to 11) of that Convention and this Order.

Institution of proceedings against person domiciled abroad 5. (1) This Order shall not apply to the institution of proceedings under section 17 of the Maintenance Orders Act, 1974 against a person residing in a reciprocating jurisdiction, which are provided for in Order 55 of these Rules.

(2) The provisions of Order 11 (Service Out of the Jurisdiction) of these Rules shall not apply to proceedings being instituted in the District Court by virtue of the Conventions or as the case may be, the Lugano Convention, against a person who is domiciled in a Contracting State other than the State, and service may be effected without prior leave of the Court.

— where defendant is not a citizen of Ireland

(3) Whenever proceedings are instituted in the District Court by virtue of the Conventions or the Lugano Convention against a person who is domiciled in a Contracting State other than the State and that person is not or is not known or believed to be a citizen of Ireland, notice of the document instituting the proceedings in the Form 62.1 Schedule C and not the document itself shall be served upon that person.

(4) A plaintiff or solicitor for a plaintiff may institute such proceedings by completing, signing, stamping (if so required) the civil summons or other document instituting the proceedings and lodging it, together with duly completed originals and copies of the notice (Form 62.1 Schedule C) and of a certificate in the Form 62.2 Schedule C with the Clerk for the area for which the proceedings are to be issued. The Clerk shall stamp them with the official stamp showing the date of lodgment and shall, having regard to the provisions of paragraph (5) of this rule, list the proceedings for hearing before the Court and, having recorded the place, date and time of hearing on the civil summons or other document instituting the proceedings and the notices, shall return all documents to the plaintiff or the solicitor, as the case may be.

(5) A notice and certificate returned under paragraph (4) of this rule shall be served as indicated in rule 4 of this Order (which may include service by post provided the State of destination has not made an objection to such service under Article 10 (a) of The Hague Convention) or, where appropriate, in accordance with the provisions of Order 11 of these Rules, upon the defendant and, when a the documents are to be served in the European territory of another Contracting State they shall be served at least five weeks prior to the date of sitting of the Court before which the proceedings have been listed for hearing. Where the documents are to be served in any non-European territory of another Contracting State, they shall be served at (east six weeks prior to that date.

(6) Upon receipt of the certificate of service prescribed in Article 6 of The Hague Convention the Plaintiff (or solicitor for the Plaintiff) shall lodge with the Clerk the originals of

- the civil summons or other document instituting the proceedings,
- (where appropriate) the notice of institution of proceedings (Form 62.1) which was served,
- the certificate (Form 62.2) which was served, and
- the certificate of service,

at least four days prior to the said date of sitting of the Court.

(7) Where service has been effected by registered post or insured post the following provisions shall apply—

- (a) the plaintiff or plaintiff's solicitor shall, not earlier than ten days after the date of posting, lodge with the Clerk the relevant documents listed in paragraph (6) hereof, together with a statutory declaration as to service of the documents posted, the certificate of posting and the advice of delivery form (when returned);
- (b) the documents issued for service shall be deemed to have been issued at the time at which the envelope containing the copies for service was posted;
- (c) the said documents shall, subject to the provisions of Article 15 of The Hague Convention; be deemed to have been served at the time at which the said envelope would be delivered in the ordinary course of post;
- (d) the statutory declaration as to service, the certificate of posting and the advice of delivery form shall, subject to the provisions of the said Article 15, together be sufficient evidence of such service.

— where defendant is a citizen of Ireland 6. Whenever proceedings are instituted in the District Court by virtue of the Conventions or the Lugano Convention against a person who is domiciled in a Contracting State other than the State, and that person is a citizen of Ireland, the civil summons or other document instituting the proceedings, with necessary modifications, may be served (rather than notice thereof). Subject to the foregoing proviso, the requirements of rule 5 of this Order shall apply in such cases and shall be construed accordingly. Two notices of intention to appear must be served in each case.

Notice of intention to appear 7. Where, in proceedings to which rule 5 or 6 of this Order relates, a defendant intends to appear or to be represented at the hearing for the purpose of defending the proceedings and/or, by virtue of Article 18 of either the 1968 Convention or the Lugano Convention for the purpose of Contesting the jurisdiction of the Court, the defendant or solicitor for the defendant shall complete, detach and send by post to the Clerk one of the Notices of Intention to Appear (and Defend) which were received so soon as to reach the Clerk's office not later than four days before the date fixed for the hearing, and shall at the same time complete, detach and send by post to the plaintiff or solicitor for the plaintiff the other such Notice received.

Hearing of proceedings 8. (1) The provisions of Order 45 (Judgment in Default) of these Rules shall not apply to proceedings to which this Order relates.

(2) At the hearing of proceedings referred to in rule 5 or 6 hereof the Clerk shall produce to the Court any communication or correspondence received from the defendant.

Where defendant does not appear

(3) Where the defendant fails to appear and is not represented at the hearing, the Court may, if it considers it necessary to do so, require the production of the advice of delivery form confirming delivery to the defendant or to the defendant's address of the envelope containing the copy documents for service referred to in rule 5 (5) of this Order.

(4) Where the defendant fails to appear and is not represented at the hearing and no notice of intention to appear has been received from the defendant, it shall be necessary for the plaintiff or solicitor for the plaintiff to show to the satisfaction of the Court—

(a) that each claim made in the document instituting the proceedings is one which, by virtue of the provisions of the Conventions or, as the case may be, the Lugano Convention, the Court has jurisdiction to hear and determine,

(b) that no other Court has exclusive jurisdiction within the meaning of the 1968 Convention or, as the case may be, the Lugano Convention to hear and determine such claim,

(c) that no proceedings involving the same cause of action are pending between the parties in another Contracting State,

(d) that the defendant was duly served with the document instituting the proceedings or notice thereof, and

(e) that the defendant has been able to receive the said document or notice in sufficient time to enable him or her to arrange for his or her defence, or all necessary steps have been taken to this end, as required by Article 20 of either the 1968 Convention or, as the case may be, the Lugano Convention.

(5) Where the defendant has not appeared or given notice to defend, judgment shall not be given until the requirements of Article 15 of The Hague Convention (as set out in Order 11 rule 10 of these Rules) have been complied with.

(6) Notwithstanding the provisions of sub-paragraph (5) above, the Court may give judgment even if no certificate of service or delivery as provided for by The Hague Convention has been received, if all the conditions listed in the said Article 15 (as set out in Order 11 rule 11 of these Rules) are fulfilled.

(7) Where the Court gives judgment against a defendant in proceedings to which this rule relates, the plaintiff, (or solicitor for the plaintiff) shall forthwith notify the defendant of having obtained such judgment.

(8) Where judgment has been given in such proceedings against a defendant who has not appeared and that defendant wishes to apply for an extension of time for appeal from the judgment, the provisions of Order 11 rule 12 of these Rules shall apply in every such case.

Enforcement of judgments abroad provision of documents 9. (1) An interested party who, for the purposes of Articles 46 and 47 of either the 1968 Convention or, as the case may be, the Lugano Convention, requests the provision of the documents mentioned in section 12 of the Act of 1988 as applied by section 11 of the Act of 1993 in respect of a judgment given in the District Court, shall lodge with the Clerk for the district court area in which the judgment was given—

- (a) an original and two copies of the judgment, duly completed.
- (b) a certificate in duplicate in the Form 62.3 Schedule C, and
- (c) where appropriate, an original and copy or copies of the document or documents establishing that notice of the institution of proceedings was served upon the defendant.

(2) When the judgment has been signed by the Judge and served in accordance with the provisions of rule 10 hereof, the Clerk shall give to the party requesting them a duly authenticated copy of the judgment, a certificate in the Form 62.3 Schedule C and a certified true copy or copies of the document or documents referred to in paragraph 1 (c) of this rule, and shall retain the other documents in his or her custody.

Service of judgment and proof of service 10. (1) Where, for the purposes of Article 47 of either the 1968 Convention or the Lugano Convention, it is necessary to serve upon a defendant a judgment given at a sitting of the District Court, such service shall be effected by or on behalf of the plaintiff and in accordance with the provisions (including Articles 8 to 11) of The Hague Convention and this Order. When service has been effected and duly certified, the certificate of service or, where appropriate, the certificate of posting, statutory declaration as to service and the advice of delivery form, shall be lodged with the Clerk for retention with the original judgment.

(2) Upon the request of a party applying for enforcement of such a judgment for the provision of the documents referred to in Article 47.1 of either the 1968 Convention or the Lugano Convention, the Clerk shall give to that party a certificate in the Form 62.4 Schedule C (with any necessary modifications) and certified copy or copies of the relevant document or documents lodged under paragraph (1) of this rule.

PART II—ENFORCEMENT OF CERTAIN FOREIGN MAINTENANCE ORDERS UNDER THE ACT OF 1988 AS AMENDED BY THE ACT OF 1993

Order not to apply to the enforcement of UK maintenance orders 11. This Order shall not apply to the enforcement of maintenance orders made in a reciprocating jurisdiction as provided for in section 14 of the Maintenance Orders Act, 1974 and to which Order 55 of these Rules relates.

Clerk to register enforceable maintenance order, etc. and to notify parties 12. (1) Where a copy of a maintenance order or a copy of an order varying or revoking such an order, in respect of which an enforcement order has been made, is received together with a copy of relevant enforcement order by a District Court Clerk from the Master of the High Court (or in the case of an instrument of settlement, the High Court) such Clerk shall register particulars of each document received.

(2) If the enforcement order has been made in respect of a maintenance order or an order varying a maintenance order, the Clerk shall send by registered post to the maintenance creditor and the maintenance debtor a notice in the Form 62.5 Schedule C.

(3) If the enforcement order has been made in respect of an order revoking a maintenance order, the Clerk shall send by registered post to the maintenance debtor a copy of such revocation order and a statement of any amounts still due and payable under the maintenance order.

Procedure where debtor changes address 13. (1) Where a maintenance debtor ceases to reside in the district court area in which the proceedings have been registered and commences to reside elsewhere in the State, the Clerk for the said district court area shall forward to the Clerk for the district court area in which the maintenance debtor is for the time being residing the following documents—

- (a) a copy of the maintenance order and a copy of the relevant enforcement order,
- (b) a certificate of arrears in the Form 62.6 Schedule C,
- (c) a copy of the variation order (if any),
- (d) any other relevant document.

(2) The Clerk receiving the said documents shall proceed as if the copy of the maintenance order and the copy of the enforcement order had been received from the Master of the High Court (or in the case of an instrument or settlement, the High Court).

Recovery arrears by Clerk 14. (1) Whenever a District Court Clerk receives a request in writing from a maintenance creditor under section 7 (7) (b) of the Act of 1988 as applied by section 11 of the Act of 1993 and as substituted by section 11 of the Act of 1994 in relation to any sum payable by virtue of an enforceable maintenance order but not duly paid, such Clerk may proceed in accordance with the provisions of Order 56 (Attachment of Earnings) or Order 57 (Proceedings under section 8 of the Enforcement of Court Orders Act, 1940) of these Rules.

(2) Where it appears to a District Court Clerk that any sums payable to him or her under an enforceable maintenance order for transmission to the maintenance creditor are in arrears and he or she has received no request in writing under the said section 7 (7) (b) in relation thereto, such Clerk may in his or her discretion, having considered the extent of the arrears and any other relevant matter, notify the maintenance creditor of the means of enforcement available in respect of the order.

Application by virtue of Articles 2 and 5.2 of the 1968 Convention 15. An application to the District Court being brought—

(a) by virtue of Article 5.2 of either the 1968 Convention or the Lugano Convention by a maintenance creditor domiciled or habitually resident in the State against a maintenance debtor domiciled in a Contracting State other than the State for the variation of a maintenance order,

(b) by virtue of Article 2 of either the 1968 Convention or the Lugano Convention by a maintenance creditor domiciled in a Contracting State other than the State against a maintenance debtor domiciled in the State for the variation of a maintenance order, or

(c) by virtue of Article 2 of either the 1968 Convention or the Lugano Convention by a maintenance debtor domiciled in a Contracting State other than the State against a maintenance creditor domiciled in the State for the variation or revocation of a maintenance order,

shall be preceded by the issue and service upon the defendant party of a summons in the Form 62.7 Schedule C or, where appropriate, notice thereof in the Form 62.1 Schedule C, with any necessary modifications, where the defendant party is domiciled in a Contracting State other than the State, and the provisions of this Order shall apply. The order of the Court granting the application shall be in the Form 62.8 Schedule C and shall be served upon a party within the jurisdiction by registered post and upon a party domiciled in another contracting state in accordance with the provisions (including Articles 8 to 11) of The Hague Convention and this Order.

PART III — RECOVERY OF MAINTENANCE

- MAINTENANCE ACT, 1994 — PART II
- RECIPROCATING JURISDICTIONS
- THE ROME CONVENTION

Enforcement Order 16. If a judgment or an instrument or settlement referred to in Articles 50 or 51 of the Brussels Convention or the Lugano Convention does not relate solely to maintenance, these Rules shall apply only to those parts that relate to maintenance, and upon receipt of an enforcement order made by the High Court, in relation thereto, the Clerk shall proceed as indicated in rule 17 hereof.

Application from reciprocating jurisdiction 17. Where, pursuant to section 7 (1) of the Act of 1994, the Central Authority, on receipt of an application for the recognition or enforcement in the State of a maintenance order which has been transmitted by the Central Authority of a reciprocating jurisdiction, sends the application to

(a) the Master of the High Court for determination in accordance with section 5 of the Act of 1988, or

(b) the High Court for determination in accordance with Article 31 of the Brussels or Lugano Conventions

and, where an enforcement order is made under sections 7 (2) or 7 (7) of the Act of 1994, as appropriate, and the orders are sent to the appropriate District Court Clerk, such clerk shall register the documents and proceed to enforce the enforceable maintenance order in accordance with the provisions of this order.

PART IV — RECOVERY OF MAINTENANCE

- MAINTENANCE ACT, 1994

— DESIGNATED JURISDICTIONS
— THE NEW YORK CONVENTION

Enforcement Order — Procedure-accompanied by order 18. Where the Central Authority receives a request from a central authority of a designated jurisdiction on behalf of a claimant for the recovery of maintenance from a person for the time being residing in the State ("the respondent"), and (such request being accompanied by an order of a Court in a Contracting State (within the meaning of the Acts of 1988 and 1993)], the Central Authority transmits the request pursuant to section 14 (1) (a) of the Act of 1994 to the Master of the High Court for determination in accordance with section 5 of the Act of 1988, and where the Master, having made an enforcement order in respect of the maintenance order, sends those orders to the appropriate District Court Clerk, such Clerk shall proceed as indicated in rule 16 of these Rules.

Application to District court to enforce 19. (1) Where the Central Authority receives a request referred to in rule 18 hereof and such request is accompanied by an order made by any other Court and the Central Authority is of opinion that the order may be enforceable in the State the Central Authority may make application pursuant to section 14 (1) (b) of the Act of 1994 at any sitting of the District Court for the relevant district court district (as set out in section 14 (11) of the Act of 1994) for the enforcement of the order.

— on notice

(2) Such application shall be preceded by the issue and service of a notice, in the Form 62.9 Schedule C upon the respondent. The notice shall be accompanied by a copy of the documents mentioned in section 14 (6) of the Act of 1994. Service shall be effected by registered post at least twenty-one days prior to the date of hearing of the application.

(3) When service has been effected, the applicant shall lodge with the Clerk the original of the notice, together with a statutory declaration as to service thereof and the certificate of posting, at least four days prior to the said date of hearing.

Clerk to send copy orders

(4) Where, upon hearing the application, the Court makes an order for the enforcement of the order of the court in the designated jurisdiction for the recovery of maintenance such order of the Court shall be in the Form 62.10 Schedule C and copies thereof shall be sent by the Clerk to the Central Authority and the respondent.

and enforce order

(5) When the Court makes such an order the Clerk shall proceed to enforce the enforceable maintenance order as indicated in rule 16 of these Rules.

Enforcement procedure where not accompanied by order— 20. (1) Where the Central Authority receives a request referred to in rule 17 hereof and either:—

- (a) such request is not accompanied by an order referred to in rule 17 or in rule 18 hereof, or
- (b) enforcement of the order is refused,
 - application to District Court

and the Central Authority intends to make an application to the District Court pursuant to section 14 (1) (c) (ii) of the Act of 1994, for the recovery of maintenance in accordance with the request, such application may be made at any sitting of the Court for the relevant Court District (as set out in section 14 (11) of the Act of 1994) and shall be deemed (as provided in subsection (3) of that section) to be an application for a maintenance order under section 5, 5A or 21A of the Act of 1976, as appropriate.

— on notice

(2) The application shall be preceded by the issue and service of a notice, in the Form 62.11 Schedule C upon the respondent. The notice shall be accompanied by a copy of documents mentioned in section 14 (6) of the Act of 1994. Service shall be effected by registered post at least twenty-one days prior to the date of hearing of the application.

(3) When service has been effected, the applicant shall lodge with the Clerk the original of the notice, together with the certificate of posting, at least four days prior to the said date of hearing.

(4) Where, upon hearing the application, the court makes a maintenance order, the Clerk shall proceed in accordance with the relevant provisions of the Order 54 and this Order, and the forms therein provided (with any necessary modifications) may be used.

Deposition of respondent 21. Where the court, on an application to it under section 14 (1) (c) of the Act of 1994, takes evidence from the respondent on sworn deposition, such deposition shall be in the Form 62.12 Schedule C, a copy thereof shall be sent by the Clerk to the Central Authority for transmission to the central authority of the designated jurisdiction with a request that the claimant provide an answering affidavit.

Transfer for use of television link 22. Where, at the hearing of an application under section 14 (1) (c) of the Act of 1994, the Court makes an order pursuant to subsection (7) of that section transferring the proceedings to a district court district where facilities are available for taking the evidence of the claimant or of any witness through a live television link, such order shall be in the Form 62.13 Schedule C. The Clerk shall forward a copy thereof, together with any other documents in his or her possession relating to the proceedings, to the appropriate District Court Clerk.

Deposition of claimant 23. A request by the claimant to give evidence on sworn deposition before the District Court pursuant to section 15 (2) (a) of the Act of 1994 may be made at any sitting of the Court for the district court district in which the claimant resides or carries on any profession, business or occupation. A deposition, taken under that provision shall be in the Form 62.14 Schedule C and the certificate of the Court required under that provision (which may be added at the foot of the deposition) shall be in the Form 62.15 Schedule C. A certified copy of the deposition and certificate shall be given by the Clerk to the claimant.

24. The certificate to be given by the Clerk to a claimant on request, pursuant to section 15 (3) (b) of the Act of 1994, shall be in the Form 62.16 Schedule C.

Taking of evidence for a designated jurisdiction 25. (1) Subject to the provisions of subsection (8) of section 19 of the Act of 1994, where on request from the Master of the High Court, pursuant to section 19 (2) of the Act of 1994, a Judge of the District Court proposes to take the evidence of a person for the purposes of proceedings in a designated jurisdiction for the recovery of maintenance, the Clerk shall issue and serve notice, in the Form 62.17 Schedule C upon the person concerned, the Central Authority, the Master of the High Court and upon such other persons as the judge thinks fit. The notice shall be served by registered post at least twenty-one days prior to the date fixed for taking the evidence.

(2) Where such evidence is taken on sworn deposition, the deposition shall be in the Form 62.18 Schedule C. The Clerk shall send a certified copy thereof to the Central Authority for transmission to the requesting authority.

(3) Where, as provided for in section 19 (9) of the Act of 1994, the requesting authority makes a request for the taking of evidence directly to the District Court, the provisions of this rule shall, with any necessary modifications, apply in relation to such a request.

(4) If it is not possible to take the evidence within four months of the receipt of the request by the Central Authority, the Judge shall certify in the Form 62.21 Schedule C the reasons for the non-execution of the request or for the delay in executing it and the Clerk shall send the same to the Central Authority for transmission to the requesting authority.

PART V— MISCELLANEOUS PROVISIONS APPLICABLE TO PROCEEDINGS TO WHICH PARTS II, III AND IV REFER

Currency of payments 26. An amount payable in the State under:—

(a) an enforceable maintenance order by virtue of an enforcement order as provided for in the Act of 1988, or

(b) an order for recovery of maintenance which is made by a Court in a jurisdiction other than the State and is enforceable in the State as provided for in the Act of 1994,

shall be paid in the currency of the State and if the amount is stated in the enforceable maintenance order or order for recovery, as the case may be, in a currency other than the currency of the State, the payment shall be made on the basis of the exchange rate prevailing on the date of the making of the enforcement order or of the order of a court in the State for the enforcement of the order, for the recovery of maintenance between that other currency and the currency of the State.

Clerk to give receipt for and transmit payments 27. (1) The District Court Clerk shall give, or send by ordinary post, to the maintenance debtor a receipt for each payment made by him or

her under an order referred to in rule 26 hereof and shall transmit such payment forthwith by registered post, by insured post or by any other appropriate method to the person entitled to receive it, having due regard to the provisions of subsections 2 (a) and 2 (b) of section 4 of the Act of 1994.

(2) Before transmitting any such payment abroad the Clerk shall comply with any Exchange Control regulations for the time being in force governing the transmission of such payments and shall, where necessary for that purpose, produce the order referred to in rule 26 hereof to an authorised dealer (i.e. a licensed bank) for inspection.

Venue for proceedings by creditor 28. (1) Proceedings by or on behalf of the maintenance creditor being brought in the District Court under the Act of 1988 as applied by section 11 of the Act of 1993 for the enforcement of an enforceable maintenance order, may be brought, heard and determined.

(a) in case the maintenance debtor under the enforceable maintenance order concerned resides in the State, at any sitting of the Court for the district court district in which the maintenance debtor resides,

(b) in case the maintenance debtor does not reside in the State but is in the employment either of a person residing or having a place of business in the State or of a corporation or association having its seat therein, at any sitting of the Court for the district court district in which that person resides or, as the case may be, the corporation or association has its seat.

(2) Proceedings being brought by the maintenance creditor by virtue of Article 2 of either the 1968 Convention or the Lugano Convention for the variation of a maintenance order made in a Contracting State other than the State may be brought, heard and determined at any sitting of the Court for the district court district in which the maintenance debtor is domiciled.

PART VI— MISCELLANEOUS PROVISIONS APPLICABLE TO PROCEEDINGS TO WHICH PARTS III AND IV REFER

Obtaining information on debtor 29. (1) An application by the Central Authority to the District Court under section 20 (2) of the Act of 1994 for an order requiring a person or body (not being a person information or body mentioned in subsection (1) of that section) to provide to the Central Authority information as to the whereabouts, place of work, or location and extent of the assets of a maintenance debtor (within the meaning of the Act of 1988) or respondent may be made at any sitting of the Court for the district court district in which the person or body to whom the order sought is to be directed resides or carries on any profession, business or occupation, and notice of such application in the Form 62.19 Schedule C shall be lodged with the Clerk at least four days prior to the date of hearing.

(2) Where the Court grants the application and makes the order sought, such order shall be in the Form 62.20 Schedule C and the Central Authority shall forward a copy thereof to the person or body concerned.

ORDER 63AUCTIONEERS AND HOUSE AGENTS

1.—In this Order "the Act" means the Auctioneers and House Agents Act, 1947 (No. 10 of 1947), as amended.

Venue — Application for certificate of qualification 2. (1) An application for a certificate of qualification pursuant to Part III of the Act may be made at any sitting of the Court in the court area in which the applicant proposes to carry on business or, in case the applicant proposes to carry on business in more than one court area, in the court area in which the applicant proposes to have his or her principal place of business.

Service of notice

(2) Notice of the application shall be served upon the Superintendent of the Garda Síochána within whose district the principal place of business is situate at least twenty-eight days before the date of hearing of the application.

Newspaper notice

(3) The applicant shall also cause notice of the intended application to be published, at least twenty-eight days before such hearing, in a newspaper circulating in the court area in which the applicant proposes to have his or her principal place of business.

Lodgment of notice and newspaper

(4) A copy of the notice of the application together with a statutory declaration as to service thereof and a copy of the newspaper shall be lodged with the Clerk at least seven days before the date of hearing of the application.

Applicant to furnish required certificates

(5) On the hearing of the application the applicant shall furnish to the Court the certificate required by section 12 (3) or 12 (4) (b) of the Act (as inserted by section 12 of the Auctioneers and House Agents Act, 1967) as the case may be.

Order of Court

(6) Where the application is granted the certificate shall be in accordance with Form 63.1 Schedule C.

Notice of objection 3. A notice of objection pursuant to section 11 (5) of the Act to the grant of a certificate of qualification shall be in accordance with Form 63.2 Schedule C. Such notice shall be served upon the applicant and a copy, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least seven days before the date of hearing of the application

ORDER 64BETTING ACT, 1931

1. In this Order "the Act" means the Betting Act, 1931 (No. 27 of 1931).

Procedure for appeal against refusal of Superintendent to grant certificate 2. The procedure to be followed in an appeal from the refusal of a Superintendent of the Garda Síochána to grant a certificate of personal fitness or a certificate of suitability of premises under the Act is the procedure set out in the Betting Act (District Court and Garda Síochána) Regulations, 1931 (Statutory Rules and Orders, 1931 No. 81).

ORDER 65 FISHERIES

Definitions

1. In this Order

"the Act of 1962" means the Fisheries (Amendment) Act, 1962 (No. 31 of 1962);

"the Act of 1978" means the Fisheries (Amendment) Act, 1978 (No. 18 of 1978);

"the Act of 1980" means the Fisheries Act, 1980 (No. 1 of 1980);

"the Act of 1994" means the Fisheries (Amendment) Act, 1994 (No. 23 of 1994);

"the Principal Act" means the Fisheries (Consolidation) Act, 1959; (No. 14 of 1959);

"business" means the selling or exporting for sale of salmon and trout, eels, or molluscan shellfish as appropriate.

Application for cert. of fitness 2. (1) An application pursuant to section 158 (as amended by section 14 of the Act of 1962 and the fourth schedule to the Act of 1980) of the Principal Act for a certificate of fitness to hold a Part X licence may be made at any sitting of the Court for the court area in which the applicant carries on or proposes to carry on business.

(2) Such application shall be preceded by the issue and service of a notice in the Form 65.1, Schedule C, signed by the applicant or solicitor for the applicant.

(3) The applicant shall serve the notice upon the regional board in whose fisheries region he or she carries on or proposes to carry on business not less than fourteen days before the date of hearing of the application. Service may be effected in accordance with the provisions of section 324 of the Principal Act.

(4) When service has been effected the original notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the said date of hearing.

(5) A certificate of fitness to hold a Part X licence granted under the said section 158 shall be in the Form 65.2, Schedule C.

Application for detention of boat and persons (for 48 hours) 3. (1) An application to a Judge of the District Court pursuant to section 233A (as amended by section 12 of the Act of 1978 and as substituted by section 11 of the Act of 1994) of the Principal Act for an Order

authorising the continued detention of a boat and the persons on board the boat (for a period of 48 hours) may be made at any sitting of the Court for the court district in which is situated the port in which the boat and persons concerned are detained.

(2) Before making such application the applicant shall complete and lodge with the Clerk a notice in the Form 65.3, Schedule C, and shall deliver a copy thereof to each of the persons in respect of whom the order is sought.

(3) Where the Court grants the application the order of the Court shall be in the Form 65.4, Schedule C.

Detention of boat and persons pending adjudication of proceedings 4. An order of the Court pursuant to section 234 (1) — as substituted by section 13 of the Act of 1978 — of the Principal Act requiring the detention of a boat and persons (including the master) on board such boat until proceedings have been adjudicated upon by the Court shall be in the Form 65.5, Schedule C.

Detention of boat pending payment of fine and costs 5. An order of the Court pursuant to section 236 (1) (b) of the Principal Act requiring the further detention of a boat until a fine and costs (if any) are paid shall be in the Form 65.6 Schedule C.

Order for distress and sale of boat 6. An order of the Court pursuant to section 236 (1) (c) of the Principal Act for distress and the sale of a boat on the non-payment of a fine and costs (if any) shall be in the Form 65.7, Schedule C.

Detention of boat pending taking possession of article forfeited 7. An order of the Court pursuant to section 236 (2) of the Principal Act made on the application of the prosecutor, authorising the detention of a boat until possession has been taken of an article on board the boat which has been ordered or stands forfeited shall be in the Form 65.8, Schedule C.

Further detention of boat pending determination of proceedings (incl. appeals and trials) 8. An order of the Court pursuant to section 235 (1) — as substituted by section 14 of the Act of 1978 — of the Principal Act requiring the further detention of a boat pending,

in the case of an appeal from, or any other proceedings in relation to, an order convicting a person of an offence under Chapter II or III of Part XIII of the Principal Act or an order dismissing proceedings in relation to such an offence, the determination of the appeal or any other proceedings (and any proceedings consequent upon the appeal or the other proceedings),

in a case where a person is sent forward for trial or for sentence charged with an offence under the said Chapter II or III, the determination of the case in the court to which that person was sent forward and, in the event of an appeal or other proceedings arising therefrom, the determination of the appeal or the other proceedings (and any proceedings consequent upon the appeal or the other proceedings),

shall be in the Form 65.9 or 65.10, Schedule C, as appropriate.

Order for release of a boat 9. An order of the Court pursuant to section 235 (2) (a) — as substituted by section 14 of the Act of 1978 — of the Principal Act requiring a boat to be released shall be in the Form 65. 11, Schedule C.

Detention of boat/boat and persons pending adjudication of proceedings 10. An order of the Court pursuant to section 301 (2A) — as inserted by section 53 (b) of the Act of 1980 - of the Principal Act requiring the detention of a boat and person or persons or of the boat only until proceedings have been adjudicated upon by the Court shall be in the Form 65,12, Schedule C.

Application for warrant 11. (1) An application to a Judge of the District Court for the issue of a warrant pursuant to section 297 — as amended by section 71 of the Act of 1980 — of the Principal Act may be made at any sitting of the Court for the court district wherein the garden, dwellinghouse or curtilage thereof in respect of which the issue of the warrant is sought is situated.

— venue

— by sworn information

(2) Such application shall be made by the information on oath and in writing, in the Form 65.13, Schedule C, of an authorised person within the meaning of section 292 — as substituted in the fourth schedule to the Act of 1980 — of the Principal Act.

Form of warrant

(3) Where the Court grants the application, the warrant issued on foot of such information shall be in the Form 65.14, Schedule C.

ORDER 66GAMING AND LOTTERIES

Definition

1. In this Order "the Act" means the Gaming and Lotteries Act, 1956 (No. 2 of 1956), as amended.

Venue — Certificate for Gaming Licence 2. (1) An application for the grant of a certificate authorising the issue of a licence permitting gaming at an amusement hall or funfair pursuant to section 15 (1) of the Act may be made at any sitting of the Court for the court area in which the premises sought to be licensed are situate.

Form of Notice

(2) Such application shall be preceded by the issue and service of a notice in the appropriate form (Form 66.1, Schedule C) signed by the applicant or solicitor for the applicant.

Service of notice

(3) Such notice shall be served upon the Superintendent of the Garda Síochána for the locality and upon the Local Authority within whose administrative area the premises are situate at least twenty eight days before the date of hearing of the application.

Newspaper notice

(4) The applicant shall also cause a notice of the intended application to be published at least fourteen days before such date of hearing in a newspaper circulating in the locality.

(5) The provisions of section 24 of the Fire Services Act, 1981 shall apply to such application.

Lodgment of notice, etc.

(6) The original of the notice of application, together with a statutory declaration as to service thereof and a copy of the newspaper, shall be lodged with the Clerk at least seven days before the date of hearing.

Order of Court

(7) Where the application is granted the certificate shall be in accordance with Form 66.2, Schedule C.

Venue — Application for Lottery Licence 3. (1) An application for the grant of a licence for the promotion of a lottery pursuant to section 28 of the Act may be made at any sitting of the Court for the court area in which the lottery is to be organised.

Form of notice

(2) Such application shall be preceded by the issue and service of a notice in the appropriate form (Form 66.3, Schedule C) signed by the applicant or solicitor for the applicant.

Service and lodgment of notice

(3) Such notice shall be served upon the Superintendent of the Garda Síochána for the district in which the lottery is to be organised at least twenty-eight days before the date of hearing of the application. When service has been effected the original of the notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least seven days before the said date of hearing.

Order of Court

(4) Where the application is granted the licence shall be in accordance with Form 66.4, Schedule C.

Venue Appeal against refusal to grant permit 4. (1) An appeal from the refusal of a Superintendent of the Garda Síochána to grant a permit for the promotion of a lottery pursuant to section 27 of the Act may be brought at any sitting of the Court for the court area wherein the appellant resides.

Notice of appeal

(2) Such appeal shall be preceded by the issue and service of a notice in the appropriate form (Form 66.5, Schedule C) signed by the appellant or solicitor for the appellant.

Service and lodgment of notice

(3) Such notice shall be served upon the Superintendent of the Garda Síochána concerned at least seven days before the date of the sitting of the Court at which the appeal is to be heard. When service has been effected the original of the notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the date of the said sitting.

(4) The Superintendent shall lodge with the Clerk at least 48 hours before the sitting a copy of the application for the permit and a copy of the decision from which the appeal is being brought.

Order of Court

(5) The order of the Court hearing the appeal shall be in accordance with Form 66.6, Schedule C.

Application for search warrant 5. (1) An application for the issue of a search warrant under section 39 of the Act may be made at any sitting of the Court for the court district wherein the place or premises in respect of which the warrant is sought is situated.

— venue

— by sworn information

(2) Such application shall be made by the information on oath and in writing (in the Form 66.7, Schedule C) of a member of the Garda Síochána not below the rank of Inspector.

Form of warrant

(3) Where the Court grants the application, a search warrant issued on foot of such information shall be in the Form 66.8, Schedule C.

ORDER 67GENERAL DEALERS

1. In this Order "the Act" means the General Dealers (Ireland) Act, 1903 (3 Edw. VII Ch. 44).

Venue — Application for General Dealers Licence 2. (1) An application for a General Dealer's Licence pursuant to section 1 (2) of the Act may be made at any sitting of the Court for the court area in which the premises in which it is proposed to carry on business are situate.

Form of notice

(2) Such application shall be preceded by the issue and service of a notice in the appropriate form (Form 67.1, Schedule C) signed by the applicant or solicitor for the applicant.

Service of notice

(3) Such notice shall be served upon the Superintendent of the Garda Síochana within whose district the premises are situate at least fourteen days before the date of hearing of the application.

Lodgment of notice

(4) When service has been effected, the original of such notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least seven days before the said date of hearing.

Order of Court

(5) Where the application is granted the licence shall be in accordance with Form 57.2, Schedule C.

ORDER 68 LICENSING ACTS, 1833 to 1988

—CERTIFICATES FOR SPIRIT RETAILERS LICENCES, BEER RETAILERS LICENCES, WHOLESALE BEER DEALERS LICENCES;

—DECLARATIONS OF FITNESS UNDER SECTION 15 of THE INTOXICATING LIQUOR ACT, 1960

Venue — Off-licence applications 1. (1) An application for the grant of a certificate entitling the applicant to receive an excise licence for the sale of intoxicating liquor for consumption off the premises or for a declaration as to the fitness and convenience of proposed licensed premises may be made at any sitting of the Court for the court area in which the premises or proposed premises for which the certificate or declaration is sought are situate.

Forms of notice

(2) Every such application shall be preceded by the issue and service of a notice in one of the Forms 68.1 to 68.4, Schedule C, as the case may be, signed by the applicant or solicitor for the applicant.

Service of notice

(3) Such notice shall be served upon the Superintendent of the Garda Síochána within whose district the premises or proposed premises are situate at least twenty-one days before the date of hearing of the application.

Newspaper notice for spirit or beer retailer's application

(4) Where the application is for the grant of a certificate entitling the applicant to receive a spirit retailer's licence or a beer retailer's licence, the applicant shall, at least twenty-one days before the date of the hearing of the application, cause a notice of the intended application to be published in a newspaper circulating in the place in which the premises concerned are situate.

Newspaper notice of application for declaration

(5) Where the application is for a declaration that the premises would be fit and convenient to be licensed the applicant shall cause a notice of the intended application to be published at least twenty-one days before the date of the hearing of the application in a newspaper circulating in the place in which the premises concerned are situate.

Lodgment of notice, newspaper, etc.

(6) When service of the notice of application has been effected, the original of the notice, together with a statutory declaration as to service thereof, a copy of the newspaper (where required) and a plan of the premises shall be lodged with the Clerk at least ten days before the date of hearing of the application.

Order of Court

(7) Where the application is granted, the certificate or declaration shall be in accordance with one of the Forms 68.5 to 68.8, Schedule C, as the case may be.

ORDER 69 RESTAURANT CERTIFICATES AND DECLARATIONS AS TO SUITABILITY OF PREMISES

Definitions

1. In this Order—

"the Act of 1927" means the Intoxicating Liquor Act, 1927 (No. 15 of 1927);

"the Act of 1943" means the Intoxicating Liquor Act, 1943 (No. 7 of 1943);

"the Act of 1960" means the Intoxicating Liquor Act, 1960 (No. 18 of 1960);

"the Act of 1988" means the Intoxicating Liquor Act, 1988 (No. 16 of 1988).

Venue for applications 2. (1) An application for the grant of —

(a) a restaurant certificate, pursuant to section 12 (1) of the Act of 1927,
(b) a restaurant certificate, made by the holder of a wine retailer's on-licence pursuant to section 12 (1A) of the Act of 1927 (as inserted by section 8 of the Act of 1943),
(c) a restaurant certificate, pursuant to section 12 (1) of the Act of 1927 as applied by section 12 (1B) of the said Act (as inserted by section 48 of the Act of 1988),
(d) a limited restaurant certificate, pursuant to section 12A of the Act of 1927 (as inserted by section 9 of the Act of 1960), or
(e) a declaration as to suitability of licensed premises for a restaurant certificate or limited restaurant certificate, pursuant to section 16 of the Act of 1960,
may be made at any sitting of the Court for the court area in which the premises for which the certificate or declaration is sought are situate.

Forms of notice

(2) Every such application shall be preceded by the issue and service of a notice in one of the Forms 69.1 to 69.5 Schedule C, as the case may be, signed by the applicant or solicitor for the applicant.

Service of notice

(3) Such notice shall be served upon the officer in charge of the Garda Síochána for the licensing area at least ten days before the date of hearing of the application and, where the application is for a declaration as to suitability of licensed premises for a restaurant certificate or limited restaurant certificate, the applicant shall also cause a copy of the plan of the premises to be deposited with the said officer.

Lodgment of notice and map

(4) When service of the notice of application has been effected, the original of such notice, together with a map or plan of the premises, shall be lodged with the Clerk at least four days before the date of hearing of the application.

Order of Court

(5) Where the application is granted the certificate or declaration shall be in accordance with one of the Forms 69.6 to 69.10, Schedule C, as the case may be.

ORDER 70OBJECTIONS TO THE FIRST GRANT OF WINE RETAILERS' ON-LICENCES

Venue

1. An objection by a member of the Garda Síochána (not below the rank of Inspector) to the first grant by the Revenue Commissioners of a Wine Retailer's On-Licence, pursuant to section 14 of the Refreshment Houses (Ireland) Act, 1860, may be made at any sitting of the Court for the court area in which the premises sought to be licensed are situate.

Notice of objection— 2. (1) Such objection shall be preceded by the issue and service of a summons in the Form 70.1, Schedule C upon the applicant for such licence at least seven days prior to the sitting of the Court before which the objection has been listed for hearing.

caveat to Collector of C & E

(2) Upon issuing the summons for service the Clerk shall send to the Collector of Customs and Excise a notice by way of caveat in the Form 70.2, Schedule C.

(3) When the summons has been served the original summons, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days prior to the date of the said sitting of the Court.

Order of Court 3. (1) The order of the Court on hearing the objection shall be in the Form 70.3 or 70.4, Schedule C, as appropriate. A certified copy of such order shall be sent by the Clerk to the Collector of Customs and Excise.

(2) Where a notice of appeal against such an order is lodged with the Clerk he or she shall forthwith send notice to that effect to the Collector of Customs and Excise.

ORDER 71SPECIAL EXEMPTION ORDERS

Venue

1. (1) Save as is hereinafter provided, an application for a special exemption order pursuant to section 5 of the Intoxicating Liquor Act, 1927, as amended by section 12 of the Intoxicating Liquor Act, 1962, and section 29 of the Intoxicating Liquor Act, 1988, may be made at any sitting of the Court for the court area in which the premises for which the order is sought are situate.

Service and lodgment of notice

(2) Notice of the application shall be served upon the officer in charge of the Garda Síochána for the licensing area in which the premises to which the application relates are situate, and a copy thereof shall be lodged with the Clerk, at least forty-eight hours before the date of hearing of the application.

Order of Court

(3) Where the application is granted the Order shall be in accordance with Form 71.1, Schedule C.

*2. Subject to rule 3 hereof a special exemption order shall not be granted for any time on a Sunday.

†3. A special exemption order may be granted for a Sunday that is New Year's Day, New Year's Eve or St. Patrick's Day.

In certain circumstances may be granted at any sitting 4. A Judge may, where special circumstances so require, hear an application and grant such exemption order at a sitting of the Court in any court area in his or her district.

*Intoxicating Liquor Act, 1927 [s. 5 (3)].

†Intoxicating Liquor Act, 1962 [s. 12].

ORDER 72 GENERAL EXEMPTION ORDERS

Venue

1. (1) An application for a general exemption order pursuant to section 4 of the Intoxicating Liquor Act, 1927, as amended by section 10 of the Intoxicating Liquor Act, 1960 and section 15 of the Intoxicating Liquor Act, 1962, may be made at any sitting of the Court for the court area in which the premises for which the order is sought are situate.

(2) Where the application is in respect of premises for which a general exemption order is in existence at the time of such application, the application shall be made at the Annual Licensing Court.

Form of notice

(3) Such application shall be preceded by the issue and service of a notice in the appropriate form (Form 72.1 or 72.2, Schedule C, as the case may be) signed by the applicant or solicitor for the applicant.

Service of the notice

(4) Such notice shall be served upon the officer in charge of the Garda Síochána for the area in which the premises to which the application relates are situate at least seven days before the date of hearing of the application.

Lodgment of notice

(5) When service has been effected the original of such notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the date of such hearing.

Order of Court

(6) Where the application is granted the Order shall be in accordance with Form 72.3 or 72.4, Schedule C, as the case may be.

In force to Annual Licensing Court

*(7) Every such order shall, unless withdrawn in pursuance of subsection (6) of section 4 of the Intoxicating Liquor Act, 1927, or expressed to expire sooner, remain in force until the next Annual Licensing Court for the court area in which the premises are situate.

Prohibited days †2. A general exemption order shall not be granted for any time on any Sunday, St. Patrick's Day, Christmas Day or Good Friday.

*Intoxicating Liquor Act, 1960 10;.

†Intoxicating Liquor Act, 1927 (Sec. 4 (7)].

ORDER 73 EXEMPTIONS FOR SPECIAL EVENTS

Venue

1. (1) An application by the holder of a licence in respect of premises situate in any locality not in the county borough of Dublin for an exemption order in respect of a special event pursuant to section 10 of the Intoxicating Liquor Act, 1962, may be made at any sitting of the Court for the court area in which the premises for which the order is sought are situate.

Service of notice

(2) Notice of the application shall be served upon the officer in charge of the Garda Síochána for the locality to which the application relates at least seven days before the date of hearing of the application.

Newspaper notice

(3) The applicant shall also cause a notice of the intended application to be published, at least seven days before such hearing, in a newspaper circulating in the locality.

Lodgment of notice, etc.

(4) A copy of the notice of application, together with a statutory declaration as to service thereof and a copy of the newspaper, shall be lodged with the Clerk at least four days before the date of such hearing.

Order of Court

(5) Where the application is granted the Order shall be in accordance with Form 73.1, Schedule C.

Revocation 2. (1) Where an application referred to in rule 1 of this Order has been granted, a subsequent application may be made to any sitting of the Court in any court area in the district in which the original application was granted, at any time before the commencement of the period to which the original application relates, to have the same revoked.

Lodgment of Notice

(2) Notice of the application shall be lodged with the Clerk before the date of hearing of the application.

Order of Court

(3) The order of the Court hearing such application shall be in accordance with Form 73.2, Schedule C.

Notice to Garda Síochána

(4) Notice of the making of such order shall be given by the Clerk to the officer in charge of the Garda Síochána for the locality to which the revoked application relates.

Form of certificate to be given by Clerk 3. The certificate required to be given by the Clerk pursuant to section 25 of the Intoxicating Liquor Act, 1962 as substituted in the 1st Schedule of the Courts (No. 2) Act, 1986, for the purpose of applications to which rules 1 and 2 of this Order relate shall be in accordance with Form 73.3, Schedule C.

ORDER 74 EXEMPTIONS FOR LICENSED BUSINESS ON SUNDAY AFTERNOONS AND SAINT PATRICK'S DAY

Venue

1. (1) An application by the holder of a licence in respect of premises situate in any locality not in a county or other borough for an exemption order in respect of Sundays and Saint Patrick's Day between the hours of twelve o'clock and half-past twelve in the afternoon, pursuant to section 16 of the Intoxicating Liquor Act, 1962, may be made at any sitting of the Court for the court area in which the premises for which the order is sought are situate.

(2) Where the application is in respect of premises for which such an exemption order is in existence at the time of such application, the application shall be made at the Annual Licensing Court.

Service of notice

(3) Notice of the application shall be served upon the officer in charge of the Garda Síochána for the locality to which the application relates at least ten days before the date of the hearing of the application.

Newspaper notice

(4) The applicant shall also cause a notice of the intended application to be published, at least seven days before such hearing, in a newspaper circulating in the locality.

Lodgment of notice, etc.

(5) A copy of the notice of application, together with a statutory declaration as to service thereof and a copy of the newspaper, shall be lodged with the Clerk at least four days before the date of such hearing.

Order of Court

(6) Where the application is granted the Order shall be in accordance with Form 74.1, Schedule C.

Revocation 2. (1) Where an application referred to in rule 1 (1) or 1 (2) of this Order has been granted, a subsequent application may be made to any sitting of the Court for the court area wherein such application was granted to have the same revoked.

Service of notice

(2) Notice of the application shall be served upon the officer in charge of the Garda Síochána for the locality to which the application relates at least ten days before the date of hearing of the application.

Newspaper Notice

(3) The applicant shall also cause a notice of the intended application to be published, at least seven days before such hearing, in a newspaper circulating in the locality.

Lodgment of notice, etc.

(4) A copy of the notice of application, together with a statutory declaration as to service thereof and a copy of the newspaper, shall be lodged with the Clerk at least four days before the date of such hearing.

Order of Court

(5) Where the application is granted the Order shall be in accordance with Form 74.2, Schedule C.

Form of certificate to be given by Clerk 3. The certificate required to be given by the Clerk pursuant to section 25 of the Intoxicating Liquor Act, 1962 as substituted in the 1st Schedule of the Courts (No. 2) Act, 1986, for the purpose of an application under rule 1 of this Order shall be in accordance with Form 73. 3, Schedule C.

ORDER 75 EXEMPTIONS FOR UNLICENSED BUSINESS ON SUNDAY MORNINGS AND SAINT PATRICK'S DAY

Venue

1. (1) An application by the holder of a licence (not being a licence granted by virtue of paragraph (2) of section 2 of the Licensing (Ireland) Act, 1902) in respect of premises situate in any locality not in a county or other borough for an exemption order to open or keep open

the premises for the purpose of carrying on any business other than the sale or supply of intoxicating liquor during any one period and not exceeding forty-five minutes in duration on the mornings of Sundays and Saint Patrick's Day, pursuant to section 17 of the Intoxicating Liquor Act, 1962, may be made at any sitting of the Court for the court area in which the premises for which the order is sought are situate.

(2) Where the application is in respect of premises for which such an exemption order is in existence at the time of such application, the application shall be made at the Annual Licensing Court.

Service of notice

(3) Notice of the application shall be served upon the officer in charge of the Garda Síochána for the locality to which the application relates at least ten days before the date of hearing of the application.

Newspaper notice

(4) The applicant shall also cause a notice of the intended application to be published, at least seven days before such hearing, in a newspaper circulating in the locality.

Lodgment of notice, etc.

(5) A copy of the notice of application, together with a statutory declaration as to service thereof and a copy of the newspaper, shall be lodged with the Clerk at least four days before the date of such hearing.

Order of Court

(6) Where the application is granted the Order shall be in accordance with Form 75.1, Schedule C.

Revocation or amendment 2. (1) Where an application referred to in rule 1 (1) or 1 (2) of this Order has been granted, a subsequent application may be made to any sitting of the Court for the court area wherein such application was granted to have the same revoked or amended.

Service of notice

(2) Notice of the application shall be served upon the officer in charge of the Garda Síochána for the locality to which the application relates at least ten days before the date of hearing of the application.

Newspaper notice

(3) The applicant shall also cause a notice of the intended application to be published, at least seven days before such hearing, in a newspaper circulating in the locality.

Lodgment of notice, etc.

(4) A copy of the notice of application, together with a statutory declaration as to service thereof and a copy of the newspaper, shall be lodged with the Clerk at least four days before the date of such hearing.

Order of Court

(5) Where the application is granted the Order shall be in accordance with Form 75.2, Schedule C.

Form of certificate to be given by Clerk 3. The certificate required to be given by the Clerk pursuant to section 25 of the Intoxicating Liquor Act, 1962 as substituted in the 1st Schedule of the Courts (No. 2) Act, 1986, for the purpose of an application under rule 1 of this Order shall be in accordance with Form 73.3, Schedule C.

ORDER 76 OCCASIONAL LICENCES

Venue

1. (1) Save as is hereinafter provided, an application for an occasional licence, pursuant to section 11 of the Intoxicating Liquor Act, 1962 (as amended) may be made at any sitting of the Court for the court area in which the place to which the application relates is situate.

Service and lodgment of notice

(2) Notice of the application shall be served upon the officer in charge of the Garda Síochána for the locality to which the application relates and a copy thereof, endorsed as to service, shall be lodged with the Clerk at least forty-eight hours before the date of hearing of the application.

Order of Court

(3) Where the application is granted the licence shall be in accordance with Form 76.1, Schedule C.

Hours *2. An occasional licence shall not be granted for any time after the hour of ten o'clock in the evening or before the hour of eight o'clock in the morning unless the event to which the licence relates is a dinner or dance.

Prohibited days †3. An occasional licence shall not be granted in respect of any Sunday, Christmas Day or Good Friday.

In certain cases may be granted at any sitting 4. A Judge may, where special circumstances so require, hear an application and grant such occasional licence at a sitting of the Court in any court area in his or her district.

*Intoxicating Liquor Act, 1962 (s. 11 (10)].

†Intoxicating Liquor Act, 1962 (s. 11 (5)].

ORDER 77AD-INTERIM TRANSFERS OF LICENCES

Venue

1. (1) An application by any person for the temporary transfer of a licence upon the death of any person duly licensed to sell intoxicating liquors by retail for consumption on or off the premises or upon the removal of any such person from the house or premises at which he or she is authorised by licence to sell such liquors, or upon the sale or assignment of his or her interest therein by operation of law or otherwise, pursuant to section 1 of the Public Houses (Ireland) Act, 1855 (as extended to off-licences by section 29 of the Intoxicating Liquor Act, 1960) may be made at any sitting of the Court for the court area in which the premises to which the application relates are situate.

Service and lodgment of notice

(2) Notice of the application shall be served upon the officer in charge of the Garda Síochána for the licensing area in which the premises to which the application relates are situate and a copy thereof, endorsed as to service, shall be lodged with the Clerk at least forty-eight hours before the date of hearing of the application.

Form of endorsement

(3) The endorsement of transfer by the Court on the licence shall be in accordance with Form 77.1, Schedule C.

Endorsement on certified copy of licence or receipt

(4) Where the Court so directs, the requirement of endorsement of the transfer on the licence may be complied with by endorsement on a certified copy thereof, or on a certified copy of the receipt showing the payment of the current licence duty, or may be dispensed with if the Court is satisfied that the licence is being wrongfully withheld from the person entitled to possession thereof.

Power to trade until Annual Licensing Court

(5) Such transfer shall operate to authorise the person to whom the licence is transferred to carry on in the premises to which the licence relates the business authorised by the licence until the date of the sitting of the Annual Licensing Court in the court area in which the premises are situate held next after the expiration of one month from the date of the transfer.

Extension of power to temporarily transfer licence 2. (1) The power conferred on the Court under the Licensing Acts to transfer temporarily an on-licence or an off-licence upon the death of the holder of the licence shall, pursuant to section 34 of the Intoxicating Liquor Act, 1962, include power to transfer the licence to any person (being a person approved of by the Court and not disqualified by law) nominated by the executor or administrator of the holder

or, if there is no executor or administrator, by any person having an interest in the premises to which the licence relates.

To trade until Annual Licensing Court

(2) Such transfer shall operate to authorise the person to whom the licence is transferred to carry on in the premises to which the licence relates the business authorised by the licence until the date of the sitting of the Annual Licensing Court in the court area in which the premises are situate held next after the expiration of one month from the date of the transfer or, if the Court should then or on any subsequent application to it, think fit so to order, until the sitting of such Annual Licensing Court in the year or in the second year (as the Court may think fit to order) after the sitting aforesaid.

Power to transfer to another person

(3) Where the licence has been transferred, such licence may, on the application by the nominator of the transferee to the Court at any sitting thereof for the court area within which the premises are situate, be transferred by endorsement made by the Court on the licence or, if the licence is not available, on a copy thereof, to such other person (being a person approved of by the Court and not disqualified by law) as the nominator may nominate.

Temporary transfer or renewal of licences for reasons other than death, etc. 3. (1) An application by any person for the temporary transfer of, or for a certificate for the renewal of a licence pursuant to section 30 of the Intoxicating Liquor Act, 1960 in cases where the holder of such licence ceases, for any reason other than death, transfer of the premises or forfeiture of the licence, to carry on the business authorised by the licence and, if such holder is ordinarily resident in the State, either ceases to be so resident or cannot be found, may be made at any sitting of the Court for the court area in which the premises to which the application relates are situate.

Form of notice

(2) Such application shall be preceded by the issue and service of a notice in the appropriate form (Form 77.2 or 77.3, Schedule C) signed by the applicant or solicitor for the applicant.

Service and lodgment of notice

(3) Such notice shall be served upon the officer in charge of the Garda Síochána for the area in which the premises to which the application relates are situate and a copy thereof, endorsed as to service, shall be lodged with the Clerk at least forty-eight hours before the date of hearing of the application.

Form of endorsement

(4) The endorsement of transfer by the Court on the licence shall be in accordance with Form 77.4, Schedule C, and the provisions contained in the Licensing Acts regarding temporary transfer of licences as set out in rules 1 (4) and 1 (5) of this Order shall apply.

Form of renewal certificate

(5) Where the licence has expired and the application is made within one year after such expiry, the renewal certificate, if granted by the Court, shall be in accordance with Form 77.5, Schedule C.

ORDER 78 TRANSFERS OF LICENCES HELD BY NOMINEES

Venue

1. (1) An application by a body corporate for the transfer of a licence held by a nominee, pursuant to section 28 of the Intoxicating Liquor Act, 1960, may be made at any sitting of the Court for the court area wherein the premises to which the application relates are situate.

Service and lodgment of notice

(2) Notice of the application shall be served upon the officer in charge of the Garda Síochána for the licensing area in which the premises to which the application relates are situate and a copy thereof, endorsed as to service, shall be lodged with the Clerk at least forty-eight hours before the date of hearing of the application.

Form of endorsement

(3) The endorsement of transfer by the Court on the licence shall be in accordance with Form 78.1, Schedule C.

ORDER 79 CERTIFICATES OF TRANSFER

Venue

1. (1) An application for a certificate of transfer of an on-licence or an off-licence for the sale of intoxicating liquor shall be made at the Annual Licensing Court for the court area in which the premises to which the application relates are situate.

Service of notice

(2) Notice of the application shall be served upon the officer in charge of the Garda Síochána for the licensing area within which the premises are situated at least twenty-one days before the date of the Annual Licensing Court.

Newspaper notice

(3) The applicant shall also cause notice of the intended application to be published at least twenty-one days before the date of such Annual Licensing Court in a newspaper circulating in the district in which is situate the premises to which such application relates.

Lodgment of notice etc.

(4) A copy of the notice of the application, together with a statutory declaration as to service thereof and a copy of the newspaper, shall be lodged with the Clerk for retention by him or her, at least seven days before the date of such Annual Licensing Court.

Applicant to attend in person 2. The applicant shall attend in person (unless the Court is satisfied that there is good reason for his or her non-attendance) at the Annual Licensing Court and present himself or herself for examination as to his or her general character, possession of the premises, and any other questions which the Court may think fit to put to the said applicant.

3. The applicant shall produce in Court any document upon which he or she grounds the application.

Grant of certificate subject to production of documents 4. Where the applicant has not at the time obtained or is for any other reason unable to produce any document upon which he or she relies, the Court may grant such application subject to the subsequent production of such document. The appropriate certificate shall not be given to such applicant until such document is produced.

Order of Court 5. Where the application is granted the certificate shall be in accordance with Form 79.1, Schedule C.

ORDER 80 OBJECTIONS TO RENEWAL OF INTOXICATING LIQUOR LICENCES, FORMS OF RENEWAL CERTIFICATE, RECORDING RENEWALS OF LICENCES.

Definitions

1. In this Order—

"the Act of 1986" means the Courts (No. 2) Act, 1986 (No. 26 of 1986);

"the Act of 1988" means the Intoxicating Liquor Act, 1988 (No. 16 of 1988).

Venue 2. (1) Subject to the provisions of paragraph (2) of this rule, where an objection is made under section 4 (6) of the Act of 1986 to the renewal of—

(a) an on-licence for the sale of intoxicating liquor,

(b) a special restaurant licence granted under Part II of the Act of 1988, or

(c) a licence or licences for the sale of spirits or beer in retail quantities for consumption off the premises where sold,

it shall be made at the Annual Licensing Court for the court area wherein the premises to which the objection relates are situate.

(2) Where the objection is made to the renewal of a wholesale beer dealer's licence or any other off-licence which, by virtue of section 49 of the Finance (1909-10) Act, 1910, expires on the thirtieth day of June each year, such objection may be made at the last sitting of the Court for the transaction of summary business in the month of June for the court area wherein

the premises to which the objection relates are situate, or at the first available sitting of the Court thereafter.

Notice of objection 3. (1) Such objection shall be preceded by the issue and service of a notice in the Form 80.1, Schedule C, signed by the objector or solicitor for the objector.

(2) The notice shall be served upon the holder of the licence or licences attached to the premises to which the objection relates at least twenty-one days before the date of sitting of the said Annual Licensing Court or other sitting of the Court before which the objection has been listed for hearing. When service has been effected the original notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk as soon as possible but not later than seven days before the date of the said sitting.

Clerk to notify Collector of C & E, etc. 4. Upon receipt of the notice of objection the Clerk shall forthwith notify (in the Form 80.2, Schedule C) the Collector of Customs and Excise for the district in which the said premises are situate accordingly and, where the objector is not a member of the Garda Síochána, the Clerk shall also notify the Superintendent of the Garda Síochána for the area.

Order of the Court 5. (1) The order of the Court on hearing the objection shall be in the Form 80.3, Schedule C.

Clerk — to send copy to Collector C & E

(2) Where the Court allows the objection and no notice of appeal against such order is lodged with the Clerk within the time prescribed in that behalf the Clerk shall send to the Collector of Customs and Excise a certified copy of the order of the Court.

— to send a renewal cert. (or copy) to Collector

(3) Where the Court disallows the objection and no notice of appeal against such order is lodged with the Clerk within the time prescribed in that behalf the Clerk shall forthwith send to the Collector of Customs and Excise a certificate for the renewal of the licence in the Form 80. 4, Schedule C. (or copy thereof).

— to notify Collector in cases of appeal 6. Where notice of an appeal against any order of the Court to which this Order relates is at any time lodged with the Clerk, such Clerk shall forthwith send notice to this effect to the Collector of Customs and Excise.

Mode of service 7. Documents which are required by this Order to be sent to the Collector of Customs and Excise may be sent by registered post or, may be delivered to the office of the said Collector where appropriate.

Forms of renewal certificate 8. The certificate to be issued for the renewal of a six-day licence or an early closing licence shall be in the Form 80.4, Schedule C. Where a certificate for renewal is granted pursuant to section 30 (1) (b) of the Intoxicating Liquor Act, 1960 such certificate shall be in the Form 77.5 Schedule C.

Recording renewals of licences 9. In every case in which a renewal of a licence within the meaning of section 4 of the Act of 1986 is granted and issued by an officer of the Revenue Commissioners and the Clerk receives from the Revenue Commissioners notice of the issue of such licence, such Clerk shall record the particulars thereof in the Register of Licences and retain the notice in his or her custody.

ORDER 81 ANNUAL LICENSING COURT

1. A Judge of the District Court shall hold a court, to be known as the Annual Licensing Court, in each court area in the Judge's district on the day of the last sitting of the Court for that court area for the transaction of the business of the Court exercising its summary jurisdiction held in the month of September each year.

2. Every such Annual Licensing Court shall hear and determine

—all such applications made to it for certificates, licenses, orders, or renewals thereof, and objections to the grant or renewal of such certificates, licences or orders, as are provided for in Orders 63 to 89 of these Rules and are required to be made at the Annual Licensing Court;

—any other application, objection or other matter which is required by statute or by Rules of Court to be made or brought at that court;

and the Judge may adjourn any such court from time to time as circumstances may deem it necessary.

3. For the purposes of this Order the day of the last sitting of the Court in the month of September in the Dublin Metropolitan District shall be that sitting held on the last Thursday in that month each year.

ORDER 82 REGISTER OF LICENCES

1. The Clerk shall keep a book which shall be known as the Register of Licences (Form 82.1 Schedule C) and shall enter or cause to be entered in such Register particulars of all licences for the sale of intoxicating liquors existing in respect of premises situate within the court area and of all renewals, transfers and other proceedings affecting the said licences or any of them and shall retain all maps, plans or other documents lodged which relate to such licences or premises.

Notice of particulars of licensed premises 2. Every holder of such licence shall, within ten days after having obtained same, deliver or cause to be delivered to the Clerk a note in writing (Form 82.2 Schedule C) signed by the holder, setting forth the holders full name and address and description and location of the house or premises in which intoxicating liquors are licensed to be sold and the full name and address of the owner of the said house or premises

in accordance with the provisions of section 10 of the Licensing (Ireland) Act, 1833, as amended.

ORDER 83 REGISTRATION OF CLUBS AND GRANTING OF CLUB AUTHORISATIONS

Definitions

1. In this Order

"the Act" means the Registration of Clubs (Ireland) Act, 1904 (4 Edw. 7. Ch. 9);

"the Act of 1924" means the Intoxicating Liquor (General) Act, 1924 (No. 62 of 1924);

"the Act of 1927" means the Intoxicating Liquor Act, 1927 (No. 15 of 1927);

"the Act of 1962" means the Intoxicating Liquor Act, 1962 (No. 21 of 1962);

"the Act of 1988" means the Intoxicating Liquor Act, 1988 (No. 16 of 1988);

"licensing year" means a period of twelve months ending on the thirtieth day of September in any year;

"registered club" means a club holding a certificate of registration in force at the time.

Registrar of Clubs 2. (1) For the purposes of the Act the Registrar of Clubs (otherwise referred to herein as the registrar) shall be the Clerk for the court area wherein the club premises concerned are situated.

— to keep a register

(2) Every such Registrar of Clubs shall keep a register in which shall be entered the name of each club situate within his or her court area to which a certificate of registration is granted under the provisions of the Act and, where appropriate, the further particulars required by the Act.

Application for certificate of registration

Lodgment with registrar Registrar — to notify Garda Supt. 3. (1) Where the secretary of a club desiring an original certificate of registration lodges with the registrar, pursuant to subsection (1) of section 2 of the Act, the documents mentioned in that subsection, the registrar shall forthwith give notice of such application to the superintendent of the Garda Síochána in like manner as prescribed in rule 4 (6) hereof in the case of an application for the renewal of such a certificate.

— to transmit file to Co. Registrar

(2) After the expiration of ten days from the date of the said lodgment the registrar shall transmit the documents to the appropriate County Registrar, together with any notice of objection to the grant of the certificate and any newspaper containing notice of the application, which were lodged with him or her.

When granted — to record particulars and issue certificate

(3) Upon the return of the file together with notification from the County Registrar of the granting of the application the registrar shall enter in the register of clubs the particulars required by section 1 (1) of the Act, and shall thereupon issue to the applicant a certificate of registration in the Form 83.4, Schedule C.

Renewal of certificates, Objections thereto

Renewal application to registrar 4. (1) An application by the secretary of a club for a renewal of the certificate of registration shall be in the Form 83.1, Schedule C, and shall be made to the Registrar of Clubs, for hearing at the Annual Licensing Court for the court area wherein the club is situated, not later than twenty-one days prior to the date of such Annual Licensing Court.

Newspaper notice

(2) The applicant shall also publish the notice of such application once in a daily newspaper circulating in the locality and shall, when the notice has been published, lodge a copy of the newspaper with the registrar.

Documents to accompany application

(3) Such application for renewal shall be accompanied by—

(a) two copies of the rules of the club,

(b) a list containing the names and addresses of the officials and committee of management or governing body and the names of the members, and

(c) a certificate in the Form 83.2, Schedule C, signed by two Peace Commissioners for the district in which the club premises are situated, and where such premises are not owned by the club, the certificate shall be signed by the owner of such premises or, where the owner is under any legal disability, by the legal representative of the owner.

The application form shall be stamped to confirm payment of the appropriate court fee (if any) required by law to be paid in respect of such application.

Club rules qualifying for registration

(4) In order that a club may be eligible to be registered under the Registration of Clubs Acts, 1904 to 1988 the rules of the club shall comply with the requirements of

—section 4 of the Act, as amended by section 42 of the Act of 1988, and

—section 56 (which relates to prohibited hours for the supplying for consumption on club premises of excisable liquor) of the Act of 1927 (as substituted by section 26 of the Act of 1988).

Applicant to notify Fire Authority

(5) The provisions of section 24 of the Fire Services Act, 1981 (No. 30 of 1981) shall apply to every such application.

Registrar to notify Garda Supt.

(6) The registrar shall forthwith give notice of such application, in the Form 83. 3, Schedule C, together with a copy of the rules of the club, to the superintendent of the Garda Síochána for the Garda district in which the club, the subject of the application, is situated.

Certificate of registration 5. Where no objections to the renewal of the certificate are taken and the Court grants the application, the Registrar of Clubs shall make the entries required by the Act in the register of Clubs and thereupon shall issue to the applicant a certificate of registration in the Form 83.4, Schedule C.

Late application 6. A club failing to make application for renewal of a certificate of registration by the date at or previous to which such application must in the terms of the Act be made shall not be granted such renewal unless the Court is satisfied that such failure was due to inadvertence.

Objections to grant or renewal of certificate 7. (1) It shall be competent for the superintendent of the Garda Síochána on receiving notice of an application given as aforesaid, and for any person resident in the parish in which the club premises are situated, to lodge objections to the grant of the certificate on any of the grounds of objection specified in the Act, and it shall be competent for any person to lodge objections to the renewal of the certificate on any such grounds.

(2) The Court shall not consider any objection to the renewal of a certificate unless it is taken upon one or more of the grounds specified in

— section 5 of the Act, as amended by section 42 (1) of the Act of 1988 or

— section 24 (2) of the Act of 1924.

— notice of

(3) An objection to the grant or renewal of a certificate of registration of a club shall be by notice in the Form 83.5, Schedule C, signed by the objector or solicitor for the objector, and shall be lodged with the registrar within ten days of the receipt or publication of notice of the application, and at the same time a copy of such notice of objection shall be sent to the secretary of the club applying for the grant of renewal of the certificate. When the

superintendent of the Garda Síochána is not an objector, the registrar shall give notice of the lodgment of the objection or objections to the said superintendent.

— listing of

(4) In the case of an application for the renewal of a certificate, the registrar shall list and enter the notice of objection for the Annual Licensing Court before which the application is due to be heard, and where the Court adjourns the proceedings to a date for hearing, the registrar shall by notice in the Form 83.6, Schedule C inform the parties of the place, date and time fixed for the hearing.

When granted registrar to record particulars and issue certificate

(5) If, upon hearing the application and the objection, the Court grants the application, the Registrar of Clubs shall make the entries required by the Act in the register of clubs and thereupon shall issue to the applicant a certificate of registration in the Form 83.4, Schedule C.

Duration of certificate 8. (1) A certificate of registration duly issued by a Registrar of Clubs under the Registration of Clubs Acts, 1904 to 1988 shall, as provided in section 3 (3) of the Act (as amended by the first schedule to the Courts (No. 2) Act, 1986 — No. 26 of 1986), and subject to the other provisions of the Act, remain in force until the Annual Licensing Court for the court area wherein the club premises are situated held next after the grant of the application for such certificate, and shall then expire.

— extension pending Court's decision

(2) Notwithstanding the provisions of the Act as to the duration of certificates, where a renewal has been applied for the current certificate shall remain in force pending the final decision of the Court, but not exceeding three months unless the Court shall in its discretion extend such time to a further period not exceeding three months.

New clubs, clubs ceasing to be registered — notice to Revenue Commissioners 9. Every Registrar of Clubs shall, in compliance with the requirements of section 48 (6) of the Finance (1909-10) Act, 1910, send notice to the Revenue Commissioners of the entry of any new club and of any case in which a club ceases to be registered, upon the register of clubs kept by him or her.

Club Authorisations

Venue 10. (1) An application by the secretary of a registered club for an authorisation pursuant to section 21 (1) of the Intoxicating Liquor (General) Act, 1924 as amended by section 8 of the Act of 1962, may be made at any sitting of the Court for the court area in which the club premises for which the authorisation is sought are situated.

Service and lodgment of notice

(2) Notice of the application shall be served upon the superintendent of the Garda Síochána within whose district the club premises are situated at least forty-eight hours prior to the date of hearing of the application, and a copy thereof shall at the same time be lodged with the Registrar of Clubs.

Order of Court

(3) Where the application is granted, the authorisation shall be in accordance with Form 83.7, Schedule C.

Not more than 15 per year

(4) Not more than fifteen such authorisations shall be granted to any club in any licensing year.

Authorisations for special events

Venue 11. (1) An application by the secretary of a registered club for an authorisation pursuant to section 14 (1) of the Act of 1962 may be made at any sitting of the Court for the court area in which the club premises for which the authorisation is sought are situated.

Service and lodgment of notice

(2) Notice of the application shall be served upon the superintendent of the Garda Síochána within whose district the club premises are situated at least forty-eight hours prior to the date of hearing of the application, and a copy thereof shall at the same time be lodged with the Registrar of Clubs.

Order of

(3) Where the application is granted, the authorisation shall be in accordance with Form 83.8, Schedule C.

ORDER 84CHILD CARE

Definitions

1. In this Order:

"the Act" means the Child Care Act, 1991 (No. 17 of 1991);

"child" means a person under the age of eighteen years other than a person who is or has been married;

"health board" means a health board established under the Health Act, 1970 (No. 1 of 1970);

"parents" has the meaning assigned to it in section 2 (1) of the Act.

Hearings 2. (1) Proceedings under Part III, IV or VI of the Act shall be heard otherwise than in public and only officers of the Court, the parties and their legal representatives, witnesses and such other persons as the Judge in his or her discretion may allow, shall be permitted to be present at the hearing.

(2) The Judge may, if he or she thinks it proper to do so, order any witness who is not a party to the proceedings to leave court either until his or her evidence is required or after his or her evidence has been given.

(3) Proceedings in the Court under Part III, IV or VI of the Act shall be as informal as is practicable and consistent with the administration of justice. Neither Judges hearing and determining such proceedings nor barristers nor solicitors appearing in such proceedings shall wear wigs or gowns.

Service of documents 3. (1) A document required by these Rules to be served shall, subject to paragraphs (2) and (3) hereof, be served upon the person to whom it is directed—

(a) by delivering to him or her a copy thereof or,

(b) if he or she cannot be conveniently met with, by leaving a copy thereof for him or her at his or her last known residence or most usual place of abode with any relative of such person who is not less than sixteen years of age and who is believed to reside there with him or her, or by leaving it with the person in charge of the house or premises of such residence or abode, or,

(c) by leaving a copy thereof for him or her at his or her place of business with any agent, clerk, employee or servant of such person who is not less than sixteen years of age, or

(d) by sending a copy thereof by ordinary prepaid post in an envelope addressed to him or her at his or her last known residence or most usual place of abode or at his or her place of business.

(2) A document shall be served upon a health board or other statutory board or body or upon an unincorporated society by leaving a copy thereof with any employee of that board, body or society at its principal office or by sending such copy by ordinary prepaid post in an envelope addressed to the board, body or society at such principal office.

(3) The Court may, if for special reason in any particular case it considers it proper to do so, deem the service actually effected to be good and sufficient service, even though it was not effected in accordance with the provisions of this Order.

Lodgment for hearing 4. When a notice of application, summons or notice of appeal issued under this Order has been served, the original notice or summons, together with a statutory declaration as to service thereof, shall be lodged forthwith with the Clerk for entry for hearing.

Proceedings under Part III of the Act

Emergency care order 5. (1) An application by a health board under section 12 (4) or 13 (1) of the Act for an emergency care order shall be preceded by the issue and service of a notice in the Form 84.1 or 84.2 Schedule C , as the case may be, upon the respondent, i.e. the parent

having custody of the child or a person acting in loco parentis. Such notice shall be served at least two days prior to the date fixed for hearing the application.

(2) Where, however, the Judge is satisfied that the urgency of the matter so requires, an application for an emergency care order may be—

(a) made ex parte, subject to the lodgment with the Clerk of the notice of application (Form 84.1 or 84.2 Schedule C, as the case may be) duly completed;

(b) heard and an order may be made thereon elsewhere than at a public sitting of the Court.

Venue 6. (1) An emergency care order made under section 13 (1) of the Act shall be made by the Judge for the district in which the child resides or is for the time being. Where, however, such Judge is not immediately available, the order may be made by any judge of the District Court.

(2) An emergency care order shall be in the Form 84.3 or 84.4 Schedule C, as the case may be, and the applicant shall cause a copy thereof to be served upon a parent having custody of the child or, as the case may be, upon a person acting in loco parentis.

(3) A warrant issued under section 13 (3) of the Act for the purpose of executing such an Order shall be in the Form 84.5 Schedule C.

(4) An appeal from an emergency care order shall not stay the operation of the order.

Directions under section 13 (7) 7. (1) Where, otherwise than at the hearing of an application for an emergency care order, application is made under section 13 (7) of the Act for the Judge's directions, such application shall be preceded by the issue and service of a notice in the Form 84.6 Schedule C upon the health board, the parents of the child or either of them, a person acting in loco parentis, or any other person, as appropriate. Such notice shall be served at least two days prior to the date fixed for hearing the application. An order giving directions on such application shall be in the Form 84.7, Schedule C which shall be served upon each person directly affected by the Order.

(2) An application to vary or discharge a direction given under the said section 13 (7) (a) shall be preceded by the issue and service as prescribed in paragraph (1) hereof of a notice in the Form 84.8. Schedule C. The order of the Court on granting the application shall be in the Form 84.9 Schedule C; which shall be served as prescribed in the said paragraph (1).

8. It shall not be necessary in any notice or application under section 13 of the Act or in any order made under that section to name the child if such name is unknown.

Proceedings Under Part IV of the Act

Interim care order 9. (1) An application by a health board under section 17 (1) of the Act for an interim care order shall, except where the Judge directs under subsection (3) of that section, be preceded by the issue and service of a notice in the Form 84.10 Schedule C upon the respondent, i.e. a parent having custody of the child or, as the case may be, a person acting

in loco parentis. Such notice shall be served at least two days prior to the date fixed for hearing the application. An interim care order made on such application shall be in the Form 84.11 Schedule C and the applicant shall cause the said order to be served upon the respondent and any other person directly affected by the Order.

(2) A warrant issued under section 35 of the Act (and as prescribed in Rule 27 hereof) for the purpose of executing an interim care order shall be in the Form 84.43 Schedule C.

(3) An application under section 17 (2) of the Act for an extension of the period of an interim care order shall, except where the Judge otherwise directs under subsection (3) of that section, be preceded by the issue and service as prescribed in paragraph (1) hereof of a notice in the Form 84.12 Schedule C. The order granting the extension shall be in the Form 84.13 Schedule C and may, where appropriate, be added to or endorsed on the interim care order.

Care Order 10. (1) An application by a health board under section 18 (1) of the Act for a care order in respect of a child who resides or is found in its area shall be preceded by the issue and service of a notice in the Form 84.14 Schedule C, upon the respondent, i.e. a parent having custody of the child or, as the case may be, a person acting in loco parentis. Such notice shall be served at least seven days prior to the date fixed for hearing the application.

— service

(2) A care order made on such application shall be in the Form 84.15 Schedule C, and the applicant shall cause the said Order to be served upon the respondent.

— warrant

(3) A warrant issued under section 35 of the Act (and as prescribed in Rule 27 hereof) for the purpose of executing a care order shall be in the Form 84.43 Schedule C.

Extension of Care Order 11. An application under section 18 (2) of the Act to extend the operation of a care order shall be preceded by the issue and service of a notice in the Form 84.16 Schedule C, upon the respondent at least seven days prior to the date fixed for hearing the application. The order granting the application shall be in the Form 84.17 Schedule C, and may, where appropriate, be added to or endorsed on the care order.

Supervision Order 12. Where, on an application for a care order, the Court makes a supervision order (as provided for in section 18 (5) of the Act) the order of the Court shall be in the Form 18 and the applicant shall cause the said order to be served upon the respondent.

Directions pending Care Order 13. An application under section 18 (6) of the Act for the Court's directions as to the care and custody of a child pending the determination of an application for a care order shall, unless made viva voce at the hearing of the latter application, be preceded by the issue and service of a notice in the Form 84.19 Schedule C, upon the respondent, i.e. the health board, the parent having custody of the child, the person acting in loco parentis, as appropriate. Such notice shall be served at least two days prior to

the date fixed for hearing the application. The order of the Court giving such directions shall be in the Form 84.20 Schedule C, and shall be served on each party and any other person affected directly by the order.

Supervision Order Pending Care Order 14. An application under section 18 (6) of the Act for a supervision order pending the determination of an application for a care order shall, unless made viva voce at the hearing of the latter application, be preceded by the issue and service of a notice in the Form 84.21 Schedule C, at least two days prior to the date fixed for hearing the application. The order of the Court granting such application for a supervision order shall be in the Form 84.22 Schedule C, and the applicant shall cause the said order to be served upon the respondent.

Contribution by parent 15. (1) Where, in addition to making a care order, the Court makes an order under section 18 (7) of the Act requiring the parent or parents of a child to contribute towards his or her maintenance, such contribution order shall be in the Form 84.23 Schedule C, and the applicant health board shall cause the said order to be served upon the said parent or parents.

(2) An application under section 18 (8) of the Act to vary or discharge a contribution order shall be preceded by the issue and service of a notice in the Form 84.24 Schedule C, upon the respondent. Such notice shall be served at least seven days prior to the date fixed for hearing the application. The order of the Court granting the application shall be in the Form 84.25 Schedule C, and shall be served upon the parent required to contribute.

Supervision Order 16. (1) An application by a health board under section 19 (1) of the Act for a supervision order with respect to a child who resides in its area shall be preceded by the issue and service of a notice in the Form 84.26 Schedule C, upon the respondent or respondents, i.e. the parents of the child or, as the case may be, the parent having custody of the child or a person acting in loco parentis. Such notice shall be served at least seven days prior to the date fixed for hearing the application.

(2) A supervision order made on such application shall be in the Form 84.27 Schedule C, and the applicant health board shall cause the said order to be served upon each respondent.

Directions as to visits 17. An application under section 19 (3) of the Act for the Court's directions as to the manner in which a child is to be visited shall be preceded by the issue and service of a notice in the Form 84.28 Schedule C, upon the respondent health board at least seven days prior to the date fixed for hearing the application. The order of the Court giving such directions shall be in the Form 84.29 Schedule C, and shall be served upon each of the parties.

Further directions 18. An application by a health board under section 19 (4) of the Act, made during the currency of a supervision order, for the Court's directions as to the care of the child shall be preceded by the issue and service of a notice in the Form 84.30 Schedule C, upon the respondent or respondents. Such notice shall be served at least seven days prior to the date

fixed for hearing the application. The order of the Court giving such directions shall be in the Form 84.31 Schedule C, and the applicant shall cause the said order to be served upon each respondent.

Investigations under section 20 (1) 19. (1) Where, under section 20 (1) of the Act, the Court adjourns proceedings and directs a health board to undertake an investigation of a child's circumstances, if the board is not a party to those proceedings, the Clerk shall as soon as possible notify the board (in the Form 84.32 Schedule C,) of the Court's decision.

(2) Where, upon so adjourning, the Court gives directions under section 20 (2) of the Act as to the care and custody of the child or makes a supervision order in respect of the child pending the outcome of the investigation by the health board—

- (a) an order of the Court giving such directions shall be in the Form 84.33 Schedule C.
- (b) any such supervision order shall be in the Form 84.34, Schedule C, and the order shall be served upon each person directly affected thereby.

Vary or discharge care order 20. An application under section 22 of the Act—

(a) to vary or discharge a care order or any condition or direction attaching to such order or to discharge the care order and make a supervision order, or

(b) to vary or discharge a supervision order or any condition or direction attaching to such order,

shall be preceded by the issue and service of a notice in the Form 84.35, 84.36 or 84.37 Schedule C, as the case may be, upon the respondent or respondents. Such notice shall be served at least seven days prior to the date fixed for hearing the application. The order of the Court granting such application shall be in the Form 84.38, 84.39 or 84.40 Schedule C, as the case may be, and shall be served upon each person directly affected thereby.

Effect of appeals 21. An appeal from an order made by the Court under Part IV of the Act shall, if the Court or the Court to which the appeal is brought so determines (but not otherwise), stay the operation of the order on such terms (if any) as may be imposed by the Court making the determination.

Applications etc. under Part V of the Act

Requests for reports 22. (1) Where, other than during the hearing of the proceedings, application is made by any of the parties for an order under section 27 (1) of the Act requesting the preparation of a report, such application shall be preceded by the issue and service of a notice in the Form 84.41 Schedule C, upon the other party or parties. Such notice shall be served at least two days prior to the date fixed for hearing the application. The order of the Court granting the application shall be in the Form 84.42 Schedule C, and the applicant shall cause the said order to be served upon the person nominated therein to prepare the report.

(2) When the report has been prepared it shall be lodged with the Clerk. A copy of the report shall be made available by the applicant to the counsel or solicitor representing each party or, if any party is not so represented, to that party.

Attendance of child 23. A request under section 30 (2) of the Act by a child to be present during the hearing of the proceedings or any part thereof may be made by letter addressed to the Court and lodged with the Clerk prior to or during the hearing, as appropriate, or such request may be made orally to the Court at the commencement of or during such hearing, as appropriate.

Warrant to execute care order 24. A warrant issued under section 35 of the Act to execute an interim care order or a care order made under Part IV of the Act directing that a child be placed or maintained in the care of a health board shall be in the Form 84.43 Schedule C.

Proceedings Under Part VI of the Act

Access to child 25. (1) An application under section 37 (2) of the Act for an order regarding access to a child shall be preceded by the issue and service of a notice in the Form 84.44 Schedule C, upon the health board at least two days prior to the date fixed for hearing the application. The order of the Court granting the application shall be in the Form 84.45 Schedule C.

Vary access

(2) An application under the said section 37 (2) to vary or discharge an order to which paragraph (1) hereof relates shall be preceded by the issue and service of a notice in the Form 84.46 Schedule C, upon the respondent or respondents, i.e. the health board, the parents, the persons mentioned in section 37 (1) of the Act, as appropriate. The order of the Court granting the application shall be in the Form 84.47 Schedule C, and shall be served upon each of the parties.

Authority to refuse access 26. (1) An application by a health board under section 37 (3) of the Act for an order authorising it to refuse access to a child in its care shall be preceded by the issue and service of a notice in the Form 84.48 Schedule C, upon the respondent (the person against whom the order is sought). Such notice shall be served at least two days prior to the date fixed for hearing the application. The order of the Court granting the application shall be in the Form 84.49 Schedule C, and the applicant shall cause the said order to be served upon the respondent.

(2) An application under the said section 37 (3) to vary or discharge an order to which paragraph (1) hereof relates shall be preceded by the issue and service of a notice in the Form 84.50 Schedule C, upon the respondent or respondents. The order of the Court granting the application shall be in the Form 84.51 Schedule C, and shall be served upon each of the parties.

Order to deliver up child to health board — S.43 (2) 27. An application by a health board under section 43 (2) of the Act for an order directing that a child be delivered up to the custody of the board shall be preceded by the issue and service of a notice in the Form 84.52 Schedule C, upon the respondent. Such notice shall be served at least two days prior to the date fixed for hearing the application. The order of the Court granting the application shall be in the Form 84.53 Schedule C, and the applicant shall cause the said order to be served upon the respondent.

Information — s.46 (3) 28. Where an order is sought under section 46 (3) of the Act directing that a child be delivered up to the custody of the health board, the applicant shall lay information before the Judge on oath and in writing in the Form 84.54 Schedule C, and the Judge may, on foot of such information, sign and issue a summons in the Form 84.55. Schedule C, Such summons shall be served upon the respondent at least two days prior to the return date thereof. Where, however, the Judge is satisfied that the urgency of the matter so requires, the application may be made ex parte and an order under the said section may be made on foot of the sworn information without the necessity to issue such summons. The order of the Court granting the application shall be in the Form 84.56 Schedule C, and the applicant shall cause the said order to be served upon the respondent.

Search warrant 29. An application under section 46 (6) of the Act for a search warrant shall be by information on oath and in writing in the Form 84.57. Schedule C, Where the Judge receiving such information issues a warrant under that section such warrant shall be in the Form 84.58 Schedule C.

Direction under s. 47 30. (1) An application under section 47 of the Act for the Court's directions on a question affecting the welfare of a child in the care of a health board shall be preceded by the issue and service of a notice in the Form 84.59 Schedule C, upon the respondent or respondents. Such notice shall be served at least two days prior to the date fixed for hearing the application. The order of the Court granting the application shall be in the Form 84.60 Schedule C, and shall be served upon each of the parties and any other person directly affected by the order.

— variation or discharge

(2) An application to have any such order or direction varied or discharged shall be preceded by the issue and service as prescribed in paragraph (1) hereof of a notice in the Form 84.61 Schedule C, upon the respondent or respondents. The order of the Court granting the application shall be in the Form 84.62 Schedule C, and shall be served upon each of the parties and any other person directly affected by the order.

Applications under Part VII of the Act

31. (1) In this rule "pre-school service" has the meaning assigned to it in section 49 of the Act.

Pre-School service — warrant

(2) An application under section 55 (2) of the Act for a warrant to enter and inspect premises in which a pre-school service is being carried on shall be by information on oath and in writing in the Form 84.63. Schedule C. Where the Judge receiving such information issues a warrant under that section such warrant shall be in the Form 84.64. Schedule C.

Proceedings under Part VIII of the Act

Children's residential centre 32. An appeal to the Court under section 62 of the Act by the registered proprietor or, as the case may be, the person intending to be the registered proprietor of a children's residential centre, against a decision, specified in subsection (1) of that section, of a health board shall be preceded by the issue and service of a notice in the Form 84.65 Schedule C, upon that health board. Such notice shall be served at least seven days prior to the date fixed for hearing the appeal. The appellant shall lodge with the Clerk prior to the hearing a copy of the decision against which the appeal is brought or a copy of the notification referred to in section 61 (11) (b) (ii) of the Act. The order of the Court on hearing the appeal shall be in the Form 84.66. Schedule C.

Orders provided for in Part X of the Act

School Attendance Act 33. Where, in proceedings against a parent under section 17 of the School Attendance Act, 1926 (No. 17 of 1926), the Court makes a care order under section 17 (4) (b) of that Act (as substituted by section 75 of the Act) committing the child to the care of a health board the order of the Court shall be in the Form 84. 67 Schedule C, and shall be served upon the said parent of the child.

— care order

ORDER 85 WATER DISCONNECTION RULES

Definitions

1. In this Order—

"the Act of 1962" means the Local Government (Sanitary Services) Act, 1962;

"authorised person" means a person who is appointed in writing by a Sanitary Authority to be an authorised person for the purposes of the Local Government (Delimitation of Water Supply Disconnection Powers) Act, 1995.

"consumer" means the occupier of premises for which a supply of water for domestic purposes is provided or, where the premises are either unoccupied or are not owned by a local authority and comprise more than one dwelling, the owner of the premises;

"the Court" means the District Court;

"section 65A of the Act of 1878" means the section inserted by section 7 of the Act of 1962 into the Public Health (Ireland) Act, 1878 and amended by section 8 of the Local Government (Financial Provisions) (No. 2) Act, 1983;

"water discontinuance order" means an order under section 3 of the Local Government (Delimitation of Water Supply Disconnection Powers) Act, 1995.

Notice of application 2. An application by the sanitary authority for an order under section 3 (2) of the Local Government (Delimitation of Water Supply Disconnection Powers) Act, 1995 may be made at any sitting of the Court for the court area wherein the supply of water for domestic purposes is provided to the consumer. Notice of such application shall be in the Form 85.1 Schedule C and shall be served on the respondent by prepaid registered post at least twenty one days prior to the date fixed for hearing the application.

— lodgment

When service has been effected, the original notice together with a statutory declaration as to service thereof, shall be lodged with the District Court Clerk at least seven days prior to the said date for hearing.

Order 3. The order of the Court granting the application shall be in the Form 85. 2 Schedule C

ORDER 86PUBLIC DANCING

1. In this Order

"the Act" means the Public Dance Halls Act, 1935 (No. 2 of 1935);

"place" means a building (including part of a building), yard, garden, or other enclosed place, whether roofed or not roofed and whether the enclosure and the roofing (if any) are permanent or temporary;

"public dancing" means dancing which is open to the public and in which persons present are entitled to participate actively.

Venue for application under section 2 2. (1) An application for a public dancing licence pursuant to section 2 of the Act may be made at any sitting of the Court for the court area in which the place sought to be licensed is situate.

(2) Where the application is in respect of a place for which a licence is in existence at the time of such application, the application shall be made at the Annual Licensing Court for the said court area.

Service of notice

(3) Notice of the application shall be served upon the Superintendent of the Garda Síochána within whose district, and upon the local authority within whose functional area, is situate the

place to which such application relates, at least one month before the date of hearing of the application.

Newspaper notice

(4) The applicant shall also cause notice of the intended application to be published at least one month before such hearing in a newspaper circulating in the district in which is situate the place to which such application relates.

Applicant to notify Fire Authority

(5) The provisions of section 24 of the Fire Services Act, 1981 shall apply to the application.

Lodgment of notice, etc.

(6) A copy of the notice of the application, together with a statutory declaration as to service thereof and a copy of the newspaper, shall be lodged with the Clerk at least seven days before the date of such hearing.

Order of Court

(7) Where the application is granted, the licence shall be in accordance with Form 86.1, Schedule C.

Venue for application under section 6 3. (1) An application for a public dancing licence for a defined period not exceeding one month pursuant to section 6 of the Act may be made at any sitting of the Court for the court area in which the place sought to be licensed is situate.

Service and lodgment of notice

(2) Notice of the application shall be served upon the Superintendent of the Garda Síochána within whose district is situate the place to which such application relates and a copy thereof, together with a statutory declaration as to service, shall be lodged with the Clerk at least fortyeight hours before the date of hearing of the application.

Applicant to notify Fire Authority

(3) The provisions of section 24 of the Fire Services Act, 1981 shall apply to the application.

(4) A Judge may, where special circumstances so require, hear such application and grant such public dancing licence at a sitting of the Court in any court area in that Judge's district.

Order of Court

(5) Where the application is granted the licence shall be in accordance with Form 86.2, Schedule C.

Venue for application under section 8 (2) 4. (1) An application in respect of any place for which a public dancing licence is in force, for a public dancing licence in respect of that place to another person pursuant to section 8 (2) of the Act, made with the consent of the licensee, may be made at any sitting of the Court for the court area in which the place to which the application relates is situate.

Notice of application

(2) Such application shall be preceded by the issue and service of a notice in the appropriate form (Form 86.3, Schedule C) signed by the applicant or solicitor for the applicant.

Service and lodgment of notice

(3) Such notice shall be served upon the Superintendent of the Garda Síochána within whose district is situate the place to which such application relates, and a copy thereof, together with a statutory declaration as to service, shall be lodged with the Clerk at least forty-eight hours before the date of hearing of the application.

Applicant to notify Fire Authority

(4) The provisions of section 24 of the Fire Services Act, 1981 shat apply to the application.

Order of Court

(5) The order of the Court hearing such application shall be in accordance with Form 86.1 or Form 86.4, Schedule C, as the case may be.

Surrender of licence 5. The licensee under a public dancing licence may at any time surrender such licence by notice in writing (Form 86.5 Schedule C) sent or delivered, together with such licence, to the Clerk for the court area in which the place to which such licence relates is situate.

ORDER 87PUBLIC MUSIC AND SINGING

Definitions

1. In this Order—

"the Act" means the Public Health Acts Amendment Act, 1890 (53 and 54 Vict. CH. 59), as amended by section 14 of the Public Dance Halls Act, 1935 (No. 2 of 1935) and section 33 (2) of the Courts (Supplemental Provisions) Act, 1961 (No. 39 of 1961);

"place" means the house, room, garden or other place in respect of which a licence or the transfer of a licence under section 51 of the Act is sought or is or has been granted.

Venue for application under sec. 51 (2) 2. (1) An application for a public music and singing licence pursuant to section 51 (2) of the Act may be made at any sitting of the Court for the court area in which the place sought to be licensed is situate.

(2) Where the application is in respect of a place for which a licence under the Act is in existence at the time of such application, the application shall be made at the Annual Licensing Court for the said court area.

Service of notice

(3) Notice of the application shall be served upon the Superintendent of the Garda Síochána within whose district is situate the place to which the application relates, at least fourteen days before the date of hearing of the application.

Applicant to notify Fire Authority

(4) The provisions of section 24 of the Fire Services Act, 1981 shall apply to the application.

Lodgment of notice

(5) A copy of such notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the date of such hearing.

Order of Court

(6) Where the application is granted the licence shall be in accordance with Form 87.1, Schedule C.

Venue for application under sec. 51 (11) 3. (1) An application for a public music and singing licence for a defined period not exceeding fourteen days pursuant to section 51 (11) of the Act may be made at any sitting of the Court for the court area in which the place sought to be licensed is situate.

Service of notice

(2) Notice of the application shall be served upon the Superintendent of the Garda Síochána within whose district is situate the place to which the application relates, at least fourteen days before the date of hearing of the application.

Applicant to notify Fire Authority

(3) The provisions of section 24 of the Fire Services Act, 1981 shall apply to the application.

Lodgment of notice

(4) A copy of such notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the date of such hearing.

Order of Court

(5) Where the application is granted the licence shall be in accordance with Form 87.2, Schedule C.

Venue for application under sec. 51 (3) 4. (1) An application for the transfer of a public music and singing licence pursuant to section 51 (3) of the Act may be made at any sitting of the Court for the court area in which the place to which the application relates is situate.

Service of notice

(2) Notice of the application shall be served upon the Superintendent of the Garda Síochána within whose district is situate the place to which the application relates, at least fourteen days before the date of such hearing.

Lodgment of notice

(3) A copy of such notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the date of such hearing.

Order of Court

(4) Where the application is granted the endorsement of transfer shall be in accordance with Form 87.3, Schedule C.

ORDER 88 STREET AND HOUSE TO HOUSE COLLECTIONS

Definition

1. In this Order "the Act" means the Street and House to House Collections Act, 1962 (No. 13 of 1962).

Venue for Appeal under Sec. 13 (1) 2. (1) An appeal against the refusal by a Chief Superintendent of the Garda Síochána to grant a collection permit, pursuant to section 13 (1) of the Act, may be made at any sitting of the Court for the court area forming any part of the locality in which the collection to which the collection permit tile subject of the appeal relates, is proposed to be held.

Form of notice

(2) Such appeal shall be preceded by the issue and service of a notice in the appropriate form (Form 88.1 Schedule C) signed by the appellant or solicitor for the appellant.

Service of notice

(3) Such notice shall be served upon the Chief Superintendent at least seven days before the date of hearing of the appeal.

Lodgment of notice

(4) A copy of such notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the date of such hearing.

Order of Court

(5) The order of the Court hearing such appeal shall be in accordance with Form 88.2 Schedule C.

Venue for appeal under sec. 13 (2) 3. (1) An appeal against the attaching of a condition by a Chief Superintendent of the Garda Síochána to a collection permit granted, pursuant to section 13 (2) of the Act, may be made at any sitting of the Court for the court area forming any part of the locality in which the collection to which the collection permit the subject of the appeal relates is proposed to be held.

Form of notice

(2) Such appeal shall be preceded by the issue and service of a notice in the appropriate form (Form 88.3 Schedule C) signed by the appellant or solicitor for the appellant.

Service of notice

(3) Such notice shall be served upon the Chief Superintendent at least seven days before the date of hearing of the appeal.

Lodgment of notice

(4) A copy of such notice, together with a statutory declaration as to service thereof shall be lodged with the Clerk at least four days before the date of such hearing.

Order of Court

(5) The order of the Court hearing such appeal shall be in accordance with Form 88.4, Schedule C.

Venue for Appeal under Sec. 13 (3) 4. (1) An appeal against the revocation by a Chief Superintendent of the Garda Síochána of a collection permit pursuant to section 13 (3) of the Act, may be made at any sitting of the Court for the court area forming any part of the locality in which the collection to which the collection permit the subject of the appeal relates is proposed to be held.

Form of notice

(2) Such appeal shall be preceded by the issue and service of a notice in the appropriate form (Form 88.5, Schedule C) signed by the appellant or solicitor for the appellant.

Service of notice

(3) Such notice shall be served upon the Chief Superintendent at least seven days before the date of hearing of the appeal.

Lodgment of notice

(4) A copy of such notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the date of such hearing.

Order of Court

(5) The order of the Court hearing such appeal shall be in accordance with Form 88.6, Schedule C.

Venue for application under Sec. 23 (1) 5. (1) An application by a Chief Superintendent of the Garda Síochána for an order under section 23 (1) of the Act may be made at any sitting of the Court for the court area forming any part of the locality in which the collection was held pursuant to a collection permit.

Form of, and service of notice

(2) Such application shall be preceded by the issue and service of a notice in the Form 88.7, Schedule C upon the person (the respondent) to whom was granted the collection permit pursuant to which the collection was held. The notice shall be served at least forty-eight hours before the hearing of the application.

Lodgment of notice

(3) When service has been effected the original notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk.

Order of Court

(4) Where the application is granted the Order shall be in the Form 88.8, Schedule C. A certified copy of such order shall be given or sent to the respondent.

ORDER 89WILDLIFE

Definitions

1. In this Order—

"the Act" means the Wildlife Act, 1976, (No. 39 of 1976);

"the Minister" means the Minister for Arts, Culture and the Gaeltacht.

Venue for appeal under sec. 29 (7) 2. (1) An appeal pursuant to section 29 (7) of the Act against the refusal by the Minister to grant or renew a licence to hunt with firearms may be made at any sitting of the Court for the court area in which the appellant ordinarily resides or, where the appellant is ordinarily resident outside the State, temporarily resides.

Form of notice

(2) Such appeal shall be preceded by the issue and service of a notice in the appropriate form (Form 89.1, Schedule C) signed by the appellant or solicitor for the appellant.

Service and lodgment of notice

(3) Such notice shall be served upon the Minister by registered prepaid post at least fourteen days before the date of hearing of the appeal and a copy thereof, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least two days before the date of such hearing.

Order of Court

(4) The order of the Court hearing such appeal shall be in accordance with Form 89.2, Schedule C.

(5) Where the Court allows the appeal the Clerk shall, as soon as may be, send to the Minister a copy of the order of the Court.

Venue for application for certificate 3. (1) An application for the grant of a certificate authorising the issue of a licence or renewal of a licence to carry on business as a wildlife dealer pursuant to section 48 of the Act may be made at any sitting of the Court for the court area in which the premises for which the certificate is sought are situate.

Form of notice

(2) Such application shall be preceded by the issue and service of a notice in the appropriate form (Form 89.3, Schedule C) signed by the applicant or solicitor for the applicant.

Service of notice

(3) Such notice shall be served upon the Minister by registered prepaid post at least fourteen days before the date of hearing of the application and a copy thereof, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least two days before the date of such hearing.

Order of Court

(4) Where the application is granted the certificate shall be in accordance with Form 89.4, Schedule C.

Venue for application to amend licence 4. (1) An application for the amendment of a wildlife dealer's licence pursuant to section 48 (7) of the Act may be made at any sitting of the Court for the court area in which the certificate authorising the issue of a licence was granted.

Form of notice

(2) Such application shall be preceded by the completion of a notice in the appropriate form (Form 89.5, Schedule C) which shall be lodged with the Clerk at least two days before the date of hearing of the application.

Revocation of licence 5. Where pursuant to section 49 (1) of the Act the Court revokes a wildlife dealer's licence the Clerk shall, as soon as may be, send to the Minister a copy of the order of the Court.

6. Where, pursuant to section 75 of the Act, the Court revokes a firearm certificate or a licence to hunt with firearms and imposes a disqualification, the Clerk shall, as soon as may be, send to the Minister a copy of the order of the Court.

Venue for appeal under sec. 77 7. (1) An appeal pursuant to section 77 of the Act against seizure and detention under the Act may be made at any sitting of the Court for the court area in which such seizure and detention was made.

Form of notice

(2) Such appeal shall be preceded by the issue and service of a notice in the appropriate form (Form 89.6, Schedule C) signed by the appellant or solicitor for the appellant.

Service of notice

(3) Such notice shall be served upon every person directly affected by the appeal, in accordance with the provisions of section 3 of the Act, at least seven days or, where service is effected by registered prepaid post, at least fourteen days before the date of hearing of the appeal.

Lodgment of notice

(4) A copy of such notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least two days before the date of the said hearing.

Order of Court

(5) The order of the Court hearing such appeal shall be in accordance with Form 89.7 or 89.8 Schedule C, as the case may be.

Venue for appeal under sec. 78 (5) 8. (1) An appeal pursuant to section 78 (5) of the Act against a direction under section 78 (3) of the Act may be made at any sitting of the Court for the court district in which the Peace Commissioner by whom the direction was given acts.

Form of notice

(2) Such appeal shall be preceded by the issue and service of a notice in the appropriate form (Form 89.9 Schedule C) signed by the appellant or solicitor for the appellant.

Service of notice

(3) Such notice shall be served upon the person on whose application the direction was given and upon the Peace Commissioner who gave the direction. It shall be served in accordance with the provisions of section 3 of the Act not later than four days after the giving of such direction, and a copy of the notice, together with a statutory declaration as to service thereof, shall then be lodged with the Clerk.

Order of Court

(4) The order of the Court on hearing such appeal shall be in accordance with Form 89.10, or 89.11 Schedule C, as the case may be.

Application to prohibit entry on land 9.— venue for

(1) An application pursuant to section 68 (5) of the Act for an order prohibiting an authorised officer from entering on land may be made at any sitting of the Court for the court district wherein the land is situate.

— notice of

(2) Such application shall be preceded by the issue and service of a notice in the Form 89.12, Schedule C upon the respondent (the authorised officer) in accordance with the provisions of section 3 of the Act. Service shall be effected at least seven days or, where the notice is being served by registered prepaid post, at least fourteen days before the date fixed for hearing the application. The original notice, together with a statutory declaration as to service thereof, shall then be lodged with the Clerk at least two days before the said date for hearing.

— order of the Court

(3) The order of the Court on hearing the application shall be in the Form 89.13, Schedule C.

Application for search warrant — venue for 10. (1) An application to a Judge of the District Court for the issue of a search warrant pursuant to section 73 of the Act may be made at any sitting of the Court for the court district wherein the premises or other land in respect of which the warrant is sought is situate.

— by sworn information

(2) Such application shall be made by the information on oath and in writing, in the Form 89.14, Schedule C, of the member of the Garda Síochána or the authorised person seeking the warrant.

— form of warrant

(3) A search warrant issued on foot of such information shall be in the Form 89.15 or 89.16, Schedule C, as appropriate.

ORDER 90AIR NAVIGATION (EUROCONTROL)

Definitions

1. In this Order—

"the Act of 1963" means the Air Navigation (Eurocontrol) Act, 1963 (No. 15 of 1963).

"the Act of 1983" means the Air Navigation (Eurocontrol) Act, 1983 (No. 38 of 1983).

"determination" has the meaning assigned to it in section 1 of the Act of 1983;

"the Organisation" has the meaning assigned to it in section 2 of the Act of 1963.

Venue 2. Proceedings brought before the Court pursuant to section 7 of the Act of 1983 for the recovery of a sum due to the Organisation in respect of air navigation facilities and services provided by that body, or by any other person, shall be brought, heard and determined before sittings of the Court for the transaction of civil business for the court area

—wherein the defendant's residence or, as the case may be, the defendant's registered office, is located, or

—if such residence or, as the case may be, such registered office is not located in the State, wherein the defendant has a place of business, or

—if such residence or, as the case may be, such registered office is not located, or he or she has no place of business in the State, wherein the defendant has assets, or

—if such residence or, as the case may be, such registered office is not located, or he or she has no place of business or assets in the State, wherein the Organisation, for the time being, has its headquarters.

Proceedings by civil summons 3. Such proceedings shall be instituted by the issue of a civil summons for a debt or liquidated money demand in the Form 39.2, Schedule C, and the provisions of these Rules relating thereto shall mutatis mutandis apply to such proceedings.

Copies of decrees and civil summonses 4. (1) A person seeking a certified copy of a determination for the purposes of section 9 of the Act of 1983 shall complete and lodge with the Clerk the relevant decree in duplicate, together with an affidavit of debt (where appropriate) in duplicate, and shall pay any prescribed court fee. When the decree has been signed by the Judge, the Clerk shall retain the original decree and affidavit, and shall certify and issue the copies to the applicant therefor.

(2) Upon application being made under the said section 9 and upon payment of the prescribed court fee, the Clerk shall prepare, certify and issue to the applicant therefor a copy of the original civil summons (including the statutory declaration as to service).

Certificate under section 9 (c) 5. The certificate to be issued by the Clerk under section 9 (c) of the Act of 1983 shall be in the Form 90.1, Schedule C.

ORDER 91 CONTROL OF DOGS

Definition

1. In this Order—

"the Act" means the Control of Dogs Act, 1986 (No. 32 of 1986).

Prosecution of offences 2. (1) Proceedings in respect of an offence alleged under the Act may be brought, heard or determined at any sitting of the Court for the court area wherein the offence is alleged to have been committed.

(2) Where however the Clerk, having consulted the Judge for the time being assigned to the district within which such area is situated, certifies on a summons that such proceedings are urgent, the summons may be issued for and the proceedings may be heard and determined at any sitting of the Court in that district.

(3) An offence under the Act may be prosecuted by the local authority in whose area the offence is alleged to have been committed.

(4) Proceedings in respect of such an offence may be commenced by the issuing by the appropriate office of the District Court, on the application of the relevant local authority, of a summons in the Form 7, Schedule B. Such summons shall be served in accordance with the provisions of section 32 of the Act at least seven days or, where service is being effected by prepaid registered post, at least twenty-one days before the date of hearing of the summons.

(5) When service has been effected the original summons, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the said date of hearing.

Proceedings under section 22 (1) (a) 3. (1) A complaint under section 22 (1) (a) of the Act that a dog is dangerous and not kept under proper control may be made at any sitting of the Court for the court area wherein the premises of the owner of the dog or, as the case may be, of the person in charge of the dog are situated.

(2) Where however the Clerk, having consulted the Judge for the time being assigned to the district within which such area is situated, certifies on a notice of intention to make a complaint that the proceedings are urgent, such notice may be issued for and the proceedings may be heard and determined at any sitting of the Court in that district.

(3) Such complaint shall be preceded by the issue and service of a notice in the Form 91.1, Schedule C upon the defendant (the person in charge of the dog) and, where the defendant is not the owner of the dog, also upon such owner. Service may be effected in accordance with

the provisions of section 32 of the Act at least seven days or, where service is being effected by prepaid registered post, at least twenty-one days before the date of hearing of the complaint.

(4) When service has been effected the original notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the said date of hearing.

(5) The order of the Court on hearing the complaint shall be in the Form 91.2, Schedule C. A copy of such order shall be given to the defendant and, where the defendant is not the owner of the dog, a copy of the order shall also be given to such owner.

Proceedings under sec. 25 4. (1) A complaint under section 25 (1) of the Act that a nuisance has been created as a result of excessive barking by a dog may be made at any sitting of the Court for the court area wherein the premises in which the dog, is kept are situated.

(2) Where however the Clerk, having consulted the Judge for the time being assigned to the district within which such area is situated, certifies on a notice of intention to make a complaint that the proceedings are urgent, such notice may be issued for and the proceedings may be heard and determined at any sitting of the Court in that district.

(3) Such complaint shall be preceded by the issue and service upon the occupier of the premises in which the dog is kept of the notice referred to in section 25 (2) of the Act and which is prescribed in the Control of Dogs (No. 2) Regulations, 1987 (S.I. No. 59 of 1987). Service of the notice shall be effected in accordance with the provisions of section 32 of the Act.

(4) When service has been effected the original notice, together with a statutory declaration as to service thereof, shall forthwith be lodged with the Clerk.

(5) The order of the Court on hearing the complaint shall be in the Form 91.3, Schedule C. A copy of such order shall be given to the defendant.

Search warrant (sec. 26) 5. (1) An application by a member of the Garda Síochána for the issue of a search warrant under section 26 of the Act may be made at any sitting of the Court for the court district wherein the premises in which the dog is kept are situated.

(2) The application shall be by information on oath and in writing in the Form 91.4, Schedule C.

(3) The order of the Court on granting the application shall be in the Form 91.5, Schedule C.

Application to remove disqualification (sec. 29) 6. (1) An application under section 27 (1) of the Protection of Animals (Amendment) Act, 1965 (as substituted by section 29 of the Act) to remove a disqualification may be made at any sitting of the Court for the court area wherein the disqualification order was made.

(2) Such application shall be preceded by the issue and service of a notice in the Form 91.6, Schedule C upon the local authority in whose area the offence, on conviction of which the disqualification order was made, was committed. Service may be effected in accordance with the provisions of section 32 of the Act at least fourteen days before the date of hearing of the application.

(3) When service has been effected the original notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least two days before the said date of hearing.

(4) The order of the Court on hearing the application shall be in the Form 91.7, Schedule C.

ORDER 92 FIRE SERVICES

Definition

1. In this Order—

"the Act" means the Fire Services Act, 1981 (No. 30 of 1981).

Venue 2. Proceedings under section 20 (4), 21 or 22 (7) of the Act may be brought before any sitting of the Court for the court area wherein the relevant building or land is situate.

Fire safety notice— 3. (1) An application under section 20 (4) of the Act for an order concerning expenses or their apportionment shall be preceded by the issue and service of a notice in the Form 92.1, Schedule C, signed by the applicant or solicitor for the applicant; which notice shall be served upon the occupier or the owner, as the case may be, of the building or land to which the fire safety notice relates, and upon the fire authority which served the fire safety notice. The notice shall be served in accordance with the provisions of section 38 of the Act at least seven days or, where it is sent by prepaid registered post, at least fourteen days before the date of the sitting of the Court to which it is returnable.

(2) The original of every such notice of application, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least two days before the date of the said sitting of the Court.

(3) The order of the Court hearing the application shall be in the Form 92.2, Schedule C.

Appeal against fire safety notice 4. (1) An appeal under section 21 of the Act against a fire safety notice shall be preceded by the issue of a notice of appeal in the Form 92.3, Schedule C, signed by the appellant or solicitor for the appellant; which notice shall be given to the respondent fire authority, in accordance with the provisions of sections 21 (2) and 38 of the Act, at least seven days or, where it is sent by prepaid registered post, at least fourteen days before the date of the sitting of the Court to which the notice of appeal is returnable.

(2) A copy of the notice of appeal, together with a statutory declaration as to service, shall be lodged with the Clerk at least two days before the said sitting of the Court.

(3) The order of the Court on hearing the appeal shall be in the Form 92.4, Schedule C.

Warrant under section 22 (7) 5. (1) An application to the Court for the issue of a warrant under section 22 (7) of the Act to enter land or a building shall be by the information on oath and in writing of a person duly appointed in that behalf by the relevant fire authority. The information shall be in the Form 15.3, Schedule B, with suitable modifications.

(2) The order of the Court on granting the application shall be in the Form 92.5, Schedule C.

ORDER 93HOUSING (PRIVATE RENTED DWELLINGS)

Definition

1. In this Order—

"the Act" means the Housing (Private Rented Dwellings) Act, 1982 (No. 6 of 1982), as amended by the Housing (Private Rented Dwellings) (Amendment) Act, 1983 (No. 22 of 1983).

Venue 2. Proceedings under the Act may be brought, heard or determined at any sitting of the Court for the court area in which is situated the dwelling in relation to which the proceedings are brought.

Notices and orders of Court 3. (1) An application to the Court under section 9 (5) of the Act for an order determining who shall be tenant shall be preceded by the issue and service of a notice in the Form 93.1, Schedule C upon every member of the original tenant's family who was at the time of the relevant death bona fide residing in the dwelling, and upon the landlord of the dwelling. The order of the Court shall be in the Form 93.2, Schedule C.

(2) Where a dispute, failure or question arises or occurs in the carrying out of an order of the Court the application to the Court under section 12 (4) of the Act shall be preceded by the issue and service of a notice in the Form 93.3, Schedule C upon the other party. The order of the Court shall be in the Form 93.4, Schedule C.

(3) An application to the Court under section 15 of the Act seeking compensation for improvements shall be preceded by the issue and service of a notice in the Form 93.5, Schedule C upon the landlord. The order of the Court shall be in the Form 93.6, Schedule C.

(4) Where recovery of possession of a dwelling under section 16 of the Act is sought the application to the Court shall be preceded by the issue and service of a notice in the Form 93.7, Schedule C upon the tenant. The warrant for delivery of possession shall be in the Form 93.8, Schedule C.

(5) An application to the Court under section 18 of the Act to stay execution or to postpone the date of possession shall be preceded by the issue and service of a notice in the Form 93.9, Schedule C upon the other party to the proceedings. In case of urgency, however, the

application may be made *ex parte* on the lodgment of notice with the Clerk and where the Court grants such application the Clerk shall forthwith notify the respondent accordingly.

(6) Where compensation is sought under section 19 of the Act the application to the Court shall be preceded by the issue and service of a notice in the Form 93.10, Schedule C upon the landlord. The order of the Court shall be in the Form 93.11, Schedule C.

(7) An appeal to the Court under section 26 (5) of the Act shall be preceded by the issue and service of a notice in the Form 93.12, Schedule C on the housing authority and upon the tenant. The order of the Court shall be in the Form 93.13, Schedule C.

Service of notices 4. (1) Notices required by this Order to be served shall be served in accordance with the provisions of section 4 of the Act, and where service is effected by registered prepaid post the provisions of section 7 of the Courts Act, 1964, as amended, shall apply.

(2) Every such notice shall be served one month at least before the date of sitting of the Court to which the notice has been made returnable. Proof of service shall be by statutory declaration. The original of every such notice, with the statutory declaration endorsed thereon, shall be lodged with the Clerk four days at least before the date of sitting of the Court.

Lodgments 5. Where notice of an application under section 15 of the Act seeking compensation for improvements has been served, the landlord may, not later than seven days after being served, lodge in court a sum of money which he or she alleges is sufficient to satisfy the claim, together with the appropriate costs on the scale for undefended cases, and shall at the same time give notice in writing to the applicant of the lodgment, and the provisions of Order 41 of these Rules relating to lodgments shall *mutatis mutandis* apply to any such lodgment, save that notice of intention to defend shall not be required.

Costs 6. Costs of proceedings under sections 15 and 16 of the Act, where allowed, shall be in accordance with the appropriate scales set out in the Schedule of Costs annexed to these Rules or any similar scales in any other such schedule for the time being in force. Costs of any other proceedings under the Act shall be at the discretion of the Court and may be measured under Order 51, r. 14 hereof.

ORDER 94 IRISH NATIONALITY AND CITIZENSHIP

Definitions

1. In this Order—

"the Act" means the Irish Nationality and Citizenship Act, 1956 (No. 26 of 1956);

"the Act of 1986" means the Irish Nationality and Citizenship Act, 1986 (No. 23 of 1986).

Venue 2. A declaration of fidelity to the nation and loyalty to the State pursuant to section 15 (1) (e) — (as inserted by section 4 of the Act of 1986) — of the Act, when made before a Judge of the District Court, shall be made in open court and may be made at any sitting of the Court.

Form of declaration 3. The prescribed form of such declaration is contained in Irish Nationality and Citizenship Regulations, 1956 (S.I. No. 216 of 1956).

ORDER 95MALICIOUS INJURIES

Definitions

1. In this Order—

"the Acts" means the Malicious Injuries Acts, 1981 and 1986;

"the Principal Act" means the Malicious Injuries Act, 1981 (No. 9 of 1981).

"the Act of 1986" means the Malicious Injuries (Amendment) Act, 1986 (No. 27 of 1986);

"ratepayer" means any ratepayer of a local authority which is a party to any proceedings for compensation under the Acts;

"third party" means a local authority notified under section 10 (1) of the Principal Act.

Application for compensation 2. (1) An application to the District Court for compensation under the Acts may, subject to the provisions of section 13 of the Principal Act, be brought, heard or determined at any sitting of the Court for the transaction of civil business.

(2) Such application shall be preceded by the issue and service of a notice in the Form 95.1, 95.2, 95.3, 95.4, or 95.5 Schedule C, as may be appropriate, signed by the applicant or solicitor for the applicant. The notice shall be served upon the council of the county or the corporation of the county borough from which it is sought to obtain compensation. Service may be effected by prepaid registered post at least twenty-one days before the date fixed for the hearing of the application.

(3) In the Dublin Metropolitan District the original and copy of every notice of application intended for service shall first be lodged with the Clerk for insertion of the date of hearing thereon.

(4) When service has been effected the original notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least seven days before the said date of hearing.

Joinder of other local authority as third party 3. A local authority which has given notice under section 10 of the Principal Act shall lodge a copy of the notice with the Clerk.

Order of the Court 4. (1) A decree awarding compensation under section 11 of the Principal Act in respect of damage or loss shall be in the Form 95.6, 95.7, 95.8, 95.9 or 95.10 Schedule C, as may be appropriate.

(2) An order refusing compensation shall be in the Form 95.11 Schedule C.

Malicious Injuries Book 5. The Clerk shall keep a book to be known as the Malicious Injuries Book in which shall be entered particulars of all notices of application and third party notices lodged under this Order and details of all applications and orders made in the proceedings to which the notices relate.

Costs 6. Costs, where awarded, other than costs of an application for compensation which are payable by a local authority, shall be in accordance with the appropriate scale of costs set out in the schedule of costs annexed to these Rules.

Where liability for compensation is apportioned between two or more local authorities, the costs (and expenses, if any) awarded to the applicant shall be similarly apportioned.

Settlements 7. Where under section 16 (1) of the Principal Act a local authority settles a claim brought against it, the form of consent or settlement (and withdrawal of application) signed by the parties (or a copy thereof) shall be lodged with the Clerk, who shall note the settlement in the Malicious Injuries Book and retain the documents in his or her custody.

Lodgments in court 8. A lodgment made under section 16 (2) of the Principal Act shall be made not later than seven days before the date fixed for the hearing of the application and the provisions of Order 41 of these Rules relating to lodgments shall *mutatis mutandis* apply to such lodgment, but a notice of intention to defend shall not be required.

Appeals to the Circuit Court 9. (1) The provisions of Order 101 of these Rules relating to appeals to the Circuit Court and the forms therein prescribed shall *mutatis mutandis* apply to every appeal, including an appeal by a ratepayer, taken under section 17 of the Principal Act.

(2) The Court may exempt an appellant from the requirement to enter into a recognisance for appeal against a decision on an application for compensation under the Principal Act as amended by the Act of 1986.

Cases stated to the Supreme Court 10. The procedure to be followed in relation to cases stated for the opinion of the Supreme Court under section 18 of the Principal Act are contained in Order 102 of these Rules.

Non-compliance with rules 11. Non-compliance with any of the foregoing rules of this Order shall not render any proceedings void unless the Court shall so direct.

Court may extend time, set aside, amend, etc. 12. The Court may, in relation to any act or proceedings under the Acts or under this Order, extend the time for, set aside either wholly or in part, amend or otherwise deal with in such manner and on such terms as the Court may think just, such act or proceedings.

ORDER 96 PROTECTION OF THE ENVIRONMENT AND CONTROL OF POLLUTION

Proceedings: — under the Air Pollution Act, 1987 (No. 6 of 1987)

Application for warrant 1. (1) An application under section 14 (5) of the Air Pollution Act, 1987 (hereinafter referred to as "the Act of 1987") by an authorised person or the person by whom he or she was appointed for a warrant to enter premises may be made at any sitting of the Court for the court district wherein the premises are situated.

— venue for

— by sworn information

(2) Such application shall be made by the information on oath and in writing, in the Form 96.1, Schedule C, of the person seeking the warrant.

— form of warrant

(3) A warrant to enter premises granted on foot of such information shall be in Form 96.2, Schedule C.

Application for order under sec. 28A (1) 2. (1) An application to the Court under subsection (1) of section 28A (inserted by the third schedule to the Environmental Protection Agency Act, 1992 — No. 7 of 1992) of the Act of 1987 for an order pursuant to that subsection in relation to an emission from a premises may be made at any sitting of the Court for the court district wherein the premises concerned are situated or wherein the emission concerned takes place.

— venue for

— form of, service and lodgment of notice of

(2) Such application shall be preceded by the issue and service of a notice in the Form 96.3, Schedule C, upon the respondent in a manner prescribed in section 15 of the Act of 1987, and shall be served at least seven days or, where service is being effected by prepaid registered post, at least twenty-one days prior to the date fixed for hearing the application. The original notice, together with a statutory declaration as to service thereof (and, where appropriate, the certificate of posting), shall be lodged with the Clerk at least four days prior to the said date for hearing.

— order of the Court on

(3) The order of the Court on granting the application shall be in the Form 96.4, Schedule C. transfer to Circuit Court or High Court

(4) Where, pursuant to the provisions of section 28A (1) (c) (i) of the Act of 1987, the Court transfers an application made under the said subsection (1) to the Circuit Court or the High Court, the order so transferring shall be in the Form 96.5, Schedule C, and the Clerk shall forthwith transmit a certified copy of the said order and any other order made in the proceedings, the notice of application and any other document or exhibit handed into court in relation to that application, to the appropriate County Registrar or, as the case may be, Registrar of the High Court.

Applications for orders under sec. 55 3. (1) Applications to the Court under section 55 of the Act of 1987 relating to the carrying out of required works and the cost thereof may be made at any sitting of the Court for the court area wherein the premises in relation to which the orders are sought are situated.

— under sec. 55 (2)

(2) An application for an order under section 55 (2) of the Act of 1987 deeming consent to have been given and directing that required works be carried out shall be preceded by the issue and service upon the respondent of a notice in the Form 96.6, Schedule C.

— under sec. 55 (3)

(3) An application for an order under section 55 (3) of the Act of 1987 in relation to the cost of works required to be carried out pursuant to that Act shall be preceded by the issue and service upon the respondent of a notice in the Form 96.7, Schedule C.

— service of notices of

(4) A notice of application required by this rule to be served shall be served in a manner prescribed in section 15 of that Act. Service shall be effected at least seven days or, if being effected by prepaid registered post, at least twenty-one days prior to the date fixed for hearing the application.

The original notice, together with a statutory declaration as to service thereof (and, where appropriate, the certificate of posting), shall be lodged with the Clerk at least four days prior to the said date for hearing.

— orders of the Court

(5) The order of the Court on granting an application to which this rule relates shall be in the Form 96.8 or 96.9, Schedule C, as the case may be, with any necessary modifications required in particular cases.

— under the Local Government (Water Pollution) Act, 1977 (No. 1 of 1977)

Definitions 4. In this Order—

"the Act of 1977" means the Local Government (Water Pollution) Act, 1977 (No. 1 of 1977);

"the Act of 1990" means the Local Government (Water Pollution) (Amendment) Act, 1990 (No. 21 of 1990).

Application under sec. 10 5.— venue for

(1) An application for an order under section 10 (1) of the Act of 1977 (as substituted by section 7 of the Act of 1990) may be made at any sitting of the Court for the court district wherein the waters concerned or the land or other premises from which the entry or discharge concerned takes place is or are situated.

— notice of

(2) Such application shall be preceded by the issue and service of a notice in the Form 96.10, Schedule C, upon the person against whom the order is sought (the respondent) and, where the applicant is not a local authority or regional board, upon the local authority or regional board in whose functional area the waters concerned are situated.

— service

Service of the notice shall be effected in accordance with the provisions of section 32 of the Act of 1977 at least seven days or, where service is being effected by registered prepaid post, at least twenty-one days prior to the date fixed for hearing the application.

— lodgment

When service has been effected and declared the original notice, together with a statutory declaration as to service thereof (and, where appropriate, the certificate of posting) shall be lodged with the Clerk at least four days prior to the said date for hearing.

Order of the Court

(3) The order of the Court on granting the application shall be in the Form 96.11, Schedule C. Copies of the said order shall be served upon the respondent and the relevant local authority or regional board.

Application for warrant 6. (1) An application for a warrant under section 28 (7) of the Act of 1977 to enter a premises or vessel may be made at any sitting of the Court for the court district wherein the premises or vessel is situated.

— venue for

— by sworn information

(2) Such application shall be made by information on oath and in writing in the Form 96.12, Schedule C.

Form of warrant

(3) A warrant granted pursuant to such application shall be in the Form 96.13, Schedule C.

— under the Environmental Protection Agency Act, 1992 (No. 7 of 1992)

Application for warrant 7. (1) An application under section 13 (6) of the Environmental Protection Agency Act, 1992 for a warrant to enter premises may be made at any sitting of the Court for the court district wherein the premises are situated.

— venue for

— by sworn information

(2) Such application shall be made by the information on oath and in writing, in the Form 96.14, Schedule C, of the person seeking the issue of the warrant.

Form of warrant

(3) A warrant to enter premises which is granted pursuant to such application shall be in the Form 96.15, Schedule C.

Complaint in relation to noise 8. (1) A complaint to the Court under section 108 (1) of the Environmental Protection Agency Act, 1992 in relation to noise which is alleged to be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance may be made at any sitting of the Court for the court district wherein the source of the noise is located.

— venue for

— notice of service lodgment

(2) Such complaint shall be preceded by the issue and service of a notice, in the form prescribed in the Environmental Protection Agency Act, 1992 (Noise) Regulations, 1994 (S.I. No. 179 of 1994), of the intention to make such a complaint, within such time as may be specified in the notice, upon the defendant, that is to say, the person alleged to have made or have caused or have been responsible for the noise. Service may be effected in accordance with the provisions of section 14 of that Act, and the original of the notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk.

Form of court order

(3) Where, upon hearing such complaint, the Court makes an order under the said section 108 (1), the order shall be in the Form 96.16, Schedule C.

ORDER 97ROAD TRAFFIC

Definition

1. In this Order—

"the Act" means the Road Traffic Act, 1961 (No. 24 of 1961) (as amended).

Venue for appeals — under section 18 (8) (c) (ii) 2. (1) An appeal pursuant to section 18 (8) (c) (ii) of the Act against the refusal of the issuing authority to issue a test certificate may be made at any sitting of the Court for the court area in which the vehicle is ordinarily kept.

(2) An appeal

— under section 33 (3A) (b)

(i) pursuant to section 33 (3A) (b) of the Act (inserted by section 21 of the Road Traffic Act, 1968) against the refusal of the issuing authority to carry out a test,

— under section 33 (5) (a)

(ii) pursuant to section 33 (5) (a) of the Act against the deferring of a decision by the issuing authority to issue a certificate of competency,

— under sec. 33 (6) (a)

(iii) pursuant to section 33 (6) (a) of the Act against the decision of the issuing authority under section 33 (4) of the Act, or

— under section 34 (5) (a)

(iv) pursuant to section 34 (5) (a) of the Act against the decision of the issuing authority under section 34 (4) of the Act or the deferring of such a decision.

may be made at any sitting of the Court for the court area in which the appellant ordinarily resides.

Form of, service and lodgment of notice of appeal 3. (1) Every such appeal shall be preceded by the issue and service of a notice in the Form 97.1, 97.2, or 97.3 Schedule C, as appropriate, signed by the appellant or solicitor for the appellant.

(2) Such notice shall be served, in accordance with the provisions of Order 10 of these Rules, upon the issuing authority, i.e. the Department of the Environment, and upon any other person directly affected by the appeal at least fourteen days before the date of hearing of the appeal.

(3) The original of the notice, together with statutory declarations) as to service thereof, shall be lodged with the Clerk at least two days before the said date of hearing.

(4) The order of the Court on hearing such appeal shall be in one of the Forms 97.4 97.5, 97.6, 97.7, 97.8, 97.9, 97.10, 97.11, Schedule C, as appropriate.

Applications under sec. 28 4. (1) An application pursuant to section 28 (1) or 28 (2) of the Act by an officer of the Garda Síochána for a special disqualification order in respect of any person may be made at any sitting of the Court for the court area in which such person ordinarily resides.

(2) Such application shall be preceded by the issue and service of a notice in the Form 97.12 or 97.13, Schedule C, as appropriate, signed by such officer.

(3) Such notice shall be served upon the person to whom the application relates at least ten days before the date of hearing of the application.

(4) The original of the notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the said date of hearing.

(5) The order of the Court on hearing the application shall be in the Form 97.14 or 97.15, Schedule C, as appropriate.

Application for removal of disqualification 5. (1) An application pursuant to section 29 (1) (a) or 29 (1) (b) of the Act (inserted by section 19 of the Road Traffic Act, 1968) for the removal of a consequential or ancillary disqualification may be made at any sitting of the court for the court area in which the disqualification order was made.

(2) Such application shall be preceded by the issue and service of a notice in the Form 97.15 or 97.16, Schedule C, as appropriate, signed by the applicant or solicitor for the applicant.

(3) Such notice shall be served upon the superintendent of the Garda Síochána for the district in which the applicant ordinarily resides at least fourteen days before the date of hearing of the application.

(4) The original of such notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the said date of hearing.

(5) The order of the Court on hearing the application shall be in one of the Forms 97.17, 97.18, 97.19, 97.20, Schedule C, as appropriate.

Search warrant under sec. 106 (6) 6. An application pursuant to section 106 (6) (a) of the Act by a member of the Garda Síochána for the issue of a warrant under that section shall be by information on oath and in writing in the Form 97.21 Schedule C, and, where the Judge of the District Court or the Peace Commissioner grants the application, the warrant shall be in the Form 97.22 Schedule C.

ORDER 98SOCIAL WELFARE

Proceedings for — contribution towards benefit or allowance

Definitions 1. In this Order—

"the Act" means the Social Welfare (Consolidation) Act, 1993 (No. 27 of 1993);

"allowance" means

—deserted wife's allowance under section 152 of the Act,

—lone parent's allowance under section 158 of the Act, or

—supplementary welfare allowance under section 171 of the Act;

"attachment of earnings order" means an order under section 287 of the Act;

"benefit" means deserted wife's benefit under section 110 of the Act;

"competent authority".

—in relation to deserted wife's benefit, deserted wife's allowance and lone parent's allowance, means the Minister for Social Welfare and,

—in relation to supplementary welfare allowance, means the health board which granted that allowance to a recipient.

Application for order for contribution 2. (1) An application to the Court by a competent authority pursuant to subsection (2) of section 286 of the Act for an order directing the person who is liable to contribute under subsection (1) of that section (hereinafter referred to as the liable relative) to make a contribution towards a benefit or allowance being paid by that authority to a recipient may be brought, heard or determined at any sitting of the Court for the transaction of civil business for the court area wherein the liable relative ordinarily resides or carries on any profession, business or occupation.

— form and service of notice of

(2) Such application shall be preceded by the issue and service of a notice in the Form 98.1, Schedule C (or such modification thereof as may be appropriate) upon the respondent, that is to say, the liable relative, by registered prepaid post at least twenty-one days prior to the date fixed for the hearing of the application.

— lodgment of notice, etc.

(3) When service has been effected the original notice, together with a statutory declaration as to service thereof and the certificate of posting, shall be lodged with the Clerk at least four days prior to the date of hearing.

Court order — form and service of 3. (1) Where, upon hearing such application, the Court makes an order under section 286 (4) of the Act the order shall be in the Form 98.2, Schedule C (or such modification thereof as may be appropriate). The applicant shall cause the said order to be served upon the respondent by registered prepaid post.

— variation or enforcement of

(2) For the purposes of varying or enforcing an order made under subsection (4) of section 286 of the Act the order shall, as provided in subsection (5) of that section be deemed to be an

order for payment by instalments made under section 17 of the Enforcement of Court Orders Act, 1926. The relevant provisions of Order 53 (Enforcement of Judgments) of these Rules and the forms therein prescribed, with any necessary adaptation, shall for such purposes apply in relation to every such order made under the said section 286 (4). rr 6 (2), 7 (4) of 0.53 not to apply to

(3) The provisions of rules 6 (2) and 7 (4) of the said Order 53, which relate respectively to the duration of instalment orders and variation orders, shall not apply to orders made under the said section 286 (4).

— attachment of earnings

(4) Where, in order to secure payments under an order made pursuant to the said section 286 (4), application is made by a competent authority under section 287 of the Act for an attachment of earnings order such application, if not made at the time of the hearing of the application under section 286 (2), may be made at any sitting of the Court for the transaction of civil business for the court area wherein the liable relative ordinarily resides or carries on any profession, business or occupation. The relevant provisions of Part IX of the Act shall apply in every such case.

The procedures to be followed and the forms to be used in relation to such applications are those provided in Order 56 (other than rule 2) of these Rules which are relevant, and that Order and those forms, with any necessary modifications, shall apply in every such case.

Construction of references 4. References in Orders 53 and 56 of these Rules and the forms therein prescribed to "creditor" and "maintenance creditor" or to "debtor" and "maintenance debtor" shall, in so far as they apply to applications or orders to which rule 3 of this Order relates, be construed as references to "competent authority" and "liable relative", respectively.

ORDER 99*ISSUE OF SUMMONSES BY A CLERK IN MATTERS OTHER THAN CRIMINAL MATTERS

Summons — application for

1. Whenever it is intended to commence proceedings (not being proceedings to which the Courts (No. 3) Act, 1986 relates) in the District Court against a person, and the issue of a summons is sought requiring the appearance of that person before the Court, on a matter or issue which the Court has jurisdiction to hear and determine, application to sign and issue such summons may, unless otherwise provided, be made to the Clerk for the court area wherein that person ordinarily resides or carries on any profession, business or occupation.

— Form of, signing and issue of 2. The applicant for the issue of such summons shall lodge with such Clerk a duly completed summons in the Form 99.1, Schedule C (or such modification thereof as may be appropriate), together with a copy or copies for service. The Clerk shall unless otherwise provided by statute or by rules of court, list the matter or issue for hearing at a sitting of the Court, record the place, date and time of hearing on each document and, having signed and dated the same, shall issue them to the applicant for service.

— Court to which returnable 3. Every summons issued under this Order shall require the appearance of each person to whom it is directed at a sitting of the Court having jurisdiction to deal with the matter or issue set out in the summons, provided that such sitting shall be a sitting of the Court for the court area to which such Clerk is assigned and shall be within the district in which a Judge of the District Court has jurisdiction in relation to the matter or issue aforesaid.

— Service of lodgment of 4. Save where otherwise provided, the provisions of Order 10 (Service of Documents) of these Rules shall mutatis mutandis apply to summonses signed and issued in proceedings to which this Order relates.

— Order 15 (in part) to apply to 5. The provisions of rules 4, 5, 6, 7, 8 and 9 (with any necessary modifications) of Order 15 of these Rules shall apply to summonses signed and issued in proceedings to which this Order relates.

*Provisions relating to the issue of summonses in respect of offences are contained in Order 15 of these Rules.

PART IV APPEALS AND CASES STATED ORDER 100*APPEALS TO THE DISTRICT COURT.

Notice of appeal

1. (1) Whenever an appeal to the District Court from any notice given or served or from any decision or direction given in any matter is authorised by statute and no procedure in relation to such appeal is provided by statute or by rules of court, such appeal shall be preceded by the issue and service of a notice of appeal in the Form 100.1 Schedule D (or such modification thereof as may be appropriate).

(2) Such notice of appeal shall be served upon the respondent (i.e. the person who gave the notice, decision or direction from which the appeal is brought) and upon every other person directly affected by the appeal. Unless otherwise provided, the notice may be served in accordance with the provisions of Order 10 of these Rules—

—within fourteen days from the day on which the notice appealed from was served or the decision or direction first came to the knowledge of the appellant, and

—at least fourteen days before the date of the sitting of the Court to which the notice of appeal is returnable.

(3) When service has been effected, the appellant shall lodge with the Clerk the original of the notice of appeal, together with a statutory declaration as to service thereof.

Copy documents to be lodged 2. The appellant shall also lodge with the Clerk a copy of the notice, decision or direction appealed from and, where appropriate, copies of any other documents or exhibits used in relation thereto.

Court may direct service 3. The Court hearing the appeal may, if it considers it proper to do so, direct that the notice of appeal be served upon any person not already served.

Order of the Court 4. The order of the Court on hearing the appeal shall be in the Form 100.2 Schedule D (or such modification thereof as may be appropriate).

* Note

Provisions for appeals to the District Court under the

— Betting Act, 1931 are referred to in Order 64 of these Rules.

— Gaming and Lotteries Act, 1956 are contained in Order 66 of these Rules.

— Street and House to House Collections Act, 1962 are contained in Order 88 of these Rules.

— Wildlife Act, 1976 are contained in Order 89 of these Rules.

— Fire Services Act, 1981 are contained in Order 92 of these Rules.

— Housing (Private Rented Dwellings) Act, 1982 are contained in Order 93 of these Rules.

— Road Traffic Acts, 1961 to 1987 are contained in Order 97 of these Rules.

— Safety Health and Welfare at Work Act, 1989 are prescribed in regulations entitled "District Court (Safety, Health and Welfare at Work Act, 1989). Regulations, 1989" (S.I. No. 275 of 1989).

ORDER 101 APPEALS TO THE CIRCUIT COURT

Form of notice, time for service

1. Every appeal to the Circuit Court from a decision of the District Court shall be by notice of appeal (Form 101.1 or 101.2 Schedule D) which shall be served upon every party directly affected by the appeal within fourteen days from the date on which the decision appealed from was given.

Lodgment of notice 2. The appellant shall, within the said period of fourteen days, lodge the original of the notice of appeal, together with a statutory declaration as to service thereof, with the Clerk for the court area within which the case was heard.

Ex parte applications 3. A notice of appeal from the refusal of an ex parte application shall be a two days' notice and it shall not be necessary to serve any person.

Recognisance at discretion of Court 4. Subject to the provisions of O.12, r. 20 of these Rules, a recognisance for the purpose of appeal shall be at the discretion of the Court and where a recognisance is required the Court shall fix the amount of the recognisance in which the appellant and the surety or sureties, if any, are to be bound. A sum of money equivalent to the amount of the recognisance may be accepted in lieu of a surety or sureties. The recognisance shall be in accordance with one of the Forms 101.3, 101.4, 101.5, 101.6, Schedule D, as the case may be, and shall be entered into within the fourteen day period fixed by rule 1 of this Order.

Stay of execution in civil cases etc. 5. Except in cases of appeals from orders committing to prison under the Enforcement of Court Orders Acts, 1926 and 1940, or unless otherwise provided, an appeal shall not operate as a stay of execution in civil proceedings or in Summary proceedings of a civil nature unless the Court shall so order and then only upon such terms as the Court may fix.

Stay of execution in criminal cases, etc. 6. An appeal shall operate as a stay of execution in criminal proceedings and orders committing to prison under the Enforcement of Court Orders Acts, 1926 and 1940. Where, however, the Court requires a recognisance, an appeal shall not operate as a stay of execution unless the recognisance is entered into within the said period of fourteen days. The appellant, if in custody, shall be released upon the notice of appeal being given and the recognisance, if any, being entered into. In any case where a monetary penalty has been imposed on the appellant, the Court may, upon the expiration of the time allowed by the order for payment of the penalty, issue the warrant of committal in default of payment, unless the appellant shall have entered into the recognisance.

Where party is in custody 7. A party desiring to appeal, if in custody, shall be supplied with the necessary forms by the Governor of the prison or other place of detention or the Superintendent or Inspector of the Garda Síochána in whose custody that party is. When completed, such forms shall be transmitted forthwith by such Governor, Superintendent or Inspector, as the case may be, to the Clerk and the notice of appeal to be served upon the opposing party shall be served by a member of the Garda Síochána, who shall make the statutory declaration required by this Order, and such declaration shall be lodged with the Clerk.

Service upon solicitor 8. Whenever the party to be served with a notice of appeal has appeared by a solicitor at the hearing, all notices and other documents to be served upon such party may

be served upon the solicitor by whom such party so appeared, and such service may be effected by leaving the documents at the office of such solicitor.

Mode of service 9. The mode of effecting service of any notice of appeal upon a party who shall not have appeared by a solicitor as aforesaid, shall be by serving it personally upon such party, or by leaving it at the residence, office, or place of business of such party, with a clerk, servant, wife, husband, child or other person therein over the age of sixteen years or by posting it in a registered envelope addressed to such party at his or her last known residence, office or place of business, and proof of such service shall be by statutory declaration which, when made, shall be lodged with the clerk.

Lodgment of documents 10. Where, under this Order, any document is required or authorised to be lodged with the Clerk, or any notice is required or authorised to be given to the Clerk, the same may be lodged or given by leaving the document or notice with the Clerk or by forwarding the same by prepaid post to the Clerk and, in such latter case, the date of lodgment or receipt shall be the day of the actual receipt of the document or notice by the Clerk.

Warrant not to issue pending appeal — if issued to be returned 11. In criminal cases and in cases of orders for committal to prison under the Enforcement of Court Orders Acts, 1926 and 1940, where an appeal is lodged and the recognisance, if any, is entered into, and the warrant to execute the Order has not been issued, such warrant shall not be issued until the appeal is decided or the appellant has failed to perform the condition of the recognisance, as the case may be. If the warrant has been issued but not executed, the Clerk shall forthwith notify the Superintendent of the Garda Síochána that an appeal has been lodged and a recognisance, if any, entered into, and such Superintendent shall return the warrant to such Clerk for cancellation by the Court.

Clerk to send certificate to County Registrar 12. In every appeal, other than an appeal in a civil case, the Clerk shall sign and transmit to the County Registrar, together with the documents specified in Order 43, rule 1 of the Rules of the Circuit Court, 1950 (S.I. No. 179 of 1950), a certificate which shall be in accordance with Form 101.8, Schedule D.

Execution of orders after appeal 13. When Form 101.7, referred to in rule 12, is returned with the County Registrar's certificate duly completed thereon, and if the Circuit Judge has not caused the necessary warrant to enforce the order to be issued, the Clerk shall forthwith prepare and the Judge of the District Court shall issue the necessary warrant or warrants and take all further steps required for the execution of the conviction or order as confirmed or varied and for the enforcement of payment of any costs, compensation or expenses awarded by the Circuit Judge. In criminal cases the Superintendent of the Garda Síochána shall inform the Clerk of any case in which the Circuit Judge has not caused the necessary warrant to be issued.

ORDER 102

CASES STATED

(A) *Cases stated for the Supreme Court

Definition 1. In this Order—

"the Act" means the Malicious Injuries Act, 1981 (No. 9 of 1981).

Notice of application 2. (1) An application pursuant to section 18 (2) (a) of the Act to state and sign a case for the opinion of the Supreme Court shall be by notice in the Form 102.1 Schedule D.

— lodgment of

(2) Such notice shall, when completed, be lodged by the applicant for the case stated or the solicitor for the applicant with the Clerk for the court area in which the proceedings were heard and determined within fourteen days after the determination.

— service of

(3) A copy of the notice shall, within the said fourteen days, be served by registered post upon every other party to the proceedings and upon any ratepayer who appeared and was heard in the proceedings, and where the application is made by a ratepayer a copy of the notice shall be served in like manner upon each of the parties.

Determination to be suspended 3. When an application referred to in rule 2 (1) is made, the determination in respect of which it is made shall be suspended—

(a) where the application is granted, or where the application is refused and an appeal against the refusal is allowed, until the case stated has been heard and determined,

(b) where the application is refused and an appeal against the refusal has not been lodged, until the expiration of fourteen days after the refusal.

Question of law arising during the hearing adjournment of proceedings 4. Where the Court, whether on its own motion or upon request, states a case pursuant to section 18 (1) (a) of the Act for the opinion of the Supreme Court on any question of law arising during the hearing of proceedings under the Act, it shall adjourn such proceedings to the sitting of the District Court for the court area in which the proceedings are being heard to be held next after the expiration of fourteen days from the day upon which the decision of the Supreme Court shall be given.

Preparation of case stated 5. Where the Court grants an application for, or a request for, a case stated pursuant to section 18 of the Act, or decides on its own motion to state a case, the Judge shall prepare and sign such case within six months from the date of the application, request or decision. To secure agreement between the parties as to the facts, the Judge may, if

he or she thinks fit, at any time within two months from the said date, submit a draft of the case to or receive a draft from such parties. In the event of a dispute between the parties as to the facts, such facts shall be found by the Judge.

*Further provisions relating to cases stated for the Supreme Court under the Act are contained in Order 110 of the Rules of the Superior Courts 1986 (S.I. No. 15 of 1986).

Refusal to state a case 6. Where the Court refuses to state a case, the Clerk shall send to the applicant for such case stated a certificate of refusal in the Form 102.2 Schedule D and shall send a copy of such certificate to every other party and to any ratepayer who appeared and was heard in the proceedings.

(B) *Cases stated for the High Court

Definitions 7. In this Order

"the Act of 1857" means the Summary Jurisdiction Act, 1857 (20 and 21 Vict. cap. 43);

"the Act of 1961" means the Courts (Supplemental Provisions) Act, 1961 (No. 39 of 1961).

Appeal — notice of application 8. (1) An application pursuant to section 2 of the Act of 1857 (as extended by section 51 (1) of the Act of 1961) to state and sign a case for the opinion of the High Court shall be by notice in the Form 102.3 Schedule D.

— lodgment of notice

(2) Such notice shall, when completed, be lodged by the appellant or by the solicitor for the appellant with the Clerk for the court area in which the proceedings were heard and determined within fourteen days after the determination.

— service of notice

(3) A copy of the notice shall, within the said fourteen days, be served by registered post upon every other party to the proceedings.

recognisance 9. The appellant shall, subject to the provisions of O.12, r. 20 of these Rules, within fourteen days after the determination enter into a recognisance, in the Form 102.4 Schedule. D, before a Judge of the District Court, with or without a surety or sureties and in such sum or sums as the Judge may determine.

— determination to be suspended 10. When an application referred to in rule 8 (1) is made, the determination in respect of which it is made shall be suspended—

(a) where the Judge grants the application, until the case stated has been heard and determined, and

(b) where the Judge refuses to grant the application, until he or she so refuses.

Question of law arising during the hearing — adjournment of proceedings 11. (1) Where a Judge, on request being made to him or her pursuant to section 52 of the Act of 1961 or without request, refers any question of law arising in any proceedings before him or her to the High Court for determination, such Judge shall adjourn the proceedings to the sitting of the District Court for the court area in which the proceedings are being heard to be held next after the expiration of fourteen days from the day upon which the decision of the High Court shall be given.

Judge may require party to enter recognisance

(2) Whenever a Judge shall adjourn proceedings under this rule he or she may, before so adjourning, in his or her discretion require the party requesting the case stated to enter into a recognisance before such Judge with or without a surety or sureties and in such sum or sums as the Judge shall determine. Such recognisance shall be in the Form 102.4 Schedule D, and when completed it shall be lodged with the Clerk.

In civil cases or in cases of summary jurisdiction of a civil nature such party may, in lieu of entering into a recognisance, lodge with the Clerk the sum determined by the Judge and the Clerk shall retain the same until the Judge shall finally adjudicate upon the proceedings or shall sooner order in relation to such sum.

— where party is in custody

(3) Whenever a Judge shall adjourn proceedings under this rule, he or she may allow to go at large any person who is in custody in or in connection with the proceedings, or may commit such person to prison by warrant, or may in his or her discretion discharge such person on entering into a recognisance with or without a surety or sureties and in such sum or sums as the Judge shall determine. Such recognisance shall be in the Form 102.4 Schedule D and, when completed, it shall be lodged with the Clerk.

Preparation of case stated 12. Where a Judge grants an application pursuant to section 2 of the Act of 1857 or a request pursuant to section 52 of the Act of 1961, or decides pursuant to the said section 52 to refer, without request, a question of law to the High Court for determination, such Judge shall prepare and sign the case stated within six months from the date of the application, request or decision. To secure agreement between the parties as to the facts the Judge may, if he or she thinks fit, at any time within two months from the said date, submit a draft of the case to or receive a draft from such parties. In the event of a dispute between the parties as to the facts, such facts shall be found by the Judge.

Applicant to receive the case From the Clerk *13. When the case has been stated and signed, the appellant or the party requesting the case stated shall forthwith receive the case stated from the Clerk.

Where case stated without request — Clerk to notify parties and transmit case to High Court
*14. Where a Judge refers a question of law arising in proceedings before him or her, without request, to the High Court for determination, and when the case has been stated and signed, the Clerk shall forthwith give notice in writing in the Form 102.5 Schedule D to each party in the proceedings, and shall then transmit the case stated to the Central Office of the High Court.

*Further provisions relating to cases stated for the High Court are contained in Order 62 of the Rules of the Superior Courts 1986 (S.I. No. 15 of 1986).

Refusal to state a case 15. Where a Judge considers that an application or a request for a case stated is frivolous, he or she may refuse to state a case and shall, on the request of the appellant or the party requesting the case stated, sign and cause to be delivered to him or her a certificate of refusal in the Form 102.6 Schedule D and cause a copy thereof to be served upon every other party to the proceedings. A Judge shall not refuse to state a case where application or request for a case stated is made by or under the direction of the Attorney General, the Director of Public Prosecutions, a Minister of the Government or a Minister of State, or the Revenue Commissioners.

SCHEDULE A

RULES WHICH ARE ANNULLED BY THESE RULES

Rules, dated April 21st, 1904, made by the Lord Chancellor of Ireland, in pursuance of the General Dealers (Ireland) Act, 1903.

Amending Rules of August 14th, 1905

District Court Rules, 1942 (No. 2) (S. R. & O. 1942 No. 144)

District Court Rules (No. 1), 1947 (Rent Restrictions Act, 1946)

District Court Rules, 1948 (S. R. & O. 1947 No. 431)

District Court Rules (No. 2), 1948 (S.I. No. 270 of 1948)

District Court Rules (No. 3), 1948 (S.I. No. 431 of 1948)

District Court Rules, 1955 (S.I. No. 83 of 1955)

District Court Rules (No. 2), 1955 (S.I. No. 84 of 1955)

District Court Rules (No. 1), 1962 (S.I. No. 7 of 1962)

District Court Rules (No. 2), 1962 (S.I. No. 8 of 1962)

District Court (Gaming and Lotteries Act, 1956) Rules, 1962 (S.I. No. 9 of 1962)

District Court (Amending) Rules, 1962 (S.I. No. 178 of 1962)

District Court (Summary Judgment) Rules, 1963 (S.I. No. 213 of 1963)

District Court (Hire Purchase) Rules, 1963 (S.I. No. 214 of 1963)

District Court (Criminal Procedure Act, 1967) Rules, 1967 (S.I. No. 181 of 1967)

District Court (Charge Sheet) Rules, 1971 (S.I. No. 225 of 1971)

District Court (Courts Act, 1971) Rules, 1972 (S.I. No. 68 of 1972)

District Court (Counsel's Fees) Rules, 1973 (S.I. No. 39 of 1973)

District Court (Maintenance Orders Act, 1974) Rules, 1975 (S.I. No. 58 of 1975)

District Court [Family Law (Maintenance of Spouses and Children) Act, 1976] Rules, 1976 (S.I. No. 96 of 1976)

District Court [Family Law (Maintenance of Spouses and Children) Act, 1976] (Amendment) Rules, 1980 (S.I. No. 268 of 1980)

District Court [Family Law (Protection of Spouses and Children) Act, 1981] Rules, 1981 (S.I. No. 246 of 1981)

District Court (Interest on Decrees and Lodgments) Rules, 1982 S.I. No. 140 of 1982)

District Court (Guardianship of Infants Act, 1964) Rules, 1982 (S.I. No. 141 of 1982)

District Court (Malicious Injuries Act, 1981) Rules, 1982 (S.I. No. 149 of 1982)

District Court [Fisheries (Consolidation) Act, 1959] Rules, 1982 (S.I. No. 180 of 1982)

District Court [Housing (Private Rented Dwellings) Act, 1982] Rules, 1982 (S.I. No. 296 of 1982)

District Court (Summons-Servers Fee) Rules, 1984 (S.I. No. 119 of 1984)

District Court [Criminal Justice (Community Service) Act, 1983] Rules, 1984 (S.I. No. 327 of 1984)

District Court (Gaming and Lotteries) Rules, 1984 (S.I. No. 1 of 1985)

District Court [Air Navigation (Eurocontrol) Acts, 1963 to 1983] Rules, 1984 (S.I. No. 2 of 1985)

District Court (Third Party Procedure) Rules, 1984 (S.I. No. 3 of 1985)

District Court (Criminal Procedure Act, 1967) Rules, 1985 (S.I. No. 23 of 1985)

District Court (Form of Summons) Rules, 1987 (S.I. No. 23 of 1987)

District Court (Malicious Injuries) Rules, 1987 (S.I. No. 209 of 1987)

District Court (Renewal of Intoxicating Liquor Licences) Rules, 1988 (S.I. No. 145 of 1988)

District Court (Status of Children Act, 1987) Rules, 1988 (S.I. No. 152 of 1988)

District Court (Criminal Justice Act, 1984) Rules, 1988 (S.I. No. 158 of 1988)

District Court [Jurisdiction of Courts and Enforcement of Judgments (European Communities) Act, 1988] Rules, 1988 (S.I. No. 173 of 1988)

District Court (Costs) Rules, 1990 (S.I. No. 67 of 1990)

District Court (Costs) (Amendment) Rules, 1990 (S.I. No. 194 of 1990)

District Court (Social Welfare — Contribution towards Benefit or Allowance) Rules, 1992 (S.I. No. 47 of 1992)

District Court (Criminal Damage Act, 1991) Rules, 1992 (S.I. No. 53 of 1992)

District Court (Service of Summonses) Rules, 1992 (S.I. No. 116 of 1992)

District Court (Costs) Rules, 1992 (S.I. No. 225 of 1992)

District Court (Set-off or Counterclaim) Rules, 1992 (S.I. No. 317 of 1992)

District Court (Compensation Order) Rules, 1994 (S.I. No. 63 of 1994)

District Court (Service Abroad of Documents in Civil or Commercial Matters) Rules, 1994 (S.I. No. 120 of 1994)

District Court (Extradition) Rules, 1994 (S.I. No. 266 of 1994)

District Court (Child Care) Rules, 1995 (S.I. No. 338 of 1995)

District Court [Local Government (Delimitation of Water Supply Disconnection Powers) Act, 1995] Rules, 1995 (S.I. No. 93 of 1996)

General heading to be used for all forms:—

SCHEDULE B

FORMS IN CRIMINAL PROCEEDINGS

No. 2.1

NOTICE OF ADJOURNMENT OF COURT

District Court Area District No.

All and every person or persons concerned are hereby required to take notice that * (in pursuance of a direction received from the Judge of the District Court assigned to this District) * (in consequence of the Judge of the District Court assigned to this District not having been in attendance at the District Court appointed to be held here on this day within the time prescribed) I, as Clerk for the above-mentioned court area, do hereby adjourn the holding of this Court to the day of 19 , at .m. and all and every person or persons summoned, or bound by recognisance to attend this Court to be held here today, are hereby bound and required to attend as aforesaid without any further notice.

Dated this day of 19 .
Signed
Clerk of the District Court

SCHEDULE B

No. 10.1

O.10, r.16, 17A

STATUTORY DECLARATION AS TO SERVICE BY REGISTERED PREPAID

POST PURSUANT TO *(SECTION 7 of THE COURTS ACT, 1964)

*(SECTION 22 of THE COURTS ACT, 1991)

I, of
.....

aged sixteen years and upwards, do solemnly and sincerely declare that I served this original document by posting a copy thereof at Post Office at am/pm on the day of 19 in a registered prepaid envelope addressed to the *accused/defendant/respondent / / therein named at the address therein stated, and that the address to which such envelope was sent is the last known residence or most usual place of abode/place of business of the person to whom the document is directed,

The certificate of posting of the said envelope is attached hereto,

I am (the *prosecutor/complainant/applicant/ / in the proceedings) *(authorised by the person bringing/appealing the proceedings to post the said envelope),

At the time of posting the said envelope the original document was duly issued *and stamped,

The said envelope has not to this date been returned undelivered to the sender,

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1938.

Signed
Declared before me by *(who is personally known to me)
*(who is identified to me by *who is personally known to me)
at in the County of
this day of 19 .
Signed
Judge of the District Court

(or)

Peace Commissioner.

NOTES

This declaration shall be made not earlier than ten days after the day on which the envelope is posted.

* Delete words or clauses which are not applicable.

No. 10.2

O.10, r.16

STATUTORY DECLARATION AS TO SERVICE BY PREPAID REGISTERED

POST PURSUANT TO SECTION 7 of THE COURTS ACT, 1964

I, of
.....

..... do solemnly and sincerely declare that I served this original document by posting a copy thereof at Post Office at a.m./p.m. on the day of 19 in a registered prepaid envelope addressed to the Respondent therein named at the address stated therein, there being no Summons Server standing assigned to such area by the County Registrar for the county in which such area is situate, and the address to which such envelope was sent is the last known residence/place of business of the Respondent.

The certificate of posting of the said envelope is attached hereto.

I am */the Applicant*/Applicant's solicitor authorised by the Applicant to post the said envelope.

At the time of posting of the said envelope the original document was duly stamped.

The said envelope has not to this date been returned undelivered to the sender.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1938.

Signed

Declared before me by *(who is personally known to me)

*(who is identified to me by *who is personally known to me)

at in the County of

this day of 19 .

Signed.....

Judge of the District Court

(or)

Peace Commissioner.

Note:- This declaration shall be made not earlier than ten days after the day on which the envelope is posted.

No. 10. 3

O.10, r16, 17A

STATUTORY DECLARATION AS TO SERVICE BY POST

I, of

.....

aged 16 years and upwards, do solemnly and sincerely declare that I served this original document by posting a copy thereof at Post Office at a.m./p.m. on the day of 19 , in a prepaid envelope addressed to the *Respondent/Defendant therein named at the address stated therein

*(in pursuance of an order of the Court dated day of 19)

*The certificate of posting of the said envelope is attached hereto.

The said envelope has not to this date been returned undelivered to the sender AND

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1938.

Signed
Declared before me by *(who is personally known to me)
*(who is identified to me by *who is personally known to me)
at in the County of
this day of 19 .
Signed
Judge of the District Court

(or)
Peace Commissioner.

* Delete where inapplicable.

No. 10. 4

O.10, r.16

STATUTORY DECLARATION AS TO SERVICE

I,
.....
.....

of
.....
.....

do solemnly and sincerely declare that I duly served this original document on the day of 19 ,
by handing a copy thereof to*

and I make this solemn declaration conscientiously believing the same to be true and by
virtue of the Statutory Declarations Act, 1938.

Signed
Declared before me by
.....
†(who is personally know to me) †(who is identified to me by
.....
..... who is personally known to
me),

at

.....
.....

in the County of on this day of 19 .

Signed
Judge of the District Court (or)

Peace Commissioner

* Give particulars of service

† Delete where inapplicable

No. 10.5

O.10, r.23 (3)

COURTS ACT, 1991

Section 22 (6) (a)

NOTICE OF APPLICATION TO HAVE PROCEEDINGS SET ASIDE

District Court Area of District No.

.....
..... Applicant of
.....
.....

*(in court area and district aforesaid)

WHEREAS a summons was issued under

*section 11 (2) of the Petty Sessions (Ireland) Act, 1851]

*section 1 of the Courts (No. 3) Act, 1986]

in a case of summary jurisdiction entitled

..... *Complainant
*Prosecutor

..... *Defendant
*Accused

and said summons was for hearing at a sitting of the Court for the above-named court area on the day of 19 ,

AND WHEREAS the applicant herein is the *defendant *accused named in the summons,

AND WHEREAS the Court on the day of 19 , proceeded to hear the *complaint *accusation to which the summons related,

AND WHEREAS the applicant herein, being the person to whom the summons was directed, did not receive notice of the summons or of the hearing to which the summons related until the day of 19 , being a time after the commencement of the said hearing,

TAKE NOTICE THAT I, the said applicant, intend to apply to the District Court for the said court area, within the time specified in section 22 (6) (a) of the Courts Act, 1991, upon the date and at the time to be fixed by you, to have the said proceedings set aside.

My address within the State for the service of documents *is as shown above/ *is
.....

.....
.....

Dated this day of 19 .
Signed.....
Applicant

To the District Court Clerk for the said court area,

at the District Court Office,

.....

No. 10.6

O.10, r.23 (4)

COURTS ACT, 1991

Section 22 (6) (b)

NOTICE OF LISTING OF APPLICATION FOR HEARING

District Court Area of District No.

..... Applicant

of
.....
.....

*(in court area and district aforesaid)

WHEREAS proceedings in a case of summary jurisdiction entitled

..... *Complainant

*Prosecutor

-v-

..... *Defendant

*Accused

were brought by summons before the Court on the day of 19 ,

alleging that the *defendant *accused did on the day of 19 , at
..... *(in court area and district aforesaid)—

and the Court on the day of 19 , proceeded to hear the *complaint * accusation to which the summons related,

AND WHEREAS notice of an intended application by the above-named * defendant * accused pursuant to section 22 (6) (a) of the Courts Act, 1991 to have the said proceedings set aside has been lodged with me,

TAKE NOTICE THAT the said application has been listed for hearing at the sitting of the District Court for the said court area to be held

at on the day of
19 , at a.m./p.m.

Dated this day of 19 .

Signed

District Court Clerk for the said

court area.

To

of

*Complainant *Prosecutor

To

of

*Defendant *Accused

* Delete words inapplicable

No. 10.7

O.10, r.23 (5)

COURTS ACT, 1991

Section 22 (7)

ORDER *(SETTING ASIDE) *(REFUSING TO SET ASIDE) PROCEEDINGS

District Court Area of District No.

.....
..... Applicant
of
.....

WHEREAS proceedings in a case of summary jurisdiction entitled

..... *Complainant
*Prosecutor
-v-
..... *Defendant
*Accused

were brought by summons before the Court on the day of 19 ,

alleging that the *defendant *accused did on the day of 19 , at
..... *(in court area and district aforesaid)—

AND WHEREAS the Court on the day of 19 proceeded to hear the *complaint *accusation
to which the summons related,

NOW THE COURT, on hearing an application made by the above-named *defendant
*accused pursuant to section 22 (6) (a) of the above-mentioned Act to have the said
proceedings set aside on the ground that he/she did not receive notice of the summons or of
the hearing to which the summons related, and being satisfied that notice of the application
was duly served upon the *complainant *prosecutor,

*[HEREBY REFUSES to grant the said application.]

*[HEREBY GRANTS the said application

AND DIRECTS that the *complaint *accusation to which it relates be heard again at the
sitting of the District Court to be held at on the day of

19 at a.m./p.m.]

Dated this day of 19 .

Signed

Judge of the District Court

* Delete where inapplicable

No. 14.1

O.14, r.6

CRIMINAL PROCEDURE ACT, 1967

Section 17 (2)

CERTIFICATE TO THE HIGH COURT

District Court Area of District No.

..... Prosecutor

..... Accused

An application having been made this day to me, the Judge by whom the preliminary
examination herein was conducted, by the Director of Public Prosecutions pursuant to section
17 (2) of the Criminal Procedure Act, 1967, AND IT APPEARING to me that

..... of
..... has

contravened section 17 (1) of that Act by publishing or causing to be published in relation to the preliminary examination of offences with which the above-named accused is charged the following information:-

I HEREBY so certify and I say that I did not permit publication of such information pursuant to section 17 (3) of the Act.

Dated this day of 19 .
Signed
Judge of the District Court

To the High Court

No. 15.1

O.15, r.1 (3)

SUMMONS

District Court Area of District No.

*Complainant
.....
..... *Prosecutor
of
*Defendant
.....
..... *Accused
of

*(in court area and district aforesaid)

WHEREAS a complaint has been made to me that you, on the day of 19 ,
at *(in court area
and district aforesaid)
did

THIS IS TO COMMAND YOU to appear on the hearing of the said complaint at a sitting of the District Court for the court area and district aforesaid to be held at on the day of 19 , at a.m./p.m.

to answer to the said complaint.

Dated this day of 19 .
Signed
Judge of the District Court

To the above-named *defendant
*accused
of

* Delete words inapplicable

No. 15.2

O.15, r.2 (1)

COURTS (NO. 3) ACT, 1986

Section 1

SUMMONS

District Court Area of District No.
.....
..... Prosecutor
.....
..... Accused

WHEREAS on the day of 19 , an application was made to this office by *(on behalf of) the above-named Prosecutor for the issue of a summons to you, the above-named Accused, of *(in court area and district aforesaid) alleging the following offence(s):-

that you did on the

day of 19 ,
at

*(in the court area and district

aforesaid)

contrary to

THIS IS TO NOTIFY YOU that you will be accused of the said offences) at a sitting of the District Court for the court area and district aforesaid to be held at

.....

on the day of 19 , at a.m./p.m.

AND TO REQUIRE YOU to appear at the said sitting to answer the said accusation(s).

Dated this day of 19 .

at the District Court Office

at

.....

Appropriate District Court Clerk

To

of

the above-named accused.

* Delete words inapplicable.

No. 15.3

O.15, r.1 (2)

O.16, r.1 (1)

INFORMATION

District Court Area of District No.

.....

Prosecutor

.....

Accused

The information of

.....

of

.....

.....

who says on oath

*(and the Informant binds himself/herself to attend when and where called on to give evidence against the said accused for the said offence, or otherwise to forfeit to the State the sum of to the use of the Minister for Finance).

Signed

Informant

Sworn before me this day of 19 .

at

Signed

Judge of the District Court

* Delete words inapplicable.

No. 16.1

O.16, r.1 (2) r.6

WARRANT TO ARREST

District Court Area of District No.

.....

..... Prosecutor

.....

..... Accused

WHEREAS a complaint has been made on oath and in writing that †

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest the said

..... of

..... and to bring him/her without any delay before me or another Judge to be dealt with according to law.

Dated this day of 19 .

Signed

Judge of the District Court

To the Superintendent of the Garda Síochána

at

† State nature of charge of compliant with time and place.

No. 17. 1 (page 1)

O.17, r.1 (1)

District Court Area of District No.

CHARGE SHEET

.....
Garda Síochána Station

Charge Sheet No. of 19

*Prosecutor.....
.....

*Compliant

*Accused address

.....
*Defendant

In private prosecutions address

.....
signature and address of person making complaint,

*Delete words inapplicable

No. 17.1 (page 2)

O.17, r.1 (1)

*Prosecutor.....
.....

*Compliant

*Accused.....
.....

*Defendant

OFFENCE(S) CHARGED:-

No. 17.1 (pages 3 and 4)

O.17, r.1 (1)

Date Note of Order of the Court

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No. 17.2

O.17, r.4 (1)

CRIMINAL PROCEDURE ACT, 1967

Section 31

RECOGNISANCE TAKEN BY MEMBER OF GARDA SIOCHANA

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

We of
.....
a and
.....
of a
.....
and of
.....

a severally acknowledge ourselves to owe to the State the
several sums
following, that is to say, the said the sum of pounds and
the said
..... and the said the sum of pounds each to
the use
of the Minister for Finance if the above-named accused fails in the condition hereunder.

.....
.. Accused

.....
.. Surety

.....
.. Surety

Acknowledged before me this day of 19 .

Signed

Member of Garda Síochána

The condition of this recognisance is that the above-named accused will appear before the District Court at on the day of 19 , at .m. and any adjournment thereof until his/her presence is no longer required to answer the charge that ‡

‡ State nature of offence with time and place.

No. 17.3

O.17, r.4 (2)

CRIMINAL PROCEDURE ACT, 1967

Section 31

RECOGNISANCE TAKEN BY MEMBER OF GARDA SIOCHANA

(where a sum of money is accepted in lieu of surety or sureties)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

I,
.....
.....
of ,a
.....

acknowledge myself to owe to the State the sum of pounds to the use of the Minister for Finance AND in lieu of surety/sureties I have lodged the sum of pounds;

AND I further acknowledge that both of the said sums are liable to be forfeit to the said Minister if I fail in the condition hereunder.

Signed
Acknowledged before me this day of 19
Signed
Member of Garda Síochána

The condition of this recognisance is that the above-named accused will appear before the District Court at on the day of 19 at .m. and any adjournment thereof until his/her presence is no longer required to answer the charge that‡

‡State nature of offence with time and place

No. 18.1

O.18, r.5

O.24, r.36 (1)

CRIMINAL PROCEDURE ACT, 1967.

Section 2

RECOGNISANCE

(remand)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

We of

.....
a and

.....
of a

.....
and of

.....

a severally acknowledge ourselves to owe to the State the several sums following, that is to say, the said the sum of pounds and the said and the said the sum of pounds each to the use of the Minister for Finance if the above-named accused fails in the condition hereunder.

.....
.. Accused

.....
.. Surety

.....
.. Surety

Acknowledged before me this day of 19 .
Signed
Judge of the District Court

(or) Peace Commissioner

The condition(s) of this recognisance is/are that the above-named accused will appear before the District Court at on the day of 19 , at .m. and at every place and time to which during the course of the proceedings the hearing may be adjourned until the accused's presence is no longer required to answer the charge that‡

‡ State offence with time and place

No. 18.2

O.18, r.5

O.24, r.30

CRIMINAL PROCEDURE ACT, 1967

Section 22

RECOGNISANCE ON SENDING FORWARD FOR TRIAL OR SENTENCE

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

We of
.....

a and
.....
of a
.....
and of
.....

a severally acknowledge ourselves to owe to the State the several sums following, that is to say, the said the sum of pounds and the said and the said the sum of pounds each to the use of the Minister for Finance if the above-named accused fails in the condition hereunder.

.....
.. Accused
.....
.. Surety
.....
.. Surety
Acknowledged before me this day of 19
Dated this day of 19

Signed
Judge of the District Court

(or) Peace Commissioner

The condition of this recognisance is that the above-named accused will appear before the Court to be held at on the day of 19 and will not depart from the said Court without leave and will attend there in person from day to day during the time the said Court shall be so held or any adjournment thereof for the purposes of his/her and also attend any other Court to which the trial may be transferred until the charge against

him/her namely‡

shall be duly disposed of according to law.

*Delete whichever inapplicable

‡State offence with time and place

O.18, r.6

O.24, r.36

CRIMINAL PROCEDURE ACT, 1967

Section 26

RECOGNISANCE

(where a sum of money is accepted in lieu of surety or sureties) (remand)

District Court Area of District No.

..... Prosecutor

..... Accused

I,
.....
..... of ,a
.....

acknowledge myself to owe to the State the sum of pounds to the use of the Minister for Finance AND in lieu of surety/sureties I have, pursuant to the direction of the Judge lodged the sum of pounds;

AND I further acknowledge that both of the said sums are liable to be forfeited to the said Minister if I fail in the condition hereunder.

Signed
Acknowledged before me this day of 19
Signed
Judge of the District Court

(or) Peace Commissioner

The condition of this recognisance is that the above-named accused will appear before the District Court at on the day of 19 at .m. and at every place and time to which during the course of the proceedings the hearing may be adjourned until the accused's presence is no longer required to answer the charge that*

*State nature of offence with time and place

I hereby certify that in lieu of surety/sureties the above-named has this day lodged with me, pursuant to the direction of the Judge, the sum of £

Dated this day of 19 .
Signed
District Court Clerk
(or)
Governor of Prison

No. 18.4

O.18, r.6

O.24, r.30

CRIMINAL PROCEDURE ACT, 1967

Section 26

RECOGNISANCE

(sending forward for trial or sentence)

(where a sum of money is accepted in lieu of surety or sureties)

District Court Area of District No.
.....
..... Prosecutor
.....
..... Accused

I,
.....
..... of ,a
.....

acknowledge myself to owe to the State the sum ofpounds

to the use of the Minister for Finance AND in lieu of surety/sureties I have, pursuant to the direction of the Judge sending me forward for , lodged the sum of pounds;

AND I further acknowledge that both of the said sums are liable to be forfeit to the said Minister if I fail in the condition hereunder.

Signed

Acknowledged before me this day of 19

Signed

Judge of the District Court

(or) Peace Commissioner

The condition of this recognisance is that the above-named accused will appear before the Court to be held at on the day of 19 and will not depart from the said Court without leave and will attend there in person from day to day during the time the said Court shall be so held or any adjournment thereof for the purposes of his/her and also attend any other Court to which the trial may be transferred until the charge against

him/her namely‡

shall be duly disposed of according to law.

I hereby certify that in lieu of surety/sureties the above-named has this day lodged with me, pursuant to the direction of the Judge, the sum of £

Dated this day of 19 .

Signed

District Court Clerk

(or)

Governor ofPrison

* Delete words inapplicable

‡State offence with time and place

No. 18.5

O.18, r.21

REQUEST TO PLACE LODGMENT ON DEPOSIT ACCOUNT

District Court Area of District No.

..... v.

.....

TAKE NOTICE that I,

of

have to-day paid into Court the sum of †£,

being in respect of*

*(give here details of nature of lodgment)

and I hereby request that the said sum be placed on a deposit account.

Dated this day of 19 .

Signed

†if it exceeds £150

No. 18.6

O.18, r.10

CERTIFICATE THAT CONDITION(S) OF RECOGNISANCE HAVE BEEN PERFORMED

.....
..... Prosecutor

.....
..... Accused

On the day of 19 the above-named accused
entered into a recognisance conditioned that he would*

In lieu of a surety or sureties
..... of
.....
.....

lodged the sum of £

I now hereby certify that the conditions(s) of the recognisance have been performed.

Dated this day of 19 .

Signed

Judge of the District Court

*Insert condition(s)

No. 18.7

O.18, r.12

O.19, r.4

WARRANT TO PRODUCE ACCUSED

District Court Area of District No.

.....

..... Prosecutor

.....

..... Accused

SEND in custody the above-named accused who was committed on the day of 19 , to the sitting of the District Court at on the day of 19 at .m.

for the purpose of

Dated this day of 19 .

Signed.....

Judge of the District Court

To the of the

at

*Delete whichever inapplicable

No. 18.8

O.18, r.12

CERTIFICATE OF CONSENT TO BAIL

District Court Area of District No.

.....

..... Prosecutor

.....

..... Accused

WHEREAS

..... of

was on the day of 19 , committed by the Court

to the *Prison at
*remand institution

charged

The Court hereby consents to the said being conditionally released on his/her entering into a recognisance himself/herself in the sum of and one sufficient surety in the sum of £ or two sufficient sureties in the sum of £ each

†(and further consents that in lieu of such surety or sureties pounds be accepted).

Dated this day of 19 .
Signed
Judge of the District Court

*Delete whichever inapplicable

†Delete where inapplicable

No. 19.1

O.19, r.1

CRIMINAL PROCEDURE ACT, 1967

Section 22

COMMITTAL WARRANT

(remand)

District Court Area of District No.

..... Prosecutor

.....
..... Accused

WHEREAS, the above-named accused was this day before the Court charged that

AND WHEREAS the hearing of the said charge has been adjourned to the sitting of the District Court at on the day of 19 , at .m.;

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the accused

..... of
.....

..... in the *(prison) *(remand institution he/she being a person who is not less than sixteen nor more than twenty-one years of age) at there to be detained by the thereof until the above time of adjournment *(being a period not exceeding eight days from the date hereof) *(being a period exceeding eight days but not exceeding thirty days from the date hereof, the accused and prosecutor so consenting and this not being the occasion of the first appearance of the accused before the Court) when he shall have him/her at the said sitting to be further dealt with according to law.

Dated this day of 19 .

Signed

Judge of the District Court

To the Superintendent of the Garda Síochána

at

†Consent to and conditions of release

The Court hereby consents to the above-named accused being conditionally released on his/her entering into a recognisance himself/herself in the sum of £ and one sufficient surety in the sum of £ or two sufficient sureties in the sum of £ each † (and further consents that in lieu of such surety or sureties pounds be accepted).

Dated this day of 19 .

Signed

Judge of the District Court

*Delete whichever inapplicable

†Delete where inapplicable

No. 19.2

O.19, r.2 (4r)

CRIMINAL PROCEDURE ACT, 1967

Section 24 (4)

COMMITTAL WARRANT

(remand in the absence of accused through illness or accident)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS the above-named accused was on this day due to appear before the Court on remand charged that

AND WHEREAS the Court is satisfied that the accused is by reason of illness or accident unable to appear before the Court on this date;

AND WHEREAS the Court, in the absence of the accused, and pursuant to section 24 (4) of the Criminal Procedure Act, 1967, has further remanded the accused and adjourned the hearing of the said charge to the sitting of the District Court at on the day of 19 at .m. (being in the opinion of the Court a reasonable period, in the circumstances).

THIS IS TO COMMAND YOU to whom this warrant is addressed to *lodge/*keep the accused

..... of
.....

in the *(prison) *(remand institution he/she being a person who is not less than sixteen or more than twenty-one years of age) at there to be detained by the thereof until the above time of adjournment when he shall have him/her at the said sitting to be further dealt with according to law.

Dated this day of 19 .
Signed
Judge of the District Court

*To the Superintendent of the Garda Síochána at

*To the of the

†Consent to and conditions of release

The Court hereby consents to the above-named accused being conditionally released on his/her entering into a recognisance himself/herself in the sum of £ and one sufficient surety in the sum of £ or two sufficient sureties in the sum of £ each † (and further contents that in lieu of such surety or sureties pounds be accepted).

Dated this day of 19 .
Signed
Judge of the District Court

* Delete whichever inapplicable

† Delete where inapplicable

No. 19.3

O.2, r.4

O.19, r.2 (5)

NOTICE TO *GOVERNOR OF PRISON OF DATE OF NEXT SITTING

*PERSON IN CHARGE OF REMAND INSTITUTION

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

TAKE NOTICE that there will be no sitting of the District Court at on the day of 19 .

The next sitting of the District Court in the above District after the day of 19 will be the sitting of the Court at on the day of 19 .

Signed
Clerk of the District Court

*To the Governor of the Prison

at

*To the person in charge of the remand institution

at

No. 19.4

O.19, r.3 (1)

CRIMINAL PROCEDURE ACT, 1967

Section 25

REMAND WARRANT TO GARDA SIOCHANA STATION

District Court Area of District No.

..... Prosecutor

..... Accused

WHEREAS the above-named accused was this day before the Court charged that

AND WHEREAS the hearing of the said charge has been adjourned to the sitting of the District Court at on the day of 19 , at .m. (being not more than four days from this day);

†(AND WHEREAS the Court is satisfied that suitable facilities are available at for the custody of the accused during the period of remand);

THIS IS TO COMMAND YOU to whom this warrant is addressed to commit the accused to the custody of a member of the Garda Síochána at there to be detained until the above time of adjournment when the said member shall have him/her at the above place to be further dealt with according to law.

Dated this day of 19 .

Signed.....

Judge of the District Court

To the Superintendent of the Garda Síochána

at

†Delete where place of custody is within the Dublin Metropolitan Police District

No. 20.1

O.20, r.1 (1)

CRIMINAL PROCEDURE ACT, 1967

Section 33 (1)

INFORMATION

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

The information of
..... of
.....
.....

who says on oath:-

On the day of 19 , at a sitting of the District Court at

..... of
.....
..... entered into a recognisance with of
and of

as sureties conditioned

(insert condition as on recognisance).

I, being believe that the said is about to abscond for the purpose of evading justice. The basis for such belief is as follows:-

I therefore apply for the issue of a warrant for the arrest of the said

.....
.....

.....
.....

Signed
Informant
SWORN before me this day of 19 .
Signed
Judge of the District Court

* Delete whichever inapplicable

No. 20.2

O.20, r.1 (1)

CRIMINAL PROCEDURE ACT, 1967

Section 33 (1)

WARRANT TO ARREST

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS an information has been made in writing and on oath that the accused

.....
.....

of

.....
.....

who has been charged with an offence and admitted to bail is about to abscond for the purpose of evading justice;

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest the said

.....
.....
of
.....
.....

and to bring him/her before a Judge of the District Court to be dealt with according to law.

Dated this day of 19 .
Signed
Judge of the District Court

To the Superintendent of the Garda Síochána

at

No. 20.3

O.20, r.1 (3)

CRIMINAL PROCEDURE ACT, 1967

Section 33 (3)

COMMITTAL WARRANT

District Court Area of District No.

.....
..... Prosecutor
.....

..... Accused
.....

WHEREAS the above-named accused was this day before the Court on foot of a warrant alleging that he/she, having been admitted to bail, was about to abscond for the purpose of evading justice;

AND WHEREAS the order admitting the accused to bail was made at a sitting of the

District Court at
.....
.

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the

accused

.....
.....

of in the *(prison) *(remand institution

he/she being a person who is not less than sixteen nor more than twenty-one years of age) at there to be detained by the thereof until the day of 19 , *(being a period not exceeding eight days from the date hereof) *(being a period exceeding eight days but not exceeding thirty days from the date hereof, the accused and prosecutor so consenting) when he shall have him/her at the sitting of the District Court at in District No.....to be further dealt with according to law.

Dated this day of 19 .
Signed
Judge of the District Court

To the Superintendent of the Garda Síochána

at

†Consent to and conditions of release

The Court hereby consents to the above-named accused being conditionally released on his/her entering into a recognisance himself/herself in the sum of £ and one sufficient surety in the sum of £ or two sufficient sureties in the sum of £ each † (and further consents that in lieu of such surety or sureties pounds be accepted).

Dated this day of 19 .
Signed
Judge of the District Court

*Delete whichever inapplicable

†Delete where inapplicable

No. 20.4

O.20, r.1 (4)

CRIMINAL PROCEDURE ACT, 1967

Section 33 (4)

COMMITTAL WARRANT

(accused awaiting trial)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS the above-named accused was this day before the Court on foot of a warrant alleging that he/she, having been admitted to bail, was about to abscond for the purpose of evading justice;

AND WHEREAS the accused was by order dated the day of 19 , sent forward for trial to the sitting of the.....

..... Court at
..... on a charge that

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the above-named.

accused
.....
.....
of
.....
.....

in the *(prison) *(remand institution he/she being a person who is not less than sixteen nor more than twenty-one years of age) at there to be detained by the thereof until his/her trial for the said *person in charge offence and discharge in due course of law.

Dated this day of 19 .
Signed
Judge of the District Court

To the Superintendent of the Garda Síochána

at

† Consent to and conditions of release

The Court hereby consents to the above-named accused being conditionally released on his/her entering into a recognisance himself/herself in the sum of £ and one sufficient surety in the sum of £ or two sufficient sureties in the sum of £ each † (and further consents that in lieu of such surety or sureties pounds be accepted).

Dated this day of 19 .

Signed

Judge of the District Court

* Delete whichever inapplicable

† Delete where inapplicable

No. 20.5

O.20, r.1 (4)

CRIMINAL PROCEDURE ACT, 1967

Section 33 (4)

COMMITTAL WARRANT

(remand)

District Court Area of District No.

..... Prosecutor

..... Accused

WHEREAS the above-named accused was this day before the Court on foot of a warrant alleging that he/she, having been admitted to bail, was about to abscond for the purpose of evading justice;

AND WHEREAS the accused stands remanded to the sitting of the District Court at on the day of 19 at .m. charged that:

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the .

accused

.....
.....

of

in the *prison

*(remand institution he/she being a person who is not less than sixteen nor more than twenty-one years of age) at there to be detained by the thereof until the day of 19

*(being a period not exceeding eight days from the date hereof) *(being a period exceeding eight days but not exceeding thirty days from the date hereof, the accused and prosecutor so consenting) when he shall have him/her at the said sitting of the District Court to be further dealt with according to law.

Dated this day of 19 .

Signed.....

Judge of the District Court

To the Superintendent of the Garda Síochána

at

†Consent to and conditions of release

The Court hereby consents to the above-named accused being conditionally released on his/her entering into a recognisance himself/herself in the sum of £ and one sufficient surety in the sum of £ or two sufficient sureties in the sum of £ each † (and further consents that in lieu of such surety or sureties pounds be accepted).

Dated this day of 19 .

Signed

Judge of the District Court

*Delete where inapplicable

†Delete whichever inapplicable

No. 21.1

O.21, r.1 (1)

WITNESS SUMMONS

District Court Area of District No.

.....

..... Prosecutor

.....

..... Accused

YOU ARE HEREBY REQUIRED to attend at the sitting of the District Court to be held at

.....

.....

on the day of 19 , at .m. and on any day to which the hearing of these proceedings shall be adjourned, to give evidence on behalf of

.....

.....

on the hearing of a complaint that the above-named accused did

*AND YOU ARE REQUIRED TO BRING WITH YOU the following accounts, papers, documents (or things)

Dated this day of 19 .

Signed

Judge of the District Court

(or)

Clerk of the District Court

(or)

Peace Commissioner

To

Of

NOTE

If, without lawful excuse, you do not obey this summons, a warrant for your arrest may be issued.

*Delete where inapplicable

No. 21.2

O.21, r.1 (5)

INFORMATION

WITNESS EVADING SERVICE OF SUMMONS

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

The information of

.....
of
.....
.....

who says on oath:-

I am (State interest in proceedings)

On the day of 19 , a summons was issued requiring*

.....
.....
of

to attend to give evidence on behalf of

.....
at the sitting of the District Court to be held at

.....

on the day of 19 , at .m. on the hearing of a complaint that the above-named accused did

I believe that the said*

.....

is evading service of that summons, and is able to give evidence in the case. The basis for my belief is that:-

I therefore apply for the issue of a warrant for the arrest of the

said.....
.....

Signed

Informant

SWORN before me this day of 19 .

Signed

Judge of the District Court

* witness's name

No. 21.3

O.21, r.1 (5)

WARRANT FOR ATTENDANCE OF WITNESS

(evading service of summons)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS an information has been made on oath and in writing that on the

day of 19 , a summons was issued requiring*

.....
.....

of

.....
.....

to attend to give evidence on behalf of

.....
at the sitting of the District Court to be held at

.....

on the day of 19 at .m. on the hearing of a complaint that the
above-named accused did

AND WHEREAS I am satisfied that the said *.

.....

is evading service of the said summons and is able to give evidence in the case;

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest the said*

..... of
.....

and to bring him/her before me or another Judge to be dealt with according to law.

Dated this day of 19 .

Signed
Judge of the District Court

To the Superintendent of the Garda Síochána

at

* Witness's name

No. 21.4

O.21, r.1 (5)

WARRANT FOR ARREST OF WITNESS

(non-appearance on summons)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS on the day of 19 , a summons was issued requiring

.....
.....
of to attend as a WITNESS at a sitting
of the District
Court to be held at on the day of
19 , at .m. for the purpose of giving evidence on behalf of
..... on the hearing of a
complaint that the

above-named accused did

AND WHEREAS the said

.....

has failed to attend at the said time and place;

AND WHEREAS it has been duly proved that the summons was served on the
said.....

.....

in accordance with the provisions of the District Court Rules;

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest the said

..... of
.....

and to bring him/her before me or another Judge to be dealt with according to law.

Dated this day of 19 .

Signed
Judge of the District Court

To the Superintendent of the Garda Síochána

at

No. 21.5

O.21, r.1 (6)

INFORMATION

(Witness refusing to attend)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

The information of

.....
of
.....
..

who says on oath:-

I am †
.....

A complaint has been made that at

on the day of 19 , the above-named accused did

and the hearing of the said complaint is to take place at the sitting of the District

Court to be held at on the day of
19 , at . m. I believe that *
of

.....
.....

is able to give evidence concerning the matter of the complaint, and will not attend to give
evidence without being compelled to do so. The basis for my belief is that:-

I therefore apply for the issue of a warrant for the arrest of the said*

.....
.....

Signed
Informant
SWORN before me this day of 19 .
Signed
Judge of the District Court

† State interest in proceedings

*Witness's name

No. 21.6

O.21, r.1 (6)

WARRANT TO ARREST

(Witness refusing to attend)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS a complaint has been made that the above-named accused on the
day of 19 , at
did

AND WHEREAS the hearing of the said complaint is to take place at

the sitting of the District Court to be held at
.....

on the day of 19 , at .m.

AND WHEREAS I am satisfied by Information made on the day of

19 that*

.....
of
.....
.....

is able to give evidence concerning the matter of the complaint and that it is probable
that he/she will not attend to give evidence without being compelled to do so;

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest

the said * of
.....

and to bring him/her before me or another Judge to be dealt with according to law.

Dated this day of 19 .
Signed.....
Judge of the District Court

To the Superintendent of the Garda Síochána

at

*Witness's name

No. 21.7

O.21, r.2 (1)

WARRANT OF COMMITTAL OF WITNESS

(refusal to give evidence or produce documents)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS of
.....

attended this day before the Court on foot of a for the purpose of *warrant

giving evidence on behalf of
.....

on the hearing of a complaint that the above-named accused did

AND WHEREAS the Court is satisfied that the said
.....

is able to give evidence concerning the said complaint but

†(refuses to be examined upon oath concerning the said complaint)

†(refuses to answer lawful questions put to him/her concerning the said complaint)

†(refuses to produce

having been ordered so to do),

AND WHEREAS the hearing of the above-mentioned proceedings has been

adjourned to the sitting of the District Court to be held at
.....

in said District on the day of 19 , at .m. ; (being a day not exceeding eight days from the date hereof).

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the said

..... of in the *(prison) *(remand institution he

being a person who is not less than sixteen nor more than twenty-one years of age) at

.....
.....

there to be detained by the thereof until the above time of *person in charge adjournment when you shall have him/her at the said sitting to be further dealt with according to law;

Dated this day of 19 .
Signed.....
Judge of the District Court

To the Superintendent of the Garda Síochána

at

No. 22.1

O.22, r.1

INFORMATION

(accused evading service of summons or has or is about to abscond)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

The information of

.....
of
.....
.....

who says on oath:-

I am *
.....
.....

On the day of 19 , a summons was issued requiring the accused to appear at the sitting of the District Court to be held

at on the day of

19 , atm., on the hearing of a complaint that he/she did

I believe that—

*(the accused is evading service of the said summons)

*(the accused *(is about to abscond) *(has absconded))

The basis for my belief is that:-

I therefore apply for the issue of a warrant for the arrest of the

accused

.....

.....

of

.....

.....

Signed

Informant

SWORN before me this day of 19 .

Signed

Judge of the District Court

* State interest in proceedings

* Delete whichever inapplicable

No. 22.2

O.22, r.1

WARRANT FOR ARREST OF ACCUSED

(non-appearance on summons or about to abscond)

District Court Area of District No.

..... Prosecutor

..... Accused

WHEREAS on the day of 19 a summons was issued requiring the

above-named accused of

to appear at a sitting of the District Court to be held at

on the day of 19 , at .m, on the hearing of a complaint that he/she

did

*AND WHEREAS the accused has failed to appear at the said time and place;

AND WHEREAS it has been duly proved that the summons was served upon the accused in accordance with the provisions of the District Court Rules;

†AND WHEREAS an information has been made on oath and in writing that † (the accused is evading service of the summons) † (the accused is about to abscond) † (the accused has absconded);

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest the

accused

of

and to bring him/her before me or another Judge to be dealt with according to law.

Dated this day of 19 .

Signed.....

Judge of the District Court

To the Superintendent of the Garda Síochána

at

* Delete where inapplicable

† Delete whichever inapplicable

No. 22.3

O.22, r.2

WARRANT TO ARREST

(accused remanded on bail and failing to appear)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS
of , the above named
accused, was

arrested and charged that*

AND WHEREAS the accused was admitted to bail by recognisance on the
day of 19 conditioned for his/her appearance at the sitting of the

District Court at on the day of 19 , at a.m./p.m. and

at every place and time to which during the course of the proceedings the hearing might be
adjourned until the accused's presence was no longer required to answer the said charge,

AND WHEREAS the accused has failed to appear at the time on a date and at a place at
which he/she was bound so to do by the condition of that recognisance,

AND WHEREAS the recognisance has on this day been produced to me at a sitting of the
Court before which the accused was bound to appear,

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest

accused

.....
of
.....
.....

and to bring him/her before me or another Judge of the District Court to be dealt with according to law.

Dated this day of 19 .
Signed.....
Judge of the District Court

To the Superintendent of the Garda Síochána

at

* Set out offence with time and place

No. 22.4

O.22, r.3

COURTS ACT, 1991

Section 22 (4)

NOTICE OF ADJOURNED HEARING

District Court Area of District No.

.....
*Complainant
*Prosecutor
of

.....
*Defendant
*Accused
of

*(in court area and district aforesaid)

WHEREAS proceedings in a case of summary jurisdiction entitled as above were before this Court for hearing to-day, brought by summons dated the day of 19 , issued under

*section 11 (2) of the Petty Sessions (Ireland) Act, 1851]

*section 1 of the Courts (No. 3) Act, 1986]

on the application of the above-named *complainant *prosecutor and served upon you, the above-named *defendant *accused, in accordance with the provisions of section 22 (1) of the Courts Act, 1991 (i.e. by) and alleging that you did on the day of 19 at *(in court area and district aforesaid)-

AND WHEREAS YOU, being the person to whom the summons was directed, neither appeared at the time and place specified in the summons nor at the hearing today of the *complaint *accusation to which the summons relates,

AND WHEREAS the Court considered it undesirable, in the interests of justice, to continue the hearing in your absence and has, pursuant to section 22 (4) of the Courts Act, 1991, adjourned the said hearing,

TAKE NOTICE THAT the said adjourned hearing will take place at the sitting of

the District Court to be held at

.....

on the day of 19 , at a.m./p.m.,

where and when you are required to attend to answer the said *complaint

*accusation.

Dated this day of 19 .

Signed

District Court Clerk for the said

court area.

To

of

The above-named *defendant *accused

NOTE

Where a person to whom this notice is issued fails to appear at the said adjourned hearing, the Court may, pursuant to section 22 (5) of the Courts Act, 1991, issue a warrant for the arrest of that person.

* Delete words inapplicable

No. 23.1

O.23, r.11

NOTICE OF IMPOSITION OF PENALTY

District Court Office

Courthouse

.....

..... .v. You.

*Prosecutor

*Complainant

This is to inform you that upon the hearing of the complaint made against you in the above-named proceedings a penalty of £ *(including costs) was imposed on you by the District Court sitting at on the day of 19 and that you were allowed a period of clear days for the payment thereof.

Payment should be made within that period to the District Court Clerk at the above address. Cheques, money orders or postal orders should be crossed and made payable to the said Clerk.

Kindly forward this notice with your payment. It will be returned to you with official receipt.

Should you wish to appeal against the penalty you should take the necessary steps in that regard within fourteen days from the date of the Court Order.

If you fail to pay the said penalty within the period specified above and if no notice of appeal is duly lodged, then a warrant to distrain your goods or a warrant for your committal to prison in default of payment will be issued.

Dated this day of 19 .

Signed

District Court Clerk

To

of

* Delete if inapplicable

No. 24.1

O.24, r.5

CRIMINAL PROCEDURE ACT, 1967

Section 13 (2) (b)

PLEA OF GUILTY

District Court Area of District No.

.....

..... Prosecutor

.....

..... Accused

I, the above-named
accused, being

before the Court charged that

hereby plead guilty to the said charge

Signed

Accused

Taken before me this day of 19

at

Signed

Judge of the District Court

No. 24.2

O.24, r.5

CRIMINAL PROCEDURE ACT, 1967

Section 13 (2) (b)

ORDER SENDING FORWARD ON A PLEA OF GUILTY

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS the above-named accused is before the Court charged that

AND WHEREAS the Court has ascertained that he/she wishes to plead guilty to the said charge;

AND WHEREAS the Court is satisfied that the accused understands the nature of the offence and the facts alleged;

AND WHEREAS the accused has signed a plea of guilty;

THE COURT HEREBY ORDERS that he/she be sent forward for sentence on the aforesaid

charge to the sitting of the Court

at

(THE COURT FURTHER ORDERS that until the said conditions of the release are fulfilled the accused be detained in custody).

Dated this day of 19 .
Signed
Judge of the District Court

†Consent to and conditions of release

The Court hereby consents to the above-named accused being conditionally released on his/her entering into a recognisance himself/herself in the sum of £ and one sufficient surety in the sum of £ or two sufficient sureties in the sum of £ each † (and further consents that in lieu of such surety or sureties pounds be accepted).

Dated this day of 19 .
Signed
Judge of the District Court

* Delete whichever inapplicable

† Delete where inapplicable

No. 24.3

O.24, r.6

CRIMINAL PROCEDURE ACT, 1967

Section 12

ORDER SENDING FORWARD WITHOUT PRELIMINARY EXAMINATION

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS the above-named accused is before the Court charged that

AND WHEREAS the accused has waived the preliminary examination and elected to be sent forward for trial with plea of not guilty;

AND WHEREAS I have informed the accused of the requirements of Section 20 of the Criminal Justice Act 1984,

I HEREBY ORDER that the accused be sent forward for trial on the

aforesaid offences) to the sitting of the

..... Court at
.....

†(I FURTHER ORDER that until the said conditions of the release are fulfilled the accused be detained in custody).

Dated this day of 19 .
Signed
Judge of the District Court

†Consent to and conditions of release

The Court hereby consents to the above-named accused being conditionally released on his/her entering into a recognisance himself/herself in the sum of £ and one sufficient surety in the sum of £ or two sufficient sureties in the sum of £ each † (and further consents that in lieu of such surety or sureties pounds be accepted).

Dated this day of 19 .
Signed
Judge of the District Court

* Delete whichever inapplicable

† Delete where inapplicable

No. 24.4

O.24, r.8

CRIMINAL PROCEDURE ACT, 1967

Section 12

ORDER SENDING FORWARD WITHOUT PRELIMINARY EXAMINATION

(child or young person)

District Court Area of District No.
.....
..... Prosecutor
.....
..... Accused

WHEREAS the above-named accused, being a child or young person within the meaning of the Children Acts, 1908 to 1989, is before the Court charged that

AND WHEREAS he/she has waived the preliminary examination and elected to be sent forward for trial with a plea of not guilty;

AND WHEREAS of being the

having the actual possession and control of the accused, consents to his/her waiving of the said preliminary examination;

AND WHEREAS I have informed the accused (and the said parent/guardian) of the requirements of Section 20 of the Criminal Justice Act, 1984,

I HEREBY ORDER that the accused be sent forward for trial on the aforesaid charge

to the sitting of the Court at

†(I FURTHER ORDER that until the said conditions of the release are fulfilled the accused be detained in custody).

Dated this day of 19 .
Signed
Judge of the District Court

†Consent to and conditions of release

The Court hereby consents to the above-named accused being conditionally released on his/her entering into a recognisance himself/herself in the sum of £ and one sufficient surety in the sum of £ or two sufficient sureties in the sum of £ each † (and further consents that in lieu of such surety or sureties pounds be accepted).

Dated this day of 19 .
Signed
Judge of the District Court

* Delete whichever inapplicable

† Delete where inapplicable

No. 24.5

O.24, r.10 (1)

CRIMINAL PROCEDURE ACT, 1967

Section 6 (1) (a)

STATEMENT OF CHARGES

District Court Area of District No.

..... Prosecutor

..... Accused

The above-named accused is charged as follows:-

(here set out copy of each charge that has been preferred against the accused)

Dated this day of 19 .

Signed

by or on behalf of Prosecutor

No. 24.6

O.24, r.10 (1)

CRIMINAL PROCEDURE ACT, 1967

Section 6 (1) (b)

COPY OF SWORN INFORMATION

District Court Area of District No.

..... Prosecutor

..... Accused

No. 24.7

O.24, r.10 (1)

CRIMINAL PROCEDURE ACT, 1967

Section 6 (1) (c)

LIST OF WITNESSES

District Court Area of District No.

..... Prosecutor

.....
..... Accused

The following is a list of the witnesses whom it is proposed to call at the trial:-

No. Name Address

Dated this day of 19 .
Signed
by or on behalf of Prosecutor

No. 24.8

O.24, r.10 (1)

CRIMINAL PROCEDURE ACT, 1967

Section 6 (1) (d)

STATEMENT OF EVIDENCE

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

Statement of the evidence that is to be given by

(witness no.):-

No. 24.9

O.24, r.10 (1)

CRIMINAL PROCEDURE ACT, 1967

Section 6 (1) (e)

LIST OF EXHIBITS

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

Number or other identifying mark on
exhibit

Description of exhibit

Dated this day of 19 .

Signed
by or on behalf of Prosecutor

No. 24.10

O.24, r.13

CRIMINAL PROCEDURE ACT, 1967

Section 6 (4)

FURTHER STATEMENT OF EVIDENCE

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

Further statement of the evidence that is to be given by
..... (witness no):-

No. 24.11

O.24, r.14

CRIMINAL PROCEDURE ACT, 1967

DEPOSITION OF ARREST, CHARGE AND CAUTION

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

THE DEPOSITION OF

.....
of
.....
.....

taken before me, in the presence and hearing of the above-named accused who stands charged as follows:-

The deponent says on oath:

Signed

Deponent

Taken before me this day of 19.

at

Signed

Judge of the District Court

No. 24.12

O.24, r.14

CRIMINAL PROCEDURE ACT, 1967

Section 7 (2)

DEPOSITION

District Court Area of District No.

.....

..... Prosecutor

.....

..... Accused

THE DEPOSITION OF

.....

of

.....

.....

taken before me, in the presence and hearing of the above-named accused who stands charged as set out in the statement of charges served upon him/her.

The deponent says on oath:-

Signed

Deponent

Taken before me this day of 19

at

Signed

Judge of the District Court

No. 24.13

O.24, r.14

CRIMINAL PROCEDURE ACT, 1967

Section 7 (2)

DEPOSITION OF ACCUSED

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

THE DEPOSITION of the above-named accused who stands charged as set out in the statement of charges served upon him/her.

The deponent says on oath:

Signed

Deponent

Taken before me this day of 19 .

Signed

Judge of the District Court

No. 24.14

O.24, r.14

CRIMINAL PROCEDURE ACT, 1967

Section 14

DEPOSITION

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

THE DEPOSITION OF

.....
of

.....
.....

taken before me, in the presence and hearing of the above-named accused who stands charged as set out in the statement of charges served upon him/her and the accused having

been first informed that this deposition may be read as evidence at his/her trial if it is proved that

(a) the deponent is dead or unable to attend or prevented from attending to give evidence at the trial, and

(b) the deposition was taken in the presence of the accused, and

(c) an opportunity was given for the cross-examination and re-examination of the deponent

(except in the case of the deponent's death this deposition shall not be read if the trial judge considers that to do so would not be in the interests of justice)

The deponent says on oath

Signed

Deponent

Taken before me this day of 19 .

at

Signed

Judge of the District Court

No. 24.15

O.24, r.15

CRIMINAL PROCEDURE ACT, 1967

Section 8 (1)

ORDER ON PRELIMINARY EXAMINATION

District Court Area of District No.

.....

..... Prosecutor

.....

..... Accused

THE COURT, being of opinion that there is a sufficient case to put the above-named accused on trial for offence(s) numbered in the statement of charges and with which the accused has been charged,

AND having informed the accused of the requirements of section 20 of the Criminal Justice Act, 1984,

ORDERS that the accused be sent forward for trial on the aforesaid offence(s) to the

*next sitting of the Court
present

at *in custody
*on conditional release set out hereunder

†(THE COURT FURTHER ORDERS that until the said conditions of the release are fulfilled
the accused be detained in custody)

†(AND THE COURT FURTHER ORDERS that the accused be discharged in respect of
offences numbered in the statement of charges).

Dated this day of 19 .
Signed
Judge of the District Court

†Consent to and conditions of release

The Court hereby consents to the above-named accused being conditionally released on
his/her entering into a recognisance himself/herself in the sum of £ and one sufficient surety
in the sum of £ or two sufficient sureties in the sum of £ each † (and further consents that in
lieu of such surety or sureties pounds be accepted).

Dated this day of 19 .
Signed
Judge of the District Court

* Delete whichever inapplicable

† Delete where inapplicable

No. 24.16

O.24, r.16

CRIMINAL PROCEDURE ACT, 1967

Section 8 (2)

CHARGE OF INDICTABLE OFFENCE

District Court Area of District No.

.....

..... Prosecutor

.....

..... Accused

You

are hereby

charged that

Dated this day of 19 .

Signed

by or on behalf of Prosecutor

No. 24.17

O.24, r.16

CRIMINAL PROCEDURE ACT, 1967

Section 8 (2)

ORDER ON PRELIMINARY EXAMINATION

District Court Area of District No.

.....

..... Prosecutor

.....

..... Accused

THE COURT, being of opinion that there is a sufficient case to put the above-named accused on trial for the following offence(s) with which he/she has been charged:-

AND having informed the accused of the requirements of section 20 of the Criminal Justice Act, 1984,

ORDERS that the accused be sent forward for trial on the aforesaid offence(s) to the

*next sitting of the
Court
present

at *in custody
*on conditional release set out hereunder

†(THE COURT FURTHER ORDERS that until the said conditions of the release are fulfilled the accused be detained in custody).

Dated this day of 19 .
Signed
Judge of the District Court

†Consent to and conditions of release

The Court hereby consents to the above-named accused being conditionally released on his/her entering into a recognisance himself/herself in the sum of £ and one sufficient surety in the sum of £ or two sufficient sureties in the sum of £ each † (and further consents that in lieu of such surety or sureties pounds be accepted).

Dated this day of 19 .
Signed
Judge of the District Court

* Delete whichever inapplicable

† Delete where inapplicable

No. 24.18

O.24, r.17

CRIMINAL PROCEDURE ACT, 1967

Section 8 (4)

CHARGE OF SUMMARY OFFENCE

District Court Area of District No.

..... Prosecutor

..... Accused

You
are hereby

charged that

Dated this day of 19 .

Signed
by or on behalf of Prosecutor

No. 24.19

O.24, r.18

CRIMINAL PROCEDURE ACT, 1967

Section 9

WITNESS ORDER

District Court Area of District No.

..... Prosecutor

..... Accused

THE COURT HEREBY ORDERS that each person whose name is set out in the list of witnesses herein and numbered thereon and the following additional persons whose depositions have been taken:-

do attend and give evidence at the sitting of the

Court

.....
.....

and will not depart from the said Court without leave and will attend there in person from day to day during the time the said Court shall be so held or any adjournment thereof for the purposes of the above trial and also attend any other Court to which the trial may be transferred.

†AND THE COURT FURTHER ORDERS that each of the following persons shall there and then produce the document or thing specified hereunder.

Witness No.

(if any)

Name Document or thing to be produced

Dated this day of 19 .
Signed.....
Judge of the District Court

* Delete whichever inapplicable

† Delete where inapplicable

No. 24.20

O.24, r.19

CRIMINAL PROCEDURE ACT, 1967

Section 9

NOTICE OF WITNESS ORDER

.....
..... Prosecutor
.....
..... Accused

TAKE NOTICE that on the day of 19 ,

a WITNESS ORDER was made in the above matter requiring you to attend and give evidence at the trial *(and furthermore to bring with you the following documents or things):-

The said trial will take place at

.....

on the day of 19 , at .m. and may be adjourned from time to time, and you are required to attend on that day, and on any day to which the said trial may be adjourned, or transferred.

Dated this day of 19 .

Signed

by or on behalf of Prosecutor

To

of

NOTE: Under section 9 (2) of the Criminal Procedure Act, 1967, a person who without just excuse disobeys a witness order shall be guilty of contempt of Court.

* Delete where inapplicable

No. 24.21

O.24, r.20

CRIMINAL PROCEDURE ACT, 1967

Section 9 (3)

INFORMATION

District Court Area of District No.

.....

..... Prosecutor

.....

..... Accused

The information of

.....
of

.....
who says on oath:-

On the day of 19 , a WITNESS ORDER was made requiring the

attendance of

.....
of

.....
at the trial of the above-named accused at the sitting of the

.....

..... Court at

.....
I believe that it is unlikely that the said

.....
will comply with the said order for the following reason(s):-

I therefore apply for the issue of a

Signed

Informant

SWORN before me this day of 19

Signed

Judge of the District Court

* Delete whichever inapplicable

No. 24.22

O.24, r.21

CRIMINAL PROCEDURE ACT, 1967

Section 9 (3)

SUMMONS FOR ATTENDANCE OF WITNESS

District Court Area of District No.

..... Prosecutor

..... Accused

WHEREAS on the day of 19 , a WITNESS ORDER was made herein requiring your attendance at the trial of the above-named accused;

AND WHEREAS I am satisfied by information on oath and in writing that you are unlikely to comply with the said order;

YOU ARE HEREBY COMMANDED to attend before the sitting of the District

Court to be held at on the

..... day of 19 , atm. for the

purpose of determining whether you should be bound by recognisance to comply with the said order.

Dated this day of 19 .

Signed

Judge of the District Court

To

of

NOTE: Section 9 (3) of the Act provides as follows:-

"If, on the application of the Attorney General or an accused person, the Judge is satisfied by evidence on oath that a particular person is unlikely to comply with a witness order, the Judge may bind him by recognisance to appear at the trial and if he refuses to be so bound the Judge may by warrant commit him to custody until the trial or until he enters into the recognisance; and the Judge shall have the same powers for enforcing the attendance of such person before him for the purposes of this subsection as the District Court has in relation to witnesses in criminal proceedings."

No. 24.23

O.24, r.21

CRIMINAL PROCEDURE ACT, 1967

Section 9 (3)

WARRANT FOR ATTENDANCE OF WITNESS

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS on the day of 19 , a WITNESS ORDER was made

herein requiring the attendance of

.....
of
.....
.....

at the trial of the above-named accused;

AND WHEREAS I am satisfied by information on oath and in writing that the said

..... is unlikely to comply
with the said order;

AND WHEREAS I am further satisfied that it is probable that the said

.....
..... will not attend before the Court, without being
compelled to do

so for the purpose of determining whether he/she should be bound by recognisance to comply
with the said witness order;

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest the said of and to bring him/her before me or another Judge to be dealt with according to law.

Dated this day of 19 .
Signed
Judge of the District Court

To the Superintendent of the Garda Síochána

at

No. 24.24

O.24, r.22

CRIMINAL PROCEDURE ACT; 1967

Section 9 (3)

WARRANT FOR ARREST OF WITNESS

(non-appearance on summons)

District Court Area of District No.
.....
..... Prosecutor
.....
..... Accused

WHEREAS on the day of 19 , a summons was issued requiring

of
.....
.....
to attend at a sitting of the District Court to be held at
.....
..... on the day of

19....., at .m. for the purpose of determining whether he/she should be bound by recognisance to comply with the WITNESS ORDER dated the day of 19 , ordering him/her to attend at the trial of the above-named accused;

AND WHEREAS the said

.....

has failed to attend at the said time and place;

AND WHEREAS it has been duly proved that the summons was served upon the said
..... in accordance with the provisions of the District Court Rules;

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest the said

of

.....
.....

and to bring him/her before me or another Judge to be dealt with according to law.

Dated this day of 19 .

Signed

Judge of the District Court

To the Superintendent of the Garda Síochána

at

No. 24.25

O.24, r.23

CRIMINAL PROCEDURE ACT, 1967

Section 9 (3)

WITNESS RECOGNISANCE

District Court Area of District No.

I,

.....
.....

of..... a

.....

acknowledge myself to owe to the State the sum of

.....

pounds to the use of the Minister for Finance if I fail in the condition hereunder.

Signed

Acknowledged before me this day of 19

Signed

Judge of the District Court

The condition of this recognisance is that the said

.....

..... do attend at the trial of the above-named accused at the

sitting of the Court at

.....

and any adjournment thereof until his/her presence at the trial is no longer required.

*Delete whichever inapplicable

No. 24.26

O.24, r.23

CRIMINAL PROCEDURE ACT, 1967

Section 9 (3)

WARRANT OF COMMITTAL OF WITNESS

District Court Area of District No.

.....

..... Prosecutor

.....

..... Accused

WHEREAS of

.....

attended this day before the Court on foot of a

for the purpose of determining whether he/she should be bound by recognisance to

comply with the witness order dated the

.....
day of 19, in the above
matter:

AND WHEREAS the said,
having been
ordered by the Court to enter into a recognisance himself/herself in the sum of
.....
..... pounds to comply with the said order, has
refused to do so;

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the said

of

.....
.....
in the prison at
..... there to be

imprisoned by the Governor of the said prison until the trial of the accused or until he/she
enters into the said recognisance.

Dated this day of 19

Signed

Judge of the District Court

To the Superintendent of the Garda Síochána

at

No. 24.27

O.24, r.24

CRIMINAL PROCEDURE ACT, 1967

Section 14

INFORMATION

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

The information of

.....
of

.....
.....

who says on oath:-

I believe that

.....
.....

of

.....
.....

a prospective witness at the trial of the above-named accused may be

to give evidence at the trial of the accused for the following reasons:

I therefore apply for the issue of a

Signed

Informant

SWORN before me this day of 19

Signed

Judge of the District Court

*Delete whichever inapplicable

No. 24.28

O.24, r.25

CRIMINAL PROCEDURE ACT, 1967

Section 14

WITNESS SUMMONS

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS an information has been made on oath and in writing that

you may be

to give evidence at the trial of the above-named accused;

AND WHEREAS I am of opinion that it is necessary in the interests of justice that your evidence be taken by way of sworn deposition;

I HEREBY ORDER ACCORDINGLY AND COMMAND YOU to attend at the

sitting of the District Court to be held at

.....
on the day of 19 at

.m. to give evidence by way of sworn deposition.

†AND you are to bring with you the following documents (or things):-

Dated this day of 19 .

Signed

Judge of the District Court

To

of

*Delete whichever inapplicable

†Delete where inapplicable

No. 24.29

O.24, r.25

CRIMINAL PROCEDURE ACT, 1967

Section 14

WARRANT FOR ATTENDANCE OF WITNESS

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS an information has been made on oath and in writing that

.....
of a prospective witness at
the trial of the

above-named accused may be

to give evidence at the trial of the accused;

AND WHEREAS I am of opinion that it is necessary in the interests of justice that his/her
evidence be taken by way of sworn deposition;

AND WHEREAS I am satisfied that it is probable that he/she will not attend without being
compelled to do so;

I HEREBY ORDER ACCORDINGLY AND COMMAND YOU to whom this warrant

is addressed to arrest the said of
.....

and to bring him/her before me or another Judge to be dealt with according to law

Dated this day of 19 .
Signed
Judge of the District Court

To the Superintendent of the Garda Síochána

at

No. 24.30

O.24, r.26

CRIMINAL PROCEDURE ACT, 1967

Section 14

WARRANT FOR ARREST OF WITNESS

(non-attendance on summons)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS on the day of 19 , a summons was issued requiring

of to attend as
a WITNESS at
a sitting of the District Court at on the

day of 19 , at .m. for the purpose of taking his/her evidence by way of sworn deposition;

AND WHEREAS the said

.....
has failed to attend at the said time and place;

AND WHEREAS it has been duly proved that the summons was served upon the

said

.....
.....

in accordance with the provisions of the District Court Rules;

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest the said

.....
..... of and to bring
him/her before me or

another Judge to be dealt with according to law.

Dated this day of 19 .
Signed
Judge of the District Court

To the Superintendent of the Garda Síochána

at

No. 24.31

O.24, r.27

CRIMINAL PROCEDURE ACT, 1967

Section 14

SUMMONS TO ACCUSED TO ATTEND TAKING OF FURTHER DEPOSITION

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

YOU ARE HEREBY COMMANDED to attend the sitting of the District Court to

be held at on the day of 19 ,

at .m. for the purpose of being present at the taking of the deposition of

..... in the above-named proceedings.

Dated this day of 19 .

Signed

Judge of the District Court

To

of

(the above-named accused)

No. 24.32

O.24, r.27

CRIMINAL PROCEDURE ACT, 1967

Section 14

WARRANT FOR ARREST OF ACCUSED

District Court Area of District No.

.....

..... Prosecutor

.....

..... Accused

WHEREAS an information has been made on oath and in writing that

.....of

.....

a prospective witness at the trial of the above-named accused may be

*unable to attend

*prevented from attending

to give evidence at the trial of the accused;

AND WHEREAS I am of opinion that it is necessary in the interests of justice that the evidence of the said witness be taken by way of sworn deposition;

AND WHEREAS I am satisfied that it is probable that the accused will not attend at the taking of the evidence of the said witness without being compelled to do so;

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest the said

accused

.....
..... of
.....
.....

and to bring him/her before me or another Judge to be dealt with according to law.

Dated this day of 19 .

Signed

Judge of the District Court

To the Superintendent of the Garda Síochána

at

No. 24.33

O.24, r.27

CRIMINAL PROCEDURE ACT, 1967

Section 14

WARRANT TO PRODUCE ACCUSED

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

SEND in custody the above-named accused who was committed on the day of 19 , for the purpose of his/her being present at the taking of the

deposition of of
.....
at the sitting of the District Court to be held at
.....
on the day of 19 .

Dated this day of 19 .
Signed
Judge of the District Court

To the *Governor of the *prison
*person in charge *remand institution
at
* Delete whichever inapplicable

No. 24. 34

O.24, r.28

CRIMINAL PROCEDURE ACT, 1967

Section 14

WARRANT FOR ARREST OF ACCUSED

(non-attendance on summons)

District Court Area of District No.
.....
..... Prosecutor
.....
..... Accused

WHEREAS on the day of 19 , a summons issued requiring the

above-named accused of

.....
..... to attend at a sitting of the District Court to be held at

.....
on the day of 19, at .m. for the purpose of being present at the taking of the deposition of

.....
of

.....
.....

AND WHEREAS the accused has failed to attend at the said time and place;

AND WHEREAS it has been duly proved that the summons was served upon the accused in accordance with the provisions of the District Court Rules:

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest the

accused

.....
.....
of
.....
.....

and to bring him/her before me or another Judge to be dealt with according to law.

Dated this day of 19 .

Signed

Judge of the District Court

To the Superintendent of the Garda Síochána

at

No. 24.35

O.24, r.30

CRIMINAL PROCEDURE ACT, 1967

Section 22

COMMITTAL WARRANT

(sending forward for trial or sentence)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS the above-named accused was this day before the Court charged that

AND WHEREAS the accused has been sent forward for *trial

*sentence
on the said charge to the *next

*present

sitting of the Court at
.....

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the

accused
.....
.....
..... of
.....

in the *(prison) *(remand institution he being a person who is not less than sixteen nor

more than twenty-one years of age) at there to
be

detained by the *governor thereof until his/her *trial

*person in charge *sentence

for the said offence and his/her discharge in due course of law.

Dated this day of 19 .
Signed
Judge of the District Court

To the Superintendent of the Garda Síochána

at

†Consent to and conditions of release

The Court hereby consents to the above-named accused being conditionally released on his/her entering into a recognisance himself/herself in the sum of £ and one sufficient surety in the sum of £ or two sufficient sureties in the sum of £ each † (and further consents that in lieu of such surety or sureties pounds be accepted).

Dated this day of 19 .
Signed
Judge of the District Court

* Delete whichever inapplicable

† Delete where inapplicable

No. 24.36

O.24, r.36 (1)

COMMITTAL WARRANT

(accused remanded to another district)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS the above-named accused was this day before the Court charged that

AND WHEREAS the Court is satisfied that evidence *(further evidence) will be

available at the sitting of the District Court at on the

.....

day of

.....
... 19 at .m.

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the

accused

.....
.....

of in the *(prison) *(remand institution, he being

a person who is not Less than sixteen years nor more than twenty-one years of age) at

..... there to be detained by the *Governor

*person in charge

thereof until the above time of sitting (being a period not exceeding eight days from the date hereof) when he shall have him/her at the said sitting to be further dealt with according to law.

Dated this day of 19 .

Signed

Judge of the District Court

To the Superintendent of the Garda Síochána

at

†Consent to and conditions of release

The Court hereby consents to the above-named accused being conditionally released on his/her entering into a recognisance himself/herself in the sum of £ and one sufficient surety in the sum of £ or two sufficient sureties in the sum of £ each † (and further consents that in lieu of such surety or sureties pounds be accepted).

Dated this day of 19 .

Signed

Judge of the District Court

* Delete whichever inapplicable

† Delete where inapplicable

No. 24.37

O.24, r.36 (1)

REMAND WARRANT TO GARDA SIOCHANA STATION

(accused remanded to another district)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS the above-named accused was this day before the Court charged that

AND WHEREAS the Court is satisfied that *(evidence) *(further evidence) will be
available

tat the sitting of the District Court at on the
.....
day of 19 ,
at .m.

†(AND WHEREAS the Court is satisfied that suitable facilities are available at

..... for the custody of the accused during the
period of remand);

THIS IS TO COMMAND YOU to whom this warrant is addressed to commit the

accused to the custody of a member of the Garda Siochana at
.....

there to be detained until the above time of sitting when the member shall have him/her at the
above place to be further dealt with according to law.

Dated this day of 19 .
Signed
Judge of the District Court

To the Superintendent of the Garda Síochána

at

No. 25.1

O.25, r.1

WARRANT OF EXECUTION

(commitment as punishment)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS the above-named accused of
.....

was this day before the Court at

.....
in the court area and district aforesaid, charged that at

.....
in court area and district aforesaid on the day of 19..... he/she did

*Contrary to the form of the Statute in such case made and provided;

*Contrary to Common Law;

AND WHEREAS the accused has been convicted of the said offence and ordered to

be *imprisoned/*detained for the period of
.....

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the

accused

.....

.....

of

.....

.....

in the *(prison) *†(Saint Patrick's Institution, he being a person who is not less than

seventeen nor more than twenty-one years of age) at

.....

there to be *imprisoned/*detained by the *Governor thereof for the period of

*person in charge

Dated this day of 19 .

Signed

Judge of the District Court

To the Superintendent of the Garda Síochána

at

* Delete whichever inapplicable

† Where the accused is a person who is less than seventeen but not less than sixteen years of age see Criminal Justice Act, 1960, sec. 13 (2).

No. 25.2

O.25, r.1

WARRANT OF EXECUTION

(minor offence)

District Court Area of District No.

.....

..... Prosecutor

.....

..... Accused

WHEREAS the above-named accused of

.....
was this day before the Court at

.....
in the court area and district aforesaid, charged that at

.....
in court area and district aforesaid on the day of 19..... he/she did

*Contrary to the form of the Statute in such case made and provided;

*Contrary to Common Law;

AND the offence being a scheduled offence within the meaning of the Criminal Justice Act, 1951, as amended by the Criminal Procedure Act, 1967;

AND WHEREAS the Court was of opinion that the facts alleged constituted a minor offence fit to be tried summarily and the accused, on being informed by the Court of his/her right to be tried with a jury, did not object to being tried summarily;

AND WHEREAS the accused was convicted of the said offence and ordered to be

*imprisoned/*detained for a period of

.....

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the

accused

.....

of

.....

.....

in the *(prison) *†(Saint Patrick's Institution, he being a person who is not less than

seventeen nor more than twenty-one years of age) at

.....

there to be *imprisoned/*detained by the *Governor thereof for the period of

*person in charge

Dated this day of 19 .
Signed
Judge of the District Court

To the Superintendent of the Garda Síochána
at

* Delete whichever inapplicable

† Where the accused is a person who is less than seventeen but not less than sixteen years of age see Criminal Justice Act, 1960, sec. 13 (2).

No. 25.3

O.25, r.1

WARRANT OF EXECUTION

(accused pleading guilty and the Director of Public Prosecutions consenting)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS the above-named accused

.....
of

.....
was this day before the Court at

.....
in the court area and district aforesaid, charged that at

.....
in court area and district aforesaid on the day of 19 he/she did

*Contrary to the form of the Statute in such case made and provided;

*Contrary to Common Law;

AND the offence being an offence to which section 13 of the Criminal Procedure Act, 1967, applies;

AND the Court having ascertained that the accused wished to plead guilty and the Court being satisfied that the accused understood the nature of the offence and the facts alleged and the Director of Public Prosecutions having consented to the offence being dealt with summarily;

AND WHEREAS the Court ordered the accused to be *imprisoned/*detained for the

period of

.....
.....

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the

accused

.....
.....

of

.....
.....

in the *(prison) *†(Saint Patrick's Institution, he being a person who is not less than

seventeen nor more than twenty-one years of age) at

.....
there to be *imprisoned/*detained by the *Governor thereof for the period of

*person in charge

Dated this day of 19 .

Signed

Judge of the District Court

To the Superintendent of the Garda Síochána

at

* Delete where inapplicable

† Where the accused is a person who is less than seventeen but not less than sixteen years of age see Criminal Justice Act, 1960, sec. 13 (2).

No. 25.4

O.25, r.1

WARRANT OF EXECUTION

(minor offence requiring consent of the Director of Public Prosecutions)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS the above-named accused

.....
of
.....
.....

was this day before the Court at

.....
in the court area and district aforesaid, charged that at

.....
in court area and district aforesaid on the day of 19 he/she did

*Contrary to the form of the Statute in such case made and provided

*Contrary to Common Law;

AND the offence being a scheduled offence within the meaning of the Criminal Justice Act, 1951, as amended by the Criminal Procedure Act, 1967;

AND WHEREAS the Court was of opinion that the facts alleged constituted a minor offence fit to be tried summarily and the accused, on being informed by the Court of his/her right to be tried with a jury, did not object to being tried summarily;

AND WHEREAS the Director of Public Prosecutions has consented to summary trial;

AND WHEREAS the accused was convicted of the said offence and ordered to be

imprisoned/*detained for the period of

.....

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the

accused

.....

of

.....

.....

in the *(prison) *†(Saint Patrick's Institution, he being a person who is not less than

seventeen nor more than twenty-one years of age) at

.....

there to be *imprisoned/*detained by the *Governor thereof for the period of

*person in charge

Dated this day of 19 .

Signed

Judge of the District Court

To the Superintendent of the Garda Síochána

at

*Delete whichever inapplicable

†Where the accused is a person who is less than seventeen but not less than sixteen years of age see Criminal Justice Act, 1960, sec. 13 (2).

No. 25.5

O.25, r.2 (a)

WARRANT OF EXECUTION

(to commit in default of payment of penalty)

District Court Area of District No.

.....Prosecutor

..... Accused

WHEREAS upon the hearing of the complaint that on the day of

19 , at
.....
.....

in court area and district aforesaid the accused did

*Contrary to the form of the Statute in such case made and provided;

*Contrary to Common Law;

[Where the offence is indictable insert the appropriate recitals as in Forms 25.2, 25.3 or 25.4, as the case may be]

THE COURT on the day of 19 , convicted the above-named

accused of
.....
.....

of the said offence and ORDERED that he/she pay for fine the sum of £ for compensation the sum of £ and for costs the sum of £ making together the sum of £ to be paid within clear days, and in default of payment that the accused be imprisoned for the period of

unless such last mentioned sum be sooner paid;

AND WHEREAS the said Order has not been complied with

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the

accused
.....
.....
of
.....
.....

in the Prison at

.....
.....

there to be detained by the Governor thereof for the period of

.....

unless the said last mentioned sum be sooner paid.

The sum levied to be paid to the Clerk for the district court area aforesaid.

Warrant to be returned in months if not executed.

Dated this day of 19 .

Signed

Judge of the District Court

To the Superintendent of the Garda Síochána

at

.....
.....

* Delete whichever inapplicable

No. 25.6

O.25, r.2 (a)

WARRANT OF EXECUTION

(Summary Jurisdiction)

(To commit in default of payment of penalty — Time not allowed)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS upon the hearing of the complaint that on the day of

19 , at

.....
.....

in court area and district aforesaid the accused did

*Contrary to the form of the Statute in such case made and provided;

*Contrary to Common Law;

[Where the offence is indictable insert the appropriate recitals as in Forms 25.2, 25.3 or 25.4 as the case may be.]

THE COURT on the day of 19 , convicted the above-named

accused of

.....
.....

of the said offence and ORDERED that he/she pay for fine the sum of £ for compensation the sum of £ and for costs the sum of £ making together the sum of £ to be paid within clear days, and in default of payment that the accused be imprisoned for the period of unless the last mentioned sum be sooner paid;

AND WHEREAS it was ordered that the accused be committed forthwith for the reason that †

AND WHEREAS the said Order has not been complied with,

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the

above-named accused

.....
of

.....
.....

in the Prison at

.....
.....

there to be detained by the Governor thereof for the period of

.....

unless the said last mentioned sum be sooner paid.

The sum levied to be paid to the Clerk for the district court area aforesaid.

Dated this day of 19 .
Signed
Judge of the District Court

To the Superintendent of the Garda Síochána

at
.....
.....

* Delete whichever inapplicable

†For reasons as to why time is not allowed for payment see section 1 of the Criminal Justice Administration Act, 1914 (4 & 5 Geo. 5, Ch. 58).

No. 25.7

O.25, r.2 (b)

WARRANT OF EXECUTION

(Non-performance of Condition)

District Court Area of District No.
.....
..... Prosecutor
.....
..... Accused

WHEREAS upon the hearing of the complaint that on the day of

19 , at
.....
.....

in court area and district aforesaid the accused did

*Contrary to the form of the Statute in such case made and provided;

*Contrary to Common Law;

[Where the offence is indictable insert the appropriate recitals as in Form 25.2, 25.3 or 25.4 as the case may be.]

THE COURT on the day of 19 , ORDERED the above-named

accused of

.....
.....

to enter into recognisance within days, himself/herself in the sum of £ with solvent sureties in the sum of £ each, to keep the peace and be of good behaviour towards all citizens, and particularly towards for the period of, months, (and further to —)

and in default of finding such sureties and entering into recognisance) as aforesaid to be imprisoned for the period of unless he/she should sooner enter into the said recognisance;

AND WHEREAS the accused has failed to enter into such recognisance with such sureties as aforesaid;

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the

accused

.....
.....

of

.....
.....

in the *(prison) *†(Saint Patrick's Institution, he being a person who is not less than

seventeen nor more than twenty-one years of age) at

..... there to be *imprisoned/*detained by the *Governor thereof for the period of

*person in charge

unless he/she shall in the meantime enter into such recognisance as aforesaid.

Dated this day of 19 .

Signed

Judge of the District Court

To the Superintendent of the Garda Síochána

at

* Delete whichever inapplicable

† Where the accused is a person who is less than seventeen but not less than sixteen years of age see Criminal Justice Act, 1960, sec. 13 (2).

No. 25.8

O.25, r.3

WARRANT OF EXECUTION

(Failure to carry out conditions of suspension of sentence)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS upon the hearing of the complaint that on the day of

19 , at
.....
.....

in court area and district aforesaid the accused did

*Contrary to the form of the Statute in such case made and provided;

*Contrary to Common Law;

[Where offence is indictable insert appropriate recitals as in Form 25.2, 25.3 or 25.4 as the case may be.]

THE COURT on the day of 19 convicted the accused of of the said offence AND ORDERED that he/she be *imprisoned/*detained for the period of AND WHEREAS the Court FURTHER ORDERED that the warrant should not issue if the accused were of good behaviour for the period of and if the accused further†

AND WHEREAS the accused has been brought before the Court on the day of 19 , and the Court is satisfied of the failure of the accused to carry out the terms upon which the said sentence was suspended and now directs that the warrant do issue,

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the

accused

.....
.....

of

.....
.....

in the *(prison) *†(Saint Patrick's Institution, he being a person who is not less than

seventeen nor more than twenty-one years of age) at

.....
there to be *imprisoned/*detained by the *Governor thereof for the period of

*person in charge

unless he/she shall in the meantime enter into such recognisance as aforesaid.

Dated this day of 19 .

Signed

Judge of the District Court

To the Superintendent of the Garda Síochána

at

* Delete whichever inapplicable

‡ Insert any further conditions imposed by the Court

† Where the accused is a person who is less than seventeen but not less than sixteen years of age see Criminal Justice Act, 1960, sec. 13 (2).

No. 25.9

O.25, r.5

WARRANT OF COMMITTAL

(for contempt of Court)

District Court Area of District No.

WHEREAS at a sitting of the District Court being held at

.....
in and for the said court (area and) district on this day by and before me, Judge
.....

a Judge of the District Court assigned to the said district, sitting and acting in the said District Court in exercise of the jurisdiction vested in me and in discharge of my duties as a Judge of the District Court, AT AND DURING the hearing of the cause entitled

..... -v
.....
*Prosecutor *Complainant *Accused *Defendant

in which the said *accused *defendant was charged as follows—

a person, namely,
..... has in open
court

- *(wilfully insulted me)
- *(committed a contempt of this Court)

as follows:—by (1)

- contrary to (2) (section 9 of the Petty Sessions (Ireland) Act, 1851.)
- (3) (section 6 of the Summary Jurisdiction (Ireland) Amendment Act, 1871.)

AND WHEREAS I DO NOW, at the said sitting and acting solely in execution of my duties as such Judge, hereby adjudge that the said person for that contempt be committed to prison for the period of days,

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the said

person,

.....
.....

of

.....
.....

in the prison at

.....
.....

there to be imprisoned for such contempt by the Governor thereof for the period of days from the date of this warrant, and for this the present warrant shall be a sufficient authority.

Dated this day of 19 .
Signed
Judge of the District Court assigned

to the said district

To the Superintendent of the Garda Síochána,

at

NOTES

- *Delete words which are not applicable.
- (1) State words used or nature of contempt.
- (2) Delete where warrant is being issued in the Dublin Metropolitan Police District.
- (3) Delete unless warrant is being issued in the Dublin Metropolitan Police District.

No. 25.10
O.25, r.7

WARRANT OF EXECUTION
(To distrain in default of payment of fine)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS upon the hearing of the complaint that on the day of

19 , at
.....
.....

in court area and district aforesaid the accused did

*Contrary to the form of the Statute in such case made and provided;

*Contrary to Common Law

THE COURT on the day of 19 convicted the accused,

of
.....
.....,

of the said offence and ORDERED that he/she pay for fine the sum of £ , for compensation the sum of £ and for costs the sum of £ , making together the sum of £ , to be paid within clear days,

AND WHEREAS the said Order has not been complied with,

THIS IS TO COMMAND YOU to whom this warrant is addressed to levy the said last mentioned sum by distress and sale of the goods and chattels of the said accused, or by taking the accused's money, or by such distress and such taking of money if necessary.

The sum levied to be paid to the Clerk for the district court area aforesaid.

This warrant to be returned in months if not executed.

Dated this day of 19 .

Signed

Judge of the District Court

To the Superintendent of the Garda Síochána

at

No. 26.1

O.26, r.1

CRIMINAL PROCEDURE ACT, 1967

Section 30

FORM OF ENDORSEMENT ON A WARRANT OF ARREST AS TO RELEASE ON BAIL

I hereby direct that the person named in this warrant be on arrest released on entering into a recognisance, himself/herself in the sum of £ and one sufficient surety in the sum of £ or two sufficient sureties in the sum of £ each, conditioned

for the appearance of the said

.....

at the sitting of the District Court in District No. next following the date of his/her arrest.

Dated this day of 19 .

Signed

Judge of the District Court

No. 26.2

O.26, r.7 (2)

CERTIFICATE BY SUPERINTENDENT

(To be endorsed on back of warrant)

I hereby certify that I have reason to believe that the person against whom the within

warrant was issued *(is to be found) *(has goods)

.....

at

.....

.....

in district No.

Dated this day of 19 .

Signed

Superintendent (or Inspector)

or the Garda Síochána

To the Superintendent of the Garda Síochána

at

No. 26.3

O.26, r.9

RECEIPT FOR PRISONER

Prison at

.....
.....

I hereby certify that I have received from*

.....
of the body of

together with a warrant issued by the District Court, dated the day of

19 , and that the said prisoner was†

.....

at the time he/she was delivered into my custody.

Dated this day of 19 .

Signed

Governor of the Prison

at

* State name and rank of the member of the Garda Síochána and where stationed

† State condition of prisoner

No. 26.4

O.26, r.1

CERTIFICATE AS TO NON-EXECUTION OF WARRANT

I certify that after diligent search and for the following reasons, namely

*(the person) *(sufficient goods of the person) against whom the within warrant was issued cannot be found.

Dated this day of 19 .

Signed

To whom this warrant was

*(addressed) *(endorsed)

*Delete where inapplicable

No. 27.1

O.27, r.1

CERTIFICATE OF BREACH OF RECOGNISANCE

(to be endorsed on the recognisance)

I certify that the principal party herein has not performed the above conditions) of this recognisance.

Dated this day of 19 .

Signed

Judge of the District Court

No. 27.2

O.27, r.3 (1)

NOTICE OF APPLICATION TO ESTREAT A RECOGNISANCE

District Court Area of District No.

.....Applicant

.....Respondent (s)

TAKE NOTICE that an application will be made at a sitting of the District Court to

be held at

.....
.....

on the day of 19 at a.m./p.m. by the above-named applicant

of

.....
.....

Garda Síochána station, a superintendent of the Garda Síochána, for an Order to estreat the recognisance entered into on the day of 19 at

by you (Principal Party) in the sum of £ ,
by you (Surety) in the sum of £ , and
by you (Surety) in the sum of £ ,

conditioned that the said principal party, of

.....
*(would keep the peace and be of good behaviour for the period of
.....).

*(would appear before the District Court at

.....

on the day of 19 at a.m./p.m. and any adjournment of the relevant proceedings until the said party's presence was no longer required).

*(would

IT HAVING BEEN CERTIFIED on the said recognisance by a Judge of the District Court that the condition thereof has not been performed.

Dated this day of 19 .
Signed
Superintendent of the Garda

Síochána

To
of , Principal Party
To
of , Surety.
To
of , Surety.

* Delete words inapplicable

No. 27.3

O.27, r. 3 (2)

NOTICE OF APPLICATION TO FORFEIT MONEY LODGED

District Court Area of District No.

.....
..... Applicant

.....
..... Respondent

TAKE NOTICE that an application will be made at a sitting of the District Court to

be held at
.....
.....

on the day of 19 at a.m./p.m. by the above-named applicant

of
.....
.....

Garda Síochána station, a superintendent of the Garda Síochána,

FOR AN ORDER DIRECTING THE FORFEITURE of £ , being the sum of money which was

lodged by the above-named respondent of

.....

on the day of 19 , at the direction of a Judge of the District Court , in lieu of a surety or sureties to a recognisance then entered into by the respondent conditioned that the respondent

*(would keep the peace and be of good behaviour for a period of
.....)

*(would appear before a sitting of the District Court at

.....

on the day of 19 at a.m./p.m. and any adjournment of the relevant proceedings until the respondent's presence was no longer required),

*(would
,)

IT HAVING BEEN CERTIFIED on the said recognisance by a Judge of the District Court that the condition thereof has not been performed.

Dated this day of 19 .

Signed

Superintendent of the Garda

Síochána

To

of

the above-named respondent.

* Delete words inapplicable

No. 27.4

O.27, r. 4 (1) (a)

ORDER TO ESTREAT

THE COURT, being satisfied that notice of application to entreat the recognisance herein was duly served,

HEREBY ORDERS that the recognisance be entreated

*(against the said in the sum of £)

*(and against the said in the sum of £)

*(and against the said in the sum of £)

The said sums to be paid to the Clerk of the District Court at

.....

*(forthwith) *(within clear days from the date hereof).

Dated this day of 19 .

Signed

Superintendent of the Garda

Síochána

* Delete if inapplicable

No. 27.5

O.27, r. 4 (1) (b)

ORDER TO FORFEIT MONEY LODGED

THE COURT HEREBY DIRECTS that the sum of £ , being *(part of) the

sum of money which was lodged in lieu of a surety or sureties by the said

.....

BE FORFEITED,

*(AND FURTHER DIRECTS that the sum of £ , being the balance of the said

sum lodged, be repaid to the said

.....

Dated this day of 19 .

Signed.....

Judge of the District Court

* Delete if inapplicable

No. 27.6

O.27, r.6 (1)

WARRANT OF DISTRESS

(to enforce an Order to Estreat)

District Court Area of District No.

.....

..... Applicant

.....

..... Respondent

WHEREAS UPON HEARING an application made to this Court on the day of 19 by the above-named applicant, a superintendent of the Garda Síochána, for an order to estreat the recognisance entered into on the day

of 19 at

by, (Principal Party) in the sum of £ ,

by, (Surety) in the sum of £ , and

by, (Surety) in the sum of £ ,

conditioned that the said principal party, of

.....

*(would keep the peace and be of good behaviour for the period of

.....,)

*(would appear before the District Court at

.....

on the day of 19 at a.m./p.m. and any adjournment of the relevant proceedings until the said party's presence was no longer required).

*(would

AND BEING SATISFIED that the said parties to the said recognisance severally acknowledged themselves to owe to the State the respective sums aforesaid to the use of the Minister for Finance if the principal party failed in the above condition,

AND UPON PRODUCTION to the Court of the said recognisance with a certificate of the non-performance of that condition endorsed thereon,

AND IT HAVING BEEN PROVED to the satisfaction of the Court that the notice of application to estreat the said recognisance was duly served *(upon the principal party) *(and) *(upon the said surety/sureties) at least seven days before the hearing of the said application,

THE COURT ORDERED on the day of 19 that said recognisance be entreated against *the said principal party in the sum of £ and against

the said

.....

and the said

.....

in the sum of £ each, and that the said sums be paid to the Clerk of the District Court at

.....

*(forthwith) *(within, clear days from the date of the order),

AND WHEREAS the said order has not been complied with by the respondent herein, a party to the said recognisance,

THIS IS TO COMMAND YOU to whom this warrant is addressed to levy the sum

of £ by distress and sale of the goods of the respondent

.....

.....

The sum levied to be paid to the Clerk of the District Court at

.....

This warrant to be returned in three months if not executed.

Dated this day of 19 .
Signed
Judge of the District Court

To
The Superintendent of the Garda Siochana

at Garda Station

* Delete words inapplicable

No. 27.7

O.27, r.6 (2)

NOTICE OF APPLICATION FOR WARRANT OF EXECUTION

(to enforce by committal an Order to Estreat)

District Court Area of District No.

.....
..... Applicant

.....
..... Respondent

WHEREAS a recognisance was entered into on the day of 19 .

at
.....
.....

by you, (Principal Party) in the sum of £ ,
by you, (Surety) in the sum of £ , and
by you, (Surety) in the sum of £ ,

conditioned that the said principal party, of
.....

*(would keep the peace and be of good behaviour for the period of
.....

*(would appear before the District Court at

.....

on the day of 19 at a.m./p.m. and any adjournment of the relevant proceedings until the said party's presence was no longer required).

*(would
,)

AND WHEREAS the said condition was not duly performed, the Court on the day of 19 made an order estreating the said recognisance in the sum of £ against the respondent herein, a party to the said recognisance,

AND WHEREAS the respondent has not complied with that order, and the Court on the day of 19 ordered that the last-mentioned sum be levied by distress and sale of the goods of the respondent and issued a warrant of distress for that purpose.

TAKE NOTICE that the applicant herein will apply at the sitting of the District Court

to be held at

.....
.....

on the day of 19 at a.m./p.m. for the issue of a warrant to commit the respondent herein to prison on the ground that it has been found impossible to execute that warrant of distress for the following reason(s):—

Dated this day of 19 .

Signed

Superintendent of the Garda

Síochána

To
of
the above-named respondent,
To the Clerk of the District Court,
at

* Delete words inapplicable

No. 27.8

O.27, r.6 (2)

WARRANT OF EXECUTION

(to enforce by committal an Order to Estreat)

District Court Area of District No.

.....
..... Applicant

.....
..... Respondent

WHEREAS UPON HEARING an application made to this Court on the day of 19 by the above-named applicant, a superintendent of the Garda Síochána, for an order to estreat the recognisance entered into on the day

of 19 at

by, (Principal Party) in the sum of £ ,
by, (Surety) in the sum of £ , and
by, (Surety) in the sum of £ ,

conditioned that the said principal party, of

.....
*(would keep the peace and be of good behaviour for the period of

.....
*(would appear before the District Court at

.....
on the day of 19 at a.m./p.m. and any adjournment of the relevant proceedings until the said party's presence was no longer required).

*(would

THE COURT ORDERED that said recognisance be estreated against */the said principal

party in the sum of £ */the said

.....
*/and the said

.....
in the sum of £ each/ and that the said sums) be paid to the Clerk of the District Court at

.....
*(forthwith) *(within clear days from the date of the order),

AND WHEREAS the said order has not been complied with by the respondent herein, a party to the said recognisance, and the Court having, upon the application by the applicant herein on the day of 19 , issued a warrant of distress directing that the sum of £ be levied by distress and sale of the goods of the respondent herein,

AND WHEREAS upon hearing an application made this day by the applicant for the issue of a warrant to commit the respondent to prison, the Court is satisfied that it has been found impossible to execute that warrant of distress, and grants the application,

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest the said

respondent

.....
of

.....
and to lodge him/her in the prison at

.....
to be imprisoned there for the period of

.....
unless the said sum of £ shall be sooner paid.

Dated this day of 19 .

Signed

Judge of the District Court

To the Superintendent of the Garda Síochána

at

* Delete words inapplicable

No. 28.1

O.28, r.1

RECOGNISANCE

(Probation of Offenders Act, 1907)

District Court Area of District No.

.....
..... Prosecutor
.....
..... Accused

WE of
.....
a and
.....
of a
.....
and of
.....
a severally acknowledge ourselves to

owe to the State the several sums following, that is to say, the said
.....
the sum of pounds and the said
.....
and the sum of pounds each to the use of the Minister for
Finance if the

above-named accused fail in the condition hereunder.

.....
Accused
.....
Surety
.....
Surety

Acknowledged before me this day of 19 .

Signed

Judge of the District Court

The condition of the above written recognisance is such that whereas a complaint was

made that the said

.....
.....

on the day of 19 at

did

and at the Court held at in said District on the
day of 19 the Court found that the charge was proved but was of

opinion that having regard to

it was expedient to release the accused on probation, and ordered that he/she be discharged conditionally on his/her entering into a recognisance with sureties, in the sum of £ each, to be of good behaviour and to appear for conviction and sentence when called on at any time during years, and further (insert special conditions, if any)

If, therefore, the above bounden accused shall be of good behaviour and appear before a Judge of the District Court assigned to District No. sitting at in said court area and district, for conviction and sentence when called on at any time during the period of years next ensuing

*and shall not associate with nor frequent

*and shall lead an honest and industrious life

*and abstain from intoxicating liquor

*and reside at

(or such other place or places, as

of

shall from time to time prescribe) and shall

(and furthermore during the said period shall be under the supervision of

of

and for the purpose of securing such supervision shall receive at his/her home or place of residence visits from the said

weekly, or at such other intervals as he/she may determine, and shall, forthwith, report to the said

any change of his/her residence or place of employment) then the said recognisance shall be void, or else to stand in full force and effect.

(or)

The condition of the above-written recognisance is such that whereas a complaint was

made against the said

.....

(state nature of complaint with time and place); if therefore the said

will be of good behaviour and keep the peace towards all citizens and particularly

towards for a period of

from this date, then the said recognisance to be void, or else to stand in full force and effect.

* Delete whichever inapplicable

No. 28.2

O.28, r.2

INFORMATION

BREACH OF RECOGNISANCE

(Probation of Offenders Act, 1907)

District Court Area of District No.

.....

..... Prosecutor

.....

..... Accused

The information of

.....
of
.....
.....

who says on oath:-

On the day of 19 , at the sitting of the District Court at
the accused

.....
.....
of

.....
entered into a recognisance with

.....
of
.....
.....

and
.....
.....

of
.....
.....

as sureties under the Probation of Offenders Act, 1907, conditioned that the accused should appear before the Court at

for conviction and sentence when called on at any time during the period of years, and should further*

The said accused failed to observe the last mentioned condition † (and divers other conditions) of the recognisance inasmuch as

Signed
Informant

SWORN before me this day of 19

Signed
Judge of the District Court

* State one condition that has been broken

† Delete where applicable

No. 28.3

O.28, r.2

WARRANT TO ARREST

BREACH OF RECOGNISANCE

(Probation of Offenders Act, 1907)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

WHEREAS an information in writing has been sworn on the day of

19 by

.....
.....

of

.....
.....

that the said accused

.....
.....

of

.....
.....

having entered into a recognisance dated the day of 19 , under the Probation of Offenders Act, 1907, by which he/she was bound to appear before a Judge

of the District Court assigned to District No. sitting at

.....

for conviction and sentence when called on at any time during the period of years from said date and further to*

did fail to observe the last named condition † (and divers other conditions) of the said recognisance.

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest the accused and bring him/her before me or some other Judge to be dealt with according to law.

Dated this day of 19 .
Signed
Judge of the District Court

To the Superintendent of the Garda Síochána

at

* State condition broken

† Delete where inapplicable

No. 28.4

O.28, r.2

SUMMONS

BREACH OF RECOGNISANCE

(Probation of Offenders Act, 1907)

District Court Area of District No.

.....
..... Prosecutor

.....
..... Accused

.....
..... † Surety

.....
..... † Surety

WHEREAS an information in writing has been sworn by

.....
of
.....
.....

that you, the accused, on the day of 19 , were bound by a recognisance entered into by you † (with the above surety/sureties) under the Probation of Offenders Act, 1907, to appear before a Judge of the District Court assigned to District

No. sitting at

.....

for conviction and sentence, when called on at any time during the period of years, and were further bound by the said recognisance*

and that you the accused, failed to observe the last named condition

† (and divers other conditions) of the said recognisance,

THIS IS TO COMMAND YOU the accused *(and you the said surety/sureties) to .

appear at the sitting of the District Court to be held at

.....

on the day of 19 , at a.m./p.m. to answer to the complaint in the said information.

Dated this day of 19 .

Signed

Judge of the District Court

To

of

(the above-named accused)

† To

of

Surety

† To

of

Surety

* State condition broken

† Delete where inapplicable

No. 29.1

O.29, r.2

AN CHÚIRT DÚICHE THE DISTRICT COURT

Dublin Metropolitan District

EXTRADITION ACT, 1965

Section 26 (1) (b)

WARRANT OF ARREST

WHEREAS there has been produced to me, a Judge of the District Court assigned to the Dublin Metropolitan District, a certificate of the Minister for Justice under section 26 (1) (a) of the above-mentioned Act (as substituted by section 7 of the Extradition (Amendment) Act, 1994) stating that a request has been made in accordance with Part

II of the said Act of 1965 for the extradition of

.....
*(alias) of
.....

*(who has been convicted)

*(for whom a warrant of arrest or other order having the same effect has been issued) for that he/she did †

THIS IS TO COMMAND any member of the Garda Síochána to arrest the said and, in accordance with the provisions of section 26 (5) of the said Act of 1965 (as substituted by section 7 of the said Act of 1994), to bring him/her as soon as may be before a Judge of the District Court assigned to the Dublin Metropolitan District.

Dated this day of 19 .

Signed

Judge of the District Court assigned

to the Dublin Metropolitan District

To the Superintendent of the Garda Síochána

at

*Delete if not applicable

†State conviction or offence

No. 29.2

O.29, r.3 (1)

AN CHÚIRT DÚICHE THE DISTRICT COURT
District Court Area of District No.

EXTRADITION ACT, 1965

Section 27 (1)

INFORMATION

(provisional arrest)

THE INFORMATION OF

.....
OF
.....
.....

who says on oath:—

I am a member of the Garda Síochána not below the rank of inspector.

A request, which I now produce, for the provisional arrest of

.....
*(alias)
.....
.....
of
.....
.....

has been made on the ground of urgency on behalf of

.....

a country in relation to which Part II of the above-mentioned Act applies.

I therefore apply under section 27 (1) of the said Act (as substituted by section 8 of the Extradition (Amendment) Act, 1994) for the issue of a warrant for the arrest of the

said

.....
.....

Signed
Informant

SWORN before me this day of 19

Signed
Judge of the District Court

* Delete if not applicable

No. 29.3

O.29, r.3 (2)

AN CHÚIRT DÚICHE THE DISTRICT COURT
District Court Area of District No.

EXTRADITION ACT, 1965

Section 27 (1)

WARRANT OF ARREST

(provisional arrest)

WHEREAS an information on oath and in writing has on this day been sworn before me, a Judge of the District Court, under section 27 (1) of the above-mentioned Act (as substituted by section 8 of the Extradition (Amendment) Act, 1994) byof

.....

a member of the Garda Síochána not below the rank of inspector, stating that a request

for the provisional arrest of

.....
*(alias)....., of

.....,
has been made on the ground of urgency on behalf of

.....

a country in relation to which Part II of the above Act of 1965 applies,

AND WHEREAS no certificate of the Minister for Justice under section 26 (1) (a) of the said Act of 1965 (as substituted by section 7 of the said Act of 1994) has been produced to me,

AND WHEREAS the said request for provisional arrest, which has been produced to me by the said member, states that the original or an authenticated copy of

*(a conviction and sentence or detention order immediately enforceable)

*(a warrant of arrest or other order having the same effect and issued in accordance with the procedure laid down in the law of the requesting country)

exists in respect of the said

.....

and that it is intended to send a request for his/her extradition for that he/she did †

AND WHEREAS I am satisfied that the said request for provisional arrest complies with the requirements of section 27 of the said Act of 1965,

THIS IS TO COMMAND any member of the Garda Síochána to arrest the said

.....

of

.....

.....

and, in accordance with the provisions of section 27 (6) of the said Act of 1965 (as substituted by section 8 of the Act of 1994), to bring him/her as soon as may be before a Judge of the District Court assigned to the Dublin Metropolitan District.

Dated this day of 19 .

Signed

Judge of the District Court

To the Superintendent of the Garda Síochána

at

* Delete if not applicable

† State nature, time and place of alleged offence

No. 29.4

O.29, r.3 (3)

AN CHÚIRT DÚICHE THE DISTRICT COURT
District Court Area of District No.

EXTRADITION ACT, 1965

Section 27 (5)

TO THE MINISTER FOR JUSTICE

I wish to inform you that a warrant of arrest (provisional arrest) under section 27 (1) of the above-mentioned Act (as substituted by section 8 of the Extradition

(Amendment) Act, 1994) has on this day been issued by me for

.....
(alias)

.....
.....

of

.....
.....

A copy of the warrant is attached hereto.

Dated this day of 19 .

Signed

JUDGE OF THE DISTRICT

COURT

To the Minister for Justice,
Department of Justice,
72176, St. Stephen's Green,
Dublin 2.

No. 29.5

O.29, r.3 (4)

AN CHÚIRT DÚICHE THE DISTRICT COURT

Dublin Metropolitan District

EXTRADITION ACT, 1965

Section 27 (6)

COMMITTAL WARRANT

(remand to District Court pending production of certificate of the Minister)

WHEREAS a person named *(alias)

.....
of
.....
.....

was this day before me, a Judge of the District Court assigned to the Dublin Metropolitan District, at a sitting of the Court for that district, he/she having been arrested on a warrant dated the day of 19 and issued under section 27 (1) of the above-mentioned Act (as substituted by section 8 of the Extradition (Amendment) Act, 1994) in consequence of a request made on the ground of urgency on behalf of a country in relation to which Part II of the said Act of 1965 applies, stating that

*(a conviction and sentence or detention order)

*(a warrant of arrest or other order having the same effect)

exists in respect of the said
.....

for that he/she did †

AND WHEREAS I did remand the said

.....

in custody under section 27 (6) of the said Act of 1965 (as substituted by section 8 of the Act of 1994)—

to the sitting of the District Court to be held at

.....

in the said district on the day of 19 at a.m./p.m. (being a time within the period of eighteen days after his/her arrest and not exceeding eight days from the date hereof)

pending the production of a certificate of the Minister for Justice under section 26 (1) (a) of the said Act of 1965 (as substituted by section 7 of the Act of 1994) stating that the request for extradition has been duly made or the release of that person under section 50 of the said Act of 1965,

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the said in the *(prison) *(remand institution, he being not more than twenty-one years of age)

at

.....
.....

there to be detained by the *(governor) *(person in charge) thereof until the date of the said sitting when you shall have him/her at such sitting to be further dealt with according to law.

Dated this day of 19 .

Signed

Judge of the District Court assigned

to the Dublin Metropolitan District.

To the Superintendent of the Garda Síochána,

at

* Delete if not applicable

† State nature, time and place of alleged offence

No. 29.6

O.29, r.4 (1)

AN CHÚIRT DÚICHE THE DISTRICT COURT

Dublin Metropolitan District

EXTRADITION ACT, 1965

Section 29 (1)

COMMITTAL WARRANT

(to await order of the Minister)

WHEREAS a person named *(alias)

.....
of
.....
.....

was this day before me, a Judge of the District Court assigned to the Dublin Metropolitan District, at a sitting of the Court for that district, he/she having been arrested on a warrant dated the day of 19 issued under *(section 26) *(section 27) of the above-mentioned Act,

AND THE COURT BEING SATISFIED that—

(a) the extradition of that person has been duly requested by
.....

a country in relation to which Part II of the said Act applies,

(b) *(a conviction and sentence or detention order)

*(a warrant of arrest or other order having the same effect) exists in respect of

the said

.....
....

for that he/she did †

(c) the extradition of that person is not prohibited by Part II of the said Act or by the relevant extradition provisions, and

(d) the documents required to support a request for extradition under section 25 of that Act have been produced to the Court,

AND the said

.....
....

having been informed by the Court on the making of this order that he/she would not be surrendered, except with his/her consent, until after the expiration of fifteen days from the date of his/her committal, and also of the provisions of section 4.2 of Article 40 of the Constitution (which relates to the making of a complaint to the High Court by or on behalf of any person alleging that that person is unlawfully detained).

IT IS HEREBY ORDERED that you lodge the said

.....

in the *(prison) *(remand institution, he being not more than twenty-one years' of age),

at

.....
...

there to be detained by the *(governor) *(person in charge) thereof until the Minister for Justice shall otherwise order in accordance with Part II of the said Act or until the High Court or the Supreme Court shall order his/her release.

Dated this day of 19 .

Signed

Judge of the District Court assigned

to the Dublin Metropolitan District.

To the Superintendent of the Garda Síochána,

at

* Delete if not applicable

† State nature time and place of alleged offence

No. 29.7

O.29, r.4 (2)

AN CHÚIRT DÚICHE THE DISTRICT COURT

Dublin Metropolitan District

EXTRADITION ACT, 1965

Section 29 (3) (b)

CERTIFICATE OF COMMITTAL

(to the Minister for Justice)

I hereby certify that at a sitting of the Court for the above-mentioned district held today a committal warrant (to await the order of the Minister) was made by me under

section 29 (1) of the above-mentioned Act in respect of

.....

(alias) of

.....

who was before the Court on a warrant issued under *(section 26) `(section 27) of that Act.

A copy of the said committal warrant is attached.

Dated this day of 19 .

Signed

Judge of the District Court assigned

to the Dublin Metropolitan District.

To the Minister for Justice,
Department of Justice,
72/76, St. Stephen's Green,
Dublin 2.
No. 29.8
O.29, r.5

AN CHÚIRT DÚICHE THE DISTRICT COURT

Dublin Metropolitan District

EXTRADITION ACT, 1965

Section 31

CONSENT TO BE SURRENDERED

I, *(alias)
.....
of
.....
.....

HAVING BEEN COMMITTED to *(prison) *(a remand institution) by order of the District Court under section 29 (1) of the above-mentioned Act made at a sitting of the Court for the said District on the day of 19 , and

HAVING BEEN INFORMED by the Court on the making of the said order that I would not be surrendered, except with my consent, until the expiration of fifteen days from the date of my committal,

AND HAVING ALSO BEEN INFORMED of the provisions of section 4.2 of Article 40 of the Constitution,

DO NOW HEREBY CONSENT TO BE SURRENDERED.

Signed.....

The above consent was given before me at

.....

this day of 19 .

Signed.....

Judge of the District Court assigned

to the Dublin Metropolitan District

* Delete if not applicable

No. 29.9

O.29, r.6 (1)

AN CHÚIRT DÚICHE THE DISTRICT COURT

Dublin Metropolitan District

EXTRADITION ACT, 1965

Section 47 (1)

ORDER FOR DELIVERY INTO THE CUSTODY OF A MEMBER OF A POLICE FORCE

(committal warrant)

WHEREAS a person named *(alias)

.....

of

.....

.....

was this day before me, a Judge of the District Court assigned to the Dublin Metropolitan District, at a sitting of the Court for that district, in pursuance of Part III of the above-mentioned Act, he/she being the person named or described in a warrant dated the day of 19 reciting that he/she did †

which said warrant was issued by a judicial authority, namely,

(a)

.....
.....

at (b)

.....
.....

in (c)

.....
.....

a place in relation to which Part III of the said Act applies, and which said warrant was duly endorsed pursuant to section 43 of the said Act,

AND WHEREAS it appears to the Court that the offence specified in the warrant corresponds with an offence under the law of the State which is *(an indictable offence) (punishable on summary conviction by imprisonment for a maximum period of at least six months), namely, (d)

IT IS HEREBY ORDERED pursuant to section 47 (1) of the said Act (as substituted

by section 12 of the Extradition (Amendment) Act, 1994) that you deliver the said

.....
into custody of a member of (e)

.....
being the police force of the place in which the warrant was issued and which is situated in (c)

.....
for conveyance to (b)

.....
being the place in which the said warrant was issued,

AND the said

.....
...

having been informed by the Court on the making of this order that he/she would not be delivered up until the expiration of fifteen days from the date hereof, except with his/her consent given before a Judge of the District Court assigned to the Dublin Metropolitan District, AND also of the right within the said period to have an application made by him/her or on his/her behalf for an order of habeas corpus or for his/her release under section 50 of the said Act of 1965, and that in the event of such application being made, that he/she would not be delivered up while the application was pending,

IT IS HEREBY FURTHER ORDERED that you lodge the said

.....

in the *(prison) *(remand institution, he being not more than twenty-one years of age)

at

.....
.....

there to be detained by the *(governor) *(person in charge) thereof for a period of not

less than fifteen days from the date hereof (except in the meantime the said

.....

has consented to his/her being delivered up within that period) until the date of his/her delivery as aforesaid and for any further period as may be necessary according to law,

AND it shall be lawful for you to lodge the said

.....

forthwith in the Garda Síochána station at

.....

in the custody of the member of the Garda Síochána in charge of such station to be there detained for a period not exceeding forty-eight hours.

Dated this day of 19 .

Signed

Judge of the District Court assigned

to the Dublin Metropolitan District.

To the Superintendent of the Garda Síochána,

at

(a) Name the judicial authority.

(b) State place in which the warrant was issued.

(c) State whether Northern Ireland, England and Wales, Scotland, the Isle of Man or the Channel Islands.

(d) State the corresponding offence under the law of the State.

(e) State the official title of the Police Force as set out on the original warrant.

*Delete if not applicable

†Give particulars of conviction or state offence

No. 29.10

O.29, r.6 (2)

AN CHÚIRT DÚICHE THE DISTRICT COURT

Dublin Metropolitan District

EXTRADITION ACT, 1965

Section 47 (4)

COMMITTAL WARRANT

(remand)

WHEREAS a person named *(alias)
.....

of
.....
.....

was before me, a Judge of the District Court assigned to the Dublin Metropolitan District, at a sitting of the Court for that District, in pursuance of Part III of the above-mentioned Act, he/she being the person named or described in a warrant dated the day of 19 reciting that he/she did †

which said warrant was issued by a judicial authority, namely, (a)
.....

at (b) in (c)
.....

a place in relation to which Part III of the said Act applies, and which said warrant was duly endorsed pursuant to section 43 of the said Act,

AND WHEREAS the hearing of proceedings under section 47 of the said Act has been adjourned to the sitting of the District Court for the said district to be held

at

.....
.....

on the day of 19 at a.m./p.m.

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the said in the *(prison) *(remand institution, he being not more than twenty-one years of age),

at

.....
.....

there to be detained by the *(governor) *(person in charge) thereof until the above time of adjournment when you shall have him/her at the said sitting to be further dealt with according to law,

AND it shall be lawful for you to lodge the said

.....
forthwith in the Garda Síochána station at
.....

in the custody of the member of the Garda Síochána in charge of such station to be there detained for a period not exceeding forty-eight hours.

Dated this day of 19 .

Signed

Judge of the District Court assigned

to the Dublin Metropolitan District.

To the Superintendent of the Garda Síochána,

at

.....
.....

(a) Name the judicial authority.

(b) State place in which warrant was issued.

(c) State whether Northern Ireland, England and Wales, Scotland, the Isle of Man or the Channel Islands.

No. 29.11

O.29, r.7

AN CHÚIRT DÚICHE THE DISTRICT COURT

Dublin Metropolitan District

EXTRADITION ACT, 1965

Section 48 (1)

CONSENT TO BEING DELIVERED UP

I, *(alias)

.....
of
.....
.....

being the subject of an order of this Court under section 47 (1) of the above-mentioned.

Act for my delivery into the custody of a member of (a)

.....

the police force of the place in which the warrant was issued which is situated in.

(c)

.....
.....

for conveyance to (b)

.....

being the place where the warrant was issued,

HAVING BEEN INFORMED by the Court on the making of that order of my right to make an application for an order of habeas corpus or an application under section 50 of that Act,

AND HAVING BEEN FURTHER INFORMED that I would not be delivered up during a period of fifteen days from the date of the said order for delivery, except with my consent given before a Judge of the District Court assigned to the Dublin Metropolitan District, or while any such application is pending,

DO NOW HEREBY CONSENT TO MY BEING DELIVERED UP.

Signed

The above consent was given before me at

.....

this day of 19 .

Signed

Judge of the District Court assigned

to the Dublin Metropolitan District

(a) State official title of Police Force as in original warrant.

(b) State place where the warrant was issued.

(c) State whether Northern Ireland, England and Wales, Scotland, the Isle of Man or the Channel Islands.

* Delete if not applicable

No. 29.12

O.29, r.8 (1)

AN CHÚIRT DÚICHE THE DISTRICT COURT
District Court Area of District No.

EXTRADITION ACT, 1965

Section 49 (1)

INFORMATION FOR PROVISIONAL WARRANT

THE INFORMATION OF

.....
OF

.....
.....

who says on oath:-

1. I am a member of the Garda Síochána not below the rank of inspector.
2. I have reason to believe that a warrant has been issued by a judicial authority,

namely, (a)

.....
.....

at (b) in (c)

.....

a place in relation to which Part III of the above-mentioned Act applies, for the arrest

of

.....
.....

*(alias) of

.....

*(accused) *(convicted) of an indictable offence under the law of the said place, that is to say, †

3. The said warrant is not yet in my possession.

4. I have received a request made on the ground of urgency by or on behalf of (d)

.....

at (b) in (c)

.....

being the police force of that place, for the issue in the State of a warrant for the arrest

of the said

.....
.....

5. I have reason to believe that the said

.....

*(may be found in the State) *(may intend to enter the State).

‡6. I have reason to believe that the requirements of subsection (3) of section 43 of the said Act have been satisfied.)

I therefore apply for the issue of a warrant pursuant to section 49 (1) of the said Act

for the arrest of the said

.....

Signed

SWORN before me at

.....

this day of 19

Signed

Judge of the District Court

(a) Name the judicial authority.

(b) State place where warrant was issued.

(c) State whether Northern Ireland, England and Wales, Scotland, the Isle of Man or the Channel Islands.

(d) State official title of Police Force.

* Delete if not applicable

† Give particulars of conviction or state offence

‡ Delete unless warrant is for a convicted person

No. 29.13

O.29, r.8 (2)

AN CHÚIRT DÚICHE THE DISTRICT COURT
District Court Area of District No.

EXTRADITION ACT, 1965

Section 49 (1)

PROVISIONAL WARRANT OF ARREST

WHEREAS an information on oath and in writing has this day been sworn before me, a
Judge of the District Court, pursuant to section 49 (1) of the above-mentioned

Act, by

.....
.....
of
.....
.....

a member of the Garda Síochána not below the rank of inspector, stating that the member

1. has reason to believe that a warrant has been issued by a judicial authority, namely,

(a) at (b)
.....
in (c) a place in relation to which Part
III of
the said Act applies, for the arrest of

*(alias) of
.....

*(accused) *(convicted) of an indictable offence under the law of that place, that is to say, †
but that the warrant is not yet in his/her possession,

2. has received a request made on the ground of urgency by or on behalf of

(d) at (b)
.....

in (c) being the police force of that place, for the issue in the State of a warrant for the arrest of the said

.....

3. has reason to believe that the said

.....

*(may be found in the State,) *(may intend to enter the State,)

‡4. has reason to believe that the requirements of subsection (3) of section 43 of the said Act have been satisfied,)

THIS IS TO COMMAND any member of the Garda Síochána to arrest the said

..... within seven days after the date of

the issue of this warrant and to bring him/her before a Judge of the District Court assigned to the Dublin Metropolitan District to be dealt with according to law.

Dated this day of 19 .

Signed
Judge of the District Court

To the Superintendent of the Garda Síochána,

at

(a) Name the judicial authority.

(b) State place where warrant was issued.

(c) State whether Northern Ireland, England and Wales, Scotland, the Isle of Man or the Channel Islands.

(d) State official title of Police Force.

* Delete if not applicable

† Give particulars of conviction or state offence

‡ Delete unless warrant is for a convicted person

No. 29.14

O.29, r.8 (3)

AN CHÚIRT DÚICHE THE DISTRICT COURT

Dublin Metropolitan District

EXTRADITION ACT, 1965

Section 49 (6)

COMMITTAL WARRANT

(for not more than seven days after arrest on a provisional warrant)

WHEREAS *(alias)

.....

of, was this day before me,
a Judge of

District Court assigned to the Dublin Metropolitan District, at a sitting of the Court for that district, on foot of a provisional warrant of arrest dated the day of 19 issued pursuant to section 49 (1) of the above-mentioned Act on the ground that there was reason to believe that a warrant had been issued by a judicial authority,

namely, (a) at (b)

.....

in (c), a place in relation to which Part III of the said Act applies, for the arrest of the said

.....

*(accused) *(convicted) of an indictable offence under the law of that place, that is to say, †

AND WHEREAS the last-mentioned warrant, endorsed in accordance with section 43 of the said Act, was not produced to me,

AND WHEREAS I did remand the said

.....

in custody until the last-mentioned warrant, so endorsed, is produced to the person having .

the custody of the said

.....

or until the day of 19 (being a day not more than seven days from the date hereof), whichever is the earlier,

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the said in the *(prison) *(remand institution, he being not more than twenty-one years of age)

at

.....

.....

there to be detained by the *(governor) *(person in charge) thereof until the said warrant, endorsed in accordance with the said section 43, is produced to the said *(governor) *(person in charge) or until the aforesaid day of 19 , to be then released if the said warrant has not been produced as aforesaid,

AND it shall be lawful for you to lodge the said

.....

forthwith in the Garda Síochána station at

.....

in the custody of the member of the Garda Síochána in charge of such station for forty-eight hours unless the said warrant, so endorsed, shall be sooner produced to the said last-mentioned member.

Dated this day of 19 .

Signed

Judge of the District Court assigned

to the Dublin Metropolitan District

To the Superintendent of the Garda Síochána,

at

(a) Name the judicial authority.

(b) State place where the warrant was issued.

(c) State whether Northern Ireland, England and Wales, Scotland, the Isle of Man or the Channel Islands.

*Delete if not applicable

†Give particulars of conviction or state offence

No. 29.15

O.29, r.9

EXTRADITION ACT, 1965

Section 7A

RECOGNISANCE

We, of a

.....

(Principal Party)

and of a

.....

(Surety)

and of a

.....

(Surety)

severally acknowledge ourselves to owe to the State the several sums following, that is to say, the said Principal Party the sum of pounds and the said Sureties the sum of pounds each, to the use of the Minister for Finance if the Principal Party fails in the condition or any of the conditions of this recognisance as set out hereunder

.....

Principal Party

.....

Surety

.....

Surety

Acknowledged before me at

.....

this day of 19

Dated this day of 19 .

Signed.....

[Judge of the District Court

(assigned to the Dublin Metropolitan

District)]

(or)

*[Deputy/Governor of

*(Prison) *(Remand Institution)]

THE CONDITIONS) OF THIS RECOGNISANCE IS/ARE such that—

whereas the above-named Principal Party was before the District Court at a sitting of the Court for the Dublin Metropolitan District on the day of 19 , he/she having been arrested under *(Part II) *(Part III) of the above-mentioned Act, and the Court committed/remanded him/her in custody under section of that Act, and whereas by order of the High Court dated the day of 19 it was ordered that the said Principal Party be admitted to bail on his/her entering into a recognisance (as above) before a Judge of the District Court *(assigned to the Dublin

Metropolitan District) or the Governor or Deputy Governor of

.....

Prison/Remand Institution, and the said order required that the recognisance(s) be conditioned that the Principal Party shall †

IF THEREFORE the Principal Party shall comply with all the requirements and conditions of the said order of the High Court, then, this recognisance shall be void, or otherwise it shall stand in full force and effect.

* Delete if not applicable

* Delete if not applicable

† State conditions as set out in the High Court order

O.30, r.2

CRIMINAL JUSTICE (COMMUNITY SERVICE) ACT, 1983

Section 3

COMMUNITY SERVICE ORDER

District Court Area of District No.

..... Prosecutor

..... Offender

UPON CONVICTION of the above-named offender, a person aged 16 years and upwards, who resides

at

*(in said District) *(in District No.) of the following offence,

that he did

contrary to

being an offence for which, in the opinion of the Court, the appropriate sentence would be one of *(imprisonment) *(detention in Saint Patrick's Institution) for months, and

THE COURT having considered the offender's circumstances and a report about him/her by a probation and welfare officer, and

BEING SATISFIED

(i) that he/she is a suitable person to perform work under a community service order, and

(ii) that arrangements can be made for the offender to perform such work in District No. in which District he/she will reside while performing such work,

AND HAVING EXPLAINED TO HIM/HER

(a) the effect of this Order when made,

(b) the requirements of sections 7 (1) and 7 (2) of the Act,

(c) the consequences which may follow under sections 7 (4) and 8 of the Act if he/she fails to comply with any of those requirements, and

(d) that the Court may review the Order on the offender's application or that of a relevant officer,

and the offender consenting to this Order,

HEREBY ORDERS that the offender

(1) shall perform in accordance with the Act within one year of the date of this Order unpaid work for hours (being not less than 40 and not more than 240 hours);

(2) shall report to such person as (he/she) may from time to time be directed (to).

by or on behalf of the specified relevant officer;

(3) shall perform satisfactorily the unpaid work at such times as may be directed by or on behalf of such person;

(4) shall notify such person of any change of address.

*(AND FURTHER ORDERS

that the hours of work specified herein shall be *(concurrent with)

*(additional to) the hours of work specified in the Order of the Court dated)

Unless revoked, this Order shall remain in force until the offender has worked under it for the number of hours specified herein.

Dated this day of 19 .

Signed

Judge of the District Court

* Delete words which are inapplicable

No. 30.2

O.30, r.2

CRIMINAL JUSTICE (COMMUNITY SERVICE) ACT, 1983

SUMMONS UNDER SECTION 7 (4)

District Court Area of District No.

.....
.... Relevant Officer

.....
.... Offender

WHEREAS on the day of 19 a community service order under section 3 of the above Act was made at a sitting of the Court held at in respect of the above-named offender,

AND WHEREAS the District aforesaid is the district of residence for the purposes

of the said order, and the offender is now residing at

*(in the court area and district

aforesaid),

AND WHEREAS the above-named relevant officer has made complaint that you the above-named offender, at

on the day of 19 , did fail, without reasonable excuse, to comply with a requirement of section 7 (1) of the above Act,

as follows:-

(Give details of alleged offence)

contrary to section 7 (4) of the Criminal Justice (Community Service) Act, 1983,

THIS IS TO COMMAND YOU to appear at the sitting of the District Court to be held at on the day of 19 at a.m./p.m.

to answer the said complaint.

Dated this day of 19 .

Signed

Judge of the District Court

To

of

the above-named offender.

N.B. If you fail to appear on the hearing of this summons a warrant may be issued for your arrest.

* Delete where inapplicable

No. 30.3

O.30, r.3 (2)

CRIMINAL JUSTICE (COMMUNITY SERVICE) ACT, 1983

SUMMONS UNDER SECTION *9 *10 (1) *11 (1)

District Court Area of District No.

.....
... Relevant Officer

.....
... Offender

WHEREAS on the day of 19 a community service order under section 3 of the above Act was made at a sitting of the Court held at in respect of the above-named offender and is in force,

AND WHEREAS the District aforesaid is the district of residence for the purposes

of the said order, and the offender is now residing at
*(in the court area and district

aforesaid),

THIS IS TO COMMAND YOU the above-named offender to appear at the sitting of

the District Court to be held at on the

day of 19 at a.m./p.m. on the hearing of an application by the above-named relevant officer

*to extend to the period of one year specified in the order for the performance of work, pursuant to section 9 of the Act.

*to amend the order by substituting District Court District No.

.....

for the district of residence, pursuant to section 10 (1) of the Act.

*to revoke the order or to deal with you in some other manner for the offence in respect of which the order was made, pursuant to section 11 (1) of the Act.

Dated this day of 19 .
Signed
Judge of the District Court

To

of

the above-named offender.

N.B. If you fail to appear on the hearing of this summons a warrant may be issued for your arrest.

* Delete where inapplicable

No. 30.4

O.30, r.4 (1)

CRIMINAL JUSTICE (COMMUNITY SERVICE) ACT, 1983

NOTICE OF APPLICATION UNDER SECTION *9 *10 (1) *11 (1)

District Court Area of District No.
Between

.....
..... Offender
(Applicant)
and

.....
..... Relevant Officer
(Respondent)

Whereas on the day of 19 a community service order under section 3 of the above Act was made at a sitting of the Court held at in respect of the above-named offender and is in force,

AND WHEREAS the District aforesaid is the district of residence for the purposes

of the said order, and the offender is now residing at
*(in the court area and district

aforesaid),

TAKE NOTICE that the applicant, (the above-named offender) will apply to the District Court sitting at on the day of 19 at a.m./p.m. for an order

*extending to the period of one year specified in the order for the performance of work, pursuant to section 9 of the Act.

*amending the order by substituting District Court District No.

.....

for the district of residence, pursuant to section 10 (1) of the Act.

*revoking the order or that the applicant be dealt with in some other manner for the offence in respect of which the order was made, pursuant to section 11 (1) of the Act.

Dated this day of 19 .

Signed

*Applicant/*Solicitor for Applicant

To

of

the above-named offender.

* Delete where inapplicable

No. 30.5

O.30, r.6

CRIMINAL JUSTICE (COMMUNITY SERVICE) ACT, 1983

ORDER UNDER SECTION 10 (1)

District Court Area of District No.

.....

..... Relevant Officer

.....

..... Offender

WHEREAS on the day of 19 a community service order under section 3 of the above Act was made at a sitting of the Court held at in respect of the above-named offender and is in force,

AND WHEREAS the District aforesaid is the district of residence for the purposes

of the said order, and the offender is now residing at *(in the court area and district

aforesaid),

THE COURT being satisfied on the application of the *(relevant officer) *(offender) that the offender *(proposes to change) *(has changed) his/her residence from the district of residence and will reside at

in District Court District No.

.....

and it appearing that arrangements can be made in the latter District for the offender to perform work under the order,

HEREBY ORDERS that the community service order be amended by the substitution

of District Court District No.

.....

for the district of residence.

Dated this day of 19 .

Signed

Judge of the District Court

* Delete where inapplicable

No. 30.6

O.30, r.8

CRIMINAL JUSTICE (COMMUNITY SERVICE) ACT, 1983

Section 8 (1) (a)

WARRANT OF EXECUTION

District Court Area of District No.

..... Relevant Officer

..... Offender

WHEREAS the above-named offender, of

.....
in the court area and district aforesaid, was on the day of 19 convicted by this Court of the following offence, namely, that he/she did

contrary to , and the offender being a person to whom the Criminal Justice (Community Service) Act, 1983 applied, the Court made a community service order under section 3 of the said Act in respect of that offence, and the said order is in force,

AND WHEREAS upon hearing a complaint made to this Court to-day by the above-named relevant officer that the offender has failed, without reasonable excuse, to comply

with a requirement of section 7 (1) of the said Act, namely

.....
and upon hearing the evidence tendered the Court convicted the offender under section 7 (4) of the Act of that offence,

AND WHEREAS the Court, pursuant to section 8 (1) (a) of the Act, now revokes the said order and orders that the offender be *(imprisoned)*(detained) for the period of for the offence in respect of which the community service order was made.

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the said.

offender, of

.....

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