



STATUTORY INSTRUMENTS

**S.I. No. 353 of 2008**



CIRCUIT COURT RULES (COSTS) 2008

**(Prn. A8/1406)**

CIRCUIT COURT RULES (COSTS) 2008

We, the Circuit Court Rules Committee, constituted pursuant to the provisions of section 69 of the Courts of Justice Act 1936, and section 12 of the Courts of Justice Act 1947, by virtue of the powers conferred on us by section 66 of the Courts of Justice Act 1924 and section 70 of the Courts of Justice Act 1936, (as applied by section 48 of the Courts (Supplemental Provisions) Act 1961) and section 27 of the Courts (Supplemental Provisions) Act 1961, and of all other powers enabling us in this behalf, do hereby, with the concurrence of the Minister for Justice, Equality and Law Reform, make the annexed Rules of Court.

Dated this 24 day of June 2008.

(Signed): Matthew Deery  
(Chairman of the Circuit Court Rules Committee)

Alison Lindsay  
Tony Hunt  
Gerard J. Doherty  
Joe Deane  
Noel Rubotham

Susan Ryan (Secretary)

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

Dated this 3 day of September 2008.

Signed: DERMOT AHERN  
MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 9th September, 2008.*

S.I. No. 353 of 2008

CIRCUIT COURT RULES (COSTS) 2008

1. These Rules, which may be cited as the Circuit Court Rules (Costs) 2008, shall come into operation on the 1 day of October 2008.

2. These Rules shall be construed together with the Circuit Court Rules 2001 to 2008.

3. The Circuit Court Rules are amended by the substitution for rule 1 of Order 66 of the following:

“1. (1) Save as otherwise provided by Statute, or by these Rules, the granting or withholding of the costs of any party to any proceeding in the Court shall be in the discretion of the Judge or the County Registrar as the case may be.

(2) Notwithstanding sub-rule (1), the Court, in considering the awarding of the costs of any appeal from the District Court or of any application in respect of such an appeal, or in considering the awarding of the costs of any action (other than an action in respect of a claim or counterclaim concerning which a lodgment or tender offer in lieu of lodgment may be made in accordance with Order 15) or any application in such an action, may, where it considers it just, have regard to the terms of any offer in writing sent by any party to any other party or parties offering to satisfy the whole or part of that other party’s (or those other parties’) claim or counterclaim the subject of the appeal, or application.

(3) At any stage of the proceedings, the Court may require the parties to produce to the Court and exchange with one another estimates of the costs respectively incurred by them, for such period as the Court may direct, and particularised in such manner as the Court may direct.

(4) In this rule, an “offer in writing” includes any offer in writing made without prejudice save as to the issue of costs.”

EXPLANATORY NOTE

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

These Rule amend Order 66 rule 1 of the Circuit Court Rules concerning the awarding of the costs of interlocutory applications, the consideration by the court of offers in writing when awarding costs and the court's power to require the production and exchange of estimates of costs.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
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