



STATUTORY INSTRUMENTS.

S.I. No. 375 of 2009

CIRCUIT COURT RULES (SERVICE IN MEMBER STATES OF
JUDICIAL AND EXTRA-JUDICIAL DOCUMENTS IN CIVIL OR
COMMERCIAL MATTERS) 2009

(Prn. A9/1307)

S.I. No. 375 of 2009

CIRCUIT COURT RULES (SERVICE IN MEMBER STATES OF
JUDICIAL AND EXTRA-JUDICIAL DOCUMENTS IN CIVIL OR
COMMERCIAL MATTERS) 2009

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 14th day of July 2009.

(Signed): Matthew Deery

(Chairman of the Circuit Court Rules Committee)

Alison Lindsay

Fergal Foley

Noel Rubotham

Patricia Casey

I concur in the making of the above Rules of Court.
16th September 2009.

DERMOT AHERN.

Minister for Justice, Equality and Law Reform

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 18th September, 2009.*

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CIRCUIT COURT RULES (SERVICE IN MEMBER STATES OF
JUDICIAL AND EXTRA-JUDICIAL DOCUMENTS IN CIVIL OR
COMMERCIAL MATTERS) 2009

1. These Rules, which may be cited as the Circuit Court Rules (Service in Member States of Judicial and Extra-Judicial Documents in Civil or Commercial Matters) 2009, shall come into operation on the 14th day of October 2009.

2. These Rules shall be construed together with the Circuit Court Rules 2001 to 2009.

3. The Circuit Court Rules are amended by:

(i) the substitution in rule 1 of Order 14B for the definition of “the Regulation” of the following:

“ “the Regulation” means Regulation (EC) No. 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extra-judicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No. 1348/2000;”;

(ii) the substitution for rule 10 of Order 14B of the following:

“10. In addition to the method of service described in rule 3, a party to the proceedings may choose to effect service in another Member State by diplomatic or consular agents, in accordance with Article 13 of the Regulation (save where that Member State has indicated, in accordance with Article 23(1) of the Regulation, that it is opposed to the service of documents in its territory in the said manner), by registered post in accordance with Article 14 of the Regulation or by direct service, in accordance with Article 15 of the Regulation.”;

(iii) the deletion from Order 14B of rule 11;

(iv) the substitution for rule 19 of Order 14B of the following:

“19. To the extent that any rules contained in any other Order of these Rules are inconsistent with the provisions of the Regulation or of this Order, the provisions of the Regulation or of this Order shall prevail.”;

(v) the substitution for rule 20 of Order 14B of the following:

“20. While an Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil and commercial matters [annexed to Council Decision No. 2005/794/EC of 20 September 2005 (OJ L 300/53 of 17 November 2005) signed at Brussels on 19 October 2005 and approved

on behalf of the Community by Council Decision No. 2006/326/EC of 27 April 2006 (OJ L 120/23 of 5 May 2006)] is for the time being in force, notwithstanding any other provision of these Rules to the contrary, the provisions of these Rules which relate to the Regulation shall apply in relation to the Kingdom of Denmark, to the extent permitted, and subject to any modifications made necessary, by such Agreement.”.

EXPLANATORY NOTE

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

These Rules amend Order 14B on foot of Council Regulation (EC) No. 1393/2007 of 13 November 2007 which applies from November 2008 and which repeals Council Regulation (EC) No. 1348/2000.

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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