



STATUTORY INSTRUMENTS.

S.I. No. 363 of 2024

RULES OF THE SUPERIOR COURTS (INTERROGATORIES) 2024

S.I. No. 363 of 2024

RULES OF THE SUPERIOR COURTS (INTERROGATORIES) 2024

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

Dated this 13th day of May 2024.

Donal O'Donnell (Chairperson)

David Barniville	Michele O'Boyle
Elizabeth Dunne	Áine Hynes
Brian R. Murray	James Finn
Nuala Butler	Mary Cummins
Richard Humphreys	John Mahon
Siobhán Phelan	

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

Dated this 17th day of July 2024.

Helen McEntee

Minister for Justice

S.I. No. 363 of 2024

RULES OF THE SUPERIOR COURTS (INTERROGATORIES) 2024

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Interrogatories) 2024, shall come into operation on the 31st day of July 2024.

(2) These Rules shall be construed together with the Rules of the Superior Courts.

(3) The Rules of the Superior Courts as amended by these Rules may be cited as the Rules of the Superior Courts 1986 to 2024.

2. These Rules shall apply in proceedings commenced both before and from the date on which these Rules come into operation.

3. The Rules of the Superior Courts are amended:

(i) by the substitution for rules 1 to 11 inclusive of Order 31 of the following rules:

“1. Subject to rules 2 and 3, a party (the “interrogating party”) may at any time after delivering his statement of claim or defence, as the case may be, and without the prior leave of the Court, deliver interrogatories in writing for the examination of any other party to the proceedings (the “interrogated party”).

2. (1) Interrogatories addressed to one party only and answers to such interrogatories must be copied to every other party.

(2) Where the interrogated party is a body corporate or an unincorporated body of persons, the interrogatories shall be answered by the secretary or person performing the functions of secretary or such other person as is agreed by the parties, but where the interrogating party requires a particular other officer, member, or employee of the interrogated party to answer particular interrogatories, he shall apply by motion on notice to the interrogated party for an order permitting such a requirement.

(3) Interrogatories shall be in the Form No 8 in Appendix C and shall include a brief statement of the reasons why answers to each interrogatory or group of interrogatories are necessary for disposing fairly of the cause or matter or for saving costs.

(4) Without limiting the grounds on which objection may be made, interrogatories:

(a) must be confined to questions as to facts in issue in the proceedings or facts reasonably relevant to establish

facts in issue in the proceedings, but excluding questions concerning the evidence by which any fact might be proved;

- (b) must be confined to questions of fact the answer to each of which is likely to be within the knowledge of the person required to answer having, where appropriate, made any reasonably necessary inquiries;
- (c) must be confined to questions of fact which are amenable to answer by an affirmative, negative or short statement of fact without narrative;
- (d) must be confined to questions of fact which are necessary either for disposing fairly of the cause or matter or for saving costs.

3. Notwithstanding rule 1, a party may not, without an order of the Court:

- (a) deliver interrogatories exceeding 20 in number to any other party, or
- (b) deliver more than one set of interrogatories to the same party.

4. (1) The interrogated party shall, within 21 days of delivery or such other time as is agreed or directed by the Court deliver to the interrogating party and file a notice setting out the grounds of any objection to any interrogatory which shall include, where relevant, details of any other means by which the interrogated party is willing to address the matter raised in the interrogatory concerned (including, without limitation, by delivering further particulars; by making an admission, or by producing documents)

(2) The interrogated party shall, at the same time, deliver to the interrogating party and file an affidavit answering those interrogatories which the interrogated party is willing to answer, and verifying any facts relied on in any notice of objection delivered, and a copy of any such notice shall be exhibited to the affidavit.

5. Grounds of objection to an interrogatory shall be set out concisely. Such grounds may include that the interrogatory does not comply with the requirements of rule 2, or is not sufficiently material at that stage, or is not bona fide for the purpose of the proceedings, or any other proper ground of objection.

6. An affidavit in answer to interrogatories shall be in the Form No 9 in Appendix C shall include the text of each interrogatory prior to the answer or other response thereto.

7. (1) Where:

- (a) the interrogating party does not accept the sufficiency of the answers provided (including, where relevant, any proposal to address by other means a matter raised in an interrogatory), or does not accept any objection made, or
 - (b) the interrogated party fails or omits to answer any interrogatory,
- the interrogating party may apply to the Court, within 14 days of the delivery to of the interrogated party's affidavit and any notice of objection (or, as the case may be, within 14 days after the expiry of the time allowed for such delivery), by motion on notice to compel the delivery of answers, or further answers, or for any other appropriate relief.

- (2) Such application shall be grounded upon an affidavit.
- 8. The interrogated party may rely on the affidavit in answer in opposing any such application, but is at liberty to deliver and file a further affidavit on the application.
- 9. On the hearing of an application under rule 7, the Court may, without limitation.
 - (a) make an order requiring the interrogated party to answer or answer further, as the case may be, either by affidavit or by viva voce examination, as the Court directs,
 - (b) determine that the interrogated party is not required to answer:
 - (i) any interrogatory which does not comply with the requirements of rule 2;
 - (ii) any interrogatories which have been delivered unreasonably or vexatiously, or which are prolix, oppressive, unnecessary, or scandalous;
 - (iii) any interrogatories the imposition of a requirement to answer which might prejudice a fair hearing of the issues between the parties,
- and may make such further or other order on the application as is just, including an order for the delivery of fresh interrogatories, an order for the delivery of further particulars or an order for the production of documents.
- 10. The Court may determine that the interrogated party is not required to answer an interrogatory notwithstanding that the question concerned might be admissible on the oral cross-examination of a witness.
- 11. If it is the opinion of the Court that any interrogatories were delivered unreasonably, the costs occasioned by those

interrogatories and the answers thereto may be directed to be paid in any event by the party found to have behaved unreasonably, regardless of the outcome.”;

- (ii) by the substitution for rule 13 of Order 63A of the following rule:

“13. The provisions of rules 2, 7, 8, 9, 10 and 11 of Order 31 shall, with any necessary modifications, apply to any interrogatories delivered or to be delivered in accordance with this Order.”, and

- (iii) by the substitution for rule 12 of Order 63B of the following rule:

“12. The provisions of rules 2, 7, 8, 9, 10 and 11 of Order 31 shall, with any necessary modifications, apply to any interrogatories delivered or to be delivered in accordance with this Order.”

4. The Forms 8 and 9 in the Schedule shall be substituted for Form No 8 and Form No 9 respectively in Appendix C to the Rules of the Superior Courts.

Schedule

No. 8.

O. 31, r. 2.

INTERROGATORIES.

[Title of action]

Interrogatories on behalf of the [plaintiff or defendant] for the examination of the [defendant or plaintiff].

Reasons

Answers to each of the following [groups of] interrogatories are necessary for disposing fairly of the cause or matter or for saving costs, for the following reasons.

Question 1 (or Questions 1 to n inclusive): [*Set out a brief statement of reasons*]

Question 2 (or Questions n to n inclusive): [*Set out a brief statement of reasons*], etc

Interrogatories

[*Set out the interrogatories, which must each comply with the requirements of Order 31, rules 1 to 3, as individual numbered questions, to a maximum of 20, unless otherwise permitted by order of the Court*]

Question 1.....?

Question 2.....?

Question 3.....?

etc

AND TAKE NOTICE that if you fail to answer, or fail to answer sufficiently, on affidavit within 21 days of the delivery of these interrogatories, the [plaintiff or defendant] may apply to the Court pursuant to Order 31, rule 7 of the Rules of the Superior Courts for an order to compel the delivery of answers, or further answers, or for any other appropriate relief.

Dated:

No. 9.

O. 31, r. 6

ANSWER TO INTERROGATORIES.

[Title of action].

The answer of the [defendant or plaintiff] to the interrogatories for his examination by the [plaintiff or defendant]

I, [state name and address] aged 18 years and upwards make oath and say as follows:—

A. [Where the deponent answers on behalf of a body corporate or unincorporated body or persons, state the office or capacity in such body in which the deponent answers. In every case in which the deponent answers otherwise than from his or her own knowledge, state the deponent's means of knowledge and any inquiries made by the deponent prior to answering.]

The interrogatories and my answers (or, as the case may be, objections) to them are:

Question 1.....?

Answer 1:

Question 2.....?

Answer 2:

etc

[I beg to refer to the notice of objection delivered herein, upon a copy of which marked "A" I have signed my name prior to the swearing hereof. In support of the objections, I further say as follows:

Set out any facts relied on in any notice of objection delivered]

Sworn, etc

EXPLANATORY NOTE

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

These rules amend Order 31 of the Rules of the Superior Courts to remove the requirement to seek the court's permission to deliver interrogatories where the number of interrogatories is not more than twenty and provide amended Forms 8 and 9 in Appendix C to the rules on interrogatories and answers to interrogatories.

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

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

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

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



9 781399 332279

€ 3.00