



STATUTORY INSTRUMENTS.

S.I. No. 396 of 2020

CIRCUIT COURT RULES (WITNESS SUMMONSES) 2020

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We, the Circuit Court Rules Committee, constituted pursuant to the provisions of section 69 of the Courts of Justice Act 1936, 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), 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 and Equality, make the annexed Rules of Court.

Dated this 3rd day of March 2020.

Patricia Ryan _____

Chairperson

Jacqueline Linnane _____

Tomás Keys _____

Fiona Duffy Coady _____

Keith Walsh _____

Sabina Purcell _____

Mairead Ahern _____

Rita Considine _____

James Finn _____

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

Dated this 3rd day of September 2020.

Helen McEntee

Minister for Justice and Equality

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CIRCUIT COURT RULES (WITNESS SUMMONSES) 2020

1. (1) These Rules, which may be cited as the Circuit Court Rules (Witness Summonses) 2020, shall come into operation on the 30th day of September 2020.

(2) These Rules shall be construed together with the Circuit Court Rules 2001 to 2020.

(3) The Circuit Court Rules 2001 to 2020 as amended by these Rules may be cited as the Circuit Court Rules 2001 to 2020.

2. The Circuit Court Rules are amended by the substitution in Order 24 for rule 1 of the following rule:

“1. (1) Subject to sub-rule (2), any party desiring the attendance of any person to give evidence or produce any books, papers or documents to the Court, or to an officer of the Court, shall apply for, and the County Registrar shall issue, a witness summons requiring the person to whom the summons is directed to comply with the requirements thereof at the time and place stated therein. Such summons shall be in accordance with Form 14 of the Schedule of Forms.

(2) An application for the issue of a witness summons requiring an officer of the State to attend and produce any books, papers or documents to the Court (*witness summons duces tecum*) may not be issued except by order of the County Registrar on an application *ex parte*.”

EXPLANATORY NOTE

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

These rules substitute Order 24 rule 1 to provide that a witness summons *duces tecum* in relation to an officer of the state may not be issued except by order of the County Registrar.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2,
D02 DR67.

Tel: 076 110 6834
r-post: publications@opw.ie

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