



STATUTORY INSTRUMENTS.

S.I. No. 163 of 2024

RULES OF THE SUPERIOR COURTS (ORDER 84) 2024

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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 1st day of February 2024.

Donal O'Donnell (Chairperson)

George Birmingham

Elizabeth Dunne

Brian Murray

Máire R. Whelan

Nuala Butler

Richard Humphreys

Siobhán Phelan

Yvonne McNamara

Gráinne Larkin

Michele O'Boyle

Áine Hynes

James Finn

Mary Cummins

John Mahon

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

Dated this 18th day of April 2024.

HELEN MCENTEE

Minister for Justice

S.I. No. 163 of 2024

RULES OF THE SUPERIOR COURTS (ORDER 84) 2024

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Order 84) 2024, shall come into operation on the 26th day of April 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 to applications for judicial review and applications for leave in intended judicial review proceedings which are made on or after the date on which these Rules come into operation.

3. The Rules of the Superior Courts are amended:

(i) by the insertion immediately following sub-rule (2) of rule 20 of Order 84 of the following sub-rule:

“(2A) The Court may in any appropriate case require or permit the filing of a further verifying affidavit.”;

(ii) by the insertion immediately following sub-rule (1) of rule 21 of Order 84 of the following sub-rule:

“(1A)(a) An application shall be made for the purposes of this rule (or for the purposes of this Order as applied with or without modification by any enactment) when the following are filed in the Central Office, or, in cases of urgency, the Court:

(i) the notice referred to in rule 20(2)(a);

(ii) a grounding affidavit referred to in rule 20(2)(b) sworn either by or on behalf of the applicant; and,

(iii) in the case of an application for leave to seek judicial review that is required by an enactment to be made by motion on notice, a notice of motion.

(b) Upon such filing, the application for leave shall be listed before the Court in the next convenient list for leave to seek judicial review.”, and

(iii) by the substitution for sub-rule (7) of rule 21 of Order 84 of the following sub-rule:

“(7) The time period referred to in sub-rule (1) is subject to any statutory provision which has the effect of limiting the time within which an application for judicial review may be made.”

EXPLANATORY NOTE

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

These rules amend Order 84 of the Rules of the Superior Courts to provide that the three-month time period within which an application for judicial review must be made stops when the notice and affidavit required by rule 20(2)(a) and (b) are filed.

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