



STATUTORY INSTRUMENTS.

S.I. No. 161 of 2024

RULES OF THE SUPERIOR COURTS (ORDER 61) 2024

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We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, and reconstituted pursuant to the provisions of the Courts of Justice Act 1953, section 15, by virtue of the powers conferred upon us by the Courts of Justice Act 1924, section 36, the Courts of Justice Act, 1936, section 68 (as applied by the Courts (Supplemental Provisions) Act 1961, section 48), the Courts (Supplemental Provisions) Act 1961, and of all other powers enabling us in this behalf, 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. 161 of 2024

RULES OF THE SUPERIOR COURTS (ORDER 61) 2024

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Order 61) 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 appeals initiated on and from the date on which these Rules come into operation.

3. The Rules of the Superior Courts are amended by the substitution for rules 2 and 3 of Order 61 of the following rules respectively:

“2. (1) Every appeal under Part IV of the Act shall be brought by the lodgment for issue of a notice of appeal in the Form No. 1 or the Form No. 2 (as the case may be) in Appendix I. The notice shall state whether the whole or part only of the judgement or order of the Circuit Court is appealed from and in the latter case shall specify such part.

(2) In the case of appeals to the High Court sitting in Dublin, the appellant shall lodge the notice of appeal in the Central Office and shall lodge as soon as may be after he has received the same, in the Central Office, a certified copy of the judgment or order appealed from.

(3) In the case of any other appeal from the Circuit Court, the appellant shall lodge the notice of appeal in the Circuit Court Office for the County in which the case was heard, and shall lodge as soon as may be after he has received the same, a certified copy of the judgment or order appealed from, in the said Office.

(4) Subject to any provision to the contrary in any enactment or European Union instrument which applies to the particular category of appeal, and to the provisions of this Order, the notice of appeal shall be lodged for issue not later than 28 days from the date on which the judgement or order appealed from was pronounced in open court.

(5) A copy of the notice of appeal as issued shall, save in the case of a notice of appeal from a decision made otherwise than inter partes, be served, within seven days after the notice of appeal has been issued, on all parties directly affected by the appeal.

(6) It is not necessary to serve parties to the proceedings in the Circuit Court who are not directly affected by the appeal, but the Court may direct notice of the appeal to be served on all or any of the parties to the proceedings in the Circuit Court, or on any other person.

(7) The appellant shall lodge an affidavit of service of the notice of appeal on each respondent served.

3. The notice of appeal shall, in the case of appeals to the High Court sitting in Dublin, be for the first opportunity after the expiration of ten days from the time permitted for service of the notice of appeal, and, in the case of appeals to the High Court on Circuit, be for the next sitting of the High Court on Circuit after the expiration of the said ten days."

EXPLANATORY NOTE

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

These rules amend Order 61 of the Rules of the Superior Courts to increase the time prescribed for the filing of an appeal from the Circuit Court to the High Court to 28 days and to provide that service is to follow the filing of an appeal.

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