



STATUTORY INSTRUMENTS.

S.I. No. 110 of 2023

EUROPEAN UNION (EVIDENCE IN CIVIL OR COMMERCIAL
MATTERS) REGULATIONS 2023

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I, SIMON HARRIS, Minister for Justice, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No.27 of 1972) and for the purpose of giving full effect to Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020¹, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Evidence in Civil or Commercial Matters) Regulations 2023.

2. In these Regulations -

“area”, in relation to a county registrar, means an area served by the circuit court office to which the county registrar is for the time being assigned;

“EU Regulation” means Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence)(recast)¹;

“Regulations of 2013” mean the European Communities (Evidence in Civil or Commercial Matters) Regulations 2013 (S.I. No. 126 of 2013).

3. (1) The Circuit Court shall be competent to take evidence pursuant to a request to which Article 1(1)(a) of the EU Regulation applies.

(2) Subject to paragraph (3), the power conferred on the Circuit Court by paragraph (1) shall be exercised by the county registrar for the county or county borough or other area in which the witness from whom evidence is to be taken resides, or carries on any profession, trade, business or other occupation.

(3) Where a request relates to more than one witness and paragraph (2) would operate to require the taking of evidence from the witnesses concerned by county registrars for different counties or county boroughs or other areas, the power conferred on the Circuit Court by paragraph (1) shall, in relation to the taking of evidence from each of those witnesses be exercised by such county registrar as may be designated by the Chief Executive of the Courts Service or by such member of staff of the Courts Service as he or she may authorise in that behalf.

¹ OJ No. L 405, 2.12. 2020, p.1

4. The Courts Service is designated as the central body in the State for the purposes of Articles 4 and 19 of the EU Regulation.

5. Notwithstanding their revocation by Regulation 6, the Regulations of 2013 shall continue to apply and have effect in relation to a request made pursuant to Article 1(1)(a) of Council Regulation (EC) No. 1206/2001 of 28 May 2001² on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters.

6. The Regulations of 2013 are revoked.

GIVEN under my Official Seal,
7 March, 2023.

SIMON HARRIS,
Minister for Justice.

² OJ No. L 174, 27.6.2001, p.1

EXPLANATORY NOTE

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

These Regulations specify the Circuit Court as competent to take evidence for the purpose of Article 1.1(a) of Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence)(recast). The power conferred on the Circuit Court will be exercised by the county registrar in accordance with the provisions of Regulation 3. They also specify the Courts Service as the central body in the State for the purposes of Articles 4 and 19 of the EU Regulation.

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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

€ 3.00

ISBN 978-1-3993-2261-4



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