



Home
As Gaeilge
About Us
The Courts
Offices & Maps
Terms & Sitings
Legal Diary
Court Forms
Rules & Fees
Practice Directions
Jury Service
Small Claims Procedure
Freedom of Information
News & Announcements
Publications
Schools
Heritage
Links
Common Questions
Search Site
Site Map
Feedback
Judgments

[<<Back](#)

Search for |

[Click to Search](#)**Advanced Search**
 All Sections
 Practice Directions
 Rules & Fees
 Terms & Sitings
Printable Version
 Statistics
 Legal Diary
 Offices and Maps
 Judgments
Rules & Fees - Homepage[Superior Courts Rules](#)[Circuit Court Rules](#)[District Court Rules](#)[Supreme Court & High Court Fees](#)[Circuit Court Fees](#)[District Court Fees](#)

The Rules of the Superior Courts

Amendment to: Order 61

S.I. No. 20 of 1989: RULES OF THE SUPERIOR COURTS (No. 2) 1989.

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, and the Courts of Justice Act, 1936, Section 68 (as applied by the Courts (Supplemental Provisions) Act, 1961, Section 48), and the Courts (Supplemental Provisions) Act, 1961, Section 14, and of all other powers enabling us in this behalf, do hereby make the annexed Rules of Court.

Dated this 15th day of December 1988.

Thomas A. Finlay	Fred Morris
Liam Hamilton	Michael M. Collins
Frank Griffin	D. R. Pigot
Seán Gannon	
Mella Carroll	
Harry Hill	

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

Dated this 2nd day of February, 1989.

GERARD COLLINS,

Aire Dlí agus Cirt.

S.I. No. 20 of 1989.

RULES OF THE SUPERIOR COURTS (No. 2) OF 1989.

3. The following Rules shall, respectively, be substituted for the existing Rules 3, 4, 6, 7 and 10 of Order 61:—

"3. The Appellant shall, within the said period of ten days from the date on which the judgment or Order appealed from was pronounced,

(a) in the case of appeals to the High Court sitting in Dublin, lodge one copy of the notice of appeal (indorsed with particulars of service) 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.

(b) In any other case, lodge one copy of the notice of appeal (indorsed with particulars of service) with the County Registrar of 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 judgement or Order appealed from, with the said County Registrar.

4. In the case of appeals to the High Court sitting in Dublin, the Appellant shall, without delay, lodge in the Central Office two books of appeal each containing copies of the pleadings (including particulars) and all other documents required for the hearing of the Appeal with a sufficient index, a true copy of which index shall have been previously furnished to every other party affected by the appeal. The appeal shall thereupon be set down by entering the same in the list of appeals and it shall come on to be heard according to its order in such list, unless the Court shall otherwise direct.

6. An appeal shall not operate as a stay of proceedings upon the judgment or Order appealed from unless the Circuit Judge, or, upon appeal, the High Court sitting in Dublin shall so order and then only upon such terms (if any) as the Circuit Judge or the High Court sitting in Dublin (as the case may be) may fix. Such appeal shall be by notice of motion served on all parties affected by the application and lodged in the Central Office within four days of the application to the Circuit Judge.

7. In the case of any appeal, if the Appellant shall, before the day of the hearing of the appeal, give notice in writing, to every party served with the notice of appeal and to the Chief Registrar of the Central Office in the case of appeals to the High Court sitting in Dublin or the County Registrar in any other case, that he does not intend to prosecute the appeal, there shall only be payable by the Appellant the costs properly and necessarily incurred prior to the date of service

of such notice in writing.

10. Where a Defendant desires to contest as respondent in pursuance of the Civil Liability Act, 1961, Section 32 (3), an appeal brought by a co-defendant, he shall serve notice of his intention to do so in the Form No. 30 in Appendix C upon such co-defendant and the plaintiff and upon any other party directly affected thereby, within seven days from the date on which the notice of appeal was served upon him, or within such extended time as may be allowed by the Court, and shall lodge a copy of the notice of intention to contest the appeal with the Chief Registrar of the Central Office in the case of appeals to the High Court sitting in Dublin or the County Registrar in any other case, at latest upon the day after the last service of such notice."

EXPLANATORY NOTE.

These rules, which come into operation on 13 February, 1989, make the necessary changes to the Rules of the Superior Courts, 1986 in the following respects—

— Orders 36 and 49 have been amended to take account of the Courts Act, 1988 (abolition of juries in personal injury cases in the High Court);

—Order 61 has been amended to provide for a more efficient procedure in relation to Circuit Court appeals to the High Court;

—Order 67 has been amended to increase a financial limit in relation to Wards of Court;

—Order 79 and 80 have been amended to take account of the Status of Children Act, 1987;

—Order 95 has been amended consequent on provisions in the Dentists Act, 1985 and the Nurses Act, 1985.

Home : [As Gaeilge](#) : [About Us](#) : [The Courts](#) : [Offices & Maps](#) : [Terms & Sittings](#) : [Legal Diary](#) :
[Court Forms](#) : [Rules & Fees](#) : [Practice Directions](#) : [Jury Service](#) : [Small Claims Procedure](#) :
[Freedom of Information](#) : [News & Announcements](#) : [Publications](#) : [Schools](#) : [Heritage](#) : [Links](#) :
[Common Questions](#) : [Search Site](#) : [Site Map](#) : [Feedback](#) : [Judgments](#) :