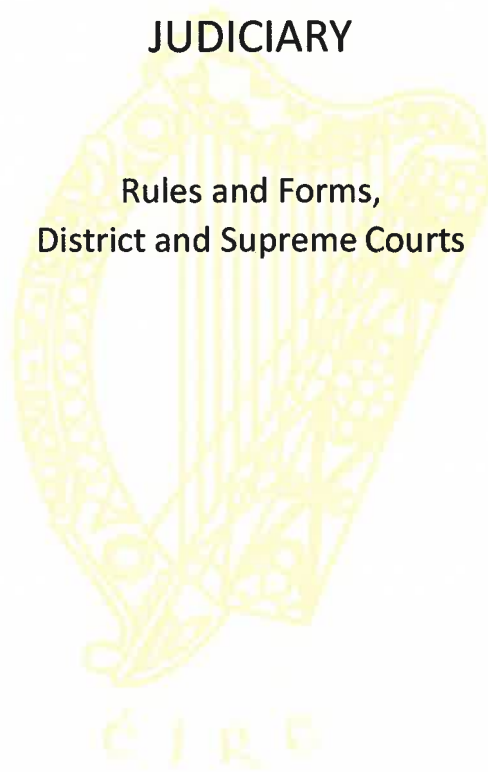


**POBLAHT NA hÉIREANN**

**JUDICIARY**

**Rules and Forms,  
District and Supreme Courts**



**Ministry of Dáil Éireann**

**22-9-22**

## PROVISIONAL CONSTITUTION



# THE COURTS OF JUSTICE OF THE IRISH REPUBLIC

## Provisional Constitution

1. The Ministry of Dáil Éireann having authority to establish Courts of Law and Equity and Criminal Jurisdiction as part of the Government of the Irish Republic hereby decrees that there be
  - (1) A Supreme Court sitting in circuit and having jurisdiction over the Republic.
  - (2) District Courts having jurisdiction in their respective Districts; and having special sittings called "Circuit Sittings" presided over by a Circuit Judge and Special Sittings with Jury presided over by a Parish, District and Supreme Justice.
  - (3) Parish courts having jurisdiction in their respective Parishes.
2.
  - (a) The Supreme Court shall consist of not less than three members who (after the first appointments) shall be men and/or women qualified in law of at least twelve years standing, unless the Chief Justice shall for special reasons otherwise determine.
  - (b) A decision of the majority of the court shall be the decision of the court.
  - (c) In a case of exceptional public importance, as determined by the Court Registrar, the Applicant may seek to have the case heard at a Special Sitting with Jury. When/if the case comes before the Supreme Court on appeal on a point of Law, that Court may direct that it be heard and decided by a full Court which shall consist of not less than five members, and in such case the decision of the majority shall be the decision of the Court.
  - (d) Any member of the Supreme Court may exercise all the powers of the Circuit Judge, and any member of the Supreme Court sitting alone or with assessors may exercise all the powers which would be exercised by a Circuit sitting or other sitting of a District Court.
3.
  - (a) There shall be not less than four Circuit Justices who shall (after the first appointments) be men and/or women qualified in law of at least six years standing, unless the Chief Justice shall for special reasons otherwise determine.
  - (b) There shall be altogether four "Circuit Districts".
  - (c) There shall, unless the Chief Justice shall for special reasons otherwise determine be three Circuits in each year; one beginning on or about 22<sup>nd</sup> September and ending not later than 22<sup>nd</sup> December, one beginning on or about 22<sup>nd</sup> January and ending not later than 22<sup>nd</sup> March, and one beginning on or about 1<sup>st</sup> May and ending not later than 1<sup>st</sup> August.
  - (d) A Circuit Justice shall go three Circuits in each year but shall not go twice in succession in any Circuit. Save as aforesaid, the Circuit Justices shall have choice according to seniority.
4. Justices of the Supreme Court and Circuit Justices shall hold office for life and shall be removeable only by special decree of An Dáil for cause assigned passed by a two-thirds majority.

5. (a) A District Court shall be established for each Constituency returning or capable of returning a member to Dáil Éireann. For this purpose, "constituency" shall mean the "constituency existing in September 1920. Provided, however, that, if thought fit the Chief Justice may amalgamate several Constituencies to form a single lawful District, with a single District Court, or may sub divide any constituency into two or more districts for each of which a separate District Court shall be established.  
(b) Each District Court shall consist of five members and each of the members shall be appointed provisionally.  
(c) Each District Court may, unless otherwise directed by the Chief Justice, hold a sitting in each month. At three such sittings in each year a Circuit Justice shall preside; and the sittings of the District Courts at which a Circuit Justice shall preside shall be called "Circuit Sittings" and shall form such Justices Circuit.
6. A Parish court shall be established for each Parish Area of the Republic. Provided, however, that, if thought fit, the Chief Justice may amalgamate several parishes to form a joint Parish, with a single Parish Court, or may sub-divide any Parish into two or more sub-parishes with a separate Parish Court for each. Each Parish Court shall consist of three members and the members shall in the first instance be appointed provisionally.
7. In Irish-speaking Parishes and Districts the members of the Court shall be Irish speakers.
8. The names and addresses of all Parish and District Courts shall be forwarded to the Chief Justice. The members of each court shall, at their first meeting, select a chairman, fix dates for Sessions, and make all the other necessary arrangements for the conduct of business. The members of any Parish Court or a majority of them may ask any member of members of any neighbouring Parish Court to sit instead of their own members and such member or members so asked to sit shall have all the powers of the members of the Court.
9. The Chief Justice may at any time appoint a wo/man of whose lawful qualifications s/he is satisfied to preside at any Parish Court or ordinary sitting of a District Court instead of the ordinary chairman of such Court.
10. Every member of a Court established under the Republic shall, at the first meeting of the Court s/he attends, subscribe to the Oath of Allegiance as follows:-  
*"I do solemnly swear (or affirm) that I do not, and shall not, yield a voluntary support to any pretended Court, Authority or power within Ireland, hostile or inimical thereto; and I do further swear (or affirm) that to the best of my knowledge and ability I will support and defend the Irish Republic, and the Government of the Irish Republic, which is Dáil Éireann, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same, and that I take this obligation freely without any mental reservation or purpose of evasion. And that I will administer justice without fear, favour, affection, ill-will or the hope of reward (in case of an Oath), so help me God"*

## **JURISDICTION OF PARISH COURTS**

(1) Parish Courts shall have jurisdiction to hear and determine the following matters: -

- (a) Civil claims not exceeding €2000 in value or damage
- (b) Petty criminal offences, including cases of theft or malicious damages not affecting more than €2000 in value or injury, and in which any fine imposed or amount given in compensation to the injured party shall not exceed €2000.
- (c) Taking evidence and returning for trial to ordinary and Circuit Sittings of the District Court all criminal matters not included in B

Parish Courts shall also have such jurisdiction as has hitherto been exercised by Justices at Petty Sessions.

Parish Courts shall not have jurisdiction to determine any case involving a question of title to land or any Trade dispute.

## **JURISTITION OF DISTRICT COURTS (AT ORDINARY SITTINGS)**

1. District Courts at their sittings (other than Circuit Sittings) shall have jurisdiction to hear and determine : -
  - (a) All appeals in civil cases from the Parish Courts of the District.
  - (b) All civil claims arising within the District and exceeding €2000 but not exceeding €20,000 in value or damage and claims not exceeding €20,000 brought by the default process where no notice of intention to has been served.
  - (c) Claims exceeding €20,000 and cases involving the question of title to land.
  - (d) All cases involving the question of title to land where the market value of the land does not exceed €200,000.
2. The determination of any case shall include the granting of consequential relief whether in the nature of damages an injunction or otherwise. Provided that the Court may, at an ordinary sitting, reserve, refer or adjourn the hearing of any case to the next Circuit Sitting.

## **JURISDICTION OF DISTRICT COURTS (AT CIRCUIT SITTINGS) ONLY**

1. District Courts shall have jurisdiction at their Circuit Sittings only to hear and determine: -
  - (a) All appeals in criminal cases from Parish Courts, and criminal cases in which Parish Courts shall have taken evidence and returned the accused for trial. Also, applications in the nature of Certiorari, Mandamus, Prohibition, Quo Warranto, Habeas Corpus, Bail, Articles of the Peace and other like matters. Relief in the nature of Certiorari and Mandamus shall be granted in the case of all decisions of Puisne Courts where it shall seem desirable to grant it and the Court in granting such relief shall not be confined to error upon the face of the record of proceedings but may examine into the evidence given at the hearing.
  - (b) Claims exceeding €20,000 and cases involving the question of title to lands exceeding €200,000 market valuation, where any question of law is in dispute or where any possible defence is suggested and appeals from decisions from the ordinary sitting that in claims exceeding €20,000 or involving a question of title to land exceeding €200,000 market valuation there was no question of law in dispute and no possible defence suggested; provided that such last mentioned appeals shall be heard by the Circuit Justice sitting alone.
  - (c) Equity cases.
  - (d) Any cases which the Court at its ordinary sitting may have reserved for the Circuit Sittings, or in which the Court in its ordinary sittings shall have stated a case for the Circuit Sittings.
  - (e) Cases of every kind entered for hearing at the Sittings which are Circuit Sittings including Special Sittings with Jury.

## **FUNCTIONS OF CIRCUIT JUSTICE AND OTHER MEMBERS OF CIRCUIT COURT**

1. At Circuit Sittings the Circuit Justice shall decide all questions of law and the admissibility of evidence, all cases stated, and also all applications in the nature of Certiorari, Mandamus, Prohibition, Quo Warranto, Habeas Corpus and the like.
2. Equity cases shall, except by direction of the Circuit Justice, be decided exclusively by the Circuit Justice, who may, if s/he thinks fit, refer the hearing of a case to themselves or to a member of the Supreme Court sitting; and evidence may be taken by affidavit.
3. Save as otherwise provided herein every member of a Circuit Sitting shall have an equal voice with the Circuit Justice on all questions of fact, but in cases of an equality of votes the Circuit Justice shall have a casting vote as well as an ordinary vote.
4. All trial before District Courts, whether at Circuit Sittings or otherwise, shall, save as otherwise provided herein, or unless the Court upon the consent of all parties shall otherwise direct, be conducted by oral evidence and oral arguments.
5. Every Circuit Justice shall be accompanied wherever possible by an expert Shorthand Writer who shall take a note of all proceedings at any Circuit Sitting, unless all parties shall have agreed that the hearing be without appeal. An appeal to the Supreme Court shall be upon

the notes of such Shorthand Writer whenever available. In cases where a Shorthand Writer is not available the appeal shall be upon the Justices notes of the trial. The Justice may in either case also make a report as to the reasons for his decision.

6. Any Court (other than a Parish Court) may refer the taking of any accounts to the Chief Accountant, or in simple cases to the Registrar of the Court. Where an account is referred to the Chief Accountant s/he may have the account taken by any person nominated by him acting under his directions. Any person to whom the account has been referred shall in the taking of such account have all the powers of the Court by which it has been referred. But an appeal may be taken in every such case to the Court by whom the account has been referred, unless all the parties shall have previously agreed that such reference shall be without appeal.

## **APPEALS TO CIRCUIT JUSTICE**

1. In all cases decided at an ordinary sitting of a District Court an appeal by the concerns of all the parties may be taken by way of case stated to the Circuit Justice on any question of law. Where no such appeal by case stated shall have been taken, an appeal both upon law and upon fact shall lie at the instance of any party to the Circuit Sitting. At such Circuit Sittings all questions of law shall be decided by the Circuit Justice, and no Justice who shall have sat at the previous hearing shall sit or adjudicate on the appeal.
2. Where the District Court at its ordinary Sittings has given directions as to any affidavits to be made by the parties, or discovery of documents or interrogatories or the taking of evidence by Commission, or change of venue, an appeal shall lie to the Circuit Justice on such manner, whose decision shall be final and conclusive.

## **APPEALS TO SUPREME COURT**

1. An appeal from the Circuit Court to the Supreme Court shall lie:-
  - (a) In all cases where the case exceeds €20,000 or the market valuation of the property exceeds €200,000.
  - (b) In cases where the claim does not exceed €20,000 or the market valuation of the property does not exceed €200,000 on a case stated by the Circuit Justice if he shall think fit on any question of law only.
  - (c) In Equity Cases.
  - (d) In criminal cases where the accused has been convicted on a case stated by the Circuit Justice who shall on request of the accused be bound to state a case.
  - (e) In Special Sittings with Jury cases on a point of Law only.

## **SUPREME COURT**

### **ORIGINAL JURISDICTION**

1. The Supreme Court shall have a co-ordinate jurisdiction with the Circuit Justices including the same power of amendment, in all applications in the nature of Certiorari, Mandamus, Prohibition, Quo Warranto, Habeas Corpus, Bail, Articles of the Peace and other like matters; but such jurisdiction shall in general only be exercised in matters of urgency, where it would

be inconvenient or unjust to defer the matter for hearing by the Circuit Justice. The Supreme Court shall have jurisdiction to issue an order in the nature of Mandamus, Certiorari or Prohibition to any District Court (including Circuit Sittings thereof), and may for such purpose look at the evidence taken on the hearing before such Court, and may amend all technical defect where no injustice or surprise would result therefrom.

2. Upon the application of any party the Supreme Court may direct any civil or criminal case and a District Court at a Circuit Sitting, but subject to an appeal from such direction to the Supreme Court, may direct any civil case, to be heard by the Supreme Court, and the Supreme Court shall thereupon have the same jurisdiction to hear and determine the case as the Court before which it would otherwise have come.
3. The Supreme Court may upon due cause shown change the venue of any case, civil or criminal.
4. The original jurisdiction hereby given to the Supreme Court may be exercised either by the whole Court or any members of it, or any member of its sitting alone or in the hearing of actions, sitting with assessors.

## **DEFINITIONS.**

The following terms shall (if the context permits) have the meanings given to them below: -

“District Court” shall mean the Court of a District constituted as provided by clause 5 hereof.

“District Registrar” shall mean the Registrar of such Court.

“Parish” shall, unless otherwise directed and except in matters of registration of Deeds, mean the Catholic Church Parish of the District. In matters of Registration of Deeds it shall mean the Parish of the Established Church.

“man and/or woman qualified in law” shall mean an existing Barrister, Solicitor, a Bachelor of Laws of a University, a Brehon, a Common/Customary Law Practitioner, a Sovereign Sheriff, or such other men or women as may hereafter be deemed to be qualified in law.

“A Circuit Justice” shall mean a person appointed to be such by An Dáil and shall include a substitute temporarily appointed.

“Supreme Court Justice” shall mean a person appointed a member of the Supreme Court by An Dáil, “President” shall mean the President of such Court or such other Justice as may be appointed to act temporarily in their stead.

“Circuit” shall mean the visitation of a number of District Courts by a Circuit Justice or a Supreme Justice and his/her presiding at or taking part in their proceedings.

“Circuit District” shall mean such number of Districts as shall be assigned to be visited by Circuit/Supreme Justice in a single visitation.

“Supreme Court Registrar” shall mean the Registrar of the Supreme Court.

“Chief Accountant” shall mean a Chartered or otherwise properly qualified Accountant appointed by An Dáil to superintend the taking of accounts in all Courts.

“Equity Cases” shall mean all cases for any of the following reasons: -

- (a) The administration of the estates of deceased persons and all suits by creditors, legatees, devisees, heirs at law and next of kin.
- (b) The dissolution of partnership.
- (c) The taking of accounts not being simple Trading Accounts.
- (d) All suits for the execution of trusts charitable or private.
- (e) All suits for sale or redemption of, or for enforcing any mortgage charge or lien on property.



- (f) Suits for the specific performance of any agreement for the sale, purchase or letting of any property, or for refusing to deliver up or cancelling such agreement.
- (g) Proceedings between husband and wife in relation to property.
- (h) The partition or sale of land of any tenure.
- (i) Proceedings relating to the maintenance or protection of the property of infants.
- (j) Proceedings for injunctions save where such injunctions are merely ancillary to relief sought in a case which is not an equity case.

“Rule Making Authority” shall mean the men and/or women hereafter authorised to, and having power to, make rules.

“Oath” shall extend to include an affirmation.

### **LEGAL CODE**

The Law, as recognised on 21<sup>st</sup> January 1919 shall, as evolved from time to time, continue to be enforced.

### **RULES OF COURT**

Any two members of the Supreme Court, one of whom shall be the President, and any two Circuit Justices sitting together shall constitute the rule-making authority, and shall have power to make rules and forms for the regulation of the procedure of all Courts.

Such Rules and Forms when made and signed shall have the same force and effect as if they were enacted herein, but may from time to time be revoked, suspended or amended by other rules made by the same authority.

Until the enactment of such Rules and Forms and insofar as the same do not extend, the procedure laid down by the Petty Sessions (Ireland) Act, 1851, or a procedure analogous thereto, shall apply to proceedings in Parish Courts; and the Jurisdiction and Procedure of the County Courts in Ireland, or a procedure analogous thereto shall apply to the District Courts, in fidelity with the governance of the Sovereign Republic of Éire.

### **GENERAL PROVISIONS AFFECTING ALL COURTS. RIGHT OF AUDIENCE.**

Subject to any Rules to be hereafter made, all men/women qualified in law and all litigants presenting themselves, shall have an equal right of audience in the Courts.

### **POWER OF AMENDMENT.**

The Courts shall have complete power to amend all technical defects where no injustice or surprise will result from such amendment.

### **NATURE OF RELIEF GRANTED.**

The determination of any case shall include the granting of consequential relief, whether in the nature of damages, injunctions, or otherwise.

### **ARBITRATION.**

Any Court, or any members of it, may act as arbitrators on any case submitted to them by a proper submission, but shall not be bound to do so. Such jurisdiction may be exercised either as an original jurisdiction or by way of appeal, in accordance with the terms or the submission.

## **RULES (PROVISIONAL) FOR DISTRICT COURTS.**

All proceedings in District Courts, whether at Circuit Sittings or ordinary Sittings, other than criminal proceedings, Special Sittings with Jury, appeals, cases stated, applications for orders in the nature of Mandamus, Certiorari, Prohibition, Bail, Articles of the Peace, and such other applications as have been accustomed to be brought by motion, shall be instituted by Civil Bill.

### **II. – CIVIL BILL**

Except in Equity and Probate matters a Civil Bill shall mean a document issued by the Court and served on the Defendant(s) containing a brief statement of the Plaintiffs claim and requiring the Defendant(s) to attend the hearing of the case. In Equity and Probate matters Civil Bill shall mean an Equity Civil Bill and Probate Civil Bill respectively, which, except as regards the heading, shall be in such form as has been usual for Equity and Probate Civil Bills respectively. All Civil Bills shall be signed by the Registrar of the Court or by a Solicitor, and shall be served by the District Court Messenger or the Court Messenger of any Parish in the District. Provided that where a solicitor duly authorised by a Defendant or other party shall accept service in writing of the Civil Bill or other document on behalf of such Defendant or other party, such service shall be deemed good and valid for all purposes.

### **III. – TIME FOR SERVICE OF CIVIL BILL.**

If the amount claimed exceeds €20,000 or involves the title to property exceeding €200,000 in market valuation, and in all Equity and Probate matters, the Civil Bill shall be served on the Defendant(s) 14 clear days before the first day of the sitting at which the same shall come on for hearing. In all other cases the Civil Bill shall be served 7 clear days before the first day of the sitting.

### **IV. – APPLICATION OF THE COUNTY COURTS PROCEDURES.**

The County Courts procedures as regards “parties” “joinder of cause of action”, “particulars and statement of claim” “special defences” “tender” “service and return of process” “process servers” “entry and lodgement of Civil Bills for hearing” “evidence” “trial” “discontinuance” “sittings in chamber” “payment into Court” “change of parties in Equity Suits” “injunctions” “ejectment for non-payment of rent” “partition” “receivers” “affidavits” “proceedings under the Trustee Act” “rehearing when decree by default” “judgment decrees and orders” or a procedure analogous thereto shall, save as altered by these rules be deemed to apply to all proceedings whatever the amount involved, “Court Messenger” “being substituted for process server” and “Registrar” for “Registrar or Clerk of the Peace”

The County Courts procedure as regards “default process” shall apply as regards all cases where the amount claimed does not exceed €20,000 and the case does not involve the title to property exceeding €200,000 in market valuation.

### **V. – PLAINTIFF TO FILE AFFIDAVIT LEADING TO DIRECTIONS IN CERTAIN CASES**

Except in Equity cases the Plaintiff, when the amount claimed exceeds €20,000 or involves the title to property exceeding €200,000 market valuation, shall file an affidavit a copy of which shall be served with the Civil Bill upon the Defendant(s), verifying the claim in the Civil Bill and setting forth the facts of the Plaintiffs case in an informal manner, as has hitherto been done in remitting motions and motions for final judgment.

#### **VI. – DEFENDANT’S AFFIDAVIT LEADING TO DIRECTIONS.**

Within 7 days of the service of such affidavit the Defendant may, if he thinks fit, file and serve on the Plaintiff and answering affidavit setting forth the facts of his case in like manner. The Plaintiff may, if he thinks fit, file and serve on the Defendant, a replying affidavit at any time before the hearing.

#### **VII. – CONTENTS OF AFFIDAVITS LEADING TO DIRECTIONS, Etc**

The affidavits of Plaintiffs and Defendants shall as far as possible contain such facts as will enable the Courts to fix the issues and give such directions as to discovery, interrogatories, change of venue, security for costs, taking evidence on commission, and such other matters as have hitherto been usually dealt with upon interlocutory motion.

#### **VIII. – HEARING OF CIVIL BILL.**

At the sitting next after the service of a Civil Bill, the Court shall either hear and finally determine such Civil Bill, or where necessary adjourn the same; or it may, and (if the sitting is not a Circuit Sitting and the amount exceeds €20,000 or involves the title to property exceeding €200,000 in market valuation, and there appears to the Court to be any possibility of defence) shall reserve the hearing for a Circuit Sitting.

#### **IX. – DIRECTIONS FOR FINAL HEARING.**

When the Court so reserves a case for Circuit Sitting, or at a Circuit Sitting reserves a case for the next Circuit Sitting, it may give all necessary directions for facilitating the hearing – e.g., it may, where necessary direct the parties to file pleadings or further affidavits or may direct either party to make discovery of all documents in his possession or to answer interrogatories, or change the venue of the trial; but all such directions, unless given at a Circuit Sitting, shall be subject to appeal to the Circuit Justice at the next Circuit Sitting, or may if necessary adjourn the hearing of the case.

#### **X. – AFFIDAVITS LEADING TO DIRECTIONS IN EQUITY CASES.**

In Equity cases, where the filing of an affidavit would be required under these rules, if the case were not an Equity case, it shall not be necessary for the Plaintiff to file any affidavit other than a formal affidavit verifying the statements in his Equity Civil Bill. The Defendant may thereupon file within 7 days either a formal defence to such Equity Civil Bill, duly verified by affidavit or answering affidavit. The Plaintiff may thereupon at any time before the hearing file either a reply or a replying affidavit.

#### **XI. – ACCOUNT AND SALES, Etc., IN EQUITY CASES.**

Equity cases shall be heard and determined only in a Circuit Sitting, and the practice of the County Courts as to sales, taking accounts, and other matters shall apply to the hearing and determination of such cases. In any case, the Circuit Justice may, and in all Equity cases where the amount involved is over €200,000 or property with market valuation exceeding €400,000 are involved (except with the consent of all parties) shall, refer to the taking of any account or enquiry in the nature of an enquiry in chambers to the Chief Accountant. In the taking of accounts and enquiries, otherwise than by the Chief Accountant, the practice of the County Courts shall apply, Registrar being substituted for “Registrar or Clerk of the Peace”.

## **XII. – FINAL JUDGMENT WHERE NO DEFENCE.**

Where, in a case which a Court at an ordinary sitting would otherwise reserve for a Circuit Sitting, there does not appear to the Court to be any possibility of defence, or the Defendant does not appear to make any defence, if the claim is for a liquidated demand, the Court may make and order for final judgment; but (save where the Defendant has not appeared or made any defence) an appeal shall lie from such order to the Circuit Justice at the next Circuit Sitting, from whose decision a further appeal shall lie upon any question of law to the Supreme Court.

## **XIII. – PRACTICE IN PROCEEDINGS OTHER THAN THOSE COMMENCED BY CIVIL BILL.**

In all applications for orders in the nature of Mandamus, Certiorari, Prohibitions, Bail, Quo Warranto, Articles of the Peace and all orders for discovery, interrogatories, and change of venue, proceedings under the Trustee Act, Conveyancing Acts, Settled Land Acts, Friendly Society Acts, and Industrial and Provident Societies Act, proceedings for interpleader, winding up of companies, Special Sittings with Jury, and the management of the property and care of the person of infants, the procedure of the County Courts or a procedure analogous thereto shall apply.

## **XIV. – DEPOSIT FEES.**

In lieu of any fees hitherto payable, any party issuing a Civil Bill shall deposit with the Registrar a deposit at the rate of 5 per cent on the first €20,000 on the value of the subject matter in dispute, and 1 per cent on the remainder. The maximum deposit shall be €2,000. In cases where the value of the subject matter is not certain or is not specified, the Registrar may estimate and fix the subject matter in dispute at such sums as he may consider fair and reasonable.

## **XV. – AFFIDAVITS.**

An affidavit may be made before any Justice of the District or Parish Court, or before any Solicitor, or before any person legally qualified or before any Notary Public, and may be filed with the Registrar of the Court.

## **XVI. – APPEAL FROM ORDINARY SITTINGS TO CIRCUIT SITTINGS.**

Any party appealing from any decree or dismiss of any ordinary sitting to a Circuit Sitting shall lodge the same amount with the Registrar of the Court as deposit as the Plaintiff deposited originally with his Civil Bill. Notice of such appeal within 15 clear days of the making of such decree or dismiss, and notice thereof served upon the opposite party within 4 days of such lodgement.

## **XVII. – APPEALS FROM PARISH COURTS.**

Upon any appeal, re-hearing or case stated, the Registrar of the Court before which the case was heard shall forward the file of proceedings in the case to the Court before which such appeal, case stated or re-hearing is coming 7 clear days before Sitting of such Court.

## **XIII. – DEFINITIONS.**

Terms defined in the decree constituting the Courts shall bear the same meaning in these rules.

## **XIX. – FORMS.**

The Forms appended to these Rules shall be used for Ordinary Civil Bills, Summons for attendance of witnesses, Ordinary Decree, Decree payable by instalments, Dismiss, Notice of Appeal to Circuit Sitting, and Case stated for Circuit Justice.

POBLAUGHT NA hÉIREANN

ORDINARY CIVIL BILL

District Court of.....

-----

.....

Of.....

Plaintiff.

.....

Of.....

Defendant.

The Defendant is hereby required, personally or by a solicitor, to appear at the above-named Court to be held at..... on the.....day of.....202....at.....o'clock in the.....noon, to answer the Plaintiffs claim for.....

For

And the Defendant is hereby notified that if he fails to appear at the said Court, and does not show good and sufficient cause for his absence, the court will in his absence deal with the foregoing claim on its merits, and make such order thereon as shall to the Court appear just.

Dated this.....day of.....202.....

Signed.....

Registrar of the Court

POBLACHT NA hÉIREANN

SUMMONS FOR WITNESS

District Court of.....-

.....

Of.....

Plaintiff.

.....

Of.....

Defendant

This is to require you, the under-named person, to appear as a witness on the hearing of this case at the above-named Court to be held at..... on the.....day of.....202....at

.....o'clock in the.....noon, and so from day to day until the case is disposed of ; and then and there to produce

On behalf of the Plaintiff (or defendant). And you are hereby notified that if you fail to comply with this summons you will be liable to a fine of.....

Dated this.....day of.....202.....

Signed.....

Registrar of the Court

To.....

Of.....

.....

POBLACHT NA hÉIREANN

ORDINARY DECREE

District Court of.....

.....

Of.....

Plaintiff.

.....

Of.....

Defendant

The claim of the Plaintiff against the Defendant for.....

For

Having come for hearing on the .....day of.....202..... and it appearing to the court that due notice of the hearing had been served on the Defendant, and that the Defendant is justly indebted to the Plaintiff in the sum of..... it is therefore ordered by the Court that the Plaintiff do recover from the Defendant the sum of..... together with the sum of.....for costs and expenses and.....for the deposit fee, and that the total sum of ..... be levied off the goods of the Defendant.

Dated this.....day of.....202.....

Signed.....

Registrar of the Court.

I hereby certify that there remains due on foot of within decree the sum of.....

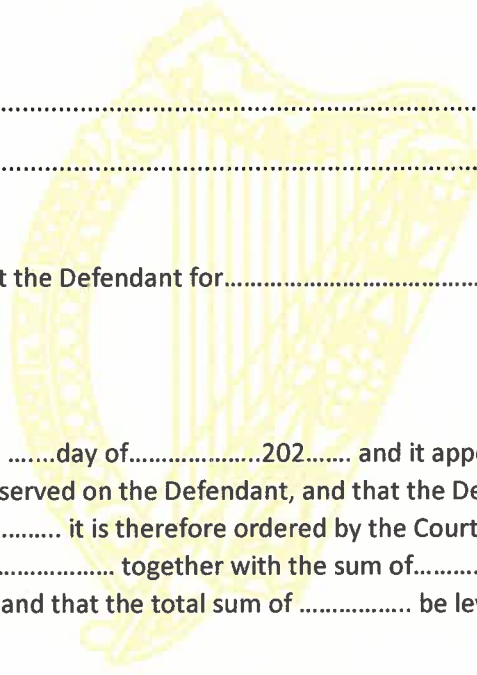
Signed.....

Solicitor or Complainant

I hereby authorize and empower.....my.....to levy

The sum of..... together with.....for expenses and costs of seizure by distraining upon the goods and chattels of defendant

Signed.....



POBLACHT NA hÉIREANN

DECREE BY INSTALMENTS

District Court of.....

.....

Of.....

Plaintiff.

.....

Of.....

Defendant

The claim of the Plaintiff against the Defendant for.....

For

Having come for hearing on the .....day of.....202..... and it appearing to the court that due notice of the hearing had been served on the Defendant, and that the Defendant is justly indebted to the Plaintiff in the sum of ..... together with the sum of.....for costs and expenses and.....for the deposit fee, it is therefore ordered by the Court that the Plaintiff do recover from the Defendant the sum of....., to be paid by the Defendant to the Plaintiff in instalments of.....each, the first of such instalments to be paid on the.....day of.....202....and the remaining instalments on the.....day of each succeeding.....until the sum of..... Has been paid, and in default of payment by the Defendant of the said several instalments, or any of them, on the respective days appointed for the payment thereof as aforesaid, it is further ordered by the Court that the goods of the Defendant be taken in execution to satisfy the said debt and costs.

Dated this.....day of.....202.....

Signed.....

Registrar of the Court.



POBLAUGHT NA hÉIREANN

DISMISS

District Court of.....

.....

Of.....

Plaintiff.

.....

Of.....

Defendant

The claim of the Plaintiff against the Defendant for.....

For

Having come on for hearing, and it appearing to the court that the Plaintiff failed to prove the said claim, or any part thereof, IT IS THEREFORE ORDERED by the Court that the Plaintiff's claim be, and the same is hereby dismissed, and that the Plaintiff pay to the Defendant the sum of..... For costs and expenses, and that failing payment thereof the said sum be levied off the Plaintiffs goods.

Dated this.....day of.....202.....

Signed.....

Registrar of the Court.

POBLACHT NA hÉIREANN

NOTICE OF APPEAL TO CIRCUIT SITTING

District Court of.....

.....

Of.....

**Plaintiff.**

.....

Of.....

**Defendant**

Take notice that I, the above-named Plaintiff (or Defendant) do hereby appeal from the decision of the above-named Court given on the..... day of.....20..., to the Circuit Sitting of the said Court to be held at.....on the.....day of.....20.....

Dated this.....day of.....202.....

Signed.....

Solicitor for Defendant or Plaintiff.

To.....

Of.....

.....

Plaintiff or Defendant

**POBLACHT NA hÉIREANN**  
**CASE STATED FOR CIRCUIT JUDGE**

District Court of.....

between.....Plaintiff

And .....Defendant

This is a case stated by us as members of the District Court, sitting at.....

on the.....day of.....20....., on the application of the said(hereinafter

set out) as being erroneous in point of law, for the determination of the circuit court

1. The claim in the Civil Bill was:-
2. The court amended the bill as follows:-

if there was no amendment this fact should be stated here

3. The oral evidence for the Plaintiff was:-

set out the Material evidence Given by each witness after his name and occupation or description

And the following documents were put in:-

4. The oral evidence for the Defendant was:-

see note at 3

And the following documents were put in:-

5. We found that
6. The Plaintiff (or defendant) contended that

Every essential finding of fact should be given Here.

7. We held the contrary view and dismissed the claim or Gave a decree for..... or as the case may be).

8. The opinion of the Circuit Justice is sought as to whether we were right in law in Dismissing the claim or in giving said decree

Dated this.....day of.....202.....

Signed.....