



STATUTORY INSTRUMENTS.

S.I. No. 446 of 2010



CIRCUIT COURT RULES (PENSIONS OMBUDSMAN) 2010

(Prn. A10/1355)

CIRCUIT COURT RULES (PENSIONS OMBUDSMAN) 2010

We, the Circuit Court Rules Committee, constituted pursuant to the provisions of section 69 of the Courts of Justice Act 1936, and section 12 of the Courts of Justice Act 1947, by virtue of the powers conferred on us by section 66 of the Courts of Justice Act 1924, and section 70 of the Courts of Justice Act 1936, (as applied by section 48 of the Courts (Supplemental Provisions) Act 1961) and section 27 of the Courts (Supplemental Provisions) Act 1961, and of all other powers enabling us in this behalf, do hereby, with the concurrence of the Minister for Justice and Law Reform, make the annexed Rules of Court.

Dated this 8th day of June 2010.

(Signed): Matthew Deery
(Chairman of the Circuit Court Rules Committee)

Gerard J. Doherty

Noel Rubotham

Susan Ryan

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

Dated this 12th day of September 2010.

Signed: DERMOT AHERN
MINISTER FOR JUSTICE AND LAW REFORM

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 17th September, 2010.*

S.I. No. 446 of 2010

CIRCUIT COURT RULES (PENSIONS OMBUDSMAN) 2010

1. These Rules may be cited as the Circuit Court Rules (Pensions Ombudsman) 2010 and shall come into operation on the 10th day of October 2010.

2. These Rules shall be construed together with the Circuit Court Rules.

3. The Circuit Court Rules as amended by these Rules may be cited as the Circuit Court Rules 2001 to 2010.

4. All applications served or proceedings taken under section 141 of the Pensions Act 1990 (No. 25 of 1990), including such proceedings referred to in section 21(2) of the Social Welfare and Pensions (No. 2) Act 2009 (No. 43 of 2009), before these Rules shall have come into operation may be continued and completed in accordance with these Rules.

5. The Circuit Court Rules are amended:

- (i) by the substitution for the number and title of Order 63E of the following:

“ORDER 57B

Pensions Ombudsman”;

- (ii) by the deletion from rule 1 of Order 57B (as re-numbered in accordance with paragraph (i)) of “and “the Minister” means the Minister for Social Protection”; and
- (iii) by the substitution for rule 3 of Order 57B (as re-numbered as aforementioned) of the following:

“3. An application pursuant to section 141(1) of the Act for an order directing that a party carry out a determination of the Ombudsman shall be made by way of originating Motion on Notice grounded upon an affidavit sworn by or on behalf of the Ombudsman or of the other party seeking the carrying out of the determination, which affidavit shall exhibit:

- (a) a certified copy of the determination of the Ombudsman and
- (b) where applicable, a certified copy of any covering letter from the Ombudsman issued to the Applicant with the determination of the Ombudsman,

and shall set out:

- (i) all the facts relevant to the alleged failure to carry out the determination;
- (ii) whether or not an appeal has been brought from the determination and, if no such appeal has been brought, that the time for appeal has elapsed and, if such an appeal has been brought, the date upon which Notice of Appeal was given and evidence of abandonment of the appeal.”

EXPLANATORY NOTE

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

These rules re-number Order 63E of the Circuit Court Rules as Order 57B and amend that Order to take into account the transfer to the Pensions Ombudsman from the Minister of the function of applying to Court for enforcement of the Ombudsman's determinations, by virtue of the amendment of section 141(1) of the Pensions Act 1990 (as inserted by section 5 of the Pensions (Amendment) Act 2002) by section 21 of the Social Welfare and Pensions (No. 2) Act 2009.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
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