



STATUTORY INSTRUMENTS.

**S.I. No. 122 of 2011**



CIRCUIT COURT RULES (DISCOVERY) 2011

**(Prn. A11/0453)**

CIRCUIT COURT RULES (DISCOVERY) 2011

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 7th day of December 2010.

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

Alison Lindsay

Tony Hunt

Joe Deane

Noel Rubotham

Susan Ryan

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

Dated this 21st day of March 2011.

Signed: ALAN SHATTER,  
MINISTER FOR JUSTICE AND LAW REFORM.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 25th March, 2011.*

S.I. No. 122 of 2011

CIRCUIT COURT RULES (DISCOVERY) 2011

1. (1) These Rules may be cited as the Circuit Court Rules (Discovery) 2011.
- (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 2011.

2. The Circuit Court Rules are amended:

- (i) by the substitution for rule 5 of Order 32 of the following rule:

“5. If the parties served with notice under rule 4 omit to give notice of a time for inspection, or object to give inspection, the Judge or the County Registrar may, on the application of the party desiring it, make an order for inspection at such time and in such place and in such manner as he thinks right. Such application shall be made by motion on notice to be served not later than four clear days before the hearing thereof and founded upon an affidavit showing of what documents inspection is sought and that they are in the possession or power of the other party. Where, on an application for an order for inspection, privilege is claimed for any document, the Judge or the County Registrar, as the case may be, may inspect the document for the purpose of enabling him to determine the validity of the claim for privilege.”,

and

- (ii) by the substitution for rule 7 of Order 32 of the following rule:

“7. (1) The costs of every application for discovery shall be in the discretion of the County Registrar.

(2) In every cause or matter, the costs of making discovery shall, unless otherwise ordered by the Judge, be allowed, as part of the costs of the party seeking discovery, either as between party and party or solicitor and client, where, and only where, such discovery shall be certified by the Judge.”

EXPLANATORY NOTE

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

These rules substitute rules 5 and 7 of Order 32 of the Circuit Court Rules to clarify the County Registrar's jurisdiction to determine an issue of privilege on an application for inspection of documents and to determine liability for costs in proceedings for discovery.

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,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
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