



STATUTORY INSTRUMENTS.

S.I. No. 101 of 2013



RULES OF THE SUPERIOR COURTS (ORDER 123) 2013

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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 following Rules of Court.

Dated this 24th day of January 2013.

Susan Denham
Nicholas Kearns
Elizabeth Dunne
Paul McGarry
Gerard Meehan
Patrick Groarke
Stuart Gilhooly
Mary Cummins
Noel Rubotham
John Mahon

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

Dated this 23rd day of March, 2013.

ALAN SHATTER,
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 2nd April, 2013.*

S.I. No. 101 of 2013

RULES OF THE SUPERIOR COURTS (ORDER 123) 2013

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Order 123) 2013, shall come into operation on the 8th day of April 2013.

(2) These Rules shall be construed together with the Rules of the Superior Courts.

(3) The Rules of the Superior Courts as amended by these Rules may be cited as the Rules of the Superior Courts 1986 to 2013.

2. Order 123 of the Rules of the Superior Courts is amended:

(i) by the substitution for rule 1 of the following rule:

“1. In this Order, the expressions “record” and “transcript writer” have the same meaning as in Order 86.” and

(ii) by the insertion immediately following rule 8 of the following rule:

“9. (1) Any party or person who seeks access to any part of a record of proceedings (in this rule referred to as the “relevant record”) which is held by or for the Supreme Court, the Court, the Court of Criminal Appeal or the Courts-Martial Appeal Court, as the case may be (in this rule referred to as the “relevant court”) may apply to the relevant court by motion in the proceedings concerned on notice to the other party or the parties to those proceedings, grounded upon an affidavit.

(2) On the date first fixed for the hearing of the motion, the relevant court may:

(a) direct that copies of the notice of motion and affidavit be served on any other person who the relevant court considers has a sufficient interest in or may be affected by the application;

(b) fix time limits for the delivery of any replying affidavit.

(3) The relevant court may, for the purposes of considering any such application, review privately the contents of the relevant record.

(4) Subject to sub-rule (5), the relevant court may, where it considers it necessary in the interests of justice so to do, permit the applicant to have such access to all or such part of the relevant record concerned as is specified in the order made on the application, by such means and at such time or times as may be

specified in that order and on such terms and under such conditions (including terms restraining the publication, dissemination or further disclosure of all or any part of the relevant record by the applicant, and the giving of an undertaking to such effect) as the relevant court may direct.

(5) Unless the relevant court otherwise directs, access to the relevant record concerned shall, where permitted under sub-rule (4), be afforded solely by the provision to the applicant of a transcript of all or any part of that record, on payment by the applicant to the transcript writer of the transcript writer's fee for producing the transcript."

EXPLANATORY NOTE

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

These rules amend Order 123 of the Superior Courts Rules to provide for the procedure regulating applications for access to a record made of court proceedings, including an audio recording.

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