



STATUTORY INSTRUMENTS.

S.I. No. 596 of 2014



DISTRICT COURT (FORMS) RULES 2014

DISTRICT COURT (FORMS) RULES 2014

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961, and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice and Equality, make the following rules of court.

Dated this 24th day of February 2014.

Rosemary Horgan Chairperson

Mary C Devins

Brian Sheridan

Conal Gibbons

Anne Watkin

Fiona Twomey

Roy Pearson

Noel A Doherty

Michelle Johnston

I concur in the making of the following rules of court.

Dated this 18th day of December, 2014.

FRANCES FITZGERALD,
Minister for Justice and Equality

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 2nd January, 2015.*

S.I. No. 596 of 2014

DISTRICT COURT (FORMS) RULES 2014

1.—(1) These Rules, which may be cited as the District Court (Forms) Rules 2014, shall come into operation on the 31st day of December, 2014.

(2) These Rules shall be construed together with the District Court Rules 1997 (S.I. No. 93 of 1997) and all other District Court Rules.

(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2014.

2. The Forms numbered 17.6, 17.7, 17.12A, 17.12B, 24.3, 24.4, 24.5, 24.6, 24.7, 27.10, 27.11 and 27.12 in the Schedule are respectively substituted for the Forms bearing the like numbers in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997).

3. The Form numbered 40.02 in the Schedule is substituted for the Form bearing the like number in Schedule C of the District Court Rules 1997 (S.I. No. 93 of 1997).

Schedule

17.6

Schedule B

O.17 r. 8(1)

OFFENCES AGAINST THE STATE ACT 1939, Section 30A(1)
(as substituted by the Criminal Justice (Amendment) Act 2009, section 21)

INFORMATION

District Court Area of

District No.

The information ofof.....a
member of the Garda Síochána not below the rank of Superintendent who says
on oath:

.....of.....was arrested pursuant to the
provisions of Section 30 of the above-mentioned Act on the day of
20... atam/pm and was detained pursuant to a direction under Section
30(3) of the said Act on suspicion of having committed an offence to wit;

.....
contrary to.....
and was released without any charge having been made against *him/*her.

*FURTHER information has come to the knowledge of the Garda Síochána
since the release of the said as to *his/*her suspected par-
ticipation in

*the said offence to which the detention related,
*the following offence (being another offence of which, at the time
of the first arrest, the member of the Garda Síochána by whom he was
arrested, suspected, or ought reasonably to have suspected, *him/*her
of having committed), to wit:.....

contrary to

*Notwithstanding that the Garda Síochána had knowledge, prior to the release
of the said, of *his/*her suspected participation in an offence,
to wit:.....

contrary to.....
for which offence *his/*her arrest is now sought in this application, the question-
ing of the said person in relation to that offence, prior to *his/*her release,
would not have been in the interests of the proper investigation of the offence.

*The said further information is as follows/*My reasons for so saying are as
follows:

And I hereby apply for the issue of a warrant for the arrest of

Signed.....

Informant

Sworn before me this day of 20....

Signed.....

Judge of the District Court

*Delete where inapplicable

OFFENCES AGAINST THE STATE ACT 1939, Section 30A(1)
(assubstituted by the Criminal Justice (Amendment) Act 2009, section 21)

WARRANT TO ARREST

District Court Area of

District No.

WHEREAS from the information on oath and in writing sworn before me by....., a member of the Garda Síochána not below the rank of Superintendent, it appears that..... was arrested pursuant to the provisions of section 30 of the above-mentioned Act on the.....day of.....20... at.....am/pm and detained pursuant to a direction under Section 30(3) of the Act on suspicion of having committed an offence to wit;

contrary to.....
and was released without any charge having been made against *him/*her.

AND WHEREAS FROM SAID INFORMATION I AM SATISFIED THAT

*FURTHER information has come to the knowledge of the Garda Síochána since the release of the said as to *his/*her suspected participation in

- *the said offence to which the detention related,
- *the following offence (being another offence of which, at the time of the first arrest, the member of the Garda Síochána by whom he was arrested, suspected, or ought reasonably to have suspected, *him/*her of having committed), to wit:.....

contrary to

*Notwithstanding that the Garda Síochána had knowledge, prior to the release of the said, of *his/*her suspected participation in an offence, to wit:.....

contrary to.....
for which offence *his/*her arrest was sought in this application, the questioning of the said person in relation to that offence, prior to *his/*her release, would not have been in the interests of the proper investigation of the offence.

THIS IS TO AUTHORISE YOU to whom this warrant is addressed to arrest the saidof.....

Dated this day of 20....

Signed.....
Judge of the District Court

To Superintendent.....

of the Garda Síochána at.....

*Delete where inapplicable

CRIMINAL JUSTICE (DRUG TRAFFICKING) ACT 1996, SECTION 4(1)
(as substituted by the Criminal Justice (Amendment) Act 2009, section 22)

INFORMATION

District Court Area of

District No.

.....Prosecutor

.....Accused

The information ofof.....a
member of the Garda Síochána not below the rank of Superintendent who says
on oath:

..... of was arrested without warrant on
..... day of 20.... at.....am/pm and was detained pursuant to a direc-
tion under Section 2(2) of the said Act on suspicion of having committed an
offence to wit;

contrary to.....
and was released without any charge having been made against him.

*FURTHER information has come to the knowledge of the Garda Síochána
since the release of the said as to *his/*her suspected partici-
pation in an offence to wit:
contrary to.....

*Notwithstanding that the Garda Síochána had knowledge, prior to the release
of the said, of *his/*her suspected participation in an offence, to
wit:.....

.....
contrary to.....
for which offence *his/*her arrest is now sought in this application, the question-
ing of the said person in relation to that offence, prior to his release, would not
have been in the interests of the proper investigation of the offence.

*The said further information is as follows/*My reasons for so saying are as
follows:

.....
.....

And I hereby apply for the issue of a warrant for the arrest of

Signed.....

Informant

Sworn before me this day of 20....

Signed.....

Judge of the District Court

*Delete where inapplicable

CRIMINAL JUSTICE (DRUG TRAFFICKING) ACT 1996, SECTION 4(1)
(as substituted by the Criminal Justice (Amendment) Act 2009, section 22)

WARRANT TO ARREST

District Court Area of

District No.

WHEREAS from the information on oath and in writing sworn before me by
....., a member of the Garda Síochána not below the rank of Superin-
tendent, it appears that..... was arrested without war-
rant on the.....day of.....20...at.....am/pm and detained pursuant to a
direction under Section 2(2) of the Act on suspicion of having committed an
offence to wit;

contrary to.....
and was released without any charge having been made against him.

AND WHEREAS FROM SAID INFORMATION I AM SATISFIED THAT

*FURTHER information has come to the knowledge of the Garda Síochána
since the release of the said as to *his/*her suspected partici-
pation in an offence to wit:
contrary to.....

*Notwithstanding that the Garda Síochána had knowledge, prior to the release
of the said, of *his/*her suspected participation in an offence,
to wit:

.....
contrary to.....
for which offence *his/*her arrest was sought in this application, the questioning
of the said person in relation to that offence, prior to his release, would not
have been in the interests of the proper investigation of the offence.

THIS IS TO AUTHORISE YOU to whom this warrant is addressed to arrest
the saidof.....

Dated this day of 20....

Signed.....
Judge of the District Court

To Superintendent.....

of the Garda Síochána at.....

*Delete where inapplicable

Schedule B
O.24, r. 7(1)

No. 24.3

CRIMINAL PROCEDURE ACT 1967
(as amended by section 37 of the Criminal Procedure Act 2010)

Section 4B(1)(b)(i)

Statement of Charges

District Court Area of

District No.

.....Prosecutor

.....Accused

The above-named accused is charged as follows:-

(here set out copy of each charge that has been preferred against the accused)

Dated this day of 20....

Signed.....

by or on behalf of Prosecutor

No. 24.4

CRIMINAL PROCEDURE ACT 1967
(as amended by section 37 of the Criminal Procedure Act 2010)

Section 4B(1)(b)(ii)

Copy of Sworn Information

District Court Area of

District No.

.....Prosecutor

.....Accused

Schedule B
O.24, r. 7(1)

No. 24.5

CRIMINAL PROCEDURE ACT 1967
(as amended by section 37 of the Criminal Procedure Act 2010)

Section 4B(1)(b)(iii)

List of Witnesses

District Court Area of

District No.

.....Prosecutor

.....Accused

The following is a list of the witnesses whom it is proposed to call at the trial:-

No. Name

.....

.....

Dated this day of 20....

Signed.....

by or on behalf of Prosecutor

No. 24.6

CRIMINAL PROCEDURE ACT 1967
(as amended by section 37 of the Criminal Procedure Act 2010)

Section 4B(1)(b)(iv)

Statement of Evidence

District Court Area of

District No.

.....Prosecutor

.....Accused

Statement of the evidence that is to be given by.....

(witness no.):-

Schedule B
O.24, r. 7(1)

No. 24.7

CRIMINAL PROCEDURE ACT 1967
(as amended by section 37 of the Criminal Procedure Act 2010)

Section 4B(1)(b)(vii)

List of Exhibits

District Court Area of

District No.

.....Prosecutor

.....Accused

Number or other identifying mark on exhibit	Description of exhibit

Dated this day of 20....

Signed.....

by or on behalf of Prosecutor

BAIL ACT 1997, Section 9(10)
(as inserted by Criminal Justice (Miscellaneous Provisions) Act 2009, Section 48)

APPLICATION TO VARY/DISCHARGE ORDER IN RESPECT OF
BAIL RECOGNISANCE

District Court Area of

District No.

Accused

Of

*Case No:.....

*Fine No:.....

*Charge Sheet/Summons:.....

..... Applicant

I am the *accused/*surety to a recognisance entered into on the day of
..... 20.... in the above case

And whereas on the day of 20.... the Court made an order in
accordance with section 9(1) of the Bail Act 1997 in respect of the said
recognisance.

I hereby apply to the sitting of the District Court at..... on the
..... day of 20.... at..... a.m. / p.m. to vary/discharge the said order.

Signed.....

Applicant

To..... Prosecutor

To: District Court Clerk

District Court Office at.....

No. 27.11

Schedule B
O.27, r.9

BAIL ACT 1997, Section 9(10)
(as inserted by Criminal Justice (Miscellaneous Provisions) Act 2009, Section
48)

ORDER VARYING/DISCHARGING ORDER IN RESPECT OF BAIL
RECOGNISANCE

District Court Area of

District No.

Accused

Of

*Case No:.....

*Fine No:.....

*Charge Sheet/Summons:.....

..... Applicant

Whereas the above-named applicant entered into a recognisance on the
day of 20.... in the above case as *accused/*surety

And whereas on the day of 20.... the Court made an order in
accordance with section 9(1) of the Bail Act 1997 in respect of the said
recognisance.

Upon hearing an application to the Court this day to vary/discharge the said
order.

THE COURT ORDERED:

Dated this day of 20....

Signed.....

Judge of the District Court

To..... Prosecutor

[And to:

BAIL ACT 1997, Section 9(12)
(inserted by Criminal Justice (Miscellaneous Provisions) Act 2009, Section 48)

WARRANT OF COMMITTAL
(on non-compliance with an order under section 9(1)(i) or section 9(10))

District Court Area of

District No.

*Accused
of.....

†Surety
of.....

*Case No:.....

*Fine No:.....

*Charge Sheet/Summons:.....

WHEREAS a recognisance was entered into on the day of 20....
by the

*above-named accused in the sum of €.....

†above-named surety,....., in the sum of €.....

conditioned as therein set out

AND WHEREAS at a sitting of the District Court at..... on
the..... day of 20....,

*the said accused failed to appear in accordance with the said recognisance

*the said accused appeared before the Court in accordance with section 9(7) of
the Bail Act 1997 and the Court was satisfied that the said accused had contra-
vened a condition of the recognisance namely.....

And the Court made an order

under section 9(1)(i) of the Bail Act 1997 estreating the said recognisance in
the amount of €..... against, the above-named
*accused,...../†surety....., and ordering that the said
sum be paid by the said within a period of..... in default of
payment a warrant for the committal of to prison to be issued.

AND WHEREAS notice pursuant to section 9(9) of the Bail Act 1997 was
given to the above-named *accused,..... / †surety....., byon

the day of 20...of the making of the said order under section 9(1)(i) of the Bail Act 1997 and stating that an application to vary or discharge the order may be made to the Court within 21 days from the date of the issue of the notice.

*AND WHEREAS at a sitting of the District Court at on the day of 20... the Court made an order under section 9(10) of the Bail Act 1997 varying the said order of estreatment by ordering that the said recognisance be estreated in the amount of €..... against, the above-named *accused, / †surety....., and ordering that the said sum be paid by the said within a period of..... in default of payment a warrant for the committal of to prison to be issued.

AND WHEREAS the said order made on the day of 20... *(as varied on the day of 20...) has not been complied with

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest the said..... of..... and to lodge him/her in the prison at..... to be imprisoned there for the period of..... unless the said sum of €..... be sooner paid.

Dated this day of 20....

Signed:.....
Judge of the District Court

To the Superintendent of the Garda Síochána at.....

*Delete where inapplicable
†applies only to a surety

Claim notice: debt claim not exceeding €15,000

Schedule C
O.40, r. 5

District Court Area of

District No.

Record number:

Between

.....Claimant

..... Respondent

CLAIM NOTICE: DEBT CLAIM

This claim notice is issued at the request of the claimant(s), who makes a claim in the District Court to recover against the respondent damages not exceeding €15,000 for *debt *liquidated damages

Particulars of first claimant:

Name	
Address	*(in the above Court *(area) and district)
*Solicitor	
Address for service of documents	

[Repeat particulars for second and any subsequent claimant]

Particulars of first respondent:

Name	
Address	*(in the above Court *(area) and district)
*Solicitor (if known)	
Address for service of documents (if known)	

[Repeat particulars for second and any subsequent respondent]

STATEMENT OF CLAIM

[Set out in numbered paragraphs a statement of all material facts on which the claimant relies, including necessary particulars of such fact, which must include the place where and the date when the claim arose, but not the evidence by which those facts are to be proved. Specify in that statement the specific provisions of any enactment that is relied on and the amount or other relief or remedy sought. An example is provided at the end of this form.]

LIST OF CORRESPONDENCE AND OTHER DOCUMENTS ON WHICH
THE CLAIMANT WILL RELY AT TRIAL

	Document	Date	Description
1	<i>e.g. letter of offer</i>	<i>1 September 2013</i>	<i>Letter of offer from the claimant to the respondent</i>
2	<i>e.g. contract</i>	<i>10 September 2013</i>	<i>Contract signed by the claimant and the respondent</i>
Etc			

(A) IF YOU DISPUTE THE CLAIM and wish to defend the proceedings, then you must give, or send by post, to the claimant or claimant’s solicitor at the address for service mentioned above an appearance and defence in Form 42.03, Schedule C of the District Court Rules, not later than 28 days after the service on you of this claim notice, and at the same time file a copy of your appearance with the District Court Clerk at the address below.

(B) IF YOU PAY THE AMOUNT of €..... and costs of €..... to the claimant or the claimant’s solicitor within ten days and without filing and serving an appearance and defence you may avoid further costs.

IF YOU DO NOT ACT IN ACCORDANCE WITH (A) OR (B) ABOVE you will be held to have admitted the claim and the claimant may, without further notice to you, lodge an affidavit of debt in the District Court, obtain judgment and proceed to execution for the full amount claimed and costs.

Signed:.....
*(Solicitor for) Claimant

To the respondent(s) at the address(es) given above

This claim notice is issued at.....on the day of
20.... bythe District Court Clerk assigned to the above Court
area and district

*Delete where inapplicable

Sample statement of claim: debt claim

Outstanding invoices

1. The claimant is a wholesale supplier of food and ingredients to the catering industry, and operates his business from 1 Main Street, Dublin 4.
2. The respondent is the operator of a restaurant at 6 New Street, Dublin 4, within the Court area and Court district mentioned above.
3. The claimant has supplied food and ingredients to the respondent since 1997. Since 2012, the respondent's payments have been erratic and often considerably in arrears.
4. The claimant's claim is to recover against the respondent the sum of €9,500.00 being the amount due and owing to the claimant by the respondent pursuant to invoices issued in the course of business by the claimant to the respondent on foot of the respondent's account with the claimant for the supply of food and ingredients.
5. Despite demands made in writing (details of which are set out below), the respondent has failed, refused and/or neglected to pay the amount due and owing to the claimant of €9,500.00, which remains due and owing by the respondent to the claimant after all just credits and allowances.

PARTICULARS OF AMOUNT DUE

Date of invoice or payment	Amount invoiced €	Amount paid €	Balance due €
1 January 2013	4,000.00		4,000.00
20 January 2013		1,500.00	2,500.00
6 February 2013	1,200.00		3,700.00
26 February 2013	2,300.00		6,000.00
4 March 2013		500.00	5,500.00
9 April 2013	3,100.00		8,600.00
16 May 2013	2,400.00		11,000.00
2 June 2013		1,500.00	9,500.00
Total due			9,500.00

EXPLANATORY NOTE

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

These Rules amend the District Court Rules by the substitution respectively of forms numbered 17.6, 17.7, 17.12A, 17.12B, 24.3, 24.4, 24.5, 24.6, 24.7, 27.10, 27.11 and 27.12 in Schedule B and form number 40.02 in Schedule C for the forms bearing the like numbers in Schedule B and Schedule C of the District Court Rules 1997 (S.I. No. 93 of 1997).

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
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