



STATUTORY INSTRUMENTS.

S.I. No. 498 of 2020



DISTRICT COURT (SERVICE IN LICENSING MATTERS) RULES 2020

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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, and of all other powers enabling them in this behalf, do hereby, with the concurrence of the Minister for Justice and Equality, make the following rules of court.

Dated this 28th day of July 2020.

Colin Daly

Chairperson

Patrick Durkan

Shane McCarthy

Riobard Pierse

James Finn

Lisa Scott

I concur in the making of the foregoing rules

Dated this 30th day of October 2020

HELEN MCENTEE

Minister for Justice and Equality

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DISTRICT COURT (SERVICE IN LICENSING MATTERS) RULES 2020

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:-

1.(1) These Rules, which shall come into operation on the 10th day of November 2020, may be cited as the District Court (Service in licensing matters) Rules 2020.

(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 2020.

2. The District Court Rules 1997 (S.I. No. 93 of 1997) are amended by the insertion in Order 41, immediately following rule 20, of the following rule:

“21 Electronic service in licensing matters

21. (1) This rule applies to licensing matters within the original jurisdiction of the Court.

(2) In this rule:

“electronic system” means an electronic system for the time being made available by the Courts Service which enables permitted users, officers of the Court and members of the staff of the Courts Service to transmit and receive documents and information concerning applications before the Court;

“permitted user” means a person who is for the time being permitted to use the electronic system;

“terms and conditions of use of the electronic system” means any terms and conditions of use of the electronic system for the time being published, on a website maintained by it or otherwise, by the Courts Service or notified by the Courts Service to permitted users.

(3) Notwithstanding any other provision of these Rules, and subject to compliance by the permitted user with the terms and conditions of use of the electronic system, a party to or person interested in any licensing matter before the Court or intended to be brought before the Court (or a solicitor acting for such party or person) may be designated as a permitted user and when so designated is thereby permitted:

- (i) to deliver to or file or lodge with the Clerk by electronic means through the electronic system any application which

may be made to the Court and any document which may be delivered, filed or lodged in any such application,

- (ii) to serve by electronic means through the electronic system any document or notice concerning such application upon any person required by statute or these Rules to be served with, or put on notice of, any such application, document or notice, provided that: (a) such service may be effected by the Clerk (or by a member of the staff of the Courts Service acting with the authority of the Clerk) on behalf of the person serving such document or notice, and (b) such service is deemed not to be effective unless the person to be served is a permitted user.

(4) Any other document or information concerning such application may be transmitted to a permitted user by or on behalf of the Court or Clerk by electronic means through the electronic system.

(5) A document transmitted by electronic means through the electronic system may be authenticated, and the identity of the person in whose name it has issued may be verified, by being—

- (a) transmitted from an information system or e-mail address of a permitted user, accepted for the purpose of this rule by the Courts Service, or
- (b) transmitted to or created within the electronic system by or on behalf of the Clerk or by a permitted user,

without the need for the incorporation in the document of a manuscript signature of the person in whose name it has issued.

(6) If a permitted user is not complying with the terms and conditions (or any of them), permission to use the electronic system may be withdrawn in respect of that user.

(7) An originating notice of application submitted for issue by electronic means in accordance with this rule is deemed to be issued when it has been assigned a record number and/or a return date.

(8) Where an originating notice of application or a notice of motion is issued in accordance with the preceding provisions of this rule,

- (a) a print or copy of the originating notice of application or notice of motion as transmitted for issue shall, when issued, be treated as the original of that document, and
- (b) the Clerk may certify any printed version of such document as a certified copy of the original.”

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

These rules amend Order 41 by the insertion of rule 21 to provide for a permitted user, in respect of licensing matters only, to create a notice of application electronically and for electronic service to be effected, by or on behalf of the Clerk, on any person required by law to be put on notice through the Courts Service electronic system.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2,
D02 DR67.

Teil: 076 110 6834
r-post: publications@opw.ie

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2,
D02 DR67.

Tel: 076 110 6834
E-mail: publications@opw.ie

€3.00

