



STATUTORY INSTRUMENTS.

**S.I. No. 217 of 2025**

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CIRCUIT COURT RULES (DIGITAL) 2025

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We, the Circuit Court Rules Committee, constituted pursuant to the provisions of section 69 of the Courts of Justice Act 1936, by virtue of the powers conferred on us by section 66 of the Courts of Justice Act 1924, section 70 of the Courts of Justice Act 1936 (as applied by section 48 of the Courts (Supplemental Provisions) Act 1961), section 27 of the Courts (Supplemental Provisions) Act 1961, and sections 20 and 21 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020, with the concurrence of the Minister for Justice, make the annexed Rules of Court.

Dated this 5<sup>th</sup> day of November 2024.

Patricia Ryan (Chairperson)

John Aylmer

Tomás Keys

Martin Lawlor

Siún Hurley

Ann Spaine

Patricia Hickey

Brídín Concannon

James Finn

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

Dated this 28th day of May 2025.

Signed:

Jim O'Callaghan  
Minister for Justice

S.I. No. 217 of 2025

CIRCUIT COURT RULES (DIGITAL) 2025

1. (1) These Rules, which may be cited as the Circuit Court Rules (Digital) 2025, shall come into operation on the 18th day of June 2025.

(2) These Rules shall be construed together with the Circuit Court Rules 2001 to 2025.

(3) The Circuit Court Rules 2001 to 2025 as amended by these Rules may be cited as the Circuit Court Rules 2001 to 2025.

2. The Circuit Court Rules are amended:

- (i) by the insertion immediately following sub-rule (2) of rule 1 of Order 4 of the following sub-rules:

“(2A) Where any provision of these Rules or the existing practice of the Court requires that any court document or document be signed, such requirement shall be satisfied in the case of any court document or document transmitted or to be transmitted by digital delivery by the inclusion of an electronic signature within the meaning of section 2 of the Electronic Commerce Act 2000 and/or Article 3 of Regulation 910/2014/EU, which is used in accordance with the requirements of that Act and/or that Regulation.

(2B) Where any provision of these Rules or the existing practice of the Court requires that any court document or document be sealed, such requirement may be satisfied in the case of any court document or document transmitted or to be transmitted by digital delivery by the inclusion of an electronic seal in accordance with Regulation 910/2014/EU.”;

- (ii) by the insertion in Order 4, immediately following sub-rule (4) of rule 1, of the following sub-rule:

“(5) The proper officer may certify any printed version of the legible content of any original document which was transmitted to or by the proper officer by digital delivery as a certified copy of the original.”;

- (iii) by the insertion in Order 7, immediately following rule 4, of the following rule:

“4A. A digital user (within the meaning of Order 11A) may file and/or serve a third party notice by digital delivery, where same is for the time being authorised in accordance with Order 11A and, in the case of service, where the third party or third party’s solicitor is or becomes a digital user.”;

- (iv) by the insertion in Order 11, immediately following rule 5, of the following rule:

“5A. Notwithstanding rule 5, where service of a Civil Bill which has been issued in accordance with Order 11A is effected by digital delivery on a defendant, or the solicitor for a defendant, who is or becomes a digital user (within the meaning of Order 11A) who has consented to digital delivery of the document, no further service of the Civil Bill on that defendant is required.”;

- (v) by the insertion in Order 11, immediately following rule 19, of the following rule:

“19A. Notwithstanding rule 19, where service of a document referred to in rule 19 which has been issued in accordance with Order 11A is effected by digital delivery on a person, or the solicitor for a person, who is or becomes a digital user (within the meaning of Order 11A) who has consented to digital delivery of the document, no further service of the document concerned on that person is required.”;

- (vi) by the insertion immediately following Order 11 of the Order set out in Schedule 1;

- (vii) by the insertion in Order 15, immediately following sub-rule (2) of rule 1, of the following sub-rule:

“(2A) A digital user (within the meaning of Order 11A) may file and/or serve an appearance by digital delivery, where same is for the time being authorised in accordance with Order 11A and, in the case of service, where the plaintiff or plaintiff’s solicitor is or becomes a digital user (and subject to the provisions of Order 5, rule 4).”;

- (viii) by the insertion in Order 15, immediately following rule 4, of the following rule:

“4A. A digital user (within the meaning of Order 11A) may deliver a Defence by digital delivery, where same is for the time being authorised in accordance with Order 11A, where the plaintiff or plaintiff’s solicitor is or becomes a digital user.”;

- (ix) by the insertion in Order 15, immediately following rule 7A, of the following rule:

“7B. A digital user (within the meaning of Order 11A) may file and/or serve an appearance by digital delivery, where same is for the time being authorised in accordance with Order 11A and, in the case of service, where the applicant or appellant or his or her solicitor is or becomes a digital user.”;

- (x) by the insertion immediately following Order 25 of the Order set out in Schedule 2;
- (xi) by the insertion in Order 41, immediately following rule 1, of the following rule:
 

“1A. Where same is for the time being authorised in accordance with Order 11A, transmission of the appeal documents may be effected by digital delivery.”;
- (xii) by the insertion in Order 41, immediately following rule 8, of the following rule:
 

“8A. Where the appeal documents have been transmitted by digital delivery in accordance with rule 1A, such documents need not be returned to the Clerk and the certification required by rule 8 may be effected by digital delivery.”;
- (xiii) by the insertion in Order 62, immediately following rule 5, of the following rule:
 

“5A. Where same is for the time being authorised in accordance with Order 11A, signature of the case stated may be by electronic signature in accordance with Order 4, rule 1(2A), and transmission of the case stated may be effected by digital delivery.”;
- (xiv) by the substitution for rule 2 of Order 67 of the following rule:
 

“2. Subject to the provisions of Order 11A, rule 3, in the case of digital delivery, all documents and forms for filing in the Office, or for service in connection with proceedings in the Court, with the exceptions of accounts, maps, and plans, shall be written, printed, or typewritten on A4-size paper. All documents intended for filing shall be properly indorsed with the short title of the proceeding upon a page left blank for that purpose.”; and
- (xv) by the substitution for rules 4 and 5 of Order 67 of the following rules respectively:
 

“4. (1) The Schedules to these Rules shall be taken to be part of the Rules, and all forms therein contained, or suitable forms to the like effect, may be used where the same are applicable, and shall be good and sufficient. Where by these Rules any party is required to give notice according to a form mentioned in any Schedule to these Rules, it shall be sufficient if the notice complies substantially with such form.

(2) Notwithstanding sub-rule (1), acceptance of valid completion of all required fields in any document for the time being authorised for digital delivery shall be deemed

to satisfy the requirements of any prescribed form for the document concerned, unless the Court otherwise directs.

5. (1) Where no forms are provided, parties shall frame the documents, using as guides the forms contained in the Schedules.

(2) Notwithstanding sub-rule (1), where no form is prescribed but a process for submission is for the time being available by digital delivery, completion of the digital delivery process shall be sufficient, unless the Court otherwise requires.”.

## Schedule 1

### “Order 11A

#### Requirements as to form and delivery of pleadings, documents, and notices used in civil proceedings in the Court.

### I. Definitions

#### *Definitions*

1. In this Order:-

references to the “proper officer” are references to the Combined Court Office manager for the time being responsible for the management of the Office of the Court for the relevant county, and where the context so admits or requires, include reference to a member of the staff of the Courts Service assigned to the Circuit Court for the circuit and/or county concerned and for the time being authorised to receive or issue any court document on behalf of the Combined Court Office manager;

“court document” includes any civil bill, pleading, notice, affidavit, or other document required by these Rules to be lodged with the proper officer in or in connection with any civil proceeding;

“non-personal delivery in hard copy” of a court document means:

- (a) delivery of that document in hard copy to the proper officer:
  - (i) by pre-paid registered post,
  - (ii) by pre-paid ordinary post, or
  - (iii) through a document exchange service accepted by the proper officer, or
- (b) deposit of that document in hard copy in a box or at a facility maintained for the purpose by the proper officer,

in accordance with any conditions stipulated in the manner provided in rule 8, but does not include digital delivery;

“digital delivery” of a court document or other document means delivery of that document by electronic means:

- (i) by a digital user to the proper officer,
- (ii) by or on behalf of the proper officer to a digital user, or
- (iii) by a digital user to another digital user (including a digital user who is a party, or who is the solicitor for a party),

in accordance with any conditions stipulated in the manner provided in this Order;

“digital user” means:

- (i) a solicitor, a firm of solicitors, or a legal partnership acting through a person or persons authorised for the purpose by that firm or partnership, or

- (ii) a party suing or defending in person,

which is or who is for the time being authorised to deliver to a court office or court officer and to receive from a court office or court officer by digital means any court document or other document which may be lodged or filed in or delivered to the Court in or in connection with any proceedings or category of proceedings or in any stage or step in such proceedings, in respect of which digital delivery is for the time being authorised in accordance with section 20 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020;

“network” means an electronic information and communications network or system maintained and supported by the Courts Service for the purposes of use by court users in civil proceedings, for the time being in use in or for the purposes of the Court, to which digital users have access, and which is used or capable of use for digital delivery;

“personal delivery” means lodgment with the proper officer of a court document in hard copy, together with any copy required and proof of payment of any court fee required (where necessary, endorsed on the court document), by attendance at the Office.

## **II. Form of documents and provision of copies**

### *Notices in writing*

2. (1) All notices and notifications required by these Rules must be given in writing, unless expressly permitted by the Court to be given orally.

(2) Nothing in this Order operates to require a document delivered in electronic form, including by digital delivery, to be printed.

### *Form of documents*

3. (1) Any document for use in Court which is required or permitted to be filed or lodged with the proper officer by delivery in person (of a hard copy) or by delivery by post (of a hard copy) must be clearly and legibly printed or written on A4-size paper.

(2) Where a document is for the time being authorised in accordance with this Order to be filed or lodged with the proper officer by digital delivery or to be produced in digital form (in soft copy) for use in Court, such document may comprise or include:

- (a) information transmitted in the form of an electronic document or other electronic data to a network (including, for the avoidance of doubt, a statement of truth), and
- (b) information made available to a digital user on a network to which the digital user concerned has secure access,

which is capable of being presented or reproduced in legible form,

and any such document need not be provided in printed form, notwithstanding any other provision of these Rules.



*Provision of copy documents*

4. Any party who is entitled to a copy of a document which has been filed by or on behalf of another party may request such a copy from the party who filed it, and if that party fails to provide a copy, the party seeking the document may obtain a copy from the proper officer.

*Provision of copies*

5. Where a document has been filed or lodged by digital delivery, the party who has filed it or his or her solicitor may satisfy a request for a copy by providing a legible print which corresponds entirely in its content with the digital original document, or by providing a certified copy of such a legible print.

*Copy certified by proper officer*

6. The proper officer may certify a copy of an original document or a legible print of a document which has been filed by digital delivery.

**III. Lodgment or filing of documents by personal delivery***Personal delivery at office*

7. Lodgment or filing of documents may be effected by personal delivery during the hours at which the Office is open to the public.

**IV. Lodgment or filing of documents by non-personal delivery in hard copy***Conditions for non-personal delivery in hard copy*

8. (1) The proper officer may stipulate conditions, to be published in such manner as the proper officer may approve, subject to which non-personal delivery in hard copy of a court document may be effected.

(2) Such conditions referred to in sub-rule (1) may be particular or general, and may include a requirement for the discharge of the expense of returning any court document, or copy of such document, by particular means to the person who has delivered it. Where no such conditions are for the time being stipulated, the existing practice shall continue to be used.

(3) Where a provision of these Rules requires or authorises a party or person to lodge or file any court document, such lodgment or filing may be effected by non-personal delivery in hard copy in accordance with any condition stipulated for that means of non-personal delivery in hard copy.

*Additional requirements for non-personal delivery in hard copy*

9. (1) Where any court document is authorised to be lodged by non-personal delivery in hard copy:

- (a) the court document must be accompanied by such document, if any, as is required under any conditions stipulated concerning non-personal delivery in hard copy in accordance with rule 8;
- (b) where payment of a court fee is chargeable in respect of the lodgment of the court document, the court document shall not be used unless and until payment of the applicable court fee is recorded by a means for the time being authorised for the recording of the payment of a court fee;
- (c) the date of lodgment of the document is, unless the contrary is proven, deemed to be the date of lodgment recorded in any record kept for the purpose in the Office or by or on behalf of the officer concerned and such date may be endorsed on the court document and any copies by or on behalf of the proper officer;
- (d) for the purpose of fixing the return date of any originating document lodged for issue by non-personal delivery in hard copy, a period of four days shall, in any case in which service is necessary, be allowed, subject to the provisions of any order of the Court in that regard;
- (e) there must be delivered with any court document lodged by non-personal delivery in hard copy so many copies of that document and of such other documents as would be required on the personal delivery of that court document.

(2) Where a court document, having been issued, has been returned to the party or person who lodged it for issue by non-personal delivery in hard copy, and that court document is not received by that party or person within a reasonable time after it is sent,

- (a) the Office or officer concerned may, at the request of that party or person, furnish to that person-
  - (i) a copy of any duplicate or copy of the court document concerned retained by the Office or officer, with a certificate endorsed thereon confirming the issue of the court document to which the duplicate or copy relates,
  - (ii) a certificate as to any record made of the issue of the court document concerned, and
- (b) the party or person may, subject to and in accordance with any order or direction of the Court, proceed on a copy of the court document certified in accordance with paragraph (a)(i) or, where the Court so permits, a copy of the court document lodged for issue, certified by the party who lodged it or his or her solicitor to be a true copy of the court document lodged, and a certificate given in accordance with paragraph (a)(ii).

*Exception where documents required to be delivered by personal delivery*

10. The provisions of rules 8 and 9 do not apply to any class of court documents or documents in respect of which the President of the Court has by Practice Direction directed or the Judge has directed must be lodged by personal delivery.

**V. Lodgment or filing of documents by digital delivery**

*This Part prevails where digital delivery is concerned*

11. (1) In the event that any conflict arises between the provision of any rule of this Order and any other provision of these Rules, the provision of the rule of this Order will, in respect of the digital delivery of any document, prevail.

(2) The provisions of this Order are without prejudice to the use of and permission of access to any network used for any purpose not regulated by these Rules.

*Authorisation of digital delivery of court documents or documents*

12. (1) Having consulted with the Chief Executive Officer of the Courts Service, the President of the Court may, from time to time, by Practice Direction, authorise (including on a temporary or trial basis) the use of digital delivery by or in respect of any:

- (i) category or class of proceedings or of applications within proceedings, either in any specified circuit or county or generally;
- (ii) category or class of documents, either in any specified circuit or county or generally;
- (iii) category or class of parties, legal representatives, and/or other persons interested in proceedings (in this rule a “court user”), either in any specified circuit or county or generally.

(2) Unless otherwise expressly provided in such Practice Direction where the use of digital delivery is authorised in accordance with sub-rule (1), such delivery will be an alternative to any other method by which such document could be filed, lodged, issued, or transmitted by or to the party or person concerned.

(3) A network operated for the purposes of digital delivery is, for the purposes of the delivery of any court document or document to any proper officer, deemed to be operational only during the hours during which the Office is open to the public.

(4) Any period when a network operated for the purposes of digital delivery is inoperative will be treated, for the purposes of Order 67, rule 12, as a period during which the Office is closed.

*Conditions for becoming digital user*

13. (1) A natural person may not be authorised to become a digital user unless:

- (a) such person has first submitted sufficient evidence of his or her identity which may, without limitation, include:
  - (i) production of the original or a certified copy of a relevant document (within the meaning of section 2 of the Statutory Declarations Act 1938);
  - (ii) provision of the personal public service number (within the meaning of section 262 of the Social Welfare Consolidation Act 2005) issued to the person;
  - (iii) provision of proof of the person's residential address; and
- (b) such person has undertaken to comply with any published terms and conditions of use of the network concerned for the purposes of digital delivery.

(2) A firm of solicitors or legal partnership may not be authorised to become a digital user unless:

- (i) the firm or partnership has first submitted sufficient evidence of its establishment and standing;
- (ii) the firm or partnership has submitted sufficient evidence of the identity of each natural person authorised on behalf of the firm to transmit court documents through the network by digital delivery;
- (iii) the firm or partnership has undertaken to comply with any published terms and conditions of use of the network concerned for the purposes of digital delivery.

*Additional conditions for use of the network*

14. The Chief Executive Officer of the Courts Service may, with the approval of the President of the Court in respect of proceedings in the Court, stipulate additional conditions for use of the network.

*Documents transmitted by digital delivery*

15. (1) Any court document transmitted by digital delivery by or on behalf of a party must:

- (a) contain:
  - (i) the name and registered place of business of the solicitor for the party transmitting or delivering the same or, as the case may be;
  - (ii) the name and place of residence, or address for service, of any party suing or appearing in person;

- (b) include the name of the natural person transmitting the court document concerned;
- (c) where submitted otherwise than by the party himself or herself, include a statement that the court document is submitted with the authority of the party on whose behalf it is submitted.

(2) Any document other than a court document which is transmitted by or on behalf of a party by digital delivery as a copy in electronic form of an original document must have endorsed on or associated with such copy a certificate given by the party or by a named solicitor that the copy has been compared to, and is a true copy of, the original document.

(3) Where any court document is required or authorised to be filed or lodged by digital delivery:

- (a) the court document must be accompanied by such information, if any, as is required under any conditions stipulated concerning digital delivery in accordance with rule 14;
- (b) where a court fee is chargeable in respect of the court document, the court document may not be used unless and until payment of the applicable court fee is recorded by a means for the time being authorised for the recording of the payment of a court fee;
- (c) the date of filing, lodgment, or, as the case may be, issue of the court document shall, unless the contrary is proven, be deemed to be the date of filing, lodgment, or, as the case may be, issue recorded in any record kept for the purpose in the Office or on the network by or on behalf of the officer concerned and such date may be endorsed electronically on the court document and any copies by or on behalf of the proper officer and may be notified electronically through the network to the party concerned;
- (d) for the purpose of fixing a return date for any originating document or notice of motion which requires a return date, and which is lodged for issue by digital delivery, a period of four days shall, in any case in which service is necessary, be allowed, subject to the provisions of any order of the Court in that regard;
- (e) any obligation or entitlement arising under these Rules to lodge or, as the case may be, to file a court document shall, unless the contrary is proved, be satisfied by the digital delivery of the document to the network and the issuance by the network of confirmation of lodgment or, as the case may be, filing;
- (f) the network or the proper officer shall alert digital users, prior to submission, where the filing, lodgment, or issue of any court document is subject to checking by a court officer.

(4) Where the proper officer is satisfied that it is necessary to do so, he or she may:

- (a) retransmit a court document, and may certify the date of issue of the court document concerned;

- (b) deliver a printed copy of the court document concerned by delivery in hard copy, and may certify the date of issue of the court document concerned,

and in either such case, any party or person affected may, subject to and in accordance with any order or direction of the Court, proceed on a court document or copy of a court document certified in accordance with paragraph (a) or (b).

(5) Where any affidavit is for the time being authorised to be filed by digital delivery, the affidavit shall be transmitted in such electronic format as is accommodated by the network, and it shall be and remain the obligation of the party filing any such affidavit to retain the affidavit bearing the original manuscript signature of the deponent and any and all of the marked exhibits to the affidavit, which remain subject to the directions of any court before which such affidavit is, or may be, relied upon or opened.

(6) Where any written statement of evidence or written statement outlining the essential elements of evidence is authorised or required by any Practice Direction or any order or direction of the Court to be delivered and/or filed in any proceedings in which digital delivery is for the time being authorised, such statement may be delivered and/or filed by transmission through the network, but shall, if intended to be admitted into evidence, be subject to verification on oath or affirmation at the trial of the proceedings.

(7) Where any affidavit or any statement referred to in sub-rule (6) is for the time being authorised to be filed by digital delivery, Order 25A, rules 6(2) and 6(3) shall apply *mutatis mutandis* to any exhibits to such affidavit or statement.

## **VI. Service of documents using digital delivery**

### *Service of documents where digital delivery applies*

16. (1) Where any provision of any enactment, of these Rules or the existing practice of the Court, requires or permits that any court document or document be served upon any person, such requirement shall be satisfied in any case where the person to be served is or becomes a digital user by the transmission by digital delivery of the court document or document through the network to the person concerned, and in any such case any record generated by or within the network of such transmission may be produced as evidence of such service in lieu of any affidavit or statutory declaration of service. (Where the person to be served is not a digital user, such person shall be served with a printed copy of the court document or document in such other manner as is permitted in the circumstances by these Rules.)

(2) Sub-rule (1) does not apply in any case where these Rules or the existing practice of the Court require personal service, but any requirement that a person being served personally with a court document be shown any sealed original or copy of the court document shall, where the court document concerned has been issued by digital delivery, be satisfied by serving the person personally with a copy of the court document concerned and, at the same time, providing the person with a written statement that the court document concerned has been issued by digital delivery.

## **VII. Misuse of digital delivery network**

### *Reference to Court*

17. (1) Where a party alleges that another person has improperly used permissions available to a digital user to prejudice that party in any proceedings, the party aggrieved may apply to the Court by motion on notice, grounded on an affidavit, and the Court may make such order or give such directions as are just in the circumstances.

(2) Where the proper officer is concerned that a person has improperly used permissions available to a digital user to prejudice a party in any proceedings, the proper officer may refer the matter to the Court on notice to the parties concerned, and the Court may make such order or give such directions as are just in the circumstances.”

## Schedule 2

### “Order 25A

#### Statements of Truth

##### I. General

1. In this Order:

“statement of truth” means a statement of truth for the time being required or authorised by these Rules to be made in place of an affidavit or statutory declaration, in accordance with section 21 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020, and which is or is intended to be transmitted to or by a network for the purposes of civil proceedings in the Court;

“relevant document” has the same meaning as in section 2 of the Statutory Declarations Act 1938.

2. (1) Where any affidavit is required or permitted to be lodged or delivered in any proceedings in which digital delivery is for the time being authorised in accordance with Order 11A:

- (a) the lodgment or filing of a statement of truth shall satisfy any obligation to lodge or, as the case may be, to file an affidavit;
- (b) the service of a statement of truth shall satisfy any obligation to serve an affidavit;
- (c) the party or person concerned may make and transmit a statement of truth in lieu of swearing and filing an affidavit; and
- (d) the provisions of this Order shall apply to every such statement of truth.

(2) This Order applies to statements of truth whether made within or outside the State.

3. The provisions of these Rules which confer an entitlement to cross-examine, or to apply to cross-examine, the deponent to any affidavit shall apply *mutatis mutandis* to the maker of any statement of truth. The Court may, on the application of any party, direct the attendance for cross-examination of the maker of any such statement of truth.

4. (1) A statement of truth:

- (a) may only be made within the network, in accordance with the terms and conditions of use for the time being in effect concerning the network, and any instructions for the maker provided on the network;
- (b) shall be made by being signed by the maker using an electronic signature;
- (c) shall include each of the following statements:



“- I have an honest belief that the facts stated in this Statement of Truth are true.

- I understand that it is a crime to make a Statement of Truth if I do not honestly believe it is true.

- I understand that if I make a false Statement of Truth, I may have to go to prison, pay a fine, or both.”

(2) Where any document is intended to be exhibited to a statement of truth:

- (a) in any case in which exhibits are required to be transmitted to the network with the statement of truth, the statement of truth shall identify the exhibit or sequence of exhibits, or
- (b) in any other case, the maker shall, prior to signing the statement of truth, mark each exhibit for identification purposes by signing or as otherwise provided in any Practice Direction,

and each such exhibit is subject to the requirements of rule 6.

5. (1) A statement of truth may only be filed by being transmitted, in accordance with the terms and conditions of use for the time being in effect concerning the network, and any instructions for the filing of statements of truth provided on the network, by a digital user:

- (a) who is a solicitor, or which is a firm of solicitors or a legal partnership for the time being on record for the maker of the statement of truth concerned or, as the case may be, the party on whose behalf the statement of truth concerned is made, and who has, or which has verified the identity of the maker of the statement of truth concerned;
- (b) who is a natural person on whose behalf as a party to proceedings the statement of truth concerned is made and who has verified the identity of the maker of the statement of truth concerned, or
- (c) who is a natural person making the statement of truth concerned on his or her own behalf as a party to proceedings in which the statement of truth concerned is made.

(2) Where a solicitor makes a statement of truth on behalf of a client to ground an application in proceedings in which the solicitor has no personal interest, it shall not be necessary for the solicitor’s identity to be independently verified, and it shall suffice for the solicitor to provide his or her Law Society solicitor number.

6. (1) Notwithstanding sub-rules (2) and (3), it shall be and remain the obligation of the party filing any statement of truth to retain all exhibits to any statement of truth, which remain subject to the directions of any court before which such statement of truth is, or may be, relied upon or opened.

(2) Where so required by Practice Direction, copies of each exhibit to a statement of truth shall be uploaded to the network when the statement of truth concerned is transmitted for filing on the network. Such copies shall be made

available on the network to the parties and the Court only for such period as is provided in the terms and conditions for use of the network, and may thereafter, subject to the direction of the Court, any Practice Direction, and any other requirement of law, be deleted from the network.

(3) In any case in which sub-rule (2) does not apply, and where the network so facilitates, the parties may agree to upload to the network copies of exhibits. Such copies shall be made available on the network to the parties and the Court only for such period as is provided in the terms and conditions for use of the network, and may thereafter, subject to the direction of the Court, any Practice Direction, and any other requirement of law, be deleted from the network.

7. (1) A statement of truth filed by a digital user mentioned in rule 5(i)(a) shall, unless rule 5(2) applies, include or have associated with it a certificate that a named solicitor has satisfied himself or herself of the identity of the maker by reference to a relevant document, or that the maker is personally known to a named solicitor.

(2) A statement of truth filed by a digital user mentioned in rule 5(i)(b) shall include or have associated with it a certificate that the person filing the statement of truth has satisfied himself or herself of the identity of the maker by reference to a relevant document, or that the maker is personally known to the person filing the statement of truth.

(3) Nothing in this rule limits the power of a court to inquire into the circumstances in which a statement of truth was made or to require or permit further evidence of the matters contained in a statement of truth.

8. The filing of a statement of truth in accordance with rule 5 shall satisfy any requirement of these Rules for the filing of an affidavit in the Office.

9. Where a special time is limited for filing any statement of truth, no statement of truth filed after that time shall be used, unless by leave of the Court.

## **II. Formal requirements**

10. Every statement of truth shall be entitled in the same form as would be used in an affidavit sworn in the cause or matter concerned or shall capture and confirm the title and record number of the cause or matter as recorded on the network.

11. A statement of truth shall be confined to such facts as the maker is able of his or her own knowledge to prove, and shall state the maker's means of knowledge thereof, except on interlocutory motions, on which statements as to the maker's belief, with the grounds thereof, may be admitted. The costs of any statement of truth which shall unnecessarily set forth matters of hearsay or argumentative matter, or copies of or extracts from documents, shall not be allowed.

12. (1) Every statement of truth shall state the maker's description, trade, profession, or employment, and:

- (i) the maker's place of business, trade, profession, or employment, or
- (ii) the maker's true place of abode.

(2) Every statement of truth shall state that the maker is over 18 years of age, but if the maker is under 18 years of age, the statement of truth must state the maker's exact age.

13. Every statement of truth shall capture or record the date on which it is made and the place where is made.

14. There shall be included in or associated with every statement of truth a record showing on whose behalf it is filed, and no statement of truth shall be used without such record, unless the Court shall otherwise direct.

15. The Court may receive any statement of truth made for the purpose of being used in civil proceedings in the Court:

- (a) despite any defect by misdescription of the parties, or
- (b) despite any other irregularity in its form,

and where the Court does so, it may direct a memorandum to be made on the document (which may be done by electronic means) that it has been so received.

16. (1) Statements of truth may be made only in a language supported by the network.

(2) A person who is not capable of making a statement of truth in a language supported by the network may make a foreign language affidavit in accordance with Order 40 of the Rules of the Superior Courts, and the translator may make a statement of truth in which:

- (i) the translator sets out his or her qualifications as a translator,
- (ii) copies of the foreign language affidavit and the translator's original translation thereof are exhibited, and
- (iii) the translator confirms that the translation is accurate."

EXPLANATORY NOTE

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

These are rules to facilitate the digitalisation of civil proceedings, including digital filing, lodgment, and service of documents, and to provide for electronic transmission of a Statement of Truth in place of an affidavit.

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