



STATUTORY INSTRUMENTS.

S.I. No. 230 of 2026



RULES OF THE SUPERIOR COURTS (BRUSSELS IITER REGULATION)
2026

S.I. No. 230 of 2026

RULES OF THE SUPERIOR COURTS (BRUSSELS IITER REGULATION)
2026

We, the Superior Courts Rules Committee, by virtue of the powers conferred upon us by section 36 of the Courts of Justice Act 1924, section 68 of the Courts of Justice Act 1936 (as applied by section 48 of the Courts (Supplemental Provisions) Act 1961), section 14 of the Courts (Supplemental Provisions) Act 1961 and the European Communities (Rules of Court) Regulations 1972 (S.I. No. 320 of 1972), and with the concurrence of the Minister for Justice, Home Affairs and Migration, make the following Rules of Court.

Dated this 2nd day of April 2025.

Donal O'Donnell (Chairperson)

Caroline Costello

Yvonne McNamara

David Barniville

Gráinne Larkin

Elizabeth Dunne

Michele O'Boyle

Brian R. Murray

Áine Hynes

Mary Faherty

James Finn

Nuala Butler

Mary Cummins

Richard Humphreys

John Mahon

Siobhán Phelan

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

Dated this 22nd day of May, 2026.

JIM O'CALLAGHAN,
Minister for Justice, Home Affairs and Migration.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 5th June, 2026.*

S.I. No. 230 of 2026

RULES OF THE SUPERIOR COURTS (BRUSSELS IITER REGULATION)
2026

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Brussels Iiter Regulation) 2026, shall come into operation on the 18th day of June 2026.

(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 2026.

2. These Rules shall apply in proceedings commenced both before and from the date on which these Rules come into operation.

3. The Rules of the Superior Courts are amended:

(i) by the substitution for rule 1A of Order 4 of the following rule:

“1A. Where an indorsement of claim on an originating summons concerns a claim which by virtue of Regulation No. 1215/2012, the 1968 Convention, the Lugano Convention, the Brussels Iiter Regulation or the Maintenance Regulation the Court has power to hear and determine, the following provisions shall apply:

(1) The originating summons shall be endorsed before it is issued with a statement that the Court has the power under Regulation No. 1215/2012, the 1968 Convention, the Lugano Convention, the Brussels Iiter Regulation or the Maintenance Regulation to hear and determine the claim and shall specify the particular provision or provisions of the European Union instrument or Convention concerned under which the Court should assume jurisdiction.

(2) The originating summons shall be endorsed before it is issued with a statement that no proceedings between the parties concerning the same cause of action are pending between the parties in another Member State of the European Union or in a Contracting State of the Lugano Convention.

(3) In matters referred to in Sections 3, 4 or 5 of Regulation No. 1215/2012 where the policyholder, the insured, a beneficiary of the insurance contract, the injured party, the consumer or the employee is the

defendant, the originating summons shall be endorsed before it is issued with a statement that:

- (i) the defendant has a right to contest the jurisdiction of the Court and that if he or she wishes to do so, he or she should enter an appearance to contest jurisdiction in accordance with Order 11A, rule 8, and
 - (ii) if he or she enters an unconditional appearance, the Court has jurisdiction under Article 26.1 of Regulation No. 1215/2012, and
 - (iii) if he or she does not enter an appearance, judgment may be given in default against him or her.”;
- (ii) by the substitution for rule 14 of Order 5 of the following rule:
- “14. (1) Save as is otherwise provided for in these Rules, no summons or other originating document for service out of the jurisdiction or of which notice is to be given out of the jurisdiction shall be issued without leave of the Court.
- (2) Service of an originating summons or other originating document or notice of an originating summons or other originating document out of the jurisdiction is permissible without the leave of the Court, if, but only if, it complies with the following conditions:
- (i) each claim made by the summons or other originating document is one which by virtue of Regulation No. 1215/2012, the 1968 Convention, the Lugano Convention, the Brussels IIter Regulation or the Maintenance Regulation the Court has power to hear and determine, and
 - (ii) no proceedings between the parties concerning the same cause of action are pending between the parties in another Member State of the European Union or in a Contracting State of the Lugano Convention.”;
- (iii) by the substitution for Order 11C of the Order bearing the like number in Schedule 1;
- (iv) by the substitution for sub-rule (4) of rule 2 of Order 12 of the following rule:

“(4) For the purposes of this rule:

“domicile” is to be determined, as the case may be, in accordance with the provisions of:

Article 2 of the Brussels Iiter Regulation,
Articles 62 and 63 of Regulation No. 1215/2012,
Articles 59 and 60 of the Lugano Convention, or
section 15 and the Ninth Schedule of the 1998
Act.”;

- (v) by the substitution for the title to Order 13A of the following title:

“Order 13A - Default of Appearance under Regulation No. 1215/2012, the 1968 Convention, the Lugano Convention, the Brussels Iiter Regulation and the Maintenance Regulation”;

- (vi) by the substitution for rule 2 of Order 13A of the following rule:

“2. An application for leave to enter judgment shall be made on notice and shall be supported by an affidavit stating that in the deponent's belief:

(1) each claim made by the summons is one which by virtue of Regulation No. 1215/2012, the 1968 Convention, the Lugano Convention, the Brussels Iiter Regulation or the Maintenance Regulation (as the case may be) the Court has power to hear and determine, and

(2) no other Court has exclusive jurisdiction under the European Union instrument or Convention concerned to hear and determine such claim, and

(3) where the summons or notice of the summons was served out of the jurisdiction under Order 11A, rule 2, Order 11B, rule 2 or Order 11C, rule 2, such service has taken place in due and proper form,

and giving in each case the source of grounds of such belief.”;

- (vii) by the substitution for rule 3A of Order 19 of the following rule:

“3A. Where a statement of claim concerns a claim which the Court has power to hear and determine by virtue of any of Regulation No. 1215/2012, the 1968 Convention, the Lugano Convention, the Brussels Iiter Regulation or the Maintenance Regulation, the following provisions shall apply:

(1) The statement of claim shall be endorsed with a statement that the Court has power under Regulation No.

1215/2012, the 1968 Convention, the Lugano Convention, the Brussels Iler Regulation or the Maintenance Regulation (as the case may be) to hear and determine the claim and shall specify the particular provision or provisions of the relevant instrument or Convention concerned under which the Court should assume jurisdiction; and

(2) The statement of claim shall be endorsed with a statement that no proceedings between the parties concerning the same cause of action are pending between the parties in another Member State of the European Union or (as the case may be) in a Contracting State of the Lugano Convention.”;

(viii) by the substitution for rules 8 and 9 of Order 29 of the following rules respectively:

“8. No defendant shall be entitled to an order for security for costs in proceedings for the enforcement of a judgment under Chapter III of Regulation No. 1215/2012, Title III of the 1968 Convention, Title III of the Lugano Convention, the Brussels Iler Regulation or the Maintenance Regulation solely on the ground that the plaintiff is a foreign national or that he or she is not domiciled or resident in the State in which enforcement is sought.

9. For the purposes of rule 8, “domicile” is to be determined, as the case may be, in accordance with the provisions of:

Article 2 of the Brussels Iler Regulation,
Articles 62 and 63 of Regulation No. 1215/2012,
Articles 59 and 60 of the Lugano Convention, or
section 15 and the Ninth Schedule of the 1998 Act.”;

(ix) by the substitution for Order 42A of the Order bearing the like number in Schedule 2;

(x) by the deletion from Order 74, rule 1 of the definition of “Insolvency Regulation” ;

(xi) by the substitution for rule 2A of Order 121 of the following rule:

“2A. The delivery or service of any document under the Jurisdiction of Courts and Enforcement of Judgments Act 1998, Regulation No. 1215/2012, the Brussels Iler Regulation or the Maintenance Regulation, for which personal service is not required, shall be effected by leaving the document or a copy thereof (as may be appropriate) at, or sending the document or copy thereof

(as may be appropriate) by registered pre-paid post to, the residence or place of business of the person to be served or the place of business of the Solicitor or Notary or other duly authorised agent (if any) acting for him or her in the proceedings to which the document relates.”;

- (xii) by the insertion in Order 125, rule 1, immediately following the definition of “defendant” of the following definition:

““the Insolvency Regulation” means Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 (OJ L 141/19 of 5 June 2015)”;

- (xiii) by the insertion in Order 125, rule 1, immediately following the definition of “Lugano Convention” of the following definition:

““the Maintenance Regulation” means Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ L 7/1 of 10 January 2009);”;

- (xiv) by the substitution in Order 125, rule 1, for the definition of “Regulation No 2201/2003” of the following definition:

““Brussels IIter Regulation” means Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast) (OJ L 178/1 of 2 July 2019);”, and

- (xv) by the substitution for Order 133 of the Order set out in Schedule 3.

4. The form in Schedule 4 shall be substituted for Form No. 8 in Appendix A, Part II to the Rules of the Superior Courts.

Schedule 1

“Order 11C - Service out of the Jurisdiction under Brussels IIter Regulation and Maintenance Regulation

1. For the purpose of this Order:

“domiciled” is to be determined in accordance with the provisions of Article 3 of the Brussels IIter Regulation;

“relevant maintenance proceedings” means proceedings to which the Maintenance Regulation relates;

“relevant matrimonial or parental proceedings” means proceedings to which the Brussels IIter Regulation relates;

“relevant Member State” means:

- (a) in the case of relevant maintenance proceedings, a Member State of the European Union other than the State, or
- (b) in the case of relevant matrimonial or parental proceedings, a Member State of the European Union other than the State or Denmark;

“Brussels IIter Regulation” has the meaning assigned by Order 125, rule 1;

“resident” or “habitually resident” is to be determined, in relevant matrimonial or parental proceedings in accordance with the provisions of Article 3 of the Brussels IIter Regulation, or in relevant maintenance proceedings, in accordance with the provisions of Chapter II of the Maintenance Regulation;

“summons” includes, where the context so admits or requires, any other originating document.

2. The provisions of this Order only apply to proceedings which are governed by the terms of Article 1 of the Brussels IIter Regulation or, as the case may be, Chapter II of the Maintenance Regulation and, so far as practicable and applicable, to any order, motion or notice in any such proceedings.

3. Service of an originating summons or notice of summons out of the jurisdiction is permissible without the leave of the Court, if, but only if, it complies with the following conditions:

- (a) the claim made by the summons is one which, by virtue of the Brussels IIter Regulation or, as the case may be, Chapter II of the Maintenance Regulation, the Court has power to hear and determine, and
- (b) in the case of proceedings governed by the terms of Article 1 of the Brussels IIter Regulation, no proceedings
 - (i) relating to divorce, legal separation or marriage annulment between the same parties or, as the case may be,

- (ii) relating to parental responsibility relating to the same child and involving the same cause of action are pending in a relevant Member State; or
- (c) in the case of proceedings governed by Chapter II of the Maintenance Regulation, no proceedings relating to maintenance obligations arising from a family relationship, parentage, marriage or affinity between the same parties and involving the same cause of action are pending in a relevant Member State.

4. Where an originating summons or notice of an originating summons is to be served out of the jurisdiction under rule 3, the time to be inserted in the summons within which the defendant served therewith shall enter an appearance (including an appearance entered solely to contest jurisdiction) shall be:

- (a) five weeks after the service of the originating summons or notice of summons, exclusive of the day of service where an originating summons or notice of an originating summons is to be served in the European territory of a relevant Member State, or
- (b) six weeks after the service of the originating summons or notice of summons, exclusive of the day of service where an originating summons or notice of summons is to be served in any non-European territory of a relevant Member State.

5. Where two or more defendants are parties to proceedings to which the provisions of this Order apply, but not every such defendant is domiciled or habitually resident in the State or a relevant Member State, the rules as to jurisdiction in the Brussels I^{ter} Regulation or, as the case may be, in the Maintenance Regulation, shall apply.

6. Where the defendant is not, or is not known or believed to be, a citizen of Ireland, notice of summons, and not the summons itself, shall be served upon him or her.

7. Subject to the provisions of this Order, notice in lieu of summons shall be given in the manner in which summonses are served.

8. Where a defendant wishes to enter an appearance to contest the jurisdiction of the Court, he or she may do so by entering an appearance in Form No. 8 in Appendix A, Part II.

9. Where in any proceedings a judgment is given of a kind referred to in Article 42(1) or Article 43(1) of the Brussels I^{ter} Regulation, the Registrar shall, where the conditions specified in Article 47(3) of the Brussels I^{ter} Regulation are satisfied, prepare, for signature by the Judge, the certificate in the form in Annex V, VI, VII, VIII or IX, as appropriate, to the Brussels I^{ter} Regulation.

Such certificate when signed shall be sealed with the seal of the High Court (or the Court of Appeal or the Supreme Court, as the case may be). The Registrar shall provide such completed certificate to any party to the proceedings who requests same.

10. To the extent that any rule contained in Order 70, Order 70A, Order 133 or any other Order of these Rules is inconsistent with the provisions of the Brussels IIter Regulation, of the Maintenance Regulation or of this Order, the provisions of the Brussels IIter Regulation, of the Maintenance Regulation or of this Order shall prevail.”

Schedule 2

“Order 42A - Protective Measures and Enforcement of Judgments, Authentic Instruments, Court Settlements and Decisions under the Jurisdiction of Courts and Enforcement of Judgments Act 1998, Council Regulation (EC) No. 1215/2012, the Brussels IIter Regulation, the Maintenance Regulation, the Hague Maintenance Convention 2007 and the Insolvency Regulation

I. Interpretation

1. For the purposes of this Order:-

“2007 Hague Convention” means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance done at the Hague on 23 November 2007 as approved on behalf of the European Union by Council Decision 2011/432/EU of 9 June 2011 and as given further effect in the State by the 2019 Regulations;

“2007 Hague Protocol” means the Hague Protocol of 23 November 2007 on the law applicable to maintenance applications;

“2011 Regulations” means the European Communities (Maintenance) Regulations 2011 (S.I. No. 274 of 2011) as amended by the European Communities (Maintenance) (Amendment) Regulations 2011 (S.I. No. 612 of 2011);

“2019 Regulations” means the European Union (Hague Maintenance Convention) Regulations 2019 (S.I. No. 594 of 2019);

“decision” has the same meaning as in, as the case may be:

- (i) Article 2.1.1 of the Maintenance Regulation, or
- (ii) Regulation 2(1) of the 2019 Regulations;

“insolvency judgment” means a judgment referred to in Article 32 of the Insolvency Regulation;

“relevant European Union instrument” means, as the case may be,

- (a) Regulation No. 1215/2012, or
- (b) the Lugano Convention as applied by the 1998 Act, or
- (c) the Brussels IIter Regulation, or
- (d) the Insolvency Regulation, or
- (e) the Maintenance Regulation;

“relevant order” means, as the case may be:

- (a) an order granting leave to enforce a judgment under sections 7 and 8 of the 1998 Act, or
- (b) an order granting leave to enforce a judgment under sections 20E and 20F of the 1998 Act, or

- (c) an enforcement order under Article 30 of the Maintenance Regulation and Regulation 9(3) of the 2011 Regulations, or
- (d) a declaration of enforceability mentioned in Regulation 2(1) of the 2019 Regulations;

“relevant provisional measures” means, as the case may be,

- (a) provisional, including protective, measures under Article 35 of Regulation No. 1215/2012 or section 13 of the 1998 Act (including an application for provisional (including protective) measures under the Lugano Convention by virtue of section 20K of the 1998 Act), or
- (b) provisional, including protective, measures of a kind referred to in Article 15 of the Brussels IIter Regulation (but not including any such measures which may be sought as interim directions pursuant to section 12 or section 26 of the Child Abduction and Enforcement of Custody Orders Act 1991, and to which Order 133, rule 6 applies), or
- (c) preservation measures under Article 52 of the Insolvency Regulation, or
- (d) provisional, including protective, measures under Article 14 of the Maintenance Regulation, or
- (e) appropriate measures for the purposes referred to in Article 6(2)(i) of the 2007 Hague Convention, as referred to in Regulation 15 of the 2019 Regulations.

II. Application to the court for provisional measures

2. Unless made in accordance with rule 8, an application for relevant provisional measures shall be made ex parte to the High Court.

3. (1) Unless made in accordance with rule 8, an application for relevant provisional measures shall be grounded upon an affidavit specifying the relevant provisional measures sought pursuant to:

- (a) Article 35 of Regulation No. 1215/2012 or section 13 of the 1998 Act (including an application for provisional (including protective) measures under Article 31 of the Lugano Convention by virtue of section 20K of the 1998 Act), or
- (b) Article 15 of the Brussels IIter Regulation, or
- (c) Article 52 of the Insolvency Regulation, or
- (d) Article 14 of the Maintenance Regulation, or
- (e) Article 6(2)(i) of the 2007 Hague Convention and Regulation 15 of the 2019 Regulations.

(2) The affidavit by which the application is made, in addition to setting out the information and exhibiting the documents necessary to ground the application, shall:

- (a) state the nature of the proceedings or intended proceedings and exhibit a certified true copy of the document or documents used or proposed to be used to institute the proceedings;
- (b) specify the Member State of the European Union or, in the case of applications under the Lugano Convention, the Contracting State of the Lugano Convention or, in the case of applications under the 2019 Regulations, the state bound by the 2007 Hague Convention in which the proceedings have been commenced or are to be commenced;
- (c) state the particular provisions of the relevant European Union instrument by which the court of the Member State of the European Union (or, in the case of an application under the Lugano Convention, of the Contracting State of the Lugano Convention) has assumed jurisdiction or, in the case of intended proceedings, would be entitled to assume jurisdiction.

4. The Court may make ex parte any interim order for relevant provisional measures upon such terms as to costs or otherwise or subject to such undertaking, if any, as the Court may think just; and any party affected by such order may move to set it aside. Every application for an interlocutory order for relevant provisional measures shall be brought by notice of motion.

III. Application for the recognition and/or enforcement of a judgment given outside the State

5. (1) An application for the enforcement of a judgment pursuant to sections 7 or 20E of the 1998 Act shall be made ex parte to the Master.

(2) Where an application under the Maintenance Regulation for the recognition and enforcement of a decision given in a Member State not bound by the 2007 Hague Protocol is to be sent by the Central Authority to the Master in accordance with Regulation 17(2) of the 2011 Regulations, the Central Authority shall lodge with the Master the documents referred to in rule 8, and the determination of the application shall be notified in accordance with Regulation 17(3) of the 2011 Regulations.

(3) Any application under the Maintenance Regulation for the recognition and enforcement of a decision given in a Member State not bound by the 2007 Hague Protocol other than an application referred to in sub-rule (2) shall be made by motion ex parte grounded upon an affidavit specifying the protective measures (if any) requested by the applicant pursuant to Article 14 (and subject to Article 36(3)) of the Maintenance Regulation and exhibiting the documents mentioned in rule 8(1)(a), (b) and (c).

(4) The provisions of sub-rules (2) and (3) shall apply mutatis mutandis to a decision given in a Member State bound by the 2007 Hague Protocol to which paragraph (a) or (b) of Article 75 of the Maintenance Regulation applies.

(5) Where an application under the 2019 Regulations for the recognition or recognition and enforcement of a decision given in a state bound by the 2007 Hague Convention is to be sent by the Central Authority to the Master in accordance with Regulation 9 of the 2019 Regulations for determination in accordance with Regulation 12 of the 2019 Regulations, the Central Authority shall lodge with the Master the documents referred to in rule 8(2), and the determination of the application shall be notified to the requesting Central Authority in accordance with Regulation 9(2) of the 2019 Regulations.

(6) Any application under Article 19(5) or Article 37 of the 2007 Hague Convention for the recognition and enforcement of a decision given in a state bound by the 2007 Hague Convention, other than an application referred to in sub-rule (5), shall be made by motion *ex parte* grounded upon an affidavit and exhibiting the documents mentioned in rule 8(3).

6. An application for enforcement referred to in rule 5(1) shall be made by motion *ex parte* grounded upon an affidavit specifying the protective measures (if any) requested by the applicant pursuant to section 13(3) of the 1998 Act or, as the case may be, section 20K of the 1998 Act, and exhibiting:

(a) in the case of an application pursuant to Article 38 of the Lugano Convention, the judgment which is sought to be enforced or a certified or otherwise duly authenticated copy thereof and the certificate referred to in Article 54 of the Lugano Convention, or

(b) in any other case:

(1) the judgment which is sought to be enforced or a certified or otherwise duly authenticated copy thereof;

(2) in the case of a judgment given in default, the original or certified copy of a document which establishes that the party in default was served with the document or documents instituting the proceedings or with an equivalent document or documents in sufficient time to enable him or her to arrange for his or her defence;

(3) documents which establish that, according to the law of the state in which it has been given, the judgment is enforceable and has been served;

(4) where applicable, a document showing that the applicant is in receipt of legal aid in the state in which the judgment was given.

7. The affidavit grounding the application for enforcement referred to in rule 5(1) shall also state:

(1) whether the said judgment provides for the payment of a sum or sums of money;

(2) whether interest is recoverable on the judgment or part thereof in accordance with the law of the state in which the judgment was given, and if such be the case, the rate of interest, the date from which the interest is recoverable, and the date on which interest ceases to accrue;

(3) an address for service of proceedings on the party making the application and, to the best of the deponent's knowledge and belief, the name and usual or last known address or place of business of the person against whom judgment was given;

(4) the grounds on which the right to enforce the judgment is vested in the party making the application;

(5) as the case may require, that at the date of the application the judgment has not been satisfied, or the judgment has not been fully satisfied, and the part or amount in respect of which it remains unsatisfied.

8. (1) An application for recognition and enforcement referred to in rule 5(2) shall specify the protective measures (if any) requested by the Central Authority on behalf of the applicant pursuant to Article 14 (and subject to Article 36(3)) of the Maintenance Regulation and shall include:

- (a) a duly authenticated copy of the decision which is sought to be enforced;
- (b) the extract referred to in Article 28(1)(b) of the Maintenance Regulation;
- (c) where necessary, a transliteration or translation (done in accordance with rule 19) of the content of the extract referred to in paragraph (b) into Irish or English.

(2) An application for recognition and enforcement referred to in rule 5(5) shall:

- (a) specify the provisional measures (if any) requested by the Central Authority on behalf of the applicant pursuant to Article 6(2)(i) of the 2007 Hague Convention and Regulation 15 of the 2019 Regulations;
- (b) conform to the requirements of Article 11 of the 2007 Hague Convention, and
- (c) be accompanied by the documents required by Article 11 of the 2007 Hague Convention together with, where necessary, translations (produced in accordance with Regulation 17 of the 2019 Regulations) of such documents into Irish or English.

(3) An application for recognition and enforcement referred to in rule 5(6) shall:

- (a) conform to the requirements of Article 11 of the 2007 Hague Convention, and

- (b) be accompanied by the documents required by Article 11 of the 2007 Hague Convention together with, where necessary, translations (produced in accordance with Regulation 17 of the 2019 Regulations) of such documents into Irish or English.

9. Where the party making the application under rule 5 does not produce the documents referred to in rules 6, 7 or 8, the Master may, if he or she sees fit, adjourn the application to allow the applicant an opportunity to produce the said documents or, alternatively, accept equivalent documents, or dispense with the production of the said documents.

10. (1) A relevant order made under the 1968 Convention or the Lugano Convention shall state the period in accordance with:

- (a) Article 36 of the 1968 Convention, or
- (b) Article 43(5) of the Lugano Convention, (as the case may be) within which an appeal may be made against the relevant order for enforcement, and shall:
 - (i) contain a notification that execution of the judgment or decision will not issue until after the expiration of that period, and
 - (ii) specify the protective measures (if any) granted pending execution.

(2) A relevant order made under the Maintenance Regulation shall:

- (i) state the period in accordance with Article 32 of the Maintenance Regulation within which an appeal may be made against the relevant order for enforcement, and
- (ii) contain a notification that execution of the judgment or decision may issue before the expiration of that period, and
- (iii) contain a notification that execution of the judgment or decision shall, on application to the Court of the party against whom enforcement is sought, be stayed if the enforceability of the judgment or decision is suspended in the Member State of origin by reason of an appeal, and
- (iv) specify the protective measures (if any) granted pending execution.

(3) A relevant order made under the 2019 Regulations shall:

- (i) state the period in accordance with Article 23(6) of the 2007 Hague Convention within which an appeal may be made against the relevant order for enforcement, and
- (ii) contain a notification that execution of the decision may issue before the expiration of that period, and
- (iii) specify the relevant provisional measures (if any) granted pending execution.

11. (1) Notice of the making of a relevant order shall be served together with the relevant order on the person against whom the relevant order was made by delivering it to him or her personally or in such other manner as the Master may direct.

(2) The provisions of Order 11A, Order 11B or Order 11C as appropriate shall apply in relation to such a notice as they apply in relation to an originating summons.

(3) Notice of the making of a relevant order under the Maintenance Regulation or the 2019 Regulations shall also be given to the Central Authority by delivering a copy of the relevant order to the Central Authority by registered post or in such other manner as the Master may direct.

12. (1) The notice of enforcement shall state:

- (a) full particulars of the judgment or decision declared to be enforceable and the relevant order,
- (b) the name and address of the party making the application and his or her address for service,
- (c) the protective measures (if any) granted in respect of the property of the person against whom judgment was given,
- (d) the right of the person against whom the relevant order was made to appeal to the High Court against the relevant order, and
- (e) the period within which an appeal against the relevant order may be made.

(2) A notice of enforcement of a relevant order made under the 2019 Regulations shall additionally, in accordance with Regulation 9(2) or, as the case may be, Regulation 12(15) of the 2019 Regulations, include a statement of the provisions of Article 23, paragraphs 5, 6, 7 and 8 of the 2007 Hague Convention.

13. (1) If enforcement is authorised by the Master, the party against whom enforcement is sought may, subject to the provisions of this rule, appeal against the relevant order to the High Court:

- (i) within one month of service thereof, or
- (ii) where the relevant order is made under the Maintenance Regulation or the 2019 Regulations, within thirty days of service thereof.

(2) All such appeals may be brought by notice of motion which shall be served on the party in whose favour the relevant order was granted by the Master. In the case of a relevant order under the Maintenance Regulation or the 2019 Regulations, the notice of motion shall also be served on the Central Authority, but the Central Authority shall not be required to participate in the appeal proceedings.

(3) The High Court shall have power to stay the proceedings, on such terms as it sees fit, if an ordinary appeal has been brought against the judgment which

is sought to be enforced in the Member State of the European Union (other than the State) or the Contracting State of the 1968 Convention or Contracting State of the Lugano Convention (other than the State) in which that judgment was given; or if the time for such an appeal has not yet expired, the High Court may specify the time within which such an appeal is to be lodged in the courts of that Member State of the European Union or that Contracting State of the 1968 Convention or Contracting State of the Lugano Convention (as the case may be).

(4) A copy of any order made in an appeal concerning a relevant order under the Maintenance Regulation or the 2019 Regulations shall also be served by the appellant on the Central Authority.

(5) In the case of enforcement proceedings under Title III of the 1968 Convention, if the party against whom enforcement is sought is domiciled in a Member State of the European Union other than the State, the time for appealing shall be two months and shall run from the date of service, either on him or her personally or at his or her residence.

(6) In the case of enforcement proceedings under Title III of the Lugano Convention, if the party against whom enforcement is sought is domiciled in a Contracting State of the 1968 Convention or Contracting State of the Lugano Convention other than the State the time for appealing shall be two months and shall run from the date of service, either on him or her personally or at his or her residence.

(7) In the case of proceedings under Section 2 of Chapter IV of the Maintenance Regulation, if the party against whom enforcement is sought is habitually resident in a Member State of the European Union other than the State, the time for appealing shall be 45 days and shall run from the date of service, either on him or her personally or at his or her residence.

(8) In the case of proceedings under the 2019 Regulations, if the party against whom enforcement is sought is habitually resident in a state bound by the 2007 Hague Convention other than the State, the time for appealing shall be 60 days and shall run from the date of service, either on him or her personally or at his or her residence.

14. If the application for enforcement of the judgment or recognition and enforcement of the decision is refused, the applicant may appeal to the High Court within five weeks from the perfection of the order of the Master. The appeal shall be brought by notice of motion grounded upon an affidavit establishing that the party against whom enforcement is sought has been notified of the appeal and the date specified for the hearing of the appeal in sufficient time to enable him or her to arrange for his or her defence or, alternatively, that all necessary steps have been taken to this end.

15. (1) Execution shall not issue on a judgment or decision in respect of which a relevant order has been made under the 1968 Convention, the Lugano Convention or, as the case may be, the Maintenance Regulation, until after the expiration of the period specified in accordance with the provision of rule 13

applicable to the proceedings concerned, or if that period has been extended by the Court, until after the expiration of any such extended period.

(2) If an appeal is made to the High Court under rule 13, execution of a judgment or decision in respect of which a relevant order has been made under the 1968 Convention, the Lugano Convention or, as the case may be, the Maintenance Regulation, shall not issue until after such appeal (including any further appeal) is determined.

(3) Any party wishing to issue execution on a judgment or decision in respect of which a relevant order has been made must produce to the appropriate officer an affidavit of service of the relevant order concerned granting leave to enforce a judgment or decision and of any order made in the jurisdiction in relation to the judgment or decision.

16. (1) The following provisions of this rule shall apply to appeals to the Court of Appeal under:

- (a) Article 41 of the 1968 Convention, or
- (b) Article 44 of the Lugano Convention, or
- (c) Article 33 of the Maintenance Regulation, or
- (d) Regulation 13 of the 2019 Regulations

from a decision of the High Court granting or refusing recognition or enforcement (as the case may be) of a judgment or decision.

(2) Notwithstanding Order 86A, rule 13, every such appeal shall be lodged within five weeks from the date of perfection of the order of the High Court.

(3) It shall be the duty of the Registrar of the Court of Appeal to obtain a record authenticated by the High Court Judge of any question of law raised before him or her and of the facts and evidence relating thereto and of his or her decision thereon and on the question or matters submitted. Such record shall be received for the use of the Court of Appeal and shall be used and received at the hearing of the appeal. The Registrar of the Court of Appeal shall further apply to the appropriate High Court Registrar for the transmission to him or her for the use of the Court of Appeal of a file of all documents and papers relating to the case. If such record as aforesaid cannot be produced, the Court of Appeal shall have power to hear and determine the appeal upon any other evidence or statement of what occurred before the High Court Judge which the Court of Appeal may deem sufficient.

(4) Subject to the provisions of this rule, the provisions of Order 86A, shall, so far as practicable, apply to an appeal mentioned in sub-rule (1).

17. The foregoing rules of this Order shall apply to an application for recognition of a judgment or decision as they apply to an application for enforcement of a judgment with the exception that the applicant shall not be required to produce the documents referred to in rules 6(b)(3) and (4).

18. The foregoing rules of this Order shall apply as appropriate to an application:

- (a) for the enforcement of an instrument or settlement referred to in Title IV of the 1968 Convention or in Title IV of the Lugano Convention, or
- (b) for the recognition or enforcement of a court settlement or authentic instrument referred to in Article 48 of the Maintenance Regulation, or
- (c) for the recognition or enforcement of a settlement or agreement referred to in Article 19 of the 2007 Hague Convention, subject to the provisions of Article 30 of the 2007 Hague Convention.

19. Where any judgment, decision, order or document which is required for the purposes of this Order is not in one of the official languages of the State, a translation thereof into the Irish or English language certified by a person competent and qualified for the purpose in one of the Member States of the European Union, Contracting States of the 1968 Convention or Contracting States of the Lugano Convention, as appropriate to the case, shall be admissible as evidence of same. The competence and qualification of the translator shall be verified by affidavit.

IV. Enforcement outside the State of judgments of the High Court, Court of Appeal or Supreme Court

20. In the case of a judgment or decision of the High Court, the Court of Appeal or the Supreme Court sought to be enforced in another Member State of the European Union or, as the case may be, in a Contracting State of the Lugano Convention or in a state bound by the 2007 Hague Convention, a Registrar of the High Court or the Registrar of the Court of Appeal or Supreme Court (as the case may be) shall, at the request of an interested party, give such party a copy of the order and the written judgment (if any) of the Court duly authenticated.

21. (1) In the case of a judgment or decision of the High Court, the Court of Appeal or the Supreme Court (including as to provisional or protective measures) sought to be enforced or recognised in another Member State of the European Union or a Contracting State of the Lugano Convention, any application for a certificate signed by a Registrar of the High Court or the Registrar of the Court of Appeal or Supreme Court (as the case may be) shall be made on affidavit to the said Registrar.

(2) The affidavit by which an application mentioned in sub-rule (1) is made shall:

- (a) state the nature of the proceedings;
- (b) state the particular provision or provisions of Regulation No. 1215/2012 or of the Brussels IIter Regulation or of the 1968

Convention or of the Lugano Convention by which the Court assumed jurisdiction;

- (c) state the date on which the time for the lodging of an appeal against the judgment or decision will expire or, if it has expired, the date on which it expired;
- (d) state whether notice of appeal against, or in any case where the defendant does not appear, a notice to set aside, the judgment or decision has been entered;
- (e) state whether the judgment is for the payment of a sum of money, the rate of interest, if any, payable on the sum and the date from which interest is payable;
- (f) include annexed thereto two certified true copies of the originating summons or other process by which the proceedings were begun together with one copy of all the proceedings.

(3) In the case of a judgment or decision of the High Court, the Court of Appeal or the Supreme Court (including as to provisional or protective measures) sought to be enforced or recognised in another Member State of the European Union or a Contracting State of the Lugano Convention, any application by a party for an extract in the form in Annex I or Annex II to the Maintenance Regulation, signed by a Registrar of the High Court or the Registrar of the Court of Appeal or Supreme Court (as the case may be) shall be made to the said Registrar, and the requesting party shall:

- (a) lodge with the said Registrar an official duplicate or certified copy of the order recording the decision, and
- (b) file an affidavit in support of the request which affidavit shall:
 - (i) state the particular provision or provisions of the Maintenance Regulation by which the Court assumed jurisdiction,
 - (ii) state the equivalent of the details required in paragraphs (a), (c), (d) and (e) of sub-rule (2), and
 - (iii) give such further information as is required to be provided in the form in Annex I or Annex II to the Maintenance Regulation, as is within the applicant's knowledge, in the sequence in which the information appears in the form concerned.

(4) The certificate mentioned in sub-rule (1) signed by the Registrar of the Court shall, as the case may be, be in the form in Annex I to Regulation 1215/2012, or be in the form in Annex V to the Lugano Convention or be in the form in the appropriate Annex to the Brussels IIter Regulation, or in any other case, shall be in accordance with Form No. 1 in Part III of Appendix F and shall be sealed with the seal of the High Court (or the Court of Appeal or Supreme Court, as the case may be), having annexed to it a certified true copy of the originating summons or other originating document by which the proceedings were commenced.

(5) An extract mentioned in sub-rule (3) signed by the Registrar of the Court shall be in the form in Annex I or Annex II, as appropriate, to the Maintenance Regulation, and shall have annexed to it a certified true copy of the originating summons or other originating document by which the proceedings were commenced.

(6) In the case of a judgment or decision in default of appearance, the affidavit grounding an application under sub-rule (2) shall, in addition, exhibit a certified true copy of the document which establishes that the person in default was served with the document instituting the proceedings which may include the order of the Court deeming the service actually effected to be good.

V. Automatic enforceability in the State of certain judgments, etc., given in other member states of the European Union

22. (1) In this Part, “domestic judgment” means any:

- (a) judgment of the Court (including a judgment given or order made by consent or a settlement made a rule of court);
- (b) judgment of the Court of Appeal (including a judgment given or order made by consent or a settlement made a rule of court);
- (c) judgment of the Supreme Court (including a judgment given or order made by consent or a settlement made a rule of court), or
- (d) judgment entered in the Central Office pursuant to these Rules or on foot of any order, to which Regulation No. 1215/2012 or, as the case may be, the Brussels IIter Regulation applies.

23. (1) Subject to Regulation No. 1215/2012 and to this Order, the provisions of these Rules in relation to the enforcement of a domestic judgment shall apply to:

- (a) a judgment to which Article 39 of Regulation No. 1215/2012 applies;
- (b) an authentic instrument to which Article 58(1) of Regulation No. 1215/2012 applies, and
- (c) a court settlement to which Article 59 of Regulation No. 1215/2012 applies,

and any reference in any of the said Rules to a “judgment” shall, where the context so admits, include a reference to such a judgment, authentic instrument or court settlement.

(2) Where an application is made by a person for enforcement measures under these Rules, in respect of a judgment, authentic instrument or court settlement referred to in sub-rule (1), such person shall, in addition to producing to the proper officer the documents required in support of the person’s request or application for such measures, produce to the proper officer:

- (a) the documents referred to in Article 42(1) or, as the case may be, Article 42(2) and, where required, Article 42(3) or Article 42(4) of Regulation No. 1215/2012, and
 - (b) an affidavit verifying service of the certificate issued pursuant to Article 53 of Regulation No. 1215/2012 in the manner required by Article 43(1) of Regulation No. 1215/2012 and confirming whether or not the requirements of Article 43(2) (as to service of a translation of the judgment) apply and if so, that they have been complied with.
- (3) The following applications to the Court concerning a judgment, authentic instrument or court settlement referred to in sub-rule (1) shall be made:
- (a) where no proceedings concerning the judgment, authentic instrument or court settlement referred to in sub-rule (1) have already been commenced before the Court, by originating notice of motion to the Court entitled “In the matter of Regulation No. 1215/2012” and grounded upon an affidavit sworn by or on behalf of the moving party, or
 - (b) where proceedings concerning the same judgment, authentic instrument or court settlement referred to in sub-rule (1) have already been commenced before the Court, by motion on notice in those proceedings, grounded upon an affidavit sworn by or on behalf of the moving party -
 - (i) an application pursuant to Article 45 of Regulation No. 1215/2012 for refusal of recognition;
 - (ii) an application pursuant to Article 46 of Regulation No. 1215/2012 for refusal of enforcement;
 - (iii) an application for a decision under Regulation 5(1)(c) of the European Union (Civil and Commercial Judgments) Regulations 2015 that there are no grounds for refusal of recognition of a judgment, or
 - (iv) an application on the grounds set out in Article 38 of Regulation No. 1215/2012 to suspend proceedings before the Court.

24. (1) Subject to the Brussels IIter Regulation and to this Order, the provisions of these Rules in relation to the enforcement of a domestic judgment shall apply to:

- (a) a decision to which Article 51 of the Brussels IIter Regulation applies, and
- (b) an authentic instrument or agreement to which Article 64 of the Brussels IIter Regulation applies,

and reference in any of the said Rules to a “judgment” shall, where the context so admits, include a reference to such a decision, authentic instrument or agreement.

(2) Where an application is made by a person for enforcement measures under these Rules, in respect of a decision, authentic instrument or agreement referred to in sub-rule (1), such person shall, in addition to producing to the proper officer the documents required in support of the person's request or application for such measures, produce to the proper officer:

- (a) where relevant, the documents referred to in Article 35 or, as the case may be, Article 46 of the Brussels IIter Regulation, and
- (b) an affidavit verifying service of the certificate issued pursuant to Article 36 or 47 of the Brussels IIter Regulation in accordance with Article 55 of the Brussels IIter Regulation and confirming whether or not the requirements of Article 55(2) (as to service of a translation or transliteration) apply and if so, that they have been complied with, or, where relevant, verifying the certificate issued pursuant to Article 66 of the Brussels IIter Regulation.

(3) The following applications to the Court concerning a decision, authentic instrument or agreement referred to in sub-rule (1) shall be made:

- (a) where no proceedings concerning the decision, authentic instrument or agreement referred to in sub-rule (1) have already been commenced before the Court, by originating notice of motion to the Court entitled "In the matter of the Brussels IIter Regulation" and grounded upon an affidavit sworn by or on behalf of the moving party, or
- (b) where proceedings concerning the same decision, authentic instrument or agreement referred to in sub-rule (1) have already been commenced before the Court, by motion on notice in those proceedings, grounded upon an affidavit sworn by or on behalf of the moving party -
 - (i) an application pursuant to Article 41, 50 and/or 57 of the Brussels IIter Regulation for refusal of recognition of a decision, or
 - (ii) an application on the grounds set out in Article 56 of the Brussels IIter Regulation to suspend enforcement proceedings before the Court, or
 - (iii) any other application referred to in Regulation 5 of the European Union (Decisions in Matrimonial Matters and in Matters of Parental Responsibility and International Child Abduction) Regulations 2022.

25. (1) Save where the Court, being satisfied as to the urgency of the application, otherwise permits, copies of the originating notice of motion or notice of motion and affidavit referred to in rule 24 or 25 (and any exhibits to that affidavit) shall be served by the moving party

- (a) not later than seven days before the date fixed for the hearing of the originating notice of motion or notice of motion, on the opposing party or person by or against whom enforcement is sought, and

(b) on such other person or persons as the Court may direct.

(2) A party or (in the case of an authentic instrument or agreement) person who can demonstrate his or her entitlement to the benefit of a judgment, authentic instrument, court settlement or agreement referred to in rule 24 or 25 shall be at liberty to apply to the proper officer in the Central Office to cause particulars of the judgment, authentic instrument or court settlement to be entered in the books kept for the purpose set out in Order 41, rule 6 in the like manner as is provided for in Order 41, rule 6 in relation to domestic judgments. For the avoidance of doubt, such a person shall not be obliged to apply to the proper officer for this purpose.”

Schedule 3

“Order 133 - Child Abduction and Enforcement of Custody Orders

1. For the purposes of this Order:

the “Act” means the Child Abduction and Enforcement of Custody Orders Act 1991;

the “Hague Convention” means the Convention on the Civil Aspects of International Child Abduction, signed at the Hague on the 25th day of October, 1980 and set out in the First Schedule to the Act;

the “Luxembourg Convention” means the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children, signed at Luxembourg on the 20th day of May, 1980 and set out in the Second Schedule to the Act;

“Contracting State” means a State as defined by section 3 or section 17 of the Act, as the case may be;

the “Central Authority” means the Central Authority appointed by the Minister pursuant to section 8 or section 22 of the Act, as the case may be.

References in this Order to the Hague Convention shall, where the context requires in relation to applications under the Hague Convention to which the Brussels IIter Regulation relates, be deemed to include references to the Brussels IIter Regulation.

2. (1) Any applications made pursuant to section 9(2), section 10(2), section 11, section 15, section 24(2) or section 25 of the Act shall be brought by way of special summons which shall be a family law summons and shall be entitled:

“The High Court

Family Law

In the Matter of the Child Abduction and Enforcement of Custody Orders Act 1991

And In the Matter of the [•] Convention

And In the Matter of [X], a minor,

Between

AB

Applicant,

And

CD

Respondent”.

Where an application under section 9(2) or section 10(2) of the Act is one to which Article 22 of the Brussels IIter Regulation applies, the summons shall additionally be entitled “And in the matter of the Brussels IIter Regulation”.

(2) Where applications are brought by the Central Authority, the applicant shall be referred to as “the Minister for Justice, Home Affairs and Migration, as the Central Authority for Ireland, ex parte (the applicant)”.

(3) The indorsement of claim shall be entitled “Special Indorsement of Claim” and state, with all necessary particulars, the relief sought, each section of the Act under which the relief is sought and the grounds upon which the relief is sought. The indorsement shall, where possible, specify:

- (a) the name and (where available) the date of birth of the minor;
- (b) if known, the date on which the disputed removal or retention of the minor occurred;
- (c) the name of the minor’s parents or guardians;
- (d) details of any decision relating to custody or access which is sought to be recognised or enforced;
- (e) the interest of the applicant in the matter;
- (f) the identity of the person alleged to have removed the minor and, if different, of the person with whom the minor is alleged to be;
- (g) the believed whereabouts of the minor.

3. (1) In any proceeding pursuant to rule 2(1), an affidavit verifying such proceeding shall have regard to the matters specified in Article 8 of the Hague Convention and Article 13 of the Luxembourg Convention, as the case may be, and shall, where possible, be accompanied by all relevant documentation including that listed in Article 8 of the Hague Convention or Article 13 of the Luxembourg Convention, as the case may be.

(2) Notwithstanding the provisions of Order 38, rule 1, the special summons when issued shall be returnable before the Court. Proper proof of service shall be made available to the Court on the return date.

4. (1) A respondent may deliver a replying affidavit and such replying affidavit shall be served on the applicant within seven days of the grounding affidavit having been served upon the respondent.

(2) The replying affidavit shall set out all grounds of defence being relied upon in opposition to the applicant’s application.

(3) The applicant may file a further affidavit replying to any issue or matter raised by the respondent within seven days after the service upon the applicant of the respondent's affidavit.

5. (1) The Court shall, at the earliest opportunity, give such directions as are necessary to provide for an expeditious hearing of the matter and all parties shall comply therewith.

(2) Applications shall be heard on the basis of affidavit evidence only. The Court, at its discretion, may, in exceptional circumstances, direct or permit oral evidence to be adduced.

6. (1) Where an application is about to be made to the Court under Part II or Part III of the Act, the applicant may apply to the Court, pursuant to section 12(1), 12(2), 26(1) or 26(2) of the Act for interim directions.

(2) An application pursuant to section 12(2) or 26(2) may be made ex parte to the Court in any case where interim directions are required in a case of urgency. Such an application shall be heard on affidavit unless the Court otherwise directs. Where any oral evidence is heard by the Court in the course of any such application ex parte, a note of such evidence shall be prepared by the applicant or the applicant's solicitor and approved by the Court and shall be served upon the respondent forthwith together with a copy of the order made, if any, unless otherwise directed by the Court.

(3) Where a special summons has issued and been served, an application brought pursuant to section 12(1) or 26(1) of the Act shall be brought by notice of motion to the Court. Such notice shall be served upon the other party to the proceedings seven days before the return date and shall specify the directions or relief sought from the Court. The said notice shall be grounded upon the affidavit of the party concerned.

(4) Any application brought under the Act (not being an application mentioned in rule 2(1)) shall be brought by motion on notice in the proceedings.

7. (1) An application made pursuant to section 31(1) of the Act shall be brought by way of notice of motion seeking the variation or revocation of the order of recognition or enforcement previously made by the Court. The said application shall be grounded upon affidavit served seven days before the return date. The said affidavit shall be accompanied by the documentation referred to in Article 13 of the Luxembourg Convention.

8. (1) Where an application is made pursuant to section 36(3) of the Act, the said application shall be brought by way of an originating notice of motion. The said notice of motion shall be entitled:

“The High Court
Family Law

In the Matter of Section 36(3) of the Child Abduction and Enforcement of Custody Orders Act 1991

And in the matter of Foreign Proceedings entitled or to be entitled “[•]” (as the case may be).”

(2) The said notice of motion shall be grounded on affidavit sworn by the applicant setting out:

- (a) the applicant’s interest in the matter;
- (b) the manner in which the minor has been taken from or sent or kept out of the State without the consent of any of the persons having the right to determine the child’s place of residence under the law of that State;
- (c) the persons within the jurisdiction of the Court who may have relevant information;
- (d) the grounds for believing that the said persons may have relevant information;
- (e) the nature of the relevant information in respect of which an order for disclosure is sought.

9. The provisions of Order 119, rules 2 and 3 solely insofar as they relate to the wearing of a gown shall not apply to any proceedings under this Order.

10. Where the Court makes an order of non-return pursuant to Article 13 of the Hague Convention in a case to which Article 22 of the Brussels IIter Regulation applies, the Registrar shall cause the transmission, through the Central Authority to the court with jurisdiction or central authority in the Member State of the European Union where the child was habitually resident before the wrongful removal or retention, of the documents specified in Article 29(3) of the Brussels IIter Regulation.

11. (1) Where the Central Authority receives documents specified in Article 29(3) of the Brussels IIter Regulation in respect of an order of non-return pursuant to Article 13 of the Hague Convention made concerning a child who was habitually resident in the State before his or her wrongful removal or retention, and no proceedings are in being before a Court in the State concerning the custody of or access to the child, the Central Authority shall issue an originating notice of motion entitled:

“The High Court
Family Law

In the Matter of Article 29(3) of the Brussels IIter Regulation

And In the Matter of the Foreign Proceedings entitled “[•]””.

(2) The said originating notice of motion shall be grounded on an affidavit exhibiting the documents received pursuant to Article 29(3) of the Brussels IIter Regulation and shall seek the directions of the Court for the purposes of Article 29(5) of the Brussels IIter Regulation. The originating notice of motion shall be served on the parties referred to in Article 29(5) of the Brussels IIter Regulation.

(3) Where the Central Authority receives documents specified in Article 29(3) of the Brussels IIter Regulation in respect of an order of non-return pursuant to Article 13 of the Hague Convention made concerning a child who was habitually resident in the State before his or her wrongful removal or retention, and proceedings are in being before the Court concerning the custody of or access to the child, the Central Authority shall transmit the said documents to the appropriate office of the High Court or, as the case may be, to the Office of the Registrar of the Court of Appeal or the Supreme Court Office.

(4) Where the Court receives documents specified in Article 29(3) of the Brussels IIter Regulation in respect of an order of non-return pursuant to Article 13 of the Hague Convention made concerning a child who was habitually resident in the State before his or her wrongful removal or retention (whether under sub-rule (3) or otherwise), and proceedings are in being before a Court in the State concerning the custody of or access to the child, the Court shall:

- (i) if such proceedings are in being before the High Court, the Court of Appeal or Supreme Court, cause the Registrar to transmit copies of such documents to the parties to those proceedings by registered post or in such other manner as the Court may direct, or
- (ii) if such proceedings are in being before another court in the State, cause the Registrar to transmit such documents to the appropriate office of that court.

(5) Where the Court receives documents specified in Article 29(3) of the Brussels IIter Regulation in respect of an order of non-return pursuant to Article 13 of the Hague Convention made concerning a child who was habitually resident in the State before his or her wrongful removal or retention, and no proceedings are in being before any Court in the State concerning the custody of or access to the child, the Court shall cause the Registrar to transmit copies of such documents to the persons appearing to have an interest in such order by registered post or in such other manner as the Court may direct.

(6) The persons to whom copy documents are transmitted in accordance with sub-rule (5) shall also be notified of a date, within three months of the receipt of such documents, when the matter of the child shall be listed before the Court and any submissions by or on behalf of such persons heard.

(7) The title employed in proceedings to which sub-rule (5) applies shall be the same title as in proceedings to which sub-rule (1) applies.

(8) Copies of the documents and notification referred to shall also be provided to the Central Authority, which shall be at liberty to appear and to apply to be heard on the date on which the matter of the child is listed before the Court. However, nothing in this rule shall be interpreted as requiring the Central

Authority to appear or otherwise to participate in the matter or in any such proceedings.”

Schedule 4

No. 8.

O. 11C, r. 7

MEMORANDUM OF APPEARANCE CONTESTING JURISDICTION

THE HIGH COURT

In the matter of Council Regulation (EU) 2019/1111

Between

AB,

Plaintiff

and

CD

Defendant

Enter an Appearance for CD, the [*-named] defendant in this action without prejudice and solely to contest the jurisdiction of the court.

Dated

Signed EF

Solicitor for the [*-named] defendant

The registered place of business of EF is *and EF consents to the service of documents in the proceedings by electronic mail to

[or CD, the defendant in person

The address at which CD ordinarily resides is and *the address for service of CD is *CD consents to the service of documents in the proceedings by electronic mail to]

To: The Registrar of the Central Office.

Take Notice that I have this day entered an appearance without prejudice and solely to contest the jurisdiction of the court at the Central Office, Four Courts, Inns Quay, Dublin 7, for the above defendant to the [notice of] originating summons (or other originating document) in this action.

Dated

Signed

To:

*Delete where inapplicable

EXPLANATORY NOTE

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

These rules update Order 11C and make ancillary amendments to other Orders to reflect the provisions of Council Regulation 2201/2003 (on jurisdiction, recognition and enforcement in matrimonial matters and matters of parental responsibility) as recast by Council Regulation 1111/2019, as well as Council Regulation (EC) No 4/2009, providing for service out of the jurisdiction in certain matrimonial and maintenance matters.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD,
KILMAINHAM, DUBLIN 8,
D08 XAO6

Tel: 046 942 3100
E-mail: publications@opw.ie

€ 8.00

