



STATUTORY INSTRUMENTS.

S.I. No. 231 of 2026



RULES OF THE SUPERIOR COURTS (EU SERVICE REGULATION) 2026

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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.

S.I. No. 231 of 2026

RULES OF THE SUPERIOR COURTS (EU SERVICE REGULATION) 2026

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (EU Service Regulation) 2026, shall come into operation on the 19th 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, in each of Order 11E, rule 1 and Order 121B, rule 1, for the definition of “A Convention Country” of the following definition:

““A Convention Country” means a country which is party to the Convention, but excludes a country which is a Member State of the European Union in which the Service Regulation (within the meaning of Order 125, rule 1) is in force.”;

(ii) by the substitution for Order 11D of the Order set out in Schedule 1;

(iii) by the substitution for Order 121A of the Order set out in Schedule 2; and

(iv) by the insertion in Order 125, rule 1, immediately following the definition of “Brussels IIter Regulation” of the following definition:

““Service Regulation” means Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (OJ L 405/40 of 2 December 2020);”.

Schedule 1

“Order 11D - Service of Documents Outside of the Jurisdiction but within the EU (Service Regulation)”

1. In this Order, unless the context or subject matter otherwise requires:

“**a Member State**” or “**Member States**” means a Member State or the Member States of the European Union, with the exception of Denmark;

“**receiving agency**” means the entities designated by the other Member States of the European Union pursuant to Article 3(2) of the Service Regulation;

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

“**Service Regulation**” has the meaning assigned by Order 125, rule 1;

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

“**transmitting agency**” means, as regards the State, the Combined Court Office situate at Castlebar in the County of Mayo or such other authority, or public officer or other person as is for the time being designated by the State pursuant to Article 3(1) of the Service Regulation.

2. This Order applies to the service of documents pursuant to Article 1 of the Service Regulation.

3. (1) Any party to any proceedings to which the Service Regulation applies, who wishes to have a document served pursuant to the Service Regulation (in this Order referred to as the “**requesting party**”), may lodge with the transmitting agency:

- (i) two copies of each document to be served with an additional copy thereof for each person to be served;
- (ii) a request for service of the document or documents, in the form A in Annex 1 to the Service Regulation;
- (iii) an undertaking to pay the costs of recourse to a judicial officer or a person competent under the law of the Member State(s) addressed or, where the applicant for service has specified that a particular method of service, in accordance with Article 15(2)(b) of the Service Regulation, be used, the costs occasioned by the use of that method of service.

(2) If any request for service does not comply with the provisions of sub-rule (1), the transmitting agency shall inform the requesting party and specify the objections to the request.

(3) The transmitting agency shall be responsible for notifying the requesting party of any contact or notice received from the receiving agency pursuant to Article 10(2), 10(3) or 10(4) of the Service Regulation in respect of the requesting party’s request for service.

(4) On receipt of the certificate provided for at Article 14 of the Service Regulation from the receiving agency, the transmitting agency shall forthwith transmit the certificate (or a copy thereof) to the requesting party.

(5) Any request to the transmitting agency to assist in determining, or to engage with any receiving agency to assist in determining, the address of a person to be served, shall be sent to the transmitting agency in writing.

4. In addition to the method of service described at rule 3, a party to proceedings may choose:

- (i) to request diplomatic or consular agents to effect service in another Member State in accordance with Article 17 of the Service Regulation (save where that Member State has indicated opposition to such method of service in the circumstances proposed, in accordance with Article 17(2) of the Service Regulation), or
- (ii) to effect service directly on a person who has a known address for service in another Member State by electronic means of service in accordance with, and subject to the conditions specified in, Article 19 of the Service Regulation, or
- (iii) to effect direct service in accordance with Article 20 of the Service Regulation.

5. (1) Subject to rule 5(5), judgment shall not be given or entered in default of appearance in the circumstances referred to in Article 22(1) of the Service Regulation in any proceedings to which this Order applies until it is established that:

- (i) the originating document was served by a method prescribed by the internal law of the Member State addressed for the service of documents in domestic actions upon persons who are within its territory; or
- (ii) the originating document was actually delivered to the defendant or to his residence by another method provided for by the Service Regulation,

and that in either case the service or delivery was effected in sufficient time to enable the defendant to defend the claim.

(2) Judgment in default of appearance in cases to which this Order applies shall only be entered with leave of the Court.

(3) An application for leave to enter judgment in default of appearance shall be made by motion on notice and shall be supported by an affidavit verifying the plaintiff's claim for relief and verifying the steps taken to serve the proceedings and supported by adequate proof thereof.

(4) The affidavit referred to in sub-rule (3) shall also state that in the deponent's belief:

- (i) each claim made by the summons is one which, by virtue of Regulation No. 1215/2012 (or, as the case may be, the Brussels IIter Regulation or of the Maintenance Regulation), the Court has power to hear and determine, and
- (ii) no other Court has exclusive jurisdiction within the meaning of Regulation No. 1215/2012 or, as the case may be, of the Brussels IIter Regulation or of the Maintenance Regulation, to hear and determine such claim.

(5) The Court may give leave to enter judgment if no certificate of service or delivery has been received by the transmitting agency from the receiving agency in the Member State in which service was requested to be effected, provided that:

- (i) the document was transmitted by one of the methods provided for in the Service Regulation;
- (ii) a period of time (of not less than six months), considered adequate by the Court, has elapsed since the date of transmission of the document; and
- (iii) no certificate of any kind has been received from the receiving agency, even though every reasonable effort has been made to obtain it through the competent authorities of the Member State addressed.

(6) The Court may, at any stage, in the event of urgency, make orders for any provisional or protective measures required by the plaintiff.

6. (1) An application to extend time for appealing any judgment obtained in default of appearance shall be made by motion on notice and shall be grounded upon the affidavit of, or on behalf of, the moving party and the Court may, if satisfied that:

- (i) the application was made within a reasonable time after the defendant had knowledge of the judgment; and
- (ii) the defendant, without any fault on his part, did not have knowledge of the originating document in sufficient time to defend, or knowledge of the judgment in sufficient time to appeal it; and
- (iii) the defendant has disclosed a prima facie defence to the action on the merits,

extend the time for appealing same, on such terms and conditions as appear just.

(2) No such application to set aside a judgment obtained in default of appearance shall be entertained if not made within a time that the Court shall deem to be reasonable.

(3) No application to extend the time for appealing the judgment shall be entertained in respect of judgments concerning status or capacity of persons.

7. In the case of default of appearance by any defendant to an originating summons, the plaintiff shall:

- (i) in the case of a plenary summons (other than a personal injuries summons as defined in Order 1A), deliver a statement of claim by filing the same in the Central Office, or
- (ii) in the case of a special summons, file a grounding affidavit in the Central Office, or
- (iii) in the case of a personal injuries summons, a summary summons or any other originating document, file an affidavit in the Central Office verifying the facts relied upon,

and thereupon may apply to the Court for judgment in default of appearance.

8. Subject to the provisions of this Order, Order 13 shall, so far as practicable, apply to applications under this Order for leave to enter judgment.

9. While the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil and commercial matters annexed to Council Decision No. 2005/794/EC of 20 September 2005 (OJ L 300/53 of 17 November 2005) signed at Brussels on 19 October 2005 and approved on behalf of the Community by Council Decision No. 2006/326/EC of 27 April 2006 (OJ L 120/23 of 5 May 2006), as amended, is for the time being in force, notwithstanding any other provision of these Rules to the contrary, the provisions of these Rules which relate to the Service Regulation shall apply in relation to the Kingdom of Denmark, to the extent permitted, and subject to any modifications made necessary, by that Agreement, and the provisions of these Rules which relate to the Convention (within the meaning of Order 11E, rule 1) shall not apply.”

Schedule 2

“Order 121A - Service of Foreign Process (EU save the Kingdom of Denmark – Service Regulation)”

1. The Master of the High Court as Central Body for Ireland for the purposes of the Service Regulation shall perform the functions of the central body referred to in Article 4 of the Service Regulation.”

EXPLANATORY NOTE

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

These rules update Order 11D to reflect the provisions of Service Regulation (EU) 2020/1784 recasting Regulation (EC) 1393/2007 on the service of judicial and extrajudicial documents in civil or commercial matters (service of documents).

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