



STATUTORY INSTRUMENTS.

S.I. No. 600 of 2021



**RULES OF THE SUPERIOR COURTS (SERVICE IN WARDSHIP
PROCEEDINGS) 2021**

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We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, and reconstituted pursuant to the provisions of the Courts of Justice Act 1953, section 15, by virtue of the powers conferred upon us by the Courts of Justice Act 1924, section 36, the Courts of Justice Act, 1936, section 68 (as applied by the Courts (Supplemental Provisions) Act 1961, section 48), the Courts (Supplemental Provisions) Act 1961 and of all other powers enabling us in this behalf, do hereby make the following Rules of Court.

Dated this 28th day of September 2021.

Frank Clarke (Chairperson)

George Birmingham

Mary Irvine

Deirdre Murphy

Richard Humphreys

Conor Dignam

Stuart Gilhooly

Liam Kennedy

James Finn

Mary Cummins

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

Dated this 17th day of November 2021.

HELEN MCENTEE

Minister for Justice

S.I. No. 600 of 2021

RULES OF THE SUPERIOR COURTS (SERVICE IN WARDSHIP
PROCEEDINGS) 2021

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Service in Wardship Proceedings) 2021, shall come into operation on 24th day of November 2021.

(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 2021.

2. The Rules of the Superior Courts are amended:

(i) by the substitution for rules 94 and 95 of Order 67 of the following rules respectively:

“94.(1) Service of notice of presentation of an originating petition as required by rules 8, 23 and 35 shall be effected by personal service by delivering to and leaving with the respondent a true copy of the petition, with the notice thereon indorsed, and at the same time showing him the attested copy indorsed with the appropriate notice. The person serving such notice shall, at the same time, read to the respondent the contents of the petition served on him or her and explain its nature and implications. Save as is hereinafter provided, service of any other document upon a respondent or ward shall be effected by delivering it to the respondent personally.

(2) The provisions of these Rules as to substituted service shall not apply unless the Judge otherwise directs.

95. In every case, an affidavit of service of such notice or document shall be filed with the Registrar stating particularly the time, place, and mode of service, and include an averment in respect of the efforts made by the deponent to explain the nature and implications of the papers served on the respondent and set out any response of the respondent. Such affidavit shall be in the Form No 15.”, and

(ii) by the substitution for Form No. 15 in Appendix K of the form set out in the Schedule.

Schedule

“No. 15.

O. 67, r. 95

AFFIDAVIT OF SERVICE OF NOTICE OF ORIGINATING PETITION.

[Heading as in Form No. 1].

In the matter of A.B., respondent.

I, [name] of [address] aged 18 years and upwards, make oath and say as follows:—

1. On theday of20...., between the hours of and I personally served the respondent with notice of the petition herein.

2. I effected such service at [*set out the address at which service was effected*] by showing him/her personally an attested copy of the said petition with the appropriate notice thereon indorsed, and at the same time delivering to him/her in person and leaving with him/her a true copy of the same including the indorsement.

3. I read the contents of the petition and explained the nature and implications of the application to the respondent.

4. The response of the respondent was [*or state that the respondent made no response*].

5. On theday of20...., being within days of such service I indorsed upon the said attested copy of the petition the hour and day of the week, month, and year of such service.

6. At the time of such service I was acquainted with the appearance of the respondent *or* the respondent was identified to me by

7. Before swearing this affidavit I have marked the said attested copy of the petition with the letter "A" and have indorsed my name thereon.

Sworn &c.

EXPLANATORY NOTE

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

These rules amend Order 67 rules 94 and 95 and Form No. 15 Appendix K, of the Rules of the Superior Courts relating to service on the respondent in proceedings seeking a declaration of wardship, by removing the provisions on non-personal service thereby making personal service mandatory in all cases, including a provision requiring the petition to be read and explained to the respondent and amending Form No. 15 accordingly.

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