



STATUTORY INSTRUMENTS.

**S.I. No. 12 of 2018**



CIRCUIT COURT RULES (FAMILY LAW: MEDIATION) 2018

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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 and 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 of all other powers enabling us in this behalf, do hereby, with the concurrence of the Minister for Justice and Equality, make the annexed Rules of Court.

Dated this 2nd day of January 2018.

(Signed): Raymond Groarke  
(Chairman of the Circuit Court Rules Committee)

Jacqueline Linnane  
Fiona Duffy Coady  
Keith Walsh  
Mairead Ahern  
Noel Rubotham

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

Dated this 12th day of January 2018.

Signed: CHARLES FLANAGAN,  
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 19th January, 2018.*

## S.I. No. 12 of 2018

## CIRCUIT COURT RULES (FAMILY LAW: MEDIATION) 2018

1. (1) These Rules, which may be cited as the Circuit Court Rules (Family Law: Mediation) 2018, shall come into operation on the 22nd day of January 2018.

(2) These Rules shall be construed together with the Circuit Court Rules 2001 to 2018.

(3) The Circuit Court Rules 2001 to 2018 as amended by these Rules may be cited as the Circuit Court Rules 2001 to 2018.

2. Order 59 of the Circuit Court Rules is amended:

(i) by the substitution for sub-rule (2) of rule 7 of the following sub-rule:

“(2) Where required, the appropriate statutory declaration made pursuant to section 5 of the Judicial Separation Act or section 6 of the Divorce Act, which shall be in the Form 37D of the Schedule of Forms, shall be filed together with the Family Law Civil Bill.”;

(ii) by the substitution for paragraph (i) of sub-rule (1) of rule 8 of the following paragraph:

“(i) a copy of the appropriate statutory declaration made pursuant to section 5 of the Judicial Separation Act or section 6 of the Divorce Act, where required;”, and

(iii) by the substitution for sub-rules (2) and (3) of rule 30 of the following sub-rules respectively:

“(2) Where required, the appropriate statutory declaration made pursuant to section 6 of the Judicial Separation Act or section 7 of the Divorce Act, which shall be in the Form 37D of the Schedule of Forms, shall be filed together with the Appearance.

(3) The respondent shall serve a copy of the Appearance and appropriate statutory declaration on the applicant’s solicitor or, where the applicant is acting in person, on the applicant.”.

3. The Form 37D in the Schedule shall be substituted for the form bearing the like number in the Schedule to the Circuit Court Rules.

SCHEDULE

FORM 37D

AN CHÚIRT TEAGHLAIGH CHUARDA

THE CIRCUIT FAMILY COURT

CIRCUIT

COUNTY OF

IN THE MATTER OF THE JUDICIAL SEPARATION AND FAMILY LAW REFORM ACT, 1989 AND IN THE MATTER OF THE FAMILY LAW ACT, 1995

OR

IN THE MATTER OF THE FAMILY LAW (DIVORCE) ACT, 1996

AND IN THE MATTER OF AN INTENDED ACTION (if appropriate)

Between A.B....., Applicant

and C.D....., Respondent

STATUTORY DECLARATION PURSUANT TO SECTION 5 OR SECTION 6 OF THE JUDICIAL SEPARATION AND FAMILY LAW REFORM ACT, 1989 OR SECTION 6 OR SECTION 7 OF THE FAMILY LAW (DIVORCE) ACT, 1996

I, ....., solicitor, of ..... aged eighteen years and upwards, do solemnly and sincerely declare that:

1. I am the solicitor for the \*Applicant/\*Respondent in the above-entitled \* (intended) proceedings.

2. I have complied with the requirements of \*section 5 of the Judicial Separation and Family Law Reform Act 1989 \*section 6 of the Judicial Separation and Family Law Reform Act 1989 \*section 6(2) \*(and 6(3)) of the Family Law (Divorce) Act 1996 \*section 7(2) \*(and 7(3)) of the Family Law (Divorce) Act 1996.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

Signed: .....

Declared before me ..... [name in capitals] a \*(Judge of the District Court) \*(commissioner for oaths/practising solicitor) \*(peace commissioner) \*(notary public) by the said .....

\*[who is personally known to me],

\*[who is identified to me by ..... who is personally known to me]

\*[whose identity has been established to me before the taking of this Declaration by the production to me of

†passport no..... issued on the..... day of..... by the authorities of....., which is an authority recognised by the Irish Government,

†national identity card no..... issued on the..... day of ..... by the authorities of ..... which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement,

†Aliens Passport no. .... issued on the..... day of ..... by the authorities of ..... which is an authority recognised by the Irish Government,

†refugee travel document no..... issued on the ..... day of ..... by the Minister for Justice and Equality,

† travel document (other than refugee travel document) ..... issued on the..... day of ..... by the Minister for Justice and Equality,]

at ..... this ..... day of ..... 20.....

Signed: .....

\*Judge of the District Court \*Commissioner for Oaths / \*Practising Solicitor /\*Peace Commissioner /\* Notary Public.

\* Delete where inapplicable.

†Where relevant, provide details of the document by which identity has been established, and delete the remaining alternatives.

EXPLANATORY NOTE

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

These rules amend Order 59 and substitute Form 37D to facilitate the operation of the Mediation Act, 2017.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
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nó trí aon díoltóir leabhar.

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