

CIRCUIT COURT RULES, 2009

The new Circuit Court Rules, S.I. 539 of 2009, were recently signed into law by the Minister for Justice, Equality and Law Reform, effective Friday, 1st January 2010, that in future will permit a Circuit Court Judge or the County Registrar at a case progression hearing to adjourn certain civil proceedings for a period not exceeding 28 days to allow the parties to use mediation, conciliation and arbitration or any other dispute resolution process to settle or determine the proceedings issue.

The new Circuit Court case progression rules contain almost identical provisions that are used extensively in the Commercial Court whereby a Judge can order the parties to engage in mediation, thus shortening proceedings and costs associated with them.

Order 19A shall in future apply to Equity Proceedings, proceedings on foot of a Succession Law Civil Bill, a claim for Specific Performance or for damages for breach of contract in respect of the construction, extension, alteration or repair of a building or other structure and the other category of proceedings or any other proceedings having or involving any characteristics, designated by the President of the Circuit Court as proceedings which may be subject to case progression, such designation to be published in such manner as the President of the Circuit Court shall direct.

Order 19A, Rule 7 provides that a Circuit Court Judge or the County Registrar at a case progression hearing, may on the application of any of the parties on notice or of his own motion, when it considers it appropriate and having regard to all the circumstances of the case, order that the proceedings or any issue therein be adjourned for such time, ordinarily not exceeding 28 days, as he considers appropriate and invite the parties to use mediation, conciliation, arbitration or other dispute resolution processes, an ADR process to settle or determine the proceedings issue.

The new rules contain an interesting provision where the County Registrar concludes that there's been undue delay or default in complying with any order made or direction given by the court or by him, may list the matter for a hearing at the next sitting of the court and shall furnish a report to the court setting out the delay or default concerned.

Where it appears to the court or the County Registrar that by reason of the default of any party in complying with any order direction, may award costs against such party, or may disallow the costs of such party, as the case may be.