

**STATUTORY INSTRUMENT**

**S.I. NO. 171 OF 2005**

**COURTS AND COURT OFFICERS ACT 2002 (REGISTER OF RESERVED JUDGMENTS)**

**REGULATIONS 2005**

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**S. I. NO. 171 OF 2005**

**COURTS AND COURT OFFICERS ACT 2002 (REGISTER OF RESERVED JUDGMENTS)  
REGULATIONS 2005**

I, Michael McDowell, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by subsection (9)(a) of section 46 (as amended by section 55 of the Civil Liability and Courts Act 2004 (No. 31 of 2004)) of the Courts and Court Officers Act 2002 (No. 15 of 2002), hereby make the following regulations:

**Citation and commencement.**

1. (1) These Regulations may be cited as the Courts and Court Officers Act 2002 (Register of Reserved Judgments) Regulations 2005.
- (2) These Regulations come into operation on 31<sup>st</sup> March, 2005.

**Interpretation.**

2. (1) In these Regulations, "register" means the Register of Reserved Judgments.
- (2) In these Regulations –
  - (a) a reference to a section is a reference to a section of the Courts and Court Officers Act 2002 (No. 15 of 2002), as amended by the Civil Liability and Courts Act 2004 (No. 31 of 2004),
  - (b) a reference to a Regulation is a reference to a Regulation of these Regulations,
  - (c) a reference to a paragraph is a reference to a paragraph of the provision in which the reference occurs, and
  - (d) a reference to a Schedule is a reference to a Schedule to these Regulations.

**Form and manner of establishment and maintenance of register.**

3. (1) Subject to these Regulations, the register shall be established and maintained in such form and manner as the Courts Service may determine.
- (2) The following are prescribed for the purposes of section 46(1):
  - (a) the register shall consist of records containing the information specified in Schedule 1 in respect of judgments referred to in the said section 46(1),
  - (b) the register shall be kept in an electronic or other non-legible form which is capable of being converted into legible form.

**Non-application of section 46(3) in certain circumstances.**

4. The following circumstances are prescribed for the purposes of section 46(6), namely, in a case where a judge -
  - (a) has reserved, but has not delivered, judgment in the proceedings concerned, and
  - (b) he or she is a member of the Supreme Court when it is considering a question referred to it under Article 26 of the Constitution,

section 46(3) shall not apply in relation to the judgment in the proceedings referred to in paragraph (a) during the period from the date of the reference referred to in paragraph (b) to the date on which the decision of the Supreme Court on the question is pronounced.

**Location for inspection of register.**

5. (1) The following places are prescribed, for the purposes of paragraph (a) of section 46 (7), as the places where the different parts of the register are to be kept:
  - (a) in respect of the part of the register relating to the Supreme Court, the Office of the Registrar of the Supreme Court,
  - (b) in respect of the part of the register relating to the High Court, the Central Office,

- (c) in respect of a part of the register relating to the Circuit Court, the Circuit Court Office for the city, county, county borough or other area in which the judgments to which the part relates were reserved,
- (d) in respect of a part of the register relating to the District Court, the District Court Office for the district court area in which the judgments to which the part relates were reserved.

(2) The times when the parts of the register referred to in paragraph (1) are available for inspection are prescribed for the purposes of section 46(7)(a) as the times when the relevant Offices so referred to are open to the public.

**Certified copies.**

6. The following are prescribed for the purposes of paragraph (b) of section 46(7):

- (a) a request for a copy of an entry referred to in that paragraph shall be in the form specified in Schedule 2,
- (b) a request for a copy of an entry referred to in that paragraph shall be accompanied by a fee of €5,
- (c) a copy aforesaid shall be certified by endorsing on it a statement, signed and dated by an officer in the appropriate Office specified in Regulation 5(1), authorised in that behalf by the appropriate registrar or district court clerk, as the case may be, that the copy is a true copy of the entry concerned.

## SCHEDULE 1

### Information to be kept in the register

Courts and Court Officer Act 2002

Record of a reserved judgment

- (a) the date on which the judgment was reserved,
- (b) (i) the court before which the proceedings were heard and the name or names of the judge or judges concerned,  
(ii) if the court is the District Court or the Circuit Court, the area or place where the judgment was reserved,
- (c) the title of the proceedings or the nature of the proceedings,
- (d) the record number of the proceedings,
- (e) where relevant, the date or dates on which the proceedings are listed under section 46(3),
- (f) where relevant, the date specified under section 46(4), on which the judgment is to be delivered,
- (g) the date on which the judgment is delivered.

**SCHEDULE 2**

**REGISTER OF RESERVED JUDGMENTS**

**REQUEST FOR CERTIFIED COPY OF ENTRY OR ENTRIES**

REGULATION 6, COURTS AND COURT OFFICERS ACT 2002

(REGISTER OF RESERVED JUDGMENTS) REGULATIONS 2005

[Supreme Court]

[High Court]

[Circuit Court

..... Circuit Court Office]

[District Court

..... District Court Office]

To: .....

[Registrar of the Supreme Court] [Chief Registrar, High Court] [ County Registrar] [District Court Clerk]

I request a copy of the entry/entries in that part of the register of reserved judgments maintained for the [Supreme Court] [High Court] [Circuit Court, city/county etc. of .....] [District Court, district court area of .....] concerning the following proceedings:

1. Names of parties to the proceedings:

..... Plaintiff/Applicant/Appellant

and

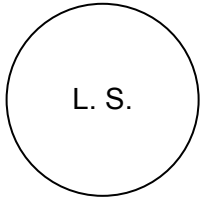
..... Defendant/Respondent

2. Record or listing number, if known: .....

3. Date(s) on which and place at which proceedings were heard:

Date:					
Place:					

Note: a fee of €5 is payable on making the request.



GIVEN under my Official Seal,  
this 31<sup>st</sup> day of March 2005

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MICHAEL MCDOWELL  
Minister for Justice, Equality and  
Law Reform.

## EXPLANATORY NOTE

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

These Regulations provide for the establishment and maintenance on computer by the Courts Service of a register of the judgments reserved by the Supreme Court, the High Court, the Circuit Court and the District Court and set out the location of the various parts of the register, the arrangements for getting a copy of an entry in the Register and other matters relating to the register.