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Recent changes to civil procedure rules



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🕒 Changes to Article 30

🕒 Other amendments

In 2015 the Supreme Court made a number of changes to civil procedure rules to reduce delays in the civil justice system, as many cases took five years or longer to be tried by the district courts. The new rules took effect from the beginning of 2016 (and from 2015 for claims under €10,000).

Changes to Article 30

One of the main changes was to Article 30, relating to a summons for directions. Under the amended rules, a claimant must issue a summons for directions within 30 days from the date on which the pleadings are considered completed. Should the claimant fail to do so, the defendant must serve a notice to the claimant of the failure to file an application, requiring this to be remedied within 30 days by filing an application for directions. If the failure to file an application continues, after 60 days the court will strike out the action, together with any counterclaim. The negligent party will be liable for costs. Rejection of the action or counterclaim does not bar submission of a new action or counterclaim regarding statute of limitation periods.

Other amendments

Other amendments to the rules require each party to specify in a written annex the precise directions that they want the court to issue within 30 days of the service of the summons for directions (eg, disclosure, admitted facts and costs). Failure to do so will result in the parties being barred from requesting such directions on the day on which the case is appointed for directions, unless a good reason is provided to justify exercising the court's discretionary power.

For claims under €3,000 (or actions which do not constitute monetary claims), the court will issue directions to each party to submit their testimony in writing in the form of a sworn affidavit from each witness, which will constitute the entire witness testimony and include the exhibits that they wish to submit. The trial of such actions will be based solely on the sworn affidavits with no oral testimony, unless the court:

- decides otherwise based on factors such as the need for the witness to be cross-examined; or
- accepts an application by one of the parties to allow oral examination in chief or cross-examination, as is the case.

For claims over €3,000, the court will issue directions to each party to submit a written witness list with a summary of the testimony that they will present. Time limits now apply to direct and cross-examinations. The procedure for claims under €3,000 can apply if both parties agree to it.

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