



STATUTORY INSTRUMENTS

S.I. No. 564 of 2007



DISTRICT COURT (ROAD TRAFFIC) RULES 2007

(Prn. A7/1484)

DISTRICT COURT (ROAD TRAFFIC) RULES 2007

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961 and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice, Equality and Law Reform, make the following rules of court—

1. These rules may be cited as the District Court (Road Traffic) Rules 2007.
2. These rules shall come into operation on the 24th day of August 2007 and shall be read together with all other District Court Rules for the time being in force.
3. Order 97 of the District Court Rules is hereby amended by the substitution for rule 5 thereof of the following:
 - “5. (1) An application pursuant to section 29(2) of the Act (as substituted by section 7 of the Road Traffic Act 2006) for the removal of a disqualification may be made at any sitting of the court for the court area in which the disqualification order was made.
 - (2) Such application shall be preceded by the issue and service of a notice in the Form 97.16, Schedule C, signed by the applicant or solicitor for the applicant.
 - (3) Such notice shall be served upon the Superintendent of the Garda Síochána for the district in which the applicant ordinarily resides at least fourteen days before the date of hearing of the application.
 - (4) The original of such notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the said date of hearing.
 - (5) The order of the Court on hearing the application shall be in the Form 97.17 or 97.18, Schedule C, as appropriate.”
4. The Forms numbered 97.16 to 97.18 inclusive appended shall be substituted for the Forms bearing the like numbers in Schedule C of the District Court Rules 1997 (S.I. No. 93 of 1997).
5. Forms 97.19, 97.20 and 97.21 in Schedule C of the District Court Rules 1997 (S.I. No. 93 of 1997) are hereby deleted.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 3rd August, 2007.*

ROAD TRAFFIC ACT 1961

Section 29(2)(as substituted by section 7 of the Road Traffic Act 2006)

NOTICE OF APPLICATION FOR THE REMOVAL OF
DISQUALIFICATION

District Court Area of

District No.

.....Applicant

TAKE NOTICE that the above-named Applicant of
intends to apply to the District Court at
on the.... day of..... 20..... at a.m./p.m. for the removal
of the disqualification made by Order of the day of 20.....
at a sitting of the Court held at..... whereby the Applicant
was declared disqualified for holding a driving licence for a period of.....
from the..... day of 20.....

The said disqualification became effective from the..... day of
..... 20.....

Dated this..... day of 20.....

Signed.....
Applicant or Solicitor for Applicant

To the Superintendent of the Garda Síochána
at

To District Court Clerk
at

ROAD TRAFFIC ACT 1961

Section 29(4)(as substituted by section 7 of the Road Traffic Act 2006)

ORDER FOR THE REMOVAL OF DISQUALIFICATION

District Court Area of

District No.

.....Applicant

UPON HEARING AN APPLICATION duly made to the Court on the day of 20, by the Applicant, of for the removal of the disqualification made by Order of the..... day of 20.....at a sitting of the Court held at in court area and district aforesaid whereby the Applicant was declared disqualified for holding a driving licence for a period of..... from the..... day of 20.....which became effective on the day of 20.....,

AND THE COURT BEING SATISFIED that at least fourteen days' notice of the making of the Application was given to the Superintendent of the Garda Síochána for the district in which the Applicant ordinarily resides, that the said applicant is a person to whom section 29(1) of the above-mentioned Act applies and that the said application was made following the completion of one-half of the period specified in the disqualification order,

THE COURT ORDERED that the said disqualification be removed with effect on and from the..... day of 20....., (being a date that is such that the disqualification will have effect for at least two-thirds of the period specified in the disqualification order)

Dated this..... day of 20.....

Signed.....
Judge of the District Court

ROAD TRAFFIC ACT 1961

Section 29(4)(as substituted by section 7 of the Road Traffic Act 2006)

ORDER CONFIRMING PERIOD SPECIFIED IN ORDER OF
DISQUALIFICATION

District Court Area of

District No.

.....Applicant

UPON HEARING AN APPLICATION duly made to the Court on the day of 20....., by the Applicant, of for the removal of the disqualification made by Order of the day of 20.....at a sitting of the Court held at..... in court area and district aforesaid whereby the Applicant was declared disqualified for holding a driving licence for a period of.....from the..... day of 20.....which became effective on the..... day of 20.....,

AND THE COURT BEING SATISFIED that at least fourteen days' notice of the making of the Application was given to the Superintendent of the Garda Síochána for the district in which the Applicant ordinarily resides, that the said applicant is a person to whom section 29(1) of the above-mentioned Act applies and that the said application was made following the completion of one-half of the period specified in the disqualification order,

THE COURT on the..... day of 20..... ORDERED that the said application be REFUSED and CONFIRMS the period specified in the order of disqualification.

Dated this..... day of 20.....

Signed.....
Judge of the District Court

EXPLANATORY NOTE

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

These Rules amend Order 97 to provide for applications pursuant to section 29 of the Road Traffic Act 1961 as substituted by section 7 of the Road Traffic act 2006.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
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