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Small claims

Ireland

Article 25 1 (a) Competent courts

The District Court has jurisdiction to give judgment in the European Small Claims Procedure and all applications should be made to the Registrar for the relevant District Court. The addresses and contact details of District Courts can be found at:

<http://www.courts.ie/offices.nsf/WebCOByJurisdiction?OpenView&Start=1&Count=30&Expand=5#5>

Article 25 1 (b) Means of communication

Standard means of communication are post and email

Article 25 1 (c) Authorities or organisations providing practical assistance

Practical assistance in filling in the forms and general information on the scope of application of the European Small Claims Procedure, as well as general information as to which courts or tribunals in Ireland are competent to give a judgment in the European Small Claims Procedure can be provided to parties by the staff of relevant court offices.

Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

These issues are covered by Rules of Court which provide that –

“Notwithstanding any other provision of these Rules, where suitable facilities for that purpose have been established by the Courts Service, and the Court or Registrar has so directed, the service of any document required to be sent, delivered, dispatched or served under the European Small Claims Procedure is valid if transmitted in electronic form as an electronic message to the claimant’s or respondent’s electronic mail address (as identified on any letterhead or stationery of the claimant or respondent, or as used by either to send any communication to the Registrar) or to the Registrar’s electronic mail address (as identified on any website operated by the Courts Service) provided that where the sender is not satisfied that the electronic communication was delivered to the intended recipient (by reason of any delivery status message received) or where no response has been received within a period of seven days following such transmission, then the electronic communication must be treated as if it had never been sent and the relevant document must be served as otherwise provided for in this Order within eight days following such period.” (Order 53B Rule 3)

“The claim form and supporting documents may be filed by registered post or, where rule 3 applies, in electronic form.” (Order 53B Rule 4)

“Where the claim does not come within the scope of the European Small Claims Procedure, the Registrar must so inform the claimant, where possible by the same means by which the claimant’s application was sent to the Registrar (and if not possible, by registered or recorded delivery post)” (Order 53B Rule 6)

“The Registrar must dispatch copies of the respondent’s response to the claimant by registered post (or, where relevant, as otherwise permitted by rule 3) within the time limit prescribed by Article 5(4) of the EU Regulation. ... The Registrar must dispatch copies of any counterclaim and any supporting documents provided (where applicable) to the claimant by registered post (or, where relevant, as otherwise permitted by rule 3) within the time limit prescribed by Article 5(6) of the EU Regulation.” (Order 53B Rule 8)

“Any notification or notice given by the Registrar to a party to a European Small Claim for any purpose set out in the EU Regulation must be given by the means by which that party has communicated to him (or to the address or contact detail provided for that party) and ...” (Order 53B Rule 18)

Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

None

Article 25 1 (f) Court fees and the methods of payment

The European Small Claims Procedure application fee is €25, the rate which applies to an application under the domestic small claims procedure. A counterclaim is also €25. As indicated in (a) above, European small claims procedure applications should be made to the Registrar for the relevant District Court who will advise the claimant of the arrangements for making that payment. The contact details are as in (a) above.

Article 25 1 (g) Appeal procedure and courts competent for an appeal

An appeal other than an appeal against dismissal under Article 4.4 may be lodged with the relevant Circuit Court within 14 days of the decision being given. The addresses and contact details of Circuit Courts can be found at

<http://www.courts.ie/offices.nsf/WebCOByJurisdiction?OpenView&Start=1&Count=30&Expand=4#4>

Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review

Relevant Rules of Court provide that

“(1) A respondent against whom judgment by default has been given in a European Small Claim in accordance with the provisions of this Order may apply by notice of motion to the Court in the Court area in which the order was obtained for an order to set aside and/or vary the said order on any of the grounds specified in Article 18(1) of the EU Regulation.

(2) The notice of motion must be served on the claimant or solicitor for the claimant, if any, within ten clear days from the date on which the giving of the default judgment came to the knowledge of the respondent.

(3) Service of the notice of motion does not operate as a stay of proceedings.

(4) The Court may declare sufficient the service of the notice of motion actually effected.

(5) The notice of motion must set out clearly and briefly the grounds specified in Article 18(1) of the EU Regulation relied on by the party applying.

(6) The Court may, on the hearing of the motion, grant or refuse the application on the basis of the provisions of Article 18(1) of the EU Regulation.

(7) Where the Court rejects the review on the basis that none of the grounds referred to in Article 18(1) of the EU Regulation applies, the judgment remains in force.

(8) Where the Court decides that the review is justified for one of the reasons laid down in Article 18(1) of the EU Regulation, then the judgment given in the European Small Claims Procedure must be set aside and is null and void.”

Article 25 1 (i) Accepted languages

English and Irish

Article 25 1 (j) Authorities competent for enforcement

An application for enforcement should be made by the creditor to the relevant County Registrar/Sheriff through the associated Circuit Court. The relevant District Court is competent to deal with applications for refusal, stay or limitation of enforcement

Last update: 14/12/2023

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