

1 What does the legal term "service of documents" mean in practical terms? Why are there specific rules regarding the "service of documents"?

The purpose of service is to ensure that defendants know the nature of the claim against them and are aware of the documents relating to the claim. The rules of court contain specific requirements to ensure that proper service is effected.

2 Which documents need to be served formally?

Any documents by which civil proceedings in the District, Circuit or High Courts are instituted (including appeals from a lower court) and all subsequent documentation in the proceedings.

3 Who is responsible for serving a document?

The party on whose behalf the document purports to be issued or a person so authorised by him/her in that regard is responsible for serving the document.

4 Address inquiries

4.1 Under Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters, does the requested authority in this Member State on its own initiative, try and establish the whereabouts of the addressee of the documents to be served if the addressee no longer resides at the address known to the requesting authority?

No. The address for service must be provided by the requesting authority.

4.2 Do foreign judicial authorities and/or parties to judicial proceedings have access to registers or services in this Member State enabling the establishment of the person's current address? If yes, which registers or services exist and what procedure must be followed? What fee, if any, should be paid?

No. There is no central address/residence register for individuals. The registered address of a company may be found by carrying out a search on the Companies Registration Office website.

4.3 How do the authorities in this Member State deal with a request sent under the Council Regulation (EC) No. 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters aimed at discovering a person's current address?

The request is dealt with by the Circuit Court as a request under Regulation 1206/2001.

5 How is the document normally served in practice? Are there alternative methods which may be used (other than substituted service referred to in point 7 below)?

In the District Court service may be effected by

- (i) Registered post
- (ii) Recorded delivery prepaid post
- (iii) Delivery by hand in a sealed envelope to a person other than the person on whose behalf it purports to be issued
- (iv) Personal service or service on a relative over the age of sixteen years of age residing with the defendant.

In the Circuit Court almost all documents are served by registered post.

In the High Court, Order 9 Rule 2 of the Rules of the Superior Courts provide for personal service of an originating summons on an individual and also allows for non-personal service if due and reasonable diligence has been exercised in endeavouring to effect personal service. Subsequent documentation is usually served by registered post. (See Order 121 RSC, 1986 as amended). Section 51 of the Companies Act 2014 provides for service of documents by ordinary prepaid post on the registered office of a company registered in Ireland and Section 1310 of the Companies Act 2014 by the same means on an external company

6 Is electronic service of documents (service of judicial or extrajudicial documents through remote means of electronic communication, such as e-mail, internet based secured application, fax, sms etc.) permitted in civil proceedings? If so, for which types of proceedings is this method foreseen? Are there restrictions with regard to the availability/access of this method of service of documents depending on who the addressee is (legal professional, legal person, company or other business actor, etc.)?

Electronic service of documents is not permitted.

7 'Substituted' service

7.1 Does the law of this Member State allow for other methods of service in cases where it has not been possible to serve the documents to the addressee (e.g. notification to the home address, to the bailiff office, by postal service, or by poster advertising)?

Personal service or service by registered post are the usual methods of service. If Irish legal proceedings need to be served by another method such as by ordinary pre-paid post, fax, e-mail or advertisement, then an application is made to court for 'substituted service' and if granted, the proceedings can be served by the alternative method permitted by the court.

7.2 If other methods are applied, when are the documents deemed to have been served?

If service is effected pursuant to an order for substituted service, the documents are deemed served when the terms of the court order have been complied with. Where service is effected by post, there is a statutory presumption of service of the documents when they are delivered in the ordinary course of post. This is a rebuttable presumption.

7.3 If another method of service is the deposit of the documents in a particular place (e.g. at a post office) how is the addressee informed of that deposit?

If service has been effected pursuant to court order, then the addressee is informed in the manner set out in the court order. If the documents are served by registered post and the addressee is unavailable, then the postal staff leave a notice at the address requesting that the addressee attend at the post office to collect a registered post document. The letter is usually held at the post office for a week to ten days.

7.4 If the addressee refuses to accept service of the documents, what are the consequences? Are the documents regarded as effectively served if the refusal wasn't legitimate?

There are no consequences for refusing to accept service. Where it has not been possible to effect service in Irish legal proceedings, an application can be made to the court for an extension of time for service or to substitute an alternative method of service or both.

8 Postal service from abroad (Article 14 of the Service Regulation)

8.1 If the postal service delivers a document sent from abroad to an addressee in this Member State in a situation where acknowledgment of receipt is required (Article 14 of the Service Regulation), does the postal service deliver the document only to the addressee himself/herself or may it, in accordance with national rules of postal delivery, deliver the document also to another person at the same address?

For unregistered post, the document will be delivered to the address. For registered post, the document will be delivered to the named person only. This applies equally to internal and international post.

8.2 Under the rules of postal delivery in this Member State how can the service of documents from abroad, under Article 14 of the Service Regulation No. 1393/2007, be effected if neither the addressee nor any other person authorised to receive the delivery (if possible under national rules of postal delivery – see above) has been reached at the address of delivery?

As an alternative to postal delivery, Article 15 of Regulation No. 1393/2007 allows a person to effect personal service through a solicitor or a summons server.

8.3 Does the post office allow a specific period of time for collection of the documents before sending the documents back as undelivered? If yes, how is the addressee informed that there is mail for him to collect at the post office?

The post office generally sets a deadline on the notice sent to the addressee. The notice is left at the addressee's address. The deadline is normally one week.

9 Is there any written proof that the document has been served?

District and Circuit Courts: when service is effected by registered post a statutory declaration is sworn by the person who posted the envelope, not earlier than ten days after the day on which the envelope is posted, exhibiting the certificate of postage.

High Court: an affidavit of service is sworn by the person who effected service as a necessary proof for court. In the case of an originating summons details of service should be endorsed on the said summons within three days of service and the affidavit of personal service should refer to this.

10 What happens if something goes wrong and the addressee does not receive the document or the service is effected in violation of the law (e.g. the document is served on a third person)? Can the service of the document nevertheless be valid (e.g. can violations of the law be remedied) or must a new effort to serve the document be made?

An application may be made to court to set aside any order made where notice of the court hearing has not been lawfully served on the respondent.

11 Do I have to pay for service of a document, and if so, how much?

The costs will be that of postage or an agent's fee, if one is retained.

Last update: 25/11/2019

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