

# S.I. No. 47/1992 - District Court (Social Welfare - Contribution Towards Benefit Or Allowance) Rules, 1992

---

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 17](#) of the [Interpretation Act, 1937](#) (as applied by [section 48](#) of the [Courts \(Supplemental Provisions\) Act, 1961](#) ), and [section 34](#) of the [Courts \(Supplemental Provisions\) Act, 1961](#) , do hereby with the concurrence of the Minister for Justice, make the following Rules of Court:

1. These Rules may be cited as the District Court (Social Welfare — Contribution towards Benefit or Allowance) Rules, 1992.
2. These Rules shall come into operation on the 23rd day of March, 1992 and shall be read together with all other District Court Rules for the time being in force.

3. In these Rules—

"the Act" means the [Social Welfare \(Consolidation\) Act, 1981](#) (No. 1 of 1981 );

"the Act of 1989" means the [Social Welfare Act, 1989](#) (No. 4 of 1989);

"the Act of 1990" means the [Social Welfare Act, 1990](#) (No. 5 of 1990);

"competent authority" has the meaning assigned to it in section 314 of the Act (as inserted by section 12 of the Act of 1989 and as amended by section 13 and Schedule C of the Act of 1990).

4. (1) An application to the District Court by a competent authority pursuant to section 316 (2) in Part X (inserted by section 12 of the Act of 1989) of the Act may be brought, heard or determined at any sitting of the Court for the transaction of civil business for the court area wherein the respondent (that is to say, the person liable under section 316 (1) of the Act to contribute) ordinarily resides or carries on any profession, business or occupation.

(2) Such application shall be preceded by the issue and service of a notice in the Form No. 1 in the schedule hereto (or such modification thereof as may be appropriate) upon the respondent by prepaid registered post at least twenty-one days prior to the date fixed for the hearing of the application.

(3) The original of every such notice served, together with a statutory declaration as to service thereof and the certificate of posting, shall be lodged with the District Court Clerk at least four days prior to the date of hearing.

5. The order of the Court granting such application shall be in the Form No. 2 in the schedule hereto (or such modification thereof as may be appropriate). The applicant shall cause the said order to be served upon the respondent by prepaid registered post.

SCHEDULE

Rule 4 (2) Form No. 1.

AN CHÚIRT DÚICHE THE DISTRICT COURT

Social Welfare (Consolidation) Act, 1981 .

section 316 (2)

NOTICE OF APPLICATION FOR AN ORDER FOR PAYMENT OF A CONTRIBUTION TOWARDS A BENEFIT OR ALLOWANCE.

District Court Area of

District No.

.....Applicant

(A competent authority)

..... Respondent

WHEREAS under the above-named Act a †

at the rate of £ per week \* (increased by the sum of £ per week in respect of .....\*a child \*children with the meaning of section 315 of the said Act) is being paid by the above-named applicant to a recipient, namely,

.....

of .....

AND WHEREAS the applicant claims that you, the above-named respondent, of ..... in court area and district aforesaid, are the person liable to maintain the said recipient \*(and the said \*child \*children), and that you are liable under section 316 (1) of the said Act to contribute to the applicant the sum of £ per week towards such \*benefit \*allowance.

AND WHEREAS the applicant claims that you have failed or neglected to so contribute, application having been made to you to make such contribution,