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Brussels IIb Regulation - Matrimonial matters and matters of parental responsibility (recast)

Ireland



Ireland

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 103 (1) (a) (1st part) – Public authorities or other authorities authorized to establish an authentic instrument referred to in point (2)(b) of Article 2(2), and public authorities authorized to register an agreement referred to in point (3) of Article 2(2)

No authority has been specifically empowered for this purpose by Irish law as the relevant family law matters are dealt with by the Irish courts.

Article 103 (1) (a) (2nd part) – Administrative authorities granting legal aid referred to in Article 74(2)

The Legal Aid is the competent authority granting legal aid referred to in Article 74(2). The Legal Aid Board (LAB) can be contacted as follows:

Quay Street, (Head Office)
Cahirciveen,
Co. Kerry.
V23 RD36
Phone: 066 947 1000
LoCall: 0818 615 200
info@legalaidboard.ie

Article 103 (1) (b) (1st part) – Courts competent to issue certificates for a decision pursuant to Article 36(1), and courts and authorities competent to issue a certificate for an authentic instrument or agreement referred to in Article 66

Competent courts are as follows:

Issue a certificate -Article 36(1)

- a decision in matrimonial matters using the form set out in Annex II -

Circuit Court or High Court;

- a decision in matters of parental responsibility using the form set out in Annex III -

District Court, Circuit Court or High Court;

- a decision ordering the return of a child as referred to in point (a) of Article 2(1), and, where applicable, any provisional, including protective, measures ordered in accordance with Article 27(5) accompanying the decision using the form set out in Annex IV:

High Court

Issue a certificate - Article 66(1)

- in matrimonial matters using the form set out in Annex VIII;

No court or authority under Irish law is competent to issue a certificate for an authentic instrument or agreement in matrimonial matters under Article 66(1)(a).

- an authentic instrument or agreement in matters of parental responsibility using the form set out in Annex IX -

District Court, Circuit Court or High Court.

Article 103 (1) (b) (2nd part) - Courts competent to rectify certificates referred to in Article 37(1), Article 48(1), and courts competent to issue a certificate specifying that the lack or limitation of a certified decision referred to in Article 49; and courts and authorities competent to rectify the certificate, issued under Article 66(1), referred to in Article 67(1);

Rectify a certificate Article 37(1)

The Court which issued the certificate in accordance with Article 36(1) may rectify the certificate it has issued in accordance with article 37(1)

District Court;

Circuit Court;

High Court

Rectify or withdraw a certificate Article 48(1)

The Court which issued the certificate:

District Court;

Circuit Court

High Court;

Certificate on lack or limitation of enforceability (of a decision certified in accordance with Article 47) Article 49

The Court which issued the certificate:

District Court;

Circuit Court

High Court

No court or authority under Irish law is competent to issue a certificate for an authentic instrument or agreement in matrimonial matters under Article 66(1)(a).

The court which issued the certificate for an authentic instrument or agreement in matters of parental responsibility under Article 66(1)(b) may rectify the certificate in accordance with Article 67(1):

District Court;

Circuit Court

High Court

Article 66(3) in conjunction with Article 37(1):

District Court;

Circuit Court

High Court

Article 103 (1) (c) – Courts competent for recognition of a decision (Article 30(3)) and for the refusal of recognition (Article 40(2)), as well as the courts and authorities competent for refusal of enforcement, for challenge or appeal, and for further challenge or appeal referred to in 58(1), 61(2) and 62

Article 30(3) Application for a decision that there are no grounds for refusal of recognition: The applications provided for by Article 30(3) shall be submitted to the following courts:

- in Ireland, the High Court.

Article 52: Enforcement: The applications provided for by Article 52 shall be submitted to the following courts:

- in Ireland, the High Court.

Article 40(1): Refusal of recognition: The applications provided for by Article 40(1) shall be submitted to the following courts:

- in Ireland, the High Court.

Article 58(1): Refusal of enforcement: The applications provided for by Article 58(1) shall be submitted to the following courts:

- in Ireland, the High Court.

Article 61(2): Challenge or appeal – refusal of enforcement:

Court of Appeal

Article 62: Possibility of Appeal to Supreme Court in limited circumstances -The decision must involve a matter of general public importance or, that it is in the interests of justice, it is necessary that there be an appeal.

- In Ireland, the Supreme Court

Article 103 (1) (d) – Authorities competent for enforcement referred to in Article 52

In Ireland, the High Court.

Article 103 (1) (e) – Redress procedures against a decision on the application for refusal of enforcement referred to in Articles 61 and 62

An appeal in the first instance can be made to the High Court.

In Ireland, an appeal on a point of law can be made to the Court of Appeal (it should be noted, however, that in accordance with the provisions of the Irish Constitution, the Supreme Court shall have appellate jurisdiction from a decision of the High Court if it is satisfied that there are exceptional circumstances warranting a direct appeal to it. The Supreme Court shall also have appellate jurisdiction from a decision of the Court of Appeal if it is satisfied that certain conditions laid down in the Constitution are satisfied.)

Article 103 (1) (f) – Names, addresses and means of communication for the Central Authorities designated to assist with the application of the Regulation in matters of parental responsibility. In case more than one Central Authority is designated, geographical and functional jurisdiction of each Central Authority to be indicated as referred to in Article 76

Central Authority for International Child Abduction

Department of Justice, Home Affairs and Migration

Central Authority for International Child Abduction,

51 St Stephen's Green,

Dublin 2,

D02 HK52

Phone: +353 (1) 8592 232

e-mail address: internationalchildabduction@justice.ie

Internet: <https://www.justice.ie>

Article 103 (1) (g) – If applicable, categories of close relatives, in addition to parents, with which the child may be placed within the territory of a Member State, without the prior consent of that Member State as referred to in Article 82

Not applicable. Ireland has not made use of the option under Article 82 to exclude certain categories of close relatives from the requirement to obtain consent for cross-border placement of children in Ireland.

Article 103 (1) (h) – Languages of the institutions of the European Union other than the own language of a Member State, in which communications to its Central Authorities can be accepted as referred to in Article 91(3))

English; Irish.

Article 103 (1) (i) – Languages accepted for the translations of requests and accompanying documents sent under Articles 80, 81, 82, and of the free text fields of the certificates as referred to in Article 91(2)

English; Irish

■ Last update: 27/05/2025

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