

Home>Taking legal action>European Judicial Atlas in civil matters>European Account Preservation Order

European Account Preservation Order

Ireland

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

Authentic instruments are not known in Irish law therefore this provision does not apply in Ireland.

Article 50(1)(b) – Authority designated as competent to obtain account information

In Ireland

Minister for Justice,
51 St. Stephen's Green,
Dublin 2, D02 HK52,
Ireland.

EAPOIA@justice.ie

Article 50(1)(c) – Methods of obtaining account information

In Ireland Article 14(5)(a) applies, i.e., an obligation on all banks in Ireland to disclose, upon request by the information authority, whether the debtor holds an account with them

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

In Ireland

where jurisdiction to issue a Preservation Order lies with the District Court, to the Judge of the Circuit Court within whose Circuit the Preservation Order was issued.

where jurisdiction to issue a Preservation Order lies with the Circuit Court, the High Court

where jurisdiction to issue a Preservation Order lies with the High Court, 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. A precondition for the Supreme Court being so satisfied is that the decision concerned involves a matter of general public importance and/or the interests of justice so require.)

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

In Ireland

Minister for Justice,
51 St. Stephen's Green,
Dublin 2, D02 HK52,
Ireland.

EAPOCA@justice.ie

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

In Ireland

Minister for Justice,
51 St. Stephen's Green,
Dublin 2, D02 HK52,
Ireland.

EAPOCA@justice.ie

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

The extent to which joint and nominee accounts can be preserved under Irish law depends on the circumstances of the case in question. As regards joint accounts, the general rule is that a Mareva type injunction granted against a defendant alone ought not to prevent a joint account holder from drawing on the bank account, unless such is specifically provided for in the order.

As regards nominee accounts, where a third party holds assets on behalf of a defendant in a nominee account, those assets are liable to be affected by a Mareva injunction directed at the defendant because the defendant is the equitable or beneficial owner of those assets.

A joint or nominee account holder whose account is subject to such an injunction can bring an application before the relevant court with a view to amending the terms of the injunction.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

In the case of equivalent national proceedings the Court determines the amount available to the debtor on a case by case basis having regard to the circumstances of the party concerned. The relevant application is made by the debtor and there are no rules on the amount which may be made available.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

Banks do not charge for the implementation of court orders in the case of equivalent national proceedings. In the event that account information were to be sought, there is no rule in place which would prevent banks from charging a fee for the provision of such information. As a general principle the creditor would be liable to pay the costs incurred by the bank, although such costs might eventually be awarded against the debtor.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

It is not envisaged that an administration fee will be charged by the information and competent authorities. However, personal service of documents will incur a charge of approximately €100 to €200, depending on the degree of difficulty which arises in effecting service.

Note: personal service of documents will be undertaken by a private sector company in this instance and a scale of fees is not available.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

A ranking is not conferred on similar procedures such as Mareva injunctions under Irish law as the creditor does not obtain a proprietary interest in the asset in question.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

In Ireland,

Insofar as Article 33(1) is concerned, the court competent to grant a remedy is the court which issued the Preservation Order which, depending on the circumstances, could be a District Court, a Circuit Court or the High Court*.

Insofar as Article 34(1) and 34(2) are concerned, the court competent to grant a remedy is,

where the European Account Preservation Order was issued by a court in the State, the court which issued the preservation order;

where the European Account Preservation Order was issued in a Member State other than the State, the High Court*.

*The High Court,

Four Courts,

Dublin 7.

HighCourtCentralOffice@courts.ie

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

In Ireland an appeal against a decision issued pursuant to Articles 33, 34 or 35 can be made as follows –

where the decision was made by the District Court, an appeal can be made to the Judge of the Circuit Court within whose Circuit the Preservation Order was issued within fourteen days from the date on which the decision appealed from was given (Articles 35.1 and 35.3 only).

<http://www.courts.ie/rules.nsf/0/e7bc3303e9b0464a80256d2b0046a095?OpenDocument>

where the decision was made by the Circuit Court, an appeal can be made to the High Court within ten days from the date on which the judgement or order appealed from was pronounced in open court (Articles 35.1 and 35.3 only).

<http://www.courts.ie/rules.nsf/d7ed4ce54d2bd0c680256e5400502ec7/d5629e64d4c7cae680256d2b0046b3ae?OpenDocument>

where the decision was made by the High Court, an appeal can be made to the Court of Appeal within 28 days of perfection of the Order. (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. A precondition for the Supreme Court being so satisfied is that the decision concerned involves a matter of general public importance and/or the interests of justice so require.)

<http://www.courts.ie/rules.nsf/8652fb610b0b37a980256db700399507/6805f0acd71dd40f80256f900064bdeb?OpenDocument>

Article 50(1)(n) – Court fees

Depending on the circumstances of the case, the court fees in proceedings to obtain a Preservation Order or a remedy against an Order could range from €80 to €200 approx. Relevant information can be found at:

<http://www.irishstatutebook.ie/eli/2014/si/491/> (SI 491/2014)

<http://www.irishstatutebook.ie/eli/2014/si/492/> (SI 492/2014)

<http://www.irishstatutebook.ie/eli/2014/si/22/> (SI 22/2014)

Article 50(1)(o) – Languages accepted for translations of the documents

None (Ireland accepts Irish and English only)

Last update: 11/07/2023

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.