



BILLE NA gCÚIRTEANNA, 1986
COURTS BILL, 1986

EXPLANATORY MEMORANDUM

Purpose of Bill

1. The purpose of the Bill is to provide that certain actions in the High Court shall not be tried with a jury.

Section 1

2. *Subsection (1)* provides that notwithstanding section 94 of the Courts of Justice Act, 1924, or any other enactment or rule of law, an action in the High Court for the recovery of damages for personal injuries to any person, or (for damages in respect of the death of a person) under section 48 of the Civil Liability Act, 1961, or section 18 of the Air Navigation and Transport Act, 1936, or a question of fact or an issue arising in such an action, shall not be tried with a jury.

3. *Subsection (2)* specifies the actions for personal injuries that are covered by the Bill. These are actions claiming damages in respect of personal injuries based on negligence, nuisance or breach of duty (whether the duty exists by virtue of a contract or a provision made by or under a statute, or independently of any contract or any such provision). The expression "breach of duty" in this connection includes trespass to the person but actions where the damages claimed include damages for false imprisonment or for intentional trespass to the person are excluded from the scope of the Bill. In line with a similar provision in section 2 of the Statute of Limitations, 1957, the expression "personal injuries" is defined as including any disease or impairment of a person's physical or mental condition.

Sections 2 and 3

4. These sections amend the Air Navigation and Transport Act, 1936, and the Civil Liability Act, 1961, consequentially on *section 1* of the Bill.

Section 4

5. *Subsections (1) and (2)* provide for the short title of the Act and for collective citation and construction.

6. *Subsection (3)* provides that the Bill shall not apply in relation to proceedings in which notice of trial has been given before the passing of the Act.

An Roinn Dlí agus Cirt,
Feabhra, 1986.



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COURTS BILLE, 1986

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An Roinn Dlí agus Cúir,
Februáir, 1986