



BILLE NA gCÚIRTEANNA, 1986
COURTS BILL, 1986

Mar a leasatodh i gCoiste
As amended in Committee

ARRANGEMENT OF SECTIONS

Section

1. Abolition of juries in certain actions in High Court.
2. Remittal or transfer of certain actions.
3. Amendment of Air Navigation and Transport Act, 1936.
4. Amendment of Civil Liability Act, 1961.
5. Regulation of number of counsel appearing in certain actions.
6. Short title, collective citation, construction and application.

ACTS REFERRED TO

| | |
|---|--------------|
| Air Navigation and Transport Act, 1936 | 1936, No. 40 |
| Air Navigation and Transport Act, 1965 | 1965, No. 6 |
| Civil Liability Act, 1961 | 1961, No. 41 |
| Courts of Justice Act, 1924 | 1924, No. 10 |
| Courts (Supplemental Provisions) Acts, 1961 to 1986 | |



BILLE NA gCÚIRTEANNA, 1986
COURTS BILL, 1986

BILL

entitled

AN ACT TO PROVIDE THAT CERTAIN ACTIONS IN THE HIGH COURT SHALL NOT BE TRIED WITH A JURY AND TO PROVIDE FOR THE REGULATION OF THE NUMBER OF COUNSEL APPEARING IN CERTAIN ACTIONS AND FOR RELATED MATTERS. 5

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS: 10

Abolition of juries
in certain actions
in High Court.

1.—(1) Notwithstanding section 94 of the Courts of Justice Act, 1924, or any other provision made by or under statute, or any rule of law, an action in the High Court—

- (a) claiming damages in respect of personal injuries to a person caused by 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 such contract or any such provision), 15
- (b) under section 48 of the Civil Liability Act, 1961, or
- (c) under section 18 (inserted by the Air Navigation and Transport Act, 1965) of the Air Navigation and Transport Act, 1936, 20

or a question of fact or an issue arising in such an action, shall not be tried with a jury.

(2) *Subsection (1)* of this section also applies in relation to— 25

- (a) an action in which damages are claimed both in respect of personal injuries to a person caused as specified in *subsection (1) (a)*, or the death of a person, and in respect of another matter, and
- (b) an action in which— 30
 - (i) the damages claimed consist only of damages in respect of a matter other than personal injuries to, or the death of, a person, and

(ii) the claim arises directly or indirectly from an act or omission that has also resulted in personal injuries to, or the death of, a person,

5 and in relation to a question of fact or an issue arising in an action referred to in *paragraph (a)* or *(b)* of this subsection.

(3) Notwithstanding the preceding provisions of this section, *subsection (1)* of this section does not apply in relation to an action where the damages claimed consist only of damages for false imprisonment or for intentional trespass to the person, or in relation to a question
10 of fact or an issue arising in such an action.

(4) For the purpose of the application of *subsection (1)* of this section in relation to an action, or a question of fact or an issue arising in an action, any set-off or counterclaim, or any other claim by a party (other than a plaintiff) to the action, shall be disregarded.

15 (5) *Subsection (1)* of this section does not apply in relation to an action, or a question of fact or an issue arising in an action, if the trial thereof began before the commencement of this Act but does apply to the retrial of such an action, question of fact or issue if the retrial begins after such commencement.

20 (6) Where, as respects an action in relation to which *subsection (1)* of this section applies, or a question of fact or an issue arising in such an action—

(a) a notice of trial containing a requirement to have the action, question or issue tried with a jury, or

25 (b) a notice signifying a desire to have the action, question or issue tried with a jury,

was served or given before the commencement of this Act, the requirement referred to in *paragraph (a)* of this subsection or, as the case may be, the notice referred to in *paragraph (b)* of this subsection
30 shall be disregarded.

(7) In this section “personal injuries” includes any disease and any impairment of a person’s physical or mental condition.

2.—The jurisdiction of the High Court under section 25 of the Courts of Justice Act, 1924, to remit or transfer actions may, on
35 application to the High Court in that behalf by any party to an action in relation to which *section 1 (1)* of this Act applies, be exercised in relation to the action at any time before the commencement of the trial thereof.

Remittal or transfer of certain actions

3.—Section 18 (2) (inserted by the Air Navigation and Transport Act, 1965) of the Air Navigation and Transport Act, 1936, is hereby amended by the deletion in paragraphs *(f)* and *(k)* of “the jury or” and “, as the case may be,”.

Amendment of Air Navigation and Transport Act, 1936.

4.—Section 49 (1) *(a)* of the Civil Liability Act, 1961, is hereby amended by the deletion in subparagraph *(i)* of “the jury or” and “,
45 as the case may be,”.

Amendment of Civil Liability Act, 1961.

Regulation of
number of counsel
appearing in certain
actions.

5.—(1) Notwithstanding any provision made by or under statute, or any rule of law or practice, the Minister may specify by regulations the maximum number of counsel in respect of whom costs may be allowed, on taxation by a Taxing Master, for payment by another party or other parties to an action in relation to which *section 1 (1)* 5 of this Act applies, or a question of fact or an issue arising in such an action, or an appeal from a decision in such an action or on such a question or issue.

(2) Regulations under this section may—

(a) specify different numbers of counsel (whether junior counsel 10 or senior counsel or both) in relation to different classes (designated in such manner and by reference to such matters as the Minister considers appropriate) of such actions, questions, issues or appeals as aforesaid,

and 15

(b) provide for the allowance, on taxation by a Taxing Master, for payment by another party or other parties to such actions, questions, issues or appeals as aforesaid, of the costs in respect of different counsel or different numbers of counsel engaged in relation to different stages of such 20 actions, questions, issues or appeals.

(3) Every regulation under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if either such House, within the next 21 days on which that House has sat after the regulation is laid before it, passes a resolution annulling 25 the regulation, the regulation shall be annulled accordingly, but without prejudice to anything previously done thereunder.

Short title,
collective citation,
construction and
application.

6.—(1) This Act may be cited as the Courts Act, 1988.

(2) The Courts (Supplemental Provisions) Acts, 1961 to 1986, and this Act may be cited together as the Courts (Supplemental Provisions) 30 Acts, 1961 to 1988, and shall be construed together as one.

(3) This Act shall come into operation on the 1st day of August, 1988.

BILL

BILLE

(For introduction in Committee)

(For introduction in Committee)

introduced

introduced

And it is enacted, that certain sections of the High Court Act, 1881, shall not be read with effect until the provisions of this Bill are taken into consideration, and the provisions of the said Act shall not be read with effect until the provisions of this Bill are taken into consideration.

At the same time it is enacted, that certain sections of the High Court Act, 1881, shall not be read with effect until the provisions of this Bill are taken into consideration, and the provisions of the said Act shall not be read with effect until the provisions of this Bill are taken into consideration.

Approved by the House of Commons

Approved by the House of Commons

Printed by W. Clowes and Sons, London

Printed by W. Clowes and Sons, London

PRINTED BY THE STATIONERY OFFICE

PRINTED BY THE STATIONERY OFFICE

In the year 1886, the House of Commons has passed the following Bill, which is now before the House of Lords for their consideration.

In the year 1886, the House of Commons has passed the following Bill, which is now before the House of Lords for their consideration.

Printed by W. Clowes and Sons, London

Printed by W. Clowes and Sons, London

Wp

Wp

BILLE

(mar a leasaíodh i gCoiste)

dá ngairtear

Acht do dhéanamh socrú nach dtrialfear le giúiré caingne áirithe san Ard-Chúirt agus do dhéanamh socrú i dtaobh an líon abhcóidí a láithríonn i gcaingne áirithe a rialáil agus i dtaobh nithe goalmhara.

BILL

(as amended in Committee)

entitled

An Act to provide that certain actions in the High Court shall not be tried with a jury and to provide for the regulation of the number of counsel appearing in certain actions and for related matters.

An tAire Dlí agus Cirt a thólaic

Presented by the Minister for Justice

*Ordaíodh ag Dail Éireann a chlóbhualadh,
31 Bealtaine, 1988*

*Ordered by Dáil Éireann to be printed,
31st May, 1988*

**BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR**

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,
Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath
2, nó trí aon díoltóir leabhar.

Clóbhuailte ag CAHILL PRINTERS LIMITED.

60p

**DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE**

To be purchased through any bookseller, or directly
from the Government Publications Sale Office,
Sun Alliance House, Molesworth Street, Dublin 2.

Printed by CAHILL PRINTERS LIMITED.

60p