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**BILLE NA gCÚIRTEANNA, 1988**  
**COURTS BILL, 1988**

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*Mar a ritheadh ag dhá Theach an Oireachtais*  
*As passed by both Houses of the Oireachtas*

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**ARRANGEMENT OF SECTIONS**

**Section**

1. Power, in certain circumstances, to make warrants retrospectively under section 2 of Act.
  2. Short title and collective citation.
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**ACTS REFERRED TO**

Courts of Justice (District Court) Act, 1949  
Courts (Supplemental Provisions) Acts, 1961 to 1988

1949, No. 8





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BILLE NA gCÚIRTEANNA, 1988  
COURTS BILL, 1988

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# BILL

*entitled*

AN ACT TO ENABLE WARRANTS UNDER THE COURTS OF 5  
JUSTICE (DISTRICT COURT) ACT, 1949, EXTENDING  
THE AGE OF RETIREMENT OF CERTAIN JUSTICES OF  
THE DISTRICT COURT TO BE MADE RETRO-  
SPECTIVELY IN CERTAIN CIRCUMSTANCES AND TO  
PROVIDE FOR CERTAIN VALIDATIONS. 10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Power, in certain  
circumstances, to  
make warrants  
retrospectively  
under section 2 of  
Act.

1.—(1) Where—

- (a) a person held office as a justice of the District Court immedi-  
ately before he reached the age of 65, 66, 67, 68 or 69 15  
years,
- (b) the person purported to hold office as such a justice during  
any period commencing on the day on which he reached  
the age of 65, 66, 67, 68 or 69 years and ending at any  
time before the day on which he reaches or reached the 20  
age of 70 years,
- (c) no warrant was made under section 2 of the Act in respect  
of the year or any of the years of which the period consists  
or in which it is included,
- (d) the Committee are satisfied that the omission to make a  
warrant or warrants under the said section 2 in respect of 25  
the year or years of which the period consists or in which  
it is included is attributable to error or oversight, and
- (e) the Committee are satisfied that the person was not, when  
the warrant or warrants aforesaid fell to be made, suffering 30  
from any disability which rendered him unfit to continue  
to discharge efficiently the duties of the office of justice  
of the District Court,

the Committee may, if they so think proper after consultation with  
the Minister, make a warrant or warrants under the said section 2 in  
relation to the person for the year or years of which the period consists 35  
or in which it is included.



(2) Where a warrant (referred to subsequently in this Act as "the specified warrant") is made under section 2 of the Act by virtue of subsection (1) of this section—

5 (a) everything (including the satisfying of any condition precedent to the exercise or performance of a power, function or duty) done, or purporting to have been done, by, to or on behalf or in respect of the person to whom the specified warrant relates or any other person during the year to which it relates shall be, and be deemed always to have been, as valid and effectual as if a warrant had been duly made before the commencement of that year under the said section 2 in respect of the person for that year, and

10 (b) the remuneration and other conditions of service of the person during the year to which the specified warrant relates shall be, and be deemed always to have been, as if a warrant had been duly made before the commencement of that year under the said section 2 in respect of the person for that year.

15 (3) If, because of any validation expressed to be effected by subsection (2) of this section, that subsection would, but for this subsection, conflict with a constitutional right of any person, the validation shall be subject to such limitation as is necessary to secure that it does not so conflict but shall be otherwise of full force and effect.

20 (4) In this section—

"the Act" means the Courts of Justice (District Court) Act, 1949;

"the Committee" means the committee established by section 2 of the Act;

"the Minister" means the Minister for Justice;

25 "warrant" means a warrant under section 2 of the Act.

2.—(1) This Act may be cited as the Courts (No. 2) Act, 1988.

Short title and  
collective citation.

(2) The collective citation "the Courts (Supplemental Provisions) Acts, 1961 to 1988" shall include this Act and the said Courts (Supplemental Provisions) Acts, 1961 to 1988, shall be construed together as one.



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## BILLE

*dá ngairtear*

Acht dá chumasú barántais faoin Acht Cúirteanna Breithiúnais (An Chúirt Dúiche), 1949, lena n-ardaítear aois scoir breithiúna áirithe den Chúirt Dúiche a dhéanamh go cúlgabhálach in imthosca áirithe agus do dhéanamh socrú le haghaidh bailíochtuithe áirithe.

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*Ritheadh ag dhá Theach an Oireachtais,  
14 Nollaig, 1988*

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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.

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## BILL

*entitled*

An Act to enable warrants under the Courts of Justice (District Court) Act, 1949, extending the age of retirement of certain justices of the District Court to be made retrospectively in certain circumstances and to provide for certain validations.

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*Passed by both Houses of the Oireachtas,  
14th December, 1988*

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