



BILLE NA gCÚIRTEANNA, 2000
COURTS BILL, 2000

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

Section

1. Short title and collective citation.
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Acts Referred to

Courts Act, 1964	1964, No. 11
Courts and Court Officers Act, 1995	1995, No. 31
Court Officers Acts, 1926 to 1995	
Courts (Supplemental Provisions) Act, 1961	1961, No. 39
Courts (Supplemental Provisions) Acts, 1961 to 1995	
Taxes Consolidation Act, 1997	1997, No. 39



BILLE NA gCÚIRTEANNA, 2000
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BILL

entitled

5 AN ACT TO AMEND THE COURTS (SUPPLEMENTAL
PROVISIONS) ACT, 1961, AND THE COURTS AND
COURT OFFICERS ACT, 1995.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) This Act may be cited as the Courts Act, 2000

Short title and
collective citation.

10 (2) This Act, insofar as it amends or extends the Courts
(Supplemental Provisions) Acts, 1961 to 1995, shall be construed as
one therewith and those Acts and this Act may be cited together as
the Courts (Supplemental Provisions) Acts, 1961 to 2000.

15 (3) This Act, insofar as it amends or extends the Court Officers
Acts, 1926 to 1995, shall be construed as one therewith and those
Acts and this Act may be cited together as the Court Officers Acts,
1926 to 2000.

2.—In this Act—

Interpretation.

20 “the Acts” has the meaning thereof specified in section 1095(1) of
the Taxes Consolidation Act, 1997;

“the Act of 1961” means the Courts (Supplemental Provisions) Act,
1961;

“The Act of 1995” means the Courts and Court Officers Act, 1995;

25 “Court of Justice” means the Court of Justice of the European
Community;

“High Court or Supreme Court litigation solicitor” means a practis-
ing solicitor who is regularly engaged in the conduct of proceedings
before the High Court or the Supreme Court, whether as an advoca-
te or an instructing solicitor to counsel;

30 “practising barrister” means a practising barrister who is regularly
engaged in the conduct of proceedings before the High Court or the
Supreme Court;

“private practice” means practice as a sole practitioner, practice in
partnership with other practising solicitors, or practice as an

employee of a practising solicitor or solicitors, and offering his or her services to the public in general.

Qualifications of judges of Supreme Court and High Court.

3.—Section 5 of the Act of 1961 is hereby amended by the substitution of the following subsection for subsection (2)—

“(2) (a) A person who is for the time being a practising barrister or a High Court or a Supreme Court litigation solicitor, and who has been such for at least 10 years (including a continuous period of two years immediately prior to the date of his or her appointment) shall be qualified for appointment as a judge of the Supreme Court or the High Court. 5 10

(b) For the purposes of paragraph (a) of this sub-section, service as a judge of the Circuit Court or of the District Court shall be deemed to be practice as a practising barrister or a High Court or Supreme Court litigation solicitor. 15

(c) A certificate to that effect by the President for the time being of the Law Society of Ireland shall be conclusive evidence that a person is a High Court or a Supreme Court litigation solicitor and has been such for the periods mentioned in paragraph (a) of this subsection.” 20

Further qualifications of judges of Supreme Court and High Court.

4.—Section 5(2) of the Act of 1961 is hereby amended by the substitution of the following paragraphs for paragraphs (c) to (e) (inserted by section 28 of the Act of 1995)— 25

“(c) For the purposes of paragraph (a) of this subsection, service as a judge of the Court of Justice, a judge of the Court of First Instance attached thereto or as an Advocate-General of the Court of Justice shall be deemed to be practice as a practising barrister or a High Court or Supreme Court litigation solicitor. 30

(d) A judge of the Court of Justice, a judge of the Court of First Instance attached thereto or an Advocate-General of the Court of Justice shall, on vacating any of those offices, be qualified for appointment as a judge of the Supreme Court or the High Court provided he or she is qualified for appointment as such by virtue of paragraph (c) of this subsection or otherwise.”. 35

Submission of names for appointment to judicial office to Minister: requirements.

5.—Section 16(7) of the Act of 1995 is hereby amended by the insertion of the following paragraphs after paragraph (d):— 40

“(e) has displayed by his or her practice, either as a practising barrister or a High Court or Supreme Court litigation solicitor, a significant knowledge and experience of the decisions, practices and procedures of the High Court and Supreme Court, and 45

(f) has complied with the Acts, either by the production of a tax clearance certificate as provided for in Section 1095 of the Taxes Consolidation Act, 1997, or otherwise.”.

	6.—The Eighth Schedule to the Act of 1961 is hereby amended by the substitution of the following paragraph for paragraph 17— “17. No person shall be appointed to be Master of the High Court unless at the time of his or her appointment he or she is a practising barrister or a practising solicitor, and has been such for at least ten years (including a continuous period of two years immediately prior to the date of his or her appointment).”.	Qualification of Master of the High Court.
	7.—Notwithstanding any rule of law or practice to the contrary, a solicitor shall be qualified for appointment as Attorney General.	Qualification of Attorney General.
10	8.—No person shall be appointed Attorney General or Master of the High Court unless he or she has complied with the Acts, either by the production of a tax clearance certificate as provided for in Section 1095 of the Taxes Consolidation Act, 1997, or otherwise.	Compliance with Tax Acts.
15	9.—Section 7(6) of the Courts Act, 1964, is hereby amended by the deletion of paragraph (a)(ii).	Service of court documents by post.
	10.—Section 16 of the Act of 1995 is hereby amended by the insertion of the following subsections after subsection (8):— “(9) Prior to advising the President in relation to the appointment of a person to a judicial office, the Government shall submit the name of that person to a Committee of the Houses of the Oireachtas, to be constituted under the rules and procedures of the Houses of the Oireachtas, and shall take into consideration the views of that Committee. (10) Notwithstanding any rule of law or statutory provision or practice to the contrary, the Government may grant Patents of Precedence at the Bar to High Court or Supreme Court litigation solicitors.”.	Amendment of section 16 (submission of names to Minister) of Act of 1995.
30	11.—No person who has occupied a judicial office and has ceased to occupy that office due to retirement or impeachment may be appointed by the Government or any Minister of State to any office or employment unless the Government shall have first submitted the name of that person to the Committee mentioned in <i>section 10</i> of this Act and the Government, or the Minister in question, shall not make any such appointment without the prior approval of that Committee.	Appointment to office or employment of former holders of Judicial Office.