



DÁIL ÉIREANN

AN BILLE UM AN DLÍ SIBHIALTA (FORÁLACHA ILGHNÉITHEACHA) 2006 CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL 2006

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM AN DLÍ SIBHIALTA (FORÁLACHA ILGHNÉITHEACHA)
2006
—ROGHCHOISTE

CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL 2006
—SELECT COMMITTEE

Leasuithe
Amendments

SECTION 1

1. In page 7, subsection (2), line 26, to delete “for Justice, Equality and Law Reform”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

2. In page 7, subsection (3), line 30, to delete “2002” and substitute “2007”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

3. In page 8, subsection (6), line 3, to delete “1994” and substitute “2005”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

4. In page 8, between lines 4 and 5, to insert the following subsections:

“(7) The Equal Status Acts 2000 to 2004 and *Part 16** may be cited together as the Equal Status Acts 2000 to 2007.

(8) The collective citation “the Employment Equality Acts 1998 to 2007” shall include *Part 18**.”

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

*[*Note: this is the appropriate reference if amendment No. 84 is accepted.*]

**[*Note: this is the appropriate reference if amendment No. 88 is accepted.*]

SECTION 2

5. In page 8, before section 2, but in Part 1, to insert the following new section:

“Definition of
“Minister”.

2.—In this Act, “Minister” means Minister for Justice, Equality and Law Reform.”

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

6. In page 8, before section 2, but in Part 1, to insert the following new section:

“Repeals and
revocations.

3.—(1) Each enactment specified in *column (2)** of *Part 1** of the Schedule is repealed to the extent specified in *column (3)** of that Part.

(2) Each statutory instrument specified in *column (2)** of *Part 2** of the Schedule is revoked to the extent specified in *column (3)** of that Part.”

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

*[*Note: this is the appropriate reference if amendment No. 90 is accepted.*]

[SECTION 2]

7. In page 8, before section 2, but in Part 1, to insert the following new section:

“Expenses.

4.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.”

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 3

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 4

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 5

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 6

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 7

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 8

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 9

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 10

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 11

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 12]

SECTION 12

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 13

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 14

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 15

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 16

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 17

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 18

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 19

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 20

8. In page 17, before section 20, to insert the following new section:

“CHAPTER 3

Admission to legal practice

Interpretation
(Chapter 3).

20.—In this Chapter:

“Act of 1929” means the Legal Practitioners (Qualification) Act 1929;

“Act of 1954” means the Solicitors Act 1954;

“Act of 1994” means the Solicitors (Amendment) Act 1994.”

—Pat Rabbitte, Brian O’Shea.

[SECTION 20]

9. In page 17, before section 20, to insert the following new section:

“Amendment of section 3 of Act of 1929.

20.—The following is substituted for section 3 of the Act of 1929:

“Competent knowledge of the Irish language by barristers.

3.—(1) The Chief Justice shall not refuse to admit any person to practice as a barrister-at-law in the courts of Ireland on the ground of the person’s lack of a competent knowledge of the Irish language.

(2) The Honorable Society of King’s Inns shall offer to any person proposing to apply to be admitted as a barrister-at-law the opportunity voluntarily to undergo an examination (which may be administered by the Honorable Society of King’s Inns or by any other educational body prescribed by the Minister for Education and Science) to demonstrate his or her competent knowledge of the Irish language and shall confer on any person who satisfactorily completes the examination a certificate of such satisfactory completion.

(3) Where prior to the passing of this Act any person was refused admission to practice as a barrister-at-law on the ground of failing to satisfy the Chief Justice as to the person’s competent knowledge of the Irish language, the person may apply to the Chief Justice for admission to practice as a barrister-at-law and the Chief Justice shall admit such person to practice as a barrister-at-law if the person is otherwise qualified for such admission.””.

—Pat Rabbitte, Brian O’Shea.

10. In page 17, before section 20, to insert the following new section:

“Insertion of section 3A in Act of 1929.

20.—The following is inserted after section 3 of the Act of 1929:

“Competent knowledge of the Irish language by solicitors.

3A.—(1) The Law Society of Ireland shall not refuse to admit any person to practice as a solicitor in the courts of Ireland on the ground of the person’s lack of a competent knowledge of the Irish language.

(2) The Law Society of Ireland shall offer to any person proposing to apply to be admitted as a solicitor the opportunity voluntarily to undergo an examination (which may be administered by the Law Society of Ireland or by any other educational body prescribed by the Minister for Education and Science) to demonstrate his or her competent knowledge of the Irish language and shall confer on any person who satisfactorily completes the examination a certificate of such satisfactory completion.

(3) Where prior to the passing of this Act any person was refused admission to practice as a solicitor on the ground of failing to satisfy the Law Society of Ireland as to the person’s competent knowledge of the Irish language, the person may apply to the Law Society of Ireland for admission to practice as a solicitor and the Law Society of Ireland shall admit such person to practice as a solicitor if the person is otherwise qualified for such admission.

[SECTION 20]

(4) Regulations under the Solicitors Acts 1954 to 2002 may not prescribe any examination in connection with the Irish language other than the voluntary examination referred to in subsection (2).”.”.

—Pat Rabbitte, Brian O’Shea.

11. In page 17, before section 20, to insert the following new section:

“Amendment of Act of 1954.

20.—(1) Section 40(3) and (6) of the Act of 1954 is repealed.

(2) In section 43(2)(a) of the Act of 1954 (as substituted by section 51 of the Act of 1994), the following is repealed: “and (if obligatory on him) the second examination in the Irish language which is referred to in the said section 40”.

(3) In section 43(2)(c) of the Act of 1954 (as substituted by section 51 of the Act of 1994), the following is repealed: “and (if obligatory on him) the second examination in the Irish language”.

(4) Section 43(4) of the Act of 1954 (as substituted by section 51 of the Act of 1994) is repealed.”.

—Pat Rabbitte, Brian O’Shea.

12. In page 17, before section 20, to insert the following new section:

“Amendment of European Communities (General System for the Recognition of Higher Education Diplomas) Regulations 1991.

20.—Regulation 14(1) of the European Communities (General System for the Recognition of Higher Education Diplomas) Regulations 1991 (S.I. No. 1 of 1991) is revoked.”.

—Pat Rabbitte, Brian O’Shea.

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 21

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 22

13. In page 20, subsection (1), line 9, after “reasonable” to insert the following:

“and may in particular, with the consent of the person making the complaint, facilitate the resolution of a complaint by mediation”.

—Pat Rabbitte.

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 23

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 24]

SECTION 24

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 25

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 26

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 27

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 28

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 29

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 30

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 31

14. In page 24, subsection (8), line 35, after “*subsection*” to insert “ (6) or”.

—Pat Rabbitte.

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 32

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 33

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 34

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 35]

SECTION 35

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 36

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 37

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 38

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 39

- 15.** In page 26, before section 39, but in Part 3, to insert the following new section:

“Amendment of section 9 of Courts of Justice Act 1924.

39.—Section 9 (inserted by section 9 of the Courts (No. 2) Act 1997) of the Courts of Justice Act 1924 is amended—

(a) in paragraph (d), by inserting “first” before “appointment”, and

(b) in paragraph (f), by substituting “each according to priority of his or her first appointment” for “each according to his or her priority of appointment”.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

- 16.** In page 26, before section 39, but in Part 3, to insert the following new section:

“Amendment of section 38 of Court Officers Act 1926.

40.—Section 38 (as amended by section 3 of the Courts (Supplemental Provisions) Act 1961) of the Court Officers Act 1926 is amended in subsection (1) —

(a) by inserting “, regulations made under section 3 of the European Communities Act 1972” after “him by statute”, and

(b) by inserting “, such regulations” after “provided by statute”.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

- 17.** In page 26, before section 39, but in Part 3, to insert the following new section:

“Amendment of section 48 of Court Officers Act 1926.

41.—Section 48 of the Court Officers Act 1926 is amended in subsection (1)—

(a) by inserting “by regulations made under section 3 of the European Communities Act 1972” after “him by statute”, and

[SECTION 39]

(b) by inserting “by such regulations” after “provided by statute”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

18. In page 26, line 28, after “percentage” to insert “, specified in the order,”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

19. In page 27, to delete lines 8 to 11 and substitute the following:

“(4) The Courts Service—”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 40

20. In page 27, line 22, after “such” to insert “on or”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

21. In page 27, line 32, to delete “5” and substitute “5 years of service”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

22. In page 27, line 41, to delete “5” and substitute “5 years of service”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 41

23. In page 28, line 3, to delete “5” and substitute “5 years of service”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

24. In page 28, line 11, to delete “5” and substitute “5 years of service”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 42

25. In page 28, line 25, to delete “5” and substitute “5 years of service”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

26. In page 28, line 33, to delete “5” and substitute “5 years of service”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 44

27. In page 29, lines 25 to 27, to delete paragraphs (a) and (b) and substitute the following:

“(a) in paragraph (d), by deleting “and” where it last occurs,

(b) in paragraph (e), by substituting “courts, and” for “courts.”, and”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

28. In page 29, line 29, to delete “imposed” and substitute “conferred”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 45

29. In page 29, to delete lines 33 to 35 and substitute the following:

[SECTION 45]

“(ga) provide secretarial, clerical and administrative support to the Superior Courts Rules Committee, the Circuit Court Rules Committee and the District Court Rules Committee,”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 46

30. In page 29, before section 46, to insert the following new section:

“Amendment of Courts (No. 3) Act 1986.

46.—Section 1(14) (inserted by section 49 of the Civil Liability and Courts Act 2004) of the Courts (No. 3) Act 1986 is amended by inserting the following after the definition of “appropriate office”:

“ ‘electronic means’, in relation to an application for a summons or the issue of a summons, includes the use of an information system (within the meaning of section 2 of the Electronic Commerce Act 2000) under the control of a person other than—

(a) the person who applied for the summons or a person acting on his or her behalf, or

(b) the appropriate office;”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

31. In page 29, lines 36 and 37, to delete all words from and including “Section” in line 36 down to and including “1953)” in line 37 and substitute the following:

“Section 67 (as amended by section 15 of the Courts of Justice Act 1953) of the Courts of Justice Act 1936”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

32. In page 30, to delete line 7 and substitute the following:

“(4) The nominated members of the Committee shall be the following:”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

33. In page 30, lines 14 and 15, to delete all words from and including “shall” in line 14 down to and including “Bar,” in line 15 and substitute the following:

“shall be a member of the Senior Bar and the other a member of the Junior Bar;”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

34. In page 30, to delete lines 25 to 29 and substitute the following:

“(iii) ceases to be of the capacity referred to in subsection (4) by virtue of which the member held office as such member;”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

35. In page 30, line 40, to delete “must” and substitute “shall”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

36. In page 30, to delete lines 41 and 42 and in page 31, to delete lines 1 to 7 and substitute the following:

“(a) in the case of the Chief Justice, an ordinary judge of the Supreme Court,

[SECTION 46]

- (b) in the case of the President of the High Court, an ordinary judge of the High Court,
 - (c) in the case of the Chief Executive Officer of the Courts Service, a member of the staff of the Courts Service,
 - (d) in the case of the Attorney General, an officer of the Attorney General.”
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
37. In page 31, line 11, to delete “of” and substitute “to”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 47

38. In page 31, lines 14 and 15, to delete all words from and including “Section” in line 14 down to and including “1947)” in line 15 and substitute the following:
“Section 69 (as amended by section 12 of the Courts of Justice Act 1947) of the Courts of Justice Act 1936”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
39. In page 31, line 18, after “ex-officio” to insert “members”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
40. In page 31, to delete line 25 and substitute the following:
“(4) The nominated members of the Committee shall be the following:”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
41. In page 31, line 29, to delete “Council of the Bar of Ireland,” and substitute “General Council of the Bar of Ireland;”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
42. In page 32, line 14, to delete “must” and substitute “shall”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
43. In page 32, to delete lines 15 to 21 and substitute the following:
“(a) in the case of the President of the Circuit Court, an ordinary judge of the Circuit Court,
(b) in the case of the Chief Executive Officer of the Courts Service, a member of the staff of the Courts Service,
(c) in the case of the Attorney General, an officer of the Attorney General.”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
44. In page 32, line 25, to delete “of” and substitute “to”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 48

45. In page 32, lines 28 and 29, to delete all words from and including “(as” in line 28 down to and including “1946)” in line 29.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 48]

46. In page 32, line 32, after “ex-officio” to insert “members”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
47. In page 32, to delete line 41 and substitute the following:
“(4) The nominated members of the Committee shall be the following:”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
48. In page 33, line 2, to delete “Minister,” and substitute “Minister for Justice, Equality and Law Reform;”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
49. In page 33, line 4, to delete “Council of the Bar of Ireland,” and substitute “General Council of the Bar of Ireland;”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
50. In page 33, line 27, to delete “must” and substitute “shall”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
51. In page 33, to delete lines 28 to 34 and substitute the following:
“(a) in the case of the President of the District Court, an ordinary judge of the District Court,

(b) in the case of the Chief Executive Officer of the Courts Service, a member of the staff of the Courts Service,

(c) in the case of the Attorney General, an officer of the Attorney General.”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
52. In page 33, line 38, to delete “of” and substitute “to”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 49

53. In page 34, to delete lines 1 to 3 and substitute the following:

“49.—The Courts Act 1971 is amended by substituting the following for sections 13A and 14 (inserted by section 20 of the Criminal Justice (Miscellaneous Provisions) Act 1997):”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 50

Section opposed.

—Pat Rabbitte.

SECTION 52

54. In page 35, before section 52, to insert the following new section:

[SECTION 52]

“Anonymity in civil proceedings in relation to medical condition of relevant person.

52.—(1) Where in any civil proceedings (including such proceedings on appeal) a relevant person has a medical condition, an application may be made to the court in which the proceedings have been brought by any party to the proceedings for an order under this section prohibiting the publication or broadcast of any matter relating to the proceedings which would, or would be likely to, identify the relevant person as a person having that condition.

(2) An application for an order under this section may be made at any stage of the proceedings.

(3) The court shall grant an order under this section only if it is satisfied that—

- (a) the relevant person concerned has a medical condition,
- (b) his or her identification as a person with that condition would be likely to cause undue stress to him or her, and
- (c) the order would not be prejudicial to the interests of justice.

(4) An appeal from a refusal or grant of an application for an order under this section may be made by any party to the proceedings and shall lie—

- (a) in relation to proceedings before the District Court, to the Circuit Court,
- (b) in relation to proceedings before the Circuit Court, to the High Court, and
- (c) in relation to proceedings before the High Court, to the Supreme Court.

(5) The court—

- (a) hearing an appeal under *subsection (4)* may vary or revoke the order under this section the subject of the appeal,
- (b) hearing an appeal against a decision in civil proceedings in which an order under this section was made may vary or revoke the order on application made in that behalf by any party to the proceedings.

(6) An application for an order under this section, an appeal under *subsection (4)* or an application referred to in *subsection (5)(b)*—

- (a) may only be made by a party to the proceedings on notice to the other party or parties to the proceedings, and
- (b) shall be made to the judge concerned in chambers.

(7) Each of the following persons who publishes or broadcasts any matter in contravention of an order under this section (including any such order as varied on appeal) is guilty of an offence and is liable on conviction on indictment to a fine not exceeding €25,000 or imprisonment for a term not exceeding 3 years or both:

- (a) if the matter is published in a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
- (b) if the matter is published otherwise, the person who publishes it;
- (c) if the matter is broadcast, any person transmitting or providing the programme in which the broadcast is made and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.

[SECTION 52]

(8) Where a person is charged with an offence under *subsection (7)*, it shall be a defence to prove that at the time of the alleged offence the person was not aware, and neither suspected nor had any reason to suspect, that the publication or broadcast concerned was of any such matter as is mentioned in *subsection (1)*.

(9) (a) Where an offence under *subsection (7)* has been committed by a body corporate and it is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person who, when the offence was committed, was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(b) Where the affairs of a body corporate are managed by its members, *paragraph (a)* shall apply in relation to the acts and defaults of a member in connection with the functions of management as if he or she were a director or manager of the body corporate.

(10) This section applies to civil proceedings that are either—

- (a) brought on or after the commencement of this section, or
- (b) pending on the date of such commencement.

(11) In this section—

“broadcast” means the transmission, relaying or distribution by wireless telegraphy, cable or the internet of communications, sounds, visual images or signals, intended for reception by the public generally or a section of it, whether the broadcast is so received or not;

“publish” means publish, other than by way of broadcast, to the public generally or a section of it;

“relevant person”, in relation to civil proceedings, means—

- (a) a party to the proceedings, or
- (b) a person called or proposed to be called to give evidence in the proceedings.”

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 53

55. In page 35, before section 53, but in Part 3, to insert the following new section:

53.—Section 40 of the Civil Liability and Courts Act 2004 is amended—

(a) in subsection (3), by substituting—

“such a report—

- (i) attend the proceedings, and
- (ii) have access to any relevant documents,

“Amendment of section 40 of Civil Liability and Courts Act 2004.

[SECTION 53]

subject to any directions the court may give in that behalf.” for “such a report, attend the proceedings subject to any directions the court may give in that behalf.”,

and

(b) by inserting the following after subsection (10):

“(11) In subsection (3), ‘relevant documents’, in relation to any proceedings referred to in that subsection—

(a) subject to paragraph (b), means—

(i) the petition, summons or other originating document in the proceedings,

(ii) pleadings and other documents (including the terms of settlement, if any) produced to or lodged with the court, or included in the book of pleadings, in the course of the proceedings, and

(iii) any order made by the court in the proceedings,

(b) does not include any document the contents of which are expressed to be without prejudice or in terms having a like effect.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

56. In page 35, before section 53, but in Part 3, to insert the following new section:

“Increase in number of judges of District Court.

54.—The Courts and Court Officers Act 1995 is amended by substituting the following for subsection (1) (inserted by section 4 of the Courts and Court Officers (Amendment) Act 2007) of section 11:

“(1) The number of judges of the District Court in addition to the President of the District Court shall not be more than 63.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

57. In page 35, before section 53, but in Part 4, to insert the following new section:

“Amendment of section 29 of Solicitors Act 1954.

53.—Section 29 (as substituted by section 44 of the Solicitors (Amendment) Act 1994) of the Solicitors Act 1954 is amended in subsection (2) by substituting “four” for “five”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

58. In page 35, lines 25 and 26, to delete all words from and including “Section” in line 25 down to and including “1994” in line 26 and substitute the following:

“Section 73 (as amended by section 7 of the Solicitors (Amendment) Act 1994) of the Solicitors Act 1954”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

59. In page 35, line 40, to delete “section 9” and substitute “9”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 55]

SECTION 55

60. In page 36, before section 55, but in Part 4, to insert the following new section:

“Insertion of new section 18A into Solicitors (Amendment) Act 1994.

55.—The Solicitors (Amendment) Act 1994 is amended by inserting the following after section 18:

“Enforcement of 18A.—(1) Where, on application by the Society in order of Solicitors Disciplinary Tribunal. circumstances where the matter is not otherwise before the High Court, it is shown that a solicitor or any other person has refused, neglected or otherwise failed, without reasonable cause, to comply in whole or in part with an order made by the Solicitors Disciplinary Tribunal, the Court may by order direct the solicitor or other person, as the case may be, to comply in whole or in part with the order of the Solicitors Disciplinary Tribunal.

(2) An application by the Society pursuant to subsection (1) shall be on notice to the solicitor or other person concerned unless the High Court otherwise orders.

(3) An order of the High Court under subsection (1) may contain such provisions of a consequential nature as the Court considers appropriate.””.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

61. In page 36, before section 55, but in Part 4, to insert the following new section:

“Costs incurred due to negligence, etc.

55.—(1) If in any proceedings before a court it appears to the court that—

(a) costs have been improperly or without any reasonable cause incurred by a solicitor acting for a client who is a party to those proceedings, or

(b) by reason of any undue delay in proceeding under any judgment or order, or of any misconduct or default of that solicitor, any costs properly incurred have nevertheless proved fruitless to the client incurring those costs,

the court may, on its own motion or on the application of the client concerned—

(i) call on the solicitor of the person by whom such costs have been so incurred to show cause why such costs should not be disallowed as between the solicitor and the client and also (if the circumstances of the case require) why the solicitor should not repay to the client any costs which the client may have been ordered to pay any other person, and

(ii) make such order as the justice of the case may require.

(2) An order under *subsection (1)*—

(a) shall not be made in respect of a solicitor acting in good faith and without negligence,

[SECTION 55]

(b) does not depend upon a finding by the court that the solicitor is guilty of professional misconduct or gross negligence in relation to their duty to the court.

(3) (a) Where a court is considering whether to make an order under *subsection (1)*, the court may at any stage refer the matter—

(i) in the case of the High Court, to a Taxing Master,

(ii) in the case of the Circuit Court, to a county registrar,

for inquiry and report and may also appoint a solicitor to attend and take part in such inquiry.

(b) Notice of an order under *paragraph (a)* shall be given to the client in such manner as the court may direct.

(c) Any costs of the solicitor appointed under *subsection (3)(a)* shall be paid by such parties, or out of such funds as the court may direct or, if not otherwise paid, may be paid out of such moneys (if any) as may be provided by the Oireachtas.

(4) In this section, “court” includes the Master of the High Court.”

—Pat Rabbitte.

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 56

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 57

62. In page 38, lines 3 to 5, to delete all words from and including “Section” in line 3 down to and including “1994” in line 5 and substitute the following:

“Section 17(1)(a) (as amended by section 4 of the Landlord and Tenant (Amendment) Act 1994) of the Landlord and Tenant (Amendment) Act 1980”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 58

63. In page 38, lines 15 to 17, to delete all words from and including “Section” in line 15 down to and including “2004” in line 17 and substitute the following:

“Section 85 (as amended by section 191(3) of the Residential Tenancies Act 2004) of the Landlord and Tenant (Amendment) Act 1980”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 59

64. In page 39, line 11, to delete “of the European Union”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 60]

SECTION 60

65. In page 39, before section 60, to insert the following new section:

“Insertion of new section 3A into Statutory Declarations Act 1938.

60.—The Statutory Declarations Act 1938 is amended by inserting the following after section 3:

“Making of statutory declarations outside State.

3A.—(1) Without prejudice to section 6 of the Investment Funds, Companies and Miscellaneous Provisions Act 2006—

- (a) a statutory declaration made in a place outside the State shall be regarded as having been validly made if it is made in such a place before a person authorised under section 1 to take and receive the declaration, or
- (b) a statutory declaration made in a place outside the State shall be regarded as having been validly made if it is made in such a place before a person authorised, under the law of that place, to administer oaths in that place and subsection (3), (4) or (5), as the case may be, is complied with.

(2) Subsection (1) is in addition to, and not in substitution for, the circumstances provided under the Diplomatic and Consular Officers (Provision of Services) Act 1993 or any other enactment in which a statutory declaration made by a person in a place outside the State is regarded as a statutory declaration validly made (whether for purposes generally or any specific purpose).

(3) In a case falling within subsection (1)(b), and unless subsection (4) or (5) applies, the signature of the person making the statutory declaration concerned (the ‘declarer’) and, to the extent that the law of the place concerned referred to in subsection (1)(b) requires either or both of the following to be authenticated:

- (a) the capacity in which the declarer has acted in making that declaration,
- (b) the seal or stamp of the person who has administered the oath to the declarer,

shall be authenticated in accordance with the law of that place.

(4) If the place concerned referred to in subsection (1)(b) is situate in a state that is a contracting party to the EC Convention, then (unless that Convention does not extend to that place) the provisions of that Convention with regard to authentication shall apply in relation to the statutory declaration concerned, including the procedures for verification of any matter in circumstances where serious doubts, with good reason, arise in respect of that matter.

[SECTION 60]

(5) If the place concerned referred to in subsection (1)(b) is situate in a state that is a contracting party to the Hague Convention but is not a contracting party to the EC Convention, then (unless the Hague Convention does not extend to that particular place) the provisions of the Hague Convention with regard to authentication shall apply in relation to the statutory declaration concerned, including the procedures for verification of any matter in circumstances where serious doubts, with good reason, arise in respect of that matter.

(6) A person may, before receiving any statutory declaration purporting to be made in pursuance of, or for the purposes of, a statutory provision, being a declaration—

(a) falling within subsection (1)(b), and

(b) to which neither the provisions of the EC Convention nor the Hague Convention apply as regards the authentication of it,

require such proof, as he or she considers appropriate, of any particular requirements of the law referred to in subsection (3).

(7) In this section—

‘EC Convention’ means the Convention Abolishing the Legalisation of Documents in the Member States of the European Communities of 25 May 1987;

‘Hague Convention’ means the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at the Hague on 5 October 1961.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

66. In page 39, to delete lines 32 to 34 and substitute the following:

“Substitution of section 6 of Statutory Declarations Act 1938.

60.—The Statutory Declarations Act 1938 is amended by substituting the following for section 6 (as amended by section 26 of the Standards in Public Office Act 2001):”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 62

67. In page 41, before section 62, but in Part 7, to insert the following new section:

“Amendment of section 22 of Standards in Public Office Act 2001.

62.—Section 22 of the Standards in Public Office Act 2001 is amended—

(a) in paragraph (b) of subsection (1), by substituting “three months” for “one month”, and

(b) in paragraph (b) of subsection (2), by substituting “three months” for “one month”.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 62]

68. In page 41, before section 62, but in Part 8, to insert the following new section:

“Amendment of section 11 of Juries Act 1976.

62.—Section 11 of the Juries Act 1976 is amended by substituting “one or more courts within a jury district” for “each court”.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

69. In page 41, before section 62, but in Part 8, to insert the following new section:

“Amendment of section 12 of Juries Act 1976.

63.—Section 12 of the Juries Act 1976 is amended by substituting the following for subsection (1):

“(1) Each county registrar shall cause a written summons, in such form as the Minister may by regulations prescribe, to be served on every person whom the registrar has selected as a juror requiring the person—

(a) to attend as a juror at the court in question or other place specified in the summons for the reception of jurors on the day and at the time specified in the summons, and

(b) to thereafter attend at that court or place, as the case may be, or such other court or place as the court may direct, at such times as are directed by—

(i) the court, or

(ii) the registrar in any case where the registrar is authorised to do so by the court.”.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

70. In page 41, before section 62, but in Part 8, to insert the following new section:

“Amendment of section 13(3) of Juries Act 1976.

64.—Section 13(3) of the Juries Act 1976 is amended by substituting the following for paragraph (c):

“(c) a certificate by—

(i) the registrar or other officer acting as registrar of a court, or

(ii) a member of the staff of the Courts Service duly authorised in that behalf by the Chief Executive Officer of the Courts Service,

present when a person summoned to attend as a juror in that court failed to answer to his or her name at the time it was called out in that court or at the place specified in the summons shall be evidence, unless the contrary is proved, that that person failed to attend in compliance with the summons, or was not available when called on to serve, as the case may be.”.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 62]

71. In page 41, before section 62, but in Part 8, to insert the following new section:

“Amendment of section 6 of Juries Act 1976.

62.—Section 6 of the Juries Act 1976 is amended by the deletion of “and under the age of seventy years” and the insertion of “and not incapable by reason of infirmity.”.

—Pat Rabbitte.

72. In page 41, line 24, to delete “permits” and substitute “directs”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

73. In page 41, line 25, to delete “permission” and substitute “direction”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

74. In page 41, line 27, to delete “order is made” and substitute “direction is given”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 68

75. In page 42, line 18, after “all” to insert “of”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 71

76. In page 42, line 36, to delete paragraph (a) and substitute the following:

“(a) by designating the section as subsection (1), and”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

NEW SECTIONS

77. In page 43, before the Schedule, to insert the following new section:

“PART 11

VIDEO RECORDINGS

Amendment of Video Recordings Act 1989.

72.—The Video Recordings Act 1989 is amended—

(a) in section 3—

(i) by deleting subsection (2), and

(ii) by substituting the following for subsection (4):

“(4) The applicant shall—

(a) submit to the Director of Film Classification a video recording of the video work to which the application relates and such other information as may be reasonably required by the Director, and

(b) shall pay to the Director, in respect of the application, such fee appropriate to the application as may be prescribed in accordance with section 31(3).”.

[*NEW SECTIONS*]

(b) in section 4, by substituting the following for subsection (1):

“(1) When granting a supply certificate the Director of Film Classification shall determine, and shall include in the certificate a statement indicating, to which of the following classes the video work concerned belongs—

- (a) fit for viewing by persons generally,
- (b) fit for viewing by persons generally but, in the case of a child under the age of 12 years, only under parental guidance,
- (c) fit for viewing by persons aged 12 years or more,
- (d) fit for viewing by persons aged 15 years or more,
- (e) fit for viewing by persons aged 18 years or more,

and—

- (i) for the purposes of this Act, the class specified in paragraph (a) is the highest classification and that specified in paragraph (e) is the lowest classification and that specified in paragraph (b) is higher than that specified in paragraph (c) and that specified in paragraph (c) is higher than that specified in paragraph (d), and
- (ii) references in this Act to classification or higher classification or lower classification shall be construed in accordance with paragraph (i).”

(c) by inserting the following after section 4:

“Prohibition of supply of video works to persons who have not reached relevant age. 4A.—(1) It shall be an offence for a person to supply or offer to supply a video recording containing a video work to a person who is not a member of the class for which the video work has been certified fit for viewing under section 4(1).

(2) In proceedings for an offence under subsection (1), it shall be a defence for the person against whom such proceedings are brought to prove that he or she made all reasonable efforts to satisfy himself or herself that the person to whom the alleged offence relates was at the time of the alleged commission of the offence a member of the class for which the video work concerned has been certified fit for viewing.

(3) For the purposes of subsection (2), the physical appearance or attributes of the person to whom the alleged offence relates may be taken into account.

(4) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction, to a fine not exceeding €2,000 or to imprisonment for a term not exceeding 12 months or to both, or

[*NEW SECTIONS*]

- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 3 years or to both.”,
- (d) in section 5(3)(a), by substituting “€2,000” for “£1,000”,
- (e) in section 6(3)(a), by substituting “€2,000” for “£1,000”,
- (f) in section 8(3)(a), by substituting “€2,000” for “£1,000”,
- (g) in section 9(3)(a), by substituting “€2,000” for “£1,000”,
- (h) in section 11(4), by substituting “€2,000” for “£1,000”,
- (i) in section 12(5), by substituting “€1,000” for “£500”,
- (j) in section 13(4), by substituting “€3,000 or to imprisonment for a term not exceeding 12 months or both” for “£1,000”,
- (k) in section 16(3)(c), by substituting “€2,000” for “£1,000”,
- (l) in section 19(5), by substituting “€3,000” for “£1,000”,
- (m) in section 20(3), by substituting “€3,000” for “£1,000”,
- (n) in section 21(4), by substituting “€2,000” for “£1,000”,
- (o) in section 22(3), by substituting “€1,000” for “£500”,
- (p) in section 25(2)(b), by substituting “€2,000” for “£1,000” in subparagraph (i) and “€1,000” for “£500” in subparagraph (ii), and
- (q) in section 31, by inserting the following after subsection (2):

“(3) The Minister may, with the consent of the Minister for Finance—

- (a) subject to paragraph (b), prescribe the fees to be paid by applicants under section 3,
- (b) prescribe the fees (being fees lower than the fees prescribed under paragraph (a)) to be paid by applicants under section 3 in the case of video works that are—
 - (i) likely to appeal only to a limited or specialist audience, or
 - (ii) are to be distributed for charitable purposes.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

78. In page 43, before the Schedule, to insert the following new section:

“PART 12

CENSORSHIP OF FILMS

Amendment of
Censorship of Films
Act 1923.

73.—The Censorship of Films Act 1923 is amended—

- (a) in section 5(2), by substituting “€2,000” for “£50” and by substituting “€200” for “£5”,

[*NEW SECTIONS*]

(b) in section 6(2), by substituting “€2,000” for “£50” and by substituting “€200” for “£5”, and

(c) in section 7, by substituting the following for subsections (2) and (3):

“(2) Whenever any such application as is mentioned in subsection (1) is made to the Director of Film Classification, the Director shall certify in the prescribed manner that the picture to which the application relates is fit for exhibition in public, unless the Director is of the opinion that such picture or some part thereof is unfit for general exhibition in public—

(a) by reason of it being—

(i) likely to cause harm to children, or

(ii) indecent, obscene or blasphemous, or

(b) because the exhibition thereof in public—

(i) would tend to inculcate principles contrary to public morality, or

(ii) would be otherwise subversive of public morality.

(3) If the Director of Film Classification is of the opinion that any picture in respect of which an application is made to the Director under this section is not fit for general exhibition in public in certain places in the State or under special conditions or in the presence of certain classes of persons, the Director shall grant a certificate that such picture is fit for exhibition in public subject to such restrictions and conditions (which shall be expressed on the certificate) in regard to the places at which or the special conditions under which the picture may be exhibited or the classes of persons who may be admitted to an exhibition of the picture as is in the opinion of the Director are necessary to prevent the exhibition of the picture in public being likely—

(a) to cause harm to children, or

(b) to be subversive of public morality.”.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

79. In page 43, before the Schedule, to insert the following new section:

“Change of name of Official Censor, etc.

74.—(1) The office of Official Censor of Films shall, on and after the commencement of this section, be known, in English, as the Irish Film Classification Office and, in Irish, *Oifig Aicmithe Scannán na hÉireann* and, accordingly, references (howsoever expressed) in any enactment to the office of the Official Censor of Films shall be read as references to the Irish Film Classification Office and the person appointed to the office of Official Censor of Films under that Act shall be known as the Director of Film Classification.

(2) The Irish Film Classification Office may, on the commencement of this section, provide itself with a new seal.

[*NEW SECTIONS*]

(3) The Censorship of Films Appeal Board established by section 3 of the Censorship of Films Act 1923 shall, on and after the commencement of this section, be known, in English, as the Classification of Films Appeal Board and, in Irish, as *an Bord Acomhairc um Aicmiú Scannán* and, accordingly, references (howsoever expressed) in any enactment to the Censorship of Films Appeal Board shall be read as references to the Classification of Films Appeal Board.

(4) The persons heretofore known as Assistant Censors for the purposes of the Censorship of Films Act 1923 shall, on and after the commencement of this section, be known, in English, as Assistant Classifiers and, in Irish, as *Aicmitheoirí Cúnta* for those purposes.

(5) In this section, “enactment” means a statute or an instrument made under a power conferred by a statute.”

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

80. In page 43, before the Schedule, to insert the following new section:

“PART 13

PARENTAL LEAVE

Amendment of section 6 of Parental Leave Act 1998. 75.—Section 6 (inserted by section 2 of the Parental Leave (Amendment) Act 2006) of the Parental Leave Act 1998 is amended by inserting the following after subsection (6):

“(6A) Notwithstanding subsection (6), where 2 or more relevant parents in respect of a child are entitled to parental leave in respect of the child and the parents are each employed by the same employer, then each relevant parent shall, subject to the consent of the employer concerned, be entitled to transfer all or any part of the period of his or her parental leave to any other relevant parent in respect of the child.””

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

81. In page 43, before the Schedule, to insert the following new section:

“PART 14

CIVIL SERVICE REGULATION

Amendment of section 2(2) of Civil Service Regulation Act 1956. 76.—Section 2(2) (inserted by section 6 of the Civil Service Regulation (Amendment) Act 2005) of the Civil Service Regulation Act 1956 is amended—

(a) in paragraph (f), by deleting “and”,

(b) in paragraph (g), by substituting “President,” for “President.”, and

(c) by inserting the following after paragraph (g):

“(h) in relation to a member of the civilian staff of the Garda Síochána who is of the grade or rank of Principal or of an equivalent or superior grade or rank to whom subsection (1)(a) (i) does not apply, the Minister for Justice, Equality and Law Reform, and

[*NEW SECTIONS*]

- (i) in relation to a member of the civilian staff of the Garda Síochána below the grade or rank of Principal or of an equivalent grade or rank, the Commissioner of the Garda Síochána.””.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

82. In page 43, before the Schedule, to insert the following new section:

“PART 15

FAMILY LAW

Amendment of
Family Law Act
1995.

77.—The Family Law Act 1995 is amended—

- (a) in section 9, by inserting the following after subsection (4):

“(4A) Where a property adjustment order lodged under subsection (4) and registered pursuant to section 69(1)(h) of the Registration of Title Act 1964 or in the Registry of Deeds has been complied with, the Property Registration Authority shall, on being satisfied that the order has been complied with—

- (a) cancel the entry made in the register under the Registration of Title Act 1964, or

- (b) note compliance with the order in the Registry of Deeds.”,

- (b) in section 18, by inserting the following after subsection (7):

“(8) Where a property adjustment order lodged under section 9(4) and duly registered pursuant to section 69(1)(h) of the Registration of Title Act 1964 is varied, discharged, suspended or revived by an order under subsection (2) and the second-mentioned order has been duly lodged for such registration pursuant to subsection (7), the Property Registration Authority shall—

- (a) amend or cancel the entry made in the register, pursuant to section 9(4), under the Registration of Title Act 1964 accordingly, or

- (b) note the position in the Registry of Deeds.”, and

- (c) in section 35, by inserting the following after subsection (5):

“(6) An application shall not be made for an order setting aside a disposition by reason only of subsection (2)(a)(II) or (b) after the expiration of 6 years from the date of the disposition.””.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

83. In page 43, before the Schedule, to insert the following new section:

“Amendment of
Family Law
(Divorce) Act 1996.

78.—The Family Law (Divorce) Act 1996 is amended—

- (a) in section 14, by inserting the following after subsection (4):

[*NEW SECTIONS*]

“(4A) Where a property adjustment order lodged under subsection (4) and registered pursuant to section 69(1)(h) of the Registration of Title Act 1964 or in the Registry of Deeds has been complied with, the Property Registration Authority shall, on being satisfied that the order has been complied with—

(a) cancel the entry made in the register under the Registration of Title Act 1964, or

(b) note compliance with the order in the Registry of Deeds.”,

(b) In section 22, by inserting the following after subsection (7):

“(8) Where a property adjustment order lodged under section 14(4) and duly registered pursuant to section 69(1)(h) of the Registration of Title Act 1964 is varied, discharged, suspended or revived by an order under subsection (2) and the second-mentioned order has been duly lodged for registration pursuant to subsection (7), the Property Registration Authority shall—

(a) amend or cancel the entry made in the register, pursuant to section 14(4), under the Registration of Title Act 1964 accordingly, or

(b) note the position in the Registry of Deeds.”, and

(c) in section 37, by inserting the following after subsection (4):

“(5) An application shall not be made for an order setting aside a disposition by reason only of subsection (2)(a)(ii) or (b) after the expiration of 6 years from the date of the disposition.””.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

84. In page 43, before the Schedule, to insert the following new section:

“PART 16

EQUAL STATUS

Amendment of
Equal Status Act
2000.

79.—The Equal Status Act 2000 is amended—

(a) in section 2(1) (as amended by section 47 of the Equality Act 2004) by inserting the following after the definition of “family status”:

“ ‘Gender Goods and Services Directive’ means Council Directive 2004/113/EC of 13 December 2004¹ implementing the principle of equal treatment between men and women in the access to and supply of goods and services”,

(b) in section 5—

(i) in subsection (2)—

¹ OJ L373, 21.12.2004, p. 37

[*NEW SECTIONS*]

(I) by substituting “Subject to subsection (4), subsection (1)” for “Subsection (1)”,

(II) in paragraph (*d*), by inserting “(other than on the gender ground or in any other circumstances to which the Gender Goods and Services Directive is relevant)” after “assessment of risk”, and

(III) by inserting the following after paragraph (*d*):

“(da) differences in the treatment of persons on the gender ground, or in any other circumstances to which the Gender Goods and Services Directive is relevant, related to the assessment of risk in respect of classes of insurance to which this paragraph applies pursuant to subsection (3) where the treatment—

(i) is effected by reference to—

(I) actuarial or statistical data obtained from a source on which it is reasonable to rely, or

(II) other relevant underwriting or commercial factors,

and

(ii) is reasonable having regard to the data or other relevant factors,” and

(ii) by inserting the following after subsection (2):

“(3) The classes of insurance to which paragraph (*da*) of subsection (2) applies are—

(a) those classes of insurance named “Motor Insurance” in Part B of Annex I to the European Communities (Non-Life Insurance) Framework Regulations 1994 (S.I. No. 359 of 1994), and

(b) those classes of insurance, being life assurance, specified as Class I, III or IV in Part A of Annex I to the European Communities (Life Assurance) Framework Regulations 1994 (S.I. No. 360 of 1994).

(4) With effect on and after 21 December 2009, nothing in subsection (2) shall be construed to permit differences in the treatment of persons in relation to premiums and benefits payable under insurance policies based, whether in whole or in part, on costs incurred by insurers in relation to pregnancy and maternity.

(5) Subject to section 41(2A), the Central Bank and Financial Services Authority of Ireland (within the meaning of the Central Bank Act 1942 as amended by the Central Bank and Financial Services Authority of Ireland Act 2003) shall compile, publish and maintain data relevant to the use of gender as a determining actuarial factor in the assessment of risk in relation to the classes of insurance to which paragraph (*da*) of subsection (2) applies pursuant to subsection (3).”,

[*NEW SECTIONS*]

(c) in section 21 (as amended by section 54 of the Equality Act 2004)—

(i) by inserting the following after subsection (1):

“(1A) If the grounds for such a claim as is referred to in subsection (1) arise—

(a) on the gender ground, or

(b) in any other circumstances (including circumstances amounting to victimisation) to which the Gender Goods and Services Directive is relevant,

then, subject to subsections (2) to (7) and (8) to (11), the person making the claim may seek redress by referring the case to the Circuit Court instead of referring the case to the Director under subsection (1) (and, if the case is referred to the Circuit Court, no further appeal lies, other than an appeal to the High Court on a point of law).”

(ii) in subsections (2)(b) and (3)(a) and (b), by inserting “or, as the case may be, the Circuit Court” after “Director”,

(iii) in subsection (4), by substituting “or, as the case may be, the Circuit Court shall not investigate a case unless the Director of the Circuit Court, as the case may be,” for “shall not investigate a case unless he or she”, and

(iv) in subsection 6(b), by inserting “or, as the case may be, the Circuit Court” after “Director”,

(d) in section 27 (as amended by section 61 of the Equality Act 2004), by inserting the following after subsection (4):

“(5) The types of redress for which the Circuit Court may provide on a reference under section 21(1A) are either or both of the following as may be appropriate in the circumstances of the particular case:

(a) an order for compensation for the effects of the prohibited conduct concerned (including compensation for loss and damage suffered by the person injured as a result of the prohibited conduct in a way which is dissuasive and proportionate to the loss and damage suffered);

(b) an order that a person or persons specified in the order take a course of action which is so specified,

and no enactment relating to the jurisdiction of the Circuit Court shall be taken to limit the amount of compensation which may be ordered by the Circuit Court by virtue of this subsection.”

and

(e) in section 41 (as amended by section 65 of the Equality Act 2004), by inserting the following after subsection (2):

“(2A) The Minister may make regulations prescribing the form, frequency of publication and content of data required to be compiled, published and maintained under section 5(5) but, before making any such regulations, shall consult with the Minister for Finance.””

[*NEW SECTIONS*]

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

85. In page 43, before the Schedule, to insert the following new section:

“PART 17

AMENDMENT OF CIVIL LEGAL AID ACT 1995

Insertion of new sections 10A and 10B into Civil Legal Aid Act 1995.

80.—The Civil Legal Aid Act 1995 is amended by inserting the following after section 10:

“Accountability of Chief Executive to Public Accounts Committee.

10A.—(1) The Chief Executive shall, whenever required to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on—

- (a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General which the Board is required by this Act to prepare,
- (b) the economy and efficiency of the Board in the use of its resources,
- (c) the systems, procedures and practices employed by the Board for the purpose of evaluating the effectiveness of its operations, and
- (d) any matter affecting the Board referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993, or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in paragraph (a), (b) or (c)) that is laid before Dáil Éireann.

(2) In the performance of his or her duties under this section, the Chief Executive shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the objectives of such a policy.

Accountability of Chief Executive to other Oireachtas Committees.

10B.—(1) In this section, “Committee” means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than a Committee referred to in section 10A or the Committee of Members’ Interests of Dáil Éireann or the Committee of Members’ Interests of Seanad Éireann) or a subcommittee of such a Committee.

(2) Subject to subsection (3), the Chief Executive shall, at the request in writing of a Committee, attend before it to give account for the general administration of the Board.

[*NEW SECTIONS*]

(3) The Chief Executive shall not be required to give account before a Committee in relation to any individual case with which the Board is concerned in the performance of its functions under section 5.

(4) Where the Chief Executive is of the opinion that a matter in respect of which the Chief Executive is requested to give an account before a Committee is a matter to which subsection (3) applies, he or she shall inform the Committee of that opinion and the reasons for the opinion and, unless the information is conveyed to the Committee at a time when the Chief Executive is before it, the information shall be so conveyed in writing.

(5) Where the Chief Executive has informed a Committee of his or her opinion in accordance with subsection (4) and the Committee does not withdraw the request referred in subsection (2) in so far as it relates to a matter the subject of that opinion—

(a) the Chief Executive may, not later than 21 days after being informed by the Committee of its decision not to do so, apply to the High Court in a summary manner for determination of the question whether the matter is one to which subsection (3) applies, or

(b) the Chairperson of the Committee may, on behalf of the Committee, make such an application,

and the High Court may determine the matter.

(6) Pending the determination of an application under subsection (5), the Chief Executive shall not attend before the Committee to give account for the matter the subject of the application.

(7) If the High Court determines that the matter concerned is one to which subsection (3) applies, the Committee shall withdraw the request referred to in subsection (2), but if the High Court determines that subsection (3) does not apply, the Chief Executive shall attend before the Committee to give account for the matter.”.”

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

86. In page 43, before the Schedule, to insert the following new section:

“Amendment of section 26 of Civil Legal Aid Act 1995.

81.—Section 26 of the Civil Legal Aid Act 1995 is amended—

(a) in subsection (3), by substituting the following for paragraph (b):

“(b) a person shall qualify for legal advice, in respect of a matter referred to in section 28(9)(a), in the cases mentioned in subparagraphs (i) to (iv) of section 28(9)(c).”.

(b) by inserting the following after subsection (3):

“(3A) Notwithstanding any other provision of this Act, the Board shall grant legal advice to a complainant in a prosecution for—

[*NEW SECTIONS*]

- (a) the offence of rape under the common law,
- (b) the offence of rape under section 2 of the Criminal Law (Rape) Act 1981,
- (c) the offence of aggravated sexual assault under section 3 of the Criminal Law (Rape) (Amendment) Act 1990,
- (d) the offence of rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990,
- (e) an offence under section 6 (inserted by section 2 of the Criminal Law (Sexual Offences) (Amendment) Act 2007) of the Criminal Law (Sexual Offences) Act 1993,
- (f) an offence under the criminal Law (Sexual Offences) Act 2006,
or
- (g) an offence of incest under section 1 or 2 of the Punishment of Incest Act 1908.”.”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

87. In page 43, before the Schedule, to insert the following new section:

“Amendment of section 28 of Civil Legal Aid Act 1995.

82.—Section 28(9)(c) of the Civil Legal Aid Act 1995 is amended—

- (a) by inserting “and section 26(2)(b)” after “of paragraph (a)”,
- (b) by inserting “and legal advice” after “Act, legal aid”, and
- (c) in subparagraph (i)—
 - (i) by inserting “the Residential Tenancies Act 2004,” after “property),”,
and
 - (ii) by deleting “the Rent Restrictions Acts, 1960 and 1967.”.”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

88. In page 43, before the Schedule, to insert the following new section:

“PART 18

EMPLOYMENT EQUALITY

Amendment of section 41 of Employment Equality Act 1998.

83.—Section 41 of the Employment Equality Act 1998 is amended by substituting the following for subsections (1) and (2):

“(1) The Authority shall consist of not less than 12 and not more than 16 members appointed by the Minister—

- (a) of whom one shall be appointed as the chairperson of the Authority, and
- (b) of whom, of the number appointed at any one time, the difference between the number of males appointed and the number of females appointed shall be not more than 2.”.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[*NEW SECTIONS*]

89. In page 43, before the Schedule, to insert the following new section:

“Amendment of section 47 of Employment Equality Act 1998.

84.—Section 47 of the Employment Equality Act 1998 is amended by substituting the following for subsection (4):

“(4) The quorum for a meeting of the Authority shall be—

(a) if there are 12 or 13 members appointed, 6 members,

(b) in any other case, 7 members.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SCHEDULE

90. In page 43, lines 11 to 21, to delete the Schedule and substitute the following:

“Section 3.

SCHEDULE

REPEALS AND REVOCATIONS

PART 1

ENACTMENTS REPEALED

Number and Year (1)	Short Title (2)	Extent of Repeal (3)
No. 37 of 1938	Statutory Declarations Act 1938	Section 4.
No. 20 of 1947	Courts of Justice Act 1947	Section 12.
No. 32 of 1953	Courts of Justice Act 1953	Subsections (1) to (4) of section 15.
No. 39 of 1961	Courts (Supplemental Provisions) Act 1961	Section 44.
No. 22 of 1989	Video Recordings Act 1989	Section 4(4).
No. 8 of 1998	Courts Service Act 1998	Section 30.
No. 15 of 2002	Courts and Court Officers Act 2002	Sections 35 and 36.
No. 20 of 2005	Garda Síochána Act 2005	Section 19(4).
No. 13 of 2006	Parental Leave (Amendment) Act 2006	Section 3.

PART 2

STATUTORY INSTRUMENTS REVOKED

S.I. Number and Year (1)	Short Title (2)	Extent of Revocation (3)
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[SCHEDULE]

S.I. No. 403 of 1996	Video Recordings Act 1989 (Classification of Video Works) Regulations 1996	The whole instrument.
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—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

TITLE

91. In page 7, to delete lines 6 to 20 and substitute the following:

“AN ACT TO PROVIDE FOR VIDEOCONFERENCING IN CIVIL PROCEEDINGS AND FOR CERTAIN ANONYMITY IN CERTAIN CIVIL PROCEEDINGS; TO AMEND THE COURTS OF JUSTICE ACT 1924, THE COURT OFFICERS ACT 1926, THE COURTS (SUPPLEMENTAL PROVISIONS) ACT 1961, THE COURTS OF JUSTICE ACT 1936, THE COURTS SERVICE ACT 1998, THE COURTS (NO. 3) ACT 1986, THE COURTS ACT 1971, THE COURT OFFICERS ACT 1945, THE CIVIL LIABILITY AND COURTS ACT 2004, THE PETTY SESSIONS (IRELAND) ACT 1851, THE SOLICITORS ACT 1954, THE SOLICITORS (AMENDMENT) ACT 1994, THE GAMING AND LOTTERIES ACT 1956, THE LANDLORD AND TENANT (AMENDMENT) ACT 1980, THE STATUTORY DECLARATIONS ACT 1938, THE STANDARDS IN PUBLIC OFFICE ACT 2001, THE JURIES ACT 1976, THE BANKRUPTCY ACT 1988, THE SUCCESSION ACT 1965, THE VIDEO RECORDINGS ACT 1989, THE CENSORSHIP OF FILMS ACT 1923, THE PARENTAL LEAVE ACT 1998, THE CIVIL SERVICE REGULATION ACT 1956, THE FAMILY LAW ACT 1995, THE FAMILY LAW (DIVORCE) ACT 1996, THE EQUAL STATUS ACT 2000 (FOR THE PURPOSE OF GIVING EFFECT TO COUNCIL DIRECTIVE 2004/113/EC OF 13 DECEMBER 2004 IMPLEMENTING THE PRINCIPLE OF EQUAL TREATMENT BETWEEN MEN AND WOMEN IN THE ACCESS TO AND SUPPLY OF GOODS AND SERVICES), THE CIVIL LEGAL AID ACT 1995 AND THE EMPLOYMENT EQUALITY ACT 1998; AND TO PROVIDE FOR RELATED MATTERS, INCLUDING THE CONSEQUENTIAL REPEAL OF CERTAIN ENACTMENTS AND THE CONSEQUENTIAL REVOCATION OF CERTAIN STATUTORY INSTRUMENTS.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.