



---

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

---

*Mar a tionscnaíodh*  
*As initiated*

---

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY

Section

1. Short title, commencement, collective citation and construction.

PART 2

LEGAL SERVICES OMBUDSMAN

CHAPTER 1

*Interpretation and Expenses*

2. Definitions.
3. Expenses.

CHAPTER 2

*Establishment, Role and Accountability of Office of Legal Services  
Ombudsman*

4. Establishment of office of Legal Services Ombudsman.
5. Appointment of Legal Services Ombudsman.
6. Period of office, resignation and removal from office.
7. Salary and superannuation.
8. Restriction on engaging in other employment.
9. Functions and powers.
10. Independence of Legal Services Ombudsman.
11. Staff.
12. Accounts and audit.

13. Various reports by Legal Services Ombudsman.
14. Annual report on admission policies of legal professions.
15. Appearance before Public Accounts Committee.
16. Appearance before other committees of Houses of Oireachtas.
17. Privilege in respect of certain matters.
18. Levy to be paid by Bar Council and Law Society.
19. Regulations relating to levy.

### CHAPTER 3

#### *Complaints and Reviews*

20. Making of complaints.
21. Investigation of complaints.
22. Procedures for dealing with complaints to Legal Services Ombudsman.
23. Opportunity to make submissions.
24. Investigations to be conducted in private.
25. Power to require provision of information.
26. Obstruction of Legal Services Ombudsman.
27. Power to issue directions or make recommendations following investigation.
28. Duty to notify complainant and others of results, directions and recommendations.
29. Enforcement of directions of Legal Services Ombudsman.
30. Legal Services Ombudsman may refer question of law to High Court.
31. Review of procedures of Bar Council and Law Society for dealing with complaints.
32. Duties of Bar Council and Law Society to keep and produce records.
33. Legal proceedings against Legal Services Ombudsman.
34. Confidentiality of information.
35. Amendment of Freedom of Information Act 1997.
36. Repeal of section 15 of Solicitors (Amendment) Act 1994.
37. Revocation of Solicitors (Adjudicator) Regulations 1997 and Solicitors (Adjudicator) (Amendment) Regulations 2005.

38. Transitional provision relating to complaints under Solicitors (Adjudicator) Regulations 1997 to 2005.

### PART 3

#### COURTS AND COURT OFFICERS

39. Substitution of section 65 of Courts of Justice Act 1936.
40. Modification of pension provisions of Courts (Supplemental Provisions) Act 1961 as applied to certain Supreme Court judges and High Court judges.
41. Modification of pension provisions of Courts (Supplemental Provisions) Act 1961 as applied to certain Circuit Court judges.
42. Modification of pension provisions of Courts (Supplemental Provisions) Act 1961 as applied to certain District Court judges.
43. Amendment of Eighth Schedule to Courts (Supplemental Provisions) Act 1961.
44. Amendment of section 5 of Courts Service Act 1998.
45. Amendment of section 6 of Courts Service Act 1998.
46. Amendment of section 67 of Courts of Justice Act 1936.
47. Amendment of section 69 of Courts of Justice Act 1936.
48. Amendment of section 71 of Courts of Justice Act 1936.
49. Substitution of section 13A and 14 of Courts Act 1971.
50. Amendment of section 20 of Petty Sessions (Ireland) Act 1851.
51. Videoconferencing in civil proceedings.
52. Amendment of section 6 of Court Officers Act 1945.

### PART 4

#### SOLICITORS

53. Amendment of section 73 of Solicitors Act 1954.
54. Amendment of section 8 of Solicitors (Amendment) Act 1994.

### PART 5

#### GAMING AND LOTTERIES

55. Amendment of section 14 of Gaming and Lotteries Act 1956.
56. Insertion of new section 14A into Gaming and Lotteries Act 1956.

## PART 6

### LANDLORD AND TENANT

57. Amendment of section 17 of Landlord and Tenant (Amendment) Act 1980.
58. Amendment of section 85 of Landlord and Tenant (Amendment) Act 1980.

## PART 7

### STATUTORY DECLARATIONS

59. Amendment of section 2 of Statutory Declarations Act 1938.
60. Substitution of section 6 of Statutory Declarations Act 1938.
61. Substitution of Schedule to Statutory Declarations Act 1938.

## PART 8

### JURIES

62. Substitution of section 25 of Juries Act 1976.
63. Amendment of section 34 of Juries Act 1976.
64. Amendment of section 35 of Juries Act 1976.
65. Amendment of section 36 of Juries Act 1976.
66. Amendment of section 37 of Juries Act 1976.
67. Amendment of First Schedule to Juries Act 1976.

## PART 9

### BANKRUPTCY

68. Amendment of section 85 of Bankruptcy Act 1988.
69. Amendment of section 91 of Bankruptcy Act 1988.

## PART 10

### SUCCESSION

70. Amendment of section 3 of Succession Act 1965.
71. Amendment of section 5 of Succession Act 1965.

## SCHEDULE

### REPEAL OF SPENT AND MISCELLANEOUS SECTIONS

---

ACTS REFERRED TO

Bankruptcy Act 1988	1988, No. 27
Comptroller and Auditor General (Amendment) Act 1993	1993, No. 8
Court Officers Act 1945	1945, No. 45
Courts Officers Acts 1926 to 2002	
Courts (Supplemental Provisions) Act 1961	1961, No. 39
Courts (Supplemental Provisions) Acts 1961 to 2002	
Courts Act 1971	1971, No. 36
Courts and Court Officers Act 2002	2002, No. 15
Courts of Justice (District Court) Act 1946	1946, No. 21
Courts of Justice Act 1936	1936, No. 48
Courts of Justice Act 1947	1947, No. 20
Courts of Justice Act 1953	1953, No. 32
Courts Service Act 1998	1998, No. 8
Criminal Justice (Miscellaneous Provisions) Act 1997	1997, No. 4
European Communities Act 1972	1972, No. 27
European Parliament Elections Act 1997	1997, No. 2
Freedom of Information Act 1997	1997, No. 13
Gaming and Lotteries Act 1956	1956, No. 2
Juries Act 1976	1976, No. 4
Landlord and Tenant (Amendment) Act 1980	1980, No. 10
Landlord and Tenant (Amendment) Act 1994	1994, No. 20
Landlord and Tenant Acts 1967 to 1994	
Lunacy Regulation (Ireland) Act 1871	34 and 35 Vict., c.22
Pensions Act 1990	1990, No. 25
Petty Sessions (Ireland) Act 1851	14 and 15 Vict., c.30
Public Offices Fees Act 1879	42 and 43 Vict., c.58
Refugee Act 1996	1996, No. 17
Residential Tenancies Act 2004	2004, No. 27
Social Welfare (Miscellaneous Provisions) Act 2003	2003, No. 4
Solicitors (Amendment) Act 1960	1960, No. 37
Solicitors (Amendment) Act 1994	1994, No. 27
Solicitors Act 1954	1954, No. 36
Solicitors Acts 1954 to 2002	
Standards in Public Office Act 2001	2001, No. 31
Statutory Declarations Act 1938	1938, No. 37
Succession Act 1965	1965, No. 27





---

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

---

# **BILL**

5

*entitled*

AN ACT TO PROVIDE FOR THE APPOINTMENT AND  
FUNCTIONS OF A LEGAL SERVICES OMBUDSMAN;  
TO PROVIDE FOR VIDEOCONFERENCING IN  
CIVIL PROCEEDINGS; TO AMEND THE COURTS  
10 (SUPPLEMENTAL PROVISIONS) ACT 1961, THE  
COURTS OF JUSTICE ACT 1936, THE COURTS SERVICE  
ACT 1998, THE COURTS ACT 1971, THE COURT  
OFFICERS ACT 1945, THE PETTY SESSIONS (IRELAND)  
ACT 1851, THE SOLICITORS ACT 1954 AND THE SOLICI-  
15 TORS (AMENDMENT) ACT 1994, THE GAMING AND  
LOTTERIES ACT 1956, THE LANDLORD AND TENANT  
(AMENDMENT) ACT 1980, THE STATUTORY DECLAR-  
ATIONS ACT 1938, THE JURIES ACT 1976, THE BANK-  
RUPTCY ACT 1988 AND THE SUCCESSION ACT 1965;  
20 AND TO PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

## PART 1

### PRELIMINARY

25 **1.—(1)** This Act may be cited as the Civil Law (Miscellaneous Provisions) Act 2006.

Short title,  
commencement,  
collective citation  
and construction.

(2) The Minister for Justice, Equality and Law Reform may, by order or orders, appoint such day or days on which this Act shall come into operation, and different days may be so appointed for different purposes and for different provisions.

30 (3) The Courts (Supplemental Provisions) Acts 1961 to 2002 and *sections 39, 40, 41, 42, 46, 47, 48 and 49* may be cited together as the Courts (Supplemental Provisions) Acts 1961 to 2006 and shall be construed together as one.

35 (4) The Court Officers Acts 1926 to 2002 and *section 52* may be cited together as the Court Officers Acts 1926 to 2006.

(5) The Solicitors Acts 1954 to 2002 and *Part 4* may be cited together as the Solicitors Acts 1954 to 2006.

(6) The Landlord and Tenant Acts 1967 to 1994 and *Part 6* may be cited together as the Landlord and Tenant Acts 1967 to 2006.

PART 2 5

LEGAL SERVICES OMBUDSMAN

CHAPTER 1

*Interpretation and Expenses*

Definitions.

2.—In this Part—

“Bar Council” means the General Council of the Bar of Ireland; 10

“barrister” includes a pupil as defined in the Disciplinary Code;

“Barristers’ Professional Conduct Tribunal” means the body of that name constituted in accordance with the Disciplinary Code;

“complainant” means a person entitled to make a complaint under *Chapter 3* on the person’s own behalf or on behalf of another; 15

“Compensation Fund” means the fund maintained by the Law Society pursuant to sections 21 and 22 (as substituted by sections 29 and 30 of the Solicitors (Amendment) Act 1994) of the Solicitors (Amendment) Act 1960;

“Disciplinary Code” means the Disciplinary Code for the Bar of 20 Ireland;

“financial year” means the financial year of the Exchequer;

“Law Society” means the Law Society of Ireland;

“Minister” means the Minister for Justice, Equality and Law Reform;

“Ombudsman” means the person holding the office of Legal 25 Services Ombudsman;

“Professional Conduct Appeals Board” means the body of that name constituted in accordance with the Disciplinary Code;

“related complaint” means a complaint—

- (a) that has been made to the Bar Council about a barrister 30 under the Disciplinary Code or that is referred to in section 8 (as amended by *section 54* of the *Civil Law (Miscellaneous Provisions) Act 2006*) or section 9 of the Solicitors (Amendment) Act 1994 and has been made to the Law Society about a solicitor, and 35

- (b) the handling of which by the relevant professional body forms the basis for a complaint to the Legal Services Ombudsman under *Chapter 3*;

“relevant professional body” means the Bar Council or the Law 40 Society.



3.—The expenses incurred by the Minister in the administration of this Part shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of monies provided by the Oireachtas. Expenses.

## CHAPTER 2

### 5 *Establishment, Role and Accountability of Office of Legal Services Ombudsman*

4.—There is established by this section the office of Legal Services Ombudsman and the holder of the office shall be known as the Legal Services Ombudsman. Establishment of office of Legal Services Ombudsman.

10 5.—(1) The Legal Services Ombudsman shall be appointed by the Government. Appointment of Legal Services Ombudsman.

15 (2) In considering the appointment of a person to be the Legal Services Ombudsman, the Government shall satisfy themselves that the person has the appropriate experience, qualifications, training or expertise for appointment to the office.

(3) A person is not eligible for appointment as the Legal Services Ombudsman if he or she—

(a) is a member of either House of the Oireachtas,

20 (b) is entitled under the rules of procedure of the European Parliament to sit in that Parliament,

(c) is a member of a local authority,

(d) is a practising barrister or a practising solicitor,

(e) is a member of the Law Society, or

25 (f) is a member of the Bar Council or a bencher of the Honorable Society of King's Inns.

6.—(1) Subject to this section, a person appointed as the Legal Services Ombudsman holds office for such period, not exceeding 6 years, as may be specified by the Government in the instrument of appointment. Period of office, resignation and removal from office.

30 (2) Such person is eligible for re-appointment for a second or subsequent term.

35 (3) The Legal Services Ombudsman may resign from office at any time by letter addressed to the Government and copied to the Minister, and the resignation takes effect on the date the Government receives the letter.

(4) The Government may remove the Legal Services Ombudsman from office if—

40 (a) in the Government's opinion, the Ombudsman has become incapable through ill-health of performing the functions of the office,

(b) in the Government's opinion, the Ombudsman has committed stated misbehaviour,

- (c) the Ombudsman's removal from office appears to the Government to be necessary for the effective performance of the functions of the office,
- (d) the Ombudsman is adjudicated bankrupt,
- (e) the Ombudsman has failed without reasonable cause to perform the functions of the office for a continuous period of 3 months beginning not earlier than 6 months before the day of removal, or 5
- (f) the Ombudsman is convicted on indictment by a court of competent jurisdiction and sentenced to imprisonment. 10

(5) The Government shall cause to be laid before each House of the Oireachtas a statement of the reasons if the Legal Services Ombudsman is removed from office.

(6) A person ceases to hold the office of Legal Services Ombudsman as soon as the person— 15

- (a) is nominated as a member of Seanad Éireann,
- (b) is elected as a member of either House of the Oireachtas or of the European Parliament,
- (c) is regarded, pursuant to section 19 of the European Parliament Elections Act 1997, as having been elected to the European Parliament to fill a vacancy, or 20
- (d) becomes a member of a local authority.

Salary and superannuation.

7.—The Legal Services Ombudsman holds office on such terms and conditions relating to remuneration (including allowances for expenses, benefits in kind and superannuation) or other matters as may be determined by the Government at the time of appointment or re-appointment. 25

Restriction on engaging in other employment.

8.—The Legal Services Ombudsman may not engage in paid employment outside the duties of the office unless the Minister approves the employment. 30

Functions and powers.

- 9.—(1) The functions of the Legal Services Ombudsman are—
- (a) to receive and investigate complaints under *Chapter 3*,
  - (b) to review under *section 31* the procedures of the Bar Council and the Law Society for dealing with complaints made to those bodies, 35
  - (c) to assess the adequacy of the admission policies of the legal professions,
  - (d) to improve public understanding of issues relating to complaints against barristers and solicitors, and
  - (e) to carry out any other duties and exercise any other powers assigned to the Ombudsman by this Part. 40

(2) The Legal Services Ombudsman has all powers that are necessary for the performance of the functions of the office.

10.—The Legal Services Ombudsman shall be independent in the performance of the functions of the office.

Independence of  
Legal Services  
Ombudsman.

5 11.—(1) Subject to *subsection (2)*, the Legal Services Ombudsman may, from time to time, appoint persons to be members of the Ombudsman's staff.

Staff.

10 (2) The Legal Services Ombudsman may only appoint a person under *subsection (1)* with the consent of the Minister and the Minister for Finance having, prior to seeking that consent, consulted with the Bar Council and the Law Society in respect of any appointment under *subsection (1)*.

15 (3) Persons appointed under *subsection (1)* are to be employed on such terms and conditions relating to remuneration (including allowances for expenses and superannuation) or other matters as, after consulting with the Bar Council and the Law Society, the Ombudsman determines with the consent of the Minister and the Minister for Finance.

20 (4) With the consent of the Minister, the Legal Services Ombudsman may, from time to time, engage the services of professional and other advisers or consultants.

25 (5) The Legal Services Ombudsman may authorise a person appointed under *subsection (1)* to perform any of the functions assigned to the Ombudsman by any provision of this Part, except those assigned by *sections 13, 14, 15, 16 and 27 and subsections (4), (6), (7) and (9) of section 31*.

(6) Where a person is authorised to perform such functions, references in the applicable provisions of this Part to the Legal Services Ombudsman are to be read as references to the authorised person.

30 (7) An act or thing done by a person within the scope of the authority given by the Legal Services Ombudsman has the same force and effect as if done by the Ombudsman.

(8) A person appointed under *subsection (1)* is not a civil servant of the Government or a civil servant of the State.

35 12.—(1) The Legal Services Ombudsman shall in respect of each financial year keep in such form as may be approved by the Minister, with the consent of the Minister for Finance, all proper and usual accounts of all money received or expended by the Ombudsman in performing functions under this Act, including an income and expenditure account and a balance sheet and, in particular, shall keep all such special accounts as the Minister may from time to time direct.

Accounts and audit.

40 (2) Not later than 3 months after the end of the financial year to which the accounts relate, the Legal Services Ombudsman shall submit the accounts kept under this section to the Comptroller and Auditor General for audit.

(3) Immediately following receipt of the audit, the Legal Services Ombudsman shall present to the Minister—

(a) copies of the audited accounts, including the income and expenditure account, the balance sheet and such other (if any) accounts kept under this section as the Minister, after consulting with the Minister for Finance may direct, and 5

(b) the Comptroller and Auditor General's report on the audited accounts.

(4) As soon as practicable after receipt of the audited accounts and the Comptroller and Auditor General's report, the Minister shall cause copies of them— 10

(a) to be laid before each House of the Oireachtas, and

(b) to be sent to the Bar Council and the Law Society.

Various reports by Legal Services Ombudsman.

**13.**—(1) Not later than 4 months after the end of each financial year, the Legal Services Ombudsman shall make a written report to the Minister on the performance of the functions of the office during that year. 15

(2) The annual report submitted under *subsection (1)* shall be in such form and regarding such matters as the Legal Services Ombudsman thinks fit or the Minister may direct.

(3) The Legal Services Ombudsman shall, within 2 years from the date of being appointed, submit to the Minister a report on— 20

(a) the effectiveness of the office of Legal Services Ombudsman, and

(b) the adequacy of the functions of the office.

(4) The report submitted under *subsection (3)* may contain recommendations for improving the effectiveness of the office of Legal Services Ombudsman. 25

(5) The Legal Services Ombudsman may make any other reports that he or she considers appropriate for drawing to the Minister's attention matters that have come to the Ombudsman's notice and that, in his or her opinion, should, because of their gravity or other exceptional circumstances, be the subject of a special report to the Minister and shall make a report on any other matter if so requested by the Minister. 30

(6) Not later than 2 months after receiving a report under this section, the Minister shall cause a copy of the report to be laid before each House of the Oireachtas. 35

(7) On becoming aware that *subsection (6)* has been complied with, the Legal Services Ombudsman shall arrange for the publication of the report concerned and for it to be sent to the Bar Council and the Law Society. 40

Annual report on admission policies of legal professions.

**14.**—(1) Not later than 4 months after the end of each financial year, the Legal Services Ombudsman shall prepare and submit to the Minister a report containing—

(a) the number of persons admitted to practice as barristers or solicitors during that year, and 45

5 (b) an assessment as to whether, having regard to the demand for the services of practising barristers and solicitors and the need to ensure an adequate standard of education and training for persons admitted to practice, the number of persons admitted to practice as barristers and solicitors in that year is consistent with the public interest in ensuring the availability of such services at a reasonable cost.

10 (2) The Legal Services Ombudsman shall consult such persons or bodies as the Ombudsman considers appropriate for the purpose of preparing the report referred to in *subsection (1)*.

(3) The Bar Council, the Honorable Society of King's Inns and the Law Society shall provide the Legal Services Ombudsman with such information in their possession as is required by him or her for the purpose of preparing the report referred to in *subsection (1)*.

15 (4) As soon as practicable after receiving a report under this section, the Minister shall cause a copy of the report to be laid before each House of the Oireachtas.

20 (5) On becoming aware that *subsection (4)* has been complied with, the Legal Services Ombudsman shall arrange for the publication of the report and for it to be sent to the Bar Council and the Law Society.

**15.—(1)** The Legal Services Ombudsman shall, whenever required to do so by the Committee of Public Accounts, give evidence to that Committee on— Appearance before  
Public Accounts  
Committee.

25 (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 that the Ombudsman is required by this Part to prepare,

30 (b) the economy and efficiency of the Ombudsman in the use of resources,

(c) the systems, procedures and practices employed by the Ombudsman for the purpose of evaluating the effectiveness of the operation of the office, and

35 (d) any matter affecting the Ombudsman referred to in—

(i) a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993, or

40 (ii) any other report of the Comptroller and Auditor General that is laid before Dáil Éireann in so far as the report relates to a matter specified in any of *paragraphs (a) to (c)*.

45 (2) The Legal Services Ombudsman when giving evidence under this section shall not question or express an opinion on the merits of any policy of the Government or on the merits of the objectives of such policy.

16.—(1) The Legal Services Ombudsman shall attend a meeting of a committee of the Houses of the Oireachtas whenever asked to do so by the committee and shall provide the committee with such information (including documents) as it specifies and as is in the possession of, or is available to, the Ombudsman. 5

(2) The Legal Services Ombudsman is not required to give an account before an Oireachtas committee of any matter—

(a) relating solely to an individual complaint made to him or her under this Part, or

(b) that is, or is likely to be, the subject of proceedings before a court or tribunal in the State. 10

(3) The Legal Services Ombudsman shall, if of the opinion that *subsection (2)* applies to a matter about which he or she is requested to give an account before an Oireachtas Committee, inform the Committee of that opinion and the reasons for the opinion. 15

(4) The information required under *subsection (3)* to be given to the Oireachtas Committee must be given in writing unless it is given when the Legal Services Ombudsman is before the Committee.

(5) If, on being informed of the Legal Services Ombudsman's opinion about the matter, the Oireachtas Committee decides not to withdraw its request, the High Court may, on application under *subsection (6)*, determine whether *subsection (2)* applies to the matter. 20

(6) An application for a determination under *subsection (5)* may be made in a summary manner to the High Court by—

(a) the Legal Services Ombudsman not later than 21 days after being informed by the Oireachtas Committee of its decision not to withdraw its request, or 25

(b) the chairperson of the Oireachtas Committee acting on its behalf.

(7) Pending the determination of an application under *subsection (6)*, the Legal Services Ombudsman shall not attend before the Oireachtas Committee to give an account of the matter to which the application relates. 30

(8) If the High Court determines that *subsection (2)* applies to the matter, the Oireachtas Committee shall withdraw its request relating to the matter, but if the High Court determines that *subsection (2)* does not apply, the Legal Services Ombudsman shall attend before the Committee to give an account of the matter. 35

(9) In this section “Oireachtas Committee” means—

(a) a committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the Committee of Public Accounts, the Committee on Members' Interests of Dáil Éireann or the Committee on Members' Interests of Seanad Éireann), or 40

(b) a subcommittee of a committee as defined in *paragraph (a)*. 45

**17.**—The following publications are absolutely privileged for the purposes of the law of defamation: Privilege in respect of certain matters.

5 (a) the publication of any matter in a report by the Legal Services Ombudsman laid before either House of the Oireachtas for the purposes of this Part;

(b) the publication by the Legal Services Ombudsman—

(i) to a person or body mentioned in *subsection (5) or (6) of section 21* of a notification sent to such person or body under either subsection,

10 (ii) to a person or body mentioned in *section 28* of a statement sent to such person under that section, or

(iii) to a body mentioned in *section 31(4)* of a recommendation or direction made or given to such person under that subsection.

15 **18.**—(1) The Bar Council and the Law Society shall pay to the Minister in each financial year following the year in which the office of Legal Services Ombudsman is established a levy in the amount determined in accordance with this section. Levy to be paid by Bar Council and Law Society.

20 (2) The total amount of levy payable in any financial year equals the amount of money expended by the Legal Services Ombudsman in the preceding financial year to meet approved expenses, and the liability for payment of that total amount shall be shared pro-rata by the Bar Council and the Law Society according to the ratio of barristers to solicitors practising in the State in the preceding financial year.

(3) As soon as practicable after the beginning of each financial year, the Minister shall provide the Bar Council and the Law Society with a levy assessment notice specifying—

30 (a) the amount of money expended by the Legal Services Ombudsman in the preceding year to meet approved expenses,

(b) the ratio, (determined in accordance with regulations under *section 19*), of barristers to solicitors, practising in the State in that preceding year,

35 (c) the amount of levy payable by the relevant professional body, and

(d) the date, (determined in accordance with regulations under *section 19*), on which the levy becomes payable.

40 (4) If all or part of the amount specified in a levy assessment notice is not paid on or before the date specified in that notice, interest on the unpaid amount accrues, from that date to the date of payment, at the rate prescribed by regulations under *section 19*.

45 (5) The Minister may recover, as a simple contract debt in any court of competent jurisdiction, from the relevant professional body any amount due and owing by it in respect of a levy imposed under this section.

(6) In this section—



“approved expenses” means such operating costs and administrative expenses of the Legal Services Ombudsman, including—

- (a) the remuneration (including allowances for expenses, benefits in kind and superannuation benefits) of the Ombudsman, 5
- (b) the remuneration (including allowances for expenses and superannuation benefits) of the members of the Ombudsman’s staff,
- (c) any superannuation contributions paid in respect of the Ombudsman or members of the Ombudsman’s staff out of monies provided by the Oireachtas, 10
- (d) fees due to advisers and consultants engaged under *section 11(4)*, and
- (e) the cost of office premises,

as the Minister, has, with the consent of the Minister for Finance, approved for the purpose of this section as having been properly incurred under this Part; 15

“superannuation benefits” means pensions, gratuities and other allowances payable on resignation, retirement or death.

Regulations relating to levy.

**19.—(1)** The Minister may, by regulations, provide for all or any of the following matters relating to a levy under *section 18*: 20

- (a) the manner in which the ratio of barristers to solicitors practising in the State is to be determined for the purposes of that section;
- (b) the times at which payment becomes due; 25
- (c) the keeping by the Bar Council and the Law Society of specified records in respect of matters connected with liability to pay the levy;
- (d) the review by the Minister of a levy assessment notice that is claimed by the relevant professional body to be erroneous; 30
- (e) the time within which a request for such review shall be made and the conditions to be satisfied by the relevant professional body before the request can be made;
- (f) the manner in which the amount of any overpayment or underpayment made by the relevant professional body in respect of the levy may be set off against or added to any subsequent liability of that body to the Minister; 35
- (g) the collection and recovery of the levy;
- (h) the rate of interest on amounts not paid when due; 40
- (i) such other matters as are necessary for, or incidental to, the imposition, payment and collection of the levy.



(2) The Minister shall cause every regulation made under this section to be laid before each House of the Oireachtas as soon as practicable after the regulation is made.

5 (3) Either House of the Oireachtas may, by a resolution passed within 21 sitting days after the day on which a regulation is laid before it under *subsection (2)*, annul the regulation, but without prejudice to the validity of anything previously done thereunder.

### CHAPTER 3

#### *Complaints and Reviews*

10 **20.**—(1) A person who has made a complaint to the Bar Council, under the Disciplinary Code, about a barrister may, within the period specified in *subsection (6)*, complain to the Legal Services Ombudsman about the handling of the complaint by the Barristers' Professional Conduct Tribunal. Making of complaints.

15 (2) A person who has made a complaint to the Law Society, as referred to in section 8 (as amended by *section 54* of the *Civil Law (Miscellaneous Provisions) Act 2006*) or section 9 of the Solicitors (Amendment) Act 1994, about a solicitor may, within the period specified in *subsection (6)*, complain to the Legal Services Ombudsman about the handling of the complaint by the Law Society.  
20

(3) A person who is dissatisfied with a decision of the Law Society relating to the making, or the refusal to make, a grant out of the Compensation Fund to that person or relating to the amount of any such grant made to that person may, within the period specified in *subsection (6)*, complain to the Ombudsman about that decision.  
25

(4) Subject to *subsection (5)*, a complaint to the Legal Services Ombudsman must be in writing in the form approved by the Ombudsman.

30 (5) The Legal Services Ombudsman may receive a complaint made orally if he or she considers it appropriate to do so, but any such complaint must be recorded in writing by the Ombudsman as soon as practicable after its receipt.

(6) For the purposes of this section, the specified period within which a complaint can be made to the Legal Services Ombudsman is—  
35

(a) in the case of a complaint under *subsection (1)* or *(2)*, the period of 6 months beginning on the date of the determination by the Barristers' Professional Conduct Tribunal or the Law Society of the related complaint, or

40 (b) in case of a complaint under *subsection (3)*, the period of 6 months beginning on the date of the determination by the Law Society of the application for the grant to which the complaint relates,

45 but the Ombudsman may accept a complaint made after the expiry of the applicable period referred to in *paragraph (a)* or *(b)* if it appears to the Ombudsman that special circumstances make it proper to do so, and, in that event, the complaint is deemed to have been made to the Ombudsman within the specified period.

(7) A person is entitled to make a complaint under this section even if—

- (a) in the case of a complaint under *subsection (1) or (2)*, the related complaint was determined by the Barristers' Professional Conduct Tribunal or the Law Society before the commencement of this section, or 5
- (b) in the case of a complaint under *subsection (3)*, the application for the grant to which the complaint relates was determined by the Law Society before the commencement of this section, 10

provided, in each case, the determination was made not more than 6 months before that commencement.

(8) Subject to *section 21*, a person is not entitled to make a complaint under *subsection (1) or (2)* if—

- (a) the subject matter of the related complaint has been or is in the course of being determined by a court, 15
- (b) the subject matter of the related complaint is in the course of being determined by the Barristers' Professional Conduct Tribunal,
- (c) the subject matter of the related complaint has been or is the subject of an application for an inquiry by the Solicitors Disciplinary Tribunal, 20
- (d) the related complaint concerns the alleged charging of excessive fees by a solicitor and the bill of costs in issue has been taxed or submitted to a Taxing Master of the High Court for taxation on a solicitor and own client basis, 25
- (e) the related complaint has yet to be investigated or is still in the course of being investigated by the Barristers' Professional Conduct Tribunal or the Law Society, 30
- (f) the related complaint was made against a barrister by another barrister or a judge,
- (g) the period specified in *subsection (6)* for making the complaint has expired, or
- (h) the person was not entitled to make the related complaint. 35

(9) A person is not entitled to make a complaint under *subsection (3)* if—

- (a) the application for the grant to which the complaint relates is still in the course of being investigated or determined by the Law Society, 40
- (b) the period specified in *subsection (6)* for making the complaint has expired, or
- (c) the person was not entitled to make an application to the Law Society for a grant out of the Compensation Fund.

(10) A complaint to the Legal Services Ombudsman may be made by any person on behalf of a person entitled to make the complaint. 45

(11) As soon as practicable after receiving a complaint under this section, the Legal Services Ombudsman shall provide the relevant professional body with a copy of the complaint.

5 **21.—(1)** Subject to *subsection (4)*, the Legal Services Ombudsman shall investigate a complaint made to the Ombudsman in accordance with this Part by a person entitled to do so. Investigation of complaints.

(2) Notwithstanding *section 20(8)(e)*, the Legal Services Ombudsman may receive and investigate a complaint—

10 (a) that the Barristers' Professional Conduct Tribunal has acted unreasonably in failing to commence, under the Disciplinary Code, an investigation of the related complaint,

15 (b) that the Barristers' Professional Conduct Tribunal has failed to complete within a reasonable time an investigation of the related complaint already commenced under the Disciplinary Code,

20 (c) that the Law Society has acted unreasonably in failing to commence, under section 8 (as amended by *section 54* of the *Civil Law (Miscellaneous Provisions) Act 2006*) or section 9 of the *Solicitors (Amendment) Act 1994*, an investigation of the related complaint, or

25 (d) that the Law Society has failed to complete within a reasonable time an investigation of the related complaint already commenced under section 8 (as amended by *section 54* of the *Civil Law (Miscellaneous Provisions) Act 2006*) or section 9 of the *Solicitors (Amendment) Act 1994*.

30 (3) The Legal Services Ombudsman may investigate a complaint even though the person making the complaint may be entitled to bring proceedings in any court with respect to the matter complained of.

(4) The Legal Services Ombudsman may decide not to investigate a complaint, or to discontinue an investigation of a complaint on the ground that—

35 (a) the complaint is trivial or vexatious,

(b) the person making the complaint has an insufficient interest in the matter, or

40 (c) the person making the complaint has not taken reasonable steps to seek redress in respect of the subject matter of the complaint or, if he or she has, has not been refused redress.

45 (5) On deciding under *subsection (4)* not to investigate a complaint or to discontinue an investigation of a complaint, the Legal Services Ombudsman shall, in writing, notify the following persons of the decision and the reason for the decision:

(a) the complainant;

(b) the relevant professional body;

(c) in the case of a complaint about a related complaint, the barrister or solicitor about whom the related complaint was made.

(6) The Legal Services Ombudsman may also inform, in writing, any other person of such decision and reason if the Ombudsman considers it appropriate to do so. 5

Procedures for dealing with complaints to Legal Services Ombudsman.

**22.**—(1) Subject to this Chapter, the Legal Services Ombudsman may seek the resolution of complaints in such manner as the Ombudsman considers appropriate and reasonable.

(2) The Legal Services Ombudsman may establish procedures to be followed in relation to the receipt and investigation of complaints by the Ombudsman and shall publish those procedures, in such manner as he or she considers appropriate, to members of the public and members of the professions of barrister and solicitor. 10

Opportunity to make submissions.

**23.**—When investigating a complaint, the Legal Services Ombudsman shall provide the complainant and the relevant professional body with an opportunity to make submissions relating to the subject matter of the complaint. 15

Investigations to be conducted in private.

**24.**—The Legal Services Ombudsman shall ensure that investigations under this Part are conducted otherwise than in public. 20

Power to require provision of information.

**25.**—(1) For the purpose of investigating a complaint the Legal Services Ombudsman may—

(a) require any person who, in the Ombudsman’s opinion, is in possession of information, or has a document or thing in the person’s possession or control, that is relevant to the investigation to provide the Ombudsman with that information, document or thing, and 25

(b) where appropriate, require the person to attend before the Ombudsman for that purpose,

and the person shall comply with each such requirement. 30

(2) The Legal Services Ombudsman may not require a barrister or solicitor to provide any information, document or thing that is held in the possession or control of the barrister or solicitor on behalf of a client, unless that client has, in writing, authorised its release.

(3) A person to whom a requirement is addressed under *subsection (1)* is entitled to the same immunities and privileges as if the person were a witness before the High Court. 35

(4) A person to whom a requirement is addressed under *subsection (1)* may, within a period of 21 days after being notified of the requirement, apply to the High Court for an order to rescind or vary the requirement. 40

(5) On application under *subsection (4)*, the High Court—

(a) may rescind or vary the requirement in respect of which the application is made if satisfied that the information,

document or thing is not reasonably required for the purpose of the investigation of the complaint, and

5 (b) shall rescind the requirement if satisfied that an authorisation required by *subsection (2)* for the release of the information, document or thing has not been given,

and, in addition, the Court may in either case make such order as it sees fit in relation to the application.

10 (6) If it appears to the Legal Services Ombudsman that a person has failed to comply with a requirement made under *subsection (1)*, the Ombudsman may apply to the High Court for an order under *subsection (7)*.

15 (7) If satisfied on application under *subsection (6)* that the person concerned has failed to comply with the requirement, the High Court may make an order requiring that person to comply with the requirement.

20 **26.—(1)** A person shall not by act or omission obstruct or hinder the Legal Services Ombudsman in the performance of his or her functions under this Chapter or do any other thing that would, if the Ombudsman were a court having power to commit for contempt of court, be contempt of such court. Obstruction of Legal Services Ombudsman.

(2) A person who contravenes *subsection (1)* is guilty of an offence and is liable on summary conviction to a fine not exceeding €2,000.

25 **27.—(1)** On completing an investigation of a complaint under *section 20(1)*, the Legal Services Ombudsman may, by a statement in writing— Power to issue directions or make recommendations following investigation.

30 (a) if not satisfied that the Barristers' Professional Conduct Tribunal has adequately investigated the related complaint, direct it to re-investigate, in accordance with the Disciplinary Code, the related complaint, or

(b) recommend to the Bar Council that it take any other action, which the Ombudsman may specify, in relation to the barrister concerned under the Disciplinary Code.

35 (2) On completing an investigation of a complaint under *section 20(2)*, the Legal Services Ombudsman may, by a statement in writing—

40 (a) if not satisfied that the Law Society has adequately investigated the related complaint, direct it to re-investigate, under section 8 (as amended by *section 54* of the *Civil Law (Miscellaneous Provisions) Act 2006*) or section 9 of the Solicitors (Amendment) Act 1994, the related complaint,

45 (b) direct the Law Society to make application to the Solicitors Disciplinary Tribunal for an inquiry into the conduct of the solicitor concerned on the ground of alleged misconduct under section 7 (as substituted by section 17 of the Solicitors (Amendment) Act 1994) of the Solicitors (Amendment) Act 1960, or

(c) recommend to the Law Society that it take any other action, which the Ombudsman may specify, in relation to the solicitor concerned pursuant to the Society's powers under the *Solicitors Acts 1954 to 2006*.

(3) On completing an investigation of a complaint under *section 20(3)* concerning a decision of the Law Society, the Legal Services Ombudsman may, by a statement in writing— 5

(a) if the decision by the Law Society relates to a refusal to make a grant out of the Compensation Fund, recommend to the Law Society that it exercise such discretion as it has under section 21 (substituted by section 29 of the *Solicitors (Amendment) Act 1994*) of the *Solicitors (Amendment) Act 1960* to make a grant out of the Compensation Fund to the complainant, 10

(b) if the decision by the Law Society relates to the amount of such grant, recommend to the Law Society that, subject to the applicable monetary limits specified in section 21 of such Act as varied under that section, the amount of the grant be increased, or 15

(c) if the decision by the Law Society relates to the method of payment of the grant, make such recommendation to the Law Society as the Ombudsman considers appropriate. 20

(4) No direction may be given or recommendation made under this section in response to a complaint under *section 20*, unless, as a result of an investigation of the complaint, the Legal Services Ombudsman is satisfied that the complaint has been substantiated or partly substantiated. 25

(5) The Law Society has all powers that are necessary to implement a recommendation under *subsection (3)*. 30

(6) The Legal Services Ombudsman may request the relevant professional body to respond within a specified period to a direction given or recommendation made under this section.

(7) Where it appears to the Legal Services Ombudsman that measures taken or proposed to be taken in response to a direction given or a recommendation made under this section are not satisfactory, the Ombudsman may cause a special report on the case to be included in a report under *section 13*. 35

Duty to notify complainant and others of results, directions and recommendations.

**28.**—In any case where the Legal Services Ombudsman investigates a complaint, he or she shall send a written statement of the results of the investigation, any direction given or recommendation made under *section 27* and any response received under *section 27(5)* to— 40

(a) the complainant,

(b) the relevant professional body, and 45

(c) in the case of a complaint about a related complaint, the barrister or solicitor concerned.

**29.**—If the Bar Council or the Law Society fails to comply with a direction given by the Legal Services Ombudsman under *section 27*, the High Court may, on application by the Ombudsman—

Enforcement of directions of Legal Services Ombudsman.

5 (a) order the relevant professional body to comply with the direction, and

(b) make such other order, if any, as it considers necessary and just to enable the direction to have full effect.

**30.**—(1) When investigating a complaint, the Legal Services Ombudsman may, on his or her own initiative or at the request of the complainant or the relevant professional body, refer for the opinion of the High Court a question of law arising in relation to the investigating of the complaint.

Legal Services Ombudsman may refer question of law to High Court.

(2) The High Court may hear and determine any question of law referred to it under this section.

15 (3) If a question of law has been referred to the High Court under this section, the Legal Services Ombudsman may not—

(a) make a finding to which the question is relevant while the reference is pending, or

20 (b) proceed in a manner, or make a decision, that is inconsistent with the opinion of the High Court on the question.

**31.**—(1) The Legal Services Ombudsman shall, with a view to making recommendations under *subsection (4)*, keep under review the procedures of the Bar Council and of the Law Society for receiving and investigating complaints about barristers and solicitors.

Review of procedures of Bar Council and Law Society for dealing with complaints.

(2) For the purpose of such review, the Legal Services Ombudsman shall examine—

(a) the relevant procedures,

30 (b) the co-operation of barristers and solicitors with the relevant procedures,

(c) random samples of complaints made to the relevant professional body,

35 (d) the effectiveness of the relevant procedures and the length of time taken to complete investigations and make determinations,

(e) complaints relating to such specific matters as the Ombudsman considers appropriate, and

40 (f) statistical information provided by the relevant professional body, including statistical information relating to multiple complaints against the same barristers and solicitors.

(3) For the purpose of such review, the Legal Services Ombudsman shall consult with such persons, bodies or consumer organisations as he or she considers appropriate.



(4) The Legal Services Ombudsman may make such written recommendations to the relevant professional body as the Ombudsman considers appropriate arising from the review and examination conducted under this section to—

- (a) improve the procedures of the relevant professional body relating to the receipt or investigation of complaints, 5
- (b) improve procedures to deal effectively with persistent patterns of complaints,
- (c) improve procedures to deal effectively with any delays by the relevant professional body in investigating and determining complaints, or 10
- (d) improve procedures to ensure the co-operation of barristers or solicitors with the procedures of the relevant professional body.

(5) Within 30 days of receiving a recommendation made under *subsection (4)*, the relevant professional body shall— 15

- (a) inform the Legal Services Ombudsman of the action it proposes to take to implement that recommendation, or
- (b) if it is not in agreement with the recommendation, inform the Legal Services Ombudsman of the reasons for such disagreement and any other views it may have on the recommendation. 20

(6) If not satisfied with the response received from the relevant professional body under *subsection (5)*, the Legal Services Ombudsman may direct it to implement the recommendation made under *subsection (4)* or such amended recommendation as the Ombudsman may make having regard to such response. 25

(7) Following a complaint or on his or her own initiative, the Legal Services Ombudsman may, if he or she considers it appropriate, direct the relevant professional body to put in place specific procedures in relation to the receipt or investigation of a particular class or classes of complaints. 30

(8) On application by the chairman of the Bar Council or by the Law Society, the High Court may set aside or vary a direction given by the Legal Services Ombudsman under *subsection (7)* on the grounds that the direction is oppressive, unreasonable or unnecessary or may confirm the direction. 35

(9) The Legal Services Ombudsman shall include a report on the performance of his or her functions under this section in the annual report submitted to the Minister under *section 13*. 40

Duties of Bar Council and Law Society to keep and produce records.

**32.—(1)** The Bar Council and the Law Society shall keep full and complete records of all investigations, and all proceedings at meetings, relating to complaints.

(2) If requested by the Ombudsman for the purpose of an investigation or a review of procedures under this Part, the relevant professional body shall provide the Ombudsman with copies of any such records within the period specified in the request. 45



(3) *Subsection (2)* is not to be taken to limit in any way the Legal Services Ombudsman's powers under *section 25*.

5 **33.**—Legal proceedings may be commenced against the Legal Services Ombudsman only with the leave of the High Court and only if notice of the application for such leave has been given to the Ombudsman. Legal proceedings against Legal Services Ombudsman.

10 **34.**—(1) The Legal Services Ombudsman or a member of staff of the Legal Services Ombudsman shall not, except in accordance with law, disclose any information, document, part of a document or thing obtained by him or her in the course, or for the purpose, of an investigation or a review of procedures under this Part, except for the purposes of— Confidentiality of information.

- 15 (a) the investigation or review concerned,
- (b) the making, in accordance with this Part, of any statement, report or notification on that investigation or review, or
- (c) the making of a recommendation or the giving of a direction under this Part arising out of the investigation or review concerned.

20 (2) The Legal Services Ombudsman or a member of staff of the Legal Services Ombudsman shall not, except in accordance with law, be called on to give evidence in any proceedings of matters coming to his or her knowledge in the course of an investigation under this Part.

25 **35.**—The Freedom of Information Act 1997 is amended— Amendment of Freedom of Information Act 1997.

(a) in section 2(1), in the definition of “head of a public body”, by inserting the following after paragraph (j) (inserted by the Social Welfare (Miscellaneous Provisions) Act 2003):

30 “(j) in relation to the office of Legal Services Ombudsman, the Legal Services Ombudsman,”,

(b) in section 46(1)(c) (as amended by the Social Welfare (Miscellaneous Provisions) Act 2003)—

(i) by deleting “or” at the end of subparagraph (iv),

(ii) by substituting the following for subparagraph (v):

35 “(v) an examination or investigation carried out by the Pensions Ombudsman under the Pensions Act 1990, or

(vi) an investigation carried out by the Legal Services Ombudsman under Part 2 of the *Civil Law (Miscellaneous Provisions) Act 2006*,” and

40

(iii) in clause (II), by substituting “the office of the Pensions Ombudsman or the office of the Legal Services Ombudsman” for “or the office of the Pensions Ombudsman”,

45

and

(c) in paragraph (1)(2) of the First Schedule, by inserting “the office of the Legal Services Ombudsman.”.

Repeal of section 15 of Solicitors (Amendment) Act 1994.

**36.**—Section 15 of the Solicitors (Amendment) Act 1994 is repealed.

5

Revocation of Solicitors (Adjudicator) Regulations 1997 and Solicitors (Adjudicator) (Amendment) Regulations 2005.

**37.**—The Solicitors (Adjudicator) Regulations 1997 (S.I. No. 406 of 1997) and the Solicitors (Adjudicator) (Amendment) Regulations 2005 (S.I. No. 720 of 2005) are revoked.

Transitional provision relating to complaints under Solicitors (Adjudicator) Regulations 1997 to 2005.

**38.**—Where an investigation of a complaint made under the Solicitors (Adjudicator) Regulations 1997 to 2005 has not commenced before the revocation of those regulations pursuant to this Act, the complaint is deemed to have been made under this Part.

10

### PART 3

#### COURTS AND COURT OFFICERS

Substitution of section 65 of Courts of Justice Act 1936.

**39.**—(1) The Courts of Justice Act 1936 is amended by substituting the following for section 65:

15

“Minister for Justice, Equality and Law Reform may prescribe court fees.

**65.**—(1) The Minister for Justice, Equality and Law Reform may, by order made with the consent of the Minister for Finance, prescribe the fees to be charged in the several offices established by the Courts (Supplemental Provisions) Act 1961 and the persons by whom and the occasions on which such fees are to be paid.

20

(2) An order under this section may—

- (a) provide that in every financial year commencing after the making of the order there shall be payable, by way of court fees, a percentage of the annual income arising in such year from the property of every person of unsound mind and every minor under the jurisdiction vested in the High Court by section 9 of the Courts (Supplemental Provisions) Act 1961,
- (b) prescribe the amount, method of calculation, collection and disposal of such percentage,
- (c) prescribe general or special exemptions from the order,
- (d) in relation to the property of persons of unsound mind, be made by way of variation or extension of or in substitution

25

30

35

40

for all or any of the provisions of sections 109 to 114 of the Lunacy Regulation (Ireland) Act 1871.

5 (3) All fees collected under an order made under this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance directs.

10 (4) The Public Offices Fees Act 1879 shall not apply to any fees chargeable under an order made under this section.

(5) The Courts Service—

15 (a) shall collect all fees chargeable under an order made under this section in such manner and upon such occasions as it thinks fit, and

20 (b) may provide services in relation to the collection of such fees subject to such conditions (including the payment of charges for such services) as the Courts Service thinks fit.”.

25 **40.**—In the case of a judge of the Supreme Court or the High Court who is serving as such after 2 June 2002, paragraph 2 of Part I of the Second Schedule to the Courts (Supplemental Provisions) Act 1961 shall have effect as if the following subparagraphs were substituted for subparagraph (3) of that paragraph:

Modification of pension provisions of Courts (Supplemental Provisions) Act 1961 as applied to certain Supreme Court judges and High Court judges.

30 “(3) There shall be granted to a judge of the Supreme Court or the High Court to whom this paragraph applies and who, owing to age, vacates his or her office after 2 years or more of service a pension for life of one-fortieth of his or her remuneration at the time of such vacation of office for each of the first 5 years of service with the addition of three-eighths of such remuneration for every completed year of service in excess of 5, subject to a maximum pension of one-half of such remuneration.

35 (4) There shall be granted to a judge of the Supreme Court or the High Court to whom this paragraph applies and who, owing to permanent infirmity, vacates his or her office after 5 years or more of service a pension for life of one-fortieth of his or her remuneration at the time of such vacation of office for each of the first 5 years of service with the addition of three-eighths of such remuneration for every completed year of service in excess of 5, subject to a maximum pension of one-half of such remuneration.”.

45 **41.**—In the case of a judge of the Circuit Court who is serving as such on or after 2 June 2002, paragraph 5 of Part II of the Second Schedule to the Courts (Supplemental Provisions) Act 1961 shall have effect as if the following subparagraphs were substituted for subparagraph (3) of that paragraph:

Modification of pension provisions of Courts (Supplemental Provisions) Act 1961 as applied to certain Circuit Court judges.

50 “(3) There shall be granted to a judge of the Circuit Court to whom this paragraph applies and who, owing to age, vacates his or her office after 2 years or more of service a pension for life of one-fortieth of his or her remuneration at the time of such

vacation of office for each of the first 5 years of service with the addition of three-eighths of such remuneration for every completed year of service in excess of 5, subject to a maximum pension of one-half of such remuneration.

(4) There shall be granted to a judge of the Circuit Court to whom this paragraph applies and who, owing to permanent infirmity, vacates his or her office after 5 years or more of service a pension for life of one-fortieth of his or her remuneration at the time of such vacation of office for each of the first 5 years of service with the addition of three-eighths of such remuneration for every completed year of service in excess of 5, subject to a maximum pension of one-half of such remuneration.”.

Modification of pension provisions of Courts (Supplemental Provisions) Act 1961 as applied to certain District Court judges.

**42.**—In the case of a judge of the District Court who is serving as such on or after 2 June 2002, paragraph 8 of Part III of the Second Schedule to the Courts (Supplemental Provisions) Act 1961 shall have effect as if the following subparagraphs were substituted for subparagraph (3) of that paragraph:

“(3) There shall be granted to a judge of the District Court to whom this paragraph applies and who, owing to age, vacates his or her office after 2 years or more of service a pension for life of one-fortieth of his or her remuneration at the time of such vacation of office for each of the first 5 years of service with the addition of one-fortieth of such remuneration for every completed year of service in excess of 5, subject to a maximum pension of one-half of such remuneration.

(4) There shall be granted to a judge of the District Court to whom this paragraph applies and who, owing to permanent infirmity, vacates his or her office after 5 years or more of service a pension for life of one-fortieth of his or her remuneration at the time of such vacation of office for each of the first 5 years of service with the addition of one-fortieth of such remuneration for every completed year of service in excess of 5, subject to a maximum pension of one-half of such remuneration.”.

Amendment of Eighth Schedule to Courts (Supplemental Provisions) Act 1961.

**43.**—The Courts (Supplemental Provisions) Act 1961 is amended, in the Eighth Schedule—

(a) in paragraph 4, by substituting the following subparagraph for subparagraph (2):

“(2) The Master of the High Court shall have and exercise such powers and authorities and perform such duties and functions as are from time to time conferred on or assigned to him or her by statute, by regulations under section 3 of the European Communities Act 1972 or by rules of court and in particular (unless and until otherwise provided by statute, by such regulations or by rules of court) shall have and perform all such other powers, authorities, duties and functions as are vested in him or her by virtue of section 31(3) of the Act of 1926.”, and

(b) by substituting the following for paragraph 21:

“Qualification  
of Registrar of  
Wards of  
Court.

21.—No person shall be appointed to be Registrar of Wards of Court unless at the time of his or her appointment he or she—

- 5 (a) is a practising barrister of not less than 10 years’ standing,
- 10 (b) is a barrister employed in one or more of the offices mentioned in paragraph 2 who, at any time prior to such appointment, has been so employed for a period of not less than 9 years, or for periods together totalling not less than 9 years, or
- 15 (c) is a person who at the time of the appointment is a member of staff of the Courts Service and holds such qualification or qualifications as the Courts Service, with the consent of the President of the High Court, determines to be appropriate for such appointment.”.
- 20

44.—Section 5 of the Courts Service Act 1998 is amended—

Amendment of section 5 of Courts Service Act 1998.

- 25 (a) by deleting “and” where it last occurs in paragraph (d),
- (b) by substituting “courts, and” for “courts.” in paragraph (e), and
- (c) by inserting the following after paragraph (e):

30 “(f) perform such other functions as are imposed on it by any other enactment.”.

45.—Section 6(2) of the Courts Service Act 1998 is amended by inserting the following after paragraph (g):

Amendment of section 6 of Courts Service Act 1998.

- 35 “(ga) provide secretarial, clerical and administrative support to the rules committees of the Superior Courts, Circuit Court and District Court,”.

46.—Section 67 of the Courts of Justice Act 1936 (as amended by section 15 of the Courts of Justice Act 1953) is amended by substituting the following for subsections (2) to (10):

Amendment of section 67 of Courts of Justice Act 1936.

40 “(2) The Superior Courts Rules Committee (‘the Committee’) shall consist of 6 ex-officio members and 8 nominated members.

(3) The ex-officio members of the Committee shall be—

- (a) the Chief Justice, who shall be the chairperson of the Committee,

- (b) the President of the High Court, who shall be the vice-chairperson of the Committee,
  - (c) the Chief Executive Officer of the Courts Service,
  - (d) the Attorney General,
  - (e) the Registrar of the Supreme Court, and 5
  - (f) the Master of the High Court.
- (4) Of the nominated members of the Committee—
- (a) 2 shall be ordinary judges of the Supreme Court nominated by the Chief Justice,
  - (b) 2 shall be ordinary judges of the High Court nominated by the President of the High Court, 10
  - (c) 2 shall be practising barristers nominated by the General Council of the Bar of Ireland, of whom one shall be of the Senior Bar and the other of the Junior Bar, and 15
  - (d) 2 shall be practising solicitors nominated by the Council of the Law Society of Ireland.
- (5) Every nominated member of the Committee shall hold office as such member until—
- (a) the fifth anniversary of the date of his or her nomination, or 20
  - (b) he or she—
    - (i) dies,
    - (ii) resigns as such member, or
    - (iii) ceases to be an ordinary judge of the Supreme Court, an ordinary judge of the High Court, a practising barrister of the Senior Bar, a practising barrister of the Junior Bar or a practising solicitor, as the case may be, 25
- whichever is the earlier. 30
- (6) A nominated member of the Committee whose membership thereof expires pursuant to subsection (5)(a) shall be eligible for re-nomination.
- (7) The quorum of the Committee shall be 6 members.
- (8) The Committee may act notwithstanding one or more 35 vacancies in its membership.
- (9) Each of the ex-officio members of the Committee specified in paragraphs (a) to (d) of subsection (3) may appoint in writing a person to act in his or her place as a member of the Committee except that the person so appointed must be— 40
- (a) an ordinary judge of the Supreme Court if the ex-officio member is the Chief Justice,

(b) an ordinary judge of the High Court if the ex-officio member is the President of the High Court,

(c) a member of the Courts Service if the ex-officio member is the Chief Executive Officer of the Courts Service,

(d) an officer of the Attorney General if the ex-officio member is the Attorney General.

(10) The Chief Executive Officer of the Courts Service, in consultation with the chairperson of the Committee, shall appoint in writing a member of the staff of the Courts Service to be the secretary of the Committee.

(11) A person who made an appointment under subsection (9) or (10) may revoke the appointment at any time.”.

**47.**—Section 69 of the Courts of Justice Act 1936 (as amended by section 12 of the Courts of Justice Act 1947) is amended by substituting the following for subsections (2) to (8):

Amendment of section 69 of Courts of Justice Act 1936.

“(2) The Circuit Court Rules Committee (‘the Committee’) shall consist of 4 ex-officio and 6 nominated members.

(3) The ex-officio members of the Committee shall be—

(a) the President of the Circuit Court, who shall be the chairperson of the Committee,

(b) the Chief Executive Officer of the Courts Service,

(c) the Attorney General, and

(d) the county registrar for the county and city of Dublin.

(4) Of the nominated members of the Committee—

(a) 2 shall be judges of the Circuit Court nominated by the judges of the Circuit Court,

(b) 2 shall be practising barristers nominated by the Council of the Bar of Ireland, and

(c) 2 shall be practising solicitors nominated by the Council of the Law Society of Ireland.

(5) Every nominated member of the Committee shall hold office as such member until—

(a) the fifth anniversary of the date of his or her nomination, or

(b) he or she—

(i) dies,

(ii) resigns as such member, or

- (iii) ceases to be a judge of the Circuit Court, a practising barrister, or a practising solicitor, as the case may be,

whichever is the earlier.

(6) A nominated member of the Committee whose membership thereof expires pursuant to subsection (5)(a) shall be eligible for re-nomination. 5

(7) The quorum of the Committee shall be 4 members.

(8) The Committee may act notwithstanding one or more vacancies in its membership. 10

(9) Each of the ex-officio members of the Committee specified in paragraph (a) to (c) of subsection (3) may appoint in writing a person to act in his or her place as a member of the Committee except that the person so appointed must be—

(a) an ordinary judge of the Circuit Court if the ex-officio member is the President of the Circuit Court, 15

(b) a member of the staff of the Courts Service if the ex-officio member is the Chief Executive Officer of the Courts Service,

(c) an officer of the Attorney General if the ex-officio member is the Attorney General. 20

(10) The Chief Executive Officer of the Courts Service, in consultation with the chairperson of the Committee, shall appoint in writing a member of the staff of the Courts Service to be the secretary of the Committee. 25

(11) A person who made an appointment under subsection (9) or (10) may revoke the appointment at any time.”.

Amendment of section 71 of Courts of Justice Act 1936.

**48.**—Section 71 of the Courts of Justice Act 1936 (as amended by section 13 of the Courts of Justice (District Court) Act 1946) is amended by substituting the following for subsections (2) to (8): 30

“(2) The District Court Rules Committee (‘the Committee’) shall consist of 4 ex-officio and 7 nominated members.

(3) The ex-officio members of the Committee shall be—

(a) the President of the District Court, who shall be the chairperson of the Committee, 35

(b) the Chief Executive Officer of the Courts Service,

(c) the Attorney General, and

(d) such one of the district court clerks of the Dublin Metropolitan District as the Chief Executive Officer of the Courts Service nominates. 40

(4) Of the nominated members of the Committee—



(a) 4 shall be judges of the District Court nominated by the Minister,

(b) one shall be a practising barrister nominated by the Council of the Bar of Ireland, and

5 (c) 2 shall be practising solicitors nominated by the Council of the Law Society of Ireland.

(5) Every nominated member of the Committee shall hold office as such member until—

10 (a) the fifth anniversary of the date of his or her nomination, or

(b) he or she—

(i) dies,

(ii) resigns as such member, or

15 (iii) ceases to be a judge of the District Court, a practising barrister, or a practising solicitor, as the case may be,

whichever is the earlier.

20 (6) A nominated member of the Committee whose membership thereof expires pursuant to subsection (5)(a) shall be eligible for re-nomination.

(7) The quorum of the Committee shall be 4 members.

(8) The Committee may act notwithstanding one or more vacancies in its membership.

25 (9) Each of the ex-officio members of the Committee specified in paragraphs (a) to (c) of subsection (3) may appoint in writing a person to act in his or her place as a member of the Committee except that the person so appointed must be—

(a) an ordinary judge of the District Court if the ex-officio member is the President of the District Court,

30 (b) a member of the staff of the Courts Service if the ex-officio member is the Chief Executive Officer of the Courts Service,

(c) an officer of the Attorney General if the ex-officio member is the Attorney General.

35 (10) The Chief Executive of the Courts Service, in consultation with the chairperson of the Committee, shall appoint in writing a member of the staff of the Courts Service to be the secretary of the Committee.

40 (11) A person who made an appointment under subsection (9) or (10) may revoke the appointment at any time.”

Substitution of section 13A and 14 of Courts Act 1971.

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

“Evidentiary weight of signed orders or warrants made or issued by District Court judge. 14.—(1) An order recording a decision of a judge of the District Court shall, when signed by— 5  
(a) any judge of the District Court assigned to the District Court District in which the order was made, or

(b) any district court clerk assigned to the District Court Area in which the order was made, 10

be evidence in any legal proceedings of the decision until the contrary is shown.

(2) A warrant other than a warrant issued on foot of a sworn information issued by a judge of the District Court shall, when signed by— 15

(a) any judge of the District Court assigned to the District Court District in which the warrant was issued, or

(b) any district court clerk assigned to the District Court Area in which the warrant was issued, 20

be evidence in any legal proceedings of the matters to which the warrant relates until the contrary is shown.”. 25

Amendment of section 20 of Petty Sessions (Ireland) Act 1851.

**50.**—Section 20 of the Petty Sessions (Ireland) Act 1851 is amended by deleting subsection (4).

Videoconferencing in civil proceedings.

**51.**—(1) Subject to *subsection (2)*, in any civil proceedings, a court may, of its own motion or on the application of any of the parties, and having heard the parties, direct that a party may participate in any hearing in the proceedings, or that a witness may give evidence in any such hearing, from a location other than the court itself, whether from within or outside the State, by means of a live television link. 30

(2) A court shall not give a direction under *subsection (1)* unless facilities are available which enable the party or witness to see and hear the proceedings at the hearing and to be seen and heard by those present in the courtroom in which the hearing is taking place, and in any event shall not give such a direction if— 35

(a) it would be unfair to any of the parties to do so, or 40

(b) it would otherwise be contrary to the interests of justice to do so.

(3) Where a court gives a direction under *subsection (1)*, the party or witness concerned shall be deemed to be present at the hearing concerned. 45

(4) If a court, on an application made to it under *subsection (1)*, does not give a direction under that subsection, it shall give its reasons for not doing so.

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

5 (a) brought on or after the commencement of this section, or

(b) pending on the date of such commencement.

**52.**—Section 6(1) of the Court Officers Act 1945 is amended by substituting the following for paragraph (a): Amendment of section 6 of Court Officers Act 1945.

10 “(a) the Courts Service, after consultation with the President of the High Court, may appoint a person who at the time of the appointment is a member of staff of the Courts Service and who—

(i) is a barrister or solicitor,

15 (ii) at any time prior to such appointment has been employed for a period of not less than 9 years, or for periods together totalling not less than 9 years, in an office or offices established under Part 1 of the Principal Act, or

20 (iii) holds such other qualification or qualifications as the Courts Service, with the consent of the President of the High Court, determines to be appropriate for such appointment.”.

## PART 4

### SOLICITORS

25 **53.**—Section 73 of the Solicitors Act 1954 (as amended by section 7 of the Solicitors (Amendment) Act 1994) is amended by substituting the following for subsections (3) and (4): Amendment of section 73 of Solicitors Act 1954.

30 “(3) Subject to subsections (4) and (4A), the membership and quorum of a committee under this section shall be as specified by the Council and any such membership may include—

(a) solicitors who are not members of the Council,

(b) persons who are not solicitors.

35 (4) Where functions of the Society which are performable by the Council are delegated to a committee under this section, that committee, in the performance of all or any of its delegated functions, may sit in one or more divisions, provided that the quorum of such a division shall be three.

40 (4A) Where functions of the Society under section 8 (as amended by *section 54 of the Civil Law (Miscellaneous Provisions) Act 2006*) or section 9 of the Solicitors (Amendment) Act 1994 are delegated to a committee under this section, then—

(a) a majority of the members of the committee, any quorum of the committee, any division of the committee or quorum of such division, shall be persons who are not solicitors, and

(b) that committee or any division of that committee shall be chaired by a person who is a solicitor.”. 5

Amendment of section 8 of Solicitors (Amendment) Act 1994.

54.—Section 8 of the Solicitors (Amendment) Act 1994 is amended—

(a) in subsection (1), by inserting the following after paragraph (d): 10

“(da) direct the solicitor to pay to the client a sum not exceeding €3,000 or the prescribed amount, whichever is the greater, as compensation for any financial or other loss suffered by the client in consequence of any such inadequacy in the legal services provided or purported to have been provided by the solicitor, provided that any such payment made in compliance with the direction shall be without prejudice to any legal right of the client;” and 15 20

(b) by inserting the following after subsection (8):

“(9) (a) Subject to paragraphs (b) and (c), the Minister may by order prescribe an amount in respect of subsection 8(1)(da). 25

(b) The Minister shall only exercise the power under paragraph (a) to prescribe an amount referred to in that subsection such that the amount prescribed reflects the rate of inflation in the State. 30

(c) No order under paragraph (a) shall come into operation—

(i) before the second anniversary of the commencement of that paragraph,

(ii) thereafter at intervals of less than 2 years between orders made and not annulled under that paragraph. 35

(d) Every order made under this subsection shall be laid before each House of the Oireachtas as soon as practicable after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled, but without prejudice to the validity of anything done under the order.”. 40 45

## GAMING AND LOTTERIES

**55.**—Section 14 of the Gaming and Lotteries Act 1956 is amended—

Amendment of section 14 of Gaming and Lotteries Act 1956.

5 (a) in paragraph (b), by substituting “50 cent or the prescribed amount, whichever is the greater” for “sixpence”, and

(b) in paragraph (d), by substituting “€30 or the prescribed amount, whichever is the greater” for “ten shillings”.

**56.**—The Gaming and Lotteries Act 1956 is amended by inserting the following after section 14:

Insertion of new section 14A into Gaming and Lotteries Act 1956.

“Variation of stake and prize limits. 14A.—(1) Subject to subsections (2) and (3), the Minister may, by order prescribe—

(a) an amount in respect of section 14(b),

(b) an amount in respect of section 14(d).

15 (2) The Minister shall only exercise the power under subsection (1)(a) or (b) to prescribe an amount referred to in that subsection such that the amount prescribed reflects the rate of inflation in the State.

20 (3) No order under subsection (1) shall come into operation—

(i) before the second anniversary of the commencement of that subsection,

25 (ii) thereafter at intervals of less than 2 years between orders made and not annulled under that subsection.

30 (4) The Minister may, in making an order under this section, consult with such other Ministers of the Government or other bodies or persons as he considers appropriate.

35 (5) Every order made under this section shall be laid before each House of the Oireachtas as soon as practicable after it is made and if a resolution annulling the order is passed by either such House within the next 21 days on which the House has sat after the order is laid before it, the order shall be annulled, but without prejudice to the validity of anything done under the order.”

PART 6

LANDLORD AND TENANT

Amendment of section 17 of Landlord and Tenant (Amendment) Act 1980.

**57.**—Section 17(1)(a) of the Landlord and Tenant (Amendment) Act 1980 (as amended by section 4 of the Landlord and Tenant (Amendment) Act 1994) is amended by substituting the following for subparagraph (iiia): 5

“(iiia) if section 13(1)(a) (as amended by section 3 of the Landlord and Tenant (Amendment) Act 1994) applies to the tenement, the tenant has renounced in writing, whether for or without valuable consideration, his or her entitlement to a new tenancy in the tenement and has received independent legal advice in relation to the renunciation, or”.

Amendment of section 85 of Landlord and Tenant (Amendment) Act 1980.

**58.**—Section 85 of the Landlord and Tenant (Amendment) Act 1980 (as amended by section 191(3) of the Residential Tenancies Act 2004) is amended by substituting the following for subsection (2): 15

“(2) Subsection (1) does not apply to a renunciation referred to in—

- (a) subparagraph (iiia) (inserted by section 57 of the *Civil Law (Miscellaneous Provisions) Act 2006*), or 20
- (b) subparagraph (iiib) (inserted by section 191 of the Residential Tenancies Act 2004),

of section 17(1)(a).”.

PART 7

25

STATUTORY DECLARATIONS

Amendment of section 2 of Statutory Declarations Act 1938.

**59.**—(1) Section 2 of the Statutory Declarations Act 1938 is amended—

(a) by substituting the following for subsection (2):

“(2) Save as is otherwise provided by this section, a person (‘the first-mentioned person’) shall not take or receive a statutory declaration from another person (‘the declarant’) unless— 30

(a) the declarant is personally known to the first-mentioned person or is identified to him or her by a person who is personally known to him or her, or 35

(b) if paragraph (a) is not applicable, the first-mentioned person—

(i) before taking or receiving the declaration, establishes the identity of the declarant by reference to a relevant document containing a photograph of the declarant, and 40

- (ii) states in the attestation that the identity of the declarant has been so established and gives particulars of the relevant document concerned.”, and

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

“(4) In subsection (2) ‘relevant document’ means—

- (a) a valid passport issued by or on behalf of an authority recognised by the Government,
- 10 (b) a national identity card issued by the authorities of—
  - (i) a Member State of the European Union,
  - (ii) the Swiss Confederation, or
  - (iii) a Contracting Party to the EEA Agreement,
- 15 (c) a document which is equivalent to a passport, issued by or on behalf of an authority recognised by the Government, which establishes the identity and nationality of the person to whom the document relates,
- 20 (d) a travel document issued by the Minister for Justice, Equality and Law Reform under section 4 of the Refugee Act 1996, or
- 25 (e) a travel document other than a document to which paragraph (d) refers issued by the State solely for the purpose of providing the holder with a document which can serve in lieu of a national passport.

30 (5) In subsection (4), ‘EEA Agreement’ means the Agreement on the European Economic Area signed at Oporto on the 2nd of May 1992 as amended for the time being.”.

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

Substitution of section 6 of Statutory Declarations Act 1938.

35 “Penalty for false declaration.  
6.—(1) Every person who makes a statutory declaration which to his or her knowledge is false or misleading in any material respect shall be guilty of an offence under this section and liable on summary conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding 40 6 months or both.

45 (2) Notwithstanding the provisions of section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings in relation to an offence under this Act may be commenced—

(a) at any time within 12 months from the date on which the offence was committed, or

(b) at any time within 6 months from the date on which evidence that, in the opinion of the person by whom such proceedings are brought, is sufficient to justify the bringing of proceedings, comes to such person's knowledge,

whichever is the later, but no such proceedings shall be commenced later than 3 years from the date on which the offence concerned was committed.”.

Substitution of  
Schedule to  
Statutory  
Declarations Act  
1938.

61.—The Statutory Declarations Act 1938 is amended by substituting the following for the Schedule:

“SCHEDULE

FORM OF STATUTORY DECLARATION

I, A.B., do solemnly and sincerely declare that [*here insert text of matter to be declared*] and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

[*Signed*] A.B.

Declared before me.....[*name in capitals*] a [notary public] [commissioner for oaths] [peace commissioner] [person authorised by [*insert authorising statutory provision*]..... to take and receive statutory declarations] by A.B.

[who is personally known to me],

or

[who is identified to me by C.D. who is personally known to me]

or

[whose identity has been established to me before the taking of this Declaration by the production to me of

passport no. [*passport number*] issued on [*date of issue*] by the authorities of [*issuing state*], which is an authority recognised by the Irish Government]

or

national identity card no. [*identity card number*] issued on [*date of issue*] by the authorities of [*issuing state*] [which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement]

or

[Aliens Passport no. (*document equivalent to a passport*) [*passport number*] issued on [*date of issue*] by the authorities of [*issuing state*] which is an authority recognised by the Irish Government]

or



refugee travel document no. [*document number*] issued on [*date of issue*] by the Minister for Justice, Equality and Law Reform]

or

5 travel document (other than refugee travel document) [*document no.*] issued on [*date of issue*] by the Minister for Justice, Equality and Law Reform

at.....[*place of signature*] this.....day  
of.....[*date*]

10 .....  
[*signature of witness*]”.

## PART 8

### JURIES

15 **62.**—The Juries Act 1976 is amended by substituting the following for section 25: Substitution of section 25 of Juries Act 1976.

“Separation of juries during trial. 25.—(1) In any trial with a jury—  
(a) the jurors may, at any time before they retire to consider their verdict, separate unless the judge otherwise directs, and  
(b) the jurors may, after they retire to consider their verdict, only separate for such period or periods as the judge permits.

25 (2) A permission under subsection (1)(b) may be given in respect of a jury whether or not the jury is present when the order is made.”

**63.**—Section 34 of the Juries Act 1976 is amended— Amendment of section 34 of Juries Act 1976.

(a) in subsection (1), by substituting “€500” for “£50”, and  
30 (b) in subsection (2), by substituting “€500” for “£50”.

**64.**—Section 35 of the Juries Act 1976 is amended— Amendment of section 35 of Juries Act 1976.

(a) in subsection (1), by substituting “€500” for “£50”,  
(b) in subsection (2), by substituting “€500” for “£50”, and  
(c) in subsection (3), by substituting “€500” for “£50”.

35 **65.**—Section 36 of the Juries Act 1976 is amended— Amendment of section 36 of Juries Act 1976.

(a) in subsection (1), by substituting “€500” for “£50”, and  
(b) in subsection (2), by substituting “€2,000” for “£200”.

Amendment of section 37 of Juries Act 1976. **66.**—Section 37 of the Juries Act 1976 is amended by substituting “€500” for “£50”.

Amendment of First Schedule to Juries Act 1976. **67.**—The First Schedule to the Juries Act 1976 is amended by substituting—

*“Other persons.* Persons who have— 5  
(a) an incapacity to read, or  
(b) an enduring impairment,  
such that it is not practicable for them to perform the duties of a juror.”

for 10

*“Incapable persons.* A person who because of insufficient capacity to read, deafness or other permanent infirmity is unfit to serve on a jury.”.

## PART 9

### BANKRUPTCY 15

Amendment of section 85 of Bankruptcy Act 1988. **68.**—Section 85(3)(a) of the Bankruptcy Act 1988 is amended by substituting the following for subparagraph (ii):

“(ii) he or she has obtained the consent of all his or her creditors who have proved and been admitted in the bankruptcy— 20

(I) to his or her discharge, and

(II) to the waiver of their rights to the amounts for which they have respectively so proved and been admitted,

as evidenced by the creditors having executed the form prescribed for the purposes of such consent, or”. 25

Amendment of section 91 of Bankruptcy Act 1988. **69.**—Section 91 of the Bankruptcy Act 1988 is amended by substituting “no later than 7 days after the conclusion of the preliminary meeting” for “at least two days before the private sitting”. 30

## PART 10

### SUCCESSION

Amendment of section 3 of Succession Act 1965. **70.**—Section 3(1) of the Succession Act 1965 is amended, in the definition of “purchaser”, by deleting “in good faith”.

Amendment of section 5 of Succession Act 1965. **71.**—Section 5 of the Succession Act 1965 is amended— 35

(a) by inserting “(1)” before “Where”, and

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

5           “(2) Where immediately prior to the death of two or more persons they held any property as joint tenants and they died, or under subsection (1) were deemed to have died, simultaneously, they shall be deemed to have held the property immediately prior to their deaths as tenants in common in equal shares.

10           (3) Property deemed under subsection (2) to have been held by persons as tenants in common shall form part of their respective estates.”.

## SCHEDULE

### REPEAL OF SPENT AND MISCELLANEOUS SECTIONS

The following sections are repealed:

- (a) Section 12 of the Courts of Justice Act 1947;
- 15 (b) Sections 15(1), (2), (3) and (4) of the Courts of Justice Act 1953;
- (c) Section 44 of the Courts (Supplemental Provisions) Act 1961;
- (d) Section 30 of the Courts Service Act 1998;
- (e) Sections 35 and 36 of the Courts and Court Officers Act 2002;
- 20 (f) Section 73(9) of the Solicitors Act 1954;
- (g) Section 4 of the Statutory Declarations Act 1938.