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

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*Mar a leasaíodh sa Roghchoiste um Dhlí agus Ceart,  
Comhionannas, Cosaint agus Cearta na mBan*  
*As amended in the Select Committee on Justice, Equality, Defence  
and Women's Rights*

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ILGHNÉITHEACHA) 2006**

**CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL 2006**

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# **BILL**

5

*entitled*

AN ACT TO PROVIDE FOR VIDEOCONFERENCING IN  
CIVIL PROCEEDINGS AND FOR CERTAIN ANON-  
YMY IN CERTAIN CIVIL PROCEEDINGS; TO AMEND  
THE COURTS OF JUSTICE ACT 1924, THE COURT  
10 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  
15 COURTS ACT 2004, THE PETTY SESSIONS (IRELAND)  
ACT 1851, THE SOLICITORS ACT 1954, THE SOLICITORS  
(AMENDMENT) ACT 1994, THE GAMING AND LOTTER-  
IES ACT 1956, THE LANDLORD AND TENANT  
(AMENDMENT) ACT 1980, THE STATUTORY DECLAR-  
20 ATIONS ACT 1938, THE STANDARDS IN PUBLIC  
OFFICE ACT 2001, THE JURIES ACT 1976, THE BANK-  
RUPTCY ACT 1988, THE SUCCESSION ACT 1965, THE  
VIDEO RECORDINGS ACT 1989, THE CENSORSHIP OF  
FILMS ACT 1923, THE PARENTAL LEAVE ACT 1998,  
25 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 IMPL-  
30 MENTING 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  
35 RELATED MATTERS, INCLUDING THE CONSEQUEN-  
TIAL REPEAL OF CERTAIN ENACTMENTS AND THE  
CONSEQUENTIAL REVOCATION OF CERTAIN STATU-  
TORY INSTRUMENTS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY

Short title, commencement, collective citation and construction.

**1.**—(1) This Act may be cited as the Civil Law (Miscellaneous Provisions) Act 2008.

(2) The Minister 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. 5

(3) The Courts (Supplemental Provisions) Acts 1961 to 2007 and sections 8, 9, 10, 11, 16, 17, 18 and may be cited together as the Courts (Supplemental Provisions) Acts 1961 to 2007 and shall be construed together as one. 10

(4) The Court Officers Acts 1926 to 2002 and section 23 may be cited together as the Court Officers Acts 1926 to 2007.

(5) The Solicitors Acts 1954 to 2002 and Part 3 may be cited together as the Solicitors Acts 1954 to 2007. 15

(6) The Landlord and Tenant Acts 1967 to 2005 and Part 4 may be cited together as the Landlord and Tenant Acts 1967 to 2007.

(7) The Equal Status Acts 2000 to 2004 and Part 14 may be cited together as the Equal Status Acts 2000 to 2007. 20

(8) The collective citation “the Employment Equality Acts 1998 to 2007” shall include Part 16.

Definition of “Minister”.

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

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. 25

(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. 30

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.

PART 2

COURTS AND COURT OFFICERS

35

Amendment of section 9 of Courts of Justice Act 1924.

**5.**—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”.

5 6.—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)—  
Amendment of section 38 of Court Officers Act 1926.

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

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

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

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

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

20 8.—The Courts of Justice Act 1936 is amended by substituting the following for section 65:  
Substitution of section 65 of Courts of Justice Act 1936.

“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.

(2) An order under this section may—

30 (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, specified in the order, 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,

40 (b) prescribe the amount, method of calculation, collection and disposal of such percentage,

(c) prescribe general or special exemptions from the order,

45 (d) in relation to the property of persons of unsound mind, be made by way of variation or extension of or in substitution

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

(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. 5

(4) The Courts Service—

(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 10

(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.”. 15

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

**9.**—In the case of a judge of the Supreme Court or the High Court who is serving as such on or 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: 20

“(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 years of service, subject to a maximum pension of one-half of such remuneration. 25 30

(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 years of service, subject to a maximum pension of one-half of such remuneration.”. 35 40

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

**10.**—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: 45

“(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 50

completed year of service in excess of 5 years of service, subject to a maximum pension of one-half of such remuneration.

5 (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 10 5 years of service with the addition of three-eightieths of such remuneration for every completed year of service in excess of 5 years of service, subject to a maximum pension of one-half of such remuneration.”.

15 **11.**—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:

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

20 “(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 years of service, subject to a maximum pension of one-half of such remuneration.

25 (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 30 5 years of service with the addition of one-fortieth of such remuneration for every completed year of service in excess of 5 years of service, subject to a maximum pension of one-half of such remuneration.”.

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

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

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

40 “(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 45 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—

- (a) is a practising barrister of not less than 10 years’ standing, 5
- (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 10
- (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.”. 15 20

Amendment of  
section 5 of Courts  
Service Act 1998.

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

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

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

Amendment of  
section 6 of Courts  
Service Act 1998.

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

“(ga) provide secretarial, clerical and administrative support to the Superior Courts Rules Committee, the Circuit Court Rules Committee and the District Court Rules Committee.”. 35

Amendment of  
Courts (No. 3) Act  
1986.

**15.**—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— 40

- (a) the person who applied for the summons or a person acting on his or her behalf, or 45

(b) the appropriate office;”.

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

Amendment of section 67 of Courts of Justice Act 1936.

5       “(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—

10       (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,

15       (e) the Registrar of the Supreme Court, and

(f) the Master of the High Court.

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

20       (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;

25       (c) 2 shall be practising barristers nominated by the General Council of the Bar of Ireland, of whom one shall be a member of the Senior Bar and the other a member of the Junior Bar; and

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

30       (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,

35       (ii) resigns as such member, or

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

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.

(7) The quorum of the Committee shall be 6 members.

(8) The Committee may act notwithstanding one or more vacancies in its membership. 5

(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 shall be— 10

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

(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, 15

(d) in the case of the Attorney General, an officer of 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 to the Committee. 20

(11) A person who made an appointment under subsection (9) or (10) may revoke the appointment at any time.”. 25

Amendment of section 69 of Courts of Justice Act 1936.

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

“(2) The Circuit Court Rules Committee (‘the Committee’) shall consist of 4 ex-officio members and 6 nominated members. 30

(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 35

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

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

(a) 2 shall be judges of the Circuit Court nominated by the judges of the Circuit Court; 40

(b) 2 shall be practising barristers nominated by the General 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—

5 (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

10 (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.

15 (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.

20 (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 shall be—

25 (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,

30 (c) in the case of the Attorney General, an officer of 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 to the Committee.

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

**18.**—Section 71 of the Courts of Justice Act 1936 is amended by substituting the following for subsections (2) to (8):

Amendment of section 71 of Courts of Justice Act 1936.

40 “(2) The District Court Rules Committee (‘the Committee’) shall consist of 4 ex-officio members 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,
- (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. 5

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

- (a) 4 shall be judges of the District Court nominated by the Minister for Justice, Equality and Law Reform; 10
- (b) one shall be a practising barrister nominated by the General Council of the Bar of Ireland; and
- (c) 2 shall be practising solicitors nominated by the Council of the Law Society of Ireland. 15

(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— 20
  - (i) dies,
  - (ii) resigns as such member, or
  - (iii) ceases to be a judge of the District Court, a practising barrister or a practising solicitor, as the case may be, 25

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.

(7) The quorum of the Committee shall be 4 members. 30

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

(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 shall be— 35

- (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, 40



(c) in the case of the Attorney General, an officer of the Attorney General.

5 (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 to the Committee.

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

10 **19.**—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):

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

15 “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—

(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,

20 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—

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

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

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

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

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

40 **21.**—(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, whether from within or outside the State, by means of a live television link.

Videoconferencing in civil proceedings.

45 (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—

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

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

5

(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.

(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.

10

(5) 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.

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

**22.**—(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.

15

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(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—

25

(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.

30

(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,

35

(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—

40

(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.

5 (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

10 (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  
15 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;

20 (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.

25 (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)*.

30 (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  
35 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.  
40

(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  
45 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; 5

“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. 10

Amendment of section 6 of Court Officers Act 1945.

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

“(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— 15

(i) is a barrister or solicitor,

(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.”. 25

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

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

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

“such a report— 30

(i) attend the proceedings, and

(ii) have access to any relevant documents,

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.”. 35

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— 40

(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,

5

10

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

15 **25.**—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: Increase in number of judges of District Court.

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

### PART 3

20

### SOLICITORS

**26.**—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”. Amendment of section 29 of Solicitors Act 1954.

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

“(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—

30

- (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 28 of the Civil Law (Miscellaneous Provisions) Act 2008*) or 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.”.

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

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

(a) in subsection (1), by inserting the following after paragraph (d): 5

“(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;”, 10 15

and

(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). 20

(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. 25

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

(i) before the second anniversary of the commencement of that paragraph, 30

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

(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.”. 35 40

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

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

“Enforcement of order of Solicitors Disciplinary Tribunal.

18A.—(1) Where, on application by the Society in 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 45

5 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.

10 (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.”.

15 PART 4

LANDLORD AND TENANT

20 **30.**—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 is amended by substituting the following for subparagraph (iiia):

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

25 “(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”.

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

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

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

35 (a) subparagraph (iiia) (inserted by section 30 of the *Civil Law (Miscellaneous Provisions) Act 2008*), or

(b) subparagraph (iiib) (inserted by section 191 of the Residential Tenancies Act 2004),

of section 17(1)(a).”.

40 PART 5

STATUTORY DECLARATIONS

**32.**—Section 2 of the Statutory Declarations Act 1938 is amended—

Amendment of section 2 of Statutory Declarations Act 1938.

(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—

- (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 5
- (b) if paragraph (a) is not applicable, the first-mentioned person— 10
  - (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
  - (ii) states in the attestation that the identity of the declarant has been so established and gives particulars of the relevant document concerned.”, 15

and

(b) by inserting the following after subsection (3): 20

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

- (a) a valid passport issued by or on behalf of an authority recognised by the Government,
- (b) a national identity card issued by the authorities of— 25
  - (i) a Member State,
  - (ii) the Swiss Confederation, or
  - (iii) a Contracting Party to the EEA Agreement,
- (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, 30
- (d) a travel document issued by the Minister for Justice, Equality and Law Reform under section 4 of the Refugee Act 1996, or 35
- (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. 40

(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.”. 45



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

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

5 “Making of statutory declarations outside State.

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

10 (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

15 (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.

20 (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).

25 (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:

30 (a) the capacity in which the declarer has acted in making that declaration,

35 (b) the seal or stamp of the person who has administered the oath to the declarer,

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

45 (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.

50 (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. 5

(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— 10

(a) falling with 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, 15

require such proof, as he or she considers appropriate, of any particular requirements of the law referred to in subsection (3). 20

(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; 25

‘Hague Convention’ means the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at the Hague on 5 October 1961.”. 30

Substitution of section 6 of Statutory Declarations Act 1938.

**34.**—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):

“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 6 months or both. 35 40

(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 45

(b) at any time within 6 months from the date on which evidence that, in the opinion of the person by whom such 50

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.”.

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

Substitution of  
Schedule to  
Statutory  
Declarations Act  
1938.

“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

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*]

.....  
[*signature of witness*”].

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

**36.**—Section 22 of the Standards in Public Office Act 2001 is amended— 5

(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”. 10

## PART 6

### JURIES

Amendment of  
section 11 of Juries  
Act 1976.

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

Amendment of  
section 12 of Juries  
Act 1976.

**38.**—Section 12 of the Juries Act 1976 is amended by substituting the following for subsection (1): 15

“(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— 20

(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— 25

(i) the court, or

(ii) the registrar in any case where the registrar is authorised to do so by the court.”. 30

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

**39.**—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 35

(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 40

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.”.

5

**40.**—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 directs.

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

10

15

**41.**—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

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

20

**42.**—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”.

25

**43.**—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”.

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

Amendment of section 37 of Juries Act 1976.

30

**45.**—The First Schedule to the Juries Act 1976 is amended by substituting—

Amendment of First Schedule to Juries Act 1976.

“Other persons.

Persons who have—

(a) an incapacity to read, or

(b) an enduring impairment,

35

such that it is not practicable for them to perform the duties of a juror.”

for

“Incapable persons.

A person who because of insufficient capacity to read, deafness or other permanent infirmity is unfit to serve on a jury.”. 5

## PART 7

### BANKRUPTCY

Amendment of section 85 of Bankruptcy Act 1988.

**46.**—Section 85(3)(a) of the Bankruptcy Act 1988 is amended by substituting the following for subparagraph (ii): 10

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

(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, 15

as evidenced by the creditors having executed the form prescribed for the purposes of such consent, or”. 20

Amendment of section 91 of Bankruptcy Act 1988.

**47.**—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”.

## PART 8

### SUCCESSION

25

Amendment of section 3 of Succession Act 1965.

**48.**—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.

**49.**—Section 5 of the Succession Act 1965 is amended—

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

(b) by inserting the following after subsection (1): 30

“(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. 35

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

PART 9

VIDEO RECORDINGS

50.—The Video Recordings Act 1989 is amended—

Amendment of  
Video Recordings  
Act 1989.

(a) in section 3—

5 (i) by deleting subsection (2), and

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

“(4) The applicant shall—

10 (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

15 (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).”

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

20 “(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,

25 (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,

30 and—

35 (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

40 (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). 5

(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. 10 15

(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. 20

(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 25

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 3 years or to both.”, 30

(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”, 35

(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”, 40

(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”, 45



- (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.”.

## PART 10

### CENSORSHIP OF FILMS

**51.**—The Censorship of Films Act 1923 is amended—

Amendment of  
Censorship of Films  
Act 1923.

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

Change of name of Official Censor, etc.

**52.**—(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.

(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.

## PART 11

### PARENTAL LEAVE

Amendment of section 6 of Parental Leave Act 1998.

**53.**—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

5 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.”.

## PART 12

### CIVIL SERVICE REGULATION

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

Amendment of section 2(2) of Civil Service Regulation Act 1956.

- (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):

15 “(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)

20 does not apply, the Minister for Justice, Equality and Law Reform, and

- (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.”.

## 25 PART 13

### FAMILY LAW

**55.**—The Family Law Act 1995 is amended—

Amendment of Family Law Act 1995.

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

30 “(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—

- 35 (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.”,

- 40 (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— 5

(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 10

(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.”. 15

Amendment of  
Family Law  
(Divorce) Act 1996.

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

(a) in section 14, 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— 20  
25

(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): 30

“(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— 35

(a) amend or cancel the entry made in the register, pursuant to section 14(4), under the Registration of Title Act 1964 accordingly, or 40

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

and

(c) in section 37, by inserting the following after subsection (4): 45

“(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.”.

5

PART 14  
EQUAL STATUS

57.—The Equal Status Act 2000 is amended—

Amendment of  
Equal Status Act  
2000.

10

(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 2004<sup>1</sup> implementing the principle of equal treatment between men and women in the access to and supply of goods and services”,

15

(b) in section 5—

(i) in subsection (2)—

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

20

(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):

25

“(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—

30

(i) is effected by reference to—

35

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

(II) other relevant underwriting or commercial factors,

40

and

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

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

<sup>1</sup>OJ L373, 21.12.2004, p. 37

“(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 5

(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). 10

(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. 15

(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).”, 20 25

(c) in section 21 (as amended by section 54 of the Equality Act 2004)— 30

(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 35

(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).”, 40 45

(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 50

unless the Director or the Circuit Court, as the case may be,” for “shall not investigate a case unless he or she”, and

5 (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):

10 “(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:

15 (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);

20 (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

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

30 “(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.”.

## PART 15

### AMENDMENT OF CIVIL LEGAL AID ACT 1995

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

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

“Accountability of Chief Executive to Public Accounts Committee.

40 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—

45 (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.

(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—

5 (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

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

and the High Court may determine the matter.

15 (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.

20 (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.”.

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

Amendment of section 26 of Civil Legal Aid Act 1995.

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

30 “(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):

35 “(3A) Notwithstanding any other provision of this Act, the Board shall grant legal advice to a complainant in a prosecution for—

(a) the offence of rape under the common law,

(b) the offence of rape under section 2 of the Criminal Law (Rape) Act 1981,

40 (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,

45 (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 5  
Punishment of Incest Act 1908.”.

Amendment of  
section 28 of Civil  
Legal Aid Act 1995.

**60.**—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)”, 10

(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 15  
1967,”.

## PART 16

### EMPLOYMENT EQUALITY

Amendment of  
section 41 of  
Employment  
Equality Act 1998.

**61.**—Section 41 of the Employment Equality Act 1998 is amended  
by substituting the following for subsections (1) and (2): 20

“(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, 25  
the difference between the number of males  
appointed and the number of females appointed  
shall be not more than 2.”.

Amendment of  
section 47 of  
Employment  
Equality Act 1998.

**62.**—Section 47 of the Employment Equality Act 1998 is amended  
by substituting the following for subsection (4): 30

“(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.”.

## REPEALS AND REVOCATIONS

## PART 1

## ENACTMENTS REPEALED

| 5  | Number and Year<br>(1) | Short Title<br>(2)                        | Extent of Repeal<br>(3)               |
|----|------------------------|---|---------------------------------------|
|    | No. 37 of 1938         | Statutory Declarations Act 1938           | Section 4.                            |
| 10 | 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.                           |
| 15 | 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 Offices Act 2002         | Sections 35 and 36.                   |
| 20 | 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

| 25 | S.I. Number and Year<br>(1) | Short Title<br>(2)   | Extent of Revocation<br>(3) |
|----|-----------------------------|--|-----------------------------|
| 30 | S.I. No. 403 of 1996        | Video Recordings Act 1989 (Classification of Video Works) Regulations 1996 | The whole instrument.       |