



SEANAD ÉIREANN

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

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

SEANAD ÉIREANN

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

CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL 2006 —REPORT

Leasuithe Amendments

**Government amendments are distinguished by an asterisk*

* 1. In page 14, between lines 3 and 4, to insert the following:

“Amendment of section 32A(5) of Courts (Supplemental Provisions) Act 1961.

10.—Subsection (5) of section 32A (inserted by section 180 of the Criminal Justice Act 2006) of the Courts (Supplemental Provisions) Act 1961 is amended in paragraph (b) of the definition of “relevant district” by substituting “subparagraph (1), (2) or (2A) of paragraph 3 of the said Schedule” for “subparagraph (1) or (2) of paragraph 3 of the said Schedule”.”.

* 2. In page 15, between lines 17 and 18, to insert the following:

“Amendment of paragraph 3 of Sixth Schedule to Courts (Supplemental Provisions) Act 1961.

13.—Paragraph 3 (as amended by section 37 of the Courts and Court Officers Act 1995) of the Sixth Schedule to the Courts (Supplemental Provisions) Act 1961 is amended—

(a) in subparagraph (1), by substituting “temporarily assigned by the President of the District Court to another district or districts” for “temporarily assigned by the President of the District Court to another district”,

(b) in subparagraph (2), by substituting “assigned by the President of the District Court to any district or districts” for “assigned by the President of the District Court to any district”,

(c) by inserting the following subparagraphs after subparagraph (2):

“(2A) Without prejudice to subparagraph (2), the President of the District Court may, in relation to any district, temporarily assign for a period not exceeding 6 months one or more district judges (whether or not any such judge is permanently or temporarily assigned to another district or districts) to exercise, in relation to that district, the powers specified in subparagraph (2B).

(2B) A district judge who is temporarily assigned to any district under subparagraph (2A) may exercise any of the powers of a district judge to which section 32A applies for the time being conferred on him or her by law whether he or she is in or outside that district.”.

- (d) in subparagraph (3), by substituting “temporarily assigned by the President of the District Court to any district or districts” for “temporarily assigned by the President of the District Court to any district”, and
- (e) by inserting the following subparagraph after subparagraph (4):

“(4A) Where a district judge is temporarily assigned to any district under subparagraph (2A)—

- (a) in case there is for the time being a district judge permanently assigned to that district – he or she shall, in relation to that district, have, while so temporarily assigned, concurrently with that district judge, all the powers of a district judge to which section 32A applies for the time being conferred on that district judge who is so permanently assigned,
- (b) in any other case – he or she shall, in relation to that district, have, while so temporarily assigned, all such powers of a district judge to which section 32A applies as would for the time being be conferred by law if he or she were a district judge permanently assigned to that district.”.

3. In page 23, to delete lines 23 and 24.

—*Senators Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

4. In page 28, between lines 2 and 3, to insert the following:

“Costs incurred due to negligence, etc.

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

- (a) costs have been improperly or without any reasonable cause incurred by a solicitor acting for a client who is a party to those proceedings, or
- (b) by reason of any undue delay in proceeding under any judgment or order, or of any misconduct or default of that solicitor, any costs properly incurred have nevertheless proved fruitless to the client incurring those costs,

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

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

(2) An order under *subsection (1)*—

- (a) shall not be made in respect of a solicitor acting in good faith and without negligence,
- (b) does not depend upon a finding by the court that the solicitor is guilty of professional misconduct or gross negligence in relation to their duty to the court.

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

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

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

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

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

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

—*Senators Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

5. In page 30, between lines 24 and 25, to insert the following:

“(2) Where a tenant has, prior to the passing of this Act, effected a renunciation as referred to in *subsection (1)*, the tenant shall be deemed not to be entitled to a new lease for a period of 20 years, and any lease for a shorter period effected on foot of such renunciation shall be deemed to be valid.”.

—*Senators Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*