



DÁIL ÉIREANN

**BILLE NA nDLÍ-CHLEACHTÓIRÍ (AN GHAEILGE) 2007
LEGAL PRACTITIONERS (IRISH LANGUAGE) BILL 2007**

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

DÁIL ÉIREANN

LEGAL PRACTITIONERS (IRISH LANGUAGE) BILL 2007 —REPORT

Amendments

1. In page 6, line 23, to delete “ensure that” and substitute “encourage an outcome whereby”.
—Brian O'Shea, Pat Rabbitte.
2. In page 6, line 27, after “a” to insert “bilingual”.
—Brian O'Shea, Pat Rabbitte.
3. In page 6, line 30, after “course” where it secondly occurs to insert “shall not be subject to examination and”.
—Minister for Justice, Equality and Law Reform.
4. In page 6, line 30, to delete “shall” and substitute “may voluntarily”.
—Brian O'Shea, Pat Rabbitte.
5. In page 6, line 37, after “language.” to insert the following:
“The Minister shall prescribe the maximum duration of a course under this subsection and shall prescribe what constitutes satisfactory attendance at such a course. No examination, written or oral work or other test may be held for such a course.”
—Brian O'Shea, Pat Rabbitte.
6. In page 8, line 3, after “with” to insert the following:
“, or attended a course of instruction or sat an examination for the purposes of seeking to comply with,”
—Brian O'Shea, Pat Rabbitte.
7. In page 10, line 26, to delete “ensure that” and substitute “encourage an outcome whereby”.
—Brian O'Shea, Pat Rabbitte.
8. In page 10, line 31, after “a” to insert “bilingual”.
—Brian O'Shea, Pat Rabbitte.
9. In page 10, line 36, after “course” to insert “shall not be subject to examination and”.
—Minister for Justice, Equality and Law Reform.
10. In page 10, line 36, to delete “shall” and substitute “may voluntarily”.
—Brian O'Shea, Pat Rabbitte.

DÁIL ÉIREANN

BILLE NA nDLÍ-CHLEACHTÓIRÍ (AN GHAEILGE) 2007 —AN TUARASCÁIL

Leasuithe

1. I leathanach 7, líne 25, “lena chinntiú” a scriosadh agus “le toradh a spreagadh a fhágfaidh” a chur ina ionad.
—Brian Ó Sé, Pádraic Ó Coinín.
2. I leathanach 7, líne 28, “dátheangach” a chur isteach i ndiaidh “cúrsa”.
—Brian Ó Sé, Pádraic Ó Coinín.
3. I leathanach 7, líne 31, “Ní bheidh an cúrsa sin faoi réir scrúdaithe agus déanfaidh” a chur in ionad “Déanfaidh”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
4. I leathanach 7, líne 31, “Féadfaidh” a chur in ionad “Déanfaidh” agus, líne 34, “a dhéanamh go saorálach” a chur isteach i ndiaidh “sin”.
—Brian Ó Sé, Pádraic Ó Coinín.
5. I leathanach 7, líne 37, an méid seo a leanas a chur isteach i ndiaidh “a éascú.”:

“Forordóidh an tAire fad uasta cúrsa faoin bhfo-alt seo agus forordóidh sé nó sí céard é freastal sásúil ar chúrsa den sórt sin. Ní fhéadfar aon scrúdú, aon obair scríofa nó obair ó bhéal nó aon triail eile a sheoladh i leith cúrsa den sórt sin.”

—Brian Ó Sé, Pádraic Ó Coinín.
6. I leathanach 9, líne 4, an méid seo a leanas a chur isteach i ndiaidh “aige nó aici”:

“nó a raibh, roimh an aisghairm sin, freastal déanta aige nó aici ar chúrsa teagaise nó scrúdú déanta aige nó aici chun féachaint leis an alt sin a chomhlíonadh.”

—Brian Ó Sé, Pádraic Ó Coinín.
7. I leathanach 11, líne 27, “lena chinntiú” a scriosadh agus “le toradh a spreagadh a fhágfaidh” a chur ina ionad.
—Brian Ó Sé, Pádraic Ó Coinín.
8. I leathanach 11, líne 32, “dátheangach” a chur isteach i ndiaidh “cúrsa”.
—Brian Ó Sé, Pádraic Ó Coinín.
9. I leathanach 11, líne 37, “Ní bheidh an cúrsa sin faoi réir scrúdaithe agus déanfaidh” a chur in ionad “Déanfaidh”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
10. I leathanach 11, líne 37, “Féadfaidh” a chur in ionad “Déanfaidh” agus, líne 40, “a dhéanamh go saorálach” a chur isteach i ndiaidh “sin”.
—Brian Ó Sé, Pádraic Ó Coinín.

11. In page 10, line 45, after “language.” to insert the following:

“The Minister shall prescribe the maximum duration of a course under this subsection and shall prescribe what constitutes satisfactory attendance at such a course. No examination, written or oral work or other test may be held for such a course.”

—Brian O'Shea, Pat Rabbitte.

12. In page 12, line 7, after “section” to insert the following:

“, or attended a course of instruction or sat an examination for the purposes of those regulations.”

—Brian O'Shea, Pat Rabbitte.

13. In page 14, after line 42, to insert the following:

“Further amendment
of Solicitors Act
1954.

4.—The Solicitors Act 1954 is further amended as follows:

(a) by deleting section 40(6);

(b) by the insertion of the following after section 40—

“40A.—Regulations under the Solicitors Acts 1954 to 2008 may not prescribe any examination in connection with the Irish language other than the voluntary examination referred to in the *Legal Practitioners (Irish Language) Act 2008*.”;

(c) by the deletion in section 43(2)(a) (as substituted by section 51 of the Solicitors (Amendment) Act 1994) of “and (if obligatory on him) the second examination in the Irish language which is referred to in the said section 40”;

(d) by the deletion in section 43(2)(c) (as substituted by section 51 of the Solicitors (Amendment) Act 1994) of “and (if obligatory on him) the second examination in the Irish language”;

(e) by the deletion of section 43(4) (as substituted by section 51 of the Solicitors (Amendment) Act 1994).”

—Brian O'Shea, Pat Rabbitte.

14. In page 14, after line 42, to insert the following:

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

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

—Brian O'Shea, Pat Rabbitte.

11. I leathanach 11, líne 45, an méid seo a leanas a chur isteach i ndiaidh “a éascú.”:

“Forordóidh an tAire fad uasta cúrsa faoin bhfo-alt seo agus forordóidh sé nó sí céard é freastal sásúil ar chúrsa den sórt sin. Ní fhéadfar aon scrúdú, aon obair scríofa nó obair ó bhéal nó aon triail eile a sheoladh i leith cúrsa den sórt sin.”

—Brian Ó Sé, Pádraic Ó Coinín.

12. I leathanach 13, líne 7, an méid seo a leanas a chur isteach i ndiaidh “den alt seo”:

“, nó a raibh, roimh an tosach feidhme sin, freastal déanta aige nó aici ar chúrsa teagaisc nó scrúdú déanta aige nó aici chun críocha na rialachán sin,”.

—Brian Ó Sé, Pádraic Ó Coinín.

13. I leathanach 15, i ndiaidh líne 41, an méid seo a leanas a chur isteach:

“An tAcht
Aturnaethe 1954 a
leasú tuilleadh.

- 4.—Déantar an tAcht Aturnaethe 1954 a leasú tuilleadh mar a leanas

(a) trí alt 40(6) a scriosadh;

(b) tríd an méid seo a leanas a chur isteach i ndiaidh alt 40—

“40A.—Ní fhéadfar, le haon rialacháin arna ndéanamh faoi na hAchtanna Aturnaetha 1954 go 2008, aon scrúdú a fhorordú i dtaca leis an nGaeilge seachas an scrúdú saorálach dá dtagraítear in *Acht na nDlí-Chleachtóirí (An Ghaeilge) 2008*.”;

(c) trí ‘agus (má bhíonn sin d’oibleagáid air) an dara scrúdú sa Ghaeilge dá dtagraítear san alt sin 40’ a scriosadh in alt 43(2)(a) (arna ionadú le halt 51 den Acht Aturnaetha (Leasú) 1994);

(d) trí ‘agus (má bhíonn sin d’oibleagáid air) an dara scrúdú sa Ghaeilge’ a scriosadh in alt 43(2)(c) (arna ionadú le halt 51 den Acht Aturnaetha (Leasú) 1994);

(e) trí alt 43(4) (arna ionadú le halt 51 den Acht Aturnaetha (Leasú) 1994) a scriosadh.”.

—Brian Ó Sé, Pádraic Ó Coinín.

14. I leathanach 15, i ndiaidh líne 41, an méid seo a leanas a chur isteach:

“Leasú ar
Rialacháin na
gComhphobal
Eorpach (Córas
Ginearálta maidir le
hAitheantas a
Thabhairt do
Dhioplómaí Ard-
Oideachais) 1991.

- 4.—Cúlghairtear Rialachán 14(1) de Rialacháin na gComhphobal Eorpach (Córas Ginearálta maidir le hAitheantas a Thabhairt do Dhioplómaí Ard-Oideachais) 1991 (I.R. Uimh. 1 de 1991).”.

—Brian Ó Sé, Pádraic Ó Coinín.

15. In page 16, between lines 6 and 7, to insert the following:

“Provisions consequent on repeal.

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

(2) Where prior to the passing of this Act any person was refused admission to, or did not apply for admission to, practice as a barrister-at-law on the ground of failing to satisfy the Chief Justice as to the person’s competent knowledge of the Irish language, pursuant to the Legal Practitioners (Qualification) Act 1929, the person may apply to the Chief Justice for admission to practice as a barrister-at-law and the Chief Justice shall admit such person to practice as a barrister-at-law if the person is otherwise qualified for such admission.

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

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

—Brian O’Shea, Pat Rabbitte.

15. I leathanach 17, idir línte 6 agus 7, an méid seo a leanas a chur isteach:

“Forálacha de dhroim aisghairme.

5.—(1) Ní dhiúltóidh an Príomh-Bhreitheamh aon duine a ghlacadh chun cleachtadh mar abhcóide dlí i gcúirteanna na hÉireann ar an bhforas go bhfuil easpa leoreolais ag an duine ar an nGaeilge.

(2) Más rud é, roimh an Acht seo a rith, gur diúltaíodh aon duine a ghlacadh, nó nach ndearna aon duine iarratas go nglacfaí leis nó léi, chun cleachtadh mar abhcóide dlí ar an bhforas nár sásaíodh an Príomh-Bhreitheamh maidir le leoreolas an duine ar an nGaeilge, de bhun an Achta Lucht Cleachtuithe Dlí (Cáilíocht) 1929, féadfaidh an duine iarratas a dhéanamh chuig an bPríomh-Bhreitheamh go nglacfar é nó í chun cleachtadh mar abhcóide dlí agus glacfaidh an Príomh-Bhreitheamh an duine sin chun cleachtadh mar abhcóide dlí má tá an duine cáilithe thairis sin i gcomhair a ghlactha nó a glactha amhlaidh.

(3) Ní dhiúltóidh Dlí-Chumann na hÉireann aon duine a ghlacadh chun cleachtadh mar aturnae i gcúirteanna na hÉireann ar an bhforas go bhfuil easpa leoreolais ag an duine ar an nGaeilge.

(4) Más rud é, roimh an Acht seo a rith, gur diúltaíodh aon duine a ghlacadh chun cleachtadh mar aturnae ar an bhforas nár sásaíodh Dlí-Chumann na hÉireann maidir le leoreolas an duine ar an nGaeilge, féadfaidh an duine iarratas a dhéanamh chuig Dlí-Chumann na hÉireann go nglacfar é nó í chun cleachtadh mar aturnae agus glacfaidh Dlí-Chumann na hÉireann an duine sin chun cleachtadh mar aturnae má tá an duine cáilithe thairis sin i gcomhair a ghlactha nó a glactha amhlaidh.”.

—Brian Ó Sé, Pádraic Ó Coinín.