



DÁIL ÉIREANN

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

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

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

LEGAL PRACTITIONERS (IRISH LANGUAGE) BILL 2007 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 1

1. In page 6, subsection (2), lines 21 and 22, to delete “Government policy on bilingualism” and substitute the following:

“the status of the Irish language as the first official language”.

2. In page 6, subsection (2), line 21, to delete “Government” and substitute “public”.

3. In page 6, subsection (2), line 23, to delete “ensure that” and substitute “encourage an outcome whereby”.

4. In page 6, subsection (3)(a), line 27, after “a” to insert “bilingual”.

5. In page 6, subsection (3)(a), lines 29 and 30, to delete “studying for the degree of barrister-at-law.” and substitute “attending the degree course of barrister-at-law.”.

6. In page 6, subsection (3)(a), line 30, to delete “shall” and substitute “may voluntarily”.

ALT 1

I leathanach 7, fo-alt (2), línte 23 agus 24, “ar bheartas an Rialtais maidir le dátheangachas” a scriosadh” agus an méid seo a leanas a chur ina ionad:

“ar stádas na Gaeilge mar an chéad teanga oifigiúil”.

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

I leathanach 7, fo-alt (2), líne 23, “ar bheartas an Rialtais” a scriosadh agus “ar an mbeartas poiblí” a chur ina ionad.

—Brian O'Shea, Pat Rabbitte.

I leathanach 7, fo-alt (2), líne 25, “lena chinntiú” a scriosadh” agus “le toradh a spreagadh a fhágfaidh” a chur ina ionad.

—Brian O'Shea, Pat Rabbitte.

I leathanach 7, fo-alt (3)(a), líne 28, “dátheangach” a chur isteach i ndiaidh “cúrsa”.

—Brian O'Shea, Pat Rabbitte.

I leathanach 7, fo-alt (3)(a), línte 30 agus 31, “ag déanamh staidéir i gcomhair céime abhcóide dlí.” a scriosadh agus “ag freastal ar an gcúrsa céime abhcóide dlí.” a chur ina ionad.

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

I leathanach 7, fo-alt (3)(a), líne 31, “Féadfaidh” a chur in ionad “Déanfaidh” agus, líne 34, “a dhéanamh go saorálach” a chur isteach i ndiaidh “sin”.

—Brian O'Shea, Pat Rabbitte.

7. In page 6, subsection (3)(a), 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.”.

I leathanach 7, fo-alt (3)(a), 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 O’Shea, Pat Rabbitte.

8. In page 8, subsection (3)(b), line 1, to delete “studying for the degree of barrister-at-law” and substitute “attending the degree course of barrister-at-law”.

I leathanach 9, fo-alt (3)(b), línte 1 agus 2, “i mbun staidéir i gcomhair céime abhcóide dlí” a scriosadh agus “ag freastal ar an gcúrsa céime abhcóide dlí” a chur ina ionad.

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

9. In page 8, subsection (3)(b), 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.”.

I leathanach 9, fo-alt (3)(b), 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 teagaisc nó scrúdú déanta aige nó aici chun féachaint leis an alt sin a chomhlíonadh.”.

—Brian O’Shea, Pat Rabbitte.

10. In page 8, subsection (4), line 8, to delete “pursuing the barrister-at-law degree course.” and substitute “attending the degree course of barrister-at-law.”.

I leathanach 9, fo-alt (4), líne 9, “i mbun céime abhcóide dlí.” a scriosadh agus “ag freastal ar an gcúrsa céime abhcóide dlí.” a chur ina ionad.

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

SECTION 2

11. In page 10, lines 23 and 24, to delete “Government policy on bilingualism” and substitute the following:

“the status of the Irish language as the first official language”.

ALT 2

I leathanach 11, línte 24 agus 25 “ar bheartas an Rialtais maidir le dátheangachas” a scriosadh agus an méid seo a leanas a chur ina ionad:

“ar stádas na Gaeilge mar an chéad teanga oifigiúil”.

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

12. In page 10, line 23, to delete “Government” and substitute “public”.

I leathanach 11, línte 24 agus 25 “ar bheartas an Rialtais” a scriosadh agus “ar an mbeartas poiblí” a chur ina ionad.

—Brian O’Shea, Pat Rabbitte.

13. In page 10, line 26, to delete “ensure that” and substitute “encourage an outcome whereby”.

I leathanach 11, líne 27, “lena chinntiú” a scriosadh” agus “le toradh a spreagadh a fhágfaidh” a chur ina ionad.

—Brian O’Shea, Pat Rabbitte.

14. In page 10, line 30, after “a” to insert “bilingual”.

I leathanach 11, líne 31, “dátheangach” a chur isteach i ndiaidh “cúrsa”.

—Brian O’Shea, Pat Rabbitte.

15. In page 10, line 35, to delete “shall” and substitute “may voluntarily”.

I leathanach 11, líne 36, “Féadfaidh” a chur in ionad “Déanfaidh” agus, líne 39, “a dhéanamh go saorálach” a chur isteach i ndiaidh “sin”.

—Brian O’Shea, Pat Rabbitte.

16. In page 10, line 44, after “language.” to insert the following:

I leathanach 11, líne 44, an méid seo a leanas a chur isteach i ndiaidh “a éascú”:

“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.”.

“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 O’Shea, Pat Rabbitte.

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

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

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

“, 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 O’Shea, Pat Rabbitte.

SECTION 3

18. In page 14, before section 3, to insert the following new section:

“Amendment of section 43 (exemptions for practising barristers) of Solicitors Act 1954. 3.—Section 43 (inserted by section 51 of the Solicitors (Amendment) Act 1994) of the Solicitors Act 1954, is amended by substituting the following subsection for subsection (4):

“(4) A person to whom this section applies shall not be required to undertake a course of instruction under section 40(2A)(c)(i) (inserted by section 2 of the *Legal Practitioners (Irish Language) Act 2008*), if he or she—

- (a) has undertaken a course of instruction provided for under section 1 of the *Legal Practitioners (Irish Language) Act 2008*, or
- (b) has passed, or was, immediately before the commencement of the *Legal Practitioners (Irish Language) Act 2008*, exempted from passing any examination in the Irish language prescribed by the Chief Justice under section 3 of the *Legal Practitioners (Qualification) Act 1929*.”.

19. In page 14, before section 3, to insert the following new section:

“Repeals. 3.—The following are repealed:

- (a) the *Legal Practitioners (Qualification) Act 1929*,
- (b) section 40(6) of the *Solicitors Act 1954*, and
- (c) in so far as it is not already repealed, section 43(2) of the *Solicitors Act 1954* (inserted by section 51 of the *Solicitors (Amendment) Act 1994*).”.

[Acceptance of this amendment involves the deletion of section 3 of the Bill.]

ALT 3

I leathanach 15, roimh alt 3, an t-alt nua seo a leanas a chur isteach:

“Leasú ar alt 43 (diolúintí d’abhcóidí cleachtacha) den Acht Aturnaethe 1954. 3.—Déantar alt 43 (a cuireadh isteach le halt 51 den Acht Aturnaetha (Leasú) 1994) den Acht Aturnaethe 1954 a leasú tríd an bhfo-alt seo a leanas a chur in ionad fho-alt (4):

“(4) Ní cheanglófar ar dhuine lena mbaineann an t-alt seo cúrsa teagaisc faoi alt 40(2A)(c)(i) (a cuireadh isteach le halt 2 d’Acht na nDlí-Chleachtóirí (*An Ghaeilge*) 2008) a dhéanamh más rud é—

- (a) go mbeidh cúrsa teagaisc dá bhforáiltear faoi alt 1 d’Acht na nDlí-Chleachtóirí (*An Ghaeilge*) 2008 déanta aige nó aici, nó
- (b) go raibh pas faighte aige nó aici, nó go raibh sé nó sí, díreach roimh thosach feidhme Acht na nDlí-Chleachtóirí (*An Ghaeilge*) 2008, díolmhaithe ó phas a fháil, in aon scrúdú Gaeilge arna fhorordú ag an bPríomh-Bhreitheamh faoi alt 3 den Acht Lucht Cleachtuithe Dlí (Cáilíocht) 1929.”.

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

I leathanach 15, roimh alt 3, an t-alt nua seo a leanas a chur isteach:

“Aisghairm. 3.—Aisghairtear an méid seo a leanas:

- (a) an tAcht Lucht Cleachtuithe Dlí (Cáilíocht) 1929,
- (b) alt 40(6) den Acht Aturnaethe 1954, agus
- (c) a mhéid nach bhfuil sé arna aisghairm cheana féin, alt 43(2) den Acht Aturnaethe 1954 (a cuireadh isteach le halt 51 den Acht Aturnaetha (Leasú) 1994).”.

[Má ghlahtar leis an leasú seo, scríosfar alt 3 den Bhille.]

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

20. In page 14, before section 3, to insert the following new section:

“Further amendment 3.—The Solicitors of 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).”.

21. In page 14, before section 3, to insert the following new section:

“Amendment of 3.—Regulation 14(1) of European the European Communities Communities (General System for the Recognition of Higher Education Diplomas) Regulations 1991. 1 of 1991) is revoked.”.

I leathanach 15, roimh alt 3, an t-alt nua seo a leanas a chur isteach:

“An tAcht 3.—Déantar an tAcht Aturnaethe 1954 a tAcht Aturnaethe leasú tuilleadh. 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-Chleachtóiri (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 O’Shea, Pat Rabbitte.

I leathanach 15, roimh alt 3, an t-alt nua seo a leanas a chur isteach:

“Leasú ar 3.—Cúlghairtear Rialacháin na Rialachán 14(1) de gComhphobal Rialachán na Eorpach (Córas gComhphobal Eorpach Ginearálta maidir le hAitheantas a Thabhairt do Thabhairt do Dhioplómaí Ard-Oideachais) 1991. 1991. (I.R. Uimh. 1 de 1991).”.

—Brian O’Shea, Pat Rabbitte.

22. In page 14, before section 3, to insert the following new section:

ALT 3 NUA A CHUR ISTEACH

“Language requirements for “county registrar” means a court official. person appointed under section 35 of the Court Officer Act 1926;

3.—(1) In this section: “Ceanglais teanga d’oifigigh ciallaíonn “cláraitheoir chuírte. contae” duine a bheidh ceaptha faoi alt 35 den Acht Oifigigh Cúirte 1926;

“Gaeltacht area” means an area for the time being determined to be a Gaeltacht area by order made under section 2 of the Ministers and Secretaries (Amendment) Act 1956;

ciallaíonn “limistéar Gaeltachta” limistéar a mbeidh cinnte de thuras na huaire le hordú arna dhéanamh faoi alt 2 den Acht Airí agus Rúnaithe (Leasú) 1956 gur limistéar Gaeltachta é;

“justice of the District Court” includes the President of the District Court;

folaíonn “breitheamh den Chúirt Dúiche” Uachtarán na Cúirte Dúiche;

“proceedings” means civil or criminal proceedings before any court.

ciallaíonn “imeachtaí” imeachtaí sibhialta nó coiriúla os comhair aon chúirte.

(2) Those County Registrars that are assigned to the Gaeltacht areas shall be required to be competent in the Irish language so as to be able to exercise their powers and perform their duties through the Irish language as well as through the English language.

(2) Ceanglófar ar na Cláraitheoirí Contae sin a shanntar do na limistéir Ghaeltachta a bheidh inniúil sa Ghaeilge chun go mbeidh siad in ann a gcumhachtaí a fheidhmiú agus a ndualgais a chomhlíonadh tríd an nGaeilge chomh maith leis an méid sin a dhéanamh tríd an mBéarla.

(3) Those justices of the District Court that are assigned to the Gaeltacht areas shall be required to be competent in the Irish language so as to be able to exercise their powers and perform their duties in court proceedings through the Irish language as well as through the English language.

(3) Ceanglófar ar na breithiúna sin den Chúirt Dúiche a shanntar do na limistéir Ghaeltachta a bheidh inniúil sa Ghaeilge chun go mbeidh siad in ann a gcumhachtaí a fheidhmiú agus a ndualgais a chomhlíonadh le linn imeachtaí cúirte tríd an nGaeilge chomh maith leis an méid sin a dhéanamh tríd an mBéarla.

(4) Nothing in the foregoing shall affect Section 8 of the Official Languages Act 2003.”.

(4) Ní dhéanfaidh aon ní sa mhéid sin roimhe seo difear d’alt 8 d’Acht na dTeangacha Oifigiúla 2003.”.

—Charles Flanagan.

SECTION 4

23. In page 14, before section 4, to insert the following new section:

“Provisions consequent on repeal. 4.—(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.”.

ALT 4

I leathanach 15, roimh alt 4, an t-alt nua seo a leanas a chur isteach:

“Forálacha de dhroim aisghairme. 4.—(1) Ní dhiúltaíodh 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 dhiúltaíodh 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 O’Shea, Pat Rabbitte.

