SEANAD ÉIREANN

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

LEASUITHE COISTE
COMMITTEE AMENDMENTS

[No. 50*b* of 2007] [25 June, 2008]

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SEANAD ÉIREANN

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

LEGAL PRACTITIONERS (IRISH LANGUAGE) BILL 2007 —COMMITTEE STAGE

Leasuithe
Amendments

SECTION 1

1. In page 8, subsection (3)(*b*), line 6, after "with" to insert the following:

> ", or attended a course of instruction or sat an examination for the purposes of seeking to comply with,".

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

***2.** In page 8, subsection (3), between lines 8 and 9, to insert the following:

> "(*c*) Any person who completed the degree course of barrister-at-law before the repeal by this Act of the Legal Practitioners (Qualification) Act 1929, who had not complied with section 3 of that Act, shall be deemed to have complied with that section.".

SECTION 2

3. In page 12, line 11, after "section" to insert the following:

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

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

SECTION 5

4. In page 16, before section 5, to insert the following new section:

"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.

SEANAD ÉIREANN

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

LEGAL PRACTITIONERS (IRISH LANGUAGE) BILL 2007
—COMMITTEE STAGE

Leasuithe
Amendments

ALT 1

1. I leathanach 9, fo-alt (3)(*b*), líne 7, i ndiaidh “aici,”, an méid seo a leanas a chur isteach:

> “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,”.

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

*2. I leathanach 9, fo-alt (3), idir línte 9 agus 10, an méid seo a leanas a chur isteach:

> “(*c*) Aon duine a mbeidh an cúrsa céime abhcóide dlí críochnaithe aige nó aici roimh aisghairm an Achta Lucht Cleachtuithe Dlí (Cáilíocht) 1927 leis an Acht seo, agus nach raibh alt 3 den Acht sin comhlíonta aige nó aici, measfar ina leith gur chomhlíon sé nó sí an t-alt sin.”.

ALT 2

3. I leathanach 13, líne 11, i ndiaidh “den alt seo” an méid seo a leanas a chur isteach:

> “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,”.

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

ALT 5

4. I leathanach 17, roimh alt 5, an t-alt nua 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.

SECTION 5

(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.”.

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

***5.** In page 16, lines 16 to 20, to delete subsection (3).

6. In page 16, lines 16 to 20, to delete subsection (3) and substitute the following:

“(3) This Act is commenced on 1st August 2008.”.

—Senator Joe O'Toole.

7. In page 16, after line 20, to insert the following subsection:

“(4) The procedures, options, changes and choices legislated for in this Act, be available to all students who began their barrister-at-law course of study during or after 2007.”.

—Senator Joe O'Toole.

ALT 5

(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 sásaío 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.”.

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

***5.** I leathanach 17, línte 16 go 20, fo-alt (3) a scriosadh.

6. I leathanach 17, línte 16 go 20, fo-alt (3) a scriosadh agus an méid seo a leanas a chur ina ionad:

“(3) Tosóidh feidhm an Achta seo an 1ú lá Lúnasa 2008.”.

— *An Seanadóir Seosamh Ó Tuathail.*

7. I leathanach 17, i ndiaidh líne 20, an fo-alt nua seo a leanas a chur isteach:

“(4) Beidh na nósanna imeachta, na roghnuithe, na hathruithe agus na roghanna a ndéantar reachtú ina leith san Acht seo ar fáil do gach mac léinn a thosaigh a gcúrsa staidéir abhcóide dlí i rith na bliana 2007 nó dá héis.”.

— *An Seanadóir Seosamh Ó Tuathail.*