



DÁIL ÉIREANN

AN BILLE UM AN DLÍ SIBHIALTA (FORÁLACHA ILGHNÉITHEACHA), 2011 CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL 2011

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM AN DLÍ SIBHIALTA (FORÁLACHA ILGHNÉITHEACHA),
2011
—ROGHCHOISTE

CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL 2011
—SELECT COMMITTEE

*Leasuithe
Amendments*

SECTION 1

1. In page 6, between lines 8 and 9, to insert the following subsection:

“(9) The Tribunals of Inquiry (Evidence) Acts 1921 to 2004 and *Part 15** may be cited together as the Tribunals of Inquiry (Evidence) Acts 1921 to 2011.”.

—An tAire Dlí agus Cirt agus Comhionannais.

[*Note: This is a reference to the Part proposed to be inserted by amendment 5.]

SECTION 16

2. In page 14, before section 16 but in Part 4, to insert the following new section:

“Amendment of
Schedule 2 to Act of
2004.

16.—The Schedule 2 to the Act of 2004 is amended—

(a) in paragraph 14(1)—

(i) by the substitution of “An applicant for a licence or the holder of a licence aggrieved by a decision of the Authority—” for “A person aggrieved by a decision of the Authority—”, and

(ii) in clause (d), by the substitution of “to which a licence relates,” for “to which a licence relates, or”, and

(iii) by the deletion of clause (e),

(b) in paragraph 14, by the substitution of the following for subparagraph (4):

“(4) An appeal shall be grounded on the record of the decision to which the appeal relates, on the grounds of appeal contained in the notice of appeal and on any observations of the Authority given at the request of the Appeal Board on any other matter arising on the decision.”,

(c) in paragraph 14(5) by the substitution of the following for clause (b):

“(b) by remitting the matter back to the Authority with a recommendation that—

(i) the licence be granted, renewed or restored, as the case may be,

[SECTION 16]

- (ii) that the reprimand, warning, caution or an advice be withdrawn, or
 - (iii) that the variation sought be granted,
- and the Authority shall give effect to any such recommendation.”,
- (d) in paragraph 15(1)(d), by the substitution of “and the reasons on which they are based” for “and the reasons, considerations and arguments on which they are based”,
- (e) in paragraph 15, by the substitution of the following for subparagraph (4):
 - “(4) The Appeal Board shall not consider any documents submitted by an appellant in relation to an appeal other than those which accompanied the notice of appeal or which were furnished by the appellant in response to a request by the Appeal Board.”,
- (f) in paragraph 16(2)(b), by the substitution of “any report prepared for or received by the Authority” for “any report prepared for the Authority”,
- (g) by the deletion of paragraph 18,
- (h) in paragraph 19—
 - (i) by the substitution of the following for subparagraph (1):
 - “(1) A person who is not a party to an appeal may make a submission or observations in writing to the Appeal Board in relation to the Appeal where invited by the Appeal Board to do so.”,
 - (ii) by the substitution of the following for subparagraph (2):
 - “(2) Such submission or observations may be made within one month of the issue of the invitation to do so by the Appeal Board and any such submission or observations received by the Appeal Board after the expiration of that period shall not be considered by it.”,
- (i) by the deletion of paragraph 20,
- (j) in paragraph 21—
 - (i) by the substitution of the following for subparagraph (1):
 - “(1) Sittings of the Appeal Board shall normally be heard in private and shall be conducted with the minimum formality consistent with the carrying out by the Appeal Board of its functions.”,
 - (ii) in subparagraph (2) by the deletion of “of its own motion or”,
 - (iii) by the substitution of the following for subparagraph (3):

[SECTION 16]

“(3) The Appeal Board in conducting an oral hearing may by notice in writing require any person to attend at such time and place as is specified in the notice to give evidence in relation to any matter in issue at the hearing or to produce any relevant documents in his or her possession or under his or her control.”,

(iv) in subparagraph (4), by the substitution of “subparagraph (3)” for “subparagraph (3)(b)”,

(v) in subparagraph (6), by the substitution of the following for clause (c):

“(c) where the request is by the Authority, shall be made within the period of one month referred to in paragraph 17(1).”,

and

(k) in paragraph 22, by the substitution of “paragraph 21(3)” for “paragraph 21(3)(b)”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 28

3. In page 22, line 7, to delete “at least 5 years” and substitute “at least 3 years”.
—Jonathan O’Brien.

SECTION 31

4. In page 31, before section 31, but in Part 10, to insert the following new section:

“Amendment of Irish Nationality and Citizenship Act 1956.

31.—The Irish Nationality and Citizenship Act 1956 is amended—

(a) in section 15 (as amended by section 4 of the Irish Nationality and Citizenship Act 1986)—

(i) by the substitution of the following for subsection (1)(e):

“(e) has, before a judge of the District Court in open court, in a citizenship ceremony or in such manner as the Minister, for special reasons, allows—

(i) made a declaration, in the prescribed manner, of fidelity to the nation and loyalty to the State, and

(ii) undertaken to faithfully observe the laws of the State and to respect its democratic values.”,

and

(ii) by the insertion of the following after subsection (3) (inserted by section 8 of the Irish Nationality and Citizenship Act 2004):

[SECTION 31]

“(4) In this section and section 15A, ‘citizenship ceremony’ means a ceremony, held before a judge, or a retired judge, of the District Court, Circuit Court, High Court or Supreme Court, at a place and in a form approved by the Minister, at which the applicant has made the declaration and undertaking referred to in subsection (1)(e) or section 15A(1)(h).”

(b) by the substitution of the following section for section 15A (inserted by section 5 of the Irish Nationality and Citizenship Act 2001)—

“15A.—(1) Notwithstanding the provisions of section 15, the Minister may, in his or her absolute discretion, grant an application for a certificate of naturalisation to the non-national spouse or civil partner of an Irish citizen if satisfied that the applicant—

- (a) is of full age,
- (b) is of good character,
- (c) and that citizen—
 - (i) are married to each other, have been married to each other for a period of not less than 3 years, and are living together, as attested to by affidavit submitted by the citizen to the Minister in the prescribed form, or
 - (ii) are civil partners of each other, have been civil partners of each other for a period of not less than 3 years, and are living together, as attested to by affidavit submitted by the citizen to the Minister in the prescribed form,
- (d) is, in the case of a spouse, in a marriage recognised under the laws of the State as subsisting,
- (e) had immediately before the date of the application a period of one year’s continuous residence in the island of Ireland,
- (f) had, during the 4 years immediately preceding that period, a total residence in the island of Ireland amounting to 2 years,
- (g) intends in good faith to continue to reside in the island of Ireland after naturalisation, and
- (h) has, before a judge of the District Court in open court, in a citizenship ceremony or in such manner as the Minister, for special reasons, allows—
 - (i) made a declaration, in the prescribed manner, of fidelity to the nation and loyalty to the State, and
 - (ii) undertaken to faithfully observe the laws of the State and to respect its democratic values.

(2) The Minister may, in his or her absolute discretion, waive the conditions at paragraph (c), (e), (f) or (g) of subsection (1) or any of them if satisfied that the applicant would suffer serious consequences in respect of his or her bodily integrity or liberty if not granted Irish citizenship.

[SECTION 31]

(3) Paragraph (g) of subsection (1) shall not apply to an applicant for a certificate of naturalisation to whom subsection (4) applies.

(4) Any period of residence outside the island of Ireland, during which

(a) the applicant for a certificate of naturalisation to which this section applies was—

(i) married to and living with his or her spouse, or

(ii) in a civil partnership with and living with his or her civil partner, and

(b) the applicant's spouse or, as the case may be, civil partner was in the public service,

shall be reckoned as a period of residence in the island of Ireland for the purposes of calculating—

(i) continuous residence under paragraph (e) of subsection (1), or

(ii) total residence under paragraph (f) of that subsection.

(5) In this section, 'civil partner' has the same meaning as it has in section 3 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010."

and

(c) by the substitution of the following section for section 17 (amended by section 12 of the Irish Nationality and Citizenship Act 2004):

"17.—An application for a certificate of naturalisation shall be—

(a) in the prescribed form, and

(b) accompanied by—

(i) such fee (if any) as may be prescribed, and

(ii) such evidence (including statutory declarations) to vouch the application as the Minister may require."."

—An tAire Dlí agus Cirt agus Comhionannais.

[Acceptance of this amendment involves the deletion of section 31 of the Bill.]

SECTION 42

5. In page 37, before section 42, to insert the following new section:

"PART 15*

TRIBUNALS OF INQUIRY

Interpretation (*Part 15**). 42.—In this Part—

"relevant material", in relation to a tribunal, means all material which is evidence

[SECTION 42]

received by, or a document created by or for, the tribunal whatsoever (including any document which is incomplete or in draft form only);

“responsible Minister”, in relation to a tribunal, means the Minister of the Government to whom the appropriation-in-aid was granted out of which the expenses of the tribunal are paid;

“tribunal” means a tribunal to which the Tribunals of Inquiry (Evidence) Act 1921 is applied under section 1 of that Act.”

—An tAire Dlí agus Cirt agus Comhionannais.

[*Note: The proposed new Part comprehends the inclusion of amendments 5 to 9.]

6. In page 37, before section 42, to insert the following new section:

“Application of Part 15*.

43.—This Part applies to a tribunal irrespective of whether the tribunal is appointed before, on or after the enactment of this Part.”

—An tAire Dlí agus Cirt agus Comhionannais.

[*Note: This is a reference to the Part proposed to be inserted by amendment 5.]

7. In page 37, before section 42, to insert the following new section:

“Deposition of relevant material following completion of inquiry, etc.

44.—(1) Where a tribunal has completed its inquiry or has indicated to the responsible Minister that it is about to complete its inquiry, the responsible Minister shall, as soon as it is practicable for him or her to do so and subject to the consent of the Minister for Finance, by notice in writing given to the chairman of the tribunal, require the chairman to deposit the relevant material—

(a) with such person who is, or at such place which is, specified in the notice, and

(b) within the period specified in the notice for the purpose.

(2) For the purposes of assisting the chairman of a tribunal to perform his or her functions under *subsection (4) or (5)* in a manner that is as efficient, effective and expeditious as is practicable, the responsible Minister may set out in a notice under *subsection (1)* guidelines in respect of the performance of those functions by the chairman.

(3) Subject to *subsection (5)*, the chairman of a tribunal shall comply with the requirements of a notice under *subsection (1)* (including any guidelines set out in the notice) given to the chairman in respect of the relevant material.

(4) The chairman of a tribunal may, in the course of complying with the requirements of a notice under *subsection (1)* given to the chairman in respect of the relevant material, and after having regard to *section 45**, cause that material to be accompanied by his or her—

(a) opinion in writing as to which parts of that material, if any, need, in particular, to be considered for the purposes of *section 45(2)**, and

(b) reasons in writing for holding the opinion referred to in *paragraph (a)*.

[SECTION 42]

(5) Subject to *subsection (6)*, the chairman of a tribunal to whom a notice under *subsection (1)* has been given in respect of the relevant material may, with the consent of the responsible Minister, return any part of that material to the person who gave the part concerned to the tribunal if—

- (a) the chairman is satisfied that—
 - (i) the retention of the part concerned is not necessary in order to understand any of the following:
 - (I) any of the proceedings of the tribunal;
 - (II) any interim report of the tribunal;
 - (III) the final report of the tribunal;and
 - (ii) the part has little, if any, historical worth or relevance to either—
 - (I) the matter that the tribunal was established to inquire into, or
 - (II) the findings of the tribunal,and
- (b) the chairman—
 - (i) has prepared a record which gives a general description of the part of the relevant material concerned, specifies the name and address of the person to whom the part is to be returned and specifies the basis or bases on which the chairman is, in respect of that part, satisfied as described in *paragraph (a)*, and
 - (ii) ensures that such record accompanies the relevant material which is not returned to any person pursuant to this subsection.

(6) Where the chairman of a tribunal would, pursuant to *subsection (5)*, return a part of the relevant material to the person who gave the part concerned to the tribunal but for the fact that—

- (a) the person has declined to accept the return of the part, or
- (b) the whereabouts of the person cannot be reasonably ascertained,

then—

- (i) the chairman may, with the consent of the responsible Minister, cause the part to be disposed of in such manner as the chairman thinks proper, and
- (ii) the chairman shall—

[SECTION 42]

- (I) prepare a record which gives a general description of the part, specifies the name and address of the person who has declined to accept the return of the part (if *paragraph (a)* is applicable), specifies the name of the person to whom it is sought to return the part but whose whereabouts cannot be reasonably ascertained (if *paragraph (b)* is applicable), specifies the basis or bases on which the chairman is, in respect of that part, satisfied as described in *paragraph (a)* of *subsection (5)* and specifies the manner of disposal of the part, and
- (II) ensure that such record accompanies the relevant material which is not returned to any person pursuant to *subsection (5)* or otherwise disposed of pursuant to this subsection.

(7) Where a tribunal has ceased to be seized of the relevant material (whether pursuant to the provisions of this section or otherwise), nothing in this section shall be construed to prevent the responsible Minister, or another Minister of the Government for the time being responsible for the storage of the material, from causing the material to be deposited from time to time with such person, or at such place, as the responsible Minister, or that other Minister of the Government, as the case may be, thinks proper.”.

—An tAire Dlí agus Cirt agus Comhionannais.

[*Note: This is a reference to the section proposed to be inserted by amendment 8.]

8. In page 37, before section 42, to insert the following new section:

“Availability of relevant material for inspection by public under National Archives Act 1986.

45.—(1) Any relevant material of a tribunal (other than any part of such relevant material which falls within *section 44(5)** or *(6)**) that constitutes Departmental records within the meaning of section 2(2) of the National Archives Act 1986 is, on the expiry of 30 years after the date of the dissolution of the tribunal, deemed to have been prescribed under section 8(11) of that Act as a class of records to which a certificate granted under section 8(4) of that Act may relate.

(2) As soon as is practicable after the date on which any relevant material of a tribunal is deemed to have been prescribed as described in *subsection (1)*, an officer of a Department of State authorised for the purposes of section 8(4) of the National Archives Act 1986 shall consider whether, after having regard to any opinion and reasons referred to in *section 44(4)** that the chairman of the tribunal caused to accompany the material and subject to any consent required under that section 8(4), the material, or specified parts of it, should be certified under that section 8(4).

(3) Subject to *subsections (1)* and *(2)*, the National Archives Act 1986 applies to any relevant material of a tribunal (other than any part of such relevant material which falls within *section 44(5)** or *(6)**) that constitutes Departmental records within the meaning of section 2(2) of that Act.”.

—An tAire Dlí agus Cirt agus Comhionannais.

[*Note: This is a reference to the section proposed to be inserted by amendment 7.]

9. In page 37, before section 42, to insert the following new section:

“Restriction of Freedom of Information Acts 1997 and 2003.

46.—(1) The Freedom of Information Acts 1997 and 2003 do not apply to a record relating to the inquiry into any matter by a tribunal unless—

[SECTION 42]

- (a) the record was created before the appointment of the tribunal, or
- (b) the record relates to the expenses of the tribunal or other matters concerning the general administration of the tribunal.

(2) *Subsection (1)* applies whether the record concerned is—

- (a) held by the tribunal, or
- (b) deposited with a person, or at a place, in compliance with the requirements of a notice under *section 44(1)** given to the chairman or former chairman, as the case may be, of the tribunal.

(3) In this section, “record” has the same meaning as in the Freedom of Information Acts 1997 and 2003.”.

—An tAire Dlí agus Cirt agus Comhionannais.

[*Note: This is a reference to the section proposed to be inserted by amendment 7.]

10. In page 38, to delete line 8 and substitute the following:

“(f) Regulation (EC) No. 392/2009;

(g) Part III of the Merchant Shipping (Liability of Shipowners and Others) Act 1996;

insofar as those statutory provisions are in force and insofar as those conventions and regulations are applicable to or in the State.”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 43

11. In page 39, before section 43, to insert the following new section:

“Amendment of section 40 of Commissions of Investigation Act 2004.

43.—Section 40 of the Commissions of Investigation Act 2004 is amended—

(a) in subsection (1) by the substitution of “and 2003” for “to 2003”, and

(b) in subsection (3) by the substitution of “and 2003” for “to 2003”.”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 46

12. In page 40, before section 46, to insert the following new section:

“Amendment of Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

46.—The Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 is amended—

(a) in section 34(3) by the substitution of “a class D fine” for “a fine not exceeding €127”,

(b) in section 39(2)(a) by the substitution of “a class C fine” for “a fine not exceeding €254”,

(c) in section 63—

[SECTION 46]

- (i) in subsection (2) by the substitution of “a class C fine” for “a fine not exceeding €254”, and
 - (ii) in subsection (3) by the substitution of “a class E fine” for “a fine not exceeding €63”,
- (d) in section 186—
- (i) in subsection (2) by the substitution of “a class C fine” for “a fine not exceeding €254”, and
 - (ii) in subsection (3) by the substitution of “a class E fine” for “a fine not exceeding €63”,
- and
- (e) in section 197 by the substitution of “a class C fine” for “a fine not exceeding €254”.”.

—An tAire Dlí agus Cirt agus Comhionannais.

Section opposed.

—Jonathan O’Brien, Dara Calleary.

SECTION 47

13. In page 40, before section 47, to insert the following new section:

“Amendment of section 8 of Enforcement of Court Orders Act 1940.

47.—The Enforcement of Court Orders Act 1940 is amended by the substitution of the following for section 8:

“Enforcement of certain orders for periodical payments. 8.—(1) Where a monetary amount payable by virtue of an antecedent order within the meaning of the Family Law (Maintenance of Spouses and Children) Act 1976 is not duly paid, the person entitled to the payments (in this section referred to as the applicant) may apply to the relevant District Court clerk for the issue of a summons directed to the person by whom such amounts are payable (in this section referred to as the defaulter) requiring the defaulter to attend before the District Court at a time and date specified in the summons for the purpose of giving evidence to the court as to his or her means and assets and on the hearing of such summons such person may be examined on oath by or on behalf of the applicant.

(2) Having heard evidence as to the amount outstanding on foot of such order and having heard evidence as to the means and assets of the defaulter, the District Court Judge may make such order as to the payment, collection or recovery of the amounts outstanding under such order as to the Judge seems fair and reasonable including one or more than one of the following:

[SECTION 47]

- (a) where the Judge is satisfied that there are monies due and owing by any other person to the defaulter, an order directing such other person to pay the monies concerned to the relevant District Court clerk to the extent of the amount outstanding to the applicant on foot of the order referred to in subsection (1) and which is specified in the order together with the costs of the application under this section,
- (b) where the Judge is satisfied that there are monies which will become due or may become due by any other person to the defaulter, an order directing such other person to pay any such monies to the relevant District Court clerk to the extent of the amount outstanding to the applicant on foot of the order referred to in subsection (1) and which is specified in the order together with the costs of the application under this section,
- (c) where the Judge is satisfied that it would be effective to do so, an order that the amounts outstanding to the applicant referred to in subsection (1) be levied by distress against the goods of the defaulter and the sale of such goods and for the transmission to the relevant District Court clerk of the proceeds of sale after payment of all costs and expenses properly arising in connection with the levying of distress and the sale of the goods.

(3) Every distress and sale made in pursuance of an order of the District Court Judge under this section shall be carried out by the appropriate under-sheriff.

(4) All moneys received by the relevant District Court clerk shall be paid as soon as practicable after receipt to the applicant.

(5) In this section “relevant District Court clerk” means the District Court clerk for the District Court area in which the defaulter resides or carries on any profession, business or occupation, unless by virtue of any other enactment relating to the antecedent order concerned any other District Court clerk is the relevant District Court clerk as respects that antecedent order.”.

—An tAire Dlí agus Cirt agus Comhionannais.

14. In page 40, before section 47, to insert the following new section:

“Amendment of
Courts of Justice
Act 1936.

48.—The Courts of Justice Act 1936 is amended—

(a) by the substitution of the following for section 32:

“Appeal Towns. 32.—Each city and town specified in the Second Schedule to this Act shall be an appeal town for the purposes of this Part of this Act.”.

(b) by the substitution of the following for section 34:

[SECTION 47]

“The High Court on Circuit.

34.—(1) Subject to subsections (6), (7) and (8), the High Court shall, not less than once in every year, at such times as shall be determined by the President of the High Court, sit in the appeal towns referred to in subsection (2) for the purposes mentioned in that subsection and to transact such other business as shall lawfully be brought before it.

(2) Subject to subsections (6), (7) and (8) the President of the High Court shall designate the appeal towns in which the High Court shall sit in accordance with subsection (1) to hear appeals from the Circuit Court.

(3) For the purposes of this section, one or more judges of the High Court shall hold sittings of the High Court in the appeal towns referred to in subsection (2) where their attendance is required as determined by the President of the High Court.

(4) The High Court when sitting in an appeal town in accordance with this section shall be known and is in this Act referred to as the High Court on Circuit, and the sittings of the High Court in any such appeal town in accordance with this section shall be known and are in this Act referred to as sittings of the High Court on Circuit.

(5) The President of the High Court shall determine, in respect of each sitting of the High Court on Circuit, the number of judges who shall sit for the purposes of the High Court on Circuit and the day and hour at which such sittings shall commence in an appeal town on each such Circuit.

(6) Where in respect of any sitting of the High Court on Circuit, the judge (or if more than one judge shall be sitting, the senior of the judges) who shall be sitting ascertains that there is no business to be transacted at such sittings in any particular appeal town, that judge may direct in writing that it shall not be obligatory to hold such sitting in that appeal town.

(7) Where the President of the High Court determines that the effective discharge of the business of the High Court so requires, he or she may direct that no sitting of the High Court on Circuit shall be held in a particular appeal town in a particular year.

(8) Where the President of the High Court gives a direction in accordance with subsection (7), appeals from the Circuit Court which would, but for such direction, be due for hearing in the appeal town concerned, shall be heard at—

(a) a sitting of the High Court on Circuit in such other appeal town as the President of the High Court may designate, or

(b) the High Court sitting in Dublin,

as the President of the High Court may direct.

[SECTION 47]

(9) Where the President of the High Court gives a direction under this section he or she shall make arrangements for the direction to be sent to the county registrar for the county in which any appeal town so affected is situate.”,

(c) by the substitution of the following for section 35:

“The judges of the High Court on Circuit. 35.—(1) The President of the High Court shall, if and when he or she thinks proper, travel and sit as a judge of the High Court on Circuit, and every other judge of the High Court shall travel and sit as a judge of the High Court when requested by the President of the High Court to do so.

(2) The Chief Justice shall, if and when he or she thinks proper, travel and sit as a judge of the High Court on Circuit, and every other judge of the Supreme Court shall travel and sit as a judge of the High Court on Circuit when requested by the Chief Justice to do so, and every such other judge when so travelling and sitting shall be an additional judge of the High Court.

(3) The President of the High Court after such consultations as he or she thinks proper with the judges concerned, shall determine, in respect of every sitting of the High Court on Circuit, the several judges of the High Court who shall be requested to travel and sit for the purposes of such sittings and the particular judge or judges who shall so travel and sit on each High Court Circuit, and the President of the High Court may alter or vary any such determination.

(4) The Chief Justice after such consultations as he or she thinks proper with the judges concerned, shall determine, in respect of every sitting of the High Court on Circuit, the several judges of the Supreme Court who shall be requested to travel and sit for the purposes of such sittings and the particular judge or judges who shall so travel and sit on each High Court Circuit, and the Chief Justice may alter or vary any such determination.”,

(d) by the repeal of section 36,

(e) in section 38 by the substitution of the following for paragraph (b) of subsection (1):

“(b) in every other case—

- (i) subject to subparagraph (ii), to the High Court on Circuit sitting in the appeal town designated for the appeal in accordance with section 34(2),
- (ii) where a direction has been given pursuant to section 34(7) in respect of the appeal town in which the appeal, but for such direction, would have been heard, to the High Court on Circuit sitting in such other appeal town, or to the High Court sitting in Dublin, as the case may be, as directed in accordance with section 34(8),

[SECTION 47]

- (iii) in subsection (4) by the substitution of “to any other appeal town or to Dublin” for “or to any other appeal town on the same circuit or to Dublin”, and
 - (iv) in subsection (5)(a) by the substitution of “in another appeal town” for “in another appeal town in the same circuit”,
- (f) by the substitution of the matter in the Schedule to this Act for Schedule 2 of that Act.”.

—An tAire Dlí agus Cirt agus Comhionannais.

NEW SECTIONS

15. In page 41, after line 25, to insert the following:

“Taxation of costs as between solicitor and client in Circuit Court proceedings.

48.—(1) Subject to the provisions of this section, a County Registrar may, on the application of a client or a solicitor made in accordance with rules made under *subsection (5)*, tax and settle any bill of costs as between solicitor and client relating to legal proceedings and which bill of costs has been delivered to the client concerned in accordance with section 2 of the Solicitors (Ireland) Act 1849.

(2) A bill of costs shall not be taxed by virtue of *subsection (1)* after the expiry of 12 months from the date on which the bill of costs was duly delivered unless the Circuit Court, on application made to it within such period of 12 months, is satisfied that special circumstances exist which justify granting leave to make such application after the expiry of such period.

(3) A bill of costs referred to in *subsection (1)* shall be taxed by—

- (a) the County Registrar for the county in which the proceedings to which the bill of costs relates were commenced or could have been commenced,
- (b) the County Registrar for any county in which the solicitor concerned has an office from which practice as a solicitor is carried on by that solicitor, or
- (c) where the solicitor concerned so consents, by the County Registrar for the county in which the client ordinarily resides or carries on any profession, business or occupation.

(4) A bill of costs to which *subsection (1)* relates shall not be taxed—

- (a) by a County Registrar where application has been made to a Taxing-Master of the High Court for taxation of that bill of costs,
- (b) by a Taxing-Master of the High Court where application has been made to a County Registrar for taxation of that bill of costs.

(5) Rules of court may, with the concurrence of the Minister for Justice and Equality, be made by the Circuit Court Rules Committee providing for the procedure to be followed in relation to the taxation of bills of costs referred to in *subsection (1)*.

(6) The power to tax bills of costs conferred on a County Registrar by this section is in addition to any existing power to do so howsoever arising.”.

—An tAire Dlí agus Cirt agus Comhionannais.

[*NEW SECTIONS*]

16. In page 41, after line 25, to insert the following:

“Amendment of section 65 of Courts of Justice Act 1936.

49.—Section 65 (as amended by section 9 of the Civil Law (Miscellaneous Provisions) Act 2008) of the Courts of Justice Act 1936 is amended by the insertion of the following subsections after subsection (1):

“(1A) In prescribing fees under paragraph (a) of subsection (1) the Minister may—

- (a) prescribe different fees in respect of different offices referred to in that paragraph and in respect of different services provided by those offices, and
- (b) have regard to all or any of the expenditure referred to in subsection (1B) so that so much of that expenditure as the Minister considers reasonable is recovered from those fees.

(1B) The expenditure referred to in subsection (1A)(b) is the expenditure incurred or, as the case may be, reasonably anticipated to be incurred, by the offices referred to in subsection (1)(a) or the Courts Service in the:

- (a) establishment, maintenance and operation of those offices or courts;
- (b) transaction by those offices, or the courts to which they relate, of the business they are required to transact;
- (c) provision of services and facilities to users of those offices or courts.”.”.

—An tAire Dlí agus Cirt agus Comhionannais.

SCHEDULE

17. In page 41, after line 25, to insert the following new schedule:

“SCHEDULE

“SCHEDULE 2

APPEAL TOWNS

Carlow
Carrick-on-Shannon
Castlebar
Cavan
Clonmel
Cork
Dundalk
Ennis
Galway

[SCHEDULE]

Kilkenny
Letterkenny
Limerick
Longford
Monaghan
Mullingar
Naas
Nenagh
Portlaoise
Roscommon
Sligo
Tralee
Trim
Tullamore
Waterford
Wexford
Wicklow

” ”
.”
—An tAire Dlí agus Cirt agus Comhionannais.

TITLE

18. In page 5, line 19, after “1964;” to insert the following:

“TO AMEND THE LAW RELATING TO TRIBUNALS OF INQUIRY;”.

—An tAire Dlí agus Cirt agus Comhionannais.