



SEANAD ÉIREANN

**BILLE NA gCÚIRTEANNA 2015
COURTS BILL 2015**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

BILLE NA gCÚIRTEANNA 2015 —AN COISTE

COURTS BILL 2015 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 2

1. In page 3, between lines 13 and 14, to insert the following:

“PART 2

QUALIFICATION OF JUDGES

Qualifying legal academic

2. (1) In this Part, “qualifying legal academic” means a full-time, permanent member of the academic staff of an educational establishment mentioned in *subsection (2)* who has the qualifications mentioned in *subsection (3)*.
- (2) For the purposes of *subsection (1)*, “educational establishment” means—
 - (a) the Honourable Society of King’s Inns,
 - (b) the Law Society,
 - (c) a university to which the Universities Act 1997 applies, and
 - (d) an educational establishment providing education and training for the solicitors’ and barristers’ professions, as prescribed by the Minister on foot of recommendations made by the Authority pursuant to *section 12* of the *Legal Services Regulation Act 2015*.
- (3) For the purposes of *subsection (1)*, a qualifying legal academic shall have qualified as a legal practitioner, whether or not that person has practised as a solicitor or as a barrister.
- (4) For the purposes of *subsection (3)*, legal practitioner has the meaning ascribed to it in *section 2(1)* of the *Legal Services Regulation Act 2015*.”.

—*Senator Sean D. Barrett.*

[SECTION 2]

2. In page 3, between lines 13 and 14, to insert the following:

“Amendment of section 5 of the Courts (Supplemental Provisions) Act, 1961

2. Section 5(2) of the Courts (Supplemental Provisions) Act, 1961 is amended by inserting the following paragraphs after paragraph (c):

“(d) Subject to paragraph (e) of this subsection, a person shall be qualified for appointment as a judge of the Supreme Court, the Court of Appeal or the High Court if the person is for the time being a qualifying legal academic of not less than 12 years’ standing who was employed as a qualifying legal academic for a continuous period of not less than 2 years immediately before such appointment.

(e) A person who fulfils any of the criteria in paragraph (b)(i) and who was a qualified legal academic before appointment to any of the offices mentioned in that subparagraph, shall be qualified for appointment as a judge of the Supreme Court, the Court of Appeal or the High Court.

(f) For the purposes of this section, ‘qualifying legal academic’ has the meaning ascribed to it in *Part 2* of the *Courts Act 2015*.”.”.

—*Senator Sean D. Barrett.*

3. In page 3, between lines 13 and 14, to insert the following:

“Amendment of section 14 of Courts of Justice Act, 1936

2. (1) Section 14(1) of the Courts of Justice Act, 1936 (as amended by section 29 of the Courts and Courts Officers Act, 1995), is amended by the insertion of “or qualifying legal academics” after “solicitors”.

- (2) Section 14 of the Courts of Justice Act, 1936 is amended by the insertion of the following subsection after subsection (3):

“(4) For the purposes of this section, ‘qualifying legal academic’ has the meaning ascribed to it in *Part 2* of the *Courts Act 2015*.”.”.

—*Senator Sean D. Barrett.*

4. In page 3, between lines 13 and 14, to insert the following:

“Amendment of section 17 of the Courts (Supplemental Provisions) Act, 1961

2. (1) Section 17(2)(a) of the Courts (Supplemental Provisions) Act, 1961 (as amended by section 30 of the Courts and Court Officers Act, 1995) is amended by the insertion of “or a qualifying legal academic” after “solicitor”.

- (2) Section 17 of the Courts (Supplemental Provisions) Act, 1961 is amended by the insertion of the following subsection after subsection (3):

[SECTION 2]

“(4) For the purposes of this section, ‘qualifying legal academic’ has the meaning ascribed to it in *Part 2* of the *Courts Act 2015*.”.

—*Senator Sean D. Barrett.*

5. In page 3, between lines 13 and 14, to insert the following:

“Amendment of section 29 of the Courts (Supplemental Provisions) Act, 1961

2. (1) Section 29(2) of the Courts (Supplemental Provisions) Act, 1961 is amended by the insertion of “or qualifying legal academic” after “solicitor”.

(2) Section 29 of the Courts (Supplemental Provisions) Act, 1961 is amended by the insertion of the following subsection after subsection (4):

“(5) For the purposes of this section, ‘qualifying legal academic’ has the meaning ascribed to it in *Part 2* of the *Courts Act 2015*.”.

—*Senator Sean D. Barrett.*

6. In page 3, between lines 13 and 14, to insert the following:

“Amendment of section 16 of the Courts and Court Officers Act, 1995

2. (1) Section 16(7)(a) of the Courts and Court Officers Act, 1995 is amended by substituting the following paragraph for paragraph (a):

“(a) has displayed in his or her practice as a barrister or solicitor, as the case may be, or in his or her career as a qualifying legal academic, a degree of competence and a degree of probity appropriate to and consistent with the appointment concerned,”.

(2) Section 16 of the Courts and Court Officers Act, 1995 is amended by the insertion of the following subsection after subsection (8):

“(9) For the purposes of this section, ‘qualifying legal academic’ has the meaning ascribed to it in *Part 2* of the *Courts Act 2015*.”.

—*Senator Sean D. Barrett.*

7. In page 3, between lines 13 and 14, to insert the following:

“Age of Retirement of District Court Judges

2. (1) The age of retirement of a judge of the District Court who holds office at the time of the coming into operation of this section shall be 70 years.

(2) Section 72 of The Courts of Justice Act, 1924 is deleted.”.

—*Senators Diarmuid Wilson, Denis O'Donovan.*

[SECTION 2]

8. In page 3, between lines 13 and 14, to insert the following:

“Qualification of Judges

2. A judge of the District Court who has served as such a judge for a period of not less than 2 years shall be qualified for appointment as a judge of the Supreme Court, Court of Appeal or the High Court.”.

—*Senators Diarmuid Wilson, Denis O'Donovan.*