



Bille an Reifrinn agus na gCúirteanna (Leasú), 2015
Referendum and Courts (Amendment) Bill 2015

Mar a tionscnaíodh

As initiated



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CONTENTS

Section

1. Definitions
2. Time-limits to apply in respect of Referendum Petition proceedings
3. Exclusive jurisdiction of the Supreme Court in relation to Referendum Petition appeal hearings
4. Short title

ACTS REFERRED TO

Court of Appeal Act 2014 (No. 18)

Courts (Supplemental Provisions) Act 1961 (No. 39)

Referendum Act 1994 (No. 12)



BILLE AN REIFRINN AGUS NA gCÚIRTEANNA (LEASÚ), 2015
REFERENDUM AND COURTS (AMENDMENT) BILL 2015

Bill

entitled

An Act to provide for the timely hearing of Referendum Petitions; to provide that appeals from decisions of the High Court in relation to such proceedings be referred directly to the Supreme Court; to provide for an automatic stay on any High Court order appealed to the Supreme Court; to provide that the Court of Appeal has no function in such proceedings and to provide for connected matters. 5

Be it enacted by the Oireachtas as follows: 10

Definitions

1. In this Act—

“Act of 1961” means the Courts (Supplemental Provisions) Act 1961;

“Act of 1994” means the Referendum Act 1994;

“Act of 2014” means the Court of Appeal Act 2014. 15

Time-limits to apply in respect of Referendum Petition proceedings

2. The Act of 1994 is amended—

(a) in section 42 by the insertion of the following subsections after subsection (3):

“(5) Where leave to present a Referendum Petition is dismissed by the High Court, any appeal against such dismissal shall be made directly to the Supreme Court and the Court of Appeal shall have no function in such matter. 20

(6) An appeal pursuant to subsection (5) shall be lodged within 3 days following a dismissal of leave to present a Referendum Petition and be heard and determined by the Supreme Court within 2 weeks of such lodgement. 25

(7) Pending the expiry of the 3 days prescribed by subsection (6) and the determination of any appeal lodged pursuant to this section, a stay shall apply to the order of refusal made by the High Court.”,

(b) in section 46(2) by the insertion of the following paragraph in substitution for paragraph (a): 30

- “(a) in fixing the date for and conducting the trial, the court shall give the matter such priority as to ensure the trial shall be fully heard and completed no later than 6 weeks after the granting of leave to present a Referendum Petition.”,
- (c) in section 55 by the insertion of the following subsection after subsection (2): 5
- “(3) Where a case is stated to the Supreme Court pursuant to this section, in fixing the date for hearing of such case, the court shall give the matter such priority as to ensure it shall be fully heard and completed no later than 6 weeks after receipt of the case stated and the court shall deliver its judgement no later than 3 weeks thereafter.”, 10
- (d) in section 57—
- (i) by the substitution of the following subsection for subsection (1):
- “(1) The court shall determine the matter at issue and deliver its judgement no later than 3 weeks following the completion of the trial of the Referendum Petition and the final order of the court shall either— 15
- (a) confirm without alteration the provisional referendum certificate which was the subject of the petition, or
- (b) direct that the said certificate shall be amended in accordance with the findings of the court (including the result of any counting afresh of votes or any retaking of the referendum) and confirm the 20 certificate as so amended.”;
- (ii) by the insertion of the following subsection after subsection (1):
- “(1A) The final order of the court shall be certified within 24 hours of judgement being delivered.”;
- (iii) by the insertion of the following subsections after subsection (5): 25
- “(6) Notwithstanding paragraph (5), a party to the Referendum Petition proceedings has 7 days to file a Notice of Appeal from the certification of the final order of the court.
- (7) Pending the expiry of the 7 days prescribed by subsection (6) and the determination of any appeal by the Supreme Court, a stay shall apply 30 to the Final Order of the High Court.”.

Exclusive jurisdiction of the Supreme Court in relation to Referendum Petition appeal hearings

3. (1) The Act of 1994 is amended by the insertion of the following section after section 57:

- “57A.(1)A party appealing a decision of the High Court in Referendum Petition proceedings shall lodge the Notice of Appeal directly with the Supreme Court and the Court of Appeal shall have no function in such matter. 35
- (2) The hearing of the Supreme Court appeal shall be heard and completed within 6 weeks of the lodging of the Notice of Appeal. 40

(3) The Supreme Court shall deliver its judgement within 3 weeks of the hearing being completed.”.	
(2) The Act of 2014 is amended by the insertion of the following section after section 9:	
“9A. The Act of 1961 is amended by the insertion of the following section after section 7B:	5
‘7BB.(1)The general jurisdiction of the Court of Appeal in section 7A does not extend to appeals to High Court decisions in respect of Referendum Petition hearings.	
(2) The procedure provided at section 7B is not necessary in the case of Referendum Petition proceedings and any such matter shall be referred directly from the High Court to the Supreme Court and the Court of Appeal shall have no function in such matter.’.”.	10
Short title	
4. This Act may be cited as the Referendum and Courts (Amendment) Act 2015.	15

Bille an Reifrinn agus na gCúirteanna
(Leasú), 2015

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir le hAchainíocha Reifrinn a éisteacht go tráthúil; do dhéanamh socrú chun go ndéanfar achomhairc i gcoinne breitheanna ón Ard-Chúirt i ndáil le himeachtaí den sórt sin a tharchur go díreach chuig an gCúirt Uachtarach; do dhéanamh socrú maidir le bac uathoibríoch ar aon ordú ón Ard-Chúirt a mbeidh achomharc déanta ina choinne chun na Cúirte Uachtaraí; do dhéanamh socrú chun nach mbeidh aon fheidhm ag an gCúirt Achomhairc in imeachtaí den sórt sin agus do dhéanamh socrú i dtaobh nithe comhghaolmhara.

An Teachta Alan Shatter a thug isteach,
30 Meán Fómhair, 2015

Referendum and Courts (Amendment) Bill
2015

BILL

(as initiated)

entitled

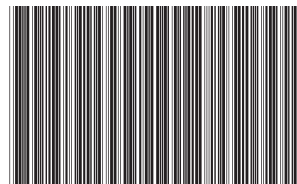
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Introduced by Deputy Alan Shatter,
30th September, 2015

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