

**An Bille fá Choimisiún um Cheapacháin Bhreithiúnacha, 2017**  
**Judicial Appointments Commission Bill 2017**

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**ADMINISTRATIVE REPRINT**

*Bille Dála arna leasú i gCoiste ag Seanad Éireann*  
*Dáil Bill as amended in Committee by Seanad Éireann*

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**AN BILLE FÁ CHOIMISIÚN UM CHEAPACHÁIN BHREITHIÚNACHA, 2017**  
**JUDICIAL APPOINTMENTS COMMISSION BILL 2017**

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### JUDICIAL APPOINTMENTS COMMISSION

ACTS REFERRED TO

Companies Act 2014 (No. 38)  
Comptroller and Auditor General (Amendment) Act 1993 (No. 8)  
Court of Appeal Act 2014 (No. 18)  
Courts (Supplemental Provisions) Act 1961 (No. 39)  
Courts and Court Officers Act 1995 (No. 31)  
Courts of Justice Act 1924 (No. 10)  
European Parliament Elections Act 1997 (No. 2)  
Legal Services Regulation Act 2015 (No. 65)  
Local Government Act 2001 (No. 37)  
Local Government Reform Act 2014 (No. 1)  
Personal Insolvency Act 2012 (No. 44)  
Standards in Public Office Act 2001 (No. 31)  
Universities Act 1997 (No. 24)



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Dáil Bill as amended in Committee by Seanad Éireann*

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# Bill

*entitled*

An Act to establish a body to be known as *an Coimisiún um Cheapacháin Bhreithiúnacha* or, in the English language, the Judicial Appointments Commission; to provide for the making, by that body, of recommendations in respect of appointments to certain judicial offices; to make provision for persons of a lay character, as well as judges and legal practitioners, to be members of that body; to amend the qualification requirements for appointment to judicial office; to enable, through other procedures, the making of recommendations in respect of appointments to senior judicial offices that do not fall within the remit of the foregoing body; to establish a Judicial Appointments Commission Office; to dissolve the Judicial Appointments Advisory Board; for those and other purposes to amend or repeal certain provisions of the Courts and Court Officers Act 1995 and the Courts (Supplemental Provisions) Act 1961 and to provide for the consequential amendment of certain other enactments; and to provide for related matters.

**Be it enacted by the Oireachtas as follows:**

## PART 1

### PRELIMINARY AND GENERAL

#### **Short title and commencement**

1. (1) This Act may be cited as the Judicial Appointments Commission Act 2019. 25  
(2) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions, and for the repeal of different enactments or provisions of enactments effected by *section 6*. 30

## Definitions

### 2. (1) In this Act—

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

“Act of 1995” means the Courts and Court Officers Act 1995;

“chairperson” means the chairperson of the Commission; 5

“Commission” has the meaning assigned to it by *section 9*;

“Director” has the meaning assigned to it by *section 31*;

“establishment day” shall be construed in accordance with *section 8*;

“judicial office” means an office being the office of—

(a) the Chief Justice, 10

(b) the President of the Court of Appeal, the High Court, the Circuit Court or the District Court,

(c) an ordinary judge of the Supreme Court, the Court of Appeal, the High Court or the Circuit Court,

(d) a specialist judge of the Circuit Court, or 15

(e) a judge of the District Court;

“law officer” means a person employed in the service of the State where a condition for the employment of the person was that he or she was a practising barrister or a practising solicitor;

“lay member” means a lay person who is a member of the Commission and includes the chairperson; 20

“lay person” means a person who—

(a) does not hold, and has never held, judicial office,

(b) is not and never has been the Attorney General, the Director of Public Prosecutions, the Chief State Solicitor or a law officer, and 25

(c) is not, and in the relevant period specified by *subsection (2)* for the purposes of this paragraph, was not, a practising barrister or a practising solicitor;

“Minister” means the Minister for Justice and Equality;

“Office” has the meaning assigned to it by *section 30*;

“Procedures Committee” has the meaning assigned to it by *section 16(1)*; 30

“published statement” has the meaning assigned to it by *section 57(1)*;

“selection procedures” has the meaning assigned to it by *section 54(1)*.

(2) The relevant period for the purposes of *paragraph (c)* of the definition of “lay person” in *subsection (1)* is the period of 15 years immediately preceding the latest date on which a person may apply to participate in the selection process (whereby a recommendation for his or her appointment to the Commission may be made by the Public Appointments Service). 35

### References to recommending names: provision for their construction

3. In this Act—
- (a) a reference to recommending the name of a person to the Minister is a reference to the making, under this Act, of a recommendation to the Minister that the person be appointed to a judicial office specified in the recommendation, and 5
  - (b) a reference to recommending the name of a person to the Government under *section 45* is a reference to the making, under that section, of a recommendation to the Government that the person be appointed to a judicial office specified in the recommendation.

### Expenses 10

4. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

### Review of operation of Act

5. (1) The Minister shall— 15
- (a) not later than 5 years after the establishment day, commence a review of the operation of this Act, and
  - (b) not later than 12 months after the expiration of the said 5 years, make a report to each House of the Oireachtas of his or her findings and conclusions resulting from that review. 20
- (2) The Minister shall, in carrying out a review under *subsection (1)*, have regard to the most recent report and recommendations submitted to him or her under *section 58(5)* prior to the review.

### Repeals

6. Part IV, other than section 17A (and the definition of “judicial office” in section 12 in so far as it applies to section 17A) and section 19A, of the Act of 1995 is repealed. 25

## PART 2

### BASIS ON WHICH RECOMMENDATIONS ARE TO BE MADE

### Recommendations to be based on merit

7. (1) A decision to recommend, under this Act, a person for appointment to judicial office shall be based on merit. 30
- (2) Subject to *subsection (1)*, where the function, under this Act, of selecting and recommending persons for appointment to a judicial office falls to be performed, regard shall be had to—

- (a) the objective that the membership of the judiciary should comprise equal numbers of men and women,
- (b) the objective that the membership of the judiciary should, to the extent feasible and practicable, reflect the diversity within the population as a whole, and
- (c) the objective that, consistent with the written statement most recently provided under *section 55(7)* to the Procedures Committee concerning the needs of the users of the courts in that regard, the membership of the judiciary should include persons with a proficiency in the Irish language. 5

### PART 3

#### JUDICIAL APPOINTMENTS COMMISSION: GENERAL PROVISIONS 10

##### **Establishment day**

8. The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.

##### **Establishment of Judicial Appointments Commission**

9. (1) On the establishment day, there shall stand established a body to be known as *an Coimisiún um Cheapacháin Breithiúnacha* or, in the English language, the Judicial Appointments Commission (in this Act referred to as the “Commission”). 15
- (2) The membership of the Commission shall be as provided by *section 10(1)*.

### PART 4

#### PARTICULAR PROVISIONS IN RELATION TO COMMISSION 20

##### **Membership of Commission and general functions**

10. (1) The Commission shall consist of 17 members being—
- (a) the Chief Justice,
  - (b) the President of the Court of Appeal,
  - (c) the President of the High Court, 25
  - (d) the President of the Circuit Court,
  - (e) the President of the District Court,
  - (f) the Attorney General,
  - (g) a member, being a person who is—
    - (i) a lay person, and 30
    - (ii) a member of the Irish Human Rights and Equality Commission, nominated by that Commission under *section 12*,

- (h) a practising barrister nominated under *section 13*,
  - (i) a practising solicitor nominated under *section 13*,
  - (j) a chairperson appointed under *section 12*, and
  - (k) 7 lay persons appointed under *section 12*.
- (2) *Subsection (1)* is without prejudice to *sections 17, 45 and 49* (which make provision, in limited and defined circumstances, for substitutes for certain of the foregoing persons). 5
- (3) The general functions of the Commission shall be—
- (a) to select and recommend persons to the Minister for appointment to judicial office, and 10
  - (b) for the purposes of *paragraph (a)*, to approve a statement of selection procedures and a statement of requisite skills and attributes for inclusion in a published statement.
- (4) Subject to this Act, the Commission shall be independent in the performance of its functions. 15
- (5) The Commission shall have all such powers as are necessary or expedient for the performance of its functions.
- (6) The Schedule makes further provision in relation to, amongst other matters, membership of the Commission.

**Further provisions concerning Commission: terms and conditions of membership, etc.** 20

11. (1) Each member of the Commission shall—
- (a) act on a part-time basis subject to such terms and conditions (other than the payment of remuneration and allowances for expenses) as the Government may determine, and
  - (b) subject to *subsection (2)*, be paid by the Commission such remuneration (if any) and allowances for expenses (if any) as the Minister with the consent of the Minister for Public Expenditure and Reform may from time to time determine. 25
- (2) *Subsection (1)(b)* shall not apply to a member of the Commission referred to in any of *paragraphs (a) to (g)* of *section 10(1)*.
- (3) Subject to *subsections (5) and (6)*, a member of the Commission, other than a member referred to in any of *paragraphs (a) to (f)* of *section 10(1)*, shall hold office for a period of 3 years from the date of his or her appointment. 30
- (4) Subject to *subsections (5) and (6)*, a member of the Commission to whom *subsection (3)* applies and whose term of office expires by the efflux of time may be reappointed, for one further period of 3 years, to the Commission by the Minister— 35
- (a) in the case of a member referred to in *section 10(1)(j)* or *(k)*, without the need for a recommendation by the Public Appointments Service therefor,
  - (b) in the case of a member referred to in *section 10(1)(h)* or *(i)*, without the need for a new nomination by the nominator referred to in *section 13(1)* or *(2)*, or

- (c) in the case of a member referred to in *section 10(1)(g)*, without the need for a new nomination by the nominator referred to in *section 12(9)*.
- (5) A person appointed as a member of the Commission under *section 13* shall cease to be a member of the Commission where he or she—
  - (a) being nominated under *subsection (1)* of that section, ceases to be a practising barrister, 5
  - (b) being nominated under *subsection (2)* of that section, ceases to be a practising solicitor, or
  - (c) is appointed to a judicial office.
- (6) A lay person appointed as a lay member of the Commission shall cease to be such a member where he or she ceases to be a lay person. 10
- (7) The Commission may as it considers necessary to assist it in the performance of its functions—
  - (a) enter into contracts or arrangements with any person, and
  - (b) with the consent of the Minister, appoint consultants or advisers. 15
- (8) Any contract or arrangement with a person, or appointment of a consultant or adviser, referred to in *subsection (7)* may enable the person, consultant or adviser to—
  - (a) advise and assist the Commission in its consideration of applicants at a preliminary stage in the course of the selection procedures, and
  - (b) provide an evaluation or an assessment of an applicant’s suitability for appointment that would assist the Commission in making any decision in the course of carrying out those procedures, 20

but shall not enable the person, consultant or adviser, for the purpose of performance by the Commission of that function, to do any other thing (other than a thing which facilitates such performance). 25
- (9) The Commission may, out of the resources at its disposal, pay to a person, consultant or adviser referred to in *subsection (7)* such fees (if any) or allowances for expenses (if any) as the Commission may, with the consent of the Minister and the Minister for Public Expenditure and Reform, determine.
- (10) The appointment of a person as a consultant or adviser shall be for such period and, subject to *subsection (9)*, be on such terms and conditions as the Commission considers appropriate. 30

**Recommendation of lay person for appointment as member and chairperson**

- 12.** (1) The Public Appointments Service shall organise the following selection processes—
- (a) as soon as may be after the commencement of this section, a selection process referred to in each of *subsections (3)* and *(4)* for the purposes specified in those subsections, and 35
  - (b) thereafter—

- (i) from time to time when requested to do so by the Minister, a selection process referred to in either *subsection (3)* or *(4)*, or both, for the purposes specified in either or both of those subsections, and
  - (ii) if the request relates to a selection process referred to in *subsection (4)*, for the recommendation of such number of lay persons as is specified in the request. 5
- (2) Save in *subsection (9)*, a reference in this section to a lay person or lay member is a reference to a person referred to in *section 10(1)(j)* or *(k)*.
- (3) The Public Appointments Service shall recommend a lay person for appointment by the Minister as chairperson following a selection process held by the Service for that purpose. 10
- (4) The Public Appointments Service shall recommend lay persons for appointment by the Minister to the Commission following a selection process held by the Service for that purpose.
- (5) The Public Appointments Service shall ensure that a lay person is recommended under *subsection (3)* for appointment as chairperson only if it is satisfied that the person— 15
  - (a) is a fit and proper person to be so appointed, and
  - (b) is suitable for appointment having due regard to—
    - (i) his or her having such experience, qualifications, training or expertise as is appropriate having regard to the functions of the Commission, and 20
    - (ii) the desirability that he or she has knowledge of, and experience in, the matters specified in *paragraphs (a) to (f)* of *subsection (8)*.
- (6) Subject to *subsection (7)*, in conducting a selection process under *subsection (4)* for the purpose of recommending lay persons under that subsection for appointment, the Public Appointments Service shall have regard to: 25
  - (a) the objective that the lay members of the Commission should, amongst them, possess knowledge of, and experience in, as many as possible of the matters specified in *subsection (8)*;
  - (b) the objective that the lay members of the Commission should comprise an equal number of women and of men; 30
  - (c) the objective that the lay members of the Commission should reflect the diversity of the population as a whole.
- (7) The Public Appointments Service shall ensure that a lay person is recommended under *subsection (4)* for appointment to the Commission only if it is satisfied that the person— 35
  - (a) is a fit and proper person to be so appointed, and
  - (b) is suitable for appointment by reason of the person’s possessing such experience, qualifications, training or expertise as is appropriate having regard to the functions of the Commission. 40

|   |    |
|---|----|
| (8) The matters referred to in <i>subsections (5) and (6)</i> are matters connected with:   |    |
| (a) the operation of the courts;  |    |
| (b) the provision of supports to persons who are victims of crime or to users of the services provided by the courts;   |    |
| (c) human rights, equality or issues concerning diversity amongst members of society;   | 5  |
| (d) offending behaviour or the rehabilitation of offenders (or both);   |    |
| (e) commerce, finance, administration (including public administration), civil society, trade union activity or academia;   |    |
| (f) professional dispute resolution or mediation activities.  | 10 |
| (9) The Irish Human Rights and Equality Commission shall nominate one of its members, being a lay person, to be the member of the Commission to whom <i>section 10(1)(g)</i> refers and the person, so nominated, shall accordingly be appointed by the Minister to be the member so referred to. |    |
| <b>Appointment of practising barrister and practising solicitor as members</b>  | 15 |
| 13. (1) The chairperson of the General Council of the Bar of Ireland shall nominate a practising barrister to be a member of the Commission.  |    |
| (2) The President of the Law Society of Ireland shall nominate a practising solicitor to be a member of the Commission.   |    |
| (3) The Minister shall appoint each of the persons nominated under <i>subsections (1) and (2)</i> to be a member of the Commission.   | 20 |
| <b>Appointment of lay persons as members</b>  |    |
| 14. (1) The Minister shall not make an appointment under this section unless a resolution approving the appointment has been passed by each House of the Oireachtas.  |    |
| (2) The Minister shall appoint—   | 25 |
| (a) a lay person, the subject of a recommendation under <i>section 12(3)</i> , to be chairperson, and   |    |
| (b) lay persons, the subject of recommendation under <i>section 12(4)</i> , to be members of the Commission.  |    |
| (3) The reference in <i>section 18(2)</i> to the manner in which the first-mentioned person in that provision was appointed includes a reference to the requirement under <i>subsection (1)</i> with respect to the approval of the person's appointment by each House of the Oireachtas.         | 30 |
| <b>Procedures of Commission</b>   |    |
| 15. (1) The Commission shall hold such and so many meetings as may be necessary for the due performance of its functions.   | 35 |

- (2) The chairperson shall fix the date, time and place of the first meeting of the Commission which shall be a date no later than 3 months from the establishment day.
- (3) At a meeting of the Commission—
  - (a) the chairperson shall, if present, be the chairperson of the meeting, or
  - (b) if and so long as the chairperson is not present or if that office is vacant, the other members of the Commission, as the case may be, who are present shall choose another one of its lay members to be chairperson of the meeting. 5
- (4) Subject to the provisions of this Act, the Commission shall regulate its own procedures.
- (5) The quorum for a meeting of the Commission shall, unless the Minister otherwise directs, be 9 members, 5 of whom shall be lay members. 10
- (6) Where there is no consensus on a question at a meeting of the Commission, the question shall be determined by a majority of the votes of the members of the Commission present and voting on the question, and, in the case of an equal division of votes, the chairperson shall have a second or casting vote. 15
- (7) The Commission may act notwithstanding one or more vacancies in its membership.

#### **Procedures Committee and other committees of Commission**

16. (1) The Commission shall establish a committee to be known as the Judicial Appointments Procedures Committee (in this Act referred to as the “Procedures Committee”) to perform the functions assigned to that Committee under this Act and such other functions of the Commission as the Commission considers appropriate. 20
- (2) The Procedures Committee shall consist of 9 members of the Commission, the majority of whom shall be lay members and the chairperson of that Committee shall be such one of those lay members as the Commission determines.
- (3) The Procedures Committee shall determine its own procedures. 25
- (4) The Commission may establish committees of the Commission to assist the Commission or the Procedures Committee in performing one or more of their functions under this Act.
- (5) A committee established under *subsection (4)* shall consist of such and so many members of the Commission as may be determined by the Commission, the majority of whom shall be lay members and the chairperson of the committee shall be such one of those lay members as the Commission determines. 30
- (6) A committee established under *subsection (4)* shall determine its own procedures.
- (7) Subject to *subsection (8)*, there may be paid by the Commission to members of a committee established under this section such allowances for expenses (if any) incurred by them as the Commission may, with the consent of the Minister and the Minister for Public Expenditure and Reform, determine. 35
- (8) *Subsection (7)* does not apply to a member of a committee who is a person referred to in any of *paragraphs (a) to (g)* of *section 10(1)*.

**Member of Commission ceasing to hold judicial office**

17. (1) A person who is a member of the Commission by reason of being the Chief Justice or the President of another court referred to in this Part shall, upon ceasing for any reason to be Chief Justice or President, as the case may be, cease to be a member of the Commission. 5
- (2) Where the person referred to in *subsection (1)* who ceases to hold judicial office is the Chief Justice, the most senior ordinary judge of the Supreme Court shall be a member of the Commission until the successor to the Chief Justice is appointed.
- (3) Where the person referred to in *subsection (1)* who ceases to hold judicial office is the President of the Court of Appeal, the most senior ordinary judge of the Court of Appeal shall be a member of the Commission until the successor to that President is appointed. 10
- (4) Where the person referred to in *subsection (1)* who ceases to hold judicial office is the President of the High Court, the most senior ordinary judge of the High Court shall be a member of the Commission until the successor to that President is appointed. 15
- (5) Where the person referred to in *subsection (1)* who ceases to hold judicial office is the President of the Circuit Court, the most senior ordinary judge of the Circuit Court shall be a member of the Commission until the successor to that President is appointed.
- (6) Where the person referred to in *subsection (1)* who ceases to hold judicial office is the President of the District Court, the most senior judge of the District Court shall be a member of the Commission until the successor to that President is appointed. 20

**Member of Commission ceasing to hold office**

18. (1) A member of the Commission referred to in *paragraph (g), (h), (i), (j) or (k) of section 10(1)* may resign from the Commission by notice in writing to the Minister and the resignation shall take effect on the date the Minister receives the notice, or, if a date is specified in the notice and the Minister agrees, that date. 25
- (2) Where a member of the Commission referred to in *subsection (1)* dies, resigns, is removed from office or otherwise ceases to hold office the casual vacancy so occasioned shall be filled in like manner as the manner in which the member who occasioned the vacancy was appointed, and the person appointed under this subsection shall hold office for that period of the term of office of the member who occasioned the casual vacancy concerned that remains unexpired at the date of his or her appointment. 30

**Certain grounds for disqualification or being ineligible to hold office** 35

19. (1) A member of the Commission referred to in *paragraph (g), (h), (i), (j) or (k) of section 10(1)* shall cease to hold office if he or she—
- (a) is convicted on indictment of an offence,
- (b) is convicted of an offence involving fraud or dishonesty,

- (c) has a declaration made against him or her under section 819 of the Act of 2014 or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act,
  - (d) is subject to, or is deemed to be subject to, a disqualification order within the meaning of Chapter 4 of Part 14 of the Act of 2014 whether by virtue of that Chapter or of any other provision of that Act, 5
  - (e) being a member nominated by the Irish Human Rights and Equality Commission, ceases to be a member of the Irish Human Rights and Equality Commission,
  - (f) being a member nominated by the Law Society of Ireland, is struck off the roll of solicitors by the High Court, or 10
  - (g) being a member nominated by the chairperson of the General Council of the Bar of Ireland, is disbarred by the Benchers of the Honorable Society of King’s Inns or is struck off the roll of practising barristers under Part 6 of the Legal Services Regulation Act 2015.
- (2) A person shall not be eligible for appointment as a member of the Commission referred to in *paragraph (g), (h), (i), (j) or (k) of section 10(1)* if any of *paragraphs (a) to (d) of subsection (1)* are applicable in respect of the person. 15
- (3) In this section “Act of 2014” means the Companies Act 2014.

**Removal of member of Commission**

20. (1) The Government may remove a member of the Commission referred to in *paragraph (g), (h), (i), (j) or (k) of section 10(1)* from office where they are satisfied that one or more of the grounds referred to in *subsection (2)* apply to the member and then and only then where a resolution is passed by each House of the Oireachtas calling for the removal of that member from office. 20
- (2) The grounds referred to in *subsection (1)* are that a member— 25
- (a) has become incapable through ill health of effectively performing the functions of the office,
  - (b) has committed stated misbehaviour,
  - (c) has a conflict of interest of such significance that he or she should cease to hold office, or 30
  - (d) is otherwise unfit to hold office or unable to discharge the functions of the office.
- (3) Where the Government propose to remove a member under *subsection (1)*, they shall notify the member concerned in writing of their proposal.
- (4) A notification under *subsection (3)* shall include a statement—
- (a) of the reasons for the proposed removal, 35
  - (b) that the member may, within a period of 30 working days from the sending of the notification or such other period as the Government may, having regard to the requirements of natural justice, specify in the notice, make representations to the Government in such form and manner as may be specified by the Government, as to why the member should not be removed from office, and 40

- (c) that where no representations are received within the period referred to in *paragraph (b)* the Government will, without further notice to the member, proceed with the removal of the member from office in accordance with this section.
- (5) In considering whether to remove a member from office, the Government shall take into account—
  - (a) any representations made by the member under *subsection (4)(b)* within the period referred to in that subsection, and
  - (b) any other matter the Government consider relevant for the purpose of their decision.
- (6) Where, having taken into account the matters referred to in *subsection (5)*, the Government decide the person should be removed from office in accordance with this section, they shall notify the member in writing of their decision and the reasons for the decision.

**Accountability of Director to Public Accounts Committee** 15

21. (1) In this section “Public Accounts Committee” means the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General.
- (2) The Director shall, whenever required in writing to do so by the Public Accounts Committee, give evidence to that Committee in relation to—
- (a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account that the Commission is required by this Act to prepare (being a book or record of account that is subject to audit by the Comptroller and Auditor General),
  - (b) the economy and efficiency of the Commission in the use of its resources,
  - (c) the systems, procedures and practices employed by the Commission for the purpose of evaluating the effectiveness of its operations, and
  - (d) any matter affecting the Commission referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993 or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in *paragraph (a), (b) or (c)*) that is laid before Dáil Éireann.
- (3) In giving evidence under this section, the Director shall not question or express an opinion on the merits of—
- (a) any policy of the Government or a Minister of the Government, or
  - (b) the objectives of such a policy.

## Accountability of chairperson to other Oireachtas Committees

22. (1) In this section, “Committee” means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the Public Accounts Committee referred to in *section 21* or the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann) or a subcommittee of such a Committee. 5
- (2) Subject to *subsection (3)*, the chairperson shall, at the request in writing of a Committee, attend before it to give account for the general administration of the Commission.
- (3) The chairperson shall not be required to give account before a Committee— 10
- (a) for any matter which is or has been or may at a future time be the subject of proceedings before a court or tribunal in the State, or
- (b) where the giving of such account would involve disclosure of proceedings, communications or matters contrary to *section 28*.
- (4) Where the chairperson is of the opinion that a matter in respect of which he or she is requested to give an account before a Committee is a matter to which *subsection (3)(a)* applies, he or she shall inform the Committee of that opinion and the reasons for the opinion and, unless the information is conveyed to the Committee at a time when the chairperson is before it, the information shall be so conveyed in writing. 15
- (5) Where the chairperson has informed a Committee of his or her opinion in accordance with *subsection (4)* and the Committee does not withdraw the request referred to in *subsection (2)* in so far as it relates to a matter the subject of that opinion— 20
- (a) the chairperson may, not later than 21 days after being informed by the Committee of its decision not to do so, apply to the High Court in a summary manner for determination of the question whether the matter is one to which *subsection (3)(a)* applies, or 25
- (b) the Chairperson of the Committee may, on behalf of the Committee, make such an application,
- and the High Court shall determine the matter.
- (6) Pending the determination of an application under *subsection (5)*, the chairperson shall not attend before the Committee to give account for the matter the subject of the application. 30
- (7) If the High Court determines that the matter concerned is one to which *subsection (3)(a)* applies, the Committee shall withdraw the request referred to in *subsection (2)*, but if the High Court determines that *subsection (3)(a)* does not apply, the chairperson shall attend before the Committee and give account for the matter. 35
- (8) In the performance of his or her duties under this section, the chairperson shall not question or express an opinion on the merits of—
- (a) any policy of the Government or a Minister of the Government, or
- (b) the objectives of such a policy. 40

### **Advances to Commission**

23. (1) The Minister shall from time to time advance to the Commission out of moneys provided by the Oireachtas such amount or amounts as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine for the purposes of expenditure by the Commission in the performance of its functions. 5
- (2) This section is in addition to any other provision made by this Act with regard to the provision of funding for a particular purpose.

### **Accounts**

24. (1) The Commission shall keep, in such form as may be approved by the Minister with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts (in *subsection (2)* referred to as “annual accounts”) of all money received or expended by it and, in particular, shall keep in such form as aforesaid all such special accounts as the Minister may, with the consent of the Minister for Public Expenditure and Reform, from time to time direct. 10
- (2) Annual accounts kept in accordance with this section shall be submitted, not later than 1 April in the year immediately following the financial year to which they relate or on such earlier date as the Minister may from time to time specify, by the Commission to the Comptroller and Auditor General for audit and, immediately after the audit, a copy of the accounts, and of such other special accounts (if any) kept in accordance with this section as the Minister, after consultation with the Minister for Public Expenditure and Reform, may direct and a copy of the Comptroller and Auditor General’s report on the accounts shall be presented to the Minister who shall, as soon as may be, cause copies thereof to be laid before each House of the Oireachtas. 15 20

### **Annual report**

25. (1) The Commission shall, not later than 3 months after the end of each year, submit to the Minister a report on its activities in the preceding year, and the Minister shall, as soon as may be after receiving the report, cause copies of the report to be laid before each House of the Oireachtas. 25
- (2) Notwithstanding *subsection (1)*, if but for this subsection, the first report under this section would relate to a period of less than 6 months, the report shall relate to that period and to the year immediately following that period and shall be made as soon as may be, but not later than 6 months after the end of that year. 30
- (3) An annual report submitted to the Minister under *subsection (1)* shall not contain any information that discloses or is likely to disclose proceedings, communications or matters contrary to *section 28*. 35
- (4) The Minister may, having consulted with the Commission, direct the Commission to provide a report under this section in such form and manner as the Minister may specify.
- (5) The Commission shall comply with a direction given under *subsection (4)*.

## **Request from Minister to Commission for report**

26. The Minister may request the Commission to make a report to him or her on any matter relating to the functions of the Commission and the Commission shall comply with the request within such time period as is specified in the request or as may be agreed by the Minister and the Commission. 5

## **Confidential information**

27. (1) A person shall not, without the consent in writing of the Commission or (save where the intending discloser is the Director) the Director or except as required by law or in the circumstances provided for in *subsection (3)*, disclose confidential information obtained by him or her while performing functions as— 10
- (a) a member of the Commission, the Procedures Committee or any other committee of the Commission, or
  - (b) the Director, a member of staff of the Office or a consultant, advisor or other person who is or was engaged under contract or other arrangement by the Commission. 15
- (2) A person who contravenes *subsection (1)* shall be guilty of an offence and shall be liable, on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both.
- (3) Nothing in *subsection (1)* shall prevent the disclosure of information, in accordance with law, to a member of the Garda Síochána or any other person, whether within the State or otherwise, charged with the detection or investigation of an offence. 20
- (4) In this section—
- “confidential information” includes—
- (a) information that is expressed by the Commission to be confidential either as regards particular information or as regards information of a particular class or description, and 25
  - (b) proposals of a commercial nature or tenders submitted to the Commission by contractors, consultants or any other person.

## **Confidentiality of certain proceedings, communications and matters**

28. (1) This section applies to a person who is or was— 30
- (a) a member of the Commission, the Procedures Committee or any other committee of the Commission, or
  - (b) the Director, a member of staff of the Office, a consultant, advisor, or other person engaged under contract or other arrangement by the Commission.
- (2) In addition to what is provided for in *section 27*, a person to whom this section applies shall not, except— 35
- (a) for the purposes of this Act, or
  - (b) as otherwise required by law or in the circumstances provided for in *subsection (4)*,

disclose, without the consent in writing of the Commission or (save where the intending discloser is the Director) the Director—

- (i) in relation to a person who applies or has applied for, or who is or has been recommended for appointment to, judicial office—
  - (I) proceedings of the Commission and of its committees, 5
  - (II) communications to and from the Commission and its committees, and
  - (III) communications to and from the Commission or its committees to the Minister,
- or
- (ii) any matter concerning the removal of a member of the Commission (before such removal takes place) under *section 20*. 10
- (3) A person who contravenes *subsection (2)* shall be guilty of an offence and shall be liable, on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both.
- (4) Nothing in *subsection (2)* shall prevent the disclosure of information, in accordance with law, to a member of the Garda Síochána or any other person, whether within the State or otherwise, charged with the detection or investigation of an offence. 15

### **Records of Commission**

29. The Commission shall keep a record of—
- (a) all applications made to it under *section 39* and its deliberations and recommendations regarding appointments to judicial office, and 20
  - (b) expressions of interest received by it under *section 45(1)* and the particulars referred to in that section.

## **PART 5**

### **JUDICIAL APPOINTMENTS COMMISSION OFFICE 25**

#### **Judicial Appointments Commission Office**

30. (1) There shall be attached to the Commission an office to be known as the Judicial Appointments Commission Office (in this Act referred to as the “Office”) which shall assist the Commission in the performance of its functions.
- (2) The Office shall be funded by moneys provided by the Minister with the consent of the Minister for Public Expenditure and Reform. 30
  - (3) The Office shall be under the management and control of the Commission and subject to the direction of the Director.
  - (4) The Commission may, with the consent of the Minister given with the approval of the Minister for Public Expenditure and Reform, appoint such and so many persons to be members of the staff of the Office as it may determine. 35

- (5) The terms and conditions of service of a member of staff of the Office shall be determined by the Commission with the consent of the Minister and the Minister for Public Expenditure and Reform.
- (6) A member of staff of the Office shall be a civil servant in the Civil Service of the State. 5

**Director of Judicial Appointments Commission Office**

- 31. (1) The Commission shall, following a selection process held by the Public Appointments Service, appoint a person to be the director (in this Act referred to as the “Director”) of the Office.
- (2) The Director shall hold office for such period not exceeding 5 years from the date of his or her appointment as the Commission shall determine. 10
- (3) Subject to *subsection (4)*, a Director whose term of office expires by the efflux of time shall be eligible for reappointment by the Commission.
- (4) A person who is reappointed by the Commission in accordance with *subsection (3)* shall not hold office for periods the aggregate of which exceeds 10 years. 15
- (5) The Director shall hold office upon and subject to such terms and conditions (including terms and conditions relating to remuneration, allowances and superannuation) as may be determined by the Commission with the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform.

**Functions of Director** 20

- 32. (1) The Director shall manage and control generally the staff, administration and business of the Office.
- (2) The Director shall be responsible to the Commission for the performance of his or her functions.

PART 6 25

APPOINTMENTS TO JUDICIAL OFFICE: ELIGIBILITY AND REQUIREMENTS FOR THE MAKING OF RECOMMENDATIONS

CHAPTER 1

*Amendment of Act of 1961: qualifications for office*

**Amendment of Act of 1961**

- 33. (1) Section 5 (amended by section 11 of the Court of Appeal Act 2014) of the Act of 1961 is amended— 30
  - (a) in subsection (2), by the insertion of the following after paragraph (c):
    - “(d) 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 High Court.”, 35

and

(b) by the insertion of the following after subsection (7):

“(8) Section 45A (inserted by *section 33(4)* of the *Judicial Appointments Commission Act 2019*) provides an additional basis for qualification for appointment as a judge of the Supreme Court, the Court of Appeal or the High Court.”. 5

(2) Section 17 of the Act of 1961 is amended by the insertion of the following after subsection (5) (inserted by section 188 of the Personal Insolvency Act 2012):

“(6) Section 45A (inserted by *section 33(4)* of the *Judicial Appointments Commission Act 2019*) provides an additional basis for qualification for appointment as a judge of the Circuit Court.”. 10

(3) Section 29 of the Act of 1961 is amended by the insertion of the following after subsection (4):

“(5) Section 45A (inserted by *section 33(4)* of the *Judicial Appointments Commission Act 2019*) provides an additional basis for qualification for appointment as a judge of the District Court.”. 15

(4) The Act of 1961 is amended by the insertion of the following after section 45:

**“Qualification of certain legal academics for appointment to judicial office**

**45A.** (1) A person who is for the time being a legal academic of not less than 12 years’ standing shall be qualified for appointment as a judge of the Supreme Court, the Court of Appeal, the High Court, the Circuit Court or the District Court, but this is subject to subsections (2), (3) and (5). 20

(2) Without prejudice to subsection (5), a person of such standing shall have been employed as a legal academic for a continuous period of not less than 2 years immediately before such appointment. 25

(3) Subsection (1) shall only apply to a legal academic who has qualified as a barrister or solicitor and subsequent subsections of this section, in so far as they relate to a person who is referred to in them as a ‘head of a faculty’ or ‘head of another faculty’, shall not be construed as enabling such a person to be the subject of such an appointment unless the person has qualified as a barrister or solicitor. 30

(4) Without prejudice to subsection (5), in this section ‘legal academic’ means a permanent member of the academic staff of an educational establishment who—

(a) teaches one or more subjects in the field of law, or 35

(b) carries out, or supervises the carrying out, of research in one or more such subjects,

whether or not in conjunction with the carrying on by him or her of administrative duties relevant to that teaching, research or supervision.

(5) In the case of a person who— 40

- (a) is the head of a faculty immediately before the appointment referred to in subsection (1), the requirements of that subsection and subsection (2) shall be deemed to be satisfied if, within the period of 12 months before the person's becoming the head of that faculty, he or she was either a legal academic of not less than 12 years' standing (2 of which years shall have been continuous) or the head of another faculty of not less than 4 years' standing (2 of which years shall have been continuous), or 5
- (b) was the head of a faculty at a time other than immediately before the appointment referred to in subsection (1), any period served by him or her as the head of a faculty shall, for the purposes of that subsection and subsection (2), be deemed to be a period served by him or her as a legal academic. 10
- (6) In this section 'educational establishment' means— 15
- (a) a university to which the Universities Act 1997 applies,
- (b) the Honorable Society of King's Inns, or
- (c) the Law Society of Ireland,
- and in computing, for the purposes of this section, any period that a person must have served as a legal academic, successive employment of the person by 2 or more of any of the foregoing educational establishments shall suffice. 20
- (7) Any reference in subsection (5) to being, or having been, the head of a faculty (including the reference in paragraph (a) of that subsection to having been the head of another faculty) shall be construed as a reference to being, or having been, the dean, director or other overall head (by whatever named) of a department, school or other faculty, in an educational establishment, the responsibilities of which include the carrying on of the activities referred to in subsection (4).” 25

## CHAPTER 2

### *Making of recommendations: conditions to be satisfied* 30

#### **Extent of Chapter's application and definition**

34. (1) Nothing in this Chapter shall be construed as being applicable to a judicial office to which *section 45* applies.
- (2) In this Chapter "legal academic" means a legal academic within the meaning of *section 45A* (inserted by *section 33(4)*) of the Act of 1961 and includes a person referred to in subsection (5) of that *section 45A* who, by virtue of the provisions of that section, is qualified for appointment as mentioned in subsection (1) of it. 35

#### **Recommendation of names to Minister: principal conditions to be satisfied**

35. (1) In addition to the requirement of *sections 7* and *36* and *subsection (2)* and (where it applies) *subsection (3)*, the Commission shall not recommend the name of a person to 40

- the Minister unless it is satisfied that the requirements of the relevant provisions are complied with in relation to the person.
- (2) In the taking of steps that result in the recommendation of a person’s name to the Minister, the Commission shall ensure that the requirements in the published statement are complied with. 5
- (3) In the case of an appointment to the office of—
- (a) ordinary judge of the Supreme Court,
  - (b) ordinary judge of the Court of Appeal, or
  - (c) ordinary judge of the High Court,
- the Commission shall not recommend the name of a person to the Minister unless, in the opinion of the Commission, the person has— 10
- (i) an appropriate knowledge of the decisions, and
  - (ii) an appropriate knowledge and appropriate experience of the practice and procedure,
- of the Supreme Court, the Court of Appeal and the High Court. 15
- (4) In the case of a person who was appointed as a judge of the High Court, the Circuit Court or the District Court before 28 October 2014, *paragraph (ii) of subsection (3)*, in so far as it refers to appropriate experience of the practice and procedure of the several courts mentioned in that provision, shall have effect as if the reference to the Court of Appeal were omitted. 20
- (5) In determining whether the requirements of *paragraphs (i) and (ii) of subsection (3)* are satisfied, the Commission shall have regard, in particular, to the nature and extent of the practice of the person concerned in so far as it relates to his or her personal conduct of proceedings in the Supreme Court, the Court of Appeal and the High Court whether as an advocate or as a solicitor instructing counsel in such proceedings or both. 25
- (6) In this section “relevant provisions”, in relation to a person, means such of the following provisions as are applicable to the judicial office concerned and the basis on which the person claims qualification for appointment to it, namely:
- (a) section 5(2), (4), (5), (6) or (7) (amended or inserted by section 11 of the Court of Appeal Act 2014) or section 45A (inserted by *section 33(4)*) of the Act of 1961 - in the case of an appointment to the office of ordinary judge of the Supreme Court, of ordinary judge of the Court of Appeal or of ordinary judge of the High Court, 30
  - (b) section 17(2), (2A), (2B), (2C) or (3) (amended, other in the case of subsection (3), or inserted by section 188 of the Personal Insolvency Act 2012) or section 45A of the Act of 1961 – in the case of an appointment to the office of judge of the Circuit Court, 35
  - (c) section 17(4) (inserted by section 188 of the Personal Insolvency Act 2012) of the Act of 1961 – in the case of an appointment to the office of specialist judge of the Circuit Court, or 40

- (d) section 29(2) or (3), 35(1) or 45A of the Act of 1961 – in the case of an appointment to the office of judge of the District Court.

**Recommendation of names to Minister: further condition to be satisfied**

36. (1) The Commission shall not recommend the name of a person to the Minister unless the person— 5
- (a) has displayed—
- (i) in the case of a barrister or solicitor referred to in *subsection (2)*, in his or her practice as a barrister or solicitor, as the case may be, a degree of competence and a degree of probity appropriate to and consistent with the appointment concerned, and 10
- (ii) in the case of a legal academic, in his or her role as a legal academic and also in his or her practice as a barrister or solicitor, as the case may be, a degree of competence and a degree of probity appropriate to and consistent with the appointment concerned,
- (b) is suitable on grounds of character and temperament, 15
- (c) is suitable on grounds of health, and
- (d) gives an undertaking in writing to the Commission, if appointed to judicial office, to take such course or courses of training or education, or both, as may be required by the Chief Justice or the President of the relevant Court.
- (2) The barrister or solicitor referred to in *subsection (1)(a)(i)* is a barrister or solicitor the basis for whose claim to be qualified for appointment to the judicial office concerned is a provision of section 5, 17 or 29 of the Act of 1961. 20

PART 7

FURTHER PROVISIONS GOVERNING RECOMMENDATIONS, PROVISIONS IN RELATION TO CERTAIN SENIOR JUDICIAL OFFICES, ETC. 25

CHAPTER 1

*Preliminary*

**Extent of application of Chapters 1 and 2**

37. Nothing in this Chapter or *Chapter 2* shall be construed as being applicable to a judicial office to which *section 45* applies. 30

**Making of recommendations: certain functions**

38. For the purpose of its functions under this Part, the Commission—
- (a) shall provide, through such means as it considers to be appropriate, information on the selection procedures and the other matters that are set out in a published statement, 35

- (b) shall, as the occasion requires, invite, through means of advertisement, the making of applications by persons to be considered for selection, that is for their being selected to be the subject of a recommendation for appointment to judicial office, and
- (c) may do such other things as it considers necessary to enable the Commission to perform its function in relation to selecting persons to be the subject of a recommendation for appointment to judicial office. 5

**Applications for appointment to judicial office**

- 39. (1) Subject to *subsection (2)*, a person, including a person who is for the time being a serving judge or a relevant office holder, who wishes to be considered for appointment to judicial office shall make an application to the Commission in that behalf (specifying the judicial office concerned); that application shall be in writing or in such other format as may be specified in the selection procedures. 10
- (2) An application under *subsection (1)* shall not be made otherwise than pursuant to an invitation made by the Commission under *section 38(b)* that relates to the judicial office concerned. 15
- (3) Without prejudice to any specific provision of the selection procedures in that behalf, an applicant under this section shall provide to the Commission such information as it may request to enable it to consider the suitability of the applicant for judicial office, including information relating to education, professional qualifications, experience and character. 20
- (4) In this section “relevant office holder” means a judge or other office holder referred to in any of clauses (I) to (VII) of section 5(2)(b)(i) of the Act of 1961.

CHAPTER 2

*Specific requirements in relation to number of names recommended and related matters* 25

**Judicial vacancy: recommendation by Commission of persons for appointment**

- 40. (1) *Subsection (2)* applies where—
  - (a) a judicial office stands vacant, or
  - (b) the following conditions are satisfied—
    - (i) the Minister reasonably apprehends that a judicial office (but not more than one such office in the same court) will stand vacant, and 30
    - (ii) the Commission has received a request of the Minister (which request shall be addressed to the Commission and which, by virtue of this subsection, the Minister has power to make) that the recommendation referred to in *subsection (2)* be made. 35
- (2) Where this subsection applies, the Commission shall, in accordance with this Act, recommend to the Minister, in respect of the judicial office concerned, the names of 3 persons, ranked in the order of the Commission’s preference.

- (3) Nothing in *subsection (2)* shall be construed as limiting the advice the Government may give to the President with respect to the appointment by the President, under Article 35 of the Constitution, of a person to be a judge.

**More than one judicial vacancy: recommendation by Commission of persons for appointment** 5

41. (1) *Subsection (2)* applies where—

(a) more than one judicial office in the same court stands vacant, or

(b) the following conditions are satisfied—

(i) the Minister reasonably apprehends that more than one judicial office in the same court will stand vacant, and 10

(ii) the Commission has received a request of the Minister (which request shall be addressed to the Commission and which, by virtue of this subsection, the Minister has power to make) that the recommendation referred to in *subsection (2)* be made.

(2) Where this subsection applies, the Commission shall, in accordance with this Act, recommend to the Minister, in respect of the judicial offices concerned, the names of such number of persons as is equal to the relevant number ranked in the order of the Commission's preference (and that expression of preference shall not make any distinction between the several vacancies concerned). 15

(3) In *subsection (2)* "relevant number" means the number obtained by multiplying by 2 the number of vacancies (or apprehended vacancies), and adding one to the product. 20

(4) Nothing in *subsection (2)* shall be construed as limiting the advice the Government may give to the President with respect to the appointment by the President, under Article 35 of the Constitution, of a person to be a judge.

**Provision of information to applicants** 25

42. In every case where the Commission makes any recommendation to the Government in accordance with the provisions of this chapter, the Commission shall inform each of the persons applying to the Commission in respect of the judicial appointment in question—

(a) whether the person was or was not among those persons recommended by the Commission to the Government in respect of that appointment, and 30

(b) whether, if it were the case, the Commission considered that the person was not eligible for appointment by reason of the requirements of *section 35*,

and in any case where the Commission cannot make any recommendation the Commission shall notify all persons who applied to the Commission in respect of that appointment that it made no recommendation. 35

**Where specified number of persons' names not recommended**

43. (1) If the Commission cannot, in accordance with this Act, recommend to the Minister the number of names of persons specified in *section 40(2)* or, as the case may be, *section 41(2)* but can, in accordance with this Act, recommend a lesser number of names of

persons to the Minister, then it shall, under *section 40* or *41*, as the case may be, recommend to the Minister that lesser number of names.

- (2) The cases to which *subsection (1)* applies include a case in which the number of eligible persons who had made an application, in respect of the judicial office or offices in the court concerned, to the Commission under *section 39* (referred to subsequently in this section as a “relevant application”) is less than the number of names of persons required to be the subject of a recommendation under *section 40* or *41*, as the case may be. 5
- (3) In any case to which *subsection (1)* applies, the Commission shall cause its recommendation to the Minister to be accompanied by a statement of the name of each eligible person (other than a person the subject of its recommendation) who had made a relevant application. 10
- (4) *Subsection (5)* applies where the Commission determines that it cannot, in accordance with this Act, recommend to the Minister the name of any person for the purposes of *section 40* or *41* (and the case is other than one in which there were no relevant applications whatsoever by eligible persons). 15
- (5) Where this subsection applies, the Commission, on making the determination referred to in *subsection (4)*, shall inform the Minister of it and shall furnish to the Minister a statement of the name of every eligible person who had made a relevant application.
- (6) In this section “eligible person” means a person who the Commission is satisfied complies with the requirements of the relevant provisions (within the meaning of *section 35*). 20

#### **Particulars to be provided by Commission**

44. (1) The Commission shall, in respect of each person whose name it has recommended to the Minister under *section 40* or *41*, provide to the Minister— 25
- (a) particulars of the person’s education, professional qualifications, experience and character, and
- (b) where applicable, the records and results of any interview or test held or conducted by the Commission in respect of the person.
- (2) Where *section 43* applies, the Commission shall cause the statement referred to in *subsection (3)* or *(5)* of that section to be accompanied by a statement, in respect of each person named in it, of each of the particulars referred to in *subsection (1)(a)* and each of the records and results (if any) referred to in *subsection (1)(b)*. 30

### CHAPTER 3

#### *Procedures in respect of certain senior judicial offices* 35

#### **Appointment as Chief Justice, President of the Court of Appeal, and President of the High Court**

45. (1) Where—

- (a) the judicial office of Chief Justice, President of the Court of Appeal or President of the High Court stands vacant, or
- (b) the Minister reasonably apprehends that any of those offices will stand vacant,
- the Minister shall request the Commission to seek expressions of interest on the part of eligible persons who wish to be considered for appointment to such office. 5
- (2) Upon receiving the expressions of interest referred to in *subsection (1)* the Commission shall consider the suitability of all eligible persons expressing such interest and recommend, based on merit, to the Government, ranked in the order of the Commission's preference, the 3 most suitable candidates for appointment to the judicial office referred to in *subsection (1)*. 10
- (3) The Commission may accept expressions of interest from eligible members of the Commission.
- (4) In deliberating or making a recommendation to the Government pursuant to this section, the eligible members of the Commission who have expressed the interest referred to in *subsection (1)* shall not sit as members of the Commission. 15
- (5) If the President of the Court of Appeal has expressed, in relation to the judicial office, the interest referred to in *subsection (1)*, the next most senior judge available shall sit in substitution on the Commission, that is to say whoever of the judges specified in paragraphs (b) to (k) of section 9 (substituted by section 28 of the Court of Appeal Act 2014) of the Courts of Justice Act 1924 ranks first in precedence (after the President of the Court of Appeal) in accordance with said section 9 and who is available to serve on the Commission (excepting for this purpose any such judge who, in relation to the foregoing judicial office, has expressed the interest referred to in *subsection (1)*). 20
- (6) If the President of the High Court has expressed, in relation to the judicial office, the interest referred to in *subsection (1)*, the next most senior judge available shall sit in substitution on the Commission, that is to say whoever of the judges specified in paragraphs (c) to (k) of section 9 (substituted by section 28 of the Court of Appeal Act 2014) of the Courts of Justice Act 1924 ranks first in precedence (after the President of the High Court) in accordance with said section 9 and who is available to serve on the Commission (excepting for this purpose any such judge who, in relation to the foregoing judicial office, has expressed the interest referred to in *subsection (1)*). 25
- (7) If the Commission, having considered the suitability of all of those persons who have expressed the interest referred to in *subsection (1)* decides that it cannot recommend to the Government the names of 3 persons for appointment to the judicial office referred to in *subsection (1)* but can recommend the names of a lesser number of persons for that purpose, then it shall recommend to the Government the names of that lesser number of persons for appointment to the judicial office so referred to. 35
- (8) The cases to which *subsection (7)* applies include a case in which the number of eligible persons who, in relation to the judicial office concerned, have expressed the interest referred to in *subsection (1)* is less than 3. 40
- (9) If the Commission cannot, in accordance with this Act, recommend to the Minister any names of persons to fill a judicial vacancy referred to in *subsection (1)*, the Minister shall request the Commission to seek expressions of interest on the part of

eligible persons who wish to be considered for appointment to such office at three-monthly intervals until such time as the Commission is satisfied, subject to *subsection (2)*, to recommend at least one person to the Minister to fill the judicial vacancy concerned.

(10) In this section “eligible person” means a person who the Commission is satisfied is qualified for appointment to the judicial office concerned by virtue of section 5 or 45A of the Act of 1961. 5

(11) In this section “eligible member” means a member of the Commission who the Commission is satisfied is qualified for appointment to the judicial office concerned by virtue of section 5 or 45A of the Act of 1961. 10

#### CHAPTER 4

#### *Supplemental provisions in relation to recommendation procedures*

##### **Statement of recommendation**

46. The Commission shall, in respect of each person whose name it recommends to the Minister, provide to the Minister a statement setting out the reasons the Commission is of opinion that the person is suitable for appointment to the judicial office concerned. 15

##### **Recommended persons to be considered first**

47. In advising the President in relation to the appointment of a person to a judicial office the Government shall firstly consider for appointment those persons whose names have been recommended to the Minister or, in the case of *section 45* the Government in accordance with the provisions of this Act. 20

##### **Application by member of Commission**

48. (1) Nothing in this Act shall be construed as requiring a member of the Commission who is eligible for appointment to any judicial office to make an application to the Commission to be considered for appointment to that judicial office. 25

(2) A person to whom *subsection (1)* applies may notify the secretary of the Government of his or her wish to be considered by the Government for appointment to any vacancy in any judicial office.

##### **Recommendation by Commission of name of Commission member**

49. (1) The name of a person may be the subject of a recommendation to the Minister by the Commission notwithstanding that the person is a member of the Commission, but this is without prejudice to the following provisions of this section. 30

(2) *Subsections (3) and (4)* have effect where a person, who is a member of the Commission, has made an application under *section 39* as respects a particular judicial office and a reference, in either subsection, to the particular function is a reference to the function of the Commission of selecting and recommending persons in relation to that judicial office. 35

- (3) The person shall take no part in the performance by the Commission of the particular function and, accordingly, shall neither attend any meeting of it held for the purpose of the performance of the particular function nor cast any vote in relation to any decision falling to be made by it for that purpose.
- (4) In a case to which *subsection (3)* applies, and the person to whom that subsection applies is— 5
- (a) a person referred to in *section 10(1)(d), (e), (h) or (i)*, or
- (b) a person who is a member of the Commission by virtue of *section 17(5) or (6)*,  
 whoever of the following is appropriate shall, notwithstanding anything in *section 10(1) or 17(5) or (6)*, be a member of the Commission for the purpose, and the purpose only, of the performance by it of the particular function, namely— 10
- (i) where the person to whom *subsection (3)* applies is the President of the Circuit Court or the person who is a member of the Commission by virtue of *section 17(5)* – the most senior ordinary judge of the Circuit Court available (excepting for this purpose any such judge who, as respects the particular judicial office, has made an application under *section 39*), 15
- (ii) where the person to whom *subsection (3)* applies is the President of the District Court or the person who is a member of the Commission by virtue of *section 17(6)* – the most senior judge of the District Court available (excepting for this purpose any such judge who, as respects the particular judicial office, has made an application under *section 39*), 20
- (iii) where the person to whom *subsection (3)* applies is the person who had been nominated to be a member of the Commission in accordance with *section 13(1)* – another practising barrister nominated by the chairperson of the General Council of the Bar of Ireland, 25
- (iv) where the person to whom *subsection (3)* applies is the person who had been nominated to be a member of the Commission in accordance with *section 13(2)* – another practising solicitor nominated by the President of the Law Society.

#### **Notice of appointment to be published**

50. Notice of an appointment to judicial office shall be published in *Iris Oifigiúil* and the notice shall, if it be the case, include a statement that the name of the person was— 30
- (a) recommended by the Commission to the Minister in accordance with the provisions of this Act, or
- (b) recommended to the Government under *section 45*,
- as the case may be. 35

#### **Vacancies in the Superior Courts**

51. (1) Notwithstanding any other provision of this Act, where the Government decides to advise the President to appoint any serving judge who is a member of any of the Superior Courts to any vacancy arising in those Courts, the Minister shall notify the

Commission of that decision and the Commission shall have no further function in relation to that appointment.

- (2) Where the Government has decided to advise the President to make an appointment in accordance with *subsection (1)*, the notice published in *Iris Oifigiúil* in accordance with *section 50* shall state solely that the person appointed was a serving judge of the relevant court at the time of his or her appointment. 5
- (3) In this section, the term “Superior Courts” means the High Court, the Court of Appeal and the Supreme Court.

### Statement to Houses of the Oireachtas

52. Within 30 days after the end of each year, the Minister shall cause to be laid before the Houses of the Oireachtas a statement of appointments to judicial office made by the President during the previous year (not being appointments made before the commencement of this section) and that statement shall include— 10
- (a) the name of each appointee and the judicial office to which he or she was appointed, 15
  - (b) particulars of the education, professional qualifications and experience of each appointee, and
  - (c) if it be the case in relation to a particular appointee, a statement that the appointee’s name was—
    - (i) recommended by the Commission to the Minister in accordance with the provisions of this Act, or 20
    - (ii) recommended to the Government under *section 45*.

as the case may be.

## PART 8

### STATEMENT OF SELECTION PROCEDURES AND REQUISITE SKILLS AND ATTRIBUTES, REVIEWS AND RECOMMENDATIONS 25

#### Interpretation (*Part 8*)

53. (1) In this Part—
- (a) a reference to selecting persons is a reference to selecting persons for the purpose of recommending them, under *Part 7*, to the Minister for appointment to judicial office; 30
  - (b) “requisite skills and attributes” means skills, competencies, personal attributes and characteristics that a person must possess in order that he or she may be considered to be suitable for selection (and the foregoing references to skills, and other matters, include those matters that, with any suitable adaptation, would be listed in the document commonly referred to as a “role profile”). 35

- (2) The power to prepare a statement of requisite skills and attributes under this Part includes a power to prepare different statements of requisite skills and attributes by reference to—
  - (a) different judicial offices, or
  - (b) in the case of judicial offices in the same court, different classes of business in that court that it is reasonably anticipated a particular appointee to such office would deal with. 5

**Selection procedures, and associated matters, to be subject of published statement**

- 54. (1) The procedures (in this Act referred to as the “selection procedures”) for selecting persons shall be such as, following compliance with *sections 55* and *56*, are set out in the published statement. 10
- (2) The published statement may set out different selection procedures in relation to appointments to—
  - (a) different judicial offices, and
  - (b) a particular judicial office where applicants already hold judicial office, 15
 and the subsequent provisions of this Part shall be construed and have effect in a manner that enables the setting out, in the published statement, of selection procedures that, in relation to the foregoing appointments, are different from one another.
- (3) In addition to the selection procedures, the published statement shall contain a statement of requisite skills and attributes which stands approved under *section 56*. 20

**Preparation of statements under this Part**

- 55. (1) Subject to the provisions of this section, the Procedures Committee shall, as soon as may be after the commencement of this section and from time to time thereafter when required by a subsequent provision of this Part to do so, prepare— 25
  - (a) a statement setting out the selection procedures, and
  - (b) a statement of requisite skills and attributes,
 and submit each of those statements to the Commission for its approval under *section 56*.
- (2) In the preparation of the statements referred to in *subsection (1)*, the Procedures Committee shall consult with the President of each court (save a President who is a member of that Committee). 30
- (3) However if none of the judicial offices in a particular court will be the subject of the particular statement concerned, then consultation, under *subsection (2)*, with the President of that court is not required in relation to that statement’s preparation. 35
- (4) In the preparation of the statements referred to in *subsection (1)*, the Procedures Committee may avail itself of the advice and expertise of any consultants or advisers appointed under *section 11(7)* by the Commission to assist it in the performance of its functions.

- (5) In the preparation of the statement referred to in *subsection (1)(a)*, the Procedures Committee shall ensure it is compliant with *section 7(1)* and may, amongst other matters, have regard to—
- (a) the critical importance of the selection procedures, in filling vacancies in judicial office, to the administration of justice, 5
  - (b) the need for adherence to recognised best practice standards in recruitment processes for judicial and other related offices,
  - (c) the objective that the membership of the judiciary in each of the courts should comprise equal numbers of men and women,
  - (d) the objective that the membership of the judiciary should reflect the diversity within the population as a whole, 10
  - (e) the need for the selection procedures to comprise comprehensive procedures, including provision for interviews and other selection tests, approaches and methods in line with the requirements of the vacancy or vacancies proposed to be filled, 15
  - (f) the objective that, consistent with the written statement most recently provided under *section 55(7)* to the Procedures Committee concerning the needs of the users of the courts in that regard, the membership of the judiciary should include persons with a proficiency in the Irish language,
  - (g) the need for the keeping of records in relation to each step of the selection procedures undertaken and the retention of documentation supplied to the Commission in the course thereof, 20
  - (h) the need for good standards of communication with applicants for judicial office, and the provision otherwise of a good standard of service to them in respect of applications made by them under this Act, and 25
  - (i) in the case of a statement referred to in *subsection (1)(a)* that is not the first such statement to be prepared by the Committee, any recommendations made under *section 58*.
- (6) In the preparation of the statement referred to in *subsection (1)(b)*, the Procedures Committee shall, amongst other matters, have regard to— 30
- (a) the independence required of holders of judicial office as respects the exercise by them of their functions as holders of such office,
  - (b) the critical importance of applicants for judicial office possessing a combination of—
    - (i) knowledge of the law, 35
    - (ii) an ability to conduct proceedings in a manner that ensures confidence by the public in the administration of justice and to make decisions in a manner that takes account of the need for the efficient discharge of court business, and
    - (iii) an appropriate awareness of the practical considerations that affect the experience of lay persons (whether as parties to proceedings, witnesses or others having an involvement with it) of the court system, 40

- (c) the need for applicants for judicial office to demonstrate that they will be in a position, allowing for any appropriate training that may first be required in that behalf, to discharge judicial business in branches of the law that may not have fallen within their previous area of knowledge (as a practising barrister or solicitor, legal academic or holder of another judicial office, as the case may be), and 5
- (d) in the case of a statement referred to in *subsection (1)(b)* that is not the first such statement prepared by the Committee, any recommendations made under *section 58*.
- (7) The Commission shall consult with the Courts Service for the purpose of keeping under review the needs of the users of the courts with respect to proceedings being conducted in the Irish language and shall, from time to time, provide a written statement to the Procedures Committee of matters that the Commission considers to be relevant to such needs of those users arising out of any such review and consultation. 15
- (8) In *subsection (6)* “legal academic” has the same meaning as it has in *Chapter 2 of Part 6*.

**Approval of statements by Commission**

- 56.** (1) The Commission shall consider each of the statements submitted to it under *section 55(1)* and may, subject to *subsection (3)*— 20
- (a) approve each of the statements,
  - (b) make such modifications to either of them as it considers appropriate and approve them as so modified, or
  - (c) refuse to approve them.
- (2) If the Commission refuses to approve the statements, the Procedures Committee shall prepare new statements of the kind referred to in *paragraphs (a) and (b) of subsection (1) of section 55*, and that subsection shall otherwise apply in those circumstances (together with the other provisions of that section). 25
- (3) The Commission shall consult with the Minister before exercising any of the powers under *subsection (1)(a) to (c)*. 30

**Publication of judicial selection (procedures and required competencies) statement**

- 57.** (1) If the Commission—
- (a) approves under *section 56(1)(a)* each of the statements submitted to it under *section 55(1)*, or
  - (b) approves under *section 56(1)(b)* each statement so submitted subject to modifications referred to in that provision, 35
- the Commission shall combine the statements in the one statement (which statement may contain such introductory comments of the Commission as it considers appropriate) and publish the statement on its website, and a statement so published

- shall be known as a “judicial selection (procedures and required competencies) statement” (in this Act referred to as the “published statement”).
- (2) The foregoing statement shall be so published within the period of 12 months from the commencement of this section or within such greater period (not exceeding 6 months from the expiry of that period of 12 months) as the Minister determines for the purposes of this subsection. 5
- (3) Where, at any time, the Commission decides that, in place of a foregoing statement standing so published at that time (including a statement standing so published by virtue of this subsection), there should stand so published another statement that combines statements submitted to it under *section 55(1)* and approved by it (in either of the ways referred to in *section 56(1)*), then— 10
- (a) it may give effect to that decision, and any such replacement statement shall also be known as a “judicial selection (procedures and required competencies) statement” (in this Act also referred to as the “published statement”), and
- (b) the publication of that statement under *subsection (1)* shall be accompanied by an indication of the fact that it replaces the other statement. 15
- (4) With a view to exercising its powers under *subsection (3)*, the Commission may request the Procedures Committee to perform its functions under *section 55*.

#### **Review by Procedures Committee and recommendations**

- 58.** (1) The Procedures Committee shall monitor and review— 20
- (a) the implementation of this Act including in particular—
- (i) the practical operation of the published statement,
- (ii) the diversity among candidates for judicial appointment,
- (iii) the effectiveness and application of the qualification requirements for appointment to judicial office and the requirements for selection and recommendation of persons for such appointment, 25
- (iv) the effectiveness of the administrative support provided by the Office to the Commission,
- (v) the adequacy of the functions assigned to the Commission,
- and 30
- (b) international developments in the selection and appointment of persons for judicial office, including any international instruments and conventions relevant to such selection and appointment.
- (2) The Procedures Committee may, or shall at the request of the Commission, commission research into qualification requirements for appointment to judicial office and the requirements for selection and recommendation of persons for such appointment. 35
- (3) A review under *subsection (1)* shall be conducted 2 years after the commencement of this section and thereafter, from time to time as the Commission so requests.

- (4) The Procedures Committee shall, following a review under *subsection (1)*, make a report to the Commission of its findings including any recommendations relating to the implementation of this Act including, but not limited to, recommendations relating to—
- (a) the published statement, 5
  - (b) procedures and processes for developing and strengthening diversity among candidates for judicial appointment,
  - (c) changes to the qualification requirements for appointment to judicial office and the requirements for selection and recommendation of persons for such appointment, 10
  - (d) ensuring the effectiveness of the administrative support provided by the Office to the Commission, and
  - (e) the functions assigned to the Commission.
- (5) The Commission shall, having considered any report and recommendations made to it under *subsection (4)*, submit the report and recommendations, together with its observations (if any) on those recommendations, to the Minister for his or her consideration. 15

## PART 9

### MISCELLANEOUS

#### **Dissolution of Judicial Appointments Advisory Board** 20

- 59.** (1) The Judicial Appointments Advisory Board is dissolved.
- (2) On the commencement of this section all records that, immediately before such commencement, were records of the Judicial Appointments Advisory Board shall be records of the Commission and shall, accordingly, be transferred to the Commission.
- (3) Any legal proceedings pending immediately before the commencement of this section to which the Judicial Appointments Advisory Board is a party shall be continued, with the substitution in the proceedings of the Commission for that Board. 25

#### **Amendment of section 22 of Standards in Public Office Act 2001**

- 60.** The Standards in Public Office Act 2001 is amended by the substitution of the following for section 22: 30
- “22.** (1) The Judicial Appointments Commission shall not recommend a person under the *Act of 2019* for appointment to judicial office unless the person has furnished to it the documents specified in subsection (3).
- (2) The Commission shall not recommend a person under *section 45* of the *Act of 2019* for appointment to judicial office unless the person has furnished to it the documents specified in subsection (3). 35
- (3) The documents are—

- (a) a tax clearance certificate issued to the person not more than 18 months before the date of the recommendation, and
  - (b) a statutory declaration made by the person not more than 3 months before that date to the effect that, at the time of the making of the declaration, the person is, to the best of his or her knowledge and belief, in compliance with the obligations specified in subsection (1) of section 25 and that nothing in subsection (2) of that section prevents the issue to him or her of a tax clearance certificate. 5
- (4) The Government shall not advise the President to appoint a person to a judicial office where the person was not recommended by the Commission under the *Act of 2019* unless the person has furnished to the Secretary General to the Government— 10
- (a) a tax clearance certificate that was issued to the person not more than 18 months before the date of the advice, and
  - (b) a statutory declaration made by the person not more than 3 months before that date to the effect specified in subsection (3)(b). 15
- (5) In this section—
- ‘*Act of 2019*’ means the *Judicial Appointments Commission Act 2019*;
- ‘judicial office’ has the same meaning as it has in the *Act of 2019*.’.

**Status of certain recommendations made by Judicial Appointments Advisory Board** 20

61. (1) This section applies to a recommendation that had been made, under section 16 of the Act of 1995, by the Judicial Appointments Advisory Board (the “Board”), before the dissolution referred to in *subsection (2)*, that a person be appointed to a particular judicial office (the “particular judicial office”).
- (2) No appointment of the person concerned to the particular judicial office shall be made, after the dissolution of the Board under *section 59*, on foot of a recommendation to which this section applies. 25

**Transitional provision in relation to Commission’s recommendation function**

62. (1) In a case to which *subsection (2)* applies, during the period of 12 months referred to in *subsection (2)* of *section 57* (or, if it be the case, the greater period that the Minister has determined for the purposes of that subsection) it shall be lawful, notwithstanding *section 35(2)*, for the Commission to recommend the name of a person to the Minister for appointment to a particular judicial office despite the fact that no statement of the kind referred to in *subsection (1)* of *section 57* stands published as mentioned in that provision, including, without limiting the foregoing, due to the circumstance (the “relevant circumstance”) that either statement referred to *section 57(1)(a)* or *(b)* has not been submitted or approved as mentioned in that provision. 30 35
- (2) This subsection applies to a case where, immediately before the making, under *section 38(b)*, of the invitation by the Commission that relates to the judicial office concerned, no statement of the kind referred to in *subsection (1)* of *section 57* stands 40

published as mentioned in that provision, including, without limiting the foregoing, due to the relevant circumstance.

- (3) Nothing in this section shall preclude the Commission, in a case to which *subsection (2)* applies, from indicating to applicants matters, being matters that are consistent with *section 55(5)* and *(6)*, to which it shall have regard in performing the function of the selection and recommendation of persons. 5

### **Prohibition on canvassing**

**63.** (1) In this section—

- (a) “applicant” means an applicant under *section 39* or a person who has expressed the interest referred to in *section 45(1)* and “application”, in relation to the second-mentioned person, means the steps under *section 45* to deal with that expression of interest and make a decision under that section whether to recommend his or her name to the Government; 10
- (b) “process” means the selection or recommendation of persons for appointment to judicial office (being the judicial office to which the applicant’s application relates) and any relevant steps that may be taken in consequence of such a recommendation being made; and 15
- (c) the reference to influencing improperly a decision of any person in the process shall be construed as a reference to influencing such a decision other than by means of the taking of any legitimate steps in the process, the effect of which may be to influence another. 20
- (2) An applicant shall not attempt, and shall not procure or counsel another to attempt, in either case whether directly or indirectly, to—
- (a) canvass, from any person involved in the process, support for the application of the applicant, 25
- (b) influence improperly a decision of any person in the process, or
- (c) otherwise interfere with or compromise the process in any way.
- (3) A person who contravenes *subsection (2)* shall be guilty of an offence and shall be liable, on summary conviction, to a class A fine.

### **Service of documents**

**64.** (1) A notice or other document that is required to be served on or given to a person under this Act shall be addressed to the person concerned by name and may be so served on or given to the person in one of the following ways: 30

- (a) by delivering it in person;
- (b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address; or 35
- (c) by sending it by post in a pre-paid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address.

- (2) For the purposes of this section, a company formed and registered under the Companies Act 2014 or an existing company within the meaning of that Act shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.

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## SCHEDULE

### *Section 10*

#### JUDICIAL APPOINTMENTS COMMISSION

1. The Commission shall be a body corporate with perpetual succession and an official seal and shall have power to sue, and may be sued, in its corporate name and shall, with the consent of the Minister and the Minister for Public Expenditure and Reform have the power to acquire, hold and dispose of land or an interest in land, and shall have the power to acquire, hold and dispose of any other property. 5
2. The seal of the Commission shall be authenticated by the signatures of—
  - (a) the chairperson or another member of the Commission authorised by it to act in that behalf, and 10
  - (b) the Director or a member of staff of the Office authorised by the Commission.
3. Judicial notice shall be taken of the seal of the Commission and any document purporting to be an instrument made by, and to be sealed with the seal of, the Commission shall, unless the contrary is proved, be received in evidence and be deemed to be such instrument without further proof. 15
4. Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Commission by any person generally or specially authorised by the Commission in that behalf. 20
5. (1) Where a member of the Commission or the Director is—
  - (a) nominated as a member of Seanad Éireann,
  - (b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament, 25
  - (c) regarded pursuant to Part XIII of the Second Schedule to the Act of 1997 as having been elected to that Parliament, or
  - (d) is elected or co-opted as a member of a local authority,he or she shall thereupon cease to be a member of the Commission or Director as the case may be. 30
- (2) Where a member of staff of the Office is—
  - (a) nominated as a member of Seanad Éireann,
  - (b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament,
  - (c) regarded pursuant to Part XIII of the Second Schedule to the Act of 1997 as having been elected to that Parliament, or 35
  - (d) is elected or co-opted as a member of a local authority,he or she shall thereupon stand seconded from that employment and shall not be paid by, or entitled to receive from, the Commission any remuneration or allowances in respect of the period commencing on such nomination, election or 40

co-option, or when he or she is regarded as having been elected or co-opted, as the case may be, and ending when such person ceases to be a member of either House, the Parliament or a member of the local authority, as the case may be.

(3) A person who is for the time being—

(a) entitled under the Standing Orders of either House of the Oireachtas to sit therein, 5

(b) a member of the European Parliament, or

(c) entitled under the standing orders of a local authority to sit as a member thereof,

shall, while he or she is so entitled as mentioned in *clause (a)* or *(c)* or is such a member as mentioned in *clause (b)*, be disqualified for membership of the Commission or for employment in any capacity by the Commission or the Office. 10

(4) In this paragraph—

“Act of 1997” means the European Parliament Elections Act 1997;

“local authority” means a local authority within the meaning of section 2 (as amended by Part 1 of Schedule 1 to the Local Government Reform Act 2014) of the Local Government Act 2001. 15



# BILLE

*dá ngairtear*

Acht do bhunú comhlacht ar a dtabharfar an Coimisiún um Cheapacháin Bhreithiúnacha nó, sa Bhéarla, *the Judicial Appointments Commission*; do dhéanamh socrú maidir leis an gcomhlacht sin do dhéanamh moltaí i leith ceapacháin chun oifigí breithiúnacha áirithe; do dhéanamh socrú go mbeidh daoine de chineál tuata, chomh maith le breithiúna agus dlí-chleachtóirí, ina gcomhaltaí den chomhlacht sin; do leasú na gceanglas cáilíochta le haghaidh ceapachán chun oifige breithiúnaí; dá chumasú, trí nósanna imeachta eile, moltaí a dhéanamh i leith ceapacháin chun oifigí breithiúnacha sinsearach nach dtagann faoi chúram an chomhlachta sin a luadh roimhe seo; do bhunú Oifig an Choimisiúin um Cheapacháin Bhreithiúnacha; do dhíscaoileadh an Bhoird Chomhairligh um Cheapacháin Bhreithiúnacha; chun na geríoch sin agus chun críoch eile do leasú nó d'aisghairm forálacha áirithe d'Acht na gCúirteanna agus na nOifigeach Cúirte, 1995 agus d'Acht na gCúirteanna (Forálacha Forlíontacha), 1961 agus do dhéanamh socrú maidir le leasú iarmhartach a dhéanamh ar achtacháin áirithe eile; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

## ATHCHLÓ RIARACHÁIN

*Bille Dála arna leasú i gCoiste ag Seanad Éireann,*

10 Iúil, 2019

# BILL

*entitled*

An Act to establish a body to be known as *an Coimisiún um Cheapacháin Bhreithiúnacha* or, in the English language, the Judicial Appointments Commission; to provide for the making, by that body, of recommendations in respect of appointments to certain judicial offices; to make provision for persons of a lay character, as well as judges and legal practitioners, to be members of that body; to amend the qualification requirements for appointment to judicial office; to enable, through other procedures, the making of recommendations in respect of appointments to senior judicial offices that do not fall within the remit of the foregoing body; to establish a Judicial Appointments Commission Office; to dissolve the Judicial Appointments Advisory Board; for those and other purposes to amend or repeal certain provisions of the Courts and Court Officers Act 1995 and the Courts (Supplemental Provisions) Act 1961 and to provide for the consequential amendment of certain other enactments; and to provide for related matters.

## ADMINISTRATIVE REPRINT

*Dáil Bill as amended in Committee by Seanad Éireann,*

10th July, 2019

This administrative reprint incorporates amendments made at Committee Stage by Seanad Éireann. It has been produced for ease of reference only, given that amendments made by Seanad Éireann to a Bill initiated in Dáil Éireann cannot have legislative effect unless agreed to by Dáil Éireann.