



**An Bille um Dhliteanas Sibhialta agus Cúirteanna
(Leasú), 2019**

Civil Liability and Courts (Amendment) Bill 2019

*Meabhrán Míitheach
Explanatory Memorandum*



**AN BILLE UM DHLITEANAS SIBHIALTA AGUS CÚIRTEANNA
(LEASÚ), 2019
CIVIL LIABILITY AND COURTS (AMENDMENT) BILL 2019**

EXPLANATORY MEMORANDUM

Purposes of the Bill

The purpose of the Bill is to increase the penalties for those found guilty of an offence under Section 26 of the Civil Liability and Courts Act 2004 which deals with fraudulent actions. This amendment Bill states that where a person's case has been dismissed pursuant of Section 26 of the Civil Liability and Courts Act 2004 that the plaintiff must pay the legal expenses of the defendant. The Bill does permit Judges to have discretion however. The Bill also increases the fine the District Court can hand out from the current €3,000 to the maximum permitted by the District Court which is a class A fine. A class A fine currently stands at €5,000.

Provisions of the Bill

Section 1 makes two amendments to the Civil Liability and Courts Act 2004. Firstly it inserts subsection 2A to Section 26 of the Act which deals with fraudulent actions. The inserted subsection stipulates that a court shall make an order that the plaintiff shall pay the legal costs of the defendant, unless the court believes that to do so would do an injustice. Secondly, this Section inserts subsection (3) to Section 29 of the 2004 Act which increases the maximum fine the District Court can hand out for offences under the 2004 Act from €3,000 to a class A fine. A class A fine currently stands at €5,000.

Section 2 makes changes to the Criminal Justice Act 1951 consistent with the subsection (3) Section 29 which is inserted in Section 2 above. This increases the maximum fine the District Court can hand out from €3,000 to a class A fine (being €5,000).

Section 3 gives the Minister for Justice and Equality the power to commence this Act.

Michael McGrath TD
Aibreán, 2019.

