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**An Bille um Chúirteanna agus an Dlí Sibhialta (Forálacha Ilghnéitheacha),  
2022**

**Courts and Civil Law (Miscellaneous Provisions) Bill 2022**

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*Mar a ritheadh ag Dáil Éireann*

*As passed by Dáil Éireann*

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**AN BILLE UM CHÚIRTEANNA AGUS AN DLÍ SIBHIALTA (FORÁLACHA  
ILGHNÉITHEACHA), 2022  
COURTS AND CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL 2022**

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*Mar a ritheadh ag Dáil Éireann  
As passed by Dáil Éireann*

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AN BILLE UM CHÚIRTEANNA AGUS AN DLÍ SIBHIALTA (FORÁLACHA  
ILGHNÉITHEACHA), 2022  
COURTS AND CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL 2022

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# Bill

*entitled*

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An Act to make provision in relation to the grant of certificates of naturalisation and the authentication of certificates of nationality, and for those and other purposes to amend the Irish Nationality and Citizenship Act 1956; to amend the Civil Liability Act 1961 to enable the Minister for Justice to make regulations in relation to the specification of an index by reference to which the amount of a payment under a periodic payments order is to be adjusted annually; to make provision for the designation of a court office for the purpose of empanelling and summoning jurors, and for that purpose to amend the Juries Act 1976; to amend certain procedures relating to the bankruptcy process, and for that and related purposes to amend the Bankruptcy Act 1988; to amend the Occupiers' Liability Act 1995; to provide for the disposal of part of the funds of suitors of the Circuit Court and the funds of suitors of the District Court vested in the Accountant of the Courts of Justice, and for that and other purposes to amend the Civil Liability and Courts Act 2004; to amend certain provisions of the Legal Services Regulation Act 2015, including for the purpose of making further provision in relation to the levy to be paid under that Act and the roll of practising barristers; to amend the International Protection Act 2015; to provide for the Data Protection Commission to issue a reprimand to a controller or processor in certain circumstances and to provide for the District Court to have jurisdiction, concurrently with the Circuit Court and the High Court, to hear and determine an action taken by a data subject in respect of his or her rights under the Data Protection Regulation and, for those and other purposes, to amend the Data Protection Act 2018; to provide for the temporary replacement of a member of the Complaints Review Committee of the Judicial Council, and for that and other purposes to amend the Judicial Council Act 2019; to make provision for the designation of centralised court offices, the specification of court office business to be transacted in such offices and related matters; to make provision for the maintenance of certain registers in electronic form; to provide for the appointment of registrars to the Special Criminal Court by the Courts Service, and for that purpose to amend the Offences against the State Act 1939; to provide for an offence of obstruction or interference with a sheriff, and for that purpose to amend the Court Officers Act 1945; and for those and

other purposes to amend the Court Officers Act 1926, the Courts of Justice Act 1936, the Courts (Supplemental Provisions) Act 1961, the Courts Act 1964, the Civil Legal Aid Act 1995, the Courts Service Act 1998, the Gaming and Lotteries Act 1956, the Guardianship of Infants Act 1964, the Succession Act 1965, the Immigration Act 2004, the Arbitration Act 2010, the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 and the Garda Síochána (Functions and Operational Areas) Act 2022. 5

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

## PART 1

### PRELIMINARY AND GENERAL

#### **Short title, collective citation and commencement** 10

1. (1) This Act may be cited as the Courts and Civil Law (Miscellaneous Provisions) Act 2023.
- (2) The Civil Liability Acts 1961 to 2017 and *Part 3* may be cited together as the Civil Liability Acts 1961 to 2023.
- (3) The Bankruptcy Acts 1988 to 2015 and *Part 5* may be cited together as the Bankruptcy Acts 1988 to 2023. 15
- (4) This Act shall come into operation on such day or days as may be appointed by order or orders made by the Minister for Justice, either generally or by reference to any particular purpose or provision, and different days may be so appointed for different purposes or different provisions. 20

## PART 2

### AMENDMENT OF IRISH NATIONALITY AND CITIZENSHIP ACT 1956

#### **Definition (*Part 2*)**

2. In this Part, “Act of 1956” means the Irish Nationality and Citizenship Act 1956.

#### **Amendment of section 2 of Act of 1956** 25

3. Section 2 of the Act of 1956 is amended by the insertion of the following definition:

“ ‘citizenship ceremony’ means a ceremony held—

- (a) before a judge, or a retired judge, of the District Court, Circuit Court, Court of Appeal, High Court or Supreme Court or such other person as may be designated for that purpose by the Minister, and 30
- (b) at a place and in a form approved by the Minister,

at which an applicant makes the declaration and gives the undertaking in accordance with section 15(1)(e), section 15A(1)(h) or section 15B(1)(d),

as the case may be;”.

**Amendment of section 6B of Act of 1956**

4. Section 6B(4) of the Act of 1956 is amended, in paragraph (c), by the substitution of “subsection (1) of section 16 of the International Protection Act 2015” for “subsection (2) of section 9 (amended by section 7(c)(i) of the Act of 2003) of the Act of 1996”. 5

**Amendment of section 7 of Act of 1956**

5. Section 7 of the Act of 1956 is amended—

(a) in subsection (3A), by the substitution of “in” for “on”, and

(b) by the insertion of the following subsections after subsection (3A):

“(3B) A person born outside the island of Ireland, other than a person to whom subsection (3)(b) applies, who derives citizenship through a parent who— 10

(a) was born in the island of Ireland, and

(b) at the time of the person’s birth was abroad in the public service,

shall be deemed to have been born in the island of Ireland for the purposes of this section. 15

(3C) Subsection (3B) shall apply to a person born before or after the coming into operation of *section 5 of the Courts and Civil Law (Miscellaneous Provisions) Act 2023*.”.

**Amendment of section 15 of Act of 1956**

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6. Section 15 of the Act of 1956 is amended—

(a) in subsection (1)—

(i) by the substitution of the following paragraph for paragraph (a):

“(a) is of full age;”,

and

25

(ii) in paragraph (e)(ii), by the substitution of “undertaken, in the prescribed manner,” for “undertaken”,

(b) in subsection (2), by the substitution of “subsection (1) and paragraphs (a) to (d) of section 15B(1)” for “subsection (1)”, and

(c) by the deletion of subsections (3) and (4).

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**Amendment of section 15A of Act of 1956**

7. Section 15A(1) of the Act of 1956 is amended, in paragraph (h)(ii), by the substitution of “undertaken, in the prescribed manner,” for “undertaken”.

## Naturalisation of minors born in State and other matters

8. The Act of 1956 is amended by the insertion of the following sections after section 15A:

### “Naturalisation of minors born in State

- 15B.** (1) Upon receipt of an application under this section for a certificate of naturalisation in respect of a minor, the Minister may, in his or her absolute discretion, grant the application if satisfied that the minor— 5
- (a) was born in the State,
  - (b) subject to subsection (2), is of good character,
  - (c) has had a period of one year’s continuous residence in the State immediately before the date of the application and, during the eight 10 years immediately preceding that period, has had a total residence in the State amounting to two years, and
  - (d) subject to subsection (3), has, before a judge of the District Court in open court, in a citizenship ceremony or in such manner as the Minister, for special reasons allows— 15
    - (i) made a declaration, in the prescribed manner, of fidelity to the nation and loyalty to the State, and
    - (ii) undertaken, in the prescribed manner, to faithfully observe the laws of the State and to respect its democratic values.
- (2) Where a minor is under 14 years of age on the date of his or her application under this section for a certificate of naturalisation, the condition at paragraph (b) of subsection (1) shall apply to him or her only where he or she— 20
- (a) is charged with, and is awaiting trial for, or
  - (b) is or has been convicted of, 25
    - murder, manslaughter, rape, rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990 or aggravated sexual assault within the meaning of section 3 of that Act.
- (3) The condition at paragraph (d) of subsection (1) shall not apply to a minor who is under 14 years of age on the date of the application for a certificate of naturalisation. 30
- (4) The Minister may, in his or her absolute discretion, waive the conditions at paragraph (b) or (d), or both, of subsection (1) in respect of a minor who is 14 years of age or over on the date of the application for a certificate of naturalisation, if the Minister considers it appropriate to do so having regard to the particular circumstances of the minor concerned. 35
- (5) An application under this section in respect of a minor shall be made on behalf of the minor by his or her parent or guardian, or by a person who is in *loco parentis* to him or her. 40

**Calculation of continuous residence for purposes of sections 15, 15A and 15B**

- 15C.** (1) When calculating a period of one year's continuous residence in the State for the purposes of section 15 or 15B, the periods specified in subsection (3) during which— 5
- (a) an applicant for a certificate of naturalisation under section 15, or
  - (b) a minor (in this section referred to as a 'minor applicant') in respect of whom an application for a certificate of naturalisation is made under section 15B,
- was not present in the State shall be reckoned as a period of residence in the State. 10
- (2) When calculating a period of one year's continuous residence in the island of Ireland for the purposes of section 15A, the periods specified in subsection (3) during which an applicant for a certificate of naturalisation under that section was not present in the island of Ireland shall, subject to subsection (4), be reckoned as a period of residence in the island of Ireland. 15
- (3) The following periods are specified for the purposes of subsections (1) and (2):
- (a) a period not exceeding, or periods the aggregate of which do not exceed, 70 days, and 20
  - (b) an additional period not exceeding, or such additional periods the aggregate of which do not exceed, 30 days, where the Minister is satisfied that the person's not being present in the State or in the island of Ireland, as the case may be, during such additional period or periods was necessitated by— 25
    - (i) in the case of a minor applicant, exceptional circumstances relating to the minor applicant, or the person who made the application on his or her behalf, or both, and
    - (ii) in any other case, exceptional circumstances relating to the person. 30
- (4) Where section 15A(4) applies to an applicant for a certificate of naturalisation, the periods specified in subsection (3) shall be in addition to any period of residence outside the island of Ireland referred to in section 15A(4). 35
- (5) In this section—
- 'day' does not include part of a day;
  - 'exceptional circumstances', in relation to a person not being in the State or the island of Ireland, means one or more of the following: 40
    - (a) the family or personal circumstances of the person;

- (b) the health requirements of the person or of a family member of the person;
  - (c) requirements arising out of, or in the course of, the employment, trade or profession of the person;
  - (d) requirements in pursuance of a course of study or a professional qualification of the person; 5
  - (e) any voluntary service by the person for humanitarian purposes;
  - (f) such other circumstances resulting in the person's not being present in the State or in the island of Ireland, as the case may be, as the Minister considers to be outside the control of the person; 10
- 'family member', in relation to a person, means—
- (a) the spouse, civil partner or cohabitant of the person,
  - (b) a child, step-child, son-in-law or daughter-in-law of the person,
  - (c) a parent, step-parent, mother-in-law or father-in-law of the person,
  - (d) a brother, sister, step-brother, step-sister, brother-in-law, sister-in-law, half-brother or half-sister of the person, 15
  - (e) a grandparent or grandchild of the person, or
  - (f) an aunt, uncle, nephew or niece of the person.

**Saver for certificates of naturalisation**

**15D.** A certificate of naturalisation granted under this Act before the coming into operation of *sections 6, 7 and 8 of the Courts and Civil Law (Miscellaneous Provisions) Act 2023* shall be valid so long as the certificate remains unrevoked. 20

**Transitional provisions relating to applications for certificates of naturalisation** 25

**15E.** (1) Where, before the date on which this subsection comes into operation, an application for a certificate of naturalisation has been made—

- (a) under section 15 in respect of a person who is of full age, or
- (b) under section 15A in respect of a non-national spouse or civil partner of an Irish citizen, 30

and, by that date, the application has not been determined under section 15 or section 15A, as the case may be, the application shall be deemed to have been made under section 15 (as amended by *section 6 of the Courts and Civil Law (Miscellaneous Provisions) Act 2023*) or 15A (as amended by *section 7 of the Courts and Civil Law (Miscellaneous Provisions) Act 2023*), as the case may be, and this Act shall apply accordingly. 35

(2) Where, before the date on which this subsection comes into operation, an application for a certificate of naturalisation has been made under section 15 on behalf of a minor and, by that date, the application has 40

not been determined, the application shall be deemed to have been made on behalf of that minor under section 15B (inserted by *section 8* of the *Courts and Civil Law (Miscellaneous Provisions) Act 2023*) and this Act shall apply accordingly.”.

**Amendment of section 16A of Act of 1956** 5

9. Section 16A(1) of the Act of 1956 is amended, in paragraph (c), by the substitution of “subsection (1) of section 16 of the International Protection Act 2015” for “subsection (2) of section 9 (amended by section 7(c)(i) of the Act of 2003) of the Act of 1996”.

**Amendment of section 28 of Act of 1956**

10. Section 28(2) of the Act of 1956 is amended by the substitution of “consular officer, or by the signature of an officer of the Minister duly authorised in that behalf by the Minister,” for “consular officer”. 10

PART 3

AMENDMENT OF CIVIL LIABILITY ACT 1961

**Definition (*Part 3*)** 15

11. In this Part, “Act of 1961” means the Civil Liability Act 1961.

**Amendment of section 51H of Act of 1961**

12. Section 51H of the Act of 1961 is amended by the insertion of the following definition:

“ ‘periodic payments index’ has the meaning assigned to it by section 51L(1);”. 20

**Amendment of section 51I of Act of 1961**

13. Section 51I(6) of the Act of 1961 is amended—

(a) in paragraph (g), by the substitution of “periodic payments index” for “Harmonised Index of Consumer Prices as published by the Central Statistics Office or such other index as may be specified by the Minister under section 51L,”, and 25

(b) in paragraph (h)(iv), by the substitution of “periodic payments index” for “Harmonised Index of Consumer Prices as published by the Central Statistics Office or such other index as may be specified by the Minister under section 51L,”. 30

**Amendment of section 51J of Act of 1961**

14. Section 51J(3) of the Act of 1961 is amended, in paragraph (b), by the substitution of “periodic payments index” for “Harmonised Index of Consumer Prices as published by the Central Statistics Office or such other index as may be specified by the Minister

under section 51L”.

**Amendment of section 51K of Act of 1961**

15. Section 51K(3) of the Act of 1961 is amended, in paragraph (c), by the substitution of “periodic payments index” for “Harmonised Index of Consumer Prices as published by the Central Statistics Office or such other index as may be specified by the Minister under section 51L”. 5

**Indexation of periodic payments**

16. The Act of 1961 is amended by the substitution of the following section for section 51L:

“51L.(1) A periodic payments order shall provide for the amount of a payment under the order to be adjusted annually by reference to an index specified in regulations made under subsection (2) (in this Part referred to as a ‘periodic payments index’). 10

(2) The Minister shall, with the consent of the Minister for Finance, make regulations specifying an index for the purposes of this section and without prejudice to the generality of the foregoing, regulations under this section may make provision for the following matters: 15

(a) the specification of different indices for different goods and services in respect of which a periodic payments order may be made;

(b) a fixed percentage increase for the purposes of providing that the amount of a payment under a periodic payments order reflects the rate of inflation, including wage inflation, in the State; 20

(c) such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations. 25

(3) The Minister shall, in making regulations under subsection (2), have regard to—

(a) the relevance of the goods and services on which an index is based to the loss or expenditure, including cost of care and medical expenses, for which plaintiffs who are the subject of periodic payments orders are compensated, 30

(b) the body calculating the index,

(c) whether or not the index is accessible at the same time or times each year, and

(d) the reliability of the index over time. 35

(4) The Minister shall, not more than 5 years after the coming into operation of this section, carry out a review (in this section referred to as an ‘initial review’) of the application of the periodic payments index in order to determine the suitability of that index for the



purposes of the annual adjustment of the amount of payments provided for under periodic payments orders.

- (5) The Minister shall, not more than 5 years after the initial review or where he or she considers it appropriate to do so, carry out a review of the application of the periodic payments index for the purpose referred to in subsection (4). 5
- (6) Every regulation under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House sits after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder. 10
- (7) The periodic payments index shall apply to an annual adjustment of the amount of a payment to be made under a periodic payments order where the annual adjustment is made on or after the date of the coming into operation of *Part 3 of the Courts and Civil Law (Miscellaneous Provisions) Act 2023*.”. 15

## PART 4

### AMENDMENT OF JURIES ACT 1976

#### **Definition (*Part 4*)** 20

17. In this Part, “Act of 1976” means the Juries Act 1976.

#### **Amendment of section 2 of Act of 1976**

18. Section 2(1) of the Act of 1976 is amended by the insertion of the following definitions:

“ ‘court office’ has the same meaning as it has in section 13 of the Courts and Court Officers Act 2009; 25

‘designated court office’ means the court office standing designated pursuant to section 4A;

‘relevant member of staff’ means a member of the staff of the Courts Service for the time being assigned to the designated court office;”.

#### **Designated court office** 30

19. The Act of 1976 is amended by the insertion, in Part 1, of the following section after section 4:

“4A. (1) The Courts Service may designate a court office as the designated court office for the purposes of this Act.

(2) The Courts Service may, at any time after designating a court office under subsection (1), revoke that designation. 35

- (3) There shall be employed in a designated court office such and so many members of the staff of the Courts Service as the Courts Service shall from time to time determine.
- (4) The Courts Service shall, as soon as may be after it designates a court office under this section or revokes such a designation, publish notice of that fact in *Iris Oifigiúil*, but failure to so publish shall not affect the validity of the designation or revocation of the court office concerned.”. 5

**Amendment of section 9 of Act of 1976**

- 20. Section 9 of the Act of 1976 is amended— 10
  - (a) in subsection (1), by the substitution of “who has been summoned” for “whom he has summoned”, and
  - (b) in subsection (2), by the substitution of “who has been summoned” for “whom he has summoned”.

**Amendment of section 10 of Act of 1976**

- 21. The Act of 1976 is amended by the substitution of the following section for section 10: 15
  - “10. For the purpose of enabling a relevant member of staff authorised in that behalf by the Chief Executive Officer of the Courts Service to empanel and summon jurors, each county council, city council and city and county council, as registration authority (within the meaning of section 6 of the Electoral Act 1992), shall as soon as practicable after the publication of each register of Dáil electors for the county, city or city and county deliver to the designated court office such number of copies of the register as the designated court office may require.”. 20

**Amendment of section 11 of Act of 1976**

- 22. The Act of 1976 is amended by the substitution of the following section for section 11: 25
  - “11. A relevant member of staff duly authorised in that behalf by the Chief Executive Officer of the Courts Service, using a procedure of random or other non-discriminatory selection, shall draw up a panel of jurors for one or more courts within each jury district from the register or registers relating to the jury district concerned delivered to the designated court office under section 10 (omitting persons whom he or she knows or believes not to be qualified as jurors).” 30

**Amendment of section 12 of Act of 1976**

- 23. Section 12 of the Act of 1976 is amended— 35
  - (a) by the substitution of the following subsection for subsection (1):
    - “(1) A relevant member of staff authorised in that behalf by the Chief Executive Officer of the Courts Service shall cause a summons in

writing and in both the Irish and English languages, in such form as the Minister may by regulations prescribe, to be served on every person who has been selected as a juror pursuant to section 11 requiring the person—

- (a) to attend as a juror at the court in question or other place specified in the summons for the reception of jurors on the day and at the time specified in the summons, and 5
- (b) to thereafter attend at that court or place, as the case may be, or such other court or place as the court may direct, at such times as are directed by— 10
  - (i) the court, or
  - (ii) a relevant member of staff, where the member of staff is authorised to do so by the court.”,

and

- (b) in subsection (2), by the substitution of “the county registrar for the jury district in which the court in question is located” for “the county registrar”. 15

#### **Amendment of section 13 of Act of 1976**

**24.** Section 13(3) of the Act of 1976 is amended—

- (a) by the substitution of the following paragraph for paragraph (a):

- “(a) where the summons was issued prior to the coming into operation of *section 24 of the Courts and Civil Law (Miscellaneous Provisions) Act 2023*— 20
  - (i) a certificate by the county registrar or an officer acting on his or her behalf that the registrar or officer posted a letter containing the summons addressed as provided in subsection (2) shall be evidence of the fact so certified, and 25
  - (ii) a certificate by the county registrar or an officer acting on his or her behalf or a member of the Garda Síochána that he or she personally delivered the summons to the juror on a specified date shall be evidence of the fact so certified,” 30

and

- (b) by the substitution of the following paragraph for paragraph (b):

- “(b) where the summons was issued after the coming into operation of *section 24 of the Courts and Civil Law (Miscellaneous Provisions) Act 2023*— 35
  - (i) a certificate by a relevant member of staff that the member of staff posted a letter containing the summons addressed as provided in subsection (2) shall be evidence of the fact so certified, and

- (ii) a certificate by a relevant member of staff or a member of the Garda Síochána that he or she personally delivered the summons to the juror on a specified date shall be evidence of the fact so certified,  
and”.

5

**Amendment of section 14 of Act of 1976**

25. Section 14(1) of the Act of 1976 is amended by the substitution of “a relevant member of staff of Courts Service duly authorised in that behalf by the Chief Executive of the Courts Service” for “the county registrar”.

**Amendment of section 16 of Act of 1976**

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26. Section 16(1) of the Act of 1976 is amended by the substitution of “the designated court office” for “the county registrar”.

**Amendment of section 22 of Act of 1976**

27. Section 22(3) of the Act of 1976 is amended by the substitution of “the Courts Service” for “the county registrar or other officer acting as registrar to the court during the trial”.

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**Repeal of section 27 of Act of 1976**

28. Section 27 of the Act of 1976 is repealed.

**Amendment of section 35 of Act of 1976**

29. Section 35 of the Act of 1976 is amended by the substitution of the following subsection for subsection (1)—

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“(1) If any person who has been duly summoned as a juror makes or causes or permits to be made on his behalf a false representation to—

- (a) the county registrar or any person acting on his behalf,
- (b) a relevant member of staff, or
- (c) a judge,

25

with the intention of evading jury service, he or she shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €500.”.

**PART 5**

**AMENDMENT OF BANKRUPTCY ACT 1988**

30

**Definition (*Part 5*)**

30. In this Part, “Act of 1988” means the Bankruptcy Act 1988.

**Amendment of section 3 of Act of 1988**

31. Section 3 of the Act of 1988 is amended, in paragraph (ii) of the definition of “Bankruptcy Inspector”, by the substitution of “a position” for “the position”.

**Amendment of section 11 of Act of 1988**

32. Section 11(1) of the Act of 1988 is amended by— 5

(a) the substitution of the following paragraph for paragraph (d):

“(d) (i) the debtor’s centre of main interests is situated in the State,

(ii) the debtor’s centre of main interests is situated in another member state and the debtor has an establishment within the State, or 10

(iii) the Insolvency Regulation<sup>1</sup> does not apply to the proceedings, and the debtor (whether an Irish citizen or not)—

(I) is domiciled in the State, or

(II) within 3 years before the date of the presentation of the petition— 15

(A) has ordinarily resided or had a dwelling-house or place of business in the State,

(B) has carried on business in the State personally or by means of an agent or manager, or

(C) is, or within the said period has been, a member of a partnership which has carried on business in the State by means of a partner, agent or manager.”, 20

and

(b) the insertion of the following subsection after subsection (5):

“(6) For the purposes of this section, ‘centre of main interests’ shall be construed in accordance with the Insolvency Regulation.”. 25

**Amendment of section 17 of Act of 1988**

33. Section 17 of the Act of 1988 is amended by the substitution of the following subsection for subsection (2):

“(2) The Court shall cause notice of the adjudication to be given as soon as may be by the publication of the notice on the website of the Insolvency Service of Ireland.”. 30

**Amendment of section 56 of Act of 1988**

34. Section 56 of the Act of 1988 is amended—

(a) in subsection (1), by the deletion of the words “with the leave of the Court and”, 35

<sup>1</sup> OJ No. L 141, 5.6.2015, p. 19

(b) by the insertion of the following subsection after subsection (1):

“(1A) The Official Assignee shall give notice in writing of the disclaimer to each person who, to the Official Assignee’s knowledge at the time of the disclaimer—

- (a) has an interest in the disclaimed property (including any person who is in occupation of, or claims a right to occupy, the property as that person’s principal private residence, as defined in section 2 of the Personal Insolvency Act 2012, subject to the modification that a reference to the debtor shall be taken as a reference to that person), or
- (b) is under a liability not discharged by this Act in respect of the disclaimed property.”,

and

(c) by the substitution of the following subsection for subsection (4):

- “(4) The Court may, on application by—
- (a) the Official Assignee, at any time, or
  - (b) any person to whom subsection (1A) applies, before the end of the period of 28 days beginning on the day on which notice was given, give such directions and make such other order in the matter as the Court thinks just.”.

### **Statement of affairs**

35. The Act of 1988 is amended by the insertion of the following section after section 61:

- “61A. (1) A debtor or a bankrupt, when completing a statement of affairs, shall make full and honest disclosure of his or her financial affairs and ensure that, to the best of his or her knowledge, the statement of affairs is true, accurate and complete.
- (2) Unless the Court otherwise directs, a debtor or bankrupt shall not file a statement of affairs with the Court unless the statement of affairs has been stamped, electronically or otherwise, by the Official Assignee.
- (3) The Official Assignee may refuse to stamp a statement of affairs for the purposes of subsection (2) where he or she is not satisfied that the statement of affairs is true, accurate and complete.
- (4) The Official Assignee may carry out such checks or make such enquiries as he or she considers necessary or appropriate to verify the truth, accuracy and completeness of any matter referred to in a statement of affairs.”.

### **Provision of information to Official Assignee**

36. The Act of 1988 is amended by the insertion of the following section after section 61:

- “61B.** (1) The Official Assignee may make such enquiries of, and request such information from, a person as the Official Assignee considers to be necessary and proportionate for the performance by him or her of his or her functions under section 61.
- (2) A person of whom an enquiry or a request under subsection (1) is made shall provide the information the subject of the enquiry or request to the Official Assignee within such time as may be specified by the Official Assignee. 5
- (3) In this section and section 61A—
- ‘Act of 2018’ means the Data Protection Act 2018; 10
- ‘Article 10 data’ means personal data referred to in Article 10 of the General Data Protection Regulation;
- ‘General Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>2</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC; 15
- ‘information’ includes personal data, special categories of personal data and Article 10 data;
- ‘personal data’ has the same meaning as it has in the General Data Protection Regulation; 20
- ‘special categories of personal data’ has the same meaning as it has in the Act of 2018.”.

**Amendment of section 82 of Act of 1988**

- 37.** Section 82 of the Act of 1988 is amended— 25
- (a) by the substitution of the following subsection for subsection (2):
- “(2) The Official Assignee shall—
- (a) within four working days of the filing under subsection (1), cause notice of the filing to be given to the creditors concerned by the publication of the notice on the website of the Insolvency Service, or in such other manner as the Minister may, by regulation, prescribe, and 30
- (b) within four working days of the publication of the notice under paragraph (a), provide, by a notice in such form as the Minister may by regulation prescribe, particulars to the creditors concerned of how it is proposed to distribute the estate.”. 35
- (b) by the insertion of the following subsection after subsection (2):
- “(2A) The Official Assignee shall distribute the estate in the manner set out in the particulars provided under subsection (2)(b) no earlier than 15

days after the provision of such particulars but no such distribution shall be made without leave of the Court where an application under subsection (3) has been made by a creditor.”,

(c) by the substitution of the following subsection for subsection (3):

“(3) The Court may, on the application of a creditor, make such order as it thinks fit in respect of the distribution of the estate or any part thereof by payment of the expenses, fees, costs and preferential payments, as well as the relevant dividend and any such application shall be made within 14 days of the provision of particulars under subsection (2) (b).”,

(d) in subsection (4), by the substitution of “list” for “file” in both places where it occurs, and

(e) by the substitution of the following subsection for subsection (6):

“(6) In any case where there are no funds or, in the opinion of the Official Assignee, insufficient funds available for distribution to the creditors, the Official Assignee may pay the expenses, fees, costs and preferential payments in that order, so far as the funds extend, and where a balance remains it shall be transferred to the bank account referred to in section 84(1).”.

**Amendment of section 85D of Act of 1988**

**38.** Section 85D of the Act of 1988 is amended—

(a) by the substitution of the following subsection for subsection (3):

“(3) Subject to subsections (3A) and (3B)—

(a) an order made under subsection (1) shall have effect for no longer than 3 years from the date of the order coming into operation, save in circumstances where the bankrupt has not complied with the order and in such circumstances the order shall have effect until such time as it has been complied with, and

(b) where the Court has varied the order under subsection (5), such variation shall not cause the order to have effect for a period of more than 3 years, save in circumstances where the bankrupt has not complied with the varied order, and in such circumstances that varied order shall have effect until such time as it has been complied with.”,

and

(b) by the substitution of the following subsection for subsection (3B):

“(3B) Where the Court has made an order under section 85A(4)—

(a) a bankruptcy payment order made under subsection (1) shall have effect for no longer than 5 years from the date of that order coming into operation, save in circumstances where the bankrupt has not complied with the bankruptcy payment order and in such



circumstances that order shall have effect until such time as it has been complied with, and

- (b) where the Court has varied the bankruptcy payment order under subsection (5), such variation shall not cause that order to have effect for a period of more than 5 years, save in circumstances where the bankrupt has not complied with the varied order and in such circumstances that varied order shall have effect until such time as it has been complied with.”. 5

## PART 6

### AMENDMENT OF OCCUPIERS' LIABILITY ACT 1995

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#### **Definition (*Part 6*)**

39. In this Part, “Act of 1995” means the Occupiers’ Liability Act 1995.

#### **Amendment of section 3 of Act of 1995**

40. Section 3 of the Act of 1995 is amended—

- (a) by the insertion of the following subsection after subsection (1): 15

“(1A) Without prejudice to the generality of subsection (2), in determining the extent of the common duty of care of an occupier towards a visitor, and whether it has been complied with by the occupier, regard shall be had, as appropriate, to all of the circumstances and matters referred to in that subsection, which shall include but are not limited to the following: 20

- (a) the probability of a danger existing on the premises;
- (b) the probability of the occurrence of an injury to, or of damage suffered by, a visitor by reason of a danger existing on the premises; 25
- (c) the probable severity of an injury to a visitor that might result from a danger existing on the premises;
- (d) the practicability, and the cost, of precautions or preventative measures;
- (e) where applicable, the social utility of the activity or conduct that gives rise to the risk of injury or damage referred to in paragraph (b).” 30

and

- (b) in subsection (2), by the substitution of “section and subject to section 5A” for “section”. 35

**Amendment of section 4 of Act of 1995**

**41.** Section 4 of the Act of 1995 is amended—

- (a) in subsection (2)—
  - (i) in paragraph (a), by the substitution of “knew of, or was reckless as to whether,” for “knew or had reasonable grounds for believing that”, 5
  - (ii) in paragraph (b), by the substitution of “knew of, or was reckless as to whether,” for “knew or had reasonable grounds for believing that”,
  - (iii) in paragraph (c), by the substitution of “knew of, or was reckless as to whether,” for “knew or had reasonable grounds for believing that”,
  - (iv) by the deletion of paragraph (d), and 10
  - (v) in paragraph (g), by the substitution of “person, including whether or not he or she entered onto the premises as a trespasser, and” for “person, and”,
- (b) in subsection (3)(a), by the substitution of “in exceptional circumstances, having regard to matters such as the nature of the offence, the extent of the recklessness on the part of the occupier, or the fact that the person was not a trespasser” for “in the interests of justice”, 15
- (c) in subsection (4), by the substitution of “shall, subject to section 5A, owe” for “shall owe”, and
- (d) by the insertion of the following subsection after subsection (4):
  - “(5) Without prejudice to the generality of subsection (4), in determining 20  
under that subsection whether or not an occupier has complied with  
the duty to take reasonable care to maintain a structure in a safe  
condition, regard shall be had, as appropriate, to all of the  
circumstances of the case, which shall include but are not limited to  
the following: 25
  - (a) the probability of a danger existing on the premises;
  - (b) the probability of the occurrence of an injury to, or of damage  
suffered by, a recreational user by reason of a danger existing on  
the premises;
  - (c) the probable severity of an injury to a recreational user that might 30  
result from a danger existing on the premises;
  - (d) the practicability, and the cost, of precautions or preventative  
measures;
  - (e) where applicable, the social utility of the activity or conduct that  
gives rise to the risk of injury or damage referred to in paragraph 35  
(b).”.

**Insertion of section 5A into Act of 1995**

**42.** The Act of 1995 is amended by the insertion of the following section after section 5:

**“Voluntary assumption of risk**

- 5A.** (1) The common duty of care under section 3 shall not impose on an occupier any obligation to a visitor in respect of risks willingly accepted by the visitor where that visitor is capable of comprehending the nature and extent of those risks. 5
- (2) An occupier shall not owe any duty pursuant to section 4(4) to a recreational user of the premises in respect of risks willingly accepted by the recreational user where the recreational user is capable of comprehending the nature and extent of those risks.
- (3) A determination under subsection (1) or (2) that a visitor or recreational user has willingly accepted a risk may be based on the words or conduct of the visitor or recreational user without a requirement for evidence of communication or interaction with the occupier of the premises in question. 10
- (4) Section 34(1)(b) of the Civil Liability Act 1961 shall not apply in relation to the making of a determination under subsection (1) or (2) that a visitor or recreational user has willingly accepted a risk.”. 15

PART 7

AMENDMENT OF CIVIL LIABILITY AND COURTS ACT 2004

**Definition (*Part 7*)** 20

**43.** In this Part, “Act of 2004” means the Civil Liability and Courts Act 2004.

**Amendment of section 17 of Act of 2004**

**44.** Section 17(2) of the Act of 2004 is amended by the substitution of “Subject to subsection (6A), the” for “The”.

**Pre-action offers to settle clinical negligence claims** 25

**45.** The Act of 2004 is amended by the insertion of the following section after section 17:

**“17A.** (1) Where an offer to settle is made, before the bringing of a clinical negligence action, in respect of a claim relating to a catastrophic injury (within the meaning of Part IVB of the Act of 1961)—

(a) the offer to settle shall specify the proportion of the amount of the offer to settle that is attributable to— 30

(i) the future medical treatment of the plaintiff,

(ii) the future care of the plaintiff,

(iii) the provision of assistive technology or other aids and appliances associated with the medical treatment and care of the plaintiff, and 35

- (iv) the future loss of earnings of the plaintiff,
  - and
  - (b) a copy of the offer to settle shall be lodged in court by, or on behalf of, the party by which it was made.
- (2) The terms of an offer to settle shall not be communicated to the judge in the trial of a clinical negligence action until after he or she has delivered judgment in the action. 5
- (3) Subject to subsection (4), the court shall, when considering the making of an order as to the payment of the costs in a clinical negligence action, have regard to— 10
- (a) the terms of an offer to settle, and
  - (b) the reasonableness of the conduct of the party by whom the offer was made in making the offer.
- (4) Where a court has made a periodic payments order (within the meaning of Part IVB of the Act of 1961) in a clinical negligence action, the court shall, when considering the making of an order as to the payment of the costs in the action, have regard to— 15
- (a) the terms of any offer to settle, other than those terms which relate to the matters referred to in subparagraphs (i) to (iv) of paragraph (a) of subsection (1), and 20
  - (b) the reasonableness of the conduct of the parties to the action concerned in making any offers to settle.
- (5) In determining liability for the part of the costs of a clinical negligence action relating to the matters referred to in subparagraphs (i) to (iv) of paragraph (a) of subsection (1), the court shall have regard to— 25
- (a) any offers not expressed to be without prejudice or in terms having like effect, and
  - (b) any offers made without prejudice save as to the issue of costs which were made by or on behalf of a party to the action after the commencement of the trial of the action, to effect a settlement of that action. 30
- (6) This section is in addition to and not in substitution for any rule of court providing for the payment into court of a sum of money in satisfaction of a cause of action or the making of an offer of tender of payment to the other party or parties to an action. 35
- (7) In this section—
- ‘clinical negligence action’ has the same meaning as it has in Part 2A;
  - ‘offer to settle’ means an offer made by any party to a clinical negligence action to settle the claim to which the action relates in accordance with the pre-action protocol within the meaning of Part 2A.”. 40

**Amendment of section 33 of Act of 2004**

46. Section 33 of the Act of 2004 is amended—

(a) by the substitution of the following definition for the definition of “accounts”:

“ ‘accounts’ means—

- (a) the general cash account, 5
- (b) the dormant account of the funds of suitors of the High Court,
- (c) the ledger account,
- (d) the special account for small balances,
- (e) the dormant account of the funds of suitors of the Circuit Court,  
and 10
- (f) the dormant funds of suitors of the District Court;”,

(b) by the insertion of the following definitions:

“ ‘dormant account of the funds of suitors of the Circuit Court’ means the general ledger account for dormant balance maintained in accordance with Order 18 of the Circuit Court Rules, containing the balances of funds standing to the credit of ledger accounts carried over to the said ledger account by the Accountant, together with the interest and dividends accruing thereon; 15

‘dormant funds of suitors of the District Court’ means any funds for the time being lodged in, or under the control of, the District Court in civil proceedings, pursuant to any order of the District Court or statute or the District Court Rules for the time being in force, where no transaction has been effected on that fund for a period of not less than 15 years ending on the relevant date;”, 20

and 25

(c) by the substitution of the following definition for the definition of “fully indemnified”:

“ ‘fully indemnified’ means, in relation to a person—

- (a) that, in the case of funds in the form of money, the person has been paid the amount standing to his or her credit on the date that the funds were paid into— 30
  - (i) the dormant account of the funds of suitors of the High Court,
  - (ii) the dormant account of the funds of suitors of the Circuit Court,  
or
  - (iii) the dormant funds of suitors of the District Court, 35as the case may be, and any interest accruing from that date, and
- (b) that, in the case of funds other than in the form of money, the person has been paid the amount standing to his or her credit on the

date of their realisation and any interest accruing thereon from that date;”.

**Realisation of investment of dormant account of funds of suitors of Circuit Court and dormant funds of suitors of District Court**

47. The Act of 2004 is amended by the insertion of the following section after section 34: 5

“34A. (1) The Chief Justice shall, as soon as may be after the commencement of section 47 of the *Courts and Civil Law (Miscellaneous Provisions) Act 2023*, order the Accountant to realise all of the investments of—

(a) the dormant account of the funds of suitors of the Circuit Court, and 10

(b) the dormant funds of suitors of the District Court.

(2) The Chief Justice shall, not later than 3 months after—

(a) the expiration of 5 years from the making of an order under subsection (1), and

(b) the expiration of each subsequent period of 5 years from the date on which an order under this section is made, 15

order the Accountant to realise all of the investments of—

(i) the dormant account of the funds of suitors of the Circuit Court, and

(ii) the dormant funds of suitors of the District Court. 20

(3) The Accountant shall comply with an order of the Chief Justice under this section.

(4) In this section, ‘investments’ means, in relation to the dormant account of the funds of suitors, assets other than cash.”.

**Amendment of section 35 of Act of 2004** 25

48. The Act of 2004 is amended by the substitution of the following section for section 35:

“35. (1) The financial institution shall pay out of the general cash account to the Exchequer such sums as the Chief Justice, from time to time, directs, not exceeding 97.5 per cent of the aggregate of the amounts in the form of money standing in— 30

(a) the dormant account of the funds of suitors of the High Court,

(b) the special account for small balances,

(c) the dormant account of the funds of suitors of the Circuit Court, and

(d) the dormant funds of suitors of the District Court, 35

as may be required for the purposes of subsection (2).

- (2) The sums paid to the Exchequer pursuant to a direction under subsection (1) may be applied from time to time, by the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, for the purposes of defraying the costs of providing, managing and maintaining— 5
  - (a) court buildings under section 5(d) of the Courts Service Act 1998, and
  - (b) information and communications technology facilities for courts, court offices and the Courts Service.”.

**Amendment of section 38 of Act of 2004** 10

49. The Act of 2004 is amended by the substitution of the following section for section 38:

- “38. (1) The Accountant shall establish and maintain a register of funds of suitors (in this section referred to as the ‘register’).
- (2) The register shall contain the following particulars in respect of all funds paid into the dormant accounts of the funds of suitors of the High Court, the dormant accounts of the funds of suitors of the Circuit Court and the dormant funds of suitors of the District Court respectively: 15
- (a) the court in which the proceedings were instituted;
  - (b) the title of the proceedings to which the funds relate; 20
  - (c) the names of the parties to those proceedings and the addresses at which they ordinarily reside;
  - (d) the ledger account number;
  - (e) the value of the investments realised in accordance with section 34 or section 34A on the date of their realisation; 25
  - (f) the date on which those funds were paid into the dormant accounts concerned;
  - (g) if those funds were repaid to the ledger account, the date on which they were so repaid;
  - (h) in relation to funds of suitors of the High Court, the account number of the special account for small balances; 30
  - (i) in relation to funds of suitors of the High Court, the moneys paid over to the special account for small balances, and
  - (j) such other matters as are provided for by rules of court or—
    - (i) in relation to funds lodged in proceedings in the High Court, as the President of the High Court directs, 35
    - (ii) in relation to funds lodged in proceedings in the Circuit Court, as the President of the Circuit Court directs, and

- (iii) in relation to funds lodged in proceedings in the District Court, as the President of the District Court directs.
- (3) Where funds have been registered under this Act prior to the commencement of *section 49 of the Courts and Civil Law (Miscellaneous Provisions) Act 2023*, that registration shall continue to have effect and such registration shall form part of the register maintained under subsection (1).”.

PART 8

AMENDMENT OF LEGAL SERVICES REGULATION ACT 2015

**Definition (*Part 8*)** 10

**50.** In this Part, “Act of 2015” means the Legal Services Regulation Act 2015.

**Amendment of section 1 of Act of 2015**

**51.** Section 1 of the Act of 2015 is amended—

- (a) in subsection (2), by the deletion of “, other than section 100,”, and
- (b) by the deletion of subsection (3). 15

**Amendment of section 95 of Act of 2015**

**52.** The Act of 2015 is amended by the substitution of the following section for section 95:

“**95.** (1) Subject to section 97, the following shall, in accordance with this Part, pay to the Authority in each financial year a levy (in this Part referred to as ‘the levy’) in the amount determined in accordance with this Part: 20

- (a) the Law Society;
- (b) the Bar Council;
- (c) each barrister who is not a member of the Law Library.

(2) The levy referred to in subsection (1) shall be collected and retained by the Authority to be used to meet— 25

- (a) the expenses of the Authority and of the Disciplinary Tribunal incurred in the performance by them of their functions under this Act, and
- (b) the repayments by the Authority of any advances made by the Minister under section 32.”. 30

**Insertion of sections 95A to 95D in Act of 2015**

**53.** The Act of 2015 is amended by the insertion of the following sections after section 95:



**“Determination of levy**

- 95A.** (1) The amount of the levy payable in each financial year shall be the sum of—
- (a) the expenses of the Authority, and the expenses of the Disciplinary Tribunal, in respect of the levy year, calculated in accordance with this section, and 5
  - (b) the amount determined by the Minister under subsection (2) in respect of the financial year.
- (2) The Minister shall, as soon as practicable after the beginning of each financial year, and following consultation with the Authority, determine the amount that the Authority shall pay to him or her in the financial year in repayment of advances made by him or her to the Authority under section 32. 10
- (3) The Authority shall, as soon as practicable after the beginning of each financial year, with the consent of the Minister and in accordance with this section, calculate, in respect of the levy year— 15
- (a) the expenses of the Authority, and
  - (b) the expenses of the Disciplinary Tribunal.
- (4) The Authority, for the purposes of subsection (3), shall—
- (a) calculate in respect of each body— 20
    - (i) the income of the body in the levy year,
    - (ii) the operating costs and administrative expenses that were properly incurred by the body in the levy year in the performance by it of its functions under this Act, and
    - (iii) the surplus or deficit arising in relation to the body in the levy year, 25
  - and
  - (b) determine the budgeted net expenditure of each body in the financial year.
- (5) Where the Authority calculates under subsection (4) that a surplus exists in respect of a body in the levy year, it may, with the consent of the Minister, do either or both of the following: 30
- (a) retain the amount of the surplus, or a portion thereof, as a reserve;
  - (b) deduct under subsection (7) the amount of the surplus, or a portion thereof, from the amount calculated under subsection (4)(a)(ii) in relation to the body. 35
- (6) Where the Authority calculates under subsection (4) that a deficit exists in respect of a body in the levy year, it may, with the consent of the Minister, do either or both of the following:

- (a) use any reserves of the body, or any portion thereof, to meet or reduce the amount of the deficit;
  - (b) add under subsection (7) the amount of the deficit, or a portion thereof, to the amount calculated under subsection (4)(a)(ii) in relation to the body. 5
- (7) For the purposes of this Part, the net expenditure of a body in a given year shall be the amount that is the sum of the operating costs and administrative expenses that were properly incurred by the body in the year in the performance by it of its functions under this Act and the amount (if any) to which subsection (6)(b), in relation to the year, applies, less the amount (if any) to which subsection (5)(b), in relation to the year, applies. 10
- (8) For the purposes of this Part, the expenses of the Authority in respect of a levy year are the sum of—
  - (a) the net expenditure of the Authority in the levy year, calculated in accordance with subsection (7), and 15
  - (b) where applicable, the amount by which the budgeted net expenditure of the Authority in the financial year exceeds the amount, in respect of the levy year, calculated under subsection (4)(a)(ii) in relation to the Authority. 20
- (9) For the purposes of this Part, the expenses of the Disciplinary Tribunal in respect of a levy year are the sum of—
  - (a) the net expenditure of the Disciplinary Tribunal in the levy year, calculated in accordance with subsection (7), and
  - (b) where applicable, the amount by which the budgeted net expenditure of the Disciplinary Tribunal in the financial year exceeds the amount, in respect of the levy year, calculated under subsection (4)(a)(ii) in relation to the Disciplinary Tribunal. 25
- (10) A reference in this section to the budgeted net expenditure of a body in a year is a reference to the net expenditure that is reasonably expected to be incurred by the body in that year in the performance by it of its functions under this Act. 30
- (11) In this Part—
  - ‘body’ means one of the following:
    - (a) the Authority; 35
    - (b) the Disciplinary Tribunal;
  - ‘deficit’ means, in relation to a body, the amount by which the operating costs and administrative expenses of the body in a year exceed the income of the body in the year;
  - ‘expenses of the Authority’ shall be construed in accordance with subsection (8); 40

‘expenses of the Disciplinary Tribunal’ shall be construed in accordance with subsection (9);

‘financial year’ means the period of 12 months beginning on 1 January and ending on 31 December;

‘levy year’ means, in relation to a financial year, the year immediately preceding the financial year; 5

‘net expenditure’, in relation to a body, shall be construed in accordance with subsection (7);

‘operating costs and administrative expenses’—

(a) in relation to the Authority, includes the following: 10

(i) the remuneration (including allowances for expenses) of the members of the Authority;

(ii) the remuneration (including allowances for expenses and superannuation benefits) of inspectors and members of the staff of the Authority; 15

(iii) any superannuation contributions paid in respect of the members of the staff of the Authority out of moneys provided by the Oireachtas;

(iv) fees due to consultants and advisers appointed under section 17;

(v) the cost of office premises; 20

(vi) any capital expenditure incurred by the Authority or portion thereof;

(vii) any costs or expenses, not referred to in subparagraphs (i) to (vi), incurred by the Authority in the performance of its functions under this Act, 25

and

(b) in relation to the Disciplinary Tribunal, includes the following:

(i) the remuneration (including allowances for expenses) of the members of the Disciplinary Tribunal;

(ii) the remuneration (including allowances for expenses and superannuation benefits) of members of staff of the Disciplinary Tribunal; 30

(iii) any superannuation contributions paid in respect of the members of the staff of the Disciplinary Tribunal out of moneys provided by the Oireachtas; 35

(iv) the cost of office premises;

(v) any capital expenditure incurred by the Disciplinary Tribunal or portion thereof;

(vi) any costs or expenses, not referred to in subparagraphs (i) to (v), incurred by the Disciplinary Tribunal in the performance of its functions under this Act;

‘superannuation benefits’ means pensions, gratuities and other allowances payable on resignation, retirement or death. 5

‘surplus’ means, in relation to a body, the amount by which the income of the body in a year exceeds the operating costs and administrative expenses of the body in the year.

### **Apportionment of levy**

**95B.** (1) The Authority shall, in relation to the net expenditure of the Authority calculated under section 95A(7) in respect of a levy year, determine— 10

(a) the proportion of the net expenditure that was incurred by the Authority in the performance of its functions—

(i) under Part 6, and

(ii) under this Act, other than Part 6, 15

and

(b) in relation to the net expenditure of the Authority to which paragraph (a)(i) applies, the proportion of that net expenditure that was incurred by the Authority in the consideration and investigation of each of the following: 20

(i) complaints in respect of solicitors;

(ii) complaints in respect of barristers who were members of the Law Library;

(iii) complaints in respect of barristers who were not members of the Law Library. 25

(2) This subsection applies to the amount that is the sum of—

(a) the amount to which section 95A(8)(b) applies in the levy year, and

(b) the amount determined by the Minister under section 95A(2) in respect of the financial year.

(3) The Authority shall, in relation to the amount to which subsection (2) applies, determine the proportion of the amount that— 30

(a) bears to the amount the same proportion as the proportion determined under subsection (1)(a)(i) bears to the net expenditure of the Authority referred to in subsection (1), and

(b) bears to the amount the same proportion as the proportion determined under subsection (1)(a)(ii) bears to the net expenditure of the Authority referred to in subsection (1). 35

(4) The Authority, in consultation with the Disciplinary Tribunal, shall, in relation to the net expenditure of the Disciplinary Tribunal, calculated under section 95A(7) in respect of a levy year, determine the 40

proportion of that net expenditure that was incurred by the Disciplinary Tribunal in the consideration of applications brought before it that concerned each of the following:

- (a) complaints in respect of solicitors;
  - (b) complaints in respect of barristers who were members of the Law Library; 5
  - (c) complaints in respect of barristers who were not members of the Law Library.
- (5) The Authority shall calculate the following amounts:
- (a) the amount that is the sum of— 10
    - (i) the amount that represents the proportion of the net expenditure of the Authority determined under paragraphs (a)(i) of subsection (1), and
    - (ii) the amount that represents the proportion of the amount to which subsection (2) applies, determined under paragraph (a) of subsection (3); 15
  - (b) the amount that is the sum of—
    - (i) the amount that represents the proportion of the net expenditure of the Authority determined under paragraph (a)(ii) of subsection (1), and 20
    - (ii) the amount that represents the proportion of the amount to which subsection (2) applies, determined under paragraph (b) of subsection (3);
  - (c) the amount that is the sum of—
    - (i) the net expenditure of the Disciplinary Tribunal in the levy year, and 25
    - (ii) the amount to which section 95A(9)(b) applies in the levy year.
- (6) The liability for payment of the amount of the levy referred to in section 95A(1) shall be apportioned as follows:
- (a) of the amount to which subsection (5)(a) applies— 30
    - (i) 10 per cent of that amount shall be apportioned *pro rata* between the Bar Council and the barristers who were not members of the Law Library in the levy year, according to the number of barristers whose names were on the roll as members of the Law Library and the number of barristers whose names were on that roll as barristers who were not such members, respectively, in the levy year, 35
    - (ii) 10 per cent of that amount shall be apportioned to the Law Society, and

- (iii) the remaining 80 per cent of that amount shall be apportioned *pro rata* among the Law Society, the Bar Council and the barristers who were not members of the Law Library in the levy year, respectively, according to the proportion, calculated under paragraph (b) of subsection (1), of the net expenditure referred to in that paragraph that was incurred by the Authority in the consideration and investigation of complaints in respect of each category of legal practitioner referred to in subparagraphs (i), (ii) and (iii) of that paragraph; 5
- (b) the amount referred to in subsection (5)(b) shall be apportioned *pro rata* among the Law Society, the Bar Council and the barristers who were not members of the Law Library in the levy year, respectively, according to the number of practising solicitors, the number of barristers whose names were on the roll as members of the Law Library and the number of barristers whose names were on the roll as barristers who were not such members, respectively, in the levy year; 10 15
- (c) of the amount to which subsection (5)(c) applies—
  - (i) 10 per cent of that amount shall be apportioned *pro rata* between the Bar Council and the barristers who were not members of the Law Library in the levy year, according to the number of barristers whose names were on the roll as members of the Law Library and the number of barristers whose names were on the roll as barristers who were not such members, respectively, in the levy year, 20 25
  - (ii) 10 per cent of that amount shall be apportioned to the Law Society,
  - (iii) subject to subparagraph (iv), the remaining 80 per cent of that amount shall be apportioned *pro rata* among the Law Society, the Bar Council and the barristers who were not members of the Law Library in the levy year, respectively, according to the proportion, calculated under subsection (4), of the net expenditure referred to in that subsection that was incurred in the consideration of applications brought before the Disciplinary Tribunal that concerned complaints in respect of each category of legal practitioner referred to in paragraphs (a), (b) and (c) of that subsection, 30 35
  - (iv) where no applications were brought before the Disciplinary Tribunal in the levy year concerned, the remaining 80 per cent of that amount shall be apportioned *pro rata* among the Law Society, the Bar Council and the barristers who were not members of the Law Library in the levy year, respectively, according to the number of practising solicitors, the number of barristers whose names were on the roll as members of the Law Library and the number of barristers whose names were on the 40 45

roll as barristers who were not such members, respectively, in the levy year.

- (7) The Authority shall—
- (a) calculate, in accordance with subsection (6), the proportion of the amount of the levy referred to in section 95A(1) that is payable by—
    - (i) the Law Society,
    - (ii) the Bar Council, and
    - (iii) the barristers who were not members of the Law Library in the levy year,and
  - (b) apportion the amount calculated under paragraph (a)(iii) equally among all the barristers who were not members of the Law Library in the levy year.
- (8) A reference in this section to a proportion is a reference to a reasonable and approximate proportion, calculated by the Authority using proxy measures and cost accounting methodologies provided for in regulations under section 98.

**Provisions supplementary to section 95B**

- 95C.** (1) For the purposes of this Part, the name of a barrister shall be deemed to have been on the roll in a levy year where the barrister was not a barrister to whom section 97 applies and his or her name was—
- (a) on the roll on the effective date in the levy year, or
  - (b) at any time during the levy year prior to the effective date, removed from the roll, other than where such removal was done—
    - (i) on the request of the person concerned, where he or she, in the levy year, acquired a solicitor’s practising certificate, or
    - (ii) under section 135(1)(d).
- (2) For the purposes of this Part, a person shall be deemed to have been a practising solicitor in a levy year where he or she held a practising certificate during the levy year, other than where, during the levy year:
- (a) his or her name was entered on the roll and was removed from the roll, other than in circumstances referred to in subparagraph (i) or (ii) of subsection (1)(b),
  - (b) his or her name was entered on the roll, and was on the roll on the effective date, or
  - (c) he or she died.
- (3) For the purposes of this Part, a person (other than a barrister to whom section 97 applies) shall be deemed to have been a barrister who was a member of the Law Library in a levy year where—

- (a) on the effective date in that year, or
  - (b) in the case of a barrister to whom subsection (1)(b) applies, on the date immediately prior to the removal of his or her name from the roll,  
his or her name was on the roll and the entry concerned specified that he or she was a member of the Law Library. 5
- (4) For the purposes of this Part, a person (other than a barrister to whom section 97 applies) shall be deemed to have been a barrister who is not a member of the Law Library in a levy year where—
- (a) on the effective date in that year, or 10
  - (b) in the case of a barrister to whom subsection (1)(b) applies, on the date immediately prior to the removal of his or her name from the roll,  
his or her name was on the roll and the entry concerned specified that he or she was not a member of the Law Library. 15
- (5) A reference in this Part—
- (a) to the number of barristers whose names were on the roll in a levy year shall be construed as a reference to the number of barristers whose names are deemed under subsection (1) to have been on the roll, 20
  - (b) to the number of barristers whose names were on the roll as members of the Law Library in a levy year shall be construed as a reference to the number of barristers who are deemed under subsection (3) to have been a member of the Law Library in the levy year, 25
  - (c) to the number of barristers whose names were on the roll as barristers who were not members of the Law Library in a levy year shall be construed as a reference to the number of barristers who are deemed under subsection (4) to have been a barrister who was not a member of the Law Library in the levy year, and 30
  - (d) to the number of practising solicitors in a levy year shall be construed as a reference to the number of persons who are deemed under subsection (2) to have been practising solicitors in that levy year.
- (6) For the purposes of this Part— 35
- (a) a complaint shall be deemed to be a complaint in respect of a barrister who was a member of the Law Library where—
    - (i) at the time of the act or omission to which the complaint relates, the barrister was a barrister who was a member of the Law Library, 40



- (ii) at the time of the act or omission to which the complaint relates, the name of the person who is the subject of the complaint was not on the roll but his or her name was entered on the roll as a barrister who was a member of the Law Library on or before the date that is 14 days after the date of receipt by the Authority of the complaint, or 5
  - (iii) the Authority decides, under subsection (7), that the complaint should be treated as a complaint in respect of a barrister who is a member of the Law Library,
  - and 10
  - (b) a complaint shall be deemed to be a complaint in respect of a barrister who was not a member of the Law Library where—
    - (i) at the time of the act or omission to which the complaint relates, the barrister was a barrister who was not a member of the Law Library, 15
    - (ii) at the time of the act or omission to which the complaint relates, the name of the person who is the subject of the complaint was not on the roll but his or her name was entered on the roll as a barrister who is not a member of the Law Library on or before the date that is 14 days after the date of receipt by the Authority of the complaint, or 20
    - (iii) the Authority decides, under subsection (7), that the complaint should be treated as a complaint in respect of a barrister who is not a member of the Law Library.
  - (7) Where— 25
    - (a) a complaint in respect of a barrister relates to more than one act or omission,
    - (b) at the time of the acts or omissions to which the complaint relates, the name of the barrister was on the roll, and
    - (c) during the period between the date of the earliest act or omission to which the complaint relates and the date of the latest such act or omission, the barrister— 30
      - (i) having been a barrister who was a member of the Law Library, became a barrister who is not a member of the Law Library, or
      - (ii) having been a barrister who was not a member of the Law Library, became a barrister who was a member of the Law Library, 35
- the Authority shall, as it considers appropriate in the circumstances, decide whether the complaint is to be treated, for the purposes of this Part, as a complaint in respect of a barrister who is a member of the Law Library or a complaint in respect of a barrister who is not a member of the Law Library. 40

(8) For the purposes of the determination, apportionment and collection of the levy payable in the financial year in which *section 53* of the *Courts and Civil Law (Miscellaneous Provisions) Act 2023* comes into operation, a requirement under this Part on a person to do a thing as soon as practicable in a financial year shall be construed as a requirement on the person to do the thing as soon as practicable after the date on which that section comes into operation. 5

(9) In this Part—

‘effective date’ means, in relation to a levy year, 31 December in that year; 10

‘roll’ means the roll of practising barristers.

### **Levy Assessment Notice**

**95D.** (1) As soon as practicable after the beginning of each financial year, following compliance with section 95A and 95B the Authority shall provide a notice (in this Act referred to as a ‘levy assessment notice’) to each of the bodies or persons referred to in paragraphs (a), (b) and (c) of section 95(1). 15

(2) A levy assessment notice shall specify—

(a) the net expenditure of the Authority, determined in accordance with section 95A(7), in respect of the levy year, 20

(b) the proportions of the net expenditure of the Authority determined under section 95B(1)(a),

(c) the proportion, determined under paragraph (b) of section 95B(1), of the net expenditure of the Authority to which section 95B(1)(a) (i) applies that was incurred in the consideration and investigation of complaints in respect of each category of legal practitioner referred to in subparagraphs (i), (ii) and (iii) of that paragraph, 25

(d) the amount to which section 95B(2) applies in respect of the levy year,

(e) the proportions of the amount referred to in paragraph (d), determined under section 95B(3), 30

(f) the net expenditure of the Disciplinary Tribunal, determined in accordance with section 95A(7), in respect of the levy year,

(g) the proportion, determined under subsection (4) of section 95B, of the net expenditure of the Disciplinary Tribunal referred to in paragraph (f) that was incurred in the consideration of applications brought before it concerning complaints in respect of each category of legal practitioner referred to in paragraph (a), (b) and (c) of that subsection, 35

(h) the amount to which section 95A(9)(b) applies in the levy year, 40

(i) the amounts calculated under section 95B(5),

- (j) the apportionment, in accordance with section 95B(6), of liability for the payment of the amount of the levy referred to in section 95A(1),
- (k) the amount payable by the professional body or person concerned, calculated in accordance with section 95B(7), 5
- (l) the date by which the amount specified under paragraph (k) becomes payable,
- (m) the rate of interest payable if all or part of the amount specified under paragraph (k) is not paid by the date referred to in paragraph (k), and 10
- (n) such additional information as the Authority considers appropriate.”.

**Amendment of section 96 of Act of 2015**

**54.** Section 96 of the Act of 2015 is amended—

- (a) in paragraph (c) of subsection (2), by the substitution of “subsections (3), (6) and (7)” for “subsection (3)”, 15
- (b) in subsection (3), by the deletion of “practising barristers”, and
- (c) by the insertion of the following subsections after subsection (5):

“(6) Where—

- (a) the Authority removes the name of a barrister who is not a member of the Law Library from the roll in accordance with subsection (3), and 20

- (b) the person referred to in paragraph (a) subsequently makes an application to the Authority under section 134(1),

the Authority shall not comply with section 134(1) in respect of the application until such time as any amount payable by that person in respect of the levy imposed by this Part, together with any interest on the unpaid amount that has accrued in accordance with subsection (1) on that amount, is paid in full. 25

(7) Where— 30

- (a) the Authority has provided a levy assessment notice to a barrister who is not a member of the Law Library,

- (b) the barrister concerned makes an application to the Authority under section 135(3), and

- (c) as of the date of the making of the application referred to in paragraph (b), the barrister concerned has not paid the amount specified in the levy assessment notice referred to in paragraph (a) as payable by him or her in respect of the levy imposed under this Part, together with any interest on the unpaid amount that has accrued in accordance with subsection (1) on that amount, 35 40

the Authority shall remove the name of the barrister from the roll and such removal shall be deemed to have been done under subsection (3) and subsection (6) shall apply accordingly.”.

**Amendment of section 97 of Act of 2015**

**55.** Section 97 of the Act of 2015 is amended by the insertion of the following subsection after subsection (2): 5

“(3) For the purposes of this Act, a legal practitioner shall be regarded as being in the full-time service of the State if and while he or she is required to devote the whole of his or her time to the service of the State as a legal practitioner and is remunerated in respect of such service wholly out of moneys provided by the Oireachtas.” 10

**Amendment of section 98 of Act of 2015**

**56.** Section 98 of the Act of 2015 is amended—

(a) in subsection (1), by the insertion of the following paragraph after paragraph (d):

“(de) the proxy measures and cost accounting methodologies to be used in respect of a proportion referred to in section 95B;” 15

and

(b) by the addition of the following subsections after subsection (1):

“(1A) Before making regulations under subsection (1)(de), the Authority shall consult with— 20

(a) each professional body, and

(b) such other interested parties, including barristers who are not members of the Law Library, as the Authority considers appropriate.

(1B) The Authority shall, on a date that is not later than 24 months after the coming into operation of the regulations first made under subsection (1)(de), commence a review of the operation of the regulations, which review shall be concluded within 12 months of that date. 25

(1C) In carrying out the review referred to in subsection (1B), the Authority shall consider representations (if any) made, during such consultation, by or on behalf of any person or body with whom or with which it consulted under subsection (1A).” 30

**Amendment of section 134 of Act of 2015**

**57.** The Act of 2015 is amended by the substitution of the following section for section 134:

“**134.** (1) A person who is a qualified barrister and who intends to provide legal services as a barrister shall apply to the Authority to have his or her name, and the information referred to in section 133(4) in respect of him or her, entered on the roll and, subject to section 96(6), the 35

Authority, on being satisfied that the person is a qualified barrister, shall enter the name of that person and the information on the roll.

- (2) An application under subsection (1) shall be—
  - (a) in such form as may be prescribed, and
  - (b) accompanied by the person’s address for correspondence and such other contact details of the person as the Authority may specify for the purposes of this section.”. 5

**Amendment of section 135 of Act of 2015**

**58.** Section 135 of the Act of 2015 is amended—

- (a) in subsection (1)(b), by the substitution of “subsection (3) or (7) of section 96” for “section 96(3)”, 10
- (b) in subsection (3), by the substitution of “shall” for “may”, and
- (c) by the addition of the following subsections after subsection (5):
  - “(5A) A practising barrister whose name has been entered on the roll shall, not later than 30 days after the date on which the change occurred, notify the Authority of any change in the following information in respect of him or her: 15
    - (a) his or her name;
    - (b) any of the matters referred to in section 133(4) as they relate to him or her. 20
  - (5B) The Authority shall, as soon as practicable after receipt of a notification referred to in subsection (5A), amend the entry on the roll, and its records, as necessary.
  - (5C) The Bar Council, where it becomes aware that a person has ceased to be a member of the Law Library, shall, without delay, notify the Authority of the fact. 25
  - (5D) The Authority, on receipt of a notification referred to in subsection (5C), shall send the person concerned a notice in writing—
    - (a) informing him or her of the notification,
    - (b) inviting him or her to, not later than 30 days after the date of the notice, confirm whether he or she is a member of the Law Library, and 30
    - (c) informing him or her of the effect of subsection (5E).
  - (5E) The Authority, where it has complied with subsection (5D), shall amend the entry on the roll, and its records, in respect of the person concerned to specify that he or she is a practising barrister who is not a member of the Law Library where— 35
    - (a) it is satisfied, having regard to the notification under subsection (5C) and any confirmation provided by the person in accordance

- with paragraph (b) of subsection (5D), that the person is a practising barrister who is not a member of the Law Library, or
- (b) the person does not provide a confirmation in accordance with that paragraph.
- (5F) Subsections (5D) and (5E) shall not apply where— 5
- (a) the Authority has, under subsection (1), removed the name of the person from the roll, or
- (b) the person concerned has, as the case may be—
- (i) notified the Authority under subsection (5A) that he or she is a practising barrister who is not a member of the Law Library, or 10
- (ii) complied with subsection (3).
- (5G) An application under subsection (3), a notification referred to in subsection (5A) and a confirmation under paragraph (b) of subsection (5D) shall be—
- (a) in such form as may be prescribed, and 15
- (b) accompanied by the address for correspondence and such other contact details of the person concerned as the Authority may specify for the purposes of this section.
- (5H) An amendment under subsection (5B) or (5E) to an entry in the roll shall take effect on and from the date on which the Authority, under the subsection concerned, amends the roll and its records. 20
- (5I) In determining whether a practising barrister’s failure to comply with subsection (5A) or subsection (1) or (2) of section 135A should be considered as constituting misconduct within the meaning of section 50(1)(m), the Authority, the Complaints Committee, the Disciplinary Tribunal or, as the case may be, the High Court, may have regard to whether the failure to comply— 25
- (a) occurred as a result of the illness or incapacity of the practising barrister concerned, and
- (b) was remedied without unreasonable delay after the 30 day period referred to in the subsection concerned had expired.”. 30

### Address for correspondence

59. The Act of 2015 is amended by the insertion of the following section after section 135:

- “135A. (1) Where, on the date on which this subsection comes into operation, the address for correspondence most recently provided by a practising barrister to the Authority for any purpose under this Part is no longer his or her address for correspondence, the practising barrister shall, within 30 days of that date, provide the Authority with his or her current address for correspondence. 35

- (2) Where, on or after the date on which this subsection comes into operation, the address for correspondence provided by a practising barrister to the Authority for any purpose under this Part changes, the practising barrister shall, within 30 days of the date of such change, provide the Authority with his or her current address for correspondence. 5
- (3) In this Part, ‘address for correspondence’ means, in relation to a person, the address or the e-mail address of the person that can be used by the Authority for the purposes of corresponding with him or her.”.

**Repeal of section 220(3) of Act of 2015**

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60. Section 220(3) of the Act of 2015 is repealed.

PART 9

AMENDMENT OF INTERNATIONAL PROTECTION ACT 2015

**Definition (Part 9)**

61. In this Part, “Act of 2015” means the International Protection Act 2015. 15

**Amendment of section 5 of Act of 2015**

62. Section 5 of the Act of 2015 is amended—

- (a) in paragraph (c), by the substitution of “at that address;” for “at that address.”, and
- (b) by the insertion of the following paragraph after paragraph (c): 20
  - “(d) by electronic means, in a case in which the person has given notice in writing to the person serving or giving the notice or other document concerned of his or her consent to the notice or document (or notices or documents of a class to which the notice or document belongs) being served on, or given to, him or her in that manner.”. 25

**Amendment of section 48 of Act of 2015**

63. Section 48(3) of the Act of 2015 is amended by the substitution of “30 days” for “5 days”.

**Amendment of section 52 of Act of 2015**

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64. Section 52 of the Act of 2015 is amended by the insertion of the following subsection after subsection (9):

- “(9A) A decision of the Circuit Court on an appeal under subsection (8) shall be final save that, by leave of that Court, an appeal shall lie to the High Court on a point of law.”. 35

**Amendment of section 62 of Act of 2015**

65. Section 62 of the Act of 2015 is amended—

(a) in subsection (7)—

(i) in paragraph (c), by the substitution of “5 years” for “3 years” in each place where it occurs, and 5

(ii) in paragraph (d), by the substitution of “5 years” for “3 years” in each place where it occurs,

and

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

“(7A) Notwithstanding subsection (7), a member of the Tribunal who has been reappointed for a second term is otherwise eligible for appointment by way of competition in accordance with subsection (4). 10

(7B) Where, immediately before the coming into operation of *section 65* of the *Courts and Civil Law (Miscellaneous Provisions) Act 2023*, a member of the Tribunal, other than the chairperson or a deputy chairperson, stands appointed or reappointed, as the case may be, to the Tribunal, in a whole-time or a part-time capacity, the person shall be deemed to have been appointed or reappointed, as the case may be, for a term of office of 5 years from the date on which he or she was so appointed or reappointed, as the case may be.”. 15 20

PART 10

AMENDMENT OF DATA PROTECTION ACT 2018

**Definition (*Part 10*)**

66. In this Part, “Act of 2018” means the Data Protection Act 2018.

**Amendment of section 109 of Act of 2018**

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67. Section 109(5) of the Act of 2018 is amended by the insertion of the following paragraph after paragraph (d):

“(da) where the Commission considers the processing of personal data the subject of the complaint infringes a relevant enactment, issuing a reprimand to the controller or processor concerned;”.

30

**Amendment of section 113 of Act of 2018**

68. Section 113(6) of the Act of 2018 is amended—

(a) by the substitution of “any or all” for “either or both”, and

(b) by the insertion of the following paragraph after paragraph (a):



“(aa) the issuing of a reprimand to the controller or processor concerned;”.

#### **Amendment of section 117 of Act of 2018**

**69.** Section 117 of the Act of 2018 is amended—

(a) by the substitution of the following subsection for subsection (3): 5

“(3) The District Court shall, subject to subsections 5A and 6A, and the Circuit Court shall, subject to subsections (5) and (6), concurrently with the High Court, have jurisdiction to hear and determine data protection actions.”,

(b) by the insertion of the following subsection after subsection (5): 10

“(5A) The compensation recoverable in a data protection action in the District Court shall not exceed the amount standing prescribed, for the time being by law, as the limit of that court’s jurisdiction in tort.”,

and

(c) by the insertion of the following subsection after subsection (6): 15

“(6A) The jurisdiction conferred on the District Court by this section may be exercised by the judge of any district in which—

(a) the controller or processor against whom the data protection action is taken has an establishment, or

(b) the data subject has his or her habitual residence.”. 20

#### **Amendment of section 117A of Act of 2018**

**70.** The Act of 2018 is amended by the substitution of the following section for section 117A:

“**117A.** (1) This section applies to a transfer of personal data by a controller or processor to a third country or an international organisation pursuant to Article 46 where the transfer is subject to appropriate safeguards provided for in the rules or clauses (in this section referred to as ‘relevant instruments’) set out in subsection (5). 25

(2) Without prejudice to any other remedy available to him or her, including his or her right to bring an action under section 117 or to lodge a complaint, a data subject whose personal data is included in a transfer referred to in subsection (1) may, where the transfer is subject to appropriate safeguards set out in a relevant instrument, enforce— 30

(a) any rights (whether described as third party beneficiary rights or otherwise) conferred on data subjects by, or any clauses or rules expressed to be for the benefit of data subjects in, the instrument concerned, and 35

(b) where that transfer is subject to any additional safeguards conferring rights on data subjects, those rights.

- (3) An action to enforce any rights conferred on data subjects or any clauses or rules expressed to be for the benefit of data subjects referred to in subsection (2)—
- (a) may be taken against—
    - (i) a party to the transfer referred to in subsection (1), or 5
    - (ii) a sub-processor of a party referred to in subparagraph (i) in so far as that sub-processor is processing personal data referred to in that subsection,

and

  - (b) shall be deemed to be an action founded on contract. 10
- (4) Subsections (3) to (10) of section 117 shall apply to an action taken by a data subject under this section subject to the following modifications:
- (a) a reference in those subsections to a data protection action shall be taken to be a reference to an action under this section; 15
  - (b) a reference in subsections (5) and (5A) to the limit of that court’s jurisdiction in tort shall be taken to be a reference to the limit of that court’s jurisdiction in contract;
  - (c) a reference in subsections (4)(b) and (8)(b) to compensation for damage suffered by the plaintiff as a result of the infringement of a relevant enactment shall be taken to be a reference to compensation for damage suffered by the plaintiff as a result of the infringement of the relevant instrument. 20
- (5) The relevant instruments are:
- (a) binding corporate rules approved in accordance with Article 47; 25
  - (b) standard data protection clauses adopted by the Commission in accordance with the examination procedure referred to in Article 93(2);
  - (c) standard data protection clauses adopted by a supervisory authority and approved by the Commission pursuant to the examination procedure referred to in Article 93(2); 30
  - (d) contractual clauses authorised by a supervisory authority pursuant to Article 46(3)(a);
  - (e) standard contractual clauses which are the subject of a decision adopted by the Commission in accordance with Article 26(4) of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995<sup>3</sup> on the protection of individuals with regard to the processing of personal data and on the free movement of such data.”. 35

3 OJ No. L 281, 23.11.1995, p.31

**Amendment of section 122 of Act of 2018**

71. Section 122(4) of the Act of 2018 is amended by the insertion of the following paragraph after paragraph (d):

“(da) where it considers the processing of personal data the subject of the complaint infringes a relevant enactment, the issuing to the controller or processor concerned of a reprimand;”.

**Amendment of section 150 of Act of 2018**

72. Section 150(12) of the Act of 2018 is amended by the substitution of the following paragraphs for paragraphs (a) and (b):

“(a) under paragraph (a), (b) or (da) of section 109(5) or paragraph (a), (b) or (da) of section 122(4),  
(b) under section 111(1)(a), 112(1), 113(2)(b) or (6)(aa), 114, 124(1)(a) or 125(1), or”.

PART 11

AMENDMENT OF JUDICIAL COUNCIL ACT 2019 15

**Definition (*Part 11*)**

73. In this Part, “Act of 2019” means the Judicial Council Act 2019.

**Amendment of section 50 of Act of 2019**

74. Section 50(4) of the Act of 2019 is amended by the substitution of “a member of the Law Library” for “a member of the General Council of the Bar of Ireland”.

**Complaints Review Committee: temporary replacement of member**

75. The Act of 2019 is amended by the insertion of the following section after section 55:

“55A. (1) Where an *ex officio* member or elected member of the Judicial Conduct Committee who is a member of the Complaints Review Committee is the subject of a complaint or otherwise has a conflict of interest in respect of a matter before the Complaints Review Committee, or the lay member of the Complaints Review Committee has a conflict of interest in respect of a matter before that Committee, the member concerned shall take no part in the performance by that Committee of its function in relation to such complaint or matter, and, accordingly shall not—  
(a) attend any meeting of that Committee held for the purpose of performance of that function, or  
(b) cast a vote in relation to any decision falling to be made by it for that purpose.

- (2) Where subsection (1) applies, the Judicial Conduct Committee shall, for the purpose of performing the function referred to in that subsection, replace the member of the Complaints Review Committee concerned—
- (a) in the case of an *ex officio* member or elected member of the Judicial Conduct Committee who is a member of the Complaints Review Committee, with another *ex officio* member or elected member of the Judicial Conduct Committee, or 5
- (b) in the case of the lay member, with another lay member of the Judicial Conduct Committee, 10
- and, accordingly that other person may attend at any meeting of the Complaints Review Committee held for the purpose of the performance of that function and may cast a vote in relation to any decision falling to be made by it for that purpose.
- (3) Where a member of the Complaints Review Committee is temporarily unable to act as a member of that Committee, whether due to illness, incapacity or for any other reason, the Judicial Conduct Committee shall, for the duration of such period when the member is unable to act, replace that member with— 15
- (a) where the member unable to act is an *ex officio* member or elected member of the Judicial Conduct Committee, another *ex officio* member or elected member of the Judicial Conduct Committee, or 20
- (b) where the member unable to act is the lay member, another lay member of the Judicial Conduct Committee.
- (4) Where a member of the Judicial Conduct Committee replaces a member of the Complaints Review Committee in accordance with subsection (2) or (3), the period of time served by that member of the Judicial Conduct Committee as such a replacement shall not be considered a term of membership for the purposes of section 55.”. 25

**Amendment of section 59 of Act of 2019**

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76. Section 59(1) of the Act of 2019 is amended by the substitution of “The Judicial Conduct Committee may refer any matter relating to the conduct of a judge, including any matter which was the subject of a complaint in respect of a judge which is withdrawn, to a panel of inquiry for investigation if” for “The Judicial Conduct Committee may, in the absence of a complaint or where a complaint in respect of a judge is withdrawn, refer any matter relating to the conduct of a judge to a panel of inquiry for investigation if”. 35

## PART 12

### AMENDMENT OF CIVIL LAW AND CRIMINAL LAW (MISCELLANEOUS PROVISIONS) ACT 2020

#### **Definition (*Part 12*)**

77. In this Part, “Act of 2020” means the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020. 5

#### **Amendment of section 10 of Act of 2020**

78. The Act of 2020 is amended by the substitution of the following section for section 10:

##### **“Definitions (Part 3)**

10. In this Part—

‘civil proceedings’ includes any cause, action, suit, matter or application, other than criminal proceedings or relevant proceedings, in or to any court; 10

‘criminal proceedings’ and ‘relevant proceedings’ have the same meanings as they have in Part 4.”.

#### **Amendment of section 14 of Act of 2020**

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79. Section 14(3) of the Act of 2020 is amended—

- (a) in paragraph (a), by the substitution of “criminal proceedings or relevant proceedings” for “criminal proceedings”, and  
(b) in paragraph (c)(iii), by the substitution of “civil proceedings, criminal proceedings or relevant proceedings” for “civil or criminal proceedings”. 20

#### **Amendment of section 22 of Act of 2020**

80. Section 22 of the Act of 2020 is amended by—

- (a) the substitution of the following definition for the definition of “criminal proceedings”:

“ ‘criminal proceedings’ means proceedings against a person for an offence and includes any appeal proceedings related to the offence;” 25

and

- (b) in the definition of “relevant proceedings”, by the substitution of “and includes any appeal proceedings related to such proceedings” for “and includes any appeal proceedings or subsequent proceedings”. 30

#### **Amendment of section 23 of Act of 2020**

81. Section 23(2)(e) of the Act of 2020 is amended by the deletion of “or any subsequent proceedings”.

**Amendment of section 30 of Act of 2020**

**82.** The Act of 2020 is amended by the substitution of the following section for section 30:

- “**30.** (1) Notwithstanding anything contained in the rules (howsoever described) of the body, the validity of a meeting of the members of an unincorporated body, or of a vote taken, decision made or other act done by such members at a meeting, shall not be affected by virtue only of the fact that the meeting concerned was held in accordance with subsection (2) and not held in person. 5
- (2) A meeting referred to in subsection (1) is held in accordance with this subsection where the members participating in the meeting are not all in the one place, but each member is able, directly or by means of electronic communications technology, to speak to, and to be heard by, each of the other members. 10
- (3) In this section, ‘electronic communications technology’, in relation to a meeting referred to in subsection (1), means technology that enables real time transmission and real time two-way audio-visual or audio communication.”. 15

**Amendment of section 31 of Act of 2020**

**83.** Section 31 of the Act of 2020 is amended—

- (a) in subsection (5), by the substitution of “hearing or in person” for “hearing”, 20
- (b) by the insertion of the following subsections after subsection (5):
- “(5A) A person who, in relation to a relevant hearing—
- (a) with the intention of frustrating the participation by a person in the relevant hearing, interferes with or obstructs the electronic communications technology employed in the relevant hearing, or 25
- (b) makes, without the permission of the designated body that holds the relevant hearing, any recording of the relevant hearing,
- shall be guilty of an offence and shall be liable—
- (i) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months, or both, or 30
- (ii) on conviction on indictment, to a fine not exceeding €50,000 or to imprisonment for a term not exceeding 3 years, or both.
- (5B) Proceedings for an offence—
- (a) under subsection (5A), or
- (b) committed, whether under subsection (5A) or otherwise, by a person in connection with his or her participation by remote hearing in the relevant hearing, may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the State.”. 35

and

(c) in subsection (6), by the insertion of the following definition:

“ ‘relevant hearing’ means a hearing that, by virtue of the application to it of subsection (1), is held by remote hearing;”.

**Amendment of section 32 of Act of 2020**

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**84.** Section 32 of the Act of 2020 is amended by the insertion of the following subsection after subsection (5):

“(5A) This section is without prejudice to any other enactment or rule of law concerning—

(a) the execution of a document in counterpart,

10

(b) the treatment, on such execution, of documents executed in counterpart,

(c) the steps required for a document executed in counterpart to become effective, or

(d) the delivery of a document executed in counterpart.”.

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**PART 13**

**COURTS AND COURT OFFICERS (CENTRALISED COURT OFFICES AND ELECTRONIC REGISTERS)**

**Interpretation (*Part 13*)**

**85.** (1) In this Part—

“centralised court office” means a court office designated under *section 86*;

20

“court office” has the same meaning as it has in section 13 of the Courts and Court Officers Act 2009;

“enactment” has the same meaning as it has in the Interpretation Act 2005;

“specified business”, in relation to a centralised court office, means business specified by the Courts Service under *subparagraph (i) or (ii) of subsection (2)(a) or subsection (3)(a)(i) of section 86* as business that may or shall be transacted in that office.

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(2) A reference in this Part to the variation of the specified business of a centralised court office means—

(a) the specification of further business as such specified business, or

(b) the removal of the specification of such business.

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**Centralised court offices**

**86.** (1) Notwithstanding any other enactment, the Courts Service may designate any court office as a centralised court office.

- (2) The Courts Service shall, in designating a centralised court office under *subsection (1)*, specify—
- (a) the business of each court office that—
    - (i) may be transacted either in the centralised court office or that court office, or
    - (ii) shall be transacted in the centralised court office only, 5
 and
  - (b) the date from which such business may or shall, as the case may be, be transacted in the centralised court office concerned.
- (3) The Courts Service, at any time after designating a centralised court office under *subsection (1)*— 10
- (a) may—
    - (i) vary the business that may or shall be transacted in the centralised court office, or
    - (ii) revoke the designation, 15
 and
  - (b) where it so varies the business or revokes the designation, shall specify the date on which the variation or revocation shall take effect.
- (4) Where a date is specified by the Courts Service in accordance with *subsection (2)(b)* or *(3)(b)* as a date from which a specified business shall or may be transacted in a centralised court office, such business shall or may, as the case may be, from that date be so transacted. 20
- (5) Where a date is specified by the Courts Service in accordance with *subsection (3)(b)* as a date from which—
- (a) a specified business shall no longer be transacted in a centralised court office, or
  - (b) the designation of a centralised court office is revoked, 25
- such specified business or all specified business of the centralised court office, as the case may, shall from that date be transacted in the court office in which it would have been transacted prior to the specification of such business.
- (6) The Courts Service may, in specifying a date for the purposes of *subsection (2)(b)* or *(3)(b)* in respect of a specified business, specify different dates for different categories of the specified business. 30
- (7) The Courts Service shall, as soon as may be after—
- (a) a centralised court office is designated and business specified in relation thereto,
  - (b) the specified business of a centralised court office is varied, or
  - (c) the designation of a centralised court office is revoked, 35
- publish notice of the designation, the business so specified or varied, or the revocation, as the case may be, in *Iris Oifigiúil*, but failure to so publish shall not affect the validity of the designation, specification, variation or revocation concerned.



## Consultations

87. (1) The Courts Service shall consult with the Chief Justice prior to—
- (a) designating an office attached to the Supreme Court as a centralised court office under *section 86(1)*,
  - (b) specifying as specified business under *section 86(2)* business that would otherwise be transacted in an office attached to the Supreme Court, 5
  - (c) varying a specified business under *section 86(3)(a)(i)* that would otherwise be transacted in an office attached to the Supreme Court, or
  - (d) revoking the designation of an office attached to the Supreme Court as a centralised court office under *section 86(3)(a)(ii)*. 10
- (2) The Courts Service shall consult with the President of the Court of Appeal prior to—
- (a) designating an office attached to the Court of Appeal as a centralised court office under *section 86(1)*,
  - (b) specifying as specified business under *section 86(2)* business that would otherwise be transacted in an office attached to the Court of Appeal, 15
  - (c) varying a specified business under *section 86(3)(a)(i)* that would otherwise be transacted in an office attached to the Court of Appeal, or
  - (d) revoking the designation of an office attached to the Court of Appeal as a centralised court office under *section 86(3)(a)(ii)*.
- (3) The Courts Service shall consult with the President of the High Court prior to— 20
- (a) designating an office attached to the High Court as a centralised court office under *section 86(1)*,
  - (b) specifying as specified business under *section 86(2)* business that would otherwise be transacted in an office attached to the High Court,
  - (c) varying a specified business under *section 86(3)(a)(i)* that would otherwise be transacted in an office attached to the High Court, or 25
  - (d) revoking the designation of an office attached to the High Court as a centralised court office under *section 86(3)(a)(ii)*.
- (4) The Courts Service shall consult with the President of the Circuit Court prior to—
- (a) designating an office of, or attached to, the Circuit Court as a centralised court office under *section 86(1)*, 30
  - (b) specifying as specified business under *section 86(2)* business that would otherwise be transacted in an office of, or attached to, the Circuit Court,
  - (c) varying a specified business under *section 86(3)(a)(i)* that would otherwise be transacted in an office of, or attached to, the Circuit Court, or 35
  - (d) revoking the designation of an office of, or attached to, the Circuit Court as a centralised court office under *section 86(3)(a)(ii)*.
- (5) The Courts Service shall consult with the President of the District Court prior to—

- (a) designating an office of, or attached to, the District Court as a centralised court office under *section 86(1)*,
- (b) specifying as specified business under *section 86(2)* business that would otherwise be transacted in an office of, or attached to, the District Court,
- (c) varying a specified business under *section 86(3)(a)(i)* that would otherwise be transacted in an office of, or attached to, the District Court, or 5
- (d) revoking the designation of an office of, or attached to, the District Court as a centralised court office under *section 86(3)(a)(ii)*.

**Centralised court office - deemed powers and functions**

**88.** Where, pursuant to *section 86*, specified business may or shall be transacted in a centralised court office, for the purposes of such a transaction in the centralised court office, the following shall apply: 10

- (a) that centralised court office is deemed to be the court office in which the business would, in the absence of its specification as specified business, require to be transacted; 15
- (b) the members of staff of the Courts Service employed in that centralised court office under *section 89* are deemed to be officers attached to that court office;
- (c) any reference in an enactment to that court office or to an officer or member of staff of that court office shall, save where the context otherwise requires, be deemed to include that centralised court office or an officer or member of staff of that centralised court office, as the case may be. 20

**Staff of centralised court office**

**89.** There shall be employed in a centralised court office such and so many members of the staff of the Courts Service as the Courts Service shall from time to time determine.

**Functions of staff**

**90.** The Courts Service may, notwithstanding any other provision of any enactment, appoint any member of staff of the Courts Service employed in a centralised court office under *section 89* as a district court clerk for such one or more district court areas in respect of which business to be transacted by a district court clerk assigned to such district court area has been specified for transaction in the centralised court office under *subsection (2) or (3)(a)(i) of section 86*. 30

**Continuity of administration of justice not to be affected**

**91.** (1) The continuity of the administration of justice shall not be interrupted by—

- (a) the designation of a centralised court office under *section 86(1)*,
- (b) the specification of business as specified business under *section 86(2)*, 35
- (c) the variation of the business that may or shall be transacted in a centralised court office under *section 86(3)(a)(i)*, or

- (d) the revocation of the designation of a centralised court office under *section 86(3)(a)(ii)*.
- (2) Where the transaction of business has been commenced in a court office and, prior to its conclusion, the business is specified as business under *subsection (2) or (3) of section 86* which shall be transacted in a centralised court office only, the transaction of the business concerned shall be continued in the centralised court office from the date specified in accordance with *subsection (2)(b) or (3)(b) of section 86*. 5
- (3) Where the transaction of specified business has been commenced in a centralised court office and, prior to its conclusion, the designation of the centralised court office is revoked in accordance with *section 86(3)(a)(ii)* or the business of a centralised court office is varied by the removal of that business in accordance with *section 86(3)(a)(i)*, the transaction of the business concerned shall be continued from the date specified in accordance with *section 86(3)(b)*, in the court office in which it would have been transacted prior to its specification. 10

**Immunity from suit** 15

- 92. Civil or criminal proceedings shall not lie in any court against the Courts Service, a member of staff of a court office or any other member of staff of the Courts Service in respect of anything said or done in good faith by the Courts Service or such a member of staff in the course of the performance or purported performance of a function of the Courts Service or such a member of staff. 20

**Electronic Registers**

- 93. (1) Subject to *subsection (2)* and notwithstanding any other enactment, the Chief Executive Officer of the Courts Service may, where he or she considers it appropriate, having regard to the benefit of information being made available to the public in an electronic form and the capacity for a register to be maintained in such form, issue a direction in writing that the register shall be maintained in electronic form. 25
- (2) Where the Chief Executive Officer of the Courts Service issues a direction under *subsection (1)*, he or she shall specify in the direction—
  - (a) the date from which the register to which it relates shall be maintained in electronic form, and 30
  - (b) whether that register shall, from that date, be so maintained in respect of—
    - (i) all matters registered in that register after that date, or
    - (ii) all matters registered in that register from such earlier date as that Chief Executive may specify.
- (3) A direction under *subsection (1)* shall be published on the website of the Courts Service, but failure to so publish shall not affect the validity of the direction concerned. 35
- (4) In this section, “register” means a register, howsoever called, maintained by a court office by, under, or in accordance with any enactment, and includes—

- (a) the register of judgments maintained for the purposes of the Judgements (Ireland) Act 1844,
- (b) the Register of Licenses within the meaning of section 16 of the Licensing Act (Ireland) 1874,
- (c) the register of instruments maintained under section 10 of the Powers of Attorney Act 1996, and 5
- (d) the register of *lis pendens* affecting land maintained under section 121 of the Land and Conveyancing Law Reform Act 2009.

## PART 14

### MISCELLANEOUS (ACTS RELATING TO COURTS) 10

#### **Definitions (*Part 14*)**

**94.** In this Part—

“Act of 1926” means the Court Officers Act 1926;

“Act of 1936” means the Courts of Justice Act 1936;

“Act of 1961” means the Courts (Supplemental Provisions) Act 1961. 10

#### **Amendment of section 27 of Act of 1926**

**95.** Section 27 of the Act of 1926 is amended by the substitution of the following subsection for subsection (4):

“(4) No person shall be appointed under this section to be a Deputy Master of the High Court unless at the time of his or her appointment he or she— 20

(a) possesses the qualifications required by paragraph 17(a) of the Eighth Schedule to the Courts (Supplemental Provisions) Act 1961 for appointment as Master of the High Court,

(b) is a member of the staff of the Courts Service who is serving or has served in an office or offices established under Part I of this Act and who— 25

(i) is—

(I) a qualified barrister within the meaning of section 2(1) of the Legal Services Regulation Act 2015, or 30

(II) a person who has been admitted as a solicitor and whose name is on the roll of solicitors (which shall be construed in accordance with section 9 of the Solicitors Act 1954),

or

(ii) at any time prior to his or her appointment as Deputy Master has been employed for a period of not less than nine years, or for 35

periods together totalling not less than nine years, in an office or offices established under Part I of this Act,

or

- (c) is a member of the staff of the Courts Service who holds such other qualification or qualifications as the Courts Service, with the consent of the President of the High Court, determines to be appropriate for such appointment.”. 5

**Amendment of section 35 of Act of 1936**

96. Section 35 of the Act of 1936 is amended by the insertion of the following subsections after subsection (6): 10

“(7) A County Registrar ceases to hold office if he or she is—

- (a) convicted on indictment of an offence,
- (b) convicted of an offence involving fraud or dishonesty, or
- (c) sentenced to a term of imprisonment by a court of competent jurisdiction. 15

(8) The Government may, in accordance with this section, remove a County Registrar from office if—

- (a) in the opinion of the Government, he or she has become incapable, through ill-health or otherwise, of performing the functions of the office, 20
- (b) in the opinion of the Government, he or she has failed without reasonable cause to perform the functions of the office for a continuous period of at least 3 months, or
- (c) he or she has engaged in serious misconduct.

(9) Where the Government propose to remove a County Registrar from office under subsection (8), they shall give notice in writing to the County Registrar concerned of the proposal. 25

(10) A notice under subsection (9) shall include a statement—

- (a) of the reasons for the proposed removal,
- (b) that the County Registrar may, within a period of 30 working days from the date of the giving of the notice, or such longer 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, and 30
- (c) that after the period referred to in paragraph (b) or the period specified in the notice, as the case may be, the Government shall decide whether to remove the County Registrar from office. 35

- (11) In considering whether to remove a County Registrar from office under subsection (8), the Government shall take into account—
  - (a) any representations made by the County Registrar concerned under subsection (10)(b) within the period referred to in that paragraph or the period specified in the notice, as the case may be, and 5
  - (b) any other matter the Government consider relevant for the purpose of their decision.
- (12) Where, after giving notice under subsection (9), the Government decide not to remove the County Registrar from office, the Government shall notify him or her in writing of the decision. 10
- (13) Where, after giving notice under subsection (9), the Government decide to remove a County Registrar from office, the Government shall notify the County Registrar in writing of the decision, the reasons for it and the date from which it shall take effect (which shall be a date not earlier than the date of the notification under this paragraph).” 15

**Amendment of section 37 of Act of 1936**

97. Section 37 of the Act of 1936 is amended by the insertion of the following subsection after subsection (2):

- “(3) The judge hearing an appeal under this section may, if he or she so thinks proper on the application of any party to such appeal, refer any question of law arising in such appeal to the Court of Appeal by way of case stated for the determination of the Court of Appeal and may adjourn the pronouncement of his or her judgment or order on such appeal pending the determination of such case stated and may pronounce his or her said judgment or order at any time after such determination.” 20 25

**Amendment of section 65 of Act of 1936**

98. Section 65 of the Act of 1936 is amended—

- (a) in subsection (3), by the substitution of “subsection (2) and section 65A” for “subsection (2)”, and 30
- (b) in subsection (4), by the substitution of “subsection (1), including those to which section 65A applies,” for “subsection (1)”.

**Unpaid fees**

99. The Act of 1936 is amended by the insertion of the following section after section 65:

- “65A. (1) Where an accountable person, being a person, whether acting on his or her own behalf, or on behalf of another person, who is obliged to discharge a fee prescribed by the Minister under section 65(1), has not paid or, as the case may be, not fully paid the fee concerned on the occasion upon which such fee is prescribed to be paid— 35

- (a) the accountable person shall be liable, and where there is more than one such accountable person they shall be liable jointly and severally, for the payment of the fee unpaid or, as the case may be, the portion of the fee remaining unpaid, and
- (b) the fee or, as the case may be, the portion of the fee remaining unpaid—
  - (i) shall be deemed to be a debt due by the accountable person to the Courts Service, and
  - (ii) shall be payable to the Courts Service and may (without prejudice to any other mode of recovery of the fee or portion of the fee remaining unpaid) be sued for and recovered as a simple contract debt by action, or other appropriate proceedings, at the suit of the Courts Service in any court of competent jurisdiction.”. 10

**Amendment of section 39 of Offences against the State Act 1939** 15

**100.** Section 39 of the Offences against the State Act 1939 is amended by the substitution of the following subsection for subsection (5):

“(5) The Courts Service may appoint from among the staff of the Courts Service such registrars for the purposes of any Special Criminal Court as it thinks proper, and every such registrar shall hold his or her office on such terms and conditions (including terms and conditions relating to remuneration) as are determined by the Minister for Public Expenditure, National Development Plan Delivery and Reform.”. 20

**Offence of obstruction or interference with sheriff**

**101.** The Court Officers Act 1945 is amended by the insertion of the following section after section 12: 25

“**12A.** A person who without lawful authority, wilfully—

- (a) obstructs or interferes with a sheriff appointed under section 12 in the course of the performance by him or her of his or her functions or otherwise impedes the performance by the sheriff of those functions, or 30
- (b) obstructs or interferes with a person to whom the sheriff has delegated any of his or her functions in the course of the performance by that person of any such functions so delegated or otherwise impedes the performance by that person of those functions, 35

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.”.

**Amendment of section 7A of Act of 1961**

**102.** Section 7A of the Act of 1961 is amended by the insertion of the following subsections after subsection (6):

- “(6A) Notwithstanding the generality of subsections (5) and (6), but subject to subsection (6C), in civil proceedings before the Court of Appeal, an application or appeal specified in subsection (6B) may be heard and determined by— 5
- (a) the President of the Court of Appeal sitting alone, or
  - (b) any other judge of the Court of Appeal sitting alone as may be nominated for that purpose by the President of the Court of Appeal. 10
- (6B) The following applications and appeals are specified for the purposes of subsection (6A):
- (a) an application to dismiss an appeal on the basis that the appeal is—
    - (i) an abuse of process,
    - (ii) frivolous or vexatious, or 15
    - (iii) without substance or foundation;
  - (b) an appeal against an order for costs;
  - (c) an appeal against an order made pursuant to the slip rule;
  - (d) an appeal against an order made in respect of matters connected with the case management of proceedings; 20
  - (e) an appeal against such class or classes of order of the High Court of an interlocutory nature as may be prescribed in the Rules of the Superior Courts.
- (6C) Where—
- (a) the President of the Court of Appeal, or 25
  - (b) the judge nominated under subsection (6A)(b),
- hears an application or an appeal in accordance with subsection (6A) and it appears to him or her that it is in the interests of justice that the application or the appeal be heard by a division of 3 judges, he or she shall refer the application or the appeal for hearing by such division. 30
- (6D) In prescribing orders of an interlocutory nature for the purposes of subsection (6B)(e), the Superior Courts Rules Committee—
- (a) shall have regard to the following:
    - (i) the interests of justice;
    - (ii) the need to ensure expeditious access to justice for all parties to proceedings; 35



- (iii) the need for the expeditious disposal of proceedings in the High Court and, in particular, proceedings in respect of an appeal against an order of the High Court of an interlocutory nature;
  - (iv) the need to ensure the most effective and efficient use of the resources of the Court of Appeal, 5
- and
- (b) may, for those purposes, prescribe any the following orders either generally, or in respect of particular categories of proceedings:
    - (i) an order for discovery, including further and better discovery;
    - (ii) an order refusing discovery, including further and better 10 discovery;
    - (iii) an order requiring the delivery of replies to particulars;
    - (iv) an order refusing to direct the delivery of replies to particulars;
    - (v) an order requiring an answer to interrogatories;
    - (vi) an order refusing to direct an answer to interrogatories; 15
    - (vii) an order granting an application for an interlocutory injunction;
    - (viii) an order refusing to grant an application for an interlocutory injunction;
    - (ix) an order for security for costs;
    - (x) an order refusing to grant security for costs; 20
    - (xi) an order granting an application to amend pleadings;
    - (xii) an order refusing to grant an application to amend pleadings;
    - (xiii) such other order of an interlocutory nature as the Superior Court Rules Committee considers appropriate having regard to the matters referred to in paragraph (a).” 25

**Amendment of section 22 of Act of 1961**

**103.** Section 22 of the Act of 1961 is amended by the insertion of the following subsections after subsection 15:

“(16) In the interests of the administration of justice and the determination of proceedings in a manner which is just, expeditious and likely to 30 minimise the cost of those proceedings—

- (a) the President of the Circuit Court, or
- (b) any other judge of the Circuit Court as may be nominated for that purpose by the President of the Circuit Court,

may, subject to any practice direction issued under subsection (17), 35 make any order or give any direction he or she thinks appropriate in relation to the conduct of proceedings before the Circuit Court.

- (17) The President of the Circuit Court may, in the interests of the administration of justice and the determination of proceedings in a manner which is just, expeditious and likely to minimise the cost of those proceedings, issue directions (in this section referred to as ‘practice directions’) in relation to the conduct of proceedings before the Circuit Court. 5
- (18) A practice direction may relate to—
- (a) civil or criminal proceedings, or both, or
  - (b) a class or classes of civil or criminal proceedings, or both,
- and may make provision for such incidental, supplementary and consequential matters, including in respect of a failure to comply with any matter provided for in a direction, as appear to the President of the Circuit Court to be necessary or expedient for the purposes of the direction. 10
- (19) A practice direction shall be published in such manner as the President of the Circuit Court may direct. 15
- (20) Subsections (16) to (19) are without prejudice to any powers of the Circuit Court in respect of proceedings before it.”.

**Amendment of section 36 of Act of 1961**

**104.** Section 36 of the Act of 1961 is amended by the insertion of the following subsections after subsection (4): 20

- “(5) In the interests of the administration of justice and the determination of proceedings in a manner which is just, expeditious and likely to minimise the cost of those proceedings—
- (a) the President of the District Court, or 25
  - (b) any other judge of the District Court as may be nominated for that purpose by the President of the District Court,
- may, subject to any practice direction issued under subsection (6), make any order or give any direction he or she thinks appropriate in relation to the conduct of proceedings before the District Court. 30
- (6) The President of the District Court may, in the interests of the administration of justice and the determination of proceedings in a manner which is just, expeditious and likely to minimise the cost of those proceedings, issue directions (in this section referred to as ‘practice directions’) in relation to the conduct of proceedings before the District Court. 35
- (7) A practice direction may relate to—
- (a) civil or criminal proceedings, or both, or
  - (b) a class or classes of civil or criminal proceedings, or both,

and may make provision for such incidental, supplementary and consequential matters, including in respect of a failure to comply with any matter provided for in a direction, as appear to the President of the District Court to be necessary or expedient for the purposes of the direction.

5

- (8) A practice direction shall be published in such manner as the President of the District Court may direct.
- (9) Subsections (5) to (8) are without prejudice to any powers of the District Court in respect of proceedings before it.”.

**Court may award costs without oral hearing**

10

**105.** The Act of 1961 is amended by the insertion of the following section after section 61:

“**62.** (1) Subject to subsection (2), a court in any proceedings before it may, in relation to its determination, or any part of its determination, of the liability (if any) of any party to costs, make one or more of the following directions:

15

- (a) that the determination shall be made without an oral hearing;
- (b) that an application or submission to the court relating to such determination shall be made in writing;
- (c) that a ruling in relation to such liability shall be delivered in writing.

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- (2) A court shall not make a direction under subsection (1) where it considers that it is not in the interests of justice to do so.
- (3) A direction under subsection (1) may be made at any time during the proceedings concerned or at their conclusion.
- (4) Rules of court may, in relation to proceedings to which subsection (1) applies, make provision for the manner in which submissions in writing relating to liability for costs may be made by the parties to the proceedings.
- (5) Subsection (1) is without prejudice to any power of the court under any enactment or rule of court.
- (6) In this section, ‘court’ means the Supreme Court, the Court of Appeal, the High Court, the Circuit Court or the District Court.”.

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**Amendment of Eighth Schedule to Act of 1961**

**106.** The Eighth Schedule to the Act of 1961 is amended by the substitution of the following paragraph for paragraph 17:

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**“Qualification of Master of the High Court**

- 17. No person shall be appointed to be Master of the High Court unless at the time of his or her appointment he or she—

- (a) is a barrister or solicitor of not less than eight years' standing who is then actually practising, or
- (b) has—
  - (i) been appointed under section 27(1A) of the Court Officers Act 1926 to be a deputy to execute the office of the Master of the High Court or, as the case may be, to execute such office concurrently with the Master of the High Court, and 5
  - (ii) been appointed and acted as such deputy for a period or periods totalling not less than three months.”. 10

**Amendment of section 7(6) of Courts Act 1964**

107. Section 7(6)(a)(ii) of the Courts Act 1964, in so far as it is not already repealed, is repealed.

**Amendment of Courts Service Act 1998**

108. The Courts Service Act 1998 is amended— 15

- (a) in section 6(2)—
  - (i) in paragraph (j), by the substitution of “designate court venues,” for “designate court venues, and”,
  - (ii) in paragraph (k), by the substitution of “Courts and Court Officers Act 2009,” for “Courts and Court Officers Act 2009.”, and 20
  - (iii) by the insertion of the following paragraphs after paragraph (k):
    - “(l) designate a court office as a centralised court office, specify or vary the business that may or shall be transacted in such a court office, or revoke the designation of such an office, under *section 86* of the *Courts and Civil Law (Miscellaneous Provisions) Act 2023*, and 25
    - (m) designate a court office as a designated court office under section 4A of the *Juries Act 1976* for the purposes of that Act,”.
- (b) in section 7—
  - (i) by the substitution of the following subsection for subsection (1):
    - “(1) Subject to subsection (1A), the Service shall prepare and submit to the Minister, for approval by the Minister with or without amendment, a strategic plan for the ensuing three year period.”. 30

and
  - (ii) by the insertion of the following subsection after subsection (1):
    - “(1A) After the date of the coming into operation of *section 108* of the *Courts and Civil Law (Miscellaneous Provisions) Act 2023* (in this subsection referred to as the ‘commencement date’)— 35

- (a) the strategic plan submitted to the Minister on 9 December 2020, which shall be deemed to have been submitted in accordance with subsection (1) as it stood before the commencement date, shall remain in effect until the approval by the Minister of a new strategic plan under subsection (1), 5
- (b) the new strategic plan referred to in paragraph (a) shall be prepared and submitted to the Minister under subsection (1) on a date (in this subsection referred to as the ‘submission date’) not later than three years and six months after 9 December 2020, and
- (c) a strategic plan shall thereafter be prepared and submitted to the Minister under subsection (1) within six months before each third anniversary of the submission date.”, 10

and

- (c) in subsection (1) of section 21, by the deletion of “3 year”.

## PART 15

15

### MISCELLANEOUS

#### **Amendment of section 28 of Gaming and Lotteries Act 1956**

- 109.** Section 28(11) of the Gaming and Lotteries Act 1956 is amended by the substitution of “licence” for “permit”.

#### **Amendment of section 11B of Guardianship of Infants Act 1964**

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- 110.** Section 11B of the Guardianship of Infants Act 1964 is amended—

- (a) in subsection (1), by the deletion of “, subject to subsection (3),”, and
- (b) in subsection (3), by—
  - (i) the substitution of “make an order under subsection (1)” for “grant leave under subsection (1)”, 25
  - (ii) the substitution, in paragraph (b), of “the order” for “the application”, and
  - (iii) the substitution, in paragraph (c), of “the order” for “an order”.

#### **Amendment of section 36 of Succession Act 1965**

- 111.** Section 36 of the Succession Act 1965 is amended—

- (a) in subsection (4), by the substitution of “until he has satisfied himself, on the basis of an examination of all notices of applications for grants made to the Probate Office and the district probate registries,” for “until he has received from that Office a certificate”, and 30
- (b) by the deletion of subsections (5) and (7).

### **Amendment of section 11 of Civil Legal Aid Act 1995**

**112.** Section 11 of the Civil Legal Aid Act 1995 is amended by the insertion of the following subsections after subsection (5):

“(5A) Every solicitor of the Board and solicitor employed by the former Board who, before 1 June 2014, ceased to be employed by the Board or the former Board, as the case may be, is designated as a civil servant in the Civil Service of the State in respect of, subject to subsection (5B), superannuation benefits payable as a result of his or her membership of a scheme made under section 23 or a scheme the operation of which was transferred to the Board under this Act. 5 10

(5B) Subsection (5A) applies in respect of superannuation benefits payable, on or after the coming into operation of *section 112 of the Courts and Civil Law (Miscellaneous Provisions) Act 2023*, by the Minister for Public Expenditure, National Development Plan Delivery and Reform out of funds provided by the Oireachtas.”. 15

### **Amendment of section 4 of Immigration Act 2004**

**113.** Section 4 of the Immigration Act 2004 is amended—

- (a) in subsection (3)(k), by the substitution of “non-national;” for “non-national.”, and
- (b) in subsection (7), by the substitution of “whether or not an application is made by the non-national concerned” for “on application therefor by the non-national concerned”. 20

### **Maintenance and champerty not to apply to dispute resolution proceedings**

**114.** The Arbitration Act 2010 is amended by the insertion of the following section after section 5: 25

- “**5A.** (1) This section applies to dispute resolution proceedings.
- (2) The offences and torts of maintenance and champerty do not apply to dispute resolution proceedings.
  - (3) A third-party funding contract that meets the criteria (if any) prescribed under subsection (4) shall not, insofar as it relates to dispute resolution proceedings, be treated as contrary to public policy or otherwise illegal or void. 30
  - (4) The Minister may, for the purposes of subsection (3), by regulation prescribe criteria, including criteria relating to transparency in relation to funders and recipients, for third-party funding contracts. 35
  - (5) In this section—  
‘dispute resolution proceedings’ means:
    - (a) an international commercial arbitration;

(b) any proceedings arising out of an international commercial arbitration before a court of competent jurisdiction performing any of the functions provided for in the Model Law;

(c) any appeal from a decision of a court referred to in paragraph (b);

(d) any mediation or conciliation proceedings arising out of an international commercial arbitration, proceedings or an appeal referred to in paragraph (a), (b) or (c); 5

‘third-party funding contract’ means a contract or agreement between a party or potential party to dispute resolution proceedings and a third-party funder, for the funding of all or part of the costs of the proceedings in return for a share or other interest in the proceeds or potential proceeds of the dispute resolution proceedings to which the party or potential party may become entitled.”. 10

**Amendment of Schedule 1 to Garda Síochána (Functions and Operational Areas) Act 2022** 15

**115.** Schedule 1 to the Garda Síochána (Functions and Operational Areas) Act 2022 is amended, in column (5) opposite mention of reference number 9, in the amendment of section 27B(15) of the Gaming and Lotteries Act 1956, by the substitution of “The chief superintendent of the Garda Síochána division shall cause to be kept a register of all lottery permits” for “The chief superintendent of the Garda Síochána division shall cause to be kept a register of all gaming permits”. 20

An Bille um Chúirteanna agus an Dlí  
Sibhialta (Forálacha Ilghnéitheacha), 2022

# BILLE

(mar a ritheadh ag Dáil Éireann)

dá ngairtear

Acht do dhéanamh sócrú i ndáil le deimhnithe cadóirseachta a dheonú agus deimhnithe náisiúntachta a fhiordheimhniú, agus, chun na gcríoch sin agus chun críoch eile, do leasú Acht Náisiúntachta agus Saoránachta Éireann, 1956; do leasú an Achte um Dhéileanas Sibhialta, 1961 chun a chumasú don Aire Dlí agus Cirt rialacháin a dhéanamh i ndáil le hinnéacs a shonrú ar faoina threoir a dhéanfar méid iocaiachta faoi ordú iocaiachtaí tréimhsiúla a choigeartú gach bliain; do dhéanamh sócrú maidir le hoifig cúirte a shainaimniú chun giúroirí a rollú agus a thoghairm, agus, chun na críche sin, do leasú Acht na nGiúiréithe, 1976; do leasú nósanna imeachta áirithe a bhaineann leis an bpróiseas féimheachta, agus, chun na críche sin agus chun críoch gaolmhar, do leasú an Achte Féimheachta, 1988; do leasú an Achte um Dhéileanas Áititheoirí, 1995; do dhéanamh sócrú chun cuid de chistí agróirí de chuid na Cúirte Cuarda agus cistí agróirí de chuid na Cúirte Dúiche atá dílsithe do Chuntaoír na gCúirteanna Breithiúnais a dhíúscairt, agus, chun na críche sin agus chun críoch eile, do leasú an Achte um Dhéileanas Sibhialta agus Cúirteanna, 2004; do leasú forálacha áirithe den Acht um Rialáil Seirbhísi Dlí, 2015, lena n-áirítear chun sócrú breise a dhéanamh i ndáil leis an tobhach a bheidh le h-icéil faoin Acht sin agus i ndáil le rolla na n-abhcóidí cleachtacha; do leasú an Achte um Chosaint Idrnáisiúnta, 2015; do dhéanamh sócrú maidir leis an gCoimisiún um Chosaint Sonraí d'eisiúint iomardú chuirge rialaitheoir nó próiseála in imthoosa áirithe agus do dhéanamh sócrú maidir le dlíse a bheith ag an gCúirt Dúiche, i gcomhleáth leis an gCúirt Cuarda agus leis an Ard-Chúirt, chun caingeán arna tionscnamh ag ábhar sonraí maidir lena chearta nó lena cearta faoin Rialachán maidir le Cosaint Sonraí a éisteach agus a chinneadh agus, chun na gcríoch sin agus chun críoch eile, do leasú an Achte um Chosaint Sonraí, 2018; do dhéanamh sócrú maidir le comhaltá den Choiste um Athbheithniú ar Ghearáin de chuid Chomhairle na mBreithiúna a ionadú go sealadach agus, chun na críche sin agus chun críoch eile, do leasú an Achte um Chomhairle na mBreithiúna, 2019; do dhéanamh sócrú maidir le hoifigí cúirte láraithe a shainaimniú, maidir le gnó oifige cúirte a dhéanfar sna hoifigí sin a shonrú, agus i dtaobh nithe gaolmhar; do dhéanamh sócrú maidir le clár áirithe a chothabháil i bhfoirm leictreonach; do dhéanamh sócrú maidir leis an tSeirbhís Chúirteanna do cheapadh cláráitheoirí chun na Cúirte Coirriúla Speisialta, agus, chun na críche sin, do leasú an Achte um Chiontaí in Aghaidh an Stáit, 1939; do dhéanamh sócrú maidir le cion arb éard é cosc a chur ar shirriam nó cur isteach air nó uirthi, agus, chun na críche sin, do leasú an Achte Oifigeach Cúirte, 1945; agus, chun na gcríoch sin agus chun críoch eile, do leasú an Achte Oifigigh Cúirte, 1926, an Achte Cúirteanna Breithiúnais, 1936, Acht na gCúirteanna (Forálacha Forlontacha), 1961, Acht na gCúirteanna, 1964, an Achte um Chúnamh Dlíthiúil Sibhialta, 1995, an Achte um Sheirbhís Chúirteanna, 1998, an Achte um Chearrbhachas agus Crannchuir, 1956, an Achte um Chaoimhneacht Naíon, 1964, an Achte Comharbais, 1965, an Achte Inimirc, 2004, an Achte Eadrána, 2010, an Achte um an Dlí Sibhialta agus an Dlí Coirriúil (Forálacha Ilghnéitheacha), 2020 agus Acht an Gharda Síochána (Feidhmeanna agus Limistéir Oibríochta), 2022.

Ritheadh ag Dáil Éireann,

1 Márta, 2023

Courts and Civil Law (Miscellaneous  
Provisions) Bill 2022

# BILL

(as passed by Dáil Éireann)

entitled

An Act to make provision in relation to the grant of certificates of naturalisation and the authentication of certificates of nationality, and for those and other purposes to amend the Irish Nationality and Citizenship Act 1956; to amend the Civil Liability Act 1961 to enable the Minister for Justice to make regulations in relation to the specification of an index by reference to which the amount of a payment under a periodic payments order is to be adjusted annually; to make provision for the designation of a court office for the purpose of empanelling and summoning jurors, and for that purpose to amend the Juries Act 1976; to amend certain procedures relating to the bankruptcy process, and for that and related purposes to amend the Bankruptcy Act 1988; to amend the Occupiers' Liability Act 1995; to provide for the disposal of part of the funds of suitors of the Circuit Court and the funds of suitors of the District Court vested in the Accountant of the Courts of Justice, and for that and other purposes to amend the Civil Liability and Courts Act 2004; to amend certain provisions of the Legal Services Regulation Act 2015, including for the purpose of making further provision in relation to the levy to be paid under that Act and the roll of practising barristers; to amend the International Protection Act 2015; to provide for the Data Protection Commission to issue a reprimand to a controller or processor in certain circumstances and to provide for the District Court to have jurisdiction, concurrently with the Circuit Court and the High Court, to hear and determine an action taken by a data subject in respect of his or her rights under the Data Protection Regulation and, for those and other purposes, to amend the Data Protection Act 2018; to provide for the temporary replacement of a member of the Complaints Review Committee of the Judicial Council, and for that and other purposes to amend the Judicial Council Act 2019; to make provision for the designation of centralised court offices, the specification of court office business to be transacted in such offices and related matters; to make provision for the maintenance of certain registers in electronic form; to provide for the appointment of registrars to the Special Criminal Court by the Courts Service, and for that purpose to amend the Offences against the State Act 1939; to provide for an offence of obstruction or interference with a sheriff, and for that purpose to amend the Court Officers Act 1945; and for those and other purposes to amend the Court Officers Act 1926, the Courts of Justice Act 1936, the Courts (Supplemental Provisions) Act 1961, the Courts Act 1964, the Civil Legal Aid Act 1995, the Courts Service Act 1998, the Gaming and Lotteries Act 1956, the Guardianship of Infants Act 1964, the Succession Act 1965, the Immigration Act 2004, the Arbitration Act 2010, the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 and the Garda Síochána (Functions and Operational Areas) Act 2022.

Passed by Dáil Éireann,

1st March, 2023

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó

FOILSEACHÁIN RIALTAIS,  
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,  
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