



An Bille um Chúnamh Dlíthiúil (Leasú), 2023
Legal Aid (Amendment) Bill 2023

Mar a tionscnaíodh

As initiated



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ACT REFERRED TO

Civil Legal Aid Act 1995 (No. 32)



AN BILLE UM CHÚNAMH DLÍTHIÚIL (LEASÚ), 2023
LEGAL AID (AMENDMENT) BILL 2023

Bill

entitled

An Act to amend the Civil Legal Aid Act 1995, and to provide for a more effective legal aid system. 5

Be it enacted by the Oireachtas as follows:

Interpretation

1. In this Act, “Act of 1995” means the Civil Legal Aid Act 1995.

Amendment of section 28 of Act of 1995

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2. Section 28 of the Act of 1995 is amended—

(a) by the substitution of the following for subsection (2):

“(2) Subject to sections 24 and 29 and the other provisions of this section and to regulations (if any) made under section 37, the Board shall grant a legal aid certificate under this section to a person if, in the opinion of the Board— 15

(a) the applicant satisfies the criteria in respect of financial eligibility specified in section 29,

(b) the applicant has as a matter of law reasonable grounds for instituting, defending, or, as may be the case, being a party to, the proceedings the subject matter of the application, 20

(c) the proceedings the subject matter of the application are the most satisfactory means (having regard to all the circumstances of the case, including the probable cost to the applicant) by which the result sought by the applicant or a more satisfactory one, may be achieved, and 25

(d) having regard to all the circumstances of the case it is reasonable to grant it.”,

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

“(3) Where the proceedings the subject matter of the application under this section concern the welfare of (including the custody of or access to) a child, or proceedings relating to domestic violence, paragraph (d) of 30

subsection (2) shall not apply.”,

(c) in subsection (9), by the substitution of the following for paragraph (a):

“(a) Subject to any order made under subsection (10) and to the other provisions of this subsection, legal aid shall not be granted by the Board in respect of any of the following matters (referred to in this Act as ‘designated matters’):

(i) defamation;

(ii) civil matters within the jurisdiction of the District Court (Small Claims Procedure) Rules 1993;

(iii) licensing;

(iv) conveyancing;

(v) election petitions;

(vi) a matter as respects which the application for legal aid is made in a representative, fiduciary or official capacity and the Board, having regard to any source from which the applicant is or may be entitled to be indemnified in respect of the costs of the proceedings concerned and any resources of the persons who would be likely to benefit from a successful outcome of the proceedings for the applicant, is of opinion that legal aid should not be granted;”

and

(d) by the insertion of the following after subsection (11):

“(12) Legal aid may be granted for proceedings before quasi-judicial bodies and proceedings before any person or body operating under Article 37 of the Constitution. This includes, but is not limited to, proceedings before the Workplace Relations Commission, The Labour Court, social welfare appeals, and Equality Tribunal claims.”.

Amendment of section 29 of Act of 1995

3. Section 29 of the Act of 1995 is amended—

(a) in subsection (1), by the deletion of paragraph (b),

(b) by the substitution of the following for subsection (2):

“(2) The Board may, in accordance with regulations under section 37, provide legal aid or advice to an applicant without reference to his or her financial resources.”,

and

(c) in subsection (8), in the definition of “income”, by the insertion of the following after “section 37(2)(c)” where it secondly occurs:

“For the avoidance of doubt, housing assistance payment, fuel allowance, working family payment shall not be considered income”.

Short title and commencement

4. (1) This Act may be cited as Legal Aid (Amendment) Act 2023.
- (2) This Act comes into operation 6 months after the date of its passing or on such earlier date than the said 6 months as the Minister for Environment, Climate and Communications may by order appoint either generally or with reference to any purpose or provision, and different days may be so appointed for different purposes and different provisions. 5

An Bille um Chúnamh Dlíthiúil (Leasú),
2023

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta um Chúnamh Dlíthiúil
Sibhialta, 1995, agus do dhéanamh socrú maidir
le córas cúnamh dhlíthiúil níos éifeachtaí.

An Teachta Pádraig Ó Coistealbha a thug isteach,
25 Aibreán, 2023

Legal Aid (Amendment) Bill 2023

BILL

(as initiated)

entitled

An Act to amend the Civil Legal Aid Act 1995, and
to provide for a more effective legal aid system.

Introduced by Deputy Patrick Costello,
25th April, 2023

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8, D08 XAO6.
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