



**An Bille um Chúnamh Dlíthiúil Sibhialta (Seirbhísí Idirghabhála le haghaidh
Díospóidí idir Comharsana), 2023**

Civil Legal Aid (Neighbours' Dispute Mediation Services) Bill 2023

Mar a tionscnaíodh

As initiated



**AN BILLE UM CHÚNAMH DLÍTHIÚIL SIBHIALTA (SEIRBHÍSÍ IDIRGHABHÁLA
LE hAGHAIDH DÍOSPÓIDÍ IDIR COMHARSANA), 2023**
CIVIL LEGAL AID (NEIGHBOURS' DISPUTE MEDIATION SERVICES) BILL 2023

Mar a tionscnaíodh

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CONTENTS

Section

1. Definition
2. Amendment of section 1 of Principal Act
3. Amendment of section 5 (functions of Board) of Principal Act
4. Amendment of section 11A of Principal Act
5. Amendment of section 36A of Principal Act
6. Amendment of section 36B of Principal Act
7. Condition for access to neighbours' dispute mediation service
8. Amendment of section 37 of Principal Act
9. Short title and commencement

ACTS REFERRED TO

Civil Legal Aid Act 1995 (No. 32)

Control of Dogs Act 1986 (No. 32)

Housing (Miscellaneous Provisions) Act 1997 (No. 21)

Land and Conveyancing Law Reform Act 2009 (No. 27)

Litter Pollution Act 1997 (No. 12)



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LE hAGHAIDH DÍOSPÓIDÍ IDIR COMHARSANA), 2023
CIVIL LEGAL AID (NEIGHBOURS' DISPUTE MEDIATION SERVICES) BILL 2023

Bill

entitled

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An Act to amend and extend the Civil Legal Aid Act 1995 and to provide for related matters.

Be it enacted by the Oireachtas as follows:

Definition

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

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Amendment of section 1 of Principal Act

2. Section 1 of the Principal Act is amended in subsection (1)—

- (a) by inserting the following definition after the definition of “the Board”:

“ ‘CCTV’ means closed-circuit television, being any fixed system employing optical devices for recording images of events;”,

15

and

- (b) by inserting the following definitions after the definition of “the Minister”:

“ ‘neighbour’, in relation to any person who is an owner or occupier of land or property, means a person who is the owner or occupier of land or property that is located in the vicinity of the first-mentioned land or property;

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‘neighbours’ dispute’ means a dispute between 2 or more persons who are neighbours in relation to any of the following:

- (a) any nuisance that is alleged to have been suffered by one or more such neighbours by reason of any act or omission of another neighbour, including—

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- (i) any act or omission that causes nuisance through any of the following:

(I) noise;

(II) odours;

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(III) litter, within the meaning of the Litter Pollution Act 1997;

(IV) loss of easement relating to a right to light,

or

(ii) any act or omission relating to the maintenance of any hedge, tree, shrub or other vegetation by the second-mentioned neighbour; 5

(b) without prejudice to paragraph (a), alleged nuisance to which section 25 of the Control of Dogs Act 1986 relates;

(c) any nuisance, trespass or other damage that is alleged to have been suffered by one or more such neighbours by reason of works done by or on behalf of another neighbour on a party structure, within the meaning of Chapter 3 of Part 8 of the Land and Conveyancing Law Reform Act 2009; 10

(d) any nuisance, personal injury or other damage alleged to have been suffered by one or more such neighbours by reason of the anti-social behaviour (within the meaning of the Housing (Miscellaneous Provisions) Act 1997) of another neighbour; 15

(e) any nuisance, personal injury or other damage alleged to have been suffered by one or more such neighbours by reason of the disposal of waste by another neighbour, including disposal by burning such waste; 20

(f) the processing of personal data of any such neighbour by another neighbour, including by means of the operation of CCTV at or near the second-mentioned neighbour's property;

(g) such other matter as may be prescribed under section 37; 25

'neighbours' dispute mediation services' means services designed to assist persons involved in a neighbours' dispute to reach agreement relating to some or all of such matters that relate to the dispute concerned;".

Amendment of section 5 (functions of Board) of Principal Act

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3. Section 5 of the Principal Act is amended in subsection (1)—

(a) in paragraph (a) by deleting "and" in subparagraph (i), by substituting "service, and" for "service;" in subparagraph (ii) and by inserting the following subparagraph after subparagraph (ii):

"(iii) a neighbours' dispute mediation service;"; 35

and

(b) in paragraph (b)—

(i) in subparagraph (i) by inserting "or neighbours' dispute mediation services, or both," after "family mediation services", and

- (ii) in subparagraph (ii) by substituting “family mediation or neighbours’ dispute mediation, or both,” for “family mediation,”.

Amendment of section 11A of Principal Act

4. Section 11A of the Principal Act is amended—

- (a) in subsection (1)— 5
 - (i) by inserting “or neighbours’ dispute mediation services, or both,” after “family mediation services”, and
 - (ii) by inserting “or neighbours’ dispute mediation, or both” after “family mediation” where those words last occur,
- and 10
- (b) in subsection (4) by inserting “or a neighbours’ dispute mediation service, or both,” after “family mediation services”.

Amendment of section 36A of Principal Act

5. Section 36A of the Principal Act is amended—

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

“(1A) Any communication (including any record of such communication) between any of the parties to a neighbours’ dispute mediation (provided by the Board or by other persons appointed for that purpose by the Board under this Act) and a third party, including a mediator, for the purposes of attempting to reach agreement relating to the neighbours’ dispute concerned shall not be disclosed and shall not be admissible as evidence in any court.”

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- (b) in subsection (2) by substituting “Subsections (1) and (1A) are” for “Subsection (1) is”, and
- (c) in subsection (3) by inserting “or a neighbours’ dispute mediation” after “a family mediation”. 25

Amendment of section 36B of Principal Act

6. Section 36B of the Principal Act is amended in subsection (2)—

- (a) in paragraph (a)—
 - (i) by inserting “or neighbours’ dispute mediation services, or both,” after “family mediation services”, and 30
 - (ii) by inserting “or a neighbours’ dispute mediation” after “family mediation” where those words last occur,
- and
- (b) in paragraph (b)— 35
 - (i) by inserting “or neighbours’ dispute mediation services, or both,” after

“family mediation services”, and

- (ii) by inserting “or a neighbours’ dispute mediation” after “family mediation” where those words last occur.

Condition for access to neighbours’ dispute mediation service

7. The Principal Act is amended by inserting the following section after section 36B: 5
- “36C. (1) Without prejudice to regulations (if any) under section 37(2)(fbb), the provision of a neighbours’ dispute mediation service by the Board in relation to a neighbours’ dispute shall be subject to the applicant neighbour paying to the Board a fee.
- (2) For the purpose of subsection (1), the Minister— 10
- (a) shall prescribe by regulations the fee to be paid by an applicant neighbour,
- (b) may, for the purposes of paragraph (a), so prescribe different fees in relation to different classes of persons or different classes of disputes, and 15
- (c) may provide by way of regulations that the Board may, in specified circumstances, waive or reduce a fee that is payable by an applicant neighbour.
- (3) In this section, ‘applicant neighbour’, in relation to a neighbours’ dispute, means the person who makes an application for the provision of a neighbours’ dispute mediation service by the Board in relation to that dispute.”. 20

Amendment of section 37 of Principal Act

8. Section 37 of the Principal Act is amended in subsection (2) by inserting the following paragraphs after (fb): 25
- “(fba) prescribe particular classes of dispute as neighbours’ disputes for the purpose of paragraph (g) of the definition of ‘neighbours’ dispute’ in section 1(1);
- (fbb) make provision as to the conditions relating to the provision of neighbours’ dispute mediation services by the Board;”. 30

Short title and commencement

9. (1) This Act may be cited as the Civil Legal Aid (Neighbours’ Dispute Mediation Services) Act 2023.
- (2) This Act comes into operation 9 months after the date of its passing or on such earlier date than the said 9 months as the Minister for Justice may by order appoint. 35

An Bille um Chúnamh Dlíthiúil Sibhialta
(Seirbhísí Idirghabhála le haghaidh
Díospóidí idir Comharsana), 2023

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú agus do leathnú an Achta um
Chúnamh Dlíthiúil Sibhialta, 1995 agus do
dhéanamh socrú i dtaobh nithe gaolmhara.

An Seanadóir Micheál Mac Ronncarraigí a thug
isteach,

15 Samhain, 2023

Civil Legal Aid (Neighbours' Dispute
Mediation Services) Bill 2023

BILL

(as initiated)

entitled

An Act to amend and extend the Civil Legal Aid Act
1995 and to provide for related matters.

Introduced by Senator Micheál Carrigy,

15th November, 2023

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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