



DÁIL ÉIREANN

REPORT

OF THE

Committee on Procedure

ON

INSTRUCTION OF LEGAL REPRESENTATION ON BEHALF OF DÁIL ÉIREANN

Contents:

Page no.

Report – Instruction of Counsel by CoP

1

INSTRUCTION OF COUNSEL BY COMMITTEE ON PROCEDURE

1. Judicial review proceedings have been initiated in the High Court by Deputies Bríd Smith, Richard Boyd Barrett, Gino Kenny and Paul Murphy against the Ceann Comhairle. The proceedings are currently entitled *Smith and others v the Ceann Comhairle* (High Court Record Number 2019/791JR).
2. The case as initiated on 6 November 2019 only related to the Ceann Comhairle's decision on whether the Applicants' motion (which sought to replace Dáil Standing Order 179(2)) could be allowed on the Order Paper (the decision of 4 November 2019). The case as currently constituted only names the Ceann Comhairle as the sole Respondent and the Attorney General as a Notice Party.
3. The Applicants are now seeking the permission of the High Court to amend the reliefs sought, and to add Dáil Éireann *inter alia* as a Respondent.
4. On 2 December 2019 the President of the High Court directed that a copy of the pleadings in the above-mentioned case, including a copy of the proposed amended Statement of Grounds, should be served on the Clerk of the Dáil, on behalf of Dáil Éireann, so as to allow Dáil Éireann to make a submission to the Court, if they chose to do so, as to whether the proceedings should be amended to include them. The Applicants' solicitors, in line with the Order of the Court, served the documents on the Clerk of the Dáil on 3 December 2019.
5. Under paragraph (2) of the report on the role of the Committee on Procedure (CoP) in legal representation (adopted by Resolution of Dáil Éireann on 27 May 2003), and under Standing Order 107(2)(e), CoP has the authority and power, where Dáil Éireann or members of Dáil Éireann have been enjoined, or become otherwise involved, in court proceedings, to act on behalf of Dáil Éireann or such members in the said proceedings, and in any matter relating thereto, as CoP sees fit.
6. CoP considered the matter at its meeting of this date, and has decided that it will instruct, and hereby instructs, Mr Conleth Bradley SC and Ms Catherine Donnelly BL to act, until further notice, on behalf of Dáil Éireann, in the proceedings. Such

instructions include the instruction to act on behalf of Dáil Éireann in the application to the High Court to amend the pleadings to join Dáil Éireann as a Respondent.

Signed:

A handwritten signature in blue ink, reading "Pat the Cope Gallagher".

Mr Pat the Cope Gallagher TD,
Leas-Cheann Comhairle
11 December 2019