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**An Comhchoiste um Dhlí  
agus Ceart**  
Teach Laighean  
Baile Átha Cliath 2

**Joint Committee on  
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Leinster House  
Dublin 2

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**Our Ref: JC4/5/N**

**RE: General Scheme of the Courts and Civil Law (Miscellaneous Provisions) Bill 2021**

Dear Minister,

I am writing to you in relation to the General Scheme of the *Courts and Civil Law (Miscellaneous Provisions) Bill 2021* which was referred to the Committee for Pre-Legislative Scrutiny (PLS).

The Committee was provided with a written briefing from your Departmental officials (see Appendix 1) which clarified a number of matters for Members.

The Committee agreed, at its meeting on Wednesday 15<sup>th</sup> December 2021, that it has now concluded PLS on this General Scheme and looks forward to further engagement and debate on this Bill in the course of its consideration and passage through both Houses.

Yours sincerely,

James Lawless TD  
Cathaoirleach

16<sup>th</sup> December 2021

*Cuirfear fáilte roimh chomhfhreagras i nGaeilge*

## **APPENDIX 1**

The General Scheme of the Courts and Civil Law (Miscellaneous Provisions) was approved for drafting by the Government on 09 January 2020. However, changing priorities placed that work on hold. To reflect new priorities and emerging developments, a revised Scheme with a number of additions were proposed. The revised General Scheme was approved for drafting by Government on 1st June 2021 (S180/20/10/2182).

Parts 2, 3 and 4 relate to amendments concerning the Courts Service. The Courts Service has highlighted that these changes are critical to court process reform and are required in order to bring about necessary changes, which will yield significant monetary and non-monetary efficiencies for the benefit of the Courts Service and users of court services. These objectives were highlighted as part of the external Courts Service Organisational Capability Review carried out in the context of the Civil Service Renewal Plan completed in 2018.

Part 5 relates to amendments concerning the Legal Services Regulation Act 2015. These Heads cover the introduction of new legal partnership, which will enable barristers and solicitors to jointly provide legal service for the first time as well as amendments based on the 2019 review of the Act to amend the levy model in operation. Part 6 relates to amendments of the Bankruptcy Act 1988: These Heads deal with a number of issues for example the making of a statement of affairs, streamlining administrative process for payment to creditors, legal recognition and enforcement of bankruptcy payment agreements as well as addressing a number of other points that have been identified by Insolvency Service Ireland and the Official Assignee in Bankruptcy.

Parts 7, 8 and 9 contain amendments concerning Asylum and Immigration. The changes will benefit both applicants and the functioning of Immigration Service Delivery. They include amendments which will reduce the residence requirement for naturalisation for children born in the State to 3 years, from the current 5 years. Another amendment separates the concepts of ‘public policy’ and ‘national security’ as two distinct grounds on which an immigration officer can exercise the power to refuse permission to land or be in the State. A further amendment enables immigration permission holders to land in the State to be renewed and/or varied without the need to reapply. Finally, the amendments to the International Protection Act 2015 allows for electronic notices, extended timelines for unsuccessful applications to accept voluntary return and a clarification on a point of law.

Part 10 comprises of a series of miscellaneous Heads. Licensing Acts 1833 to 2018 which will make the granting of a certificate for a new licence for the sale of intoxicating liquor subject to a new statutory condition that the applicant must

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produce proof that planning permission has been obtained. The Land and Conveyancing (Law Reform) Act 2009 amendment will protect deposits paid by or on behalf of intending purchasers of land in the event of the insolvency of the recipient. The amendment to Civil Legal Aid Act 1995 relates to pensions of retired Legal Aid Board solicitors. Guardianship of Infants Act 1964 amendment clarifies the text of the Act that enables relatives of a child, and other adults to apply to court for an order giving access to the child. The amendment of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020, provides for an offence of recording/interfering with a remote hearing. Gaming and Lotteries Act 1956 amendment deals with transferring titles on licences. The amendment to the Family Law (Maintenance of Spouses and Children) Act 1976 addresses enforcement difficulties that have arisen because of the non-applicability of section 9A to foreign maintenance orders which are enforceable in the State under EU Regulations. The amendment to the Judicial Council Act 2019 addresses a matter raised by the Judicial Council to provide more comprehensively for the membership of the Complaints Review Committee.

An amendment regarding the Courts and Court Officers Amendment Act 1995 to increase the number of High Court Judges that was to be in this Bill was instead included in the Civil Law (Miscellaneous Provisions) Act 2021 that was passed through the Oireachtas earlier this summer.