Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.



Number 3 *of* 1975

LAW REFORM COMMISSION ACT 1975

REVISED

Updated to 5 March 2019

This Revised Act is an administrative consolidation of *Law Reform Commission Act 1975*. It is prepared by the Law Reform Commission in accordance with its function under *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Criminal Law (Extraterritorial Jurisdiction) Act 2019* (6/2019), enacted 5 March 2019, and all statutory instruments up to and including *Council Of Europe Convention On Preventing And Combating Violence Against Women And Domestic Violence (Privileges And Immunities) Order 2019* (S.I. No. 78 of 2019), made 5 March 2019, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

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ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Establishment day.
3. The Law Reform Commission.
4. Functions of Commission.
5. Programmes.
6. Reports.
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8. Grants.
9. Accounts and audits.
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12. Superannuation of certain officers of Commission.
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14. Consequential.
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ACTS REFERRED TO

Civil Service Commissioners Act, 1956	1956, No. 45
Civil Service Regulation Act, 1956	1956, No. 46
Courts (Supplemental Provisions) Act, 1961	1961, No. 39
Superannuation Act, 1859	1859, Sess. 1, c. 26
Courts Act, 1973	1973, No. 26
Courts of Justice Act, 1936	1936, No. 48

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AN ACT TO ESTABLISH A BODY TO BE KNOWN AS THE LAW REFORM COMMISSION, TO DEFINE ITS FUNCTIONS AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. [16*th April*, 1975]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—In this Act—

"the Commission" has the meaning assigned to it by section 3;

"Commissioner" means a person appointed to be the President or other member of the Commission;

"the law" means the law of the State (including any private or public international law) and includes matters of legal practice or procedure and law shall be construed accordingly;

F1**[**'judicial office', except where the context otherwise requires, means an office, being the office of President of the Court of Appeal, President of the High Court, ordinary judge of the Supreme Court, ordinary judge of the Court of Appeal or ordinary judge of the High Court;**]**

"reform" includes, in relation to the law or a branch of the law, its development, its codification (including in particular its simplification and modernisation) and the revision and consolidation of statute law, and kindred words shall be construed accordingly.

Establishment day.

2.—The Taoiseach may by order appoint a day to be the establishment day for the purposes of this Act.

The Law Reform Commission.

3.—(1) On the establishment day there shall be established a body to be known as the Law Reform Commission, and which is in this Act referred to as the Commission, consisting of a President and four other members appointed by the Government.

(2) The Government shall on the request of the Taoiseach, made by him after consultation with the Attorney General, nominate the five persons who on the establishment day are to comprise the Commission.

(3) On the establishment day the persons nominated under subsection (2) of this section shall stand appointed under this Act to membership of the Commission.

(4) Where a vacancy occurs among the members of the Commission, the Government shall appoint a person to fill the vacancy as soon as may be after they are informed by the Attorney General that the vacancy exists.

(5) In case a person who is nominated under subsection (2) of this section dies before the establishment day, a vacancy among the members of the Commission shall be deemed to have occurred on the day next following that day.

(6) The Commission shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name and to acquire, hold and dispose of land.

(7) The Government shall appoint to be Commissioners only persons appearing to them to be suitably qualified by the holding of judicial office, by experience as a barrister or solicitor or as a teacher of law or by reason of such other special experience, qualification or training as, in the opinion of the Government, is appropriate having regard to the functions of the Commission.

(8) When appointing a person to be a Commissioner the Government shall fix his term of office which shall not exceed five years and, subject to subsections (12) and (13) of this section, he shall hold his office on such terms and conditions as are determined by the Government at the time of his appointment.

(9) A person who holds judicial office may without relinquishing that office be appointed with his consent to be a Commissioner, but, unless otherwise provided by the terms of his appointment, shall not be required to perform his duties under statute as the holder of judicial office while he remains a member of the Commission.

(10) A Commissioner may at any time resign his office and a person who ceases to be a Commissioner shall be eligible for reappointment.

(11) A Commissioner, other than a Commissioner who holds judicial office, shall be paid such remuneration as the Government determine.

(12) Where a Commissioner is nominated as a member of Seanad Éireann or for election to either House of the Oireachtas, he shall, upon accepting such nomination, cease to be a Commissioner.

(13) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein shall, while so entitled, be disqualified from becoming a Commissioner.

(14) Subject to the provisions of this Act, the Commission shall regulate its procedure and business.

(15) The Commission shall, as soon as may be after its establishment, provide itself with a seal.

(16) The seal of the Commission shall be authenticated by the President or some other member thereof authorised by the Commission to act in that behalf.

Functions of Commission.

4.—(1) The Commission shall keep the law under review and in accordance with the provisions of this Act shall undertake examinations and conduct research with a view to reforming the law and formulate proposals for law reform.

(2) Without prejudice to the generality of subsection (1) of this section, the Commission shall—

(*a*) in consultation with the Attorney General, from time to time prepare for submission by the Taoiseach to the Government programmes for the examination of different branches of the law with a view to their reform, and such programmes may recommend the agency (including the Commission or another body) by which such examination should be made and by which

proposals for the reform of a branch of the law with which the examination is concerned should be formulated,

(*b*) pursuant to a recommendation contained in a programme approved of under section 5 of this Act, undertake an examination of and conduct research in relation to any branch of the law and, if the Commission thinks fit, formulate and submit to the Taoiseach proposals for its reform,

(*c*) at the request of the Attorney General, undertake an examination of and conduct research in relation to any particular branch or matter of law whether or not such branch or matter is included in a programme approved of under the said section 5 and, if so requested, formulate and submit to the Attorney General proposals for its reform.

(3) Where in the performance of its functions it considers it appropriate so to do, the Commission may—

(*a*) receive and consider for inclusion in a programme being prepared by it, proposals for law reform,

(*b*) examine and conduct such research in relation to the legal systems of countries other than the State as appears to the Commission likely to facilitate the performance of its functions,

(*c*) prepare, or cause to be prepared, and include in its proposals for law reform, draft Bills,

(*d*) consult, on any particular matter which the Commission considers relevant, persons qualified to give opinions thereon,

(*e*) establish working parties or advisory committees,

(*f*) publish preliminary working papers prior to formulating any proposal for law reform,

(*g*) indicate the desirability, priority, scope and extent of any proposals for law reform.

Programmes.

5.—(1) Every programme prepared pursuant to section 4 of this Act shall be submitted by the Taoiseach to the Government who if they approve of the programme may do so with or without modification.

(2) Where a programme submitted pursuant to this section by the Taoiseach is approved of by the Government, a copy of the programme, as so approved, shall, as soon as may be, be laid before both Houses of the Oireachtas.

Reports.

6.—As soon as may be after the end of each year, the Commission shall make a report to the Attorney General of its activities during that year under section 4 of this Act, of any preliminary working papers published by it during that year, of any examination during that year of the legal system of a country other than the State and of the activities during that year of any working party or advisory committee established by it. The Attorney General shall, as soon as may be, send a copy of the report to the Taoiseach, who shall submit it to the Government and copies of the report shall, as soon as may be, be laid before both Houses of the Oireachtas.

Expenses.

7.—The expenses of the Commission, including the remuneration of its officers and servants, shall be defrayed out of moneys at the disposal of the Commission.

Grants.

8.—There may be paid to the Commission in each financial year, out of moneys provided by the Oireachtas, a grant or grants of such amount or amounts as the

Minister for Finance, on the recommendation of the Attorney General, may consider necessary to enable the Commission to perform its functions.

Accounts and audits.

9.—(1) The Commission shall keep in such form as may be approved by the Minister for Finance all proper and usual accounts of all moneys received or expended by it.

(2) Accounts kept in pursuance of this section shall be submitted annually by the Commission to the Comptroller and Auditor General for audit and, when audited by him, shall, together with the report of the Comptroller and Auditor General thereon, be presented to the Minister for Finance who shall cause copies to be laid before each House of the Oireachtas.

Staff of Commission.

10.—(1) Subject to subsection (5) of this section, the Commission shall, in consultation with the Attorney General, appoint such and so many persons to be officers and servants of the Commission as the Commission, subject to the approval of the Minister for the Public Service as to the number, from time to time thinks proper.

(2) The Commission may engage a person in a part-time capacity who may be remunerated by the payment of fees of such amounts as the Commission may, with the approval of the Attorney General given with the consent of the Minister for the Public Service, from time to time determine.

(3) There shall be paid to officers of the Commission, other than officers who are members of the clerical staff of the Commission, such remuneration and allowances as the Commission, subject to the approval of the Attorney General given with the consent of the Minister for the Public Service, from time to time determines and such an officer of the Commission shall hold his employment on such other terms and conditions as the Commission, subject to such approval which shall be so given, from time to time determines.

(4) (*a*) The Attorney General may for the purposes of subsection (5) of this section designate any office under the Commission.

(*b*) The Attorney General may, if he thinks fit, cancel a designation made by him under this subsection.

(5) The Commission shall, before taking steps to fill an office to which a designation under subsection (4) of this section relates, consult the Attorney General who, if he thinks fit, may, as regards the making by the Commission of an appointment to the office, require the Commission to invite applications in a manner specified by him and to use a method so specified for the selection of candidates for appointment, and in case the Attorney General makes a requirement under this subsection, the Commission shall comply with the requirement.

(6) F2**[**(*a*) The Public Service Management (Recruitment and Appointments) Act 2004 shall apply to members of the clerical staff of the Commission.**]**

(*b*) Every member of the clerical staff of the Commission and every servant of the Commission shall be a civil servant in the civil service of the State.

(*c*) For the purpose of applying the Civil Service Regulation Acts, 1956 and 1958, to civil servants in the civil service of the State who are members of the staff of the Commission, the following provisions shall apply:

(i) section 2 (1) of the Civil Service Regulation Act, 1956, shall be construed and have effect as if "or a member of the staff of the Law Reform Commission" were inserted after "the Attorney General" in paragraph (*b*), and

(ii) section 2 (2) of that Act shall be construed and have effect as if there were inserted therein after paragraph (*c*) the following paragraph;

"(*cc*) The Taoiseach may delegate to the Attorney General or to the Law Reform Commission the powers exercisable by him under this Act as the appropriate authority in relation to civil servants who are members of the staff of the Law Reform Commission, and if he does so, then so long as the delegation remains in force,

(i) those powers shall, in lieu of being exercisable by the Taoiseach, be exercisable by the person who is for the time being the Attorney General or by the Law Reform Commission, as may be appropriate, and

(ii) that person or the Law Reform Commission, as may be appropriate, shall, in lieu of the Taoiseach, be, for the purposes of this Act, the appropriate authority in relation to civil servants who are members of the staff of the Law Reform Commission, "

Superannuation of Commissioners.

11.—(1) The Attorney General may, with the concurrence of the Minister for the Public Service, make a scheme or schemes for the granting of pensions, gratuities or other allowances on retirement or death to or in respect of persons appointed to be Commissioners in a whole-time capacity ceasing to hold office, other than persons to or in respect of whom an award under the Courts (Supplemental Provisions) Act, 1961, may be made.

(2) A scheme under this section may provide that the termination of the appointment of a person as a Commissioner during that person's term of office shall not preclude the award to him under the scheme of a pension, gratuity or other allowance.

(3) The Attorney General may, with the concurrence of the Minister for the Public Service, amend a scheme made by him under this section.

(4) If any dispute arises as to the claim of any person to, or the amount of, any pension, gratuity or allowance payable in pursuance of a scheme under this section, such dispute shall be submitted to the Attorney General who shall refer it to the Minister for the Public Service, whose decision thereon shall be final.

(5) A scheme made under this section shall be carried out in accordance with its terms.

(6) Every scheme made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and if either House, within the next twenty-one days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(7) Where an established civil servant is appointed to be a Commissioner, the superannuation benefits to be granted to him in respect of his service as a Commissioner shall, if the Minister for the Public Service in his discretion so directs, be calculated in accordance with the provisions of the Superannuation Acts, 1834 to 1963, as if, during the period of such service he had been an established civil servant and had been paid during that period out of moneys provided by the Oireachtas within the meaning of section 17 of the Superannuation Act, 1859.

Superannuation of certain officers of Commission.

12.—(1) As soon as conveniently may be after the establishment day, the Commission shall prepare and submit to the Attorney General for his approval, a scheme or schemes for the granting of pensions, gratuities and other allowances on retirement or death to or in respect of such of its whole-time officers, other than officers who by virtue of section 10 (6) (b) of this Act are civil servants in the Civil Service of the State, as the Commission may think fit.

(2) The Commission may at any time, prepare and submit to the Attorney General, a scheme amending a scheme under this section.

(3) Where a scheme is submitted to the Attorney General pursuant to this section, the Attorney General may with the concurrence of the Minister for the Public Service approve of the scheme without modification or with such modification (whether by way of addition, omission or variation) as the Attorney General shall, with such concurrence, think proper.

(4) A scheme submitted to the Attorney General under this section shall, if approved of by the Attorney General with the concurrence of the Minister for the Public Service, be carried out by the Commission in accordance with its terms.

(5) A scheme submitted and approved of under this section shall fix the time and conditions of retirement for all persons to or in respect of whom pensions, gratuities or other allowances are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

(6) If any dispute arises as to the claim of any person to, or the amount of, any pension, gratuity or other allowance payable in pursuance of a scheme under this section, such dispute shall be submitted to the Minister for the Public Service whose decision thereon shall be final.

(7) Every scheme submitted and approved of under this section shall be laid before each House of the Oireachtas as soon as may be after it is approved of and if either House, within the next twenty-one days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Membership of either House of Oireachtas of employees of Commission.

13.—(1) Where a person who is an employee of the Commission is nominated as a member of Seanad Éireann or for election to either House of the Oireachtas, he shall stand seconded from employment by the Commission and shall not be paid by, or be entitled to receive from, the Commission any remuneration or allowances—

(*a*) in case he is nominated as a member of Seanad Éireann, in respect of the period commencing on his acceptance of the nomination and ending when he ceases to be a member of that House,

(*b*) in case he is nominated for election to either such House, in respect of the period commencing on his acceptance of the nomination and ending when he ceases to be a member of that House or fails to be elected or withdraws his candidature, as may be appropriate.

(2) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein shall, while so entitled, be disqualified from becoming an employee of the Commission.

Consequential.

14.—(1) Where a person who holds judicial office is appointed to be a Commissioner, the following provisions shall have effect;

F3**[**(*a*) in case on being so appointed such person is a judge of the Supreme Court, other than the Chief Justice or a judge who is *ex-officio* an additional judge of that Court, then for so long as such person continues to hold that judicial office, the number of ordinary judges of the Supreme Court otherwise provided for may be exceeded by one:

Provided that, in the case of a former Chief Justice to whom section 4 (2) of the Courts (No. 2) Act, 1997, relates, for so long as such person continues to hold the judicial office held on being so appointed, such person shall not be taken into account for the purposes of subsection (1) of section 6 of that Act and any vacancy consequent on the application of that subsection to such person may be filled but without prejudice to the application of that subsection to that person upon his or her ceasing to be so appointed but remaining a former Chief Justice to whom the said section 4(2) relates,

F4**[**(aa) in case on being so appointed such person is the President of the Court of Appeal or another judge of the Court of Appeal, other than a judge who is *ex officio* an additional judge of that Court, then for so long as such person continues to hold the judicial office held by such person on so being appointed, the number of ordinary judges of the Court of Appeal otherwise provided for may be exceeded by one:

Provided that, in the case of a former President of the Court of Appeal to whom section 4(2) of the Courts (No. 2) Act 1997 relates, for so long as such person continues to hold the judicial office held on being so appointed, such person shall not be taken into account for the purposes of subsection (1A) of section 6 of that Act and any vacancy consequent on the application of that subsection to such person may be filled but without prejudice to the application of that subsection to that person upon his or her ceasing to be so appointed but remaining a former President of the Court of Appeal to whom the said section 4(2) relates,**]**

(*b*) in case on being so appointed such person is the President of the High Court or another judge of the High Court, other than a judge who is *ex-officio* an additional judge of that Court, then for so long as such person continues to hold the judicial office held by such person on so being appointed the number of ordinary judges of the High Court otherwise provided for may be exceeded by one:

Provided that, in the case of a former President of the High Court to whom section 4(2) of the Courts (No. 2) Act, 1997, relates, for so long as such person continues to hold the judicial office held on being so appointed, such person shall not be taken into account for the purposes of subsection (2) of section 6 of that Act and any vacancy consequent on the application of that subsection to such person may be filled but without prejudice to the application of that subsection to that person upon his or her ceasing to be so appointed but remaining a former President of the High Court to whom the said section 4(2) relates,**]**

(*c*) in case he is the President of the High Court he may, for so long as he continues to be a Commissioner, from time to time appoint an ordinary judge of the High Court to exercise on his behalf (and which judge is hereby empowered to exercise) all the jurisdiction exercisable by the President of the High Court under section 10 (5) of the Act of 1961.

(2) F5**[**Subject to subsection (2A) of this section, when a person who is a barrister or a solicitor is appointed**]** to be either—

(*a*) a Commissioner in a whole-time capacity, or

(*b*) a whole-time officer of the Commission,

then, for the purpose of qualification for appointment—

(*c*) under section 5 (2) (*a*) of the Act of 1961, as a judge of the Supreme Court F4**[**, the Court of Appeal**]** or the High Court,

F6**[**(*d*) under subsection (2) or (2B) of section 17 of the Courts (Supplemental Provisions) Act 1961, as a judge of the Circuit Court, **]**

F7**[**(*dd*) under section (4)(*b*) (inserted by section 188 of the Personal Insolvency Act 2012) of section 17 of the Courts (Supplemental Provisions) Act 1961, as a specialist judge of the Circuit Court,**]**

(*e*) under section 14 of the Act of 1936, to act temporarily as a judge of the Circuit Court,

(*f*) under section 29 (2) of the Act of 1961, as a justice of the District Court,

(*g*) under section 51 (as amended by section 48 (8) of the Act of 1961) of the Act of 1936, to act temporarily as a justice of the District Court,

service by him as such a Commissioner or as such an officer of the Commission, as may be appropriate, F5**[**shall be deemed to be practice as a barrister or a solicitor, as may be appropriate**]**.

F8**[**(2A) Service as a Commissioner in a whole-time capacity or a whole-time officer of the Commission shall not be deemed to be practice as a barrister or a solicitor to satisfy the requirement in subsection (2)(a) of section 5 (as amended by section 4 of the Courts and Court Officers Act, 2002) of the Act of 1961 of a continuous period of not less than 2 years practice by a person as a barrister or a solicitor immediately before the appointment of the person as a judge of the Supreme Court F4**[**, Court of Appeal**]** or the High Court.**]**

(3) F9**[**...**]**

(4) In this section—

"the Act of 1936" means the Courts of Justice Act, 1936;

"the Act of 1961" means the Courts (Supplemental Provisions) Act, 1961.

Short title.

15.—This Act may be cited as the Law Reform Commission Act, 1975.

Number 3 *of* 1975

LAW REFORM COMMISSION ACT 1975

REVISED

Updated to 5 March 2019

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.