Changes to Legislation: as of 11 November 2026, this Act is up to date with all changes known to be in force.

Number 14 *of* 2008

CIVIL LAW (MISCELLANEOUS PROVISIONS) ACT 2008

REVISED

Updated to 21 August 2020

This Revised Act is an administrative consolidation of the *Civil Law Miscellaneous Provisions) Act 2008*. It is prepared by the Law Reform Commission in accordance with its function under the *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 the *Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020* (13/2020), enacted 6 August 2020, and all statutory instruments up to and including the *Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Commencement) Order 2020* (S.I. No. 306 of 2020), made 15 August 2020, 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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CIVIL LAW (MISCELLANEOUS PROVISIONS) ACT 2008

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CIVIL LAW (MISCELLANEOUS PROVISIONS) ACT 2008

REVISED

Updated to 21 August 2020

AN ACT TO PROVIDE FOR VIDEOCONFERENCING IN CIVIL PROCEEDINGS AND FOR CERTAIN ANONYMITY IN CERTAIN CIVIL PROCEEDINGS; TO AMEND THE COURTS OF JUSTICE ACT 1924, THE COURT OFFICERS ACT 1926, THE COURTS (SUPPLEMENTAL PROVISIONS) ACT 1961, THE COURTS ACT 1964, THE COURTS OF JUSTICE ACT 1936, THE COURTS SERVICE ACT 1998, THE COURTS (NO. 3) ACT 1986, THE COURTS ACT 1971, THE COURT OFFICERS ACT 1945, THE CIVIL LIABILITY AND COURTS ACT 2004, THE PETTY SESSIONS (IRELAND) ACT 1851, THE SOLICITORS ACT 1954, THE SOLICITORS (AMENDMENT) ACT 1960, THE SOLICITORS (AMENDMENT) ACT 1994, THE SOLICITORS (AMENDMENT) ACT 2002, THE LANDLORD AND TENANT (AMENDMENT) ACT 1980, THE STATUTORY DECLARATIONS ACT 1938, THE STANDARDS IN PUBLIC OFFICE ACT 2001, THE JURIES ACT 1976, THE BANKRUPTCY ACT 1988, THE SUCCESSION ACT 1965, THE VIDEO RECORDINGS ACT 1989, THE CENSORSHIP OF FILMS ACT 1923, THE PARENTAL LEAVE ACT 1998, THE CIVIL SERVICE REGULATION ACT 1956, THE FAMILY LAW ACT 1995, THE FAMILY LAW (DIVORCE) ACT 1996, THE EQUAL STATUS ACT 2000 (FOR THE PURPOSE OF GIVING EFFECT TO COUNCIL DIRECTIVE 2004/113/EC OF 13 DECEMBER 2004 IMPLEMENTING THE PRINCIPLE OF EQUAL TREATMENT BETWEEN MEN AND WOMEN IN THE ACCESS TO AND SUPPLY OF GOODS AND SERVICES), THE CIVIL LEGAL AID ACT 1995 AND THE EMPLOYMENT EQUALITY ACT 1998; AND TO PROVIDE FOR RELATED MATTERS, INCLUDING THE CONSEQUENTIAL REPEAL OF CERTAIN ENACTMENTS AND THE CONSEQUENTIAL REVOCATION OF CERTAIN STATUTORY INSTRUMENTS.

[14*th July*, 2008]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY

Short title, commencement, collective citation and construction.

1.— (1) This Act may be cited as the Civil Law (Miscellaneous Provisions) Act 2008.

(2) The Minister may, by order or orders, appoint such day or days on which this Act shall come into operation, and different days may be so appointed for different purposes and for different provisions.

(3) The Courts (Supplemental Provisions) Acts 1961 to 2007 and *sections 9* , *11* , *12* , *13* , *20* , *21* , *22* and *23* may be cited together as the Courts (Supplemental Provisions) Acts 1961 to 2008 and shall be construed together as one.

(4) The Court Officers Acts 1926 to 2002 and *sections 29* and *30* may be cited together as the Court Officers Acts 1926 to 2008.

(5) The Solicitors Acts 1954 to 2002 and *Part 3* may be cited together as the Solicitors Acts 1954 to 2008.

(6) The Landlord and Tenant Acts 1967 to 2005 and *Part 4* may be cited together as the Landlord and Tenant Acts 1967 to 2008.

(7) The Equal Status Acts 2000 to 2004 and *Part 14* may be cited together as the Equal Status Acts 2000 to 2008.

(8) The Employment Equality Acts 1998 to 2007 and *Part 16* may be cited together as the Employment Equality Acts 1998 to 2008.

Definition of "Minister".

2.— In this Act, "Minister" means Minister for Justice, Equality and Law Reform.

Repeals and revocations.

3.— (1) Each enactment specified in *column (2)* of *Part 1* of the *Schedule* is repealed to the extent specified in *column (3)* of that Part.

(2) Each statutory instrument specified in *column (2)* of *Part 2* of the *Schedule* is revoked to the extent specified in *column (3)* of that Part.

Expenses.

4.— The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

PART 2

Courts and Court Officers

Amendment of section 9 of Courts of Justice Act 1924.

5.— Section 9 (inserted by section 9 of the Courts (No. 2) Act 1997) of the Courts of Justice Act 1924 is amended—

(*a*) in paragraph (*d*), by inserting "first" before "appointment", and

(*b*) in paragraph (*f*), by substituting "each according to priority of his or her first appointment" for "each according to his or her priority of appointment".

Amendment of section 88 of Courts of Justice Act 1924.

6.— Section 88 of the Courts of Justice Act 1924 is amended by inserting the following after subsection (4):

"(5) For the purposes of this section (including any warrant under subsection (1))—

(*a*) subject to paragraphs (*b*) to (*g*), 'county' means a county as referred to in section 10 of the Local Government Act 2001 and as its boundaries are in force from time to time under Part 8 of that Act,

(*b*) the city of Cork and the county of Cork shall be regarded as a single county, and a reference to the county of Cork shall include the city of Cork,

(*c*) the city of Dublin and the counties of Dun Laoghaire-Rathdown, Fingal and South Dublin shall be regarded as a single county, and a reference to the county of Dublin shall include the city of Dublin and the counties of Dun Laoghaire-Rathdown, Fingal and South Dublin,

(*d*) the city of Galway and the county of Galway shall be regarded as a single county, and a reference to the county of Galway shall include the city of Galway,

(*e*) the city of Limerick and the county of Limerick shall be regarded as a single county, and a reference to the county of Limerick shall include the city of Limerick,

(*f*) the city of Waterford and the county of Waterford shall be regarded as a single county, and a reference to the county of Waterford shall include the city of Waterford, and

(*g*) the counties of North Tipperary and South Tipperary shall be regarded as a single county.".

Amendment of section 38 of Court Officers Act 1926.

7.— Section 38 (as amended by section 3 of the Courts (Supplemental Provisions) Act 1961) of the Court Officers Act 1926 is amended in subsection (1)—

(*a*) by inserting ", regulations made under section 3 of the European Communities Act 1972" after "him by statute", and

(*b*) by inserting ", such regulations" after "provided by statute".

Amendment of section 48 of Court Officers Act 1926.

8.— Section 48 of the Court Officers Act 1926 is amended—

(*a*) in subsection (1)—

(i) by inserting "by regulations made under section 3 of the European Communities Act 1972" after "him by statute", and

(ii) by inserting "by such regulations" after "provided by statute",

and

(*b*) by inserting the following after subsection (2):

"(3) An assignment under subsection (1) of a district court clerk to a district court area may be—

(*a*) a permanent assignment,

(*b*) a temporary assignment, or

(*c*) a temporary assignment in addition to any permanent assignment.

(4) Where subsection (3)(*c*) applies to a district court clerk, the temporary assignment concerned shall be without prejudice to the exercise of all such powers and authorities and the performance of all such duties and functions for the time being conferred or imposed on him or her by law in relation to any district court area to which he or she is permanently assigned.

(5) Where a temporary assignment under subsection (1) of a district court clerk to a district court area is made pursuant to a direction given orally under that subsection, the Courts Service shall cause a record in writing to be made and kept, in such manner as the Courts Service thinks fit, of the direction.

(6) A record in writing referred to in subsection (5) shall, in any proceedings, be evidence that the district court clerk to which the record relates was temporarily assigned to the district court area to which the record relates until the contrary is shown.".

Substitution of section 65 of Courts of Justice Act 1936.

9.— The Courts of Justice Act 1936 is amended by substituting the following for section 65:

"Minister for Justice, Equality and Law Reform may prescribe court fees.

65.— (1) The Minister for Justice, Equality and Law Reform may, by order made with the consent of the Minister for Finance—

(*a*) prescribe the fees to be charged—

(i) in the several offices established by the Courts (Supplemental Provisions) Act 1961, or

(ii) in any other office of, or attached to, any court,

(*b*) subject to subsection (2), prescribe the fees to be charged, in every financial year commencing after the making of the order, in respect of the income or funds in court during that year, or both, of every person who is of unsound mind, under the jurisdiction vested in the High Court by section 9 of the Courts (Supplemental Provisions) Act 1961,

(*c*) subject to subsection (2)(*a*), prescribe the fees to be charged, in every financial year commencing after the making of the order, in respect of the income or funds in court during that year, or both, of every person who is a minor, under the jurisdiction vested in the High Court by section 9 of the Courts (Supplemental Provisions) Act 1961,

(*d*) prescribe the persons by whom such fees are to be paid, and

(*e*) prescribe the occasions upon which such fees are to be paid.

(2) An order made under subsection (1)—

(*a*) may prescribe general or special exemptions from the payment of fees prescribed under that subsection,

(*b*) may, in relation to income or funds referred to in paragraph (*b*) of that subsection, be made by way of variation or extension of or in substitution for all or any of the provisions of sections 109 to 114 of the Lunacy Regulation (Ireland) Act 1871.

(3) Subject to subsection (2), the Courts Service shall collect all fees chargeable under an order made under subsection (1) in accordance with the provisions of the order prescribed under paragraphs (*d*) and (*e*) of subsection (1).

(4) All fees collected under an order made under subsection (1) shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.

(5) The Courts Service may—

(*a*) determine the manner or method of payment of any fees chargeable under an order made under subsection (1), and

(*b*) determine the form in which the payment of any such fees shall be recorded, including the provision of a receipt in respect of such payment.

(6) An order made under this section before the commencement of *section 9* of the *Civil Law (Miscellaneous Provisions) Act 2008* and in force immediately before that commencement shall, on and after that commencement, be deemed to be an order made under subsection (1) and, accordingly, be liable to amendment or revocation by another order made under that subsection.".

Amendment of section 32A(5) of Courts (Supplemental Provisions) Act 1961.

10.— Subsection (5) of section 32A (inserted by section 180 of the Criminal Justice Act 2006) of the Courts (Supplemental Provisions) Act 1961 is amended in paragraph (*b*) of the definition of " relevant district " by substituting "subparagraph (1), (2) or (2A) of paragraph 3 of the said Schedule" for "subparagraph (1) or (2) of paragraph 3 of the said Schedule".

Modification of pension provisions of Courts (Supplemental Provisions) Act 1961 as applied to certain Supreme Court judges and High Court judges.

11.— In the case of a judge of the Supreme Court or the High Court who is serving as such on or after 2 June 2002, paragraph 2 of Part I of the Second Schedule to the Courts (Supplemental Provisions) Act 1961 shall have effect as if the following subparagraphs were substituted for subparagraph (3) of that paragraph:

"(3) There shall be granted to a judge of the Supreme Court or the High Court to whom this paragraph applies and who, owing to age, vacates his or her office after 2 years or more of service a pension for life of one-fortieth of his or her remuneration at the time of such vacation of office for each of the first 5 years of service with the addition of three-eightieths of such remuneration for every completed year of service in excess of 5 years of service, subject to a maximum pension of one-half of such remuneration.

(4) There shall be granted to a judge of the Supreme Court or the High Court to whom this paragraph applies and who, owing to permanent infirmity, vacates his or her office after 5 years or more of service a pension for life of one-fortieth of his or her remuneration at the time of such vacation of office for each of the first 5 years of service with the addition of three-eightieths of such remuneration for every completed year of service in excess of 5 years of service, subject to a maximum pension of one-half of such remuneration.".

Modification of pension provisions of Courts (Supplemental Provisions) Act 1961 as applied to certain Circuit Court judges.

12.— In the case of a judge of the Circuit Court who is serving as such on or after 2 June 2002, paragraph 5 of Part II of the Second Schedule to the Courts (Supplemental Provisions) Act 1961 shall have effect as if the following subparagraphs were substituted for subparagraph (3) of that paragraph:

"(3) There shall be granted to a judge of the Circuit Court to whom this paragraph applies and who, owing to age, vacates his or her office after 2 years or more of service a pension for life of one-fortieth of his or her remuneration at the time of such vacation of office for each of the first 5 years of service with the addition of three-eightieths of such remuneration for every completed year of service in excess of 5 years of service, subject to a maximum pension of one-half of such remuneration.

(4) There shall be granted to a judge of the Circuit Court to whom this paragraph applies and who, owing to permanent infirmity, vacates his or her office after 5 years or more of service a pension for life of one-fortieth of his or her remuneration at the time of such vacation of office for each of the first 5 years of service with the addition of three-eightieths of such remuneration for every completed year of service in excess of 5 years of service, subject to a maximum pension of one-half of such remuneration.".

Modification of pension provisions of Courts (Supplemental Provisions) Act 1961 as applied to certain District Court judges.

13.— In the case of a judge of the District Court who is serving as such on or after 2 June 2002, paragraph 8 of Part III of the Second Schedule to the Courts (Supplemental Provisions) Act 1961 shall have effect as if the following subparagraphs were substituted for subparagraph (3) of that paragraph:

"(3) There shall be granted to a judge of the District Court to whom this paragraph applies and who, owing to age, vacates his or her office after 2 years or more of service a pension for life of one-fortieth of his or her remuneration at the time of such vacation of office for each of the first 5 years of service with the addition of one-fortieth of such remuneration for every completed year of service in excess of 5 years of service, subject to a maximum pension of one-half of such remuneration.

(4) There shall be granted to a judge of the District Court to whom this paragraph applies and who, owing to permanent infirmity, vacates his or her office after 5 years or more of service a pension for life of one-fortieth of his or her remuneration at the time of such vacation of office for each of the first 5 years of service with the addition of one-fortieth of such remuneration for every completed year of service in excess of 5 years of service, subject to a maximum pension of one-half of such remuneration.".

Amendment of paragraph 3 of Sixth Schedule to Courts (Supplemental Provisions) Act 1961.

14.— Paragraph 3 (as amended by section 37 of the Courts and Court Officers Act 1995) of the Sixth Schedule to the Courts (Supplemental Provisions) Act 1961 is amended—

(*a*) in subparagraph (1), by substituting "temporarily assigned by the President of the District Court to another district or districts" for "temporarily assigned by the President of the District Court to another district",

(*b*) in subparagraph (2), by substituting "assigned by the President of the District Court to any district or districts" for "assigned by the President of the District Court to any district",

(*c*) by inserting the following subparagraphs after subparagraph (2):

"(2A) Without prejudice to subparagraph (2), the President of the District Court may, in relation to any district, temporarily assign for a period not exceeding 6 months one or more district judges (whether or not any such judge is permanently or temporarily assigned to another district or districts) to exercise, in relation to that district, the powers specified in subparagraph (2B).

(2B) A district judge who is temporarily assigned to any district under subparagraph (2A) may exercise any of the powers of a district judge to which section 32A applies for the time being conferred on him or her by law whether he or she is in or outside that district.",

(*d*) in subparagraph (3), by substituting "temporarily assigned by the President of the District Court to any district or districts" for "temporarily assigned by the President of the District Court to any district", and

(*e*) by inserting the following subparagraph after subparagraph (4):

"(4A) Where a district judge is temporarily assigned to any district under subparagraph (2A)—

(*a*) in case there is for the time being a district judge permanently assigned to that district - he or she shall, in relation to that district, have, while so temporarily assigned, concurrently with that district judge, all the powers of a district judge to which section 32A applies for the time being conferred on that district judge who is so permanently assigned,

(*b*) in any other case - he or she shall, in relation to that district, have, while so temporarily assigned, all such powers of a district judge to which section 32A applies as would for the time being be conferred by law if he or she were a district judge permanently assigned to that district.".

Amendment of Eighth Schedule to Courts (Supplemental Provisions) Act 1961.

15.— The Courts (Supplemental Provisions) Act 1961 is amended, in the Eighth Schedule—

(*a*) in paragraph 4, by substituting the following subparagraph for subparagraph (2):

"(2) The Master of the High Court shall have and exercise such powers and authorities and perform such duties and functions as are from time to time conferred on or assigned to him or her by statute, by regulations under section 3 of the European Communities Act 1972 or by rules of court and in particular (unless and until otherwise provided by statute, by such regulations or by rules of court) shall have and perform all such other powers, authorities, duties and functions as are vested in him or her by virtue of section 31(3) of the Act of 1926.",

and

(*b*) by substituting the following for paragraph 21:

"Qualification of Registrar of Wards of Court.

21.— No person shall be appointed to be Registrar of Wards of Court unless at the time of his or her appointment he or she—

(*a*) is a practising barrister of not less than 10 years' standing,

(*b*) is a barrister employed in one or more of the offices mentioned in paragraph 2 who, at any time prior to such appointment, has been so employed for a period of not less than 9 years, or for periods together totalling not less than 9 years, or

(*c*) is a person who at the time of the appointment is a member of staff of the Courts Service and holds such qualification or qualifications as the Courts Service, with the consent of the President of the High Court, determines to be appropriate for such appointment.".

Amendment of section 7 of Courts Act 1964.

16.— Section 7 of the Courts Act 1964 is amended—

(*a*) by substituting the following for subsections (2) to (4):

"(2) This section shall apply in relation to the service of any Circuit Court document and any District Court document in any area notwithstanding the fact that a summons server may stand assigned to that area by the County Registrar for the county in which the area is situate.

(3) Subject to subsection (5), the service of a Circuit Court document or a District Court document may be effected by any of the following methods:

(*a*) the sending of a copy of the document by registered prepaid post in an envelope addressed to the person to be served at his or her last known residence or place of business in the State and the document may be posted by the person on whose behalf it purports to be issued or a person authorised by him in that behalf;

(*b*) personal service (including such service by a person other than a summons server) upon the person to be served, in such manner as may be prescribed by rules of court, or upon such person on behalf of the person to be served, and in such manner, as may be so prescribed; or

(*c*) by such other means as may be prescribed by rules of court.

(4) The service of a Circuit Court document or a District Court document upon a person pursuant to subsection (3)(*a*) shall, upon proof that the envelope containing a copy of the document was addressed, registered and posted in accordance with that subsection, be deemed to be good service upon the person unless it is proved that such copy was not delivered.",

(*b*) by substituting the following for paragraph (*a*) of subsection (5):

"(*a*) Where—

(i) a person upon whom it is proposed to effect service of a document pursuant to subsection (3)(*a*) or (*b*) is outside the State or his or her whereabouts are unknown and cannot be ascertained by reasonable inquiries,

(ii) an envelope containing a copy of a document intended to be served upon a person pursuant to subsection (3)(*a*) is sent to the person by registered post and returned undelivered to the sender,

(iii) personal service in accordance with subsection (3)(*b*) cannot be promptly effected, or

(iv) in a case to which subsection (3)(*c*) is applicable, the circumstances, prescribed by rules of court for the purposes of this subparagraph, occur,

the Circuit Court (and, in the case of proceedings before that Court, the County Registrar for the county in which the proceedings have been instituted) or the District Court, as may be appropriate, may make such order for substituted service or for the substitution for service of notice by advertisement or otherwise as it (or, in the case of the County Registrar, he or she) may think proper.",

(*c*) in subsection (6)—

(i) in paragraph (*a*)—

(I) by substituting "person pursuant to subsection (3)(*a*)" for "person pursuant to subsection (3) of this section", and

(II) in subparagraph (iii), by substituting "subsection (3)(*a*)" for "the provisions of subsection (3) of this section",

and

(ii) in paragraph (*b*), by substituting "subsection (3)(*a*)" for "subsection (3) of this section",

and

(*d*) in subsection (7), by substituting "subsection (3)(*a*)" for "subsection (3) of this section".

Amendment of section 5 of Courts Service Act 1998.

17.— Section 5 of the Courts Service Act 1998 is amended—

(*a*) in paragraph (*d*), by deleting "and" where it last occurs,

(*b*) in paragraph (*e*), by substituting "courts, and" for "courts.", and

(*c*) by inserting the following after paragraph (*e*):

"(*f*) perform such other functions as are conferred on it by any other enactment.".

Amendment of section 6 of Courts Service Act 1998.

18.— Section 6(2) of the Courts Service Act 1998 is amended by inserting the following after paragraph (*g*):

"(*ga*) provide secretarial, clerical and administrative support to the Superior Courts Rules Committee, the Circuit Court Rules Committee and the District Court Rules Committee,".

Amendment of section 1 of Courts (No. 3) Act 1986.

19.— Section 1(14) (inserted by section 49 of the Civil Liability and Courts Act 2004) of the Courts (No. 3) Act 1986 is amended by inserting the following after the definition of " appropriate office ":

" 'electronic means', in relation to an application for a summons or the issue of a summons, includes the use of an information system (within the meaning of section 2 of the Electronic Commerce Act 2000) under the control of a person other than—

(*a*) the person who applied for the summons or a person acting on his or her behalf, or

(*b*) the appropriate office;".

Amendment of section 67 of Courts of Justice Act 1936.

20.— Section 67 (as amended by section 15 of the Courts of Justice Act 1953) of the Courts of Justice Act 1936 is amended by substituting the following for subsections (2) to (10):

"(2) The Superior Courts Rules Committee ('the Committee') shall consist of 6 ex-officio members and 8 nominated members.

(3) The ex-officio members of the Committee shall be—

(*a*) the Chief Justice, who shall be the chairperson of the Committee,

(*b*) the President of the High Court, who shall be the vice-chairperson of the Committee,

(*c*) the Chief Executive Officer of the Courts Service,

(*d*) the Attorney General,

(*e*) the Registrar of the Supreme Court, and

(*f*) the Master of the High Court.

(4) The nominated members of the Committee shall be the following:

(*a*) 2 shall be ordinary judges of the Supreme Court nominated by the Chief Justice;

(*b*) 2 shall be ordinary judges of the High Court nominated by the President of the High Court;

(*c*) 2 shall be practising barristers nominated by the General Council of the Bar of Ireland, of whom one shall be a member of the Senior Bar and the other a member of the Junior Bar; and

(*d*) 2 shall be practising solicitors nominated by the Council of the Law Society of Ireland.

(5) Every nominated member of the Committee shall hold office as such member until—

(*a*) the fifth anniversary of the date of his or her nomination, or

(*b*) he or she—

(i) dies,

(ii) resigns as such member, or

(iii) ceases to be of the capacity referred to in subsection (4) by virtue of which the member held office as such member,

whichever is the earlier.

(6) A nominated member of the Committee whose membership thereof expires pursuant to subsection (5)(*a*) shall be eligible for re-nomination.

(7) The quorum of the Committee shall be 6 members.

(8) The Committee may act notwithstanding one or more vacancies in its membership.

(9) Each of the ex-officio members of the Committee specified in paragraphs (*a*) to (*d*) of subsection (3) may appoint in writing a person to act in his or her place as a member of the Committee except that the person so appointed shall be—

(*a*) in the case of the Chief Justice, an ordinary judge of the Supreme Court,

(*b*) in the case of the President of the High Court, an ordinary judge of the High Court,

(*c*) in the case of the Chief Executive Officer of the Courts Service, a member of the staff of the Courts Service,

(*d*) in the case of the Attorney General, an officer of the Attorney General.

(10) The Chief Executive Officer of the Courts Service, in consultation with the chairperson of the Committee, shall appoint in writing a member of the staff of the Courts Service to be the secretary to the Committee.

(11) A person who made an appointment under subsection (9) or (10) may revoke the appointment at any time.".

Amendment of section 69 of Courts of Justice Act 1936.

21.— Section 69 (as amended by section 12 of the Courts of Justice Act 1947) of the Courts of Justice Act 1936 is amended by substituting the following for subsections (2) to (8):

"(2) The Circuit Court Rules Committee ('the Committee') shall consist of 4 ex-officio members and 7 nominated members.

(3) The ex-officio members of the Committee shall be—

(*a*) the President of the Circuit Court, who shall be the chairperson of the Committee,

(*b*) the Chief Executive Officer of the Courts Service,

(*c*) the Attorney General, and

(*d*) the county registrar for the county and city of Dublin.

(4) The nominated members of the Committee shall be the following:

(*a*) 2 shall be judges of the Circuit Court nominated by the judges of the Circuit Court;

(*b*) 2 shall be practising barristers nominated by the General Council of the Bar of Ireland;

(*c*) 2 shall be practising solicitors nominated by the Council of the Law Society of Ireland, and

(*d*) one shall be a county registrar, not being the county registrar referred to in subsection (3)(*d*), nominated by the Chief Executive Officer of the Courts Service.

(5) Every nominated member of the Committee shall hold office as such member until—

(*a*) the fifth anniversary of the date of his or her nomination, or

(*b*) he or she—

(i) dies,

(ii) resigns as such member, or

(iii) ceases to be a judge of the Circuit Court, a practising barrister, a practising solicitor or a county registrar, as the case may be,

whichever is the earlier.

(6) A nominated member of the Committee whose membership thereof expires pursuant to subsection (5)(*a*) shall be eligible for re-nomination.

(7) The quorum of the Committee shall be 4 members.

(8) The Committee may act notwithstanding one or more vacancies in its membership.

(9) Each of the ex-officio members of the Committee specified in paragraphs (*a*) to (*c*) of subsection (3) may appoint in writing a person to act in his or her place as a member of the Committee except that the person so appointed shall be—

(*a*) in the case of the President of the Circuit Court, an ordinary judge of the Circuit Court,

(*b*) in the case of the Chief Executive Officer of the Courts Service, a member of the staff of the Courts Service,

(*c*) in the case of the Attorney General, an officer of the Attorney General.

(10) The Chief Executive Officer of the Courts Service, in consultation with the chairperson of the Committee, shall appoint in writing a member of the staff of the Courts Service to be the secretary to the Committee.

(11) A person who made an appointment under subsection (9) or (10) may revoke the appointment at any time.".

Amendment of section 71 of Courts of Justice Act 1936.

22.— Section 71 of the Courts of Justice Act 1936 is amended by substituting the following for subsections (2) to (8):

"(2) The District Court Rules Committee ('the Committee') shall consist of 4 ex-officio members and 7 nominated members.

(3) The ex-officio members of the Committee shall be—

(*a*) the President of the District Court, who shall be the chairperson of the Committee,

(*b*) the Chief Executive Officer of the Courts Service,

(*c*) the Attorney General, and

(*d*) such one of the district court clerks of the Dublin Metropolitan District as the Chief Executive Officer of the Courts Service nominates.

(4) The nominated members of the Committee shall be the following:

(*a*) 4 shall be judges of the District Court nominated by the Minister for Justice, Equality and Law Reform;

(*b*) one shall be a practising barrister nominated by the General Council of the Bar of Ireland; and

(*c*) 2 shall be practising solicitors nominated by the Council of the Law Society of Ireland.

(5) Every nominated member of the Committee shall hold office as such member until—

(*a*) the fifth anniversary of the date of his or her nomination, or

(*b*) he or she—

(i) dies,

(ii) resigns as such member, or

(iii) ceases to be a judge of the District Court, a practising barrister or a practising solicitor, as the case may be,

whichever is the earlier.

(6) A nominated member of the Committee whose membership thereof expires pursuant to subsection (5)(*a*) shall be eligible for re-nomination.

(7) The quorum of the Committee shall be 4 members.

(8) The Committee may act notwithstanding one or more vacancies in its membership.

(9) Each of the ex-officio members of the Committee specified in paragraphs (*a*) to (*c*) of subsection (3) may appoint in writing a person to act in his or her place as a member of the Committee except that the person so appointed shall be—

(*a*) in the case of the President of the District Court, an ordinary judge of the District Court,

(*b*) in the case of the Chief Executive Officer of the Courts Service, a member of the staff of the Courts Service,

(*c*) in the case of the Attorney General, an officer of the Attorney General.

(10) The Chief Executive of the Courts Service, in consultation with the chairperson of the Committee, shall appoint in writing a member of the staff of the Courts Service to be the secretary to the Committee.

(11) A person who made an appointment under subsection (9) or (10) may revoke the appointment at any time.”.

Substitution of sections 13A and 14 of Courts Act 1971.

23.— The Courts Act 1971 is amended by substituting the following for sections 13A and 14 (inserted by section 20 of the Criminal Justice (Miscellaneous Provisions) Act 1997):

"Evidentiary weight of signed orders or warrants made or issued by District Court judge.

14.— (1) Subject to subparagraph (2) of paragraph 4 of the Sixth Schedule to the Courts (Supplemental Provisions) Act 1961, an order made on or after the commencement of this section recording a decision of a judge of the District Court shall, when signed by—

(*a*) any judge of the District Court assigned to the District Court district in which the order was made, or

(*b*) subject to subsection (2), any district court clerk assigned to the District Court area in which the order was made,

be evidence in any legal proceedings of the decision until the contrary is shown.

(2) Paragraph (*b*) of subsection (1) shall not apply in the case of an order sending an accused person forward for trial.

(3) Subject to subparagraph (2) of paragraph 4 of the Sixth Schedule to the Courts (Supplemental Provisions) Act 1961, a warrant issued on or after the commencement of this section by a judge of the District Court shall, when signed by—

(*a*) any judge of the District Court assigned to the District Court district in which the warrant was issued, or

(*b*) subject to subsection (4), any district court clerk assigned to the District Court area in which the warrant was issued,

be evidence in any legal proceedings of the matters to which the warrant relates until the contrary is shown.

(4) Paragraph (*b*) of subsection (3) shall not apply in the case of a search warrant or a warrant sending an accused person forward for trial.".

Amendment of section 23 of Courts Act 1971.

24.— Section 23 of the Courts Act 1971 is amended by substituting the following for subsection (1):

"(1) The service of a superior court document may be effected—

(*a*) by leaving the document or a copy thereof (as may be appropriate) at, or sending the document or a copy thereof (as may be appropriate) by registered pre-paid post to, the residence or place of business in the State of the person to be served or the place of business in the State of the solicitor (if any) acting for him or her in the proceedings to which the document relates, or

(*b*) by such other means as may be prescribed by rules of court.".

Amendment of section 20 of Petty Sessions (Ireland) Act 1851.

25.— Section 20 of the Petty Sessions (Ireland) Act 1851 is amended by deleting subsection (4).

Videoconferencing in civil proceedings.

26.— F1**[**...**]**

Anonymity in civil proceedings in relation to medical condition of relevant person.

27.— (1) Where in any civil proceedings (including such proceedings on appeal) a relevant person has a medical condition, an application may be made to the court in which the proceedings have been brought by any party to the proceedings for an order under this section prohibiting the publication or broadcast of any matter relating to the proceedings which would, or would be likely to, identify the relevant person as a person having that condition.

(2) An application for an order under this section may be made at any stage of the proceedings.

(3) The court shall grant an order under this section only if it is satisfied that—

(*a*) the relevant person concerned has a medical condition,

(*b*) his or her identification as a person with that condition would be likely to cause undue stress to him or her, and

(*c*) the order would not be prejudicial to the interests of justice.

(4) An appeal from a refusal or grant of an application for an order under this section may be made by any party to the proceedings and shall lie—

(*a*) in relation to proceedings before the District Court, to the Circuit Court,

(*b*) in relation to proceedings before the Circuit Court, to the High Court, and

(*c*) in relation to proceedings before the High Court, to the Supreme Court.

(5) The court—

(*a*) hearing an appeal under *subsection (4)* may vary or revoke the order under this section the subject of the appeal,

(*b*) hearing an appeal against a decision in civil proceedings in which an order under this section was made may vary or revoke the order on application made in that behalf by any party to the proceedings.

(6) An application for an order under this section, an appeal under *subsection (4)* or an application referred to in *subsection (5)(b)* —

(*a*) may only be made by a party to the proceedings on notice to the other party or parties to the proceedings, and

(*b*) shall be made to the judge concerned in chambers.

(7) Each of the following persons who publishes or broadcasts any matter in contravention of an order under this section (including any such order as varied on appeal) is guilty of an offence and is liable on conviction on indictment to a fine not exceeding €25,000 or imprisonment for a term not exceeding 3 years or both:

(*a*) if the matter is published in a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;

(*b*) if the matter is published otherwise, the person who publishes it;

(*c*) if the matter is broadcast, any person transmitting or providing the programme in which the broadcast is made and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.

(8) Where a person is charged with an offence under *subsection (7)*, it shall be a defence to prove that at the time of the alleged offence the person was not aware, and neither suspected nor had any reason to suspect, that the publication or broadcast concerned was of any such matter as is mentioned in *subsection (1)*.

(9) (*a*) Where an offence under *subsection (7)* has been committed by a body corporate and it is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person who, when the offence was committed, was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(*b*) Where the affairs of a body corporate are managed by its members, *paragraph (a)* shall apply in relation to the acts and defaults of a member in connection with the functions of management as if he or she were a director or manager of the body corporate.

(10) This section applies to civil proceedings that are either—

(*a*) brought on or after the commencement of this section, or

(*b*) pending on the date of such commencement.

(11) In this section—

" broadcast " means the transmission, relaying or distribution by wireless telegraphy, cable or the internet of communications, sounds, visual images or signals, intended for reception by the public generally or a section of it, whether the broadcast is so received or not;

" publish " means publish, other than by way of broadcast, to the public generally or a section of it;

" relevant person ", in relation to civil proceedings, means—

(*a*) a party to the proceedings, or

(*b*) a person called or proposed to be called to give evidence in the proceedings.

Right of assistant to accompany blind or partially sighted party, counsel or solicitor to proceedings.

28.— (1) Where a court is satisfied in proceedings before it that—

(*a*) a party appearing before the court in the proceedings, or

(*b*) counsel or a solicitor appearing before the court in the proceedings on behalf of a party,

is blind or partially sighted and for that reason requires assistance, the court may, at the request of the party, counsel or solicitor concerned and notwithstanding any enactment, statutory instrument made under any enactment or rule of law, authorise another person (in this section referred to as the " assistant") to accompany the party, counsel or solicitor, as the case may be, in the proceedings and provide such assistance subject to such directions as the court may give to the assistant.

(2) The assistant in proceedings referred to in subsection (1)—

(*a*) shall comply with directions referred to in that subsection given to him or her, and

(*b*) shall not, by virtue of being the assistant, have any right of audience in the proceedings.

Amendment of section 6 of Court Officers Act 1945.

29.— Section 6(1) of the Court Officers Act 1945 is amended by substituting the following for paragraph (*a*):

"(*a*) the Courts Service, after consultation with the President of the High Court, may appoint a person who at the time of the appointment is a member of staff of the Courts Service and who—

(i) is a barrister or solicitor,

(ii) at any time prior to such appointment has been employed for a period of not less than 9 years, or for periods together totalling not less than 9 years, in an office or offices established under Part I of the Principal Act, or

(iii) holds such other qualification or qualifications as the Courts Service, with the consent of the President of the High Court, determines to be appropriate for such appointment.".

Amendment of section 9 of Court Officers Act 1945.

30.— Section 9 (as amended by section 35 of the Courts and Court Officers Act 1995 and section 23 of the Courts and Court Officers Act 2002) of the Court Officers Act 1945 is amended by substituting the following for subsection (3):

"(3) (*a*) Whenever an officer is required under subsection (1)(*a*) to perform the duties, or any duty or duties, of another office equivalent to his or her office, he or she shall, while the requirement remains in force, have all the powers of the holder of that other office in respect of the duty or duties concerned as fully as if he or she held that other office.

(*b*) Whenever a County Registrar is required under subsection (1)(*b*) to perform the duties, or any duty or duties, of the office of any other County Registrar, he or she—

(i) shall, while the requirement remains in force, have all the powers of the holder of that office in respect of the duty or duties concerned as fully as if he or she held that office, and

(ii) may exercise such powers concurrently with their being exercised by the other County Registrar.".

Amendment of section 40 of Civil Liability and Courts Act 2004.

31.— Section 40 of the Civil Liability and Courts Act 2004 is amended—

(*a*) in subsection (3), by substituting—

"such a report—

(i) attend the proceedings, and

(ii) have access to any relevant documents,

subject to any directions the court may give in that behalf." for "such a report, attend the proceedings subject to any directions the court may give in that behalf.",

and

(*b*) by inserting the following after subsection (10):

"(11) In subsection (3), 'relevant documents', in relation to any proceedings referred to in that subsection—

(*a*) subject to paragraph (*b*), means—

(i) the petition, summons or other originating document in the proceedings,

(ii) pleadings and other documents (including the terms of settlement, if any) produced to or lodged with the court, or included in the book of pleadings, in the course of the proceedings, and

(iii) any order made by the court in the proceedings,

(*b*) does not include any document the contents of which are expressed to be without prejudice or in terms having a like effect.".

Increase in number of judges of District Court.

32.— The Courts and Court Officers Act 1995 is amended by substituting the following for subsection (1) (inserted by section 4 of the Courts and Court Officers (Amendment) Act 2007) of section 11:

"(1) The number of judges of the District Court in addition to the President of the District Court shall not be more than 63.".

PART 3

Solicitors

Amendment of section 29 of Solicitors Act 1954.

33.— Section 29 (inserted by section 44 of the Solicitors (Amendment) Act 1994) of the Solicitors Act 1954 is amended in subsection (2) by substituting "four" for "five".

Amendment of section 73 of Solicitors Act 1954.

34.— Section 73 (as amended by section 7 of the Solicitors (Amendment) Act 1994) of the Solicitors Act 1954 is amended by substituting the following for subsections (3) and (4):

"(3) Subject to subsections (4) and (4A), the membership and quorum of a committee under this section shall be as specified by the Council and any such membership may include—

(*a*) solicitors who are not members of the Council,

(*b*) persons who are not solicitors.

(4) Where functions of the Society which are performable by the Council are delegated to a committee under this section, that committee, in the performance of all or any of its delegated functions, may sit in one or more divisions, provided that the quorum of such a division shall be three.

(4A) Where functions of the Society under section 8 (as amended by *section 39* of the *Civil Law (Miscellaneous Provisions) Act 2008*) or 9 of the Solicitors (Amendment) Act 1994 are delegated to a committee under this section, then—

(*a*) a majority of the members of the committee, any quorum of the committee, any division of the committee or quorum of such division, shall be persons who are not solicitors, and

(*b*) that committee or any division of that committee shall be chaired by a person who is a solicitor.".

Amendment of section 6 of Solicitors (Amendment) Act 1960.

35.— Section 6 (inserted by section 16 of the Solicitors (Amendment) Act 1994 and amended by section 8 of the Solicitors (Amendment) Act 2002) of the Solicitors (Amendment) Act 1960 is amended by inserting the following after subsection (1A):

"(1B) Where a solicitor member of the Disciplinary Tribunal, during the course of his or her membership of the Disciplinary Tribunal, ceases to be a practising solicitor by virtue of not making an application for a practising certificate, that cesser shall not of itself—

(*a*) cause the solicitor member to cease to be a solicitor member of the Disciplinary Tribunal, or

(*b*) prevent the solicitor member from continuing to serve as a solicitor member of the Disciplinary Tribunal for the remainder of his or her appointment or reappointment as a solicitor member of the Disciplinary Tribunal.".

Insertion of new section 6A into Solicitors (Amendment) Act 1960.

36.— The Solicitors (Amendment) Act 1960 is amended by the insertion of the following section after section 6:

"Power of Society to investigate alleged misconduct by solicitor.

6A.— (1) For the avoidance of doubt it is hereby declared that the Society have, and always have had, a power to investigate alleged misconduct by a solicitor.

(2) If subsection (1) would, but for this subsection, conflict with a constitutional right of any person, the operation of that subsection shall be subject to such limitation as is necessary to secure that it does not so conflict but shall otherwise be of full force and effect.".

Amendment of section 8 of Solicitors (Amendment) Act 1960.

37.— Section 8 (inserted by section 18 of the Solicitors (Amendment) Act 1994 and amended by section 10 of the Solicitors (Amendment) Act 2002) of the Solicitors (Amendment) Act 1960 is amended—

(*a*) in subsection (1)(*a*), by the substitution of "the High Court, after consideration of the report and the submissions (if any) made to it by the Society under subsection (1A) of this section" for "the High Court, after consideration of the report", and

(*b*) by the insertion of the following subsection after subsection (1):

"(1A) The Society may make submissions to the High Court in relation to—

(*a*) the opinion of the Disciplinary Tribunal as to the fitness or otherwise of the solicitor to be a member of the solicitors' profession, having regard to the findings of the Disciplinary Tribunal, and

(*b*) the recommendations of the Disciplinary Tribunal as to the sanction which in the opinion of the Disciplinary Tribunal should be imposed, having regard to their findings, to any finding of misconduct on the part of the solicitor previously made by them (or by their predecessor, the Disciplinary Committee) and not rescinded by the Court, and to any order made by the Court under the *Solicitors Acts 1954 to 2008* in respect of the solicitor.".

Amendment of section 2 of Solicitors (Amendment) Act 1994.

38.— Section 2 of the Solicitors (Amendment) Act 1994 is amended by the substitution of the following subsection for subsection (2) (inserted by section 12 of the Solicitors (Amendment) Act 2002):

"(2) References in sections 10, 10A (inserted by section 13 of the Solicitors (Amendment) Act 2002), 12 (inserted by section 14 of that Act) and 22 of this Act to complaints made to or received by the Society include references to any

complaints made to the Society by the registrar under section 14B of this Act, and those provisions of this Act shall have effect accordingly.".

Amendment of section 8 of Solicitors (Amendment) Act 1994.

39.— Section 8 of the Solicitors (Amendment) Act 1994 is amended—

(*a*) in subsection (1), by inserting the following after paragraph (*d*):

"(*da*) direct the solicitor to pay to the client a sum not exceeding €3,000 or the prescribed amount, whichever is the greater, as compensation for any financial or other loss suffered by the client in consequence of any such inadequacy in the legal services provided or purported to have been provided by the solicitor, provided that any such payment made in compliance with the direction shall be without prejudice to any legal right of the client;",

and

(*b*) by inserting the following after subsection (8):

"(9) (*a*) Subject to paragraphs (*b*) and (*c*), the Minister may by order prescribe an amount in respect of subsection (1)(*da*).

(*b*) The Minister shall only exercise the power under paragraph (*a*) to prescribe an amount referred to in that subsection such that the amount prescribed reflects the rate of inflation in the State.

(*c*) No order under paragraph (*a*) shall come into operation—

(i) before the second anniversary of the commencement of that paragraph,

(ii) thereafter at intervals of less than 2 years between orders made and not annulled under that paragraph.

(*d*) Every order made under this subsection shall be laid before each House of the Oireachtas as soon as practicable after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled, but without prejudice to the validity of anything done under the order.".

Insertion of new section 14A into Solicitors (Amendment) Act 1994.

40.— The Solicitors (Amendment) Act 1994 is amended by the insertion of the following section after section 14:

"Investigation of alleged misconduct by solicitor.

14A.— For the avoidance of doubt it is hereby declared that the power of the Society to investigate alleged misconduct by a solicitor may be exercised whether or not the Society receive a complaint in relation to the solicitor.".

Insertion of new section 14B into Solicitors (Amendment) Act 1994.

41.— The Solicitors (Amendment) Act 1994 is amended by the insertion of the following section after section 14A:

"Charging excessive fees may constitute misconduct by solicitor.

14B.— Notwithstanding anything in this Part the issue by a solicitor of a bill of costs that is excessive may constitute misconduct.".

Insertion of new section 14C into Solicitors (Amendment) Act 1994.

42.— The Solicitors (Amendment) Act 1994 is amended by the insertion of the following section after section 14B:

"Complaints by registrar.

14C.— The registrar may make a complaint to the Society in relation to a solicitor alleging—

(*a*) a contravention by the solicitor of any provision of the *Solicitors Acts 1954 to 2008* or any order or regulation made thereunder, or

(*b*) any conduct by the solicitor tending to bring the solicitors' profession into disrepute.".

Insertion of new section 18A into Solicitors (Amendment) Act 1994.

43.— The Solicitors (Amendment) Act 1994 is amended by inserting the following after section 18:

"Enforcement of order of Solicitors Disciplinary Tribunal.

18A.— (1) Where, on application by the Society in circumstances where the matter is not otherwise before the High Court, it is shown that a solicitor or any other person has refused, neglected or otherwise failed, without reasonable cause, to comply in whole or in part with an order made by the Solicitors Disciplinary Tribunal, the Court may by order direct the solicitor or other person, as the case may be, to comply in whole or in part with the order of the Solicitors Disciplinary Tribunal.

(2) An application by the Society pursuant to subsection (1) shall be on notice to the solicitor or other person concerned unless the High Court otherwise orders.

(3) An order of the High Court under subsection (1) may contain such provisions of a consequential nature as the Court considers appropriate.".

Insertion of new section 26A into Solicitors (Amendment) Act 1994.

44.— The Solicitors (Amendment) Act 1994 is amended by inserting the following after section 26:

"Limitation of solicitors', etc. liability by contract.

26A.— (1) Subject to subsections (2) and (3), a contract between a solicitor and a client of the solicitor that any description of civil liability incurred—

(*a*) by the solicitor arising from his or her practice as a solicitor in respect of the provision of legal services to the client be limited to an amount specified or referred to in the contract, or

(*b*) by a partner, clerk or servant or former partner, clerk or servant of the solicitor arising from that solicitor's practice as a solicitor in respect of the provision of legal services to the client be limited to an amount specified or referred to in the contract,

shall be binding on and enforceable by—

(i) if paragraph (*a*) is applicable, the solicitor and the client, and

(ii) if paragraph (*b*) is applicable, the partner, clerk or servant or former partner, clerk or servant of the solicitor and the client.

(2) Nothing in subsection (1) shall affect the operation of—

(*a*) section 40 (as amended by section 31 of the Restrictive Practices (Amendment) Act 1987) of the Sale of Goods and Supply of Services Act 1980, or

(*b*) Regulation 6 of the European Communities (Unfair Terms in Consumer Contracts) Regulations 1995 (S.I. No. 27 of 1995).

(3) The amount referred to in subsection (1) in respect of a description of civil liability the subject of the contract concerned shall be not less than the minimum level of cover, as specified from time to time in regulations under paragraph (*b*) of section 26(4), for indemnity against losses arising from those classes of claims which fall within that description of civil liability and, accordingly, any such amount which is less than such minimum level of cover shall, by virtue of this subsection, be deemed to be increased to such minimum level of cover, and such contract shall be binding and enforceable accordingly.

(4) Section 7 of the Attorneys and Solicitors Act 1870 is repealed on the commencement of *section 44* of the *Civil Law (Miscellaneous Provisions) Act 2008*.".

Amendment of section 19 of Solicitors (Amendment) Act 2002.

45.— Section 19 of the Solicitors (Amendment) Act 2002 is amended—

(*a*) in subsection (3)(*d*), by the substitution of the following for subparagraph (iv):

"(iv) their opinion as to the fitness of the apprentice, having regard to their finding or findings, to be admitted as a solicitor either at any time or until the apprentice has satisfied the Society or the President of the High Court as to such fitness,

and the Society shall bring the report before the Court.",

(*b*) in subsection (5), by the substitution of "The High Court, after consideration of the report of the Disciplinary Tribunal and the submissions (if any) made to it by the Society under subsection (5A) of this section" for "The High Court, on consideration of the report of the Disciplinary Tribunal", and

(*c*) by the insertion of the following subsection after subsection (5):

"(5A) The Society may make submissions to the High Court in relation to the opinion of the Disciplinary Tribunal as to the fitness of the apprentice, having regard to the finding or findings of the Disciplinary Tribunal, to be admitted as a solicitor either at any time or until the apprentice has satisfied the Society or the President of the High Court as to such fitness.".

Insertion of new section 19A into Solicitors (Amendment) Act 2002.

46.— (1) The Solicitors (Amendment) Act 2002 is amended by the insertion of the following section after section 19:

"Power of Society to investigate alleged misconduct by apprentice.

19A.— (1) For the avoidance of doubt it is hereby declared that the Society have a power to investigate alleged misconduct by an apprentice.

(2) The power of the Society referred to in subsection (1) of this section may be exercised whether or not the Society receive a complaint in relation to the apprentice.

(3) If subsection (1) of this section would, but for this subsection, conflict with a constitutional right of any person, the operation of that subsection shall be subject to such limitation as is necessary to secure that it does not so conflict but shall otherwise be of full force and effect.

(4) In this section 'misconduct' has the same meaning as it has in section 19 of this Act.".

(2) This section shall be deemed to have come into operation on 1 January 2003.

PART 4

Landlord and Tenant

Amendment of section 17 of Landlord and Tenant (Amendment) Act 1980.

47.— Section 17(1)(*a*) (as amended by section 4 of the Landlord and Tenant (Amendment) Act 1994) of the Landlord and Tenant (Amendment) Act 1980 is amended by substituting the following for subparagraph (iii*a*):

"(iii*a*) if section 13(1)(*a*) (as amended by section 3 of the Landlord and Tenant (Amendment) Act 1994) applies to the tenement, the tenant has renounced in writing, whether for or without valuable consideration, his or her entitlement to a new tenancy in the tenement and has received independent legal advice in relation to the renunciation, or".

Amendment of section 85 of Landlord and Tenant (Amendment) Act 1980.

48.— Section 85 (as amended by section 191(3) of the Residential Tenancies Act 2004) of the Landlord and Tenant (Amendment) Act 1980 is amended by substituting the following for subsection (2):

"(2) Subsection (1) does not apply to a renunciation referred to in—

(*a*) subparagraph (iii*a*) (inserted by *section 47* of the *Civil Law (Miscellaneous Provisions) Act 2008*), or

(*b*) subparagraph (iii*b*) (inserted by section 191 of the Residential Tenancies Act 2004),

of section 17(1)(*a*).".

PART 5

Statutory Declarations

Amendment of section 2 of Statutory Declarations Act 1938.

49.— Section 2 of the Statutory Declarations Act 1938 is amended—

(*a*) by substituting the following for subsection (2):

"(2) Save as is otherwise provided by this section, a person ('the first-mentioned person') shall not take or receive a statutory declaration from another person (' the declarant ') unless—

(*a*) the declarant is personally known to the first-mentioned person or is identified to him or her by a person who is personally known to him or her, or

(*b*) if paragraph (*a*) is not applicable, the first-mentioned person—

(i) before taking or receiving the declaration, establishes the identity of the declarant by reference to a relevant document containing a photograph of the declarant, and

(ii) states in the attestation that the identity of the declarant has been so established and gives particulars of the relevant document concerned.",

and

(*b*) by inserting the following after subsection (3):

"(4) In subsection (2) ' relevant document ' means—

(*a*) a valid passport issued by or on behalf of an authority recognised by the Government,

(*b*) a national identity card issued by the authorities of—

(i) a Member State,

(ii) the Swiss Confederation, or

(iii) a Contracting Party to the EEA Agreement,

(*c*) a document which is equivalent to a passport, issued by or on behalf of an authority recognised by the Government, which establishes the identity and nationality of the person to whom the document relates,

(*d*) a travel document issued by the Minister for Justice, Equality and Law Reform under section 4 of the Refugee Act 1996, or

(*e*) a travel document other than a document to which paragraph (*d*) refers issued by the State solely for the purpose of providing the holder with a document which can serve in lieu of a national passport.

(5) In subsection (4), ' EEA Agreement ' means the Agreement on the European Economic Area signed at Oporto on the 2nd of May 1992 as amended for the time being.".

Insertion of new section 3A into Statutory Declarations Act 1938.

50.— The Statutory Declarations Act 1938 is amended by inserting the following after section 3:

"Making of statutory declarations outside State.

3A.— (1) Without prejudice to section 6 of the Investment Funds, Companies and Miscellaneous Provisions Act 2006—

(*a*) a statutory declaration made in a place outside the State shall be regarded as having been validly made if it is made in such a place before a person authorised under section 1 to take and receive the declaration, or

(*b*) a statutory declaration made in a place outside the State shall be regarded as having been validly made if it is made in such a place before a person authorised, under the law of that place, to administer oaths in that place and subsection (3), (4) or (5), as the case may be, is complied with.

(2) Subsection (1) is in addition to, and not in substitution for, the circumstances provided under the Diplomatic and Consular Officers (Provision of Services) Act 1993 or any other enactment in which a statutory declaration made by a person in a place outside the State is regarded as a statutory declaration validly made (whether for purposes generally or any specific purpose).

(3) In a case falling within subsection (1)(*b*), and unless subsection (4) or (5) applies, the signature of the person making the statutory declaration concerned (the 'declarer') and, to the extent that the law of the place concerned referred to in subsection (1)(*b*) requires either or both of the following to be authenticated:

(*a*) the capacity in which the declarer has acted in making that declaration,

(*b*) the seal or stamp of the person who has administered the oath to the declarer,

shall be authenticated in accordance with the law of that place.

(4) If the place concerned referred to in subsection (1)(*b*) is situate in a state that is a contracting party to the EC Convention, then (unless that Convention does not extend to that place) the provisions of that Convention with regard to authentication shall apply in relation to the statutory declaration concerned, including the procedures for verification of any matter in circumstances where serious doubts, with good reason, arise in respect of that matter.

(5) If the place concerned referred to in subsection (1)(*b*) is situate in a state that is a contracting party to the Hague Convention but is not a contracting party to the EC Convention, then (unless the Hague Convention does not extend to that particular place) the provisions of the Hague Convention with regard to authentication shall apply in relation to the statutory declaration concerned, including the procedures for verification of any matter in circumstances where serious doubts, with good reason, arise in respect of that matter.

(6) A person may, before receiving any statutory declaration purporting to be made in pursuance of, or for the purposes of, a statutory provision, being a declaration—

(*a*) falling within subsection (1)(*b*), and

(*b*) to which neither the provisions of the EC Convention nor the Hague Convention apply as regards the authentication of it,

require such proof, as he or she considers appropriate, of any particular requirements of the law referred to in subsection (3).

(7) In this section—

' EC Convention ' means the Convention Abolishing the Legalisation of Documents in the Member States of the European Communities of 25 May 1987;

' Hague Convention ' means the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at the Hague on 5 October 1961.".

Substitution of section 6 of Statutory Declarations Act 1938.

51.— The Statutory Declarations Act 1938 is amended by substituting the following for section 6 (as amended by section 26 of the Standards in Public Office Act 2001):

"Penalty for false declaration.

6.— (1) Every person who makes a statutory declaration which to his or her knowledge is false or misleading in any material respect shall be guilty of an offence under this section and liable on summary conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding 6 months or both.

(2) Notwithstanding the provisions of section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings in relation to an offence under this Act may be commenced—

(*a*) at any time within 12 months from the date on which the offence was committed, or

(*b*) at any time within 6 months from the date on which evidence that, in the opinion of the person by whom such proceedings are brought, is sufficient to justify the bringing of proceedings, comes to such person's knowledge,

whichever is the later, but no such proceedings shall be commenced later than 3 years from the date on which the offence concerned was committed.".

Substitution of Schedule to Statutory Declarations Act 1938.

52.— The Statutory Declarations Act 1938 is amended by substituting the following for the Schedule:

"SCHEDULE

FORM OF STATUTORY DECLARATION

I, A.B., do solemnly and sincerely declare that [*here insert text of matter to be declared*] and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

[*Signed*] A.B.

Declared before me… … … ….....[*name in capitals*] a [notary public] [commissioner for oaths] [peace commissioner] [person authorised by [*insert authorising statutory provision*]..... to take and receive statutory declarations] by A.B.

[who is personally known to me],

or

[who is identified to me by C.D. who is personally known to me]

or

[whose identity has been established to me before the taking of this Declaration by the production to me of

passport no. [*passport number*] issued on [*date of issue*] by the authorities of [*issuing state*], which is an authority recognised by the Irish Government]

or

national identity card no. [*identity card number*] issued on [*date of issue*] by the authorities of [*issuing state*] [which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement]

or

[Aliens Passport no. (*document equivalent to a passport*) [*passport number*] issued on [*date of issue*] by the authorities of [issuing state] which is an authority recognised by the Irish Government]

or

refugee travel document no. [*document number*] issued on [*date of issue*] by the Minister for Justice, Equality and Law Reform]

or

travel document (other than refugee travel document) [*document no.*] issued on [*date of issue*] by the Minister for Justice, Equality and Law Reform

at.....[*place of signature*] this.....day of… … … … ….....[*date*]

.....

[*signature of witness*]".

Amendment of section 22 of Standards in Public Office Act 2001.

53.— Section 22 of the Standards in Public Office Act 2001 is amended—

(*a*) in paragraph (*b*) of subsection (1), by substituting "three months" for "one month", and

(*b*) in paragraph (*b*) of subsection (2), by substituting "three months" for "one month".

PART 6

Juries

Amendment of section 6 of Juries Act 1976.

54.— Section 6 of the Juries Act 1976 is amended by deleting "and under the age of 70 years".

Amendment of section 11 of Juries Act 1976.

55.— Section 11 of the Juries Act 1976 is amended by substituting "one or more courts within a jury district" for "each court".

Amendment of section 12 of Juries Act 1976.

56.— Section 12 of the Juries Act 1976 is amended by substituting the following for subsection (1):

"(1) Each county registrar shall cause a written summons, in such form as the Minister may by regulations prescribe, to be served on every person whom the registrar has selected as a juror requiring the person—

(*a*) to attend as a juror at the court in question or other place specified in the summons for the reception of jurors on the day and at the time specified in the summons, and

(*b*) to thereafter attend at that court or place, as the case may be, or such other court or place as the court may direct, at such times as are directed by—

(i) the court, or

(ii) the registrar in any case where the registrar is authorised to do so by the court.".

Amendment of section 13(3) of Juries Act 1976.

57.— Section 13(3) of the Juries Act 1976 is amended by substituting the following for paragraph (*c*):

"(*c*) a certificate by—

(i) the registrar or other officer acting as registrar of a court, or

(ii) a member of the staff of the Courts Service duly authorised in that behalf by the Chief Executive Officer of the Courts Service,

present when a person summoned to attend as a juror in that court failed to answer to his or her name at the time it was called out in that court or at the place specified in the summons shall be evidence, unless the contrary is proved, that that person failed to attend in compliance with the summons, or was not available when called on to serve, as the case may be.".

Substitution of section 25 of Juries Act 1976.

58.— The Juries Act 1976 is amended by substituting the following for section 25:

"Separation of juries during trial.

25.— (1) In any trial with a jury—

(*a*) the jurors may, at any time before they retire to consider their verdict, separate unless the judge otherwise directs, and

(*b*) the jurors may, after they retire to consider their verdict, only separate for such period or periods as the judge directs.

(2) A direction under subsection (1)(*b*) may be given in respect of a jury whether or not the jury is present when the direction is given.".

Amendment of section 31 of Juries Act 1976.

59.— Section 31 of the Juries Act 1976 is amended by deleting "and under the age of sixty-five years".

Amendment of section 34 of Juries Act 1976.

60.— Section 34 of the Juries Act 1976 is amended—

(*a*) in subsection (1), by substituting " €500" for " £50", and

(*b*) in subsection (2), by substituting " €500" for " £50".

Amendment of section 35 of Juries Act 1976.

61.— Section 35 of the Juries Act 1976 is amended—

(*a*) in subsection (1), by substituting " €500" for " £50",

(*b*) in subsection (2), by substituting " €500" for " £50", and

(*c*) in subsection (3), by substituting " €500" for " £50".

Amendment of section 36 of Juries Act 1976.

62.— Section 36 of the Juries Act 1976 is amended—

(*a*) in subsection (1), by substituting " €500" for " £50", and

(*b*) in subsection (2), by substituting " €2,000" for " £200".

Amendment of section 37 of Juries Act 1976.

63.— Section 37 of the Juries Act 1976 is amended by substituting " €500" for " £50".

Amendment of First Schedule to Juries Act 1976.

64.— The First Schedule to the Juries Act 1976 is amended—

(*a*) in Part I, by substituting—

" *Other persons*

Persons who have—

(*a*) an incapacity to read, or

(*b*) an enduring impairment,

such that it is not practicable for them to perform the duties of a juror."

for—

" *Incapable persons*

A person who because of insufficient capacity to read, deafness or other permanent infirmity is unfit to serve on a jury.", and

(*b*) in Part II, by deleting "and under the age of seventy years".

PART 7

Bankruptcy

Amendment of section 85 of Bankruptcy Act 1988.

65.— Section 85(3)(*a*) of the Bankruptcy Act 1988 is amended by substituting the following for subparagraph (ii):

"(ii) he or she has obtained the consent of all of his or her creditors who have proved and been admitted in the bankruptcy—

(I) to his or her discharge, and

(II) to the waiver of their rights to the amounts for which they have respectively so proved and been admitted,

as evidenced by the creditors having executed the form prescribed for the purposes of such consent, or".

Amendment of section 91 of Bankruptcy Act 1988.

66.— Section 91 of the Bankruptcy Act 1988 is amended by substituting "no later than 7 days after the conclusion of the preliminary meeting" for "at least two days before the private sitting".

PART 8

Succession

Amendment of section 3 of Succession Act 1965.

67.— Section 3(1) of the Succession Act 1965 is amended, in the definition of " purchaser ", by deleting "in good faith".

Amendment of section 5 of Succession Act 1965.

68.— Section 5 of the Succession Act 1965 is amended—

(*a*) by designating the section as subsection (1), and

(*b*) by inserting the following after subsection (1):

"(2) Where immediately prior to the death of two or more persons they held any property as joint tenants and they died, or under subsection (1) were deemed to have died, simultaneously, they shall be deemed to have held the property immediately prior to their deaths as tenants in common in equal shares.

(3) Property deemed under subsection (2) to have been held by persons as tenants in common shall form part of their respective estates.".

PART 9

Video Recordings

Amendment of Video Recordings Act 1989.

69.— The Video Recordings Act 1989 is amended—

(*a*) in section 3—

(i) by deleting subsection (2), and

(ii) by substituting the following for subsection (4):

"(4) The applicant shall—

(*a*) submit to the Director of Film Classification a video recording of the video work to which the application relates and such other information as may be reasonably required by the Director, and

(*b*) shall pay to the Director, in respect of the application, such fee appropriate to the application as may be prescribed in accordance with section 31(3).",

(*b*) in section 4, by substituting the following for subsection (1):

"(1) When granting a supply certificate the Director of Film Classification shall determine, and shall include in the certificate a statement indicating, to which of the following classes the video work concerned belongs—

(*a*) fit for viewing by persons generally,

(*b*) fit for viewing by persons generally but, in the case of a child under the age of 12 years, only under parental guidance,

(*c)* fit for viewing by persons aged 12 years or more,

(*d*) fit for viewing by persons aged 15 years or more,

(*e*) fit for viewing by persons aged 18 years or more,

and—

(i) for the purposes of this Act, the class specified in paragraph (*a*) is the highest classification and that specified in paragraph (*e*) is the lowest classification and that specified in paragraph (*b*) is higher than that specified in paragraph (*c*) and that specified in paragraph (*c*) is higher than that specified in paragraph (*d*), and

(ii) references in this Act to classification or higher classification or lower classification shall be construed in accordance with paragraph (i).",

(*c*) by inserting the following after section 4:

"Prohibition of supply of video works to persons who have not reached relevant age.

4A.— (1) It shall be an offence for a person to supply or offer to supply a video recording containing a video work to a person who is not a member of the class for which the video work has been certified fit for viewing under section 4(1).

(2) In proceedings for an offence under subsection (1), it shall be a defence for the person against whom such proceedings are brought to prove that he or she made all reasonable efforts to satisfy himself or herself that the person to whom the alleged offence relates was at the time of the alleged commission of the offence a member of the class for which the video work concerned has been certified fit for viewing.

(3) For the purposes of subsection (2), the physical appearance or attributes of the person to whom the alleged offence relates may be taken into account.

(4) A person guilty of an offence under this section shall be liable—

(*a*) on summary conviction, to a fine not exceeding €2,000 or to imprisonment for a term not exceeding 12 months or to both, or

(*b*) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 3 years or to both.",

(*d*) in section 5(3)(*a*), by substituting " €2,000" for " £1,000",

(*e*) in section 6(3)(*a*), by substituting " €2,000" for " £1,000",

(*f*) in section 8(3)(*a*), by substituting " €2,000" for " £1,000",

(*g*) in section 9(3)(*a*), by substituting " €2,000" for " £1,000",

(*h*) in section 11(4), by substituting " €2,000" for " £1,000",

(*i*) in section 12(5), by substituting " €1,000" for " £500",

(*j*) in section 13(4), by substituting " €3,000 or to imprisonment for a term not exceeding 12 months or both" for " £1,000",

(*k*) in section 16(3)(*c*), by substituting " €2,000" for " £1,000",

(*l*) in section 19(5), by substituting " €3,000" for " £1,000",

(*m*) in section 20(3), by substituting " €3,000" for " £1,000",

(*n*) in section 21(4), by substituting " €2,000" for " £1,000",

(*o*) in section 22(3), by substituting " €1,000" for " £500",

(*p*) in section 25(2)(*b*), by substituting " €2,000" for " £1,000" in subparagraph (i) and " €1,000" for " £500" in subparagraph (ii),

(*q*) in section 31, by inserting the following after subsection (2):

"(3) The Minister may, with the consent of the Minister for Finance—

(*a*) subject to paragraph (*b*), prescribe the fees to be paid by applicants under section 3,

(*b*) prescribe the fees (being fees lower than the fees prescribed under paragraph (*a*)) to be paid by applicants under section 3 in the case of video works that are—

(i) likely to appeal only to a limited or specialist audience, or

(ii) are to be distributed for charitable purposes, and".

(*r*) in section 33, by substituting the following for subsection (2):

"(2) The fees charged under this Act shall not be fixed at a level calculated to produce an annual amount which is less than that sufficient to discharge the expenses incurred in the administration of this Act.".

PART 10

Censorship of Films

Amendment of Censorship of Films Act 1923.

70.— The Censorship of Films Act 1923 is amended—

(*a*) in section 5(2), by substituting " €2,000" for " £50" and by substituting " €200" for " £5",

(*b*) in section 6(2), by substituting " €2,000" for " £50" and by substituting " €200" for " £5", and

(*c*) in section 7, by substituting the following for subsections (2) and (3):

"(2) Whenever any such application as is mentioned in subsection (1) is made to the Director of Film Classification, the Director shall certify in the prescribed manner that the picture to which the application relates is fit for exhibition in public, unless the Director is of the opinion that such picture or some part thereof is unfit for general exhibition in public—

(*a*) by reason of it being—

(i) likely to cause harm to children, or

(ii) indecent, obscene or blasphemous,

or

(*b*) because the exhibition thereof in public—

(i) would tend to inculcate principles contrary to public morality, or

(ii) would be otherwise subversive of public morality.

(3) If the Director of Film Classification is of the opinion that any picture in respect of which an application is made to the Director under this section is not fit for general exhibition in public in certain places in the State or under special conditions or in the presence of certain classes of persons, the Director shall grant a certificate that such picture is fit for exhibition in public subject to such restrictions and conditions (which shall be expressed on the certificate) in regard to the places at which or the special conditions under which the picture may be exhibited or the classes of persons who may be admitted to an exhibition of the picture as is in the opinion of the Director are necessary to prevent the exhibition of the picture in public being likely—

(*a*) to cause harm to children, or

(*b*) to be subversive of public morality.".

Change of name of Official Censor, etc.

71.— (1) The office of Official Censor of Films shall, on and after the commencement of this section, be known, in English, as the Irish Film Classification Office and, in Irish, as *Oifig Aicmithe Scannán na hÉireann* and, accordingly, references (howsoever expressed) in any enactment to the office of the Official Censor of Films shall be read as references to the Irish Film Classification Office and the person appointed to the office of Official Censor of Films under that Act shall be known, in English, as the Director of Film Classification and, in Irish, as *an Stiúrthóir Aicmithe Scannán*.

(2) The Irish Film Classification Office may, on the commencement of this section, provide itself with a new seal.

(3) The Censorship of Films Appeal Board established by section 3 of the Censorship of Films Act 1923 shall, on and after the commencement of this section, be known, in English, as the Classification of Films Appeal Board and, in Irish, as *an Bord Achomhairc um Aicmiú Scannán* and, accordingly, references (howsoever expressed) in any enactment to the Censorship of Films Appeal Board shall be read as references to the Classification of Films Appeal Board.

(4) The persons heretofore known as Assistant Censors for the purposes of the Censorship of Films Act 1923 shall, on and after the commencement of this section, be known, in English, as Assistant Classifiers and, in Irish, as *Aicmitheoirí Cúnta* for those purposes.

(5) In this section, "enactment" means a statute or an instrument made under a power conferred by a statute.

PART 11

Parental Leave

Amendment of section 6 of Parental Leave Act 1998.

72.— Section 6 (inserted by section 2 of the Parental Leave (Amendment) Act 2006) of the Parental Leave Act 1998 is amended by inserting the following after subsection (6):

"(6A) Notwithstanding subsection (6), where 2 or more relevant parents in respect of a child are entitled to parental leave in respect of the child and the parents are each employed by the same employer, then each relevant parent

shall, subject to the consent of the employer concerned, be entitled to transfer all or any part of the period of his or her parental leave to any other relevant parent in respect of the child.".

PART 12

Civil Service Regulation

Amendment of section 2(2) of Civil Service Regulation Act 1956.

73.— Section 2(2) (inserted by section 6 of the Civil Service Regulation (Amendment) Act 2005) of the Civil Service Regulation Act 1956 is amended —

(*a*) in paragraph (*f*), by deleting "and",

(*b*) in paragraph (*g*), by substituting "President," for "President.", and

(*c*) by inserting the following after paragraph (*g*):

"(*h*) in relation to a member of the civilian staff of the Garda Síochána who is of the grade or rank of Principal or of an equivalent or superior grade or rank to whom subsection (1)(*a*)(i) does not apply, the Minister for Justice, Equality and Law Reform, and

(*i*) in relation to a member of the civilian staff of the Garda Síochána below the grade or rank of Principal or of an equivalent grade or rank, the Commissioner of the Garda Síochána.".

PART 13

Family Law

Amendment of Family Law Act 1995.

74.— The Family Law Act 1995 is amended—

(*a*) in section 9, by inserting the following after subsection (4):

"(4A) Where a property adjustment order lodged under subsection (4) and registered pursuant to section 69(1)(*h*) of the Registration of Title Act 1964 or in the Registry of Deeds has been complied with, the Property Registration Authority shall, on being satisfied that the order has been complied with—

(*a*) cancel the entry made in the register under the Registration of Title Act 1964, or

(*b*) note compliance with the order in the Registry of Deeds.",

(*b*) in section 18, by inserting the following after subsection (7):

"(8) Where a property adjustment order lodged under section 9(4) and duly registered pursuant to section 69(1)(*h*) of the Registration of Title Act 1964 is varied, discharged, suspended or revived by an order under subsection (2) and the second-mentioned order has been duly lodged for such registration pursuant to subsection (7), the Property Registration Authority shall—

(*a*) amend or cancel the entry made in the register, pursuant to section 9(4), under the Registration of Title Act 1964 accordingly, or

(*b*) note the position in the Registry of Deeds.",

and

(*c*) in section 35, by inserting the following after subsection (5):

"(6) An application shall not be made for an order setting aside a disposition by reason only of subsection (2)(*a*)(II) or (*b*) after the expiration of 6 years from the date of the disposition.".

Amendment of Family Law (Divorce) Act 1996.

75.— The Family Law (Divorce) Act 1996 is amended—

(*a*) in section 14, by inserting the following after subsection (4):

"(4A) Where a property adjustment order lodged under subsection (4) and registered pursuant to section 69(1)(*h*) of the Registration of Title Act 1964 or in the Registry of Deeds has been complied with, the Property Registration Authority shall, on being satisfied that the order has been complied with—

(*a*) cancel the entry made in the register under the Registration of Title Act 1964, or

(*b*) note compliance with the order in the Registry of Deeds.",

(*b*) in section 22, by inserting the following after subsection (7):

"(8) Where a property adjustment order lodged under section 14(4) and duly registered pursuant to section 69(1)(*h*) of the Registration of Title Act 1964 is varied, discharged, suspended or revived by an order under subsection (2) and the second-mentioned order has been duly lodged for registration pursuant to subsection (7), the Property Registration Authority shall—

(*a*) amend or cancel the entry made in the register, pursuant to section 14(4), under the Registration of Title Act 1964 accordingly, or

(*b*) note the position in the Registry of Deeds.",

and

(*c*) in section 37, by inserting the following after subsection (4):

"(5) An application shall not be made for an order setting aside a disposition by reason only of subsection (2)(*a*)(ii) or (*b*) after the expiration of 6 years from the date of the disposition.".

PART 14

Equal Status

Amendment of Equal Status Act 2000.

76.— The Equal Status Act 2000 is amended—

(*a*) in section 2(1) (as amended by section 47 of the Equality Act 2004) by inserting the following after the definition of " family status ":

" ' Gender Goods and Services Directive ' means Council Directive 2004/113/EC of 13 December 2004 [1] implementing the principle of equal treatment between men and women in the access to and supply of goods and services",

(*b*) in section 5—

(i) in subsection (2)—

[1]OJ L373, 21.12.2004, p. 37

(I) by substituting "Subject to subsection (4), subsection (1)" for "Subsection (1)",

(II) in paragraph (*d*), by inserting "(other than on the gender ground or in any other circumstances to which the Gender Goods and Services Directive is relevant)" after "assessment of risk", and

(III) by inserting the following after paragraph (*d*):

"(*da*) differences in the treatment of persons on the gender ground, or in any other circumstances to which the Gender Goods and Services Directive is relevant, related to the assessment of risk in respect of classes of insurance to which this paragraph applies pursuant to subsection (3) where the treatment—

(i) is effected by reference to—

(I) actuarial or statistical data obtained from a source on which it is reasonable to rely, or

(II) other relevant underwriting or commercial factors,

and

(ii) is reasonable having regard to the data or other relevant factors,",

and

(ii) by inserting the following after subsection (2):

"(3) The classes of insurance to which paragraph (*da*) of subsection (2) applies are—

(*a*) those classes of insurance named ' Motor Insurance ' in Part B of Annex I to the European Communities (Non-Life Insurance) Framework Regulations 1994 (S.I. No. 359 of 1994),

(*b*) those classes of insurance, being life assurance, specified as Class I, III or IV in Part A of Annex I to the European Communities (Life Assurance) Framework Regulations 1994 (S.I. No. 360 of 1994), and

(*c*) those classes of insurance which are contracts of insurance, or other insurance arrangements, which fall within paragraph (*d*) of the definition of 'health insurance contract' in the Health Insurance Act 1994 if, but only if, the differences in treatment referred to in paragraph (*da*) of subsection (2), in so far as they relate to such contracts or arrangements, as the case may be, are permitted by the law of the place where such contracts or arrangements, as the case may be, are marketed.

(4) With effect on and after 21 December 2009, nothing in subsection (2) shall be construed to permit differences in the treatment of persons in relation to premiums and benefits payable under insurance policies based, whether in whole or in part, on costs incurred by insurers in relation to pregnancy and maternity.

(5) Subject to section 41(2A), the Central Bank and Financial Services Authority of Ireland (within the meaning of the Central Bank Act 1942 as

amended by the Central Bank and Financial Services Authority of Ireland Act 2003) shall compile, publish and maintain data relevant to the use of gender as a determining actuarial factor in the assessment of risk in relation to the classes of insurance to which paragraph (*da*) of subsection (2) applies pursuant to subsection (3).",

(*c*) in section 21 (as amended by section 54 of the Equality Act 2004)—

(i) by inserting the following after subsection (1):

"(1A) If the grounds for such a claim as is referred to in subsection (1) arise—

(*a*) on the gender ground, or

(*b*) in any other circumstances (including circumstances amounting to victimisation) to which the Gender Goods and Services Directive is relevant,

then, subject to subsections (2) to (7) and (8) to (11), the person making the claim may seek redress by referring the case to the Circuit Court instead of referring the case to the Director under subsection (1) (and, if the case is referred to the Circuit Court, no further appeal lies, other than an appeal to the High Court on a point of law).",

(ii) in subsections (2)(*b*) and (3)(*a*) and (*b*), by inserting "or, as the case may be, the Circuit Court" after "Director",

(iii) in subsection (4), by substituting "or, as the case may be, the Circuit Court shall not investigate a case unless the Director or the Circuit Court, as the case may be," for "shall not investigate a case unless he or she", and

(iv) in subsection (6)(*b*), by inserting "or, as the case may be, the Circuit Court" after "Director",

(*d*) in section 27 (as amended by section 61 of the Equality Act 2004), by inserting the following after subsection (4):

"(5) The types of redress for which the Circuit Court may provide on a reference under section 21(1A) are either or both of the following as may be appropriate in the circumstances of the particular case:

(*a*) an order for compensation for the effects of the prohibited conduct concerned (including compensation for loss and damage suffered by the person injured as a result of the prohibited conduct in a way which is dissuasive and proportionate to the loss and damage suffered);

(*b*) an order that a person or persons specified in the order take a course of action which is so specified,

and no enactment relating to the jurisdiction of the Circuit Court shall be taken to limit the amount of compensation which may be ordered by the Circuit Court by virtue of this subsection.", and

(*e*) in section 41 (as amended by section 65 of the Equality Act 2004), by inserting the following after subsection (2):

"(2A) The Minister may make regulations prescribing the form, frequency of publication and content of data required to be compiled, published and maintained under section 5(5) but, before making any such regulations, shall consult with the Minister for Finance.".

PART 15

Civil Legal Aid

Insertion of new sections 10A and 10B into Civil Legal Aid Act 1995.

77.— The Civil Legal Aid Act 1995 is amended by inserting the following after section 10:

"Accountability of Chief Executive to Public Accounts Committee.

10A.— (1) The Chief Executive shall, whenever required to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on—

(*a*) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General which the Board is required by this Act to prepare,

(*b*) the economy and efficiency of the Board in the use of its resources,

(*c*) the systems, procedures and practices employed by the Board for the purpose of evaluating the effectiveness of its operations, and

(*d*) any matter affecting the Board referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993, or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in paragraph (*a*), (*b*) or (*c*)) that is laid before Dáil Éireann.

(2) In the performance of his or her duties under this section, the Chief Executive shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the objectives of such a policy.

Accountability of Chief Executive to other Oireachtas Committees.

10B.— (1) In this section, 'Committee' means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than a Committee referred to in section 10A or the Committee of Members' Interests of Dáil Éireann or the Committee of Members' Interests of Seanad Éireann) or a subcommittee of such a Committee.

(2) Subject to subsection (3), the Chief Executive shall, at the request in writing of a Committee, attend before it to give account for the general administration of the Board.

(3) The Chief Executive shall not be required to give account before a Committee in relation to any individual case with which the Board is concerned in the performance of its functions under section 5.

(4) Where the Chief Executive is of the opinion that a matter in respect of which the Chief Executive is requested to give an account before a Committee is a matter to which subsection (3) applies, he or she shall inform the Committee of that opinion and the reasons for the opinion and, unless the information is conveyed to the Committee at a time when the Chief Executive is before it, the information shall be so conveyed in writing.

(5) Where the Chief Executive has informed a Committee of his or her opinion in accordance with subsection (4) and the Committee does not withdraw the request referred in subsection (2) in so far as it relates to a matter the subject of that opinion—

(*a*) the Chief Executive may, not later than 21 days after being informed by the Committee of its decision not to do so, apply to the High

Court in a summary manner for determination of the question whether the matter is one to which subsection (3) applies, or

(*b*) the Chairperson of the Committee may, on behalf of the Committee, make such an application,

and the High Court may determine the matter.

(6) Pending the determination of an application under subsection (5), the Chief Executive shall not attend before the Committee to give account for the matter the subject of the application.

(7) If the High Court determines that the matter concerned is one to which subsection (3) applies, the Committee shall withdraw the request referred to in subsection (2), but if the High Court determines that subsection (3) does not apply, the Chief Executive shall attend before the Committee to give account for the matter.".

Amendment of section 26 of Civil Legal Aid Act 1995.

78.— Section 26 of the Civil Legal Aid Act 1995 is amended—

(*a*) in subsection (3), by substituting the following for paragraph (*b*):

"(*b*) a person shall qualify for legal advice, in respect of a matter referred to in section 28(9)(*a*), in the cases mentioned in subparagraphs (i) to (v) of section 28(9)(*c*).",

(*b*) by inserting the following after subsection (3):

"(3A) Notwithstanding any other provision of this Act, the Board shall grant legal advice to a complainant in a prosecution for—

(*a*) the offence of rape under the common law,

(*b*) the offence of rape under section 2 of the Criminal Law (Rape) Act 1981,

(*c*) the offence of aggravated sexual assault under section 3 of the Criminal Law (Rape) (Amendment) Act 1990,

(*d*) the offence of rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990,

(*e*) an offence under section 6 (inserted by section 2 of the Criminal Law (Sexual Offences) (Amendment) Act 2007) of the Criminal Law (Sexual Offences) Act 1993,

(*f*) an offence under the Criminal Law (Sexual Offences) Act 2006, or

(*g*) an offence of incest under section 1 or 2 of the Punishment of Incest Act 1908.".

Amendment of section 28 of Civil Legal Aid Act 1995.

79.— Section 28(9)(*c*)(i) of the Civil Legal Aid Act 1995 is amended—

(*a*) by inserting "the Residential Tenancies Act 2004," after "property)," and

(*b*) by deleting "the Rent Restrictions Acts, 1960 and 1967,".

Amendment of section 29 of Civil Legal Aid Act 1995.

80.— Section 29 of the Civil Legal Aid Act 1995 is amended by substituting the following for subsection (2):

"(2) The Board may—

(*a*) in accordance with regulations under section 37, provide legal aid or advice to an applicant without reference to his or her financial resources,

(*b*) waive any contribution payable pursuant to this section and to any other regulations under section 37, or accept a lower contribution, on the ground that a failure to do so would cause undue hardship to the applicant.".

Amendment of section 30 of Civil Legal Aid Act 1995.

81.— Section 30 of the Civil Legal Aid Act 1995 is amended—

(*a*) by inserting the following after subsection (6):

"(6A) Where the Board has granted a person a legal aid certificate for proceedings in any court or before any tribunal prescribed by the Minister under section 27(2), then, notwithstanding any enactment (including any provision of this Act), any statutory instrument made under any enactment, or any rule of law, the proceedings shall, in so far as they relate to the solicitor for any party to the proceedings pursuant to the certificate, be issued in—

(*a*) the name of the law centre concerned where the law centre is responsible for providing the legal aid concerned,

(*b*) in any other case, the name of the solicitor or firm of solicitors responsible for providing the legal aid concerned.",

and

(*b*) in subsection (7), by substituting "shall" for "may".

PART 16

Employment Equality

Amendment of section 41 of Employment Equality Act 1998.

82.— Section 41 of the Employment Equality Act 1998 is amended by substituting the following for subsections (1) and (2):

"(1) The Authority shall consist of not less than 12 and not more than 16 members appointed by the Minister—

(*a*) of whom one shall be appointed as the chairperson of the Authority, and

(*b*) of whom, of the number appointed at any one time, the difference between the number of males appointed and the number of females appointed shall be not more than 2.".

Amendment of section 47 of Employment Equality Act 1998.

83.— Section 47 of the Employment Equality Act 1998 is amended by substituting the following for subsection (4):

"(4) The quorum for a meeting of the Authority shall be—

(*a*) if there are 12 or 13 members appointed, 6 members,

(*b*) in any other case, 7 members.".

Section 3.

SCHEDULE

REPEALS AND REVOCATIONS

PART 1

ENACTMENTS REPEALED

Number and Year (1)	Short Title (2)	Extent of Repeal (3)
No. 37 of 1938	Statutory Declarations Act 1938	Section 4.
No. 20 of 1947	Courts of Justice Act 1947	Section 12.
No. 32 of 1953	Courts of Justice Act 1953	Subsections (1) to (4) of section 15.
No. 39 of 1961	Courts (Supplemental Provisions) Act 1961	Section 44.
No. 22 of 1989	Video Recordings Act 1989	Section 4(4).
No. 8 of 1998	Courts Service Act 1998	Section 30.
No. 15 of 2002	Courts and Court Officers Act 2002	Sections 35 and 36.
No. 20 of 2005	Garda S íochána Act 2005	Section 19(4).
No. 13 of 2006	ParentalLeave(Amendment) Act 2006	Section 3.

PART 2

STATUTORY INSTRUMENTS REVOKED

S.I. Number and Year (1)	Short Title (2)	Extent of Revocation (3)
S.I. No. 403 of 1996	Video Recordings Act 1989 (Classification of Video Works) Regulations 1996	The whole instrument.

Number 14 *of* 2008

CIVIL LAW (MISCELLANEOUS PROVISIONS) ACT 2008

REVISED

Updated to 21 August 2020

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

Court Officers Acts 1926 to 2014: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Court of Appeal Act 2014* (18/2014), s. 1(4)). The Acts in this group are:

- *Court Officers Act 1926* (27/1926)
- *Court Officers Act 1945* (25/1945)
- *Court Officers Act 1951* (8/1951)
- *Courts of Justice and Court Officers (Superannuation) Act 1961* (16/1961) in so far as it amends and extends the Courts Officers Acts 1926 to 1951
- *Court Officers Act 1951* (8/1951)
- *Courts (Supplemental Provisions) (Amendment) Act 1991* (23/1991) in so far as it amends or extends the Courts of Justice and Court Officers (Superannuation) Act 1961
- *Courts and Court Officers Act 1995* (31/1995) in so far as it amends or extends the Court Officers Acts 1926 to 1991
- *Oireachtas (Allowances To Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act 1998* (5/1998) in so far as it amends the Courts of Justice and Court Officers (Superannuation) Act 1961
- *Courts (Supplemental Provisions) (Amendment) Act 1999* (25/1999) (in so far as it amends or extends the Courts Officers Acts 1926 to 1998)
- *Courts and Court Officers Act 2002* (15/2002) insofar as it amends the Court Officers Acts 1926 to 1999
- *Civil Law (Miscellaneous Provisions) Act 2008* (14/2008), ss. 29, 30
- *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), s. 63 and 64
- *Court of Appeal Act 2014* (18/2014) to the extent it amends or extends the Court Officers Acts 1926 to 2012 and the Courts and Court Officers Act 2009

Courts (Supplemental Provisions) Acts 1961 to 2019: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Copyright and Other Intellectual Property Law Provisions Act 2019* (19/2019), s. 1(3)). The Acts in this group are:

- *Courts (Supplemental Provisions) Act 1961* (39/1961)
- *Courts (Supplemental Provisions) (Amendment) Act 1962* (18/1962)

- *Courts (Supplemental Provisions) (Amendment) Act 1964* ((9/1964)
- *Courts Act 1964* (11/1964)
- *Courts (Supplemental Provisions) (Amendment) Act 1968* (3/1968)
- *Courts (Supplemental Provisions) (Amendment) (No. 2) Act 1968* (21/1968)
- *Courts Act 1971* (36/1971)
- *Courts Act 1973* (26/1973)
- *Courts Act 1977* (11/1977)
- *Oireachtas (Allowances To Members) and Ministerial, Parliamentary and Judicial Offices (Amendment) Act 1977* (29/1977), Part IV (ss. 10, 11)
- *Courts Act 1979* (15/1979)
- *Courts Act 1981* (11/1981)
- *Courts (No. 2) Act 1981* (31/1981)
- *Oireachtas (Allowances to Members) and Ministerial, Parliamentary and Judicial Offices (Amendment) Act 1983* (32/1983) in so far as it amends collectively cited Courts (Supplemental Provisions) Acts 1961 to 1981 (ss. 2(6) and 2(7)(a))
- *Courts Act 1985* (23/1985)
- *Courts Act 1986* (1/1986)
- *Courts (No. 2) Act 1986* (26/1986) other than ss. 4 , 6, 7 and the First Schedule in so far as it relates to the law on intoxicating liquor
- *Courts (No. 3) Act 1986* (33/1986)
- *Courts Act 1988* (14/1988)
- *Courts (No. 2) Act 1988* (34/1988)
- *Courts Act 1991* (20/1991)
- *Courts (No. 2) Act 1991* (21/1991)
- *Courts and Court Officers Act 1995* (31/1995) in so far as it amends or extends the Courts (Supplemental Provisions) Acts 1961 to 1991 (ss. 3, 7, 8, 11(2), 28, 30, 31, 36, 37, 38, 39, 40, 50(1))
- *Courts Act 1996* (26/1996)
- *Courts Act 1997* (6/1997)
- *Courts (No. 2) Act 1997* (43/1997) other than ss. 3 and 9
- *Jurisdiction of Courts and Enforcement of Judgments Act 1998* (52/1998), ss. 7-10, 13, 14, 16, 20A, 20E to 20H, 20J, 20K, 20M
- *Oireachtas (Allowances to Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act 1998* (5/1998) (in so far as it amends or extends collectively cited Courts (Supplemental Provisions) Acts 1961 to 1998 (ss. 24-31))
- *Courts (Supplemental Provisions) (Amendment) Act 1999* (25/1999) in so far as it amends or extends the collectively cited Courts (Supplemental Provisions) Acts 1961 to 1998
- *Courts (Supplemental Provisions) (Amendment) Act 2000* (15/2000) insofar as it amends Courts (Supplemental Provisions) Acts 1961 to 2000
- *Protection of Children (Hague Convention) Act 2000* (37/2000), ss. 1, 3, 4, 6, 8, 11, 12
- *Courts and Court Officers Act 2002* (15/2002)
- *Courts and Court Officers (Amendment) Act 2003* (36/2003)
- *Courts and Court Officers (Amendment) Act 2007* (4/2007)
- *Civil Law (Miscellaneous Provisions) Act 2008* (14/2008), ss. 9, 11, 12, 13, 20, 21, 22, 23
- *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), ss. 65, 66
- *Jurisdiction of Courts and Enforcement of Judgments (Amendment) Act 2012* (7/2012)
- *Courts and Civil Law (Miscellaneous Provisions) Act 2013* (32/2013), s. 17
- *Court of Appeal Act 2014* (18/2014), to the extent it amends or extends the Courts (Supplemental Provisions) Acts 1961 to 2013
- *Choice of Court (Hague Convention) Act 2015* (38/2015), ss. 5 to 9
- *Courts Act 2015* (51/2015)
- *Courts Act 2017* (8/2017)
- *Copyright and Other Intellectual Property Law Provisions Act 2019* (19/2019), s. 41

Employment Equality Acts 1998 to 2015: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Equality (Miscellaneous Provisions) Act 2015* (43/2015), s. 16(3)). The Acts in this group are:

- *Employment Equality Act 1998* (21/1998)
- *Equality Act 2004* (24/2004), Part 2 (ss. 3-46)

- *Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007* (27/2007), s. 27
- *Civil Law (Miscellaneous Provisions) Act 2008* (14/2008), ss. 82, 83
- *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011), ss. 18-26
- *Equality (Miscellaneous Provisions) Act 2015* (43/2015), ss. 3-11

Equal Status Acts 2000 to 2018: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Education (Admission to Schools) Act 2018* (14/2018), s. 13(2)). The Acts in this group are:

- *Equal Status Act 2000* (8/2000)
- *Intoxicating Liquor Act 2003* (31/2003), s. 25
- *Equality Act 2004* (24/2004), ss. 47-65
- *Civil Law (Miscellaneous Provisions) Act 2008* (14/2008), Part 14 (s. 76)
- *Civil Law (Miscellaneous Provisions) Act 2011*(23/2011), s. 21, insofar as it refers to s. 21 of the Equal Status Act 2000 and ss. 27-29
- *Equal Status (Amendment) Act 2012* (41/2012)
- *Equality (Miscellaneous Provisions) Act 2015* (43/2015), ss. 12-15
- *Education (Admission to Schools) Act 2018* (14/2018), s. 11

Landlord and Tenant Acts 1967 to 2019: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Landlord and Tenant (Ground Rents) (Amendment) Act 2019* (42/2019), s. 7(2)). The Acts in this group are:

- *Landlord and Tenant (Ground Rents) Act 1967* (3/1967)
- *Landlord and Tenant (Amendment) Act 1971* (30/1971)
- *Landlord and Tenant (Ground Rents) Act 1978* (7/1978)
- *Landlord and Tenant (Ground Rents) (No. 2) Act 1978* (16/1978)
- *Landlord and Tenant (Amendment) Act 1980* (10/1980)
- *Landlord and Tenant (Amendment) Act 1989* (2/1989)
- *Landlord and Tenant (Amendment) Act 1994* (20/1994)
- *Landlord and Tenant (Ground Rents) Act 2005* (7/2005)
- *Civil Law (Miscellaneous Provisions) Act 2008* (14/2008), Part 4 (ss. 47, 48)
- *Landlord and Tenant (Ground Rents) (Amendment) Act 2019* (42/2019), other than s. 6

Solicitors Acts 1954 to 2015: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Legal Services Regulation Act 2015* (65/2015), s. 1(4)). The Acts in this group are:

- *Solicitors Act 1954* (36/1954)
- *Solicitors (Amendment) Act 1960* (37/1960)
- *Solicitors (Amendment) Act 1994* (27/1994)
- *Solicitors (Amendment) Act 2002* (19/2002)
- *Legal Practitioners (Irish Language) Act 2008* (12/2008), s. 2
- *Civil Law (Miscellaneous Provisions) Act 2008* (14/2008), Part 3 (ss. 33-46)
- *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011), s. 58
- *Legal Services Regulation Act 2015* (65/2015), Part 13 (ss. 177-208)

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.