Changes to Legislation: as of 13 October 2026, there are changes to this Act which have not been implemented by the Revised Acts editorial team, see highlighted entries **here**. Note that some amendments may not be in force until commenced by a commencement order or other provision.

Number 33 *of* 2019

JUDICIAL COUNCIL ACT 2019

REVISED

Updated to 23 June 2025

This Revised Act is an administrative consolidation of the *Judicial Council Act 2019*. 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 *Residential Tenancies (Amendment) Act 2025* (5/2025), enacted 20 June 2025, and all statutory instruments up to and including the *Secretary to the Judicial Council Superannuation Scheme 2025* (S.I. No. 281 of 2025), made 23 June 2025, were considered in the preparation of this Revised Act.

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JUDICIAL COUNCIL ACT 2019

REVISED

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Courts of Justice (District Court) Act 1946 (No. 21)
zzxx the Courts of Justice Act 1924 (No. 10)
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European Convention on Human Rights Act 2003 (No. 20)
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Freedom of Information Act 2014 (No. 30)
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Personal Injuries Assessment Board Act 2003 (No. 46)
Public Service Management (Recruitment and Appointments) Act 2004 (No. 33)

Number 33 *of* 2019

JUDICIAL COUNCIL ACT 2019

REVISED

Updated to 23 June 2025

An Act to provide for the establishment of a body to be known as *Comhairle na mBreithiúna* or, in the English language, the Judicial Council; to provide for its functions and for related matters.

[23*rd July*, 2019]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title and commencement

1. (1) This Act may be cited as the Judicial Council Act 2019.

(2) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Annotations

Editorial Notes:

E1 For a table showing commencement status of provisions in order, see http://www.irishstatutebook.ie/eli/isbc/2019_33.html.

E2 Power pursuant to subs. (2) exercised (3.10.2022) by *Judicial Council Act 2019 (Commencement) Order 2022* (S.I. No. 489 of 2022).

2. The 3rd day of October 2022 is appointed as the day on which the Judicial Council Act 2019 (No. 33 of 2019), in so far as it is not already in operation, shall come into operation.

E3 Power pursuant to subs. (2) exercised (24.04.2021) by *Judicial Council Act 2019 (Commencement) Order 2021* (S.I. No. 182 of 2021).

2. The 24th day of April 2021 is appointed as the day on which sections 98 and 99 (as amended by section 30 of the Family Leave and Miscellaneous Provisions Act 2021 (No. 4 of 2021)) of the Judicial Council Act 2019 (No. 33 of 2019) shall come into operation.

E4 Power pursuant to subs. (2) exercised (16.12.2019) by *Judicial Council Act 2019 (Commencement) (No. 2) Order 2019* (S.I. No. 640 of 2019).

2. The 16th day of December 2019 is appointed as the day on which the following provisions of the Judicial Council Act 2019 (No. 33 of 2019), shall come into operation:

(a) section 4;

(b) Part 2;

(c) Part 3, in so far as it is not already in operation;

(d) Part 4, in so far as it is not already in operation;

(e) Chapter 2 (in so far as it is not already in operation) of Part 5;

(f) section 52;

(i) section 66, in so far as it is not already in operation;

(j) sections 85 and 87;

(k) Part 6, other than sections 98 and 99.

E5 Power pursuant to subs. (2) exercised (10.09.2019) by *Judicial Council Act 2019 (Commencement) Order 2019* (S.I. No. 457 of 2019).

2. The 10th day of September 2019 is appointed as the day on which the following provisions of the Judicial Council Act 2019 (No. 33 of 2019) shall come into operation:

(a) sections 1 and 2;

(b) section 24(4);

(c) section 25;

(d) sections 32 to 34;

(e) section 44(6);

(f) section 45;

(g) section 65;

(h) section 66(3).

Definitions

2. In this Act—

"Board" means the Board of the Council;

"committee" means a committee of the Council, namely—

(a) the Judicial Studies Committee,

(b) the Personal Injuries Guidelines Committee,

(c) the Sentencing Guidelines and Information Committee,

(d) each of the Judicial Support Committees,

(e) the Judicial Conduct Committee, or

(f) a committee established under *section 16*;

"complaint" means a complaint made under *section 50*;

"complainant" means a person who makes a complaint or on whose behalf a complaint is made;

"Complaints Review Committee" means the Complaints Review Committee established under *section 55*;

"control", in relation to a document, includes the ability to procure the document;

"co-opted member of the Board" has the meaning assigned to it by *section 12(5)*;

"Council" means the Judicial Council established by *section 6*;

"Data Protection Regulation" means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 [1] on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

"designated judge or designated judges", in relation to the process for the resolution by informal means of complaints under *Chapter 4* of *Part 5*, means—

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

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

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

(d) in the case of an ordinary judge or a specialist judge of the Circuit Court, the President of the Circuit Court,

(e) in the case of a judge (other than the President) of the District Court, the President of the District Court,

(f) in the case of the President of the Court of Appeal, the President of the High Court, the President of the Circuit Court or the President of the District Court, the Chief Justice, and

(g) in the case of the Chief Justice, the President of the Court of Appeal, the President of the High Court, the President of the Circuit Court and the President of the District Court;

"document" includes—

(a) a book, record or other written or printed material in any form (including in any electronic device),

(b) a map, plan or drawing,

(c) a disc, tape or other mechanical or electronic device in which data other than visual images are embodied so as to be capable, with or without the aid of some other mechanical or electronic equipment, of being reproduced from the disc, tape or other device,

(d) a film, disc, tape or other mechanical or electronic device in which visual images are embodied so as to be capable, with or without the aid of some other mechanical or electronic equipment, of being reproduced from the film, disc, tape or other device, and

(e) a copy of anything which falls under *paragraph (a)*, *(b)*, *(c)* or *(d)*;

"elected member" means—

[1] OJ No. L119, 4. 5.2016. p.l

(a) in relation to the Board, a judge elected in accordance with *section 12(4)* to be an elected member of the Board, and

(b) in relation to the Judicial Conduct Committee, a judge elected in accordance with *section 44(4)* to be an elected member of the Judicial Conduct Committee,

as may be appropriate;

"electronic device" includes any device which uses any electrical, digital, magnetic, optical, electromagnetic, biometric or photonic means, or other forms of related technology, or any combination thereof, to store or transmit data or both to store and transmit data;

"establishment day" means the day appointed under *section 5*;

"European Court of Human Rights" has the meaning it has in Eusection 1(1) of the European Convention on Human Rights Act 2003;

" *ex officio* member" means—

(a) in relation to the Board, a judge holding one of the judicial offices specified in *section 12(2)*, and

(b) in relation to the Judicial Conduct Committee, a judge holding one of the judicial offices specified in *section 44(2)*,

as may be appropriate;

"International Court of Justice" means the International Court of Justice established under the Charter of the United Nations;

"International Criminal Court" means the International Criminal Court established under the Rome Statute of the International Criminal Court done at Rome on 17 July 1998;

"international tribunal" has the meaning it has in section 2 of the International War Crimes Tribunals Act 1998;

"judge" means a judge of the Supreme Court, the Court of Appeal, the High Court, the Circuit Court or the District Court;

"judge concerned", in relation to a complaint, has the meaning assigned to it by *section 50*;

"Judicial Conduct Committee" means the committee established under *section 43*;

"judicial misconduct" means conduct (whether an act or omission) by a judge, whether in the execution of his or her office or otherwise, and whether generally or on a particular occasion, that—

(a) constitutes a departure from acknowledged standards of judicial conduct, such standards to have regard to the principles of judicial conduct referred to in *sections 7(1)(b)* and *43(2)*, and

(b) brings the administration of justice into disrepute;

"Judicial Studies Committee" means the committee established under *section 17*;

"Judicial Support Committees" means the committees established under *section 30*;

"lay member" means—

(a) in relation to the Sentencing Guidelines and Information Committee, a person appointed under *section 24(3)* to be a lay member of that Committee,

(b) in relation to the Judicial Conduct Committee, a person appointed under *section 44(5)* to be a lay member of that Committee, and

(c) in relation to a panel of inquiry, a person appointed under *section 67(1)(b)* to be a lay member of that panel of inquiry,

as may be appropriate;

"local authority" has the meaning it has in the Local Government Act 2001;

"Minister" means the Minister for Justice and Equality;

"panel of inquiry" means a panel of inquiry comprising the persons who are appointed as members of the panel of inquiry under *section 67* to perform the functions conferred on a panel of inquiry by this Act;

F1**[**"personal injuries guidelines" shall, subject to *section 89A*, have the meaning assigned to it by *section 90(1)*;**]**

"Personal Injuries Guidelines Committee" means the committee established under *section 18*;

"personal injury" has the meaning it has in the Civil Liability Act 1961;

"Registrar", in relation to the Judicial Conduct Committee, has the meaning assigned to it by *section 49*;

"registrar to a panel of inquiry" has the meaning assigned to it by *section 67(7)*;

"Secretary", in relation to the Council, has the meaning assigned to it by *section 32*;

"sentence" includes any order or decision of a court consequent on a conviction for an offence or a finding of guilt in respect of an offence;

"sentencing guidelines" shall be construed in accordance with *section 91*;

"Sentencing Guidelines and Information Committee" means the committee established under *section 23*.

Annotations

Amendments:

F1 Substituted (23.07.2024) by *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), s. 14(a), commenced on enactment.

Repeals

3. The following provisions are repealed:

(a) section 21 of the Courts of Justice (District Court) Act 1946;

(b) sections 10(4) and 36(2) of the Courts (Supplemental Provisions) Act 1961;

(c) section 48 of the Courts and Court Officers Act 1995.

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 Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

PART 2

Judicial Council

Establishment day

5. The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.

Annotations

Editorial Notes:

E6 Power pursuant to section exercised (17.12.2019) by *Judicial Council Act 2019 (Establishment Day) Order 2019* (S.I. No. 641 of 2019).

Establishment of Council

6. (1) There shall stand established on the establishment day, a body which shall be known as Comhairle na mBreithiúna or, in the English language, the Judicial Council (in this Act referred to as the "Council") to perform the functions conferred on it by this Act.

(2) The Council shall, subject to the provisions of this Act, be independent in the performance of its functions.

(3) The Council shall be a body corporate with perpetual succession and an official seal and shall have power to sue, and may be sued, in its corporate name, and shall, with the consent of the Minister and the approval of the Minister for Public Expenditure and Reform, have power to acquire, hold and dispose of land or an interest in land and to acquire, hold and dispose of any other property.

(4) The Council shall have a seal and the seal shall be authenticated by the signatures of—

(a) the chairperson of the Council or another member of the Council authorised by it to act in that behalf, and

(b) the Secretary or another member of the staff of the Council authorised by it to act in that behalf.

(5) Judicial notice shall be taken of the seal of the Council and every document purporting—

(a) to be an instrument made by the Council, and

(b) to be sealed with the seal of the Council authenticated in accordance with *subsection (4)*,

shall be received in evidence and be deemed to be such an instrument without further proof, unless the contrary is shown.

Functions of Council

7. (1) The functions of the Council shall be to promote and maintain—

(a) excellence in the exercise by judges of their judicial functions,

(b) high standards of conduct among judges, having regard to the principles of judicial conduct requiring judges to uphold and exemplify judicial independence, impartiality, integrity, propriety (including the appearance of propriety), competence and diligence and to ensure equality of treatment to all persons before the courts,

(c) the effective and efficient use of resources made available to judges for the purposes of the exercise of their functions,

(d) continuing education of judges,

(e) respect for the independence of the judiciary, and

(f) public confidence in the judiciary and the administration of justice.

(2) Without prejudice to the generality of *subsection (1)*, the Council shall—

(a) review a proposal, report or recommendation submitted to it by the Board under *section 11(1)(c)*,

(b) consider a matter referred to it by a committee under *section 16(5)*,

(c) if appropriate, make decisions in relation to a proposal, report or recommendation referred to in *paragraph (a)* or a matter referred to in *paragraph (b)*,

(d) adopt and publish in such manner as it considers appropriate—

(i) guidelines concerning judicial conduct and ethics prepared and submitted to the Board by the Judicial Conduct Committee under *section 43(3)(d)* with the modifications (if any) made by the Board under *section 11(1)(f)*, or

(ii) amendments to guidelines concerning judicial conduct and ethics so prepared and submitted under *section 43(3)(e)* with the modifications (if any) made by the Board under *section 11(1)(f)*,

as soon as practicable, and in any event not later than 12 months, after such submission,

(e) develop and manage schemes for the education and training of judges,

(f) prepare and disseminate information and materials among judges for their use in the exercise of their functions,

F2**[**(g) adopt—

(i) draft personal injuries guidelines prepared and submitted to the Board under *section 18(2)(a)* with the modifications (if any) made by the Board under *section 11(1) (d)*, as soon as practicable after such submission but not later than 31 July 2021, or

(ii) any draft amendments to personal injuries guidelines prepared and submitted to the Board under *section 18(2)(b)* with the modifications (if any) made by the Board under *section 11(1)(d)*, as soon as practicable but not later than 12 months after such submission,

and publish the personal injuries guidelines and amendments in such manner as it considers appropriate as soon as practicable following such adoption,**]**

F3**[**(ga) subject to *subsection (2A)*, adopt any amendments to personal injuries guidelines prepared and submitted to the Board under *section 18(2)(b)* with the modifications (if any) made by the Board under *section 11(1)(d)*, as soon as practicable after such submission, and publish the amendments in such manner as it considers appropriate as soon as practicable following such adoption,**]**

(h) adopt and publish in such manner as it considers appropriate—

(i) sentencing guidelines prepared and submitted to the Board by the Sentencing Guidelines and Information Committee under *section 23(2)(a)* with the modifications (if any) made by the Board under *section 11(1)(e)*, or

(ii) amendments to sentencing guidelines so prepared and submitted under *section 23(2)(b)* with the modifications (if any) made by the Board under *section 11(1)(e)*,

as soon as practicable, and in any event not later than 12 months, after such submission,

(i) promote among judges, in such manner as it considers appropriate, an understanding of the principles governing the assessment and award of damages for personal injuries,

(j) subject to *section 23*, promote an understanding of sentencing principles and practice among judges and persons other than judges in such manner as it considers appropriate,

(k) establish, maintain and improve communication with—

(i) bodies representing judges appointed to courts of places other than the State, and

(ii) international bodies representing judges,

and

(l) assist with the provision of support to judges generally.

F3**[**(2A) Amendments to personal injuries guidelines may be adopted by the Council under *subsection (2)(ga)* only where—

(a) a draft of the amendments has first been laid before each House of the Oireachtas, and

(b) a resolution approving the draft of the amendments has been passed by each such House.

(2B) For the purposes of *subsection (2A)*, the Council shall submit a draft of the amendments it proposes to adopt to the Minister and the Minister shall cause a draft of the amendments to be laid before each House of the Oireachtas as soon as practicable after the receipt thereof.**]**

(3) The Council shall have all such powers as are necessary or expedient for the performance of its functions, including the power—

(a) to establish committees in accordance with this Act, and

(b) to delegate any of its functions to a committee.

(4) The Council may for the purposes of the performance of its functions or the functions of a committee—

(a) enter into contracts or arrangements, and

(b) exercisable only with the consent of the Minister, engage consultants or advisers.

(5) F4**[**Notwithstanding any other provision of this Act, the functions of the Council referred to in *paragraphs (a)* to *(d)* and *paragraphs (ga)* and *(h)* of *subsection (2)*, and in *subsections (2A)* and *(2B)*, other than in so far as the functions referred to in *paragraphs (d), (ga)* and *(h)***]** refer to publication, shall not be—

(a) performed by the Board on behalf of the Council,

(b) delegated to a committee, or

(c) otherwise performed by any person other than the Council.

Annotations

Amendments:

F2 Substituted (25.10.2020) by *Commission of Investigation (Mother and Baby Homes and Certain Related Matters) Records, and Another Matter, Act 2020* (20/2020), s. 8(a), commenced on enactment.

F3 Inserted (23.07.2024) by *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), s. 14(b)(i), (ii), commenced on enactment.

F4 Substituted (23.07.2024) by *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), s. 14(b)(iii), commenced on enactment.

Membership of Council

8. (1) The Council shall comprise the following members:

(a) the Chief Justice and the ordinary judges of the Supreme Court;

(b) the President of the Court of Appeal and the ordinary judges of the Court of Appeal;

(c) the President of the High Court and the ordinary judges of the High Court;

(d) the President of the Circuit Court and the ordinary judges and specialist judges of the Circuit Court;

(e) the President of the District Court and the judges of the District Court other than the President of that Court.

(2) Subject to *section 9(5)*, the Council may act notwithstanding one or more vacancies in its membership.

(3) When a member of the Council ceases to be a judge, he or she shall thereupon cease to be a member of the Council.

(4) The Chief Justice shall be the chairperson of the Council and the President of the Court of Appeal shall be its vice-chairperson.

Meetings and procedures of Council

9. (1) The Council shall hold such and so many meetings as may be necessary for the performance of its functions but in each year shall hold at least one meeting.

(2) The first meeting of the Council shall be held not later than 3 months after the establishment day.

(3) At a meeting of the Council—

(a) the chairperson of the Council shall, if present, be the chairperson of the meeting,

(b) if and so long as the chairperson of the Council is not present, or if the office of chairperson of the Council is vacant, the vice-chairperson of the Council shall be the chairperson of the meeting, and

(c) if and so long as neither the chairperson nor the vice-chairperson of the Council is present, or if the offices of chairperson and vice-chairperson of the Council are vacant, the next most senior judge present shall be the chairperson of the meeting.

(4) Every question at a meeting of the Council shall be determined by a majority of the votes of the members of the Council present and voting on the question and, in the case of an equal division of the votes, the chairperson of the meeting shall have a second or casting vote.

(5) The quorum for a meeting of the Council shall be—

(a) not less than half of the total number of its members, and

(b) not less than one-quarter, or such greater proportion as the Council may determine, of the total number of members of each Court, namely, the Supreme Court, the Court of Appeal, the High Court, the Circuit Court and the District Court, rounded up to the nearest whole number.

(6) For the purposes of *subsection (5)(b)*, the members of each Court shall not include *ex officio* members of that Court.

(7) Subject to this Act, the Council may regulate its own procedures.

(8) A member of the Council may, in such form and manner as may be determined by the Council in accordance with *subsection (7)*, designate another member of the Council to vote as his or her proxy at a meeting of the Council.

PART 3

Board and Committees of Council

Board of Council

10. (1) There shall be a Board of the Council (in this Act referred to as the "Board").

(2) At the first meeting of the Council, the election of the first elected members of the Board shall take place in accordance with *section 12(4)*.

(3) Subject to this Act, the Board may regulate its own procedures.

Functions of Board

11. (1) Subject to *section 7(5)*, the functions of the Council shall be performed by the Board on behalf of the Council in accordance with such directions (if any) as the Council may give to the Board and, without prejudice to the generality of the foregoing, the Board—

(a) shall consider and determine policy in relation to the performance of those functions,

(b) shall oversee the implementation of that policy by the Secretary,

(c) may of its own volition submit a proposal, report or recommendation to the Council in relation to any of the functions of the Council and shall do so upon a request from the Council in relation to any of those functions or any other matter,

(d) shall review—

(i) draft personal injuries guidelines prepared by the Personal Injuries Guidelines Committee and submitted by it to the Board under *section 18(2)(a)*, and

(ii) draft amendments to personal injuries guidelines prepared by that Committee and submitted by it to the Board under *section 18(2)(b)*,

and may make such modifications to those draft guidelines, or draft amendments to such guidelines, as it considers appropriate,

(e) shall review—

(i) draft sentencing guidelines prepared by the Sentencing Guidelines and Information Committee and submitted by it to the Board under *section 23(2)(a)*, and

(ii) draft amendments to sentencing guidelines prepared by that Committee and submitted by it to the Board under *section 23(2)(b)*,

and may make such modifications to those draft guidelines, or draft amendments to such guidelines, as it considers appropriate,

(f) shall review—

(i) draft guidelines concerning judicial conduct and ethics prepared by the Judicial Conduct Committee and submitted by it to the Board under *section 43(3)(d)*, and

(ii) draft amendments to guidelines concerning judicial conduct and ethics prepared by that Committee and submitted by it to the Board under *section 43(3)(e)*,

and may make such modifications to those draft guidelines, or draft amendments to such guidelines, as it considers appropriate.

(2) The Board shall have all such powers as are necessary or expedient for the performance of its functions, including the power to—

(a) delegate such of its functions as it considers appropriate to the Secretary, and

(b) refer any matter to a committee for its consideration.

(3) The Board may perform any of its functions through or by any member of the staff of the Council duly authorised in that behalf by the Board.

Membership of Board

12. (1) The Board shall comprise the following 11 members:

(a) the *ex officio* members specified in *subsection (2)* or their replacements nominated under *subsection (3)*;

(b) the members elected under *subsection (4)*;

(c) the co-opted member co-opted under *subsection (5)*.

(2) Each of the following shall, *ex officio*, be a member of the Board (in this Act referred to as an " *ex officio* member of the Board"):

(a) the Chief Justice, who shall act as chairperson of the Board;

(b) the President of the Court of Appeal;

(c) the President of the High Court;

(d) the President of the Circuit Court;

(e) the President of the District Court.

(3) An *ex officio* member of the Board may from time to time nominate in writing another judge (other than an elected member of the Board or a co-opted member of the Board) of the court of which he or she is Chief Justice or President, as the case may be, to perform the functions of such *ex officio* member during such period or on such occasion or occasions as are specified in the nomination.

(4) Each of the following shall be a member of the Board (in this Act referred to as an "elected member of the Board"):

(a) a judge of the Supreme Court elected by the ordinary judges of that Court;

(b) a judge of the Court of Appeal elected by the ordinary judges of that Court;

(c) a judge of the High Court elected by the ordinary judges of that Court;

(d) a judge of the Circuit Court elected by the ordinary judges and specialist judges of that Court;

(e) a judge of the District Court elected by the judges, other than the President, of that Court.

(5) The Chief Justice, the President of the Court of Appeal, the President of the High Court, the President of the Circuit Court, the President of the District Court and the judges elected under *subsection (4)* shall, in accordance with *subsection (6)*, co-opt a judge of the Supreme Court, the Court of Appeal, the High Court, the Circuit Court or the District Court to be a member of the Board, and a judge so co-opted shall be a member of the Board (in this Act referred to as a "co-opted member of the Board").

(6) (a) A judge who is to be a co-opted member of the Board under *subsection (5)* shall be co-opted from among the judges of each of the courts (other than the Chief Justice or the President of a court) in rotation beginning with the Supreme Court and followed in turn by the Court of Appeal, the High Court, the Circuit Court and the District Court.

(b) The sequence of the rotation of courts for the purposes of the co-option of a co-opted member of the Board provided for in *paragraph (a)* shall be repeated from time to time as occasion requires.

Term of membership of Board

13. (1) A nomination under *section 12(3)* shall—

(a) cease to have effect upon—

(i) the expiration of the period or the passing of the occasion or occasions, as the case may be, specified in the nomination, or

(ii) the rescinding of the nomination by the *ex officio* member of the Board who made the nomination,

(b) where the *ex officio* member of the Board who made the nomination ceases to hold the judicial office by virtue of which he or she became such *ex officio* member, cease to have effect upon that *ex officio* member ceasing to hold that office,

(c) where the judge in respect of whom the nomination was made ceases to hold the judicial office by virtue of which he or she was so nominated, cease to have effect upon his or her ceasing to hold that office, or

(d) where the judge in respect of whom the nomination was made by notice in writing given or sent to the *ex officio* member of the Board indicates that he or she does not wish to continue to perform the functions concerned, cease to have effect upon the receipt of that notice by that *ex officio* member.

(2) Subject to *subsection (7)* and *section 14(3)*, an elected member of the Board shall serve as a member of the Board for a term of 4 years from the date of his or her election.

(3) Subject to *subsection (7)* and *section 14(4)*, a co-opted member of the Board shall serve as a member of the Board for a term commencing on his or her co-option and expiring on the same day as the term of membership of the elected members of the Board expires.

(4) Subject to *subsection (5)*, an elected member of the Board whose term of membership expires with the passage of time shall be eligible for re-election to the Board for a further term of 4 years.

(5) An elected member of the Board who has served 2 terms of membership shall not be eligible to serve a further term as an elected member of the Board other than in accordance with *subsection (6)*.

(6) An elected member of the Board who has served 2 terms of membership shall be eligible for re-election to the Board after a period of 4 years has elapsed immediately following the expiration of his or her most recent term of membership of the Board.

(7) An elected member of the Board or a co-opted member of the Board may resign from his or her membership by notice in writing given or sent to the chairperson of the Board or, if appropriate, the judge nominated by him or her under *section 12(3)* and the resignation shall take effect on the day on which the chairperson or his or her nominated replacement, as may be appropriate, receives the notice.

(8) Where an elected member of the Board or a co-opted member of the Board ceases to hold the judicial office by virtue of which he or she was eligible to become a member of the Board, he or she shall thereupon cease to be a member of the Board.

(9) The Board may act notwithstanding one or more vacancies in its membership.

Casual vacancies in membership of Board

14. (1) Where an elected member of the Board dies, retires or resigns from judicial office, resigns from membership of the Board in accordance with *subsection (7)* of *section 13* or ceases to be a member of the Board in accordance with *subsection (8)* of that section, the vacancy so occasioned shall be filled by a judge elected to be a member of the Board in the same manner as the member of the Board who occasioned the vacancy was elected.

(2) Where a co-opted member of the Board dies, retires or resigns from judicial office, resigns from membership of the Board in accordance with *subsection (7)* of *section 13* or ceases to be a member of the Board in accordance with *subsection (8)* of that section, the vacancy so occasioned shall be filled by a judge co-opted to be a member of the Board in the same manner as the member of the Board who occasioned the vacancy was co-opted and who is a judge of the court of which the member of the Board who occasioned the vacancy was a judge.

(3) The term of office of an elected member of the Board elected in accordance with *subsection (1)* shall be for the unexpired period of the term of membership of the member of the Board whom he or she has replaced.

(4) The term of office of a co-opted member of the Board co-opted in accordance with *subsection (2)* shall be for the unexpired period of the term of membership of the member of the Board whom he or she has replaced.

(5) A term of membership of the Board of any duration resulting from an election in accordance with *subsection (1)* shall be regarded as a term of membership for the purposes of *subsections (5)* and *(6)* of *section 13*.

Meetings and procedures of Board

15. (1) The Board shall hold such and so many meetings as may be necessary for the performance of its functions but in each year shall hold not less than 4 meetings and the interval between meetings shall not be longer than 4 months.

(2) The first meeting of the members of the Board shall be held within one month of the first meeting of the Council.

(3) At a meeting of the Board—

(a) the chairperson of the Board or, if appropriate, the judge nominated by him or her under *section 12(3)* shall, if present, be the chairperson of the meeting, or

(b) if and so long as the chairperson of the Board or, if appropriate, the judge nominated by him or her under *section 12(3)* is not present, the next most senior judge present shall be the chairperson of the meeting.

(4) Every question at a meeting of the Board shall be determined by a majority of the votes of the members of the Board present and voting on the question and, in the case of an equal division of the votes, the chairperson of the meeting shall have a second or casting vote.

(5) The quorum for a meeting of the Board shall be 6 or such greater number as the Board may determine.

Committees of Council

16. (1) The Council may, in addition to the committees established under *sections 17*, *18*, *23*, *30* and *43*, establish such and so many other committees as it thinks fit to assist and advise it in the performance of its functions.

(2) (a) A committee established by the Council under this section shall have such functions as the Council considers appropriate.

(b) The Council may at any time dissolve a committee established by it under this section.

(3) The members of a committee, other than a Judicial Support Committee, may be appointed by the Council for such period, and subject to such terms and conditions, as the Council considers appropriate.

(4) The Council may appoint to a committee, other than a Judicial Support Committee, persons who are not members of the Council but who have, in the opinion of the Council, special knowledge of or experience in matters related to the functions of the committee.

(5) A committee may refer any matter to the Council or the Board for consideration by the Council or the Board, as the case may be.

(6) The acts of a committee shall be subject to confirmation by the Council, unless the Council, at any time, dispenses with the necessity for such confirmation.

(7) A committee shall, at least once in each year or upon the request of the Council, report in writing to the Council and the Board on the activities of the committee.

(8) Subject to this Act, the Council may regulate the procedures of a committee but, subject to the foregoing, a committee may regulate its own procedures.

(9) A committee may act notwithstanding one or more vacancies in its membership.

(10) This section shall not apply to the Personal Injuries Guidelines Committee, the Sentencing Guidelines and Information Committee or the Judicial Conduct Committee.

Judicial Studies Committee

17. (1) The Council shall—

(a) establish a committee to be known as the Judicial Studies Committee, and

(b) at the first meeting of the Council, specify the date upon which that Committee shall stand established which shall be a date not later than 3 months following that first meeting.

(2) Subject to such directions (if any) as the Council may give to it, the function of the Judicial Studies Committee shall be to facilitate the continuing education and training of judges with regard to their functions.

(3) Without prejudice to the generality of *subsection (2)*, the Judicial Studies Committee may—

(a) prepare and distribute relevant materials to judges,

(b) publish material relevant to its function,

(c) provide, or assist in the provision of, education and training on matters relevant to the exercise by judges of their functions, including but not limited to—

(i) dealing with persons in respect of whom it is alleged an offence has been committed,

(ii) the conduct of trials by jury in criminal proceedings,

(iii) European Union law and international law,

(iv) human rights and equality law,

(v) information technology, and

(vi) the assessment of damages in respect of personal injuries,

and

(d) establish, maintain and improve communication with—

(i) bodies representing judges appointed to courts of places other than the State, and

(ii) international bodies representing judges.

Personal Injuries Guidelines Committee

18. (1) The Council shall—

(a) establish a committee to be known as the Personal Injuries Guidelines Committee, and

(b) at the first meeting of the Council, specify the date upon which that Committee shall stand established which shall be a date not later than 3 months following that first meeting.

(2) The functions of the Personal Injuries Guidelines Committee shall be to prepare and submit to the Board for its review—

(a) draft personal injuries guidelines in accordance with *section 90*, and

(b) draft amendments to the personal injuries guidelines in accordance with that section.

(3) The Council may issue directions to the Personal Injuries Guidelines Committee in relation to the performance by it of the functions referred to in *subsection (2)*.

(4) The Personal Injuries Guidelines Committee shall submit the first draft of personal injuries guidelines to the Board F5**[**not later than 9 December 2020**]**.

(5) The Personal Injuries Guidelines Committee may, from time to time, review the personal injuries guidelines and shall—

(a) review those guidelines F6**[**within 3 years of the adoption by the Council of the guidelines first adopted by it**]** under *section 7* and at least once thereafter in every 3 year period beginning on the completion of the first review, and

(b) submit the outcome of each review under this subsection to the Board.

(6) Where the outcome of a review under *subsection (5)* includes a recommendation for amendments to the guidelines, the Personal Injuries

Guidelines Committee shall prepare a draft of such amendments and shall submit the draft amendments to the Board for its review at the same time as the outcome of the review is submitted to it.

(7) The Personal Injuries Guidelines Committee, and any person authorised by it to act on its behalf, may, for the purpose of performing its functions under *subsection (2)* —

(a) require any person to provide it with such records, documents or information as it may reasonably require for that purpose,

(b) consult with such persons as the Committee considers appropriate, including the Personal Injuries Assessment Board,

(c) conduct research on damages for personal injuries including—

(i) the level of damages awarded by courts in the State and by courts in places outside the State, and

(ii) settlements of claims for damages for personal injuries,

(d) organise conferences, seminars and meetings relevant to those functions.

(8) Without prejudice to his or her obligations under the Data Protection Regulation and the Data Protection Act 2018, a person of whom a requirement is made under *subsection (7)(a)* shall comply with that requirement.

(9) A person who, without reasonable cause, contravenes *subsection (8)* is guilty of an offence and is liable on summary conviction to a class A fine.

(10) The court in which a conviction for an offence under this section is recorded or affirmed may order that the person convicted shall comply with the requirement made under *subsection (7)(a)*, the contravention of which led to the conviction concerned.

(11) The Personal Injuries Guidelines Committee shall prepare and submit to the Council, for inclusion in the annual report of the Council under *section 37*, a report in writing of the activities of the Committee during the period to which the annual report relates.

Annotations

Amendments:

F5 Substituted (25.10.2020) by *Commission of Investigation (Mother and Baby Homes and Certain Related Matters) Records, and Another Matter, Act 2020* (20/2020), s. 8(b), commenced on enactment.

F6 Substituted (23.07.2024) by *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), s. 14(c), commenced on enactment.

Editorial Notes:

E7 A class A fine means a fine not exceeding €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(1), S.I. No. 662 of 2010.

Membership of Personal Injuries Guidelines Committee

19. (1) The Personal Injuries Guidelines Committee shall comprise 7 judges nominated by the Chief Justice as follows:

(a) a judge of the Supreme Court;

(b) a judge of the Court of Appeal;

(c) 2 judges of the High Court;

(d) a judge of the Circuit Court;

(e) a judge of the District Court; and

(f) at the discretion of the Chief Justice, a judge of either the Circuit Court or the District Court.

(2) The Chief Justice shall appoint one of the judges nominated under *subsection (1)* to be a member of the Personal Injuries Guidelines Committee to act as chairperson of the Committee.

Term of membership of Personal Injuries Guidelines Committee

20. (1) Subject to *subsection (5)* and *section 21(3)*, each member of the Personal Injuries Guidelines Committee shall continue to be a member of the Committee for a term of 4 years from the date of his or her nomination unless he or she sooner dies or resigns.

(2) Subject to *subsection (3)*, a member of the Personal Injuries Guidelines Committee whose term of membership expires with the passage of time shall be eligible for re-nomination to the Committee for a further term of 4 years.

(3) A member of the Personal Injuries Guidelines Committee who has served 2 terms as a member of that Committee shall not be eligible for re-nomination as a member of the Committee.

(4) A member of the Personal Injuries Guidelines Committee may resign from that Committee by notice in writing given or sent to the chairperson of the Committee and the resignation shall take effect on the day on which the chairperson receives the notice.

(5) Where a member of the Personal Injuries Guidelines Committee ceases to be a judge, or ceases to hold the judicial office which he or she held when he or she was nominated to be a member under *section 19*, he or she shall thereupon cease to be a member of the Committee.

(6) Subject to *section 22(4)* the Personal Injuries Guidelines Committee may act notwithstanding any vacancy in its membership.

Casual vacancies in membership of Personal Injuries Guidelines Committee

21. (1) Where a member of the Personal Injuries Guidelines Committee dies, retires or resigns from judicial office, resigns from the Personal Injuries Guidelines Committee in accordance with *subsection (4)* of *section 20* or ceases to be a member of that Committee under *subsection (5)* of that section, the vacancy so occasioned shall be filled by a judge nominated by the Chief Justice to be a member of the Personal Injuries Guidelines Committee.

(2) The term of office of a member of the Personal Injuries Guidelines Committee nominated under *subsection (1)* shall be for the unexpired period of the term of membership of the member of the Committee whom he or she has replaced.

(3) A term of membership of the Personal Injuries Guidelines Committee of any duration resulting from a nomination under *subsection (1)* shall be regarded as a term of membership for the purposes of *section 20(3).*

Meetings and procedures of Personal Injuries Guidelines Committee

22. (1) The Personal Injuries Guidelines Committee shall hold such and so many meetings as may be necessary for the performance of its functions.

(2) The first meeting of the Personal Injuries Guidelines Committee shall be held not later than 1 month after the date on which the Committee stands established under *section 18(1)(b)*.

(3) At a meeting of the Personal Injuries Guidelines Committee—

(a) the chairperson of that Committee shall, if present, be the chairperson of the meeting, or

(b) if and so long as the chairperson of that Committee is not present, the next most senior judge present shall be the chairperson of the meeting.

(4) The quorum for a meeting of the Personal Injuries Guidelines Committee shall be 3 or such other number, not being less than 3, as the Committee may determine.

(5) Subject to this Act, the Personal Injuries Guidelines Committee shall regulate its own procedures.

Sentencing Guidelines and Information Committee

23. (1) The Council shall—

(a) establish a committee to be known as the Sentencing Guidelines and Information Committee, and

(b) at the first meeting of the Council, specify the date upon which that Committee shall stand established which shall be a date not later than 6 months following that first meeting.

(2) Subject to this section and such directions (if any) as the Council may give to it, the functions of the Sentencing Guidelines and Information Committee shall be to—

(a) prepare and submit to the Board for its review draft sentencing guidelines,

(b) prepare and submit to the Board for its review draft amendments to sentencing guidelines adopted by the Council,

(c) monitor the operation of sentencing guidelines,

(d) collate, in such manner as it considers appropriate, information on sentences imposed by the courts, and

(e) disseminate that information from time to time to judges and persons other than judges.

(3) The Sentencing Guidelines and Information Committee, and any person authorised by it to act on its behalf, may, for the purpose of performing its functions, make arrangements with the Courts Service to—

(a) have access to court documents relating to criminal proceedings, and

(b) take and retain copies of such documents.

(4) Without prejudice to the generality of *subsection (2)*, the Sentencing Guidelines and Information Committee may—

(a) consult with such persons as the Committee considers appropriate for the purpose of preparing draft sentencing guidelines, or draft amendments to sentencing guidelines, for adoption by the Council,

(b) collate information on decisions of the courts relating to sentences,

(c) conduct research on sentences imposed by the courts,

(d) disseminate decisions of the courts relating to sentences,

(e) prepare and disseminate information on such decisions and other materials relevant to its functions, and

(f) organise conferences, seminars and meetings relevant to its functions.

(5) Any information disseminated under *subsection (4)* shall not disclose the names of the parties to the proceedings concerned that are the subject of the decisions of the courts concerned or the identity of any person who is named in, or is identifiable from, a document referred to in *subsection (3)* that is used for the purposes of *subsection (4)* except where such disclosure is required—

(a) by a judge for the purposes of the exercise of his or her judicial functions in proceedings before him or her, or

(b) pursuant to an order of a court under *subsection (6)*.

(6) A court may, on application in that behalf, in any criminal proceedings, if it considers that it is necessary in the interests of justice to do so, order that the requirement in *subsection (5)* not to disclose the names of parties to proceedings shall not apply in relation to specified decisions of the courts for the purposes of submissions to the court in relation to the sentence to be imposed in those proceedings and the determination by the court of that sentence.

(7) An order of a court under *subsection (6)* shall be limited in its effect to any barrister or solicitor representing a party to the proceedings concerned.

(8) The Sentencing Guidelines and Information Committee shall prepare and submit to the Council, for inclusion in the annual report of the Council under *section 37*, a report in writing of the activities of the Committee during the period to which the annual report relates.

(9) In this section references to information shall include references to information in electronic or other forms.

Membership of Sentencing Guidelines and Information Committee

24. (1) The Sentencing Guidelines and Information Committee shall comprise the following 13 members:

(a) 8 judges nominated by the Chief Justice, including—

(i) a judge of the Supreme Court,

(ii) a judge of the Court of Appeal,

(iii) a judge of the High Court,

(iv) a judge of the Circuit Court, and

(v) a judge of the District Court;

(b) the lay members appointed under *subsection (3)*.

(2) The Chief Justice shall appoint one of the judges nominated under *subsection (1)(a)* to be a member of the Sentencing Guidelines and Information Committee to act as chairperson of the Committee.

(3) The Government shall appoint 5 persons to be members of the Sentencing Guidelines and Information Committee (in this Act referred to as "lay members" of the Sentencing Guidelines and Information Committee) from among such persons as are recommended by the Public Appointments Service in accordance with *section 25* for appointment as such lay members.

(4) *Subsection (6)* of *section 44*, but only insofar as it relates to *paragraphs (a)* to *(e)* of that subsection, shall apply to the eligibility of a person for appointment to be a lay member of the Sentencing Guidelines and Information Committee as that subsection applies to the eligibility of a person for appointment to be a lay member of the Judicial Conduct Committee with the modification that the reference to a lay member of the Judicial Conduct Committee shall be construed as a reference to a lay member of the Sentencing Guidelines and Information Committee.

(5) *Subsection (7)* of *section 44*, but only insofar as it relates to *paragraphs (a)* to *(f)* of that subsection, shall apply to the cesser of membership of a lay member of the Sentencing Guidelines and Information Committee as that subsection applies to the cesser of membership of a lay member of the Judicial Conduct Committee with the modification that the reference to a lay member of the Judicial Conduct Committee shall be construed as a reference to a lay member of the Sentencing Guidelines and Information Committee.

(6) Of the lay members appointed to the Sentencing Guidelines and Information Committee, not fewer than 40 per cent of them shall be women.

Recommendations for appointment of lay members of Sentencing Guidelines and Information Committee

25. (1) The Government shall request the Public Appointments Service to undertake a selection process for the purpose of identifying and recommending to the Government persons who it is satisfied are suitable for appointment to be lay members of the Sentencing Guidelines and Information Committee and, accordingly, the Public Appointments Service shall comply with that request and, following the conduct of such a selection process, make a recommendation to the Government in respect of persons who participated in such process in relation to whom it is so satisfied.

(2) Subject to *subsection (3)* and *section 24(4)*, the Minister shall agree with the Public Appointments Service the selection criteria and procedures that are to apply to a selection process under this section.

(3) For the purposes of making a recommendation under this section, the Public Appointments Service shall have regard to the desirability that the lay members of the Sentencing Guidelines and Information Committee will, among them, possess knowledge of, and experience in, as many as possible of the following matters:

(a) the prosecution of criminal proceedings;

(b) the defence of criminal proceedings;

(c) policing;

(d) the administration of justice;

(e) sentencing policy;

(f) the promotion of the welfare of the victims of crime;

(g) academic study or research relating to criminal law or criminology;

(h) the use of statistics;

(i) the rehabilitation of offenders.

(4) Subject to *subsection (3)*, the Public Appointments Service shall not make a recommendation under this section in respect of a person unless it is satisfied that the person possesses such relevant experience, qualifications, training or expertise as is appropriate having regard to the functions of the Sentencing Guidelines and Information Committee as would render him or her suitable to be a lay member of the Sentencing Guidelines and Information Committee.

(5) The Public Appointments Service shall provide the Government with particulars of the experience, qualifications, training and expertise of each person in respect of whom it makes a recommendation under this section.

(6) This section shall, with any necessary modifications, apply in relation to the filling of any vacancy that arises in the lay membership of the Sentencing Guidelines and Information Committee.

Term of membership of Sentencing Guidelines and Information Committee

26. (1) Subject to *section 27(3)*, each member of the Sentencing Guidelines and Information Committee shall continue to be a member of the Committee for a term of 4 years from the date of his or her nomination or appointment, as the case may be, unless he or she sooner dies, resigns, becomes ineligible for membership or, in the case of a lay member, is removed from membership of the Committee.

(2) Subject to *subsection (3)*, a member of the Sentencing Guidelines and Information Committee whose term of membership expires with the passage of time shall be eligible for re-nomination or re-appointment as a member of the Committee for a further term of 4 years.

(3) A member of the Sentencing Guidelines and Information Committee who has served 2 terms as a member of that Committee shall not be eligible for re-nomination or re-appointment, as the case may be, as a member of the Committee.

(4) A member of the Sentencing Guidelines and Information Committee who is a judge may resign from that Committee by notice in writing given or sent to the chairperson of the Committee and the resignation shall take effect on the day on which the chairperson receives the notice.

(5) A lay member of the Sentencing Guidelines and Information Committee may resign from that Committee by notice in writing given or sent to the Minister and the resignation shall take effect on the day on which the Minister receives the notice.

(6) The lay member of the Sentencing Guidelines and Information Committee concerned shall give or send a copy of the notice under *subsection (5)* to the chairperson of the Sentencing Guidelines and Information Committee when he or she gives or sends the notice to the Minister or as soon as practicable thereafter.

(7) Where a member of the Sentencing Guidelines and Information Committee who is a judge ceases to be a judge, he or she shall thereupon cease to be a member of the Committee.

(8) The Government may at any time remove from the Sentencing Guidelines and Information Committee a lay member of the Committee if the Government is satisfied that the lay member—

(a) has become incapable through ill health of effectively performing the functions of the office,

(b) has committed stated misbehaviour,

(c) has a conflict of interest of such significance that he or she should cease to hold office, or

(d) is otherwise unfit to hold office or unable to discharge the functions of the office.

(9) The Sentencing Guidelines and Information Committee may act notwithstanding any vacancy in its membership provided there are not less than—

(a) 4 members of the Committee who are judges, and

(b) 3 lay members of the Committee.

Casual vacancies in membership of Sentencing Guidelines and Information Committee

27. (1) Where a member of the Sentencing Guidelines and Information Committee who is a judge dies, retires or resigns from judicial office or resigns from the Sentencing Guidelines and Information Committee in accordance with *subsection (4)* of *section 26* or ceases to be a member of that Committee under *subsection (7)* of that section, the vacancy so occasioned shall be filled by a judge nominated by the Chief Justice to be a member of the Sentencing Guidelines and Information Committee.

(2) Where a lay member of the Sentencing Guidelines and Information Committee dies, resigns from the Sentencing Guidelines and Information Committee in accordance with *section 26(5)*, ceases to be a member of the Committee under *section 24(5)* or is removed from that Committee under *section 26(8)*, the vacancy so occasioned shall be filled by a person appointed to be a lay member of the Sentencing Guidelines and Information Committee in the same manner as the member of the Committee who occasioned the vacancy was appointed.

(3) The term of office of a member of the Sentencing Guidelines and Information Committee nominated in accordance with *subsection (1)*, or appointed in accordance with *subsection (2)*, shall be for the unexpired period of the term of membership of the member of the Committee whom he or she has replaced.

(4) A term of membership of the Sentencing Guidelines and Information Committee of any duration resulting from a nomination in accordance with *subsection (1)*, or an appointment in accordance with *subsection (2)*, shall be regarded as a term of membership for the purposes of *section 26(3)*.

Meetings and procedures of Sentencing Guidelines and Information Committee

28. (1) The Sentencing Guidelines and Information Committee shall hold such and so many meetings as may be necessary for the performance of its functions.

(2) The first meeting of the Sentencing Guidelines and Information Committee shall be held not later than 1 month after the date on which the Committee stands established under *section 23(1)(b)*.

(3) At a meeting of the Sentencing Guidelines and Information Committee—

(a) the chairperson of that Committee shall, if present, be the chairperson of the meeting, or

(b) if and so long as the chairperson of that Committee is not present, the next most senior judge present shall be the chairperson of the meeting.

(4) The quorum for a meeting of the Sentencing Guidelines and Information Committee shall be 5, of whom—

(a) not fewer than 3 shall be members of the Committee who are judges, and

(b) not fewer than 2 shall be lay members of the Committee.

(5) Subject to this Act, the Sentencing Guidelines and Information Committee shall regulate its own procedures.

Sentencing policy review

29. The Minister shall—

(a) not later than 2 years after the coming into operation of this section, commence a review of enactments which provide for the imposition of minimum sentences for offences and without prejudice to the generality of the foregoing the Minister may, as part of the review, consider—

(i) whether the continued imposition of such minimum sentences through the operation of such provisions is appropriate in respect of all offences to which such provisions apply, and

(ii) the extent to which in practice such minimum sentences are imposed in accordance with such provisions,

and

(b) not later than 12 months after the commencement of that review, make a report to each House of the Oireachtas on any findings of that review.

Judicial Support Committees

30. (1) The Council shall establish the following committees (referred to in this Act as the "Judicial Support Committees"):

(a) a committee to be known as the Supreme Court Judicial Support Committee comprised of the following members:

(i) the Chief Justice who shall, *ex officio*, be a member of the Committee or his or her replacement nominated under *subsection (4)*;

(ii) an ordinary judge of the Supreme Court elected by the ordinary judges of that Court;

(b) a committee to be known as the Court of Appeal Judicial Support Committee comprised of the following members:

(i) the President of the Court of Appeal who shall, *ex officio*, be a member of the Committee or his or her replacement nominated under *subsection (4)*;

(ii) an ordinary judge of the Court of Appeal elected by the ordinary judges of that Court;

(c) a committee to be known as the High Court Judicial Support Committee comprised of the following members:

(i) the President of the High Court who shall, *ex officio*, be a member of the Committee or his or her replacement nominated under *subsection (4)*;

(ii) two ordinary judges of the High Court elected by the ordinary judges of that Court;

(d) a committee to be known as the Circuit Court Judicial Support Committee comprised of the following members:

(i) the President of the Circuit Court who shall, *ex officio*, be a member of the Committee or his or her replacement nominated under *subsection (4)*;

(ii) two other judges of the Circuit Court elected by the ordinary judges and the specialist judges of that Court;

(e) a committee to be known as the District Court Judicial Support Committee comprised of the following members:

(i) the President of the District Court who shall, *ex officio*, be a member of the Committee or his or her replacement nominated under *subsection (4)*;

(ii) two other judges of the District Court elected by the judges, other than the President, of that Court.

(2) The Council shall, at the first meeting of the Council, specify the date upon which the Judicial Support Committees shall stand established which shall be a date not later than 6 months following that first meeting.

(3) The function of a Judicial Support Committee shall be to advise and assist the Council in the performance of its functions under this Act insofar as matters relevant to the Court to which the Committee relates are concerned.

(4) The *ex officio* member of a Judicial Support Committee may from time to time nominate in writing another judge of the court of which he or she is Chief Justice or President, as the case may be, to perform the functions of that *ex officio* member of the Judicial Support Committee concerned during such period or on such occasion or occasions as are specified in the nomination.

(5) A nomination under *subsection (4)* shall—

(a) cease to have effect upon—

(i) the expiration of the period or the passing of the occasion or occasions, as the case may be, specified in the nomination, or

(ii) the rescinding of the nomination by the *ex officio* member of the Judicial Support Committee concerned who made the nomination,

(b) where the *ex officio* member of the Judicial Support Committee concerned who made the nomination ceases to hold the judicial office by virtue of which he or she became such *ex officio* member, cease to have effect upon that *ex officio* member ceasing to hold that office,

(c) where the judge in respect of whom the nomination was made ceases to hold the judicial office by virtue of which he or she was so nominated, cease to have effect upon his or her ceasing to hold that office, or

(d) where the judge in respect of whom the nomination was made by notice in writing given or sent to the *ex officio* member of the Judicial Support Committee concerned indicates that he or she does not wish to continue to perform the functions concerned, cease to have effect upon the receipt of that notice by that *ex officio* member.

(6) A member of a Judicial Support Committee, who is elected as such a member under *paragraph (a)(ii)*, *(b)(ii)*, *(c)(ii)*, *(d)(ii)* or *(e)(ii)*, as may be appropriate, of *subsection (1)* (in this section referred to as an "elected member of a Judicial Support Committee"), shall serve as a member of the Judicial Support Committee concerned for a term of 4 years from the date of his or her election.

(7) Subject to *subsection (8)*, an elected member of a Judicial Support Committee whose term of membership expires with the passage of time shall be eligible for membership of the Judicial Support Committee concerned for a further term of 4 years.

(8) An elected member of a Judicial Support Committee who has served 2 terms as a member of the Judicial Support Committee concerned shall not be eligible for membership of that Committee other than in accordance with *subsection (9)*.

(9) An elected member of a Judicial Support Committee who has served 2 terms as a member of the Judicial Support Committee concerned shall be eligible for membership of that Committee after a period of 4 years has elapsed immediately following the expiration of his or her most recent term of membership of that Committee.

(10) An elected member of a Judicial Support Committee may resign from membership of the Judicial Support Committee concerned by notice in writing given or sent to the *ex officio* member of that Judicial Support Committee or his or her replacement nominated under *subsection (4)*, as the case may be, and the resignation shall take effect on the day on which the *ex officio* member or his or her nominated replacement, as may be appropriate, receives the notice.

(11) Where an elected member of a Judicial Support Committee ceases to hold the judicial office that he or she held when he or she became a member of the Judicial Support Committee concerned, he or she shall thereupon cease to be a member of that Committee.

(12) Where an elected member of a Judicial Support Committee dies, retires or resigns from judicial office, resigns from membership in accordance with *subsection (10)* or ceases to be a member under *subsection (11)*, the vacancy in the Judicial Support Committee concerned so occasioned shall be filled by a judge elected to be a member of that Judicial Support Committee in the same manner as the member of that Committee who occasioned the vacancy was elected.

(13) A member of a Judicial Support Committee elected in accordance with *subsection (12)* shall serve as a member of the Judicial Support Committee concerned for the unexpired portion of the term of membership of the member whom he or she has replaced.

(14) A term of membership of any duration of a Judicial Support Committee resulting from an election in accordance with *subsection (12)* shall be reckoned as a term of membership for the purposes of *subsections (8)* and *(9)*.

Remuneration and expenses of members of Board and committees

31. (1) Each member of—

(a) the Board, or

(b) a committee other than the Judicial Conduct Committee,

who is a judge shall be paid such allowances for expenses as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine.

(2) Each member, other than one who is a judge, of a committee other than the Judicial Conduct Committee shall be paid such remuneration (if any) and such allowances for expenses as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine.

PART 4

Staff, Funding and Accountability of Council

Secretary to Council

32. (1) The Board shall appoint a person to be the Secretary to the Council (in this Act referred to as the "Secretary").

(2) The Secretary may be removed or suspended from office by the Board for stated reasons.

(3) The Secretary shall hold office under a written contract of service (which contract may, at the discretion of the Board, be renewed) for such period as is specified in the contract and subject to such terms and conditions (including terms and conditions relating to remuneration, allowances for expenses and superannuation) as are so specified, as may be determined by the Board with the approval of the Minister and the consent of the Minister for Public Expenditure and Reform.

(4) The Secretary shall not be a member of the Council, the Board or a committee but he or she may, in accordance with procedures specified by the Council, the Board or a committee other than the Judicial Conduct Committee, attend meetings of the Council, the Board or the committee concerned, as the case may be, and shall be entitled to speak and give advice at such meetings.

(5) The Public Service Management (Recruitment and Appointments) Act 2004 shall not apply to the appointment of a person as the Secretary.

F7**[Superannuation**

32A. (1) The Board shall, as soon as practicable after the coming into operation of section 14 (d) of the Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024—

(a) prepare and submit to the Minister, and

(b) with the approval of the Minister given with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform,

make a scheme for the granting of superannuation benefits to or in respect of any person appointed to be the Secretary.

(2) A scheme made under this section shall fix the time and conditions of retirement for a person to or in respect of whom superannuation benefits are payable under the scheme.

(3) A scheme made under this section shall be carried out by the Board in accordance with its terms.

(4) No superannuation benefit shall be granted by the Board to or in respect of a person to or in respect of whom superannuation benefits are payable under a scheme made under this section nor shall any other arrangement be entered into for the provision of any superannuation benefit to such person on ceasing to hold office, otherwise than in accordance with—

(a) a scheme or schemes made under this section, or

(b) an arrangement approved by the Minister with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform.

(5) Every scheme made under this section shall make provision for appeals.

(6) (a) Every scheme made under this section may be amended or revoked by a subsequent scheme made under this section.

(b) *Paragraphs (a)* and *(b)* of *subsection (1)* shall, with all necessary modifications, apply to the making of a subsequent scheme referred in *paragraph (a)*.

(7) The Minister shall cause a scheme made under this section to be laid before each House of the Oireachtas as soon as may be after it is approved under this section and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(8) In this section—

"superannuation benefit" means a pension, gratuity or other allowance payable on resignation, retirement or death;

"scheme made under this section" means a scheme made by the Board in accordance with *subsection (1)* and includes a subsequent scheme, referred to in *subsection (6)*, made by the Board.**]**

Annotations

Amendments:

F7 Inserted (12.08.2024) by *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), s. 14(d), S.I. No. 397 of 2024.

Editorial Notes:

E8 Power pursuant to section exercised (23.06.2025) by *Secretary to the Judicial Council Superannuation Scheme 2025* (S.I. No. 281 of 2025).

Interim Secretary to Council

33. (1) The Chief Justice may appoint a member of staff of the Courts Service to act as interim Secretary to the Council (in this section referred to as the "interim Secretary") pending the appointment of the Secretary by the Board under *section 32(1)* and pending that appointment—

(a) the interim Secretary shall perform all the functions assigned to the Secretary by or under this Act, and

(b) a reference in this Act to the Secretary shall include a reference to the interim Secretary.

(2) When a Secretary is appointed under *section 32(1)*, the interim Secretary shall cease to hold office.

Functions of Secretary to Council

34. (1) The Secretary shall, in addition to the functions assigned to him or her by or under any other provision of this Act, manage and control the staff of the Council and the administration of the Council (and its committees) and perform such other functions (if any) as may be determined by the Board.

(2) The Secretary shall perform the functions referred to in *subsection (1)* (other than those of Registrar to the Judicial Conduct Committee) in accordance with such directions as may be given to him or her from time to time by the Board and shall be accountable to the Board for the performance of those functions and the effective and efficient management of the Council.

(3) The Secretary shall provide to the Board such information in relation to the performance of his or her functions referred to in *subsection (2)* (including information with respect to the performance of those functions in so far as they relate to the financial affairs of the Council) as the Board may require.

(4) The Secretary may, with the consent of the Board, authorise a member of the staff of the Council to perform a specified function of the Secretary and such a member of the staff so authorised may perform the function accordingly.

(5) The Board may designate a member of the staff of the Council to perform the functions of Secretary in the absence of the Secretary or where the office of Secretary is vacant, and a member of the staff of the Council so designated shall in such absence or upon such office being vacant, perform those functions.

Staff of Council

35. (1) The Board shall, with the approval of the Minister and the consent of the Minister for Public Expenditure and Reform, appoint such and so many persons to be members of the staff of the Council as it may determine.

(2) A member of staff of the Council shall be a civil servant in the Civil Service of the State.

(3) The Board shall be the appropriate authority (within the meaning of the Public Service Management (Recruitment and Appointments) Act 2004 and the Civil Service Regulation Acts 1956 to 2005) in relation to members of the staff of the Council.

(4) For the purposes of this section, the Secretary is not a member of the staff of the Council.

Advances to Council

F8**[36.** The Minister may, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determine the amount or amounts, for the purposes of expenditure by the Council in the performance of its functions, which shall from time to time be advanced by the Courts Service to the Council out of moneys provided to it by the Oireachtas.**]**

Annotations

Amendments:

F8 Substituted (15.06.2024) by *Judicial Appointments Commission Act 2023* (33/2023), s. 67, S.I. No. 114 of 2024.

Annual report of Council

37. (1) As soon as practicable, but in any case not later than 6 months, after the end of each financial year of the Council, the Council shall prepare, and submit to the Minister, a report (in this section referred to as the "annual report") in writing of its activities during that year.

(2) If, under *subsection (1)*, the first annual report would relate to a period of less than 6 months, that report shall, notwithstanding that subsection, instead relate to the activities of the Council during that period and the financial year of the Council immediately following that period and the Council shall prepare, and submit to the Minister, the first annual report as soon as may be, but not later than 6 months, after the end of that financial year.

(3) The annual report shall include information on the performance of the functions of the Council during the period to which it relates and such other information in such form as the Council considers appropriate.

(4) The Minister shall as soon as may be after the receipt by him or her of the annual report cause copies of the report to be laid before each House of the Oireachtas.

(5) The Council shall ensure that, as soon as practicable after copies of the annual report are laid before the Houses of the Oireachtas under *subsection (4)*, the report is published in such manner as the Council considers appropriate.

Accounts of Council

38. (1) The Council shall keep, in such form and in respect of such accounting periods as may be approved by the Minister and the Minister for Public Expenditure and Reform, all proper and usual accounts of moneys received and expended by it, including an income and expenditure account and a balance sheet.

(2) Not later than 3 months after the end of each accounting period, the Council shall submit the accounts kept under this section in respect of that period, signed by the Secretary, to the Comptroller and Auditor General for audit.

(3) Immediately after the audit by the Comptroller and Auditor General of the accounts submitted to him or her in accordance with *subsection (2)*, the Council shall present to the Minister copies of—

(a) the audited accounts, including the income and expenditure account, the balance sheet and such other (if any) accounts kept under this section as the Minister, after consulting with the Minister for Public Expenditure and Reform, may direct, and

(b) the report of the Comptroller and Auditor General on the accounts.

(4) As soon as practicable after the presentation to him or her of the audited accounts of the Council and the report of the Comptroller and Auditor General thereon, the Minister shall cause copies of them to be laid before each House of the Oireachtas.

Accountability of Council to Public Accounts Committee

39. (1) The Secretary shall, whenever required in writing 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 that the Council is required by this Act to prepare,

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

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

(d) any matter affecting the Council 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 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 Secretary shall not question or express an opinion on the merits of any policy of the Government or any Minister of the Government or on the merits of the objectives of such a policy.

Accountability of Council to other Oireachtas committees

40. (1) Subject to *subsection (2)*, the Secretary shall, at the request in writing of an Oireachtas committee, attend before it to give account for the general administration of the Council.

(2) The Secretary shall not be required to give account before an Oireachtas committee for any one or more of the following:

(a) the exercise by a judge of his or her judicial functions;

(b) any matter which is, or has been or may at a future date be the subject of proceedings before a court or tribunal in the State;

(c) any matter concerning a judge which is, or has been or may at a future date be the subject of an investigation by the Judicial Conduct Committee.

(3) Where the Secretary is of opinion that a matter in respect of which he or she is requested to give an account before an Oireachtas committee is a matter to which *subsection (2)* applies, he or she shall, as soon as practicable, seek the opinion of the Board thereon.

(4) If the Board is of opinion that the matter concerned is one to which *subsection (2)* applies, the Secretary shall inform the Oireachtas committee of the opinion and the reasons for the opinion and, unless the information is conveyed to the Oireachtas committee at the time when the Secretary is before it, the information shall be conveyed to the Oireachtas committee in writing.

(5) If the Board is of opinion that the matter concerned is not one to which *subsection (2)* applies, the Secretary shall attend before the Oireachtas committee to give account for the matter.

(6) Where the Secretary has informed an Oireachtas committee of the opinion of the Board in accordance with *subsection (4)* and the Oireachtas committee does not withdraw the request referred to in *subsection (1)* in so far as it relates to the subject matter of that opinion—

(a) the Secretary may, not later than 21 days after being informed by the Oireachtas 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 (2)* applies, or

(b) the chairperson of the Oireachtas committee may, on behalf of the Oireachtas committee, make such an application,

and the High Court shall determine the matter.

(7) Pending the determination of an application under *subsection (6)*, the Secretary shall not attend before the Oireachtas committee to give account for the matter that is the subject of the application.

(8) If the High Court determines that the matter concerned is one to which *subsection (2)* applies, the Oireachtas committee shall withdraw the request referred to in *subsection (1)* but if the High Court determines that *subsection (2)* does not apply, the Secretary shall attend before the Oireachtas committee to give account for the matter.

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

(10) In this section "Oireachtas committee" means—

(a) a committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the Committee referred to in *section 39* or the Committee on Members' Interests of Dáil Éireann or the Committee on Members' Interests of Seanad Éireann), or

(b) a sub-committee of a committee falling under *paragraph (a)*.

Prohibition on disclosure of confidential information

41. (1) A person shall not, unless he or she is required or permitted by law or duly authorised by the Council to do so, disclose confidential information obtained by him or her while performing functions—

(a) as a member of the Council, the Board or a committee, or

(b) as the Secretary, Registrar or a member of staff of the Council, or as a consultant, adviser or other person who is or was engaged under contract or other arrangement by the Council.

(2) A person who contravenes *subsection (1)* is guilty of an offence and is liable on summary conviction to a class A fine.

(3) In this section, "confidential information" includes—

(a) information that is expressed by the Council, the Board or a committee to be confidential either as regards particular information or as regards information of a particular class or description, and

(b) proposals of a commercial nature or tenders submitted to the Council, the Board or a committee by consultants, advisers or any other person.

Annotations

Editorial Notes:

E9 A class A fine means a fine not exceeding €5,000 as provided (4.01.2011) by Fines Act 2010 (8/2010), ss. 3, 4(1), S.I. No. 662 of 2010.

PART 5

Judicial Conduct Committee

Chapter 1

Application of Part

Application of Part

42. (1) Subject to *subsection (2)*, this Part shall apply to conduct alleged to constitute judicial misconduct that occurred or is alleged to have occurred after the commencement of this Part.

(2) Where there is more than one alleged incident of the conduct that is alleged to constitute judicial misconduct, with one or more such incidents having occurred or alleged to have occurred before the commencement of this Part and one or more such incidents having occurred or alleged to have occurred after such commencement, this Part shall apply only in relation to the alleged incidents of such conduct as have occurred or are alleged to have occurred after such commencement.

(3) This Part shall not apply to a complaint concerning a judge who, at the time of the making of the complaint, has ceased to be a judge.

(4) This Part shall cease to apply to a complaint if the judge in respect of whom the complaint was made ceases to be a judge—

(a) before the referral of the complaint for resolution by informal means under *Chapter 4* or the initiation of an investigation of the complaint under *Chapter 5*,

(b) during the course of the resolution of the complaint by the informal means process under *Chapter 4* or the conduct of an investigation of the complaint under *Chapter 5*, or

(c) before the proposal by the Minister of an Article 35.4.1°; motion, within the meaning of *section 80*, in Dáil Éireann or Seanad Éireann in respect of the judge where the Judicial Conduct Committee is considering the making of, has determined that it should make or has made a referral under that section arising from the complaint,

and, in circumstances to which *paragraph (b)* or *(c)* applies, the said resolution by the informal means process, the conduct of the investigation of the complaint or, if appropriate, the process for the making of a referral under *section 80*, as the case may be, shall be discontinued.

(5) The Registrar shall, in circumstances to which *subsection (4)* applies, inform the complainant concerned and the former judge concerned in writing that this Part has ceased to apply to the complaint concerned by reason of the fact that the judge concerned has ceased to be a judge.

Chapter 2

Judicial Conduct Committee

Judicial Conduct Committee

43. (1) The Council shall—

(a) establish a committee which shall be known as the Judicial Conduct Committee, and

(b) at the first meeting of the Council, specify the date upon which that Committee shall stand established which shall be a date not later than 6 months following that first meeting.

(2) The function of the Judicial Conduct Committee shall be to promote and maintain high standards of conduct among judges, having regard to the principles of judicial conduct requiring judges to uphold and exemplify judicial independence, impartiality, integrity, propriety (including the appearance of propriety), competence and diligence and to ensure equality of treatment to all persons before the courts.

(3) Without prejudice to the generality of *subsection (2)*, the Judicial Conduct Committee—

(a) shall consider complaints and refer them for resolution by informal means or undertake investigations into the conduct of individual judges in accordance with this Part,

(b) shall take such action, if any, in accordance with this Part as it considers necessary for the purposes of safeguarding the administration of justice whether as a result of its consideration of a complaint and its referral for resolution by informal means or the undertaking of an investigation under this Part or otherwise,

(c) shall prepare and publish guidelines providing for the resolution by informal means of complaints that are determined to be admissible under this Part,

(d) shall, not later than 12 months after its establishment, prepare and submit to the Board for its review draft guidelines concerning judicial conduct and ethics, which guidelines shall include guidance as to the matters a judge should consider when deciding whether he or she should recuse himself or herself from presiding over legal proceedings, for adoption by the Council,

(e) may of its own volition or, shall, on the request of the Board or the Council, prepare and submit to the Board for its review draft amendments to guidelines concerning judicial conduct and ethics adopted by the Council, and

(f) may provide such advice and recommendations to an individual judge or to judges generally on judicial conduct and ethics as it sees fit.

(4) The Judicial Conduct Committee shall, subject to this Act, be independent in the performance of its functions.

(5) The Judicial Conduct Committee shall have all such powers as are necessary or expedient for the performance of its functions.

(6) The Judicial Conduct Committee may obtain legal, medical or other advice in connection with the performance of any of its functions.

(7) The Judicial Conduct Committee shall, in relation to the functions conferred on it by this Act—

(a) bring or defend legal proceedings, or

(b) do any other act or thing that is necessary for the performance of those functions,

in the name of the Council.

Membership of Judicial Conduct Committee

44. (1) The Judicial Conduct Committee shall comprise the following 13 members:

(a) the *ex officio* members specified in *subsection (2)* or their replacements nominated under *subsection (3)*;

(b) the members elected under *subsection (4)*;

(c) the lay members appointed under *subsection (5).*

(2) Each of the following shall, *ex officio*, be a member of the Judicial Conduct Committee (in this Act referred to as an " *ex officio* member of the Judicial Conduct Committee"):

(a) the Chief Justice, who shall act as chairperson of the Committee;

(b) the President of the Court of Appeal;

(c) the President of the High Court;

(d) the President of the Circuit Court;

(e) the President of the District Court.

(3) An *ex officio* member of the Judicial Conduct Committee may from time to time nominate in writing another judge (other than an elected member of the Judicial Conduct Committee) of the court of which he or she is Chief Justice or President, as the case may be, to perform the functions of such *ex officio* member during such period or on such occasion or occasions as are specified in the nomination and references in this Act to that *ex officio* member of the Judicial Conduct Committee shall, during such period or in respect of such occasion or occasions, include references to a judge so nominated.

(4) Three members of the Judicial Conduct Committee (in this Act referred to as "elected members of the Judicial Conduct Committee") shall be elected by and from among—

(a) the ordinary judges of the Supreme Court,

(b) the ordinary judges of the Court of Appeal,

(c) the ordinary judges of the High Court,

(d) the ordinary judges and specialist judges of the Circuit Court, and

(e) the judges, other than the President, of the District Court.

(5) The Government shall appoint 5 persons to be members of the Judicial Conduct Committee (in this Act referred to as "lay members" of the Judicial Conduct Committee) from among such persons as are recommended by the Public Appointments Service in accordance with *section 45* for appointment as such lay members.

(6) A person shall not be eligible for appointment to be a lay member of the Judicial Conduct Committee—

(a) if the person is a member of either House of the Oireachtas, the European Parliament or a local authority,

(b) if, in the case of a person who was a member of either House of the Oireachtas, the European Parliament or a local authority and who has ceased to be such a member, a period of 5 years has not yet elapsed since he or she was a member of either such House, such Parliament or a local authority,

(c) if the person is a judge or a former judge,

(d) if the person is a judge or a former judge of—

(i) the General Court of the European Union,

(ii) the Court of Justice of the European Union,

(iii) the European Court of Human Rights,

(iv) the International Court of Justice,

(v) the International Criminal Court, or

(vi) an international tribunal,

(e) if the person is an Advocate-General or a former Advocate-General of the Court of Justice of the European Union,

(f) if the person is a practising barrister or solicitor,

(g) if, in the case of a person who was a practising barrister or solicitor and who has ceased to be a practising barrister or practising solicitor, a period of 5 years has not yet elapsed since he or she last practised as a barrister or solicitor, or

(h) if the person is a civil servant.

(7) If a lay member of the Judicial Conduct Committee—

(a) is nominated to be a member of Seanad Éireann,

(b) is elected to be a member of either House of the Oireachtas or to be a member of the European Parliament,

(c) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to be a member of the European Parliament,

(d) is elected or co-opted to be a member of a local authority,

(e) is appointed to be a judge of—

(i) the General Court of the European Union,

(ii) the Court of Justice of the European Union,

(iii) the European Court of Human Rights,

(iv) the International Court of Justice,

(v) the International Criminal Court, or

(vi) an international tribunal,

(f) is appointed to be an Advocate-General of the Court of Justice of the European Union,

(g) commences practice as a barrister or solicitor, or

(h) becomes a civil servant,

he or she shall thereupon cease to be a lay member of the Judicial Conduct Committee.

(8) Of the lay members appointed to the Judicial Conduct Committee, not fewer than 40 per cent of them shall be women.

Recommendations for appointment of lay members of Judicial Conduct Committee

45. (1) The Government shall request the Public Appointments Service to undertake a selection process for the purpose of identifying and recommending to the Government persons who it is satisfied are suitable for appointment to be lay members of the Judicial Conduct Committee and, accordingly, the Public Appointments Service shall comply with that request and, following the conduct of such a selection process, make a recommendation to the Government in respect of persons who participated in such process in relation to whom it is so satisfied.

(2) Subject to *subsection (3)* and *section 44(6)*, the Minister shall agree with the Public Appointments Service the selection criteria and procedures that are to apply to a selection process under this section.

(3) For the purposes of making a recommendation under this section, the Public Appointments Service shall have regard to the desirability that the lay members of the Judicial Conduct Committee will, among them, possess knowledge of, and experience in, as many as possible of the following matters:

(a) the maintenance of standards in professions regulated by a statutory or other body;

(b) dealing with complaints made against members of such professions;

(c) mediation or other mechanisms for alternative dispute resolution;

(d) the administration of justice;

(e) the management and provision of services to members of the public.

(4) Subject to *subsection (3)*, the Public Appointments Service shall not make a recommendation under this section in respect of a person unless it is satisfied that the person possesses such relevant experience, qualifications, training or expertise as is appropriate having regard to the functions of the Judicial Conduct Committee as would render him or her suitable to be a lay member of the Judicial Conduct Committee.

(5) The Public Appointments Service shall provide the Government with particulars of the experience, qualifications, training and expertise of each person in respect of whom it makes a recommendation under this section.

(6) This section shall, with any necessary modifications, apply in relation to the filling of any vacancy that arises in the lay membership of the Judicial Conduct Committee.

Term of membership of Judicial Conduct Committee

46. (1) A nomination under *section 44(3)* shall—

(a) cease to have effect upon—

(i) the expiration of the period or the passing of the occasion or occasions, as the case may be, specified in the nomination, or

(ii) the rescinding of the nomination by the *ex officio* member of the Judicial Conduct Committee who made the nomination,

(b) where the *ex officio* member of the Judicial Conduct Committee who made the nomination ceases to hold the judicial office by virtue of which he or she became such *ex officio* member, cease to have effect upon that *ex officio* member ceasing to hold that office,

(c) where the judge in respect of whom the nomination was made ceases to hold the judicial office by virtue of which he or she was so nominated, cease to have effect upon his or her ceasing to hold that office, or

(d) where the judge in respect of whom the nomination was made by notice in writing given or sent to the *ex officio* member of the Judicial Conduct Committee indicates that he or she does not wish to continue to perform the functions concerned, cease to have effect upon the receipt of that notice by that *ex officio* member.

(2) Subject to *section 47(3)*, each elected member of the Judicial Conduct Committee and, subject to *section 47(4)*, each lay member of the Judicial Conduct Committee shall continue to be a member of the Committee for a term of 4 years from the date of his or her election or appointment, as the case may be, unless he or she sooner dies, resigns, becomes ineligible for membership or, in the case of a lay member, is removed from membership of the Committee.

(3) Subject to *subsection (4)*, an elected member of the Judicial Conduct Committee or a lay member of the Judicial Conduct Committee whose term of membership expires with the passage of time shall be eligible for re-election or re-appointment to the Committee for a further term of 4 years as an elected member or lay member, as the case may be, of that Committee.

(4) An elected member of the Judicial Conduct Committee or a lay member of the Judicial Conduct Committee who has served 2 terms as a member of that Committee shall not be eligible for re-election or re-appointment to the Committee as an elected member or lay member, as the case may be, other than in accordance with *subsection (5)*.

(5) An elected member of the Judicial Conduct Committee or a lay member of the Judicial Conduct Committee who has served 2 terms as a member of that Committee shall be eligible for re-election or re-appointment to the Committee as an elected member or lay member, as the case may be, after a period of 4 years has elapsed from the date of the expiration of his or her most recent term of membership of the Judicial Conduct Committee as such an elected member or lay member, as the case may be.

(6) An elected member of the Judicial Conduct Committee may resign from that Committee by notice in writing given or sent to the chairperson of the Committee and the resignation shall take effect on the day on which the chairperson receives the notice.

(7) A lay member of the Judicial Conduct Committee may resign from that Committee by notice in writing given or sent to the Minister and the resignation shall take effect on the day on which the Minister receives the notice.

(8) The lay member of the Judicial Conduct Committee concerned shall give or send a copy of the notice under *subsection (7)* to the chairperson of the Judicial Conduct Committee when he or she gives or sends the notice to the Minister or as soon as practicable thereafter.

(9) (a) An elected member of the Judicial Conduct Committee who is appointed to a judicial office referred to in any of *paragraphs (a)* to *(d)* of *section 44(4)* other than the one that he or she held when he or she was so elected shall continue to be an elected member of the Judicial Conduct Committee.

(b) Where an elected member of the Judicial Conduct Committee ceases to be a judge, he or she shall thereupon cease to be a member of the Committee.

(10) The Government may at any time remove from the Judicial Conduct Committee a lay member of the Judicial Conduct Committee if the Government is satisfied that the lay member—

(a) has become incapable through ill health of effectively performing the functions of the office,

(b) has committed stated misbehaviour,

(c) has a conflict of interest of such significance that he or she should cease to hold office, or

(d) is otherwise unfit to hold office or unable to discharge the functions of the office.

(11) The Judicial Conduct Committee may act notwithstanding any vacancy in its membership provided there are not less than—

(a) 4 members of the Committee who are judges, and

(b) 3 lay members of the Committee.

Casual vacancies in membership of Judicial Conduct Committee

47. (1) Where an elected member of the Judicial Conduct Committee dies, retires or resigns from judicial office, resigns from the Judicial Conduct Committee in accordance with *subsection (6)* of *section 46* or ceases to be a member of that Committee under *subsection (9)(b)* of that section, the vacancy so occasioned shall be filled by a judge elected to be a member of

the Judicial Conduct Committee in the same manner as the member of the Committee who occasioned the vacancy was elected.

(2) Where a lay member of the Judicial Conduct Committee dies, resigns from the Judicial Conduct Committee in accordance with *section 46(7)*, ceases to be a member of the Committee under *section 44(7)* or is removed from that Committee under *section 46(10)*, the vacancy so occasioned shall be filled by a person appointed to be a lay member of the Judicial Conduct Committee in the same manner as the member of the Committee who occasioned the vacancy was appointed.

(3) The term of office of an elected member of the Judicial Conduct Committee elected in accordance with *subsection (1)* shall be for the unexpired period of the term of membership of the member of the Committee whom he or she has replaced.

(4) The term of office of a lay member of the Judicial Conduct Committee appointed in accordance with *subsection (2)* shall be for the unexpired period of the term of membership of the member of the Committee whom he or she has replaced.

(5) A term of membership of the Judicial Conduct Committee of any duration resulting from an election or appointment in accordance with *subsection (1)* or *(2)* shall be regarded as a term of membership for the purposes of *subsections (4)* and *(5)* of *section 46*.

Meetings and procedures of Judicial Conduct Committee

48. (1) The Judicial Conduct Committee shall hold such and so many meetings as may be necessary for the performance of its functions.

(2) The first meeting of the Judicial Conduct Committee shall be held not later than 1 month after the date on which the Committee stands established under *section 43(1)(b)*.

(3) At a meeting of the Judicial Conduct Committee—

(a) the chairperson of that Committee shall, if present, be the chairperson of the meeting, or

(b) if and so long as the chairperson of that Committee is not present, the next most senior judge present shall be the chairperson of the meeting.

(4) Every question at a meeting of the Judicial Conduct Committee shall be determined by a majority of the votes of the members of the Judicial Conduct Committee present and voting on the question and, in the case of an equal division of the votes, the chairperson of the meeting shall have a second or casting vote.

(5) The quorum for a meeting of the Judicial Conduct Committee shall be 5, of whom—

(a) not fewer than 3 shall be *ex officio* members of the Judicial Conduct Committee or elected members of the Judicial Conduct Committee, and

(b) not fewer than 2 shall be lay members of the Judicial Conduct Committee.

(6) Subject to this Act and any procedures specified by it under *section 52*, the Judicial Conduct Committee shall regulate its own procedures.

Registrar to Judicial Conduct Committee

49. (1) The Secretary or a member of the staff of the Council who is designated under *section 34(5)* to perform the functions of the Secretary shall, in addition to the functions conferred on the Secretary by this Act, act as secretary to the Judicial Conduct Committee and, when so acting, shall be known as the Registrar to the Judicial Conduct Committee (in this Act referred to as the "Registrar").

(2) The Registrar shall not be a member of the Judicial Conduct Committee but he or she may, in accordance with procedures specified by the Judicial Conduct Committee, attend meetings of the Committee and shall be entitled to speak and give advice at such meetings.

(3) The Registrar shall not attend meetings of the Complaints Review Committee.

Chapter 3

Complaints

Complaints

50. (1) A complaint concerning the conduct of a judge (in this Act referred to as the "judge concerned") that is alleged to constitute judicial misconduct may be made to the Registrar in accordance with the procedures specified by the Judicial Conduct Committee under *section 52* by a person who is directly affected by, or who witnessed, the conduct.

(2) A complaint may be made under *subsection (1)* on behalf of—

(a) a child, by a parent or guardian of the child, or

(b) a person who is unable to make the complaint himself or herself by reason of a mental or physical incapacity, by a person duly authorised by law to act on behalf of the first-mentioned person.

(3) A complaint may be made under *subsection (1)* on behalf of a solicitor who is a member of the Law Society of Ireland by a duly authorised officer of the Law Society of Ireland.

(4) A complaint may be made under *subsection (1)* on behalf of a barrister who is F9**[**a member of the Law Library**]** by a duly authorised officer of the General Council of the Bar of Ireland.

(5) The Registrar shall, as soon as practicable after the receipt of a complaint, notify the judge concerned of the complaint and provide him or her with—

(a) the name of the complainant, and

(b) particulars of the complaint.

(6) Where a complaint is made in accordance with *subsection (2)*, *(3)* or *(4)* on behalf of a complainant referred to in each of those subsections by another person, any requirement in this Part to notify the complainant of any matter relating to the complaint or to send a draft report or notice to the complainant shall be construed as a requirement to notify that other person or to send the draft report or notice to that other person, as may be appropriate.

Annotations

Amendments:

F9 Substituted (31.07.2023) by *Courts and Civil Law (Miscellaneous Provisions) Act 2023* (18/2023), s. 82, S.I. No. 389 of 2023.

Time limit for making complaints

51. (1) Subject to *subsections (2)* and *(3)*, a complaint shall be made not later than 3 months after the date of the occurrence or alleged occurrence of the conduct alleged to constitute judicial misconduct that occasioned the complaint.

(2) Where a complaint relates to more than one incident of the occurrence or alleged occurrence of the conduct of the judge concerned that is alleged to constitute judicial misconduct, the complaint in relation to such conduct shall be made not later than 3 months after the date of the last occurrence or alleged occurrence of that conduct.

(3) The Judicial Conduct Committee may, on referral of a complaint or a part of a complaint, by the Registrar under *section 53(5)* or by the Complaints Review Committee under *section 56(4)*, determine that it is just and equitable, having regard to the nature of the conduct or alleged conduct to which the complaint, or the part of the complaint so referred, relates and any other relevant circumstances, for the period referred to in *subsection (1)* or *(2)*, as may be appropriate, for the making of the complaint to be extended so that the complaint, or the part of the complaint so referred, as the case may be, is admissible.

Procedures of Judicial Conduct Committee relating to complaints or matters relating to judicial conduct

52. (1) The Judicial Conduct Committee shall, subject to this Part, specify procedures relating to—

(a) the making and investigation of complaints under this Part,

(b) investigations under *section 59*, and

(c) the making of determinations by it under this Part.

(2) In specifying procedures under *subsection (1)*, the Judicial Conduct Committee shall have regard to the need for it to perform its functions in an effective manner and in accordance with fair procedures.

(3) Without prejudice to the generality of *subsection (1)*, procedures specified under this section may make provision in relation to the following:

(a) the making of a complaint;

(b) the determination of the admissibility of a complaint;

(c) the resolution of a complaint by informal means;

(d) the investigation of a complaint by a panel of inquiry;

(e) the making of a determination by the Judicial Conduct Committee under *section 79*;

(f) the steps and processes to be followed by the Judicial Conduct Committee and a panel of inquiry for the purposes of an investigation under *section 59*;

(g) a referral by the Judicial Conduct Committee under *section 80* within the meaning of that section to the Minister and the steps and processes to be followed by the Judicial Conduct Committee and a panel of inquiry with regard to such a referral;

(h) the period within which anything is required to be done under this Part.

(4) The Judicial Conduct Committee shall publish procedures specified by it under this section in such manner as it considers appropriate.

Admissibility of complaints

53. (1) On receiving a complaint, the Registrar shall determine whether or not the complaint is admissible.

(2) Subject to *subsection (3)*, a complaint is admissible if—

(a) the complaint is made by a person authorised under *section 50* to make a complaint,

(b) the conduct alleged could, if substantiated, constitute judicial misconduct by the judge concerned,

(c) the complaint is made within the period specified in *subsection (1)* or *(2)*, as may be appropriate, of *section 51* or any extension of that period under *subsection (3)* of that section,

(d) the complaint is not frivolous or vexatious, and

(e) the complaint is made in compliance with procedures for that purpose specified by the Judicial Conduct Committee under *section 52*.

(3) A complaint that relates solely to—

(a) conduct by the judge concerned in proceedings before him or her in respect of which a remedy has already been provided or may be provided if pursued by the complainant—

(i) in those proceedings,

(ii) on appeal from a decision of the judge concerned in those proceedings or on any further appeal from such an appeal until those proceedings are finally determined,

(iii) in proceedings by way of judicial review of any decision of the judge concerned in the proceedings before that judge, or

(iv) in any other proceedings,

or

(b) the merits of a decision in proceedings before the judge concerned,

is not admissible.

(4) Where the Registrar determines that a complaint is admissible in whole or in part, he or she shall refer—

(a) the complaint, or

(b) in the case of a complaint that is admissible in part only, the part of the complaint that he or she determines to be admissible (which, following that determination but subject to *section 56(8)*, is deemed to constitute the complaint for the purposes of this Act),

to the Judicial Conduct Committee to be dealt with in accordance with *section 60*.

(5) Where the Registrar is satisfied that a complaint, or a part of a complaint, would be admissible but for its having been made after the expiration of the period specified in *subsection (1)* or *(2)*, as may be appropriate, of *section 51*, he or she shall refer the complaint, or that part of the complaint, to the Judicial Conduct Committee for its determination under *subsection (3)* of that section as to whether that period should be extended and, in the event of such an extension, the complaint, or that part of the complaint, shall be dealt with in accordance with *section 60*.

Notification following determination of whether or not complaint is admissible

54. (1) Where the Registrar makes a determination under *section 53* that a complaint, or a part of a complaint, is inadmissible and does not refer the complaint, or that part of the complaint, to the Judicial Conduct Committee under *subsection (5)* of that section, he or she shall—

(a) notify the complainant and the judge concerned in writing of—

(i) his or her determination, and

(ii) the complainant's entitlement under *section 56* to seek a review of the determination,

(b) include in the notification the reasons for the determination, and

(c) subject to *section 56*, take no further action in relation to the complaint.

(2) Where the Registrar makes a determination under *section 53* that a complaint, or a part of a complaint, is admissible or refers a complaint, or a part of the complaint, to the Judicial Conduct Committee under *subsection (5)* of that section, the Registrar shall, as soon as practicable thereafter, notify the complainant and the judge concerned in writing of the determination or referral, as the case may be.

(3) Following a determination by the Judicial Conduct Committee under *section 51(3)* as to whether the time for the making of a complaint, or a part of a complaint, as the case may be, shall be extended, the Registrar shall, as soon as practicable thereafter, notify the complainant and the judge concerned in writing of the determination and the reason therefor and whether or not the complaint, or the part of the complaint, concerned is thereby admissible.

Complaints Review Committee

55. (1) The Judicial Conduct Committee shall establish a committee to be known as the Complaints Review Committee to review, in accordance with *section 56*, the admissibility of complaints, or parts of complaints, that have been determined by the Registrar to be inadmissible.

(2) The Complaints Review Committee shall comprise 3 members appointed by the Judicial Conduct Committee, of whom 2 shall be *ex officio* members of the Judicial Conduct Committee or elected members of the Judicial

Conduct Committee and one shall be a lay member of the Judicial Conduct Committee.

(3) Every person appointed under *subsection (2)* to be a member of the Complaints Review Committee shall serve as a member of the Committee for a term, to be specified in writing at the time of his or her appointment, of not less than one year and not more than 2 years from the date of his or her appointment.

(4) Subject to *subsection (5)*, a member of the Complaints Review Committee whose term of membership expires with the passage of time shall be eligible for re-appointment to the Committee for a further term, to be specified in writing at the time of his or her re-appointment, of not less than one year and not more than 2 years from the date of his or her re-appointment.

(5) A member of the Complaints Review Committee who has served 2 terms of membership shall not be eligible to serve a further term as a member of the Committee other than in accordance with *subsection (6)*.

(6) A member of the Complaints Review Committee who has served 2 terms of membership shall be eligible for re-appointment to the Committee after a period of 2 years has elapsed immediately following the expiration of his or her most recent term of membership of the Committee.

(7) A member of the Complaints Review Committee may resign from his or her membership of the Committee by notice in writing given or sent to the chairperson of the Judicial Conduct Committee.

(8) The Judicial Conduct Committee may appoint another *ex officio* member of the Judicial Conduct Committee, elected member of the Judicial Conduct Committee or lay member of the Judicial Conduct Committee, as may be appropriate, to fill a casual vacancy arising in the Complaints Review Committee under *subsection (7)* and *subsection (3)* shall apply in relation to the filling of any such vacancy.

(9) Where a member of the Complaints Review Committee ceases to be a member of the Judicial Conduct Committee, he or she shall thereupon cease to be a member of the Complaints Review Committee.

(10) Where a matter is required to be determined by the Complaints Review Committee, each member of the Committee shall have one vote and the matter shall be determined by a majority of the votes of the members of the Committee.

(11) Subject to this Act, the Complaints Review Committee may regulate its own procedures, including procedures relating to the conduct of meetings of the Committee.

F10**[Complaints Review Committee: temporary replacement of member**

55A. (1) Where an ex officio member or elected member of the Judicial Conduct Committee who is a member of the Complaints Review Committee is the subject of a complaint or otherwise has a conflict of interest in respect of a matter before the Complaints Review Committee, or the lay member of the Complaints Review Committee has a conflict of interest in respect of a matter before that Committee, the member concerned shall take no part in the performance by that Committee of its function in relation to such complaint or matter, and, accordingly shall not—

(a) attend any meeting of that Committee held for the purpose of performance of that function, or

(b) cast a vote in relation to any decision falling to be made by it for that purpose.

(2) Where *subsection (1)* applies, the Judicial Conduct Committee shall, for the purpose of performing the function referred to in that subsection, replace the member of the Complaints Review Committee concerned—

(a) in the case of an *ex officio* member or elected member of the Judicial Conduct Committee who is a member of the Complaints Review Committee, with another *ex officio* member or elected member of the Judicial Conduct Committee, or

(b) in the case of the lay member, with another lay member of the Judicial Conduct Committee,

and, accordingly that other person may attend at any meeting of the Complaints Review Committee held for the purpose of the performance of that function and may cast a vote in relation to any decision falling to be made by it for that purpose.

(3) Where a member of the Complaints Review Committee is temporarily unable to act as a member of that Committee, whether due to illness, incapacity or for any other reason, the Judicial Conduct Committee shall, for the duration of such period when the member is unable to act, replace that member with—

(a) where the member unable to act is an *ex officio* member or elected member of the Judicial Conduct Committee, another *ex officio* member or elected member of the Judicial Conduct Committee, or

(b) where the member unable to act is the lay member, another lay member of the Judicial Conduct Committee.

(4) Where a member of the Judicial Conduct Committee replaces a member of the Complaints Review Committee in accordance with *subsection (2)* or *(3)*, the period of time served by that member of the Judicial Conduct Committee as such a replacement shall not be considered a term of membership for the purposes of *section 55*.**]**

Annotations

Amendments:

F10 Inserted (31.07.2023) by *Courts and Civil Law (Miscellaneous Provisions) Act 2023* (18/2023), s. 83, S.I. No. 389 of 2023.

Editorial Notes:

E10 The section heading is taken from the amending section in the absence of one included in the amendment.

Review of determination that complaint, or part of complaint, is inadmissible

56. (1) Where the Registrar determines under *section 53* that a complaint is inadmissible, the complainant may seek a review of the determination by request in writing in that behalf to the Registrar not later than 30 days after the date of receiving notification of that determination.

(2) Where the Registrar receives a request for a review of a determination that a complaint is inadmissible, the Registrar shall refer the complaint to the Complaints Review Committee and he or she shall notify the

complainant and the judge concerned in writing that the complaint has been so referred.

(3) The Complaints Review Committee shall consider a complaint referred to it under *subsection (2)* and shall determine in accordance with *subsections (2)* and *(3)* of *section 53* whether or not the complaint is admissible in whole or in part and, if that Committee determines that the complaint is admissible in part only, identify the part of the complaint that is admissible (which, following that determination, is deemed to constitute the complaint for the purposes of this Act).

(4) Where the Complaints Review Committee is satisfied that a complaint, or a part of a complaint, would be admissible but for its having been made after the expiration of the period specified in *subsection (1)* or *(2)*, as may be appropriate, of *section 51*, that Committee shall refer the complaint, or that part of the complaint, to the Judicial Conduct Committee for its determination under *subsection (3)* of that section as to whether that period should be extended and, in the event of such an extension, the complaint, or that part of the complaint, shall be dealt with in accordance with *section 60*.

(5) The Complaints Review Committee shall notify the Registrar in writing of its determination under *subsection (3)*, or a referral of a complaint, or a part of a complaint, as the case may be, under *subsection (4)*, and the reasons therefor.

(6) On receiving a notification under *subsection (5)* from the Complaints Review Committee that a complaint, or a part of a complaint, is admissible or of a referral of a complaint, or a part of a complaint, as the case may be, under *subsection (4)*, the Registrar shall, as soon as practicable thereafter, notify the complainant, the judge concerned and the Judicial Conduct Committee in writing of the determination or referral, as the case may be, and the reasons therefor.

(7) On receiving a notification under *subsection (5)* from the Complaints Review Committee that a complaint is inadmissible, the Registrar shall—

(a) notify the complainant and the judge concerned in writing of the determination of the Complaints Review Committee and the reasons therefor, and

(b) take no further action in relation to the complaint.

(8) This section shall apply, with any necessary modifications, to a part of a complaint that is determined by the Registrar under *section 53(4)* to be inadmissible.

Withdrawal of complaint under consideration by Registrar or Complaints Review Committee

57. (1) Where a complaint is withdrawn while it is being considered by the Registrar under *section 53*, the Registrar may—

(a) decide that no further action should be taken in relation to the matter that is the subject of the complaint, or

(b) refer the matter that is the subject of the complaint to the Judicial Conduct Committee for a decision by that Committee on whether or not to initiate an investigation in relation thereto under *section 59*.

(2) Where a complaint is withdrawn while it is being considered by the Complaints Review Committee under *section 56*, the Complaints Review Committee may—

(a) decide that no further action should be taken in relation to the matter that is the subject of the complaint, or

(b) refer the matter that is the subject of the complaint to the Judicial Conduct Committee for a decision by that Committee on whether or not to initiate an investigation in relation thereto under *section 59*.

(3) (a) Where the Registrar decides in accordance with *subsection (1)* that no further action should be taken in relation to a complaint, no further action shall be taken in relation to the complaint.

(b) Where the Complaints Review Committee decides in accordance with *subsection (2)* that no further action should be taken in relation to a complaint, no further action shall be taken in relation to the complaint.

(4) (a) The Registrar shall, as soon as practicable after the making of a decision or referral under *subsection (1)*, notify the complainant and the judge concerned thereof in writing.

(b) The Complaints Review Committee shall notify the Registrar of a decision or referral under *subsection (2)*, and the Registrar shall, as soon as practicable thereafter, notify the complainant and the judge concerned thereof in writing.

If judge concerned consents to reprimand by Judicial Conduct Committee before complaint is investigated

58. (1) The judge concerned may, at any time after a complaint in respect of him or her is determined to be admissible under *section 53* or *56* and before a panel of inquiry is appointed under *section 64(1)* to investigate the complaint, inform the Judicial Conduct Committee in writing that he or she consents to the issuing of a reprimand to him or her in relation to the complaint.

(2) The Judicial Conduct Committee shall, upon being informed under *subsection (1)* by the judge concerned that he or she consents to the issuing of a reprimand to him or her in relation to the complaint concerned, consider the nature, gravity and circumstances of the complaint and, if satisfied that it is appropriate to do so having regard to the interests of the administration of justice, issue a reprimand to the judge concerned.

(3) The reprimand of the judge concerned under *subsection (2)* may provide for any one or more of the matters specified in *paragraphs (a)* to *(c)* of *section 76(5)*.

(4) The Registrar shall, as soon as practicable after the Judicial Conduct Committee issues a reprimand to the judge concerned under *subsection (2)*, notify the complainant in writing thereof.

Investigations of judicial misconduct in absence of, or after withdrawal of, complaint

59. (1) F11**[**The Judicial Conduct Committee may refer any matter relating to the conduct of a judge, including any matter which was the subject of a complaint in respect of a judge which is withdrawn, to a panel of inquiry for investigation if**]**—

(a) it is satisfied that there exists *prima facie* evidence of judicial misconduct by the judge, and

(b) it considers it necessary to do so for the purposes of safeguarding the administration of justice.

(2) The provisions of this Part relating to investigations and reports shall apply with all necessary modifications in relation to a matter referred to a panel of inquiry under *subsection (1)* as if that matter were the subject of a complaint.

(3) Where a matter is referred to the Judicial Conduct Committee under *subsection (1)* or *(2)* of *section 57* and the Judicial Conduct Committee decides under *subsection (1)* of this section not to refer the matter that is the subject of the complaint for investigation, no further action shall be taken in relation to that matter and the Registrar shall, as soon as practicable thereafter, notify the complainant and the judge whose conduct is the subject of the withdrawn complaint in writing of that decision.

(4) Where a matter is referred to the Judicial Conduct Committee under *subsection (1)* or *(2)* of *section 57* and the Judicial Conduct Committee decides under *subsection (1)* of this section to refer the matter for investigation, the Registrar shall, as soon as practicable thereafter, notify the complainant of that decision.

(5) Where the Judicial Conduct Committee decides under *subsection (1)* to refer a matter for investigation, the Registrar shall, as soon as practicable thereafter, notify the judge whose conduct is being investigated thereof in writing and provide him or her with particulars of the alleged judicial misconduct concerned.

Annotations

Amendments:

F11 Substituted (31.07.2023) by *Courts and Civil Law (Miscellaneous Provisions) Act 2023* (18/2023), s. 84, S.I. No. 389 of 2023.

Referral of complaint for resolution by informal means or investigation

60. (1) Whenever a complaint is determined to be admissible under *section 53* or *56*, the Judicial Conduct Committee shall either—

(a) refer the complaint for resolution by informal means under *Chapter 4* if it is satisfied that it is appropriate to so do, or

(b) refer the complaint to a panel of inquiry appointed for that purpose under *section 64* for investigation.

(2) Where a complaint relates to conduct in relation to proceedings that have not been finally determined, the Judicial Conduct Committee may, where it considers it appropriate to do so, adjourn any investigation of the complaint under this Part pending the final determination of the proceedings.

(3) Whenever the Judicial Conduct Committee receives a report under *section 63(1)*, it shall consider the report and shall refer the complaint to a panel of inquiry appointed for that purpose under *section 64* for investigation.

(4) Whenever the Judicial Conduct Committee receives a report under *section 63(4)*, it shall consider the report and may, where it considers it appropriate to so do, refer the complaint to a panel of inquiry appointed for that purpose under *section 64* for investigation.

(5) The Registrar shall, as soon as practicable after the performance by the Judicial Conduct Committee of any function in relation to a complaint under the foregoing provisions of this section, notify the complainant and the judge concerned in writing thereof.

Chapter 4

Resolution of complaints by informal means

Referral of complaint for resolution by informal means

61. (1) Where the Judicial Conduct Committee decides under *section 60(1)* to refer a complaint in respect of the judge concerned for resolution by informal means, it shall request in writing the designated judge or designated judges to undertake the resolution of the complaint by informal means in accordance with this Chapter.

(2) The designated judge or designated judges may, upon receipt by him, her or them of a request under *subsection (1)*, appoint not more than 3 judges of the court of which the judge concerned is a judge to undertake the resolution by informal means in accordance with this Chapter of the complaint concerned on behalf of that designated judge or those designated judges, and the judge or judges so appointed shall undertake the resolution by informal means of that complaint accordingly.

(3) References in this Chapter (other than in this section) to the designated judge or designated judges shall, in the case of a complaint in respect of which an appointment or appointments is or are made under *subsection (2)*, be construed as references to the judge or judges appointed under that subsection.

Resolution of complaints by informal means

62. (1) No attempt shall be made to resolve a complaint by informal means pursuant to this Chapter without the consent of the complainant and the judge concerned.

(2) A consent given by the judge concerned for the resolution of the complaint concerned by informal means shall not be taken as an admission of any allegation made in that complaint against that judge.

(3) Subject to *section 63*, an answer given or statement made, in the course of attempting to resolve a complaint pursuant to this Chapter, by the complainant or the judge concerned shall not—

(a) be communicated to any person other than the persons participating in the attempt to resolve the complaint, or

(b) be admissible in any disciplinary, civil or criminal proceedings.

(4) The resolution of a complaint by informal means pursuant to this Chapter shall not include the payment of any financial compensation.

Report to Judicial Conduct Committee from designated judge or designated judges

63. (1) If the designated judge or designated judges are of opinion that a complaint referred to him, her or them under *section 60(1)(a)* is not suitable for resolution by informal means, he, she or they shall prepare, and submit to the Judicial Conduct Committee, a report in writing specifying the reasons for that opinion.

(2) The designated judge or designated judges shall, where he, she or they are satisfied that a complaint referred to him, her or them under *section 60(1)(a)* has been resolved by informal means prepare, and submit to the Judicial Conduct Committee, a report in writing specifying particulars of the resolution of the complaint, and the Judicial Conduct Committee shall

take note of the report and take no further action in relation to the complaint.

(3) Following receipt by the Judicial Conduct Committee of a report under *subsection (2)*, the Registrar shall notify the complainant and the judge concerned in writing that in view of the resolution of the complaint concerned pursuant to this Chapter no further action will be taken by the Judicial Conduct Committee in relation to that complaint.

(4) The designated judge or designated judges shall, where a complaint referred to him, her or them under *section 60(1)(a)* has not been resolved by informal means, prepare, and submit to the Judicial Conduct Committee, a report in writing specifying the following:

(a) particulars of the complaint;

(b) the reasons why, in the opinion of the designated judge or designated judges, the complaint was not resolved by informal means.

Chapter 5

Investigation of complaints

Referral of complaint by Judicial Conduct Committee to panel of inquiry

64. (1) The Judicial Conduct Committee shall, where it decides to refer a complaint to a panel of inquiry under *subsection (1)(b)*, *(3)* or *(4)* of *section 60*, appoint a panel of inquiry to investigate the complaint.

(2) A notification under *subsection (5)* of *section 60* (other than a notification of a decision under *subsection (1)(a)* or *(2)* of that section) to the judge concerned shall inform him or her—

(a) of the referral of a complaint to a panel of inquiry for investigation,

(b) of the particulars of the complaint, including any evidence in support of the complaint, and

(c) that if the panel of inquiry conducts a hearing in connection with the investigation of the complaint, he or she is entitled—

(i) either in person or through his or her representative to attend and defend himself or herself at the hearing, and

(ii) to request—

(I) where no direction is given under *section 68(5)*, that some or all of the hearing be conducted otherwise than in public, or

(II) where a direction is given under *section 68(5)*, the effect of which is that part of the hearing be conducted in public, that such part be conducted otherwise than in public.

(3) A notification under *subsection (5)* of *section 60* (other than a notification of a decision under *subsection (1)(a)* or *(2)* of that subsection) to the complainant shall inform him or her that if the panel of inquiry conducts a hearing in connection with the investigation of the complaint he or she is entitled to request—

(a) where no direction is given under *section 68(5)*, that some or all of the hearing be conducted otherwise than in public, or

(b) where a direction is given under *section 68(5)*, the effect of which is that part of the hearing be conducted in public, that such part be conducted otherwise than in public.

(4) The Judicial Conduct Committee shall not accede to a request under *subsection (2)(c)(ii)* or *(3)* in the absence of reasonable and sufficient cause.

Recommendations for nomination of lay members of panels of inquiry

65. (1) The Government shall request the Public Appointments Service to undertake a selection process for the purpose of identifying and recommending to the Government persons who it is satisfied are suitable for appointment to be lay members of panels of inquiry and, accordingly, the Public Appointments Service shall comply with that request and, following the conduct of such a selection process, make a recommendation to the Government in respect of persons who participated in such process in relation to whom it is so satisfied.

(2) Subject to *subsection (3)* and *section 66(3)*, the Minister shall agree with the Public Appointments Service the selection criteria and procedures that are to apply to a selection process under this section.

(3) For the purposes of making a recommendation under this section, the Public Appointments Service shall have regard to the desirability that the lay members of a panel of inquiry will, among them, possess knowledge of, and experience in, as many as possible of the following matters:

(a) the maintenance of standards in professions regulated by a statutory or other body;

(b) dealing with complaints made against members of such professions;

(c) mediation or other mechanisms for alternative dispute resolution;

(d) the administration of justice;

(e) the management and provision of services to members of the public.

(4) Subject to *subsection (3)*, the Public Appointments Service shall not make a recommendation under this section in respect of a person unless it is satisfied that the person possesses such relevant experience, qualifications, training or expertise as is appropriate having regard to the functions of a panel of inquiry as would render him or her suitable for appointment to be a lay member of a panel of inquiry.

(5) The Public Appointments Service shall provide the Government with particulars of the experience, qualifications, training and expertise of each person in respect of whom it makes a recommendation under this section.

Nomination for appointment of lay members of panels of inquiry

66. (1) From time to time, the Government shall, from among persons in respect of whom a recommendation has been made under *section 65*, nominate not fewer than 7 persons and not more than 12 persons for appointment by the Judicial Conduct Committee under *section 67(1)(b)* to be lay members of panels of inquiry.

(2) The Government shall, insofar as practicable and having regard to relevant experience, endeavour to ensure that not fewer than 40 per cent of persons nominated under *subsection (1)* are women.

(3) A person shall not be eligible to be nominated under *subsection (1)*, or appointed under *section 67*, to be a lay member of a panel of inquiry—

(a) if the person is a member of either House of the Oireachtas, the European Parliament or a local authority,

(b) if, in the case of a person who was a member of either House of the Oireachtas, the European Parliament or a local authority and who has ceased to be such a member, a period of 5 years has not yet elapsed since he or she was a member of either such House, such Parliament or a local authority,

(c) if the person is a judge or a former judge,

(d) if the person is a judge or a former judge of—

(i) the General Court of the European Union,

(ii) the Court of Justice of the European Union,

(iii) the European Court of Human Rights,

(iv) the International Court of Justice,

(v) the International Criminal Court, or

(vi) an international tribunal,

(e) if the person is an Advocate-General or a former Advocate-General of the Court of Justice of the European Union,

(f) if the person is a lay member of the Judicial Conduct Committee,

(g) if the person is a practising barrister or solicitor,

(h) if, in the case of a person who was a practising barrister or solicitor and who has ceased to be a practising barrister or practising solicitor, a period of 5 years has not elapsed since he or she last practised as a barrister or solicitor, or

(i) if the person is a civil servant.

(4) If a lay member of a panel of inquiry—

(a) is nominated to be a member of Seanad Éireann,

(b) is elected to be a member of either House of the Oireachtas or to be a member of the European Parliament,

(c) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to be a member of the European Parliament,

(d) is elected or co-opted to be a member of a local authority,

(e) is appointed to be a judge of—

(i) the General Court of the European Union,

(ii) the Court of Justice of the European Union,

(iii) the European Court of Human Rights,

(iv) the International Court of Justice,

(v) the International Criminal Court, or

(vi) an international tribunal,

(f) is appointed to be an Advocate-General of the Court of Justice of the European Union,

(g) is appointed to be a member of the Judicial Conduct Committee,

(h) commences practice as a barrister or solicitor, or

(i) becomes a civil servant,

he or she shall thereupon cease to be a lay member of the panel of inquiry.

(5) A person nominated under *subsection (1)* may, by notice in writing given or sent to the chairperson of the Judicial Conduct Committee, indicate that he or she no longer wishes to be considered for appointment by that Committee under *section 67(1)(b)* to a panel of inquiry and, upon receipt of that notice by the chairperson of that Committee, the nomination under *subsection (1)* in respect of that person shall cease to have effect.

(6) The chairperson of the Judicial Conduct Committee shall inform the Minister of any notice received by him or her under *subsection (5)*.

Appointment of members of panel of inquiry

67. (1) The Judicial Conduct Committee shall appoint 3 persons to be members of a panel of inquiry for the purposes of this Chapter, namely—

(a) two judges (other than an *ex officio* member of the Judicial Conduct Committee or an elected member of the Judicial Conduct Committee), one of whom shall be a judge of the court of which the judge concerned is a judge and the other of whom shall be a judge of another court, and

(b) one lay member nominated under *section 66*.

(2) The Judicial Conduct Committee shall appoint one member of a panel of inquiry appointed under *subsection (1)* to be its chairperson.

(3) For the purposes of *subsection (1)(a)*, where the judge concerned whose conduct is being investigated is—

(a) the President of the Court of Appeal, he or she shall be considered to be a judge of the Supreme Court,

(b) the President of the High Court, he or she shall be considered to be a judge of the Court of Appeal,

(c) the President of the Circuit Court, he or she shall be considered to be a judge of the High Court, or

(d) the President of the District Court, he or she shall be considered to be a judge of the Circuit Court.

(4) A member of a panel of inquiry appointed under *subsection (1)* may resign from the panel of inquiry by notice in writing given or sent to the chairperson of the Judicial Conduct Committee and the resignation shall take effect on the day on which the chairperson of the Committee receives the notice, but such resignation shall not of itself prevent his or her appointment to, or continued membership of, another panel of inquiry.

(5) (a) Where a member of a panel of inquiry appointed under *subsection (1)(a)* was, at the time of his or her appointment to be such a member, a judge of the court of which the judge concerned is a judge and he or she subsequently ceases to be a judge of that court, he or she shall thereupon cease to be a member of the panel of inquiry.

(b) Where a member of a panel of inquiry appointed under *subsection (1)(a)* ceases to be a judge, he or she shall thereupon cease to be a member of the panel of inquiry.

(6) If a member of a panel of inquiry resigns or otherwise ceases to be a member of a panel of inquiry, the Judicial Conduct Committee may—

(a) if the member was a judge of the court of which the judge concerned is a judge, appoint a judge of that court,

(b) if the member was a judge of a court other than the court of which the judge concerned is a judge, appoint a judge of a court other than the latter court but who may be a judge of a court other than the former court, or

(c) if the member was a lay member of the panel of inquiry, appoint a person standing nominated for the time being under *section 66*,

to replace the member of the panel of inquiry who resigned or otherwise ceased to be a member thereof.

(7) A member of the staff of the Council (other than the Registrar), nominated by the chairperson of the Judicial Conduct Committee, shall act as registrar to a panel of inquiry (in this Act referred to as "registrar to a panel of inquiry").

Conduct of investigation

68. (1) A panel of inquiry shall, in accordance with this section, investigate a complaint referred to it under *section 60*.

(2) For the purposes of the investigation of a complaint under this section, a panel of inquiry may seek such information or documents relating to the complaint as it considers appropriate.

(3) A panel of inquiry may conduct a hearing in connection with its investigation of a complaint.

(4) The registrar to a panel of inquiry shall notify the judge concerned and the complainant in writing of the date, time and place of a hearing under *subsection (3)* in sufficient time for the judge concerned and the complainant to prepare for the hearing.

(5) A hearing of a complaint before a panel of inquiry shall be conducted in public unless the Judicial Conduct Committee directs that in order to safeguard the administration of justice the hearing should be conducted in whole or in part otherwise than in public.

(6) At a hearing of a complaint before a panel of inquiry—

(a) the registrar to the panel of inquiry shall present particulars of the complaint,

(b) the testimony of witnesses attending the hearing shall be given on oath, and

(c) there shall be a right to cross-examine witnesses and call evidence in defence and reply.

(7) Any member of a panel of inquiry investigating a complaint, or the registrar to the panel of inquiry, may administer an oath for the purposes of the investigation of the complaint.

Powers and protections relating to witnesses and evidence

69. (1) For the purposes of the investigation of a complaint under this Chapter, a panel of inquiry shall have all the powers, rights and privileges that are vested in the High Court or a judge thereof on the hearing of an action and that relate to—

(a) enforcing the attendance of witnesses,

(b) examining witnesses on oath or otherwise, and

(c) compelling the production (including discovery) of records, including a record of proceedings in court or a transcript of such a record.

(2) Without prejudice to the generality of *subsection (1)*, a summons issued on behalf of a panel of inquiry by the chairperson of the panel of inquiry or by such other member of the panel of inquiry as is authorised by the panel of inquiry for that purpose may be substituted for and is the equivalent of any formal process capable of being issued in an action for enforcing the attendance of witnesses or compelling the production of documents.

(3) Subject to any procedures in force and to the necessity of observing fair procedures, a panel of inquiry may receive—

(a) oral evidence given before the panel of inquiry,

(b) evidence by affidavit, or

(c) evidence in such manner (including by means of a live video link, a video recording, a sound recording or any other mode of transmission) as is authorised by procedures specified under *section 52.*

(4) A person shall be guilty of an offence if he or she—

(a) fails without reasonable excuse to comply with a summons issued by a panel of inquiry or to attend before the panel of inquiry at the time and place specified in the summons,

(b) while attending as a witness before a panel of inquiry refuses to—

(i) take an oath lawfully required by the panel of inquiry to be taken,

(ii) produce any document in the person's power or control that the person is lawfully required by the panel of inquiry to produce, or

(iii) answer any question that the person is lawfully required by the panel of inquiry to answer,

(c) while attending before a panel of inquiry does anything that, if the panel of inquiry were a court of law having power to punish for contempt, would be contempt of court, or

(d) gives evidence before a panel of inquiry that if it had been given by the person in proceedings before a court would have constituted the offence of perjury.

(5) A person guilty of an offence under *paragraph (a)*, *(b)* or *(c)* of *subsection (4)* shall be liable on summary conviction to a class A fine.

(6) A person guilty of an offence under *subsection (4)(d)* shall be liable—

(a) on summary conviction, to such fine or such term of imprisonment as he or she would be liable to if he or she were convicted summarily of the offence of perjury or both, or

(b) on conviction on indictment, to such fine or such term of imprisonment as he or she would be liable to if he or she were convicted on indictment of the offence of perjury or both.

(7) In this section—

"record of proceedings in court" means a contemporaneous record of proceedings in court made, in accordance with rules of court, by any means, including any sound or other recording capable of being reproduced in legible, audible or visual form;

"transcript", in relation to a record of proceedings in court, means a transcript of the record of such proceedings that is made by a person appointed by the Courts Service for that purpose in accordance with rules of court.

Annotations

Modifications (not altering text):

C1 Reference to perjury construed (28.07.2021) by *Criminal Justice (Perjury and Related Offences) Act 2021* (13/2021), s. 4(2) and sch. 2 item 56, S.I. No. 378 of 2021.

References to perjury or subornation of perjury

4. ...

(2) A reference in an enactment specified in Schedule 2 to perjury or to subornation of perjury, howsoever described, in relation to an act committed on or after the coming into operation of this subsection, shall be construed as a reference to perjury or to subornation of perjury, as the case may be, within the meaning of this Act.

...

SCHEDULE 2

Section 4(2)

...

56. Judicial Council Act 2019, subsections (4) and (6) of section 69

...

Editorial Notes:

E11 A class A fine means a fine not exceeding €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(1), S.I. No. 662 of 2010.

Failure or refusal by complainant to cooperate with panel of inquiry

70. (1) Where, at any time during the course of an investigation, a panel of inquiry investigating a complaint under this Chapter, considers that the complainant has failed or refused to make reasonable efforts to cooperate with the investigation, the panel of inquiry shall prepare, and submit to the Judicial Conduct Committee, a report of such failure or refusal to cooperate and may suspend its investigation pending receipt of a direction from the Judicial Conduct Committee under *subsection (2)*.

(2) The Judicial Conduct Committee shall, after considering a report received by it under *subsection (1)*, give a direction to the panel of inquiry to—

(a) proceed with the investigation to which the report relates, or

(b) discontinue that investigation.

(3) If the Judicial Conduct Committee directs a panel of inquiry under *subsection (2)* to discontinue the investigation of a complaint—

(a) the complaint shall be deemed to have been withdrawn by the complainant and no further action shall be taken in relation thereto, and

(b) the Registrar shall notify the complainant and the judge concerned thereof in writing.

Failure or refusal by judge concerned to cooperate with panel of inquiry

71. (1) Where the judge concerned fails or refuses without reasonable excuse to cooperate with an investigation of a complaint under this Chapter, the panel of inquiry may, if it considers it appropriate in all the circumstances, decide to discontinue the investigation.

(2) If an investigation is discontinued under *subsection (1)*, the panel of inquiry shall prepare, and submit to the Judicial Conduct Committee, a report in writing setting out the circumstances of the failure or refusal of the judge concerned to cooperate and—

(a) shall recommend the issuing of a reprimand to the judge concerned in respect of his or her failure or refusal to cooperate, and

(b) may make such recommendations as the panel of inquiry considers necessary for the purposes of safeguarding the administration of justice.

(3) Without prejudice to the generality of *subsection (2)* —

(a) a recommendation under *paragraph (a)* of that subsection shall provide for one or more of the following:

(i) the issuing of advice to the judge concerned;

(ii) the making of a recommendation to the judge concerned as to a course of action to be pursued by that judge, including his or her attendance at a specified type of course or training;

(iii) the issuing of an admonishment to the judge concerned,

and

(b) a recommendation under *paragraph (b)* of that subsection may include a recommendation to which *section 76(6)* applies.

(4) *Sections 77* and *78* shall, with any necessary modifications, apply to a report of a panel of inquiry under *subsection (2)* as they apply to an interim report or a final report of a panel of inquiry referred to in those sections.

(5) The Judicial Conduct Committee shall consider the report received from the panel of inquiry under *subsection (2)* and shall make such determination in relation to the investigation of the complaint concerned as it considers appropriate and, in doing so, may accept, with or without modification, or reject any recommendation contained in that report.

(6) The Registrar shall, as soon as practicable after the Judicial Conduct Committee makes a determination under *subsection (5)*, notify the judge concerned and the complainant in writing of—

(a) the determination of the Judicial Conduct Committee, and

(b) the reasons therefor.

Matter before panel of inquiry concerning health of judge

72. (1) Where during the course of an investigation by a panel of inquiry under this Chapter, the panel of inquiry forms the view that the conduct that is the subject of the complaint under investigation may be related to the health (whether physical or mental) of the judge concerned, the panel of inquiry shall, having given the judge concerned an opportunity to address the matter, prepare, and submit to the Judicial Conduct Committee, a report in writing stating that view and the reasons therefor.

(2) Where the judge concerned informs the panel of inquiry that he or she has taken, or is taking, steps to address the matter related to his or her health referred to in *subsection (1)*, the panel of inquiry shall specify those steps in its report under that subsection.

(3) The Judicial Conduct Committee, upon receiving a report under *subsection (1)*, shall as soon as practicable thereafter—

(a) where the judge concerned is an ordinary judge of the Supreme Court, submit the report to the Chief Justice,

(b) where the judge concerned is an ordinary judge of the Court of Appeal, the High Court or the Circuit Court or a specialist judge of the Circuit Court or a judge of the District Court other than the President of that Court, submit the report to the President of the Court of which the judge concerned is a judge,

(c) where the judge concerned is the President of the Court of Appeal, the President of the High Court, the President of the Circuit Court or the President of the District Court, submit the report to the Chief Justice, or

(d) where the judge concerned is the Chief Justice, submit the report to the President of the Court of Appeal, the President of the High Court, the President of the Circuit Court and the President of the District Court.

(4) In the circumstances referred to in *subsection (2)*, the investigation of the complaint concerned shall be discontinued and the Registrar shall notify the complainant and the judge concerned thereof in writing.

(5) Where a panel of inquiry makes a report under *subsection (1)* and the circumstances referred to in *subsection (2)* do not apply, it shall adjourn the investigation of the complaint concerned and the registrar to the panel of inquiry shall notify the complainant and the judge concerned in writing of the adjournment.

(6) Other than in the circumstances referred to in *subsection (2)*, where the Chief Justice, the President of the Court of Appeal, the President of the High Court, the President of the Circuit Court or the President of the District Court receives a report under *subsection (3)*, he, she or they, as the case may be, may—

(a) recommend to the judge concerned that—

(i) he or she seek medical or other specified assistance, or

(ii) take such other steps as the judge or judges who received the report consider appropriate,

and

(b) prepare, and submit to the Judicial Conduct Committee, a report in relation to the making of the recommendation under *paragraph (a)*.

(7) If a judge to whom a recommendation is made under *subsection (6)(a)* complies with the recommendation, the investigation of the complaint concerned shall be discontinued and the Registrar shall notify the complainant and the judge concerned thereof in writing.

(8) If a judge to whom a recommendation is made under *subsection (6)(a)* does not comply with the recommendation, the judge or judges who made the recommendation shall prepare, and submit to the Judicial Conduct Committee, a report in relation to the judge's not complying with that recommendation.

(9) The Judicial Conduct Committee may, upon receiving a report under *subsection (8)*, direct the panel of inquiry to continue the investigation of the complaint concerned.

(10) Where the Judicial Conduct Committee gives a direction under *subsection (9)*, the Registrar shall notify the complainant and the judge concerned thereof in writing.

If judge concerned consents to reprimand by Judicial Conduct Committee before conclusion of investigation

73. (1) Where, before or during an investigation of a complaint by a panel of inquiry under this Chapter, the judge concerned informs the panel of inquiry that, in relation to the complaint, he or she consents to the issuing of a reprimand to him or her, the panel of inquiry may, if it considers it appropriate having regard to the nature, gravity and circumstances of the complaint and the need to safeguard the administration of justice—

(a) adjourn the investigation of the complaint in accordance with *section 75*, and

(b) prepare, and submit to the Judicial Conduct Committee, a report in relation to the complaint.

(2) *Section 76* shall, notwithstanding the fact that an investigation of a complaint to which this section applies has not concluded, apply in relation to a report referred to in *subsection (1)(b)* with any necessary modifications.

Withdrawal of complaint while it is being investigated by panel of inquiry

74. (1) Where a complaint is withdrawn by the complainant during the course of an investigation under this Chapter, the panel of inquiry appointed to conduct the investigation may, with the consent of the Judicial Conduct Committee, either—

(a) decide that no further action should be taken in relation to the complaint, or

(b) decide to proceed with the investigation as if the complaint had not been withdrawn.

(2) Where a panel of inquiry makes a decision under *subsection (1)(b)*, the panel of inquiry shall continue with the investigation of the complaint concerned as if that complaint had not been withdrawn and that investigation shall be deemed to have been initiated under *section 59* and treated for all purposes as having been so initiated.

(3) The Registrar shall notify the complainant and the judge concerned in writing of a decision under *subsection (1)* as soon as practicable after the making of the decision.

Adjournment of investigation of complaint by panel of inquiry

75. (1) A panel of inquiry may adjourn an investigation of a complaint under this Chapter at any time during the course of the investigation if it appears to the panel of inquiry to be appropriate to so do.

(2) Where a panel of inquiry adjourns an investigation of a complaint under *subsection (1)*, it may—

(a) resume the investigation at any time, or

(b) prepare, and submit to the Judicial Conduct Committee, an interim report in writing specifying the reasons for the adjournment of the investigation.

(3) The Judicial Conduct Committee shall, as soon as practicable after receiving an interim report under *subsection (2)(b)*, consider the interim report and give a direction in writing to the panel of inquiry requiring it to—

(a) resume the investigation of the complaint concerned, or

(b) discontinue that investigation.

(4) Where the Judicial Conduct Committee gives a direction under *subsection (3)(b)* to the panel of inquiry requiring it to discontinue the investigation of the complaint concerned under this Chapter, the Registrar shall, as soon as practicable thereafter, notify the judge concerned and the complainant in writing of—

(a) that direction, and

(b) the reasons therefor.

Report of panel of inquiry submitted to Judicial Conduct Committee

76. (1) A panel of inquiry shall, upon its completing an investigation of a complaint under this Chapter, prepare, and submit to the Judicial Conduct Committee, a report in writing of the investigation.

(2) A report of a panel of inquiry under *subsection (1)* shall specify—

(a) particulars of the complaint,

(b) the evidence (if any) in relation to the complaint presented to the panel of inquiry, and

(c) the findings of the panel of inquiry in relation to the complaint.

(3) Where a panel of inquiry finds that an allegation in a complaint has been proved, the report of the panel of inquiry under *subsection (1)* shall include the reasons for that finding and—

(a) such recommendations as the panel of inquiry considers appropriate for reprimanding the judge concerned, and

(b) such recommendations (if any) as the panel of inquiry considers necessary for the purposes of safeguarding the administration of justice.

(4) Where a panel of inquiry finds that an allegation in a complaint has not been proved, the report of the panel of inquiry under *subsection (1)* shall include the reasons for that finding.

(5) Without prejudice to the generality of *subsections (2)* and *(3)*, a recommendation under *subsection (3)(a)* shall provide for any one or more of the following:

(a) the issuing of advice to the judge concerned;

(b) the making of a recommendation that the judge concerned pursue a specified course of action, including attending a course or training of a specified type;

(c) the issuing of an admonishment to the judge concerned.

(6) Without prejudice to the generality of *subsections (2)* and *(3)*, a recommendation under *subsection (3)(b)* —

(a) may be made to—

(i) the Chief Justice, where the judge concerned is an ordinary judge of the Supreme Court, the President of the Court of Appeal, the President of the High Court, the President of the Circuit Court or the President of the District Court,

(ii) the President of the Court of Appeal, the President of the High Court, the President of the Circuit Court and the President of the District Court, where the judge concerned is the Chief Justice, or

(iii) the President of the court of which the judge concerned is a judge, in the case of a judge other than a judge to whom *subparagraph (i)* or *(ii)* applies,

or

(b) may recommend that changes be made to court procedures, practice directions, distribution of work or may also concern related matters,

or both.

Draft report to be sent to complainant and judge concerned

77. (1) The registrar to a panel of inquiry shall, before the panel of inquiry submits an interim report or a final report to the Judicial Conduct Committee in relation to an investigation of a complaint under this Chapter, send a draft of the report to—

(a) the judge concerned, and

(b) the complainant.

(2) The draft of a report referred to in *subsection (1)* shall be accompanied by a notice from the panel of inquiry specifying the period within which submissions or requests may be made to the panel of inquiry under *section 78(1)*.

Amendment of draft report

78. (1) A complainant or the judge concerned who receives a draft report from the registrar to a panel of inquiry under *section 77* and who believes that the panel of inquiry has not observed fair procedures in relation to him or her may, within the period specified in a notice under that section, submit to the registrar to the panel of inquiry a statement in writing setting out the reasons for his or her belief and a request to the panel of inquiry to review the draft report having regard to the statement.

(2) Where a panel of inquiry does not receive a statement under *subsection (1)* within the period specified in the notice under *section 77*, it shall, as soon as practicable after the expiration of that period, submit its report to the Judicial Conduct Committee.

(3) Where a panel of inquiry receives a statement under *subsection (1)*, it may, after considering the statement and reviewing the draft report—

(a) amend the draft report to take account of the statement received, or

(b) decline to make any amendments to the draft report.

(4) A statement received by a panel of inquiry under *subsection (1)* shall be attached to the report submitted to the Judicial Conduct Committee under *section 76*.

(5) If a draft report is not amended, or is only partially amended, to take account of a statement received under *subsection (1)*, the reasons for that shall be included in the report submitted to the Judicial Conduct Committee under *section 76*.

Determination of complaint by Judicial Conduct Committee

79. (1) The Judicial Conduct Committee shall, as soon as practicable after receiving a report under *section 76* from a panel of inquiry in relation to a complaint that was the subject of an investigation, notify the complainant and the judge concerned in writing that he or she may make submissions, in writing or orally, to the Committee within such period as is specified in the notification in relation to the recommendations that may be included in the report under *subsection (3)* of that section.

(2) The Judicial Conduct Committee shall, as soon as practicable after the expiration of the period specified in a notification under *subsection (1)* —

(a) consider—

(i) the report received from the panel of inquiry under *section 76*, and

(ii) any submissions made by the complainant or the judge concerned pursuant to a notification under *subsection (1)*,

and

(b) make such determination of the complaint concerned as it considers appropriate, including whether or not the complaint has been substantiated.

(3) The Judicial Conduct Committee may, for the purposes of—

(a) assisting it in making a decision under *subsection (2)*, or

(b) observing fair procedures,

conduct a hearing in relation to a complaint that has been the subject of an investigation to which a report under *section 76* relates if, having regard to all the circumstances, it considers it appropriate to do so.

(4) The Registrar shall notify the judge concerned and the complainant in writing of the date, time and place of a hearing under *subsection (3)* in sufficient time for the judge concerned and the complainant to prepare for the hearing.

(5) *Subsections (5)* to *(7)* of *section 68* shall apply to a hearing under *subsection (3)* as they apply to a hearing of a complaint under that section with the following and any other necessary modifications:

(a) references to a panel of inquiry shall be construed as references to the Judicial Conduct Committee;

(b) references to the registrar to the panel of inquiry shall be construed as references to the Registrar.

(6) *Section 69* shall apply for the purposes of a hearing under *subsection (3)* as it applies to the investigation of a complaint under this Chapter by a panel of inquiry subject to the modification that references in that section to a panel of inquiry shall be construed as references to the Judicial Conduct Committee.

(7) A determination under *subsection (2)(b)* —

(a) shall be in writing,

(b) shall give the reasons for the determination, and

(c) may include any one or more of the matters referred to in *subsection (5)* or *(6)* of *section 76*.

(8) In considering the report of a panel of inquiry and issuing a determination under *subsection (2)*, the Judicial Conduct Committee may accept, with or without modification, or reject any recommendation contained in the report submitted by the panel of inquiry to the Judicial Conduct Committee under *section 76*.

(9) Where a determination made by the Judicial Conduct Committee under *subsection (2)* requires no action to be taken by the judge concerned or is to the effect that the complaint has not been substantiated, the determination shall specify that the investigation of the complaint is concluded.

(10) Where a determination made by the Judicial Conduct Committee under *subsection (2)* requires the judge concerned to take any action, the Judicial Conduct Committee may—

(a) require the judge concerned to report to the Judicial Conduct Committee in the manner specified by that Committee regarding his or her compliance with the requirement, and

(b) adjourn the matter for such period as the Committee considers appropriate and at the end of that period ascertain whether or not the determination has been complied with by the judge concerned.

(11) The Registrar shall, as soon as practicable after the Judicial Conduct Committee makes a determination under *subsection (2)*, notify the judge concerned and the complainant in writing of—

(a) the determination of the Judicial Conduct Committee,

(b) the reasons therefor, and

(c) where a matter has been adjourned under *subsection (10)(b)*, the manner in which the judge is to report to the Judicial Conduct Committee and the period within which he or she shall do so.

(12) Where the Judicial Conduct Committee receives a report from the judge concerned under *subsection (10)(a)* and is of opinion that the determination has been complied with, it shall notify the judge concerned and the complainant in writing that the investigation of the complaint is concluded.

(13) Where the Judicial Conduct Committee—

(a) does not receive a report from the judge concerned under *subsection (10)(a)* within the period specified by the Judicial Conduct Committee under *subsection (11)(c)*, or

(b) receives a report from the judge concerned under *subsection (10)(a)* but is not satisfied that the determination has been complied with,

the Committee may take such further action as it considers appropriate in all the circumstances, including the making under *section 80* of a referral within the meaning of that section to the Minister in relation to the judge concerned.

(14) Where a hearing relating to the investigation of a complaint has been held in public, the Judicial Conduct Committee shall publish, or cause to be published, a determination under *subsection (2)*.

(15) Where a hearing relating to the investigation of a complaint has been held in whole or in part otherwise than in public, the Judicial Conduct Committee may, for the purposes of safeguarding the administration of justice, decide to publish, or cause to be published, a determination under *subsection (2)* taking account of the extent to which the identities of the judge concerned and of the complainant or either of them have already been made public.

Referral by Judicial Conduct Committee to Minister of matter relating to conduct or capacity of judge for Article 35.4 purposes

80. (1) (a) In this section an "Article 35.4.1°; motion", in relation to a judge, means a motion that is proposed in either House of the Oireachtas pursuant to the rules and standing orders for the time being in force of that House for the purpose of seeking a resolution of that House under subsection 1°; of section 4 of Article 35 of the Constitution calling for the removal from office of the judge for stated misbehaviour or incapacity within the meaning of that subsection.

(b) For the avoidance of doubt references in this section to an Article 35.4.1°; motion may—

(i) by virtue of section 39 of the Courts of Justice Act 1924, relate to a judge of the Circuit Court, and

(ii) by virtue of section 20 of the Courts of Justice (District Court) Act 1946, relate to a judge of the District Court.

(2) Where the Judicial Conduct Committee determines in accordance with this section that a matter relating to the conduct or capacity of a judge (whether or not arising from a complaint) requires the referral of the matter to the Minister under this section (in this section referred to as a "referral"), the Committee shall make a referral in relation to the judge.

(3) Where at any time during the course of an investigation by a panel of inquiry of—

(a) a complaint under this Part, or

(b) a matter relating to the conduct of a judge under *section 59*,

the panel of inquiry forms the opinion that a matter disclosed by the investigation relating to the conduct or capacity of the judge concerned is of such gravity as would justify a referral by the Judicial Conduct Committee in relation to that judge, the panel of inquiry shall prepare, and submit to

the Judicial Conduct Committee, a report in writing in relation to the matter under this subsection.

(4) Where the Judicial Conduct Committee makes a referral in relation to a judge, the Minister shall, as soon as practicable thereafter, propose an Article 35.4.1°; motion in either House of the Oireachtas in respect of the judge (unless he or she sooner ceases to be a judge).

(5) Where a panel of inquiry makes a report under *subsection (3)* it shall adjourn the investigation of the complaint or matter concerned.

(6) A report under *subsection (3)* shall—

(a) record the opinion of the panel of inquiry referred to in that subsection,

(b) the reasons for that opinion, and

(c) recommend to the Judicial Conduct Committee that it make a referral in relation to the judge concerned.

(7) The Judicial Conduct Committee shall, as soon as practicable after receiving a report under *subsection (3)*, send a copy of the report to the judge concerned, together with a notice specifying the period within which the judge may make submissions in relation to the report.

(8) Submissions to the Judicial Conduct Committee by a judge in relation to a report under *subsection (3)* shall be in writing.

(9) The Judicial Conduct Committee shall, as soon as practicable after the expiration of the period specified in the notice referred to in *subsection (7)*, consider the report received from the panel of inquiry under *subsection (3)* and the submissions (if any) made by the judge concerned.

(10) If the Judicial Conduct Committee is satisfied that a referral is required in relation to the judge concerned, the Committee shall, as soon as practicable, furnish to the Minister—

(a) the report received from the panel of inquiry under *subsection (3)*,

(b) the submissions (if any) made by the judge concerned in relation to that report, and

(c) the views (if any) of the Judicial Conduct Committee with regard to the report referred to in *paragraph (a)* and the submissions (if any) referred to in *paragraph (b)*.

(11) The Registrar shall, as soon as practicable after the Judicial Conduct Committee complies with *subsection (10)*, notify the judge concerned in writing thereof and shall provide him or her with a copy of the views (if any) of the Judicial Conduct Committee with regard to the report under *subsection (3)* or submissions made by that judge in relation to that report.

(12) The documents referred to in *subsection (10)* shall not accompany an Article 35.4.1°; motion proposed by the Minister but the Minister may use those documents, for the purposes of proposing an Article 35.4.1°; motion in respect of the judge concerned in either House of the Oireachtas, to state the matters upon which it is contended that the judge concerned should be removed from office.

(13) If the Judicial Conduct Committee is not satisfied that the recommendation referred to in *paragraph (c)* of *subsection (6)* made by the panel of inquiry in its report under *subsection (3)* should be accepted, the Committee shall direct the panel of inquiry to continue the investigation of the complaint

or matter concerned with a view to its preparing and submitting to the Committee a report thereof under *section 76*.

(14) Where a referral is made following the investigation of a complaint under this Part, the Registrar shall notify the complainant in writing of the referral as soon as practicable after an Article 35.4.1°; motion has been proposed by the Minister in Dáil Éireann or Seanad Éireann, as the case may be, in respect of the judge concerned.

(15) A statement or admission made by the judge concerned or evidence given to a panel of inquiry or a submission made to a panel of inquiry or to the Judicial Conduct Committee under this Part shall not be admissible—

(a) in any proceedings in either House of the Oireachtas, or

(b) before a committee of either such House or of both such Houses,

in relation to an Article 35.4.1°; motion in respect of the judge concerned.

Chapter 6

Miscellaneous provisions relating to Judicial Conduct Committee and panels of inquiry

Evidence given not admissible in certain proceedings

81. None of the following shall be admissible in evidence against a person in any criminal or other proceedings, except in proceedings for an offence under *section 69(4)* against a person:

(a) a statement or admission made by the person to the Judicial Conduct Committee or a panel of inquiry under this Part;

(b) a document given or sent to the Judicial Conduct Committee or a panel of inquiry pursuant to a direction or request from the Judicial Conduct Committee or the panel of inquiry, as the case may be, to the person under this Part.

Conduct of proceedings

82. (1) Subject to this Act, proceedings relating to the investigation of a complaint under this Part shall be conducted otherwise than in public.

(2) Any proceedings before a court arising out of or connected with a complaint, the admissibility of a complaint, an investigation of a complaint under this Part or the determination of such an investigation shall be conducted in public unless the court directs that in order to safeguard the administration of justice the proceedings should be conducted in whole or in part otherwise than in public.

(3) A person (including a member of a panel of inquiry or the Judicial Conduct Committee) shall not disclose or publish any evidence given or the contents of any document produced by a witness while giving evidence to the panel of inquiry or the Judicial Conduct Committee otherwise than in public under this Part, except—

(a) as directed by a court,

(b) in accordance with *section 83*, or

(c) to the extent otherwise necessary in the interests of fair procedures and with the consent in writing of the chairperson of the panel of inquiry

or the chairperson of the Judicial Conduct Committee, as may be appropriate.

(4) *Subsection (3)* shall not operate to prohibit the publication in a report under this Act of any findings by a panel of inquiry made on the basis of evidence given otherwise than in public, or the publication in a report under *section 87* of information, referred to in *subsection (6)* or *(7)* of that section, arising from a determination by the Judicial Conduct Committee made on the basis of evidence given otherwise than in public.

(5) A person who contravenes *subsection (3)* shall be guilty of an offence and shall be liable on summary conviction to a class A fine.

Annotations

Editorial Notes:

E12 A class A fine means a fine not exceeding €5,000 as provided (4.01.2011) by Fines Act 2010 (8/2010), ss. 3, 4(1), S.I. No. 662 of 2010.

Duty to disclose substance of evidence to other witnesses, etc.

83. (1) Subject to *subsection (2)*, a panel of inquiry shall disclose to a person—

(a) who is directed to attend as a witness before the panel of inquiry,

(b) who attends voluntarily to give evidence to the panel of inquiry, or

(c) about whom evidence is given to the panel of inquiry,

the substance of any evidence in the possession of the panel of inquiry that, in the opinion of the panel of inquiry, the person should be aware of for the purposes of the evidence that the person may give to the panel of inquiry.

(2) *Subsection (1)* does not require the disclosure of the source of any evidence given or document produced by a witness while giving evidence otherwise than in public under this Part, unless the panel of inquiry considers that, in view of the purposes of the investigation or in the interests of fair procedures, the source should be disclosed.

(3) A panel of inquiry shall give a person to whom it discloses the substance of evidence under *subsection (1)* an opportunity to comment by written or oral submissions on the evidence.

Privileges and immunities of witnesses

84. A person who gives evidence to a panel of inquiry or the Judicial Conduct Committee, or who produces or sends a document to a panel of inquiry or the Judicial Conduct Committee, as directed by the panel of inquiry or the Judicial Conduct Committee, as the case may be—

(a) has the same immunities and privileges in respect of that evidence or those documents, and

(b) is, in addition to the penalties provided by this Act, subject to the same liabilities,

as a witness in proceedings in the High Court.

Remuneration and expenses of members of Judicial Conduct Committee and panel of inquiry

85. (1) Each *ex officio* member of the Judicial Conduct Committee and each elected member of the Judicial Conduct Committee shall be paid such allowances for expenses as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine.

(2) A member of a panel of inquiry who is a judge shall be paid such allowances for expenses as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine.

(3) Each lay member of the Judicial Conduct Committee and each lay member of a panel of inquiry shall be paid such remuneration (if any) and such allowances for expenses as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine.

Expenses of witnesses

86. The reasonable expenses (not including legal costs) of a person who attends before a panel of inquiry under *section 68*, or a hearing conducted by the Judicial Conduct Committee under *section 79*, shall be determined by the Judicial Conduct Committee and paid to the person by the Council out of moneys provided by the Oireachtas.

Annual report of Judicial Conduct Committee

87. (1) The Judicial Conduct Committee shall, not later than 6 months after the end of each financial year of the Council, prepare, and submit to the Council and the Minister, a report in writing of its activities during that year.

(2) If, under *subsection (1)*, the first report under that subsection would relate to a period of less than 6 months, that report shall, notwithstanding that subsection, instead relate to the activities of the Judicial Conduct Committee during that period and the financial year of the Council immediately following that period and the Judicial Conduct Committee shall prepare, and submit to the Council and the Minister, that first report as soon as may be, but not later than 6 months, after the end of that financial year.

(3) The Minister shall, as soon as may be after the receipt by him or her of a report under *subsection (1)*, cause copies thereof to be laid before each House of the Oireachtas.

(4) Subject to *subsection (5)*, a report under *subsection (1)* shall include information on the performance of the functions of the Judicial Conduct Committee during the period to which it relates and, without prejudice to the generality of the foregoing, shall specify in respect of that period—

(a) the number of complaints received,

(b) the number of complaints determined to be admissible by the Registrar,

(c) the number of complaints considered, and the number of complaints determined to be admissible, by the Complaints Review Committee,

(d) the number of complaints resolved by informal means in accordance with *Chapter 4*,

(e) the number of investigations initiated pursuant to a referral under *section 59*,

(f) the number of investigations conducted by a panel of inquiry under this Part of complaints or consequent on a referral under *section 59*,

(g) the number of complaints considered by the Judicial Conduct Committee that were not substantiated,

(h) the number of determinations made by the Judicial Conduct Committee under *section 71(5)* or *79*,

(i) the number of judges who consented to the issuing of reprimands to them in accordance with *section 58* or *73*, and

(j) the number of complaints that were withdrawn in the circumstances referred to in *section 57* or *74*.

(5) Subject to *subsection (6)*, the Judicial Conduct Committee shall not include, or cause to be included, in a report under this section any information that would identify, or could reasonably be expected to identify—

(a) the judge concerned, or

(b) the complainant.

(6) The following information shall be included in a report under this section—

(a) where the Judicial Conduct Committee issues a reprimand to a judge under *section 71* or *section 79(2)(b)*, the name of the judge concerned and the reprimand issued, and

(b) the name of a judge to whom *section 79(13)* applies.

(7) The Judicial Conduct Committee shall, as soon as practicable after copies of a report under *subsection (1)* are laid before both Houses of the Oireachtas under *subsection (3)*, publish the report, or cause the report to be published, in such manner as the Committee considers appropriate.

Costs of legal representation

88. (1) Where a hearing is conducted under *section 68(3)* or *79(3)* in relation to a complaint and a determination is made by the Judicial Conduct Committee that the complaint has not been substantiated, the judge concerned may apply to the Committee for the recovery of the reasonable legal costs and expenses associated with his or her legal representation (if any) connected with the hearing.

(2) Where on application to it by the judge concerned under *subsection (1)*, the Judicial Conduct Committee considers that the interests of justice require the payment of the reasonable legal costs and expenses referred to in that subsection, the Committee shall nominate a solicitor, other than a solicitor who was involved in any hearing relating to the complaint concerned, to agree those legal costs and expenses.

(3) In default of agreement under *subsection (2)*, the Judicial Conduct Committee shall—

(a) refer the legal costs and expenses to the Taxing Master of the High Court for taxation, and

(b) nominate a solicitor (which may be the solicitor referred to in *subsection (2)*) to represent it in such taxation.

(4) The Minister shall be liable to pay to the judge the legal costs and expenses agreed under *subsection (2)* or taxed under *subsection (3)*, as the case may be.

PART 6

Miscellaneous

Power of Oireachtas to remove judge from office unaffected

89. Nothing in this Act shall be construed as affecting the operation of section 4 of Article 35 of the Constitution.

F12**[Amendments to personal injuries guidelines**

89A. (1) Notwithstanding anything contained in this Act, the personal injuries guidelines adopted by the Council on 6 March 2021 (in this section referred to as the "guidelines") that, for the avoidance of doubt, have continued in force since 24 April 2021 (being the date on which section 99 came into operation), shall, on and after the coming into operation of this section, continue in force subject to any amendments to those guidelines that the Council adopts under *section 7(2)(ga)*.

(2) The reference in *section 18(5)* to the guidelines first adopted by the Council shall be construed as a reference to the guidelines and, accordingly—

(a) the Board shall, in accordance with *section 11(1)(d)*, review any draft amendments to the guidelines that have been prepared and submitted by the Personal Injuries Guidelines Committee to the Board under *section 18(2)(b)* with the review of the guidelines completed by that Committee before the coming into operation of this section, and

(b) *section 7(2)(ga)* shall apply to the adoption by the Council of any such amendments to the guidelines.

(3) The reference in *section 90(1)* to the personal injuries guidelines adopted by the Council shall be construed as a reference to the guidelines.**]**

Annotations

Amendments:

F12 Inserted (23.07.2024) by *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), s. 14(e), commenced on enactment.

Personal injuries guidelines

90. (1) Personal injuries guidelines adopted by the Council under *section 7*, including any amendments adopted under that section (in this Act referred to as "personal injuries guidelines") shall contain general guidelines as to the level of damages that may be awarded or assessed in respect of personal injuries and without prejudice to the generality of the foregoing, the guidelines may include guidance on any or all of the following:

(a) the level of damages for personal injuries generally;

(b) the level of damages for a particular injury or a particular category of injury;

(c) the range of damages to be considered for a particular injury or a particular category of injuries;

(d) where multiple injuries have been suffered by a person, the consideration to be given to the effect of those multiple injuries on the level of damages to be awarded in respect of that person.

(2) The Personal Injuries Guidelines Committee in preparing draft personal injuries guidelines or draft amendments to personal injuries guidelines shall have regard to the matters set out in *subsection (3)* and the Board, in reviewing those draft guidelines or draft amendments, may have regard to such of the matters set out in that subsection as it considers appropriate for the purposes of its review.

(3) The matters referred to in *subsection (2)* are:

(a) the level of damages awarded for personal injuries by—

(i) courts in the State, and

(ii) courts in such places outside the State as the Committee or the Board, as the case may be, considers relevant;

(b) principles for the assessment and award of damages for personal injuries determined by the High Court, the Court of Appeal and the Supreme Court;

(c) guidelines relating to the classification of personal injuries;

(d) the need to promote consistency in the level of damages awarded for personal injuries;

(e) such other factors that the Committee or the Board, as the case may be, considers appropriate including factors that may arise from any records, documents or information received, consultations held, research conducted or conferences, seminars or meetings organised (as referred to in *section 18(7)*).

Sentencing guidelines

91. (1) Sentencing guidelines to be adopted by the Council under *section 7* (in this Act referred to as "sentencing guidelines") may relate to sentencing generally or to sentences in respect of a particular offence, a particular category of offence or a particular category of offender.

(2) A range of sentences may be specified in sentencing guidelines that it is appropriate for a court to consider before imposing sentence on an offender in the proceedings before it.

(3) The Sentencing Guidelines and Information Committee shall, in preparing draft sentencing guidelines, or draft amendments to sentencing guidelines, for submission to the Board and the Board shall, in reviewing such draft guidelines, or such draft amendments, take account of—

(a) sentences that are imposed by the courts,

(b) the need to promote consistency in sentences imposed by the courts,

(c) the impact of decisions of the courts relating to sentences on the victims of the offences concerned,

(d) the need to promote public confidence in the system of criminal justice,

(e) the financial costs involved in the execution of different types of sentence and the relative effectiveness of them in the prevention of re-offending, and

(f) such factors as the Committee or the Board, as the case may be, considers appropriate relating to the offence concerned and the offender committing the offence for the purpose of specifying a range of sentences referred to in *subsection (2)*.

Courts to have regard to sentencing guidelines

92. A court shall, in imposing a sentence, have regard to sentencing guidelines relevant to the proceedings before it, unless the court is satisfied that to do so would be contrary to the interests of justice and the reasons it is so satisfied shall be stated by the court in its decision.

Independence of court and judicial functions

93. Nothing in this Act shall be construed as operating to interfere with—

(a) the performance by the courts of their functions, or

(b) the exercise by a judge of his or her judicial functions.

Restriction of Freedom of Information Act 2014

94. (1) Without prejudice to the exemption for records held by the courts, the Freedom of Information Act 2014 shall not apply to a record relating to the making or investigation, or the resolution by informal means, of a complaint under *Part 5* or an investigation pursuant to a referral under *section 59* unless—

(a) the record was created before the making of the complaint or the initiation of the investigation under *section 59*, as the case may be, or

(b) the record relates to the expenses of the Judicial Conduct Committee or a member thereof or a panel of inquiry or a member thereof or other matters concerning the general administration of that Committee or a panel of inquiry.

(2) *Subsection (1)* applies to a record held by—

(a) the Judicial Conduct Committee,

(b) the Registrar,

(c) the Complaints Review Committee,

(d) a designated judge or designated judges,

(e) a panel of inquiry, or

(f) the registrar to a panel of inquiry.

(3) In this section "record" has the meaning it has in the Freedom of Information Act 2014.

Restrictions of rights and obligations under Data Protection Regulation

95. (1) The rights and obligations provided for in Articles 12 to 22 (and Article 5 in so far as its provisions correspond to the rights and obligations provided for in Articles 12 to 22) and Article 34 of the Data Protection Regulation are, in so far as the rights and obligations relate to the processing of personal data by a person or body specified in *subsection (2)*, restricted to the extent necessary and proportionate to enable the person or body perform his, her or its functions under *Part 5*.

(2) A person or body referred to in *subsection (1)* means—

(a) the Judicial Conduct Committee,

(b) the Registrar,

(c) the Complaints Review Committee,

(d) a designated judge or designated judges,

(e) a panel of inquiry, or

(f) the registrar to a panel of inquiry.

(3) In this section—

"personal data" has the same meaning as it has in Article 4 of the Data Protection Regulation;

"processing" has the same meaning as it has in Article 4 of the Data Protection Regulation.

Notification to Courts Service of decisions made and actions taken by Council

96. Where a decision made or an action taken by the Council relates to the performance by the Courts Service of its functions, the Council shall notify the Courts Service in writing of the decision or action.

Amendment of Courts Service Act 1998

97. The Courts Service Act 1998 is amended by the insertion of the following section after section 5A:

"Decisions and actions of Judicial Council notified to Service

5B. The Service shall, in the performance of its functions, have regard to the decisions made and actions taken by the Judicial Council notified to it under *section 96* of the *Judicial Council Act 2019*.".

Amendment of Personal Injuries Assessment Board Act 2003

98. The Personal Injuries Assessment Board Act 2003 is amended—

(a) in section 54(1), by the deletion of paragraphs (b) and (ba), and

(b) in section 54A(1), by the substitution of "paragraph (c), (d)" for "paragraph (b), (ba), (c), (d)".

F13**[Amendment of section 22 of Civil Liability and Courts Act 2004**

99. Section 22 of the Civil Liability and Courts Act 2004 is amended by—

(a) the substitution of the following subsection for subsection (1):

"(1) Subject to section 100 of the Act of 2019 and subsection (1A)(b), the court shall, in assessing damages in a personal injuries action commenced on or after the date on which section 99 of that Act comes into operation—

(a) have regard to the personal injuries guidelines (within the meaning of that Act) in force, and

(b) where it departs from those guidelines, state the reasons for such departure in giving its decision.",

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

"(1A) The court shall have regard to the Book of Quantum in assessing damages in a personal injuries action where the action is commenced—

(a) before the date on which section 99 of the Act of 2019 comes into operation, or

(b) on or after the date on which that section comes into operation in relation to a relevant claim where—

(i) an assessment was made under section 20 of the Act of 2003 in relation to that claim before the date of such coming into operation, and

(ii) that assessment was not, or was deemed not to have been, accepted in accordance with that Act.",

(c) in subsection (2)—

(i) the substitution of "Subsection (1A)" for "Subsection (1)", and

(ii) the substitution of "in a personal injuries action to which that subsection applies" for "in a personal injuries action", and

(d) the substitution of the following subsection for subsection (3):

"(3) In this section—

'Act of 2019' means the Judicial Council Act 2019;

'assessment' has the same meaning as it has in section 20(1) of the Act of 2003;

'Book of Quantum' means the Book of Quantum that, immediately before the coming into operation of section 99 of the Act of 2019, stands published by the Personal Injuries Assessment Board under the Act of 2003;

'relevant claim' has the same meaning as it has in section 9 of the Act of 2003."**]**

Annotations

Amendments:

F13 Substituted (24.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 30(a), S.I. No. 182 of 2021.

F14**[Consideration of personal injuries guidelines as amended in certain circumstances**

100. (1) Where the Council adopts amendments under F15**[**section 7(2)(ga)**]** to the personal injuries guidelines, for the purposes of section 22 (1) of the Civil Liability and Courts Act 2004 the court shall continue to have regard to the personal injuries guidelines in force immediately prior to the adoption of F15**[**those amendments to the guidelines**]** in assessing damages in a personal injuries action where the action is commenced—

(a) before the date on which the guidelines as amended are adopted, or

(b) on or after the date on which the guidelines as amended are adopted in relation to a relevant claim where—

(i) an assessment was made under section 20 of the Act of 2003 in relation to that claim before the date of such adoption, and

(ii) that assessment was not, or was not deemed to have been, accepted in accordance with that Act.

(2) In this section—

"Act of 2003" means the Personal Injuries Assessment Board Act 2003;

"assessment" has the same meaning as it has in section 20(1) of the Act of 2003;

"relevant claim" has the same meaning as it has in section 9 of the Act of 2003.**]**

Annotations

Amendments:

F14 Inserted (24.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 30(b), S.I. No. 182 of 2021.

F15 Substituted (23.07.2024) by *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), s. 14(f)(i), (ii), commenced on enactment.

Number 33 *of* 2019

JUDICIAL COUNCIL ACT 2019

REVISED

Updated to 23 June 2025

About this Revised Act

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

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

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.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to 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.

Acts which affect or previously affected this revision

- *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024)
- *Judicial Appointments Commission Act 2023* (33/2023)
- *Courts and Civil Law (Miscellaneous Provisions) Act 2023* (18/2023)
- *Criminal Justice (Perjury and Related Offences) Act 2021* (13/2021)
- *Family Leave and Miscellaneous Provisions Act 2021* (4/2021)

- *Commission of Investigation (Mother and Baby Homes and Certain Related Matters) Records, and Another Matter, Act 2020* (20/2020)
- *Fines Act 2010* (8/2010)

All Acts up to and including *Residential Tenancies (Amendment) Act 2025* (5/2025), enacted 20 June 2025, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Secretary to the Judicial Council Superannuation Scheme 2025* (S.I. No. 281 of 2025)
- *Judicial Council Act 2019 (Commencement) Order 2022* (S.I. No. 489 of 2022)
- *Judicial Council Act 2019 (Commencement) Order 2021* (S.I. No. 182 of 2021)
- *Judicial Council Act 2019 (Establishment Day) Order 2019* (S.I. No. 641 of 2019)
- *Judicial Council Act 2019 (Commencement) (No. 2) Order 2019* (S.I. No. 640 of 2019)
- *Judicial Council Act 2019 (Commencement) Order 2019* (S.I. No. 457 of 2019)

All statutory instruments up to and including *Secretary to the Judicial Council Superannuation Scheme 2025* (S.I. No. 281 of 2025), made 23 June 2025, were considered in the preparation of this revision.