



Number 18 of 2014

Court of Appeal Act 2014



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COURT OF APPEAL ACT 2014

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Number 18 of 2014

COURT OF APPEAL ACT 2014

An Act to provide, in pursuance of Article 34 of the Constitution, for the establishment of the Court of Appeal referred to in paragraph ii of Article 34.2 of the Constitution; to specify the jurisdiction of the court; to provide, in relation to the said court, for matters supplementary to the court and the judges and officers of that court; to provide that the Supreme Court may, in certain circumstances, hear certain applications made to it in respect of decisions of the Court of Appeal or the High Court otherwise than with an oral hearing; to provide that the Chief Justice or the President of the Court of Appeal may issue directions in relation to the conduct of appeals or applications made to the Supreme Court or the Court of Appeal; to make provision in relation to the conduct of proceedings before those courts; for those purposes, to amend the Courts (Establishment and Constitution) Act 1961, the Courts (Supplemental Provisions) Act 1961 and certain other enactments; to provide for the repeal of certain enactments; and to provide for related matters. [20th July, 2014]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title, commencement, construction and collective citations

1. (1) This Act may be cited as the Court of Appeal Act 2014.
- (2) This Act, other than *sections 5 and 12(a)*, shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions, and for the repeal of different provisions of the enactments effected by *section 73*.
- (3) The Courts of Justice Acts 1924 to 2008 and this Act, to the extent that it amends or extends those Acts, may be cited together as the Courts of Justice Acts 1924 to 2014 and shall be construed together as one.
- (4) The Court Officers Acts 1926 to 2012, the Courts and Court Officers Act 2009 and this Act, to the extent that it amends or extends those Acts, may be cited together as the Court Officers Acts 1926 to 2014 and shall be construed together as one.

- (5) The Courts (Supplemental Provisions) Acts 1961 to 2013 and this Act, to the extent that it amends or extends those Acts, may be cited together as the Courts (Supplemental Provisions) Acts 1961 to 2014 and shall be construed together as one.

Definitions

2. In this Act—

“Act of 1924” means the Courts of Justice Act 1924;

“Act of 1936” means the Courts of Justice Act 1936;

“Act of 1961” means the Courts (Supplemental Provisions) Act 1961;

“Act of 1995” means the Courts and Court Officers Act 1995;

“enactment” means—

- (a) an Act of the Oireachtas,
- (b) a statute that was in force in Saorstát Éireann immediately before the date of the coming into operation of the Constitution and that continues in force by virtue of Article 50 of the Constitution, or
- (c) an instrument made under—
 - (i) an Act of the Oireachtas, or
 - (ii) a statute referred to in paragraph (b);

“the establishment day” means the day appointed by the Government by order under *section 5* to be the day on which the Court of Appeal shall be established;

“Minister” means the Minister for Justice and Equality.

Regulations to remove difficulties

3. (1) If, in any respect, any difficulty arises in bringing any provision of—

- (a) this Act, or
- (b) a specified Article of the Constitution,

into operation or in relation to the operation of any such provision, the Minister may by regulations do anything which appears to him or her to be necessary or expedient for removing that difficulty, for bringing that provision into operation or for securing or facilitating its operation, and any such regulations may modify any provision of this Act so far as may be necessary or expedient for carrying such provision into effect for the purposes aforesaid, but no regulations shall be made under this section in relation to any provision of this Act after the expiration of 2 years commencing on the day on which the provision came into operation.

- (2) Where regulations are proposed to be made under this section, a draft of the regulations shall be laid before each House of the Oireachtas and the regulations shall

not be made until a resolution approving the draft has been passed by each such House.

- (3) In this section “specified Article” means, in relation to the Constitution, Article 34.2, 34.4, 34.5.3°, 34.5.4°, 34A or 64.

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

COURT OF APPEAL

CHAPTER 1

Establishment of Court of Appeal

Establishment day

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

Establishment and constitution of Court of Appeal

6. The Courts (Establishment and Constitution) Act 1961 is amended by the insertion of the following section after section 1:

“1A. (1) On the establishment day, the Court of Appeal, referred to in paragraph ii of Article 34.2 of the Constitution as An Chúirt Achomhairc (the Court of Appeal), shall stand established.

(2) The Court of Appeal shall be constituted of the following judges:

(a) the president thereof, who shall be styled ‘Uachtarán na Cúirte Achomhairc’ (‘President of the Court of Appeal’);

(b) not more than 9 ordinary judges, each of whom shall be styled ‘Breitheamh den Chúirt Achomhairc’ (‘Judge of the Court of Appeal’).

(3) The Chief Justice and the President of the High Court shall be *ex officio* additional judges of the Court of Appeal.

(4) The President of the Court of Appeal shall be *ex officio* an additional judge of the Supreme Court and of the High Court.

(5) Where, owing to the illness of a judge of the Court of Appeal or for any other reason, a sufficient number of judges of the Court of Appeal

is not available for the transaction of the business of that Court or, on account of the volume of business to be transacted in the Court of Appeal or for any other reason arising from the state of business in that Court, it is expedient to increase temporarily the number of judges available for the purposes of the Court of Appeal—

- (a) the President of the Court of Appeal may, having consulted with the President of the High Court, request any ordinary judge of the High Court, or
 - (b) the Chief Justice, at the request of the President of the Court of Appeal, may request any ordinary judge of the Supreme Court, to sit in the Court of Appeal as an additional judge thereof, and every ordinary judge of the High Court or the Supreme Court, as the case may be, so requested shall sit in the Court of Appeal.
- (6) Whenever an ordinary judge of—
- (a) the High Court, or
 - (b) the Supreme Court,
- sits in the Court of Appeal in pursuance of subsection (5), he or she shall be an additional judge of the Court of Appeal for all the purposes of that Court.
- (7) In this section ‘the establishment day’ has the same meaning as it has in *section 2* of the *Court of Appeal Act 2014*.”.

Amendment of section 2 of Act of 1961

7. Section 2 of the Act of 1961 is amended, by the insertion of the following definitions:

“ ‘the *Act of 2014*’ means the *Court of Appeal Act 2014*;

‘the Court of Appeal’ means the Court established by section 1A of the Principal Act;”.

General jurisdiction of Court of Appeal

8. The Act of 1961 is amended by the insertion of the following section after section 7:

“7A. (1) The Court of Appeal shall be a superior court of record with such appellate jurisdiction as is prescribed by the Constitution.

(2) Subject to the provisions of Article 64 of the Constitution and *section 78(3)* of the *Act of 2014*, there shall be vested in the Court of Appeal all appellate jurisdiction which was, immediately before the establishment day, vested in or capable of being exercised by the Supreme Court.

(3) Subject to *section 78(1)* of the *Act of 2014*, there shall be vested in the Court of Appeal all jurisdiction which was, immediately before the

establishment day, vested in or capable of being exercised by the Court of Criminal Appeal.

- (4) Subject to *section 78(2) and (3) of the Act of 2014*, there shall be vested in the Court of Appeal all jurisdiction which was, immediately before the establishment day, vested in or capable of being exercised by the Courts-Martial Appeal Court.
- (5) The Court of Appeal may sit in divisions of 3 judges (including judges who are, by virtue of *section 1A(3) or (6) of the Courts (Establishment and Constitution) Act 1961*, additional judges of the Court of Appeal) and the divisions may sit at the same time.
- (6) Notwithstanding the generality of subsection (5), an interlocutory application relating to an appeal before the Court of Appeal or, unless the appeal itself is confined to a procedural matter, any procedural application or motion in the matter, may be heard and determined by—
 - (a) the President of the Court of Appeal sitting alone, or
 - (b) any other judge of the Court of Appeal sitting alone as may be nominated for that purpose by the President of the Court of Appeal.
- (7) Where the Court of Appeal is exercising its jurisdiction in respect of a criminal matter before it, then unless the matter is one which involves a question as to the validity of any law having regard to the provisions of the Constitution, the decision of the majority of the judges of the Court hearing the case shall be the decision of the Court of Appeal and it shall be pronounced by such one of the judges of the Court as that Court shall direct and no other opinion whether assenting or dissenting shall be pronounced, nor shall the existence of any such other opinion be disclosed.
- (8) The jurisdiction vested in the Court of Appeal shall include all powers, duties and authorities incidental to the jurisdiction so vested.
- (9) In this section—
 - (a) ‘the establishment day’ has the same meaning as it has in *section 2 of the Act of 2014*, and
 - (b) a reference to an ‘interlocutory application’ includes a reference to an application which may be made under any enactment to the Court of Appeal in criminal proceedings concerning the grant of a certificate of entitlement to legal aid.”.

Power of Court of Appeal to stay proceedings to enable parties to apply to Supreme Court in certain circumstances

9. The Act of 1961 is amended by the insertion of the following section after *section 7A* (inserted by *section 8 of the Court of Appeal Act 2014*):

- “**7B.** (1) Without prejudice to the jurisdiction of the Supreme Court as is prescribed by the Constitution, where proceedings in respect of an appeal from a decision of the High Court are before the Court of Appeal, the Court of Appeal may—
- (a) of its own motion, or
 - (b) upon application to it in that behalf by one or more parties (in this section referred to as the ‘applicant’) to the proceedings,
by order stay the proceedings before it to enable the applicant to apply to the Supreme Court for leave to appeal under Article 34.5.4^o of the Constitution from the decision of the High Court.
- (2) An order to stay proceedings under subsection (1) may only be made by the Court of Appeal where—
- (a) the proceedings concerned have not been heard in full or in part by the Court of Appeal, and
 - (b) the parties to the proceedings consent to the making of such an order.
- (3) Where the Court of Appeal makes an order to stay proceedings under subsection (1), no further step may be taken in respect of those proceedings, other than with the leave of the Court of Appeal, until such time as the Supreme Court makes a determination in respect of the application for leave to appeal.
- (4) Where the Supreme Court grants an application for leave to appeal in respect of proceedings which are the subject of an order under subsection (1), the Court of Appeal shall, in respect of the proceedings before it, provide by order for the discontinuance of those proceedings, which order of discontinuance shall be confined to the grounds upon which the Supreme Court granted leave to appeal.
- (5) Where the Supreme Court refuses an application for leave to appeal in respect of proceedings which are the subject of an order under subsection (1), the Court of Appeal shall make such order as it thinks fit to provide for the continuance of the proceedings.
- (6) This section is in addition to, and not in substitution for, any power of the Court of Appeal to stay proceedings before it.
- (7) For the purposes of this section an appeal shall not be taken to have been heard in part by reason of the Court of Appeal having heard an interlocutory application relating to the appeal or, unless the appeal itself is confined to a procedural matter, the Court of Appeal having heard any procedural application or motion in the matter.”.

President of Court of Appeal may issue practice directions

10. The Act of 1961 is amended by the insertion of the following section after section 7B

(inserted by *section 9* of the *Court of Appeal Act 2014*):

- “7C. (1) In the interests of the administration of justice and the determination of proceedings in a manner which is just, expeditious and likely to minimise the cost of those proceedings—
- (a) the President of the Court of Appeal sitting alone, or
- (b) any other judge of the Court of Appeal sitting alone as may be nominated for that purpose by the President of the Court of Appeal,
- may, subject to any practice direction issued under subsection (2), make any order or give any direction he or she thinks appropriate in relation to the conduct of proceedings before the Court of Appeal.
- (2) In the interests of the administration of justice and the determination of proceedings in a manner which is just, expeditious and likely to minimise the cost of those proceedings, the President of the Court of Appeal may issue directions (in this section referred to as ‘practice directions’) in relation to the conduct of appeals or applications made to the Court of Appeal.
- (3) A practice direction may relate to—
- (a) civil or criminal proceedings, or both, or
- (b) a class or classes of civil or criminal proceedings, or both,
- and may make provision for such incidental, supplementary and consequential matters, including in respect of a failure to comply with any matter provided for in a direction, as appear to the President of the Court of Appeal to be necessary or expedient for the purposes of the direction.
- (4) A practice direction shall be published in such manner as the President of the Court of Appeal may direct.
- (5) This section is without prejudice to any powers of the Court of Appeal in respect of proceedings before it.
- (6) In this section—
- ‘appeal’ includes a cross-appeal or request to vary an order under appeal;
- ‘party’ includes a notice party or a party permitted by the Court of Appeal to intervene in proceedings.”.

CHAPTER 2

Appointment of Judges of Court of Appeal

Amendment of section 5 of Act of 1961

11. Section 5 (amended by section 4 of the Courts and Court Officers Act 2002) of the Act of

1961 is amended—

- (a) in subsection (2)(a), by the substitution of “Supreme Court, the Court of Appeal” for “Supreme Court”,
- (b) in subsection (2)(b), by the substitution of “judge of the Supreme Court, the Court of Appeal” for “judge of the Supreme Court”,
- (c) in subsection (2)(c), by the substitution of “judge of the Supreme Court, the Court of Appeal” for “judge of the Supreme Court”,
- (d) by the substitution of the following subsection for subsection (3):

“(3) An ordinary judge of the Supreme Court shall be qualified for appointment as President of the High Court, President of the Court of Appeal or as Chief Justice.”,

- (e) by the substitution of the following subsection for subsection (4):

“(4) The President of the Court of Appeal shall be qualified for appointment as an ordinary judge of the Supreme Court or as Chief Justice.”,

- (f) by the substitution of the following subsection for subsection (5):

“(5) An ordinary judge of the Court of Appeal shall be qualified for appointment as an ordinary judge of the Supreme Court or as President of the High Court, President of the Court of Appeal or as Chief Justice.”,

and

- (g) by the insertion of the following subsections after subsection (5):

“(6) The President of the High Court shall be qualified for appointment as an ordinary judge of the Court of Appeal or of the Supreme Court or as President of the Court of Appeal or Chief Justice.

(7) An ordinary judge of the High Court shall be qualified for appointment as an ordinary judge of the Court of Appeal or of the Supreme Court or as President of the High Court, President of the Court of Appeal or Chief Justice.”.

Amendment of Act of 1995

12. The Act of 1995 is amended—

- (a) in section 12—

- (i) by the designation of that section as subsection (1),
- (ii) by the insertion of the following definition after the definition of “the Board”:

“ ‘the establishment day’ has the same meaning as it has in *section 2 of the Court of Appeal Act 2014*;”,

- (iii) by the substitution of the following definition for the definition of “judicial office”:

“ ‘judicial office’ means an office being the office of ordinary judge of the Supreme Court, ordinary judge of the Court of Appeal, ordinary judge of the High Court, ordinary judge of the Circuit Court, specialist judge of the Circuit Court, or judge of the District Court (other than the President of the District Court).”

and

- (iv) by the insertion of the following subsection after subsection (1):

“(2) The office of ordinary judge of the Court of Appeal referred to in the definition of ‘judicial office’ shall, on the commencement of *section 12(a)* of the *Court of Appeal Act 2014*, be deemed to be a judicial office and have effect accordingly for the purposes of this Part irrespective of whether *section 12(a)* of that Act is commenced before the establishment day.”

- (b) in section 13(2)(a), by the insertion of the following subparagraph after subparagraph (i):

“(ia) the President of the Court of Appeal,”

- (c) in section 15, by the insertion of the following subsection after subsection (1):

“(1A) On the death or retirement of the President of the Court of Appeal, the senior ordinary judge of the Court of Appeal who is for the time being available shall be a member of the Board until the appointment of a President of the Court of Appeal.”

and

- (d) in section 16(7) (amended by section 192 of the Personal Insolvency Act 2012)—

- (i) in paragraph (a), by the substitution of the following subparagraph for subparagraph (i):

“(i) subsection (2) of section 5 (amended by *section 11* of the *Court of Appeal Act 2014*) of the Act of 1961 (in the case of an appointment to the office of ordinary judge of the Supreme Court, of ordinary judge of the Court of Appeal or of ordinary judge of the High Court),”

- (ii) by the substitution of the following paragraph for paragraph (b):

“(b) (i) The Board shall recommend a person to the Minister under this section only if the Board is of the opinion that the person—

(I) has displayed in his or her practice as a barrister or a solicitor a degree of competence and a degree of probity appropriate to and consistent with the appointment concerned,

- (II) in the case of an appointment to the office of ordinary judge of the Supreme Court, of ordinary judge of the Court of Appeal or of ordinary judge of the High Court, has an appropriate knowledge of the decisions, and an appropriate knowledge and appropriate experience of the practice and procedure, of the Supreme Court, the Court of Appeal and the High Court,
 - (III) is suitable on the grounds of character and temperament,
 - (IV) complies with the requirements of section 19 of this Act, and
 - (V) is otherwise suitable.
- (ii) In determining whether the requirements of subparagraph (i)(II) are satisfied, the Board shall have regard, in particular, to the nature and extent of the practice of the person concerned insofar as it relates to his or her personal conduct of proceedings in the Supreme Court, the Court of Appeal and the High Court whether as an advocate or as a solicitor instructing counsel in such proceedings or both.”,

and

- (iii) by the insertion of the following paragraph after paragraph (b):

“(c) Paragraph (b)(i)(II), in so far as it relates to knowledge of decisions of, and practice and procedure of, the Court of Appeal, shall not apply in relation to the first appointment of the judges of the Court of Appeal.”.

Advice on appointment to judicial office

- 13.** The Act of 1995 is amended by the substitution of the following section for section 17 (amended by section 9 of the Courts and Court Officers Act 2002):

“17. Where the Government proposes to advise the President to appoint to judicial office a person who is for the time being—

- (a) a judge of the Court of Appeal,
- (b) a judge of the High Court,
- (c) a judge or a specialist judge of the Circuit Court, or
- (d) a judge of the District Court,

or who is eligible for appointment to the Supreme Court, the Court of Appeal or the High Court under section 5(2)(b) (amended by *section 11* of the *Court of Appeal Act 2014*) of the Act of 1961, the provisions of section 16 of this Act shall not apply.”.

CHAPTER 3

*Remuneration of Judges, etc.***Amendment of section 46 of Act of 1961**

14. (1) Section 46 of the Act of 1961 is amended—

(a) in subsection (4), by the substitution of—

(i) the following paragraph for paragraph (a):

“(a) the remuneration payable under this Act to a judge of the Supreme Court, the Court of Appeal, the High Court, the Circuit Court or the District Court, and”,

and

(ii) the following paragraph for paragraph (b):

“(b) the pension payable under this Act to a judge of the Supreme Court, the Court of Appeal, the High Court, the Circuit Court or the District Court, and”,

(b) in subsection (9A) (inserted by section 10 of the Financial Emergency Measures in the Public Interest (Amendment) Act 2011)—

(i) by the substitution of “Subject to subsection (9B), the annual sums payable by way of remuneration to the several judges of the Supreme Court, the Court of Appeal, the High Court, the Circuit Court and the District Court who are appointed to any of those judicial offices on or after the commencement of section 10 of the Financial Emergency Measures in the Public Interest (Amendment) Act 2011 shall be the following, namely” for “Subject to subsection (9B), the annual sums payable by way of remuneration to the several judges of the Supreme Court, the High Court, the Circuit Court and the District Court who are appointed to any of those judicial offices on or after the commencement of section 10 of the Financial Emergency Measures in the Public Interest (Amendment) Act 2011 shall be the following, namely”,

(ii) by the insertion of the following paragraph after paragraph (a):

“(aa) to the President of the Court of Appeal, the sum of €200,000,”,

and

(iii) by the insertion of the following paragraph after paragraph (c):

“(cc) to each ordinary judge of the Court of Appeal, the sum of €177,803,”,

and

- (c) in subsection (9C)(a) (inserted by section 10 of the Financial Emergency Measures in the Public Interest (Amendment) Act 2011), by the insertion of “the Court of Appeal,” after “Supreme Court,”.

Amendment of Courts of Justice and Court Officers (Superannuation) Act 1961

15. The Courts of Justice and Court Officers (Superannuation) Act 1961 is amended—

- (a) in section 2—
- (i) in subsection (1)(a), by the substitution of “Supreme Court, the Court of Appeal,” for “Supreme Court,”,
 - (ii) in subsection (2A)(a), by the substitution of “Supreme Court, the Court of Appeal” for “Supreme Court,”,
 - (iii) in subsection (3), by the substitution of “Supreme Court, the Court of Appeal,” for “Supreme Court,”, and
 - (iv) in subsection (4), by the substitution of “Supreme Court, the Court of Appeal,” for “Supreme Court,”,
- (b) in section 7(2)(a), by the substitution of “Supreme Court, the Court of Appeal” for “Supreme Court”, and
- (c) in section 8, by the substitution of “Supreme Court, the Court of Appeal,” for “Supreme Court,”.

Pensions of Supreme Court, Court of Appeal and High Court judges

16. The Act of 1961 is amended by the substitution of the following section for section 6:

- “6. (1) Subject to Chapter 2 of Part 2 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012, the provisions set out in Part I of the Second Schedule to this Act shall apply to the pensions of judges of the Supreme Court, Court of Appeal and High Court.
- (2) Where a judge of the Supreme Court, Court of Appeal or High Court is removed from office on account of incapacity, he or she shall be deemed for the purpose of pension to have vacated his or her office owing to permanent infirmity.”.

Amendment of Courts (Supplemental Provisions) (Amendment) Act 1991

17. The Courts (Supplemental Provisions) (Amendment) Act 1991 is amended—

- (a) in section 1—
- (i) in the definition of “judge”, by the substitution of “the Supreme Court, a judge of the Court of Appeal,” for “the Supreme Court,”,
 - (ii) in paragraph (a) of the definition of “service”, by the substitution of “the Supreme Court, the Court of Appeal,” for “the Supreme Court,”,

- (b) in section 2(a), by the substitution of “the Supreme Court, Court of Appeal” for “the Supreme Court”, and
- (c) in section 6(6), in paragraph (a) of the definition of “appropriate age”, by the substitution of “the Supreme Court, the Court of Appeal,” for “the Supreme Court,”.

Retirement age of judge of Court of Appeal

18. The Act of 1995 is amended by the insertion of the following section after section 47:

“**47A.**(1) Subject to subsection (2), the age of retirement of a judge of the Court of Appeal shall be 70 years.

(2) Where—

- (a) immediately before the commencement of this section (inserted by *section 18* of the *Court of Appeal Act 2014*), a person holds office referred to in section 47(2) or (3), and
 - (b) the person is, on or after such commencement, appointed to be a judge of the Court of Appeal,
- the age of retirement of that person shall be 72 years.”.

CHAPTER 4

President of Court of Appeal

President of Court of Appeal

19. The Act of 1961 is amended by the insertion of the following section after section 7C (inserted by *section 10* of the *Court of Appeal Act 2014*):

“**7D.** It shall be a function of the President of the Court of Appeal to arrange the distribution and allocation of the business of the Court of Appeal including the arrangement of the divisions of the Court referred to in section 7A(5) and the convening and dissolution of such divisions.”.

Amendment of section 35 of Act of 1936

20. Section 35 (amended by section 64 of the Civil Law (Miscellaneous Provisions) Act 2011) of the Act of 1936 is amended by—

(a) the insertion of the following subsection after subsection (1):

“(1A) The President of the Court of Appeal, shall, after consultation with the President of the High Court, if and when he or she thinks proper, travel and sit as a judge of the High Court on Circuit and every other judge of the Court of Appeal shall travel and sit as a judge of the High Court on Circuit when requested by the President of the Court of Appeal to

do so, and every such other judge when so travelling and sitting shall be an additional judge of the High Court.”,

- (b) in subsection (2), by the substitution of “The Chief Justice shall, after consultation with the President of the High Court, if and when he or she thinks proper” for “The Chief Justice shall, if and when he or she thinks proper”, and
- (c) the insertion of the following subsection after subsection (3):

“(3A) The President of the Court of Appeal, after such consultations as he or she thinks proper with the judges concerned, shall determine, in respect of every sitting of the High Court on Circuit, the several judges of the Court of Appeal who shall be requested to travel and sit for the purposes of such sittings and the particular judge or judges who shall so travel and sit on each High Court on Circuit, and the President of the Court of Appeal may alter or vary any such determination.”.

CHAPTER 5

Rules etc.

Amendment of section 36 of Act of 1924

21. Section 36 of the Act of 1924 is amended by—

- (a) the designation of that section as subsection (1), and
- (b) the insertion of the following subsection after subsection (1):

“(2) In this Act, a reference to Part 1 includes a reference to—

- (a) Article 64 of the Constitution, and
- (b) the *Court of Appeal Act 2014*.”.

Amendment of section 67 of Act of 1936

22. Section 67 (amended by section 20 of the Civil Law (Miscellaneous Provisions) Act 2008) of the Courts of Justice Act 1936 is amended—

- (a) by the substitution of the following subsection for subsection (2):

“(2) The Superior Courts Rules Committee (‘the Committee’) shall consist of 7 *ex officio* members and 10 nominated members.”,

- (b) in subsection (3)—

- (i) by the insertion of the following paragraph after paragraph (a):

“(aa) the President of the Court of Appeal, who shall be the vice-chairperson of the Committee,”,

and

- (ii) by the substitution of the following paragraph for paragraph (b):

- “(b) the President of the High Court,”
- (c) in subsection (4), by the insertion of the following paragraph after paragraph (a):
- “(aa) 2 shall be ordinary judges of the Court of Appeal nominated by the President of the Court of Appeal;”,
- (d) by the substitution of the following subsection for subsection (7):
- “(7) The quorum of the Committee shall be 7 members.”,
- and
- (e) in subsection (9), by the insertion of the following paragraph after paragraph (a):
- “(aa) in the case of the President of the Court of Appeal, an ordinary judge of the Court of Appeal.”.

Amendment of section 14 of Act of 1961

23. Section 14 of the Act of 1961 is amended—

- (a) by the insertion of the following subsection after subsection (2):
- “(2A) The jurisdiction which is vested in or exercisable by the Court of Appeal and the President of the Court of Appeal respectively shall be exercised so far as regards pleading, practice and procedure generally, including liability to costs, in the manner provided by rules of court, and, where no provision is contained in such rules and so long as there is no rule with reference thereto, it shall be exercised as nearly as possible in the same manner as it might have been exercised by the respective courts or judges by which or by whom such jurisdiction was, immediately before the establishment day (within the meaning of *section 2* of the *Act of 2014*), respectively exercisable.”,
- and
- (b) by the substitution of the following subsection for subsection (3):
- “(3) Rules of court may, in relation to proceedings and matters (not being criminal proceedings or matters or matters relating to the liberty of the person) in the High Court, the Court of Appeal and Supreme Court, authorise the Master of the High Court and other principal officers, within the meaning of the *Court Officers Acts 1926 to 2014* to exercise functions, powers and jurisdiction in uncontested cases and to take accounts, conduct inquiries and make orders of an interlocutory nature.”.

CHAPTER 6

*Office of Registrar of Court of Appeal***Office of Registrar of Court of Appeal and Registrar of Court of Appeal**

24. The Court Officers Act 1926 is amended by the insertion of the following section after section 20 (amended by section 3 of the Act of 1961):

“20A.(1) As soon as may be after the establishment day, there shall be, and be attached to the Court of Appeal—

(a) an office which shall be known as the Office of the Registrar of the Court of Appeal, and

(b) a registrar who shall be known as the Registrar of the Court of Appeal.

(2) The Office of the Registrar of the Court of Appeal shall be under the management of the Registrar of the Court of Appeal and there shall be transacted in that Office all the business of the Court of Appeal (except such business as is for the time being required by law to be transacted by or before one or more of the judges of that Court).

(3) The Registrar of the Court of Appeal shall have the superintendence and control of the Office of the Registrar of the Court of Appeal but shall in the exercise of such superintendence and control be subject to the general direction of the Courts Service in regard to all matters of general administration and to the directions of the President of the Court of Appeal in regard to all matters relating to the conduct of that part of the business of the Court of Appeal which is for the time being required by law to be transacted by or before one or more of the judges of that Court.

(4) In addition to the superintendence and control referred to in subsection (3), the Registrar of the Court of Appeal shall act as registrar to that Court and shall perform and fulfill in relation to that Court all such duties and functions as are usually performed and fulfilled by the registrar of a court and shall also have and exercise such powers and authorities and perform and fulfill such duties and functions as shall from time to time be assigned to him or her by any enactment or rule of court.

(5) In this section ‘the establishment day’ has the same meaning as it has in *section 2* of the *Court of Appeal Act 2014*.”.

Deputies for principal officers - office of Registrar of Court of Appeal

25. The Court Officers Act 1926 is amended by the insertion of the following section after section 28:

“28A. The Courts Service may nominate one of the officers for the time being

serving in the Office of the Registrar of the Court of Appeal to be the deputy for the principal officer having under this Act the management of such office, and every officer so nominated shall, during every temporary absence and every temporary incapacity through illness of such principal officer and every occasion on which the office of the Registrar is vacant occurring while such nomination remains unrevoked, have and exercise the powers and authorities and perform and fulfil the duties and functions for the time being vested by law in such principal officer.”.

Amendment of section 55 of Act of 1961

26. Section 55 of the Act of 1961 is amended by the substitution of the following subsection for subsection (1):

“(1) The provisions set out in the Eighth Schedule (amended by *section 44* of the *Act of 2014*) shall apply in relation to offices and officers to be attached to the High Court, the Court of Appeal, the Supreme Court and the President of the High Court respectively.”.

Amendment of section 9 of Court Officers Act 1945

27. Section 9 of the Court Officers Act 1945 is amended by the substitution of the following subsection for subsection (2):

“(2) The power conferred on the Courts Service by subsection (1) shall—

- (a) where the officer required to perform the duties of another office is attached to the Supreme Court, be exercised only after consultation with the Chief Justice,
- (b) where such officer is attached to the Court of Appeal, be exercised only after consultation with the President of the Court of Appeal, and
- (c) where such officer is attached to the High Court, be exercised only after consultation with the President of the High Court.”.

CHAPTER 7

General

Precedence between judges of Supreme Court, Court of Appeal and High Court

28. The Act of 1924 is amended by the substitution of the following section for section 9:

“**9.** The precedence between judges shall be as follows:

- (a) the Chief Justice shall rank first;
- (b) the President of the Court of Appeal shall rank after the Chief Justice;

- (c) the President of the High Court shall rank after the President of the Court of Appeal;
- (d) then shall rank the judges of the Supreme Court who are former Chief Justices each accordingly to priority of his or her appointment as Chief Justice;
- (e) next shall rank the other judges of the Supreme Court, other than the *ex officio* judges of that Court to whom paragraphs (f) and (g) relate, each according to priority of his or her first appointment as an ordinary judge of the Supreme Court;
- (f) then shall rank the judges of the Court of Appeal who are *ex officio* judges of the Supreme Court (being former Presidents of the Court of Appeal or of the High Court) each according to priority of his or her appointment as President of the Court of Appeal or of the High Court respectively;
- (g) next shall rank the judges of the High Court who are *ex officio* judges of the Supreme Court (being former Presidents of the High Court), each according to priority of his or her appointment as President of the High Court;
- (h) then shall rank the other judges of the Court of Appeal each according to priority of his or her first appointment as an ordinary judge of that Court;
- (i) next shall rank the other judges of the High Court, other than the *ex officio* judges of that Court to whom paragraph (j) or (k) relate, each according to priority of his or her first appointment as an ordinary judge of the High Court;
- (j) then shall rank the President of the Circuit Court by virtue of being an additional judge of the High Court;
- (k) next shall rank the other judges of the Circuit Court who are *ex officio* judges of the High Court (being former Presidents of the Circuit Court to whom section 7(3) of the Courts (No. 2) Act 1997 relates) each according to the priority of his or her appointment as President of the Circuit Court.”.

Mode of address

29. The Act of 1924 is amended by the substitution of the following section for section 10:

“**10.** The judges of the Supreme Court, the Court of Appeal and the High Court shall be addressed in the manner to be determined by rules to be made under this Part of this Act, and shall have in all respects, save as in this Act is otherwise expressly provided, equal power, authority and jurisdiction one with another.”.

References to senior ordinary judge

30. The Courts (No. 2) Act 1997 is amended by the substitution of the following section for section 11:

“**11.** References in any enactment, howsoever expressed, to the senior ordinary judge of the Supreme Court, to the senior ordinary judge of the Court of Appeal or to the senior ordinary judge of the High Court shall be construed—

- (a) in the case of the Supreme Court, by reference to the order of precedence of judges of that Court contained in paragraphs (d) and (e) of section 9 of the Courts of Justice Act 1924,
- (b) in the case of the Court of Appeal, by reference to the order of precedence of judges of that Court contained in paragraphs (f) and (h) of section 9 of the Courts of Justice Act 1924, and
- (c) in the case of the High Court, by reference to the order of precedence of judges of that Court contained in paragraphs (g) and (i) of section 9 of the Courts of Justice Act 1924.”.

Further amendment of Courts (No. 2) Act 1997

31. The Courts (No. 2) Act 1997 is amended—

- (a) in section 1, in the definition of “presiding judge”, by the insertion of the following paragraph after paragraph (a):
 - “(aa) in the case of the Court of Appeal, the judge of that Court who is also the President of the Court of Appeal;”,
- (b) in section 4(1), by the substitution of “presiding judge of the Supreme Court, Court of Appeal, High Court” for “presiding judge of the Supreme Court, High Court”,
- (c) in section 5—
 - (i) in subsection (1)(a), by the substitution of “Supreme Court, the Court of Appeal, the High Court,” for “Supreme Court, the High Court,”, and
 - (ii) by the insertion of the following subsection after subsection (2):
 - “(2A) Notwithstanding section 1A (inserted by *section 6* of the *Court of Appeal Act 2014*) of the Courts (Establishment and Constitution) Act 1961, the number of judges of the Court of Appeal provided for by that section may, subject to section 6, be exceeded by one in each case where a former President of the Court of Appeal serves as a judge of the Court of Appeal by virtue of being a former President of the Court of Appeal to whom section 4(2) relates.”,
- (d) in section 6, by the insertion of the following subsection after subsection (1):

“(1A) In respect of each former President of the Court of Appeal who is still serving as a judge of the Court of Appeal and to whom section 4(2) relates, a vacancy which, but for the application of this subsection to such judge, could be filled in the number of ordinary judges of that Court—

- (a) at the time when he or she ceases to be the President of the Court of Appeal, or
- (b) where there is no such vacancy at that time, such a vacancy as next arises or, where appropriate, such a vacancy as next arises after this subsection has been applied to any other preceding former President of the Court of Appeal so serving,

shall not be filled until that former President of the Court of Appeal has ceased to be a judge of the Court of Appeal to whom section 4(2) relates.”,

and

(e) in section 7—

- (i) in subsection (1), by the substitution of “an additional judge of the Court of Appeal or of the High Court” for “an additional judge of the High Court”,
- (ii) by the insertion of the following subsection after subsection (1):

“(1A) Nothing in this Act shall be construed as affecting a former President of the Court of Appeal who serves as a judge of the Court of Appeal to whom section 4(2) relates from continuing to be *ex officio* an additional judge of the Supreme Court or of the High Court.”,

and

- (iii) in subsection (2), by the insertion of “an additional judge of the Court of Appeal or of the Supreme Court” for “an additional judge of the Supreme Court”.

Amendment of section 2 of Courts (Establishment and Constitution) Act 1961

32. Section 2 of the Courts (Establishment and Constitution) Act 1961 is amended by the substitution of the following subsection for subsection (5):

“(5) (a) Where, owing to the illness of a judge of the High Court or for any other reason, a sufficient number of judges of the High Court is not available for the transaction of the business of that Court or, on account of the volume of business to be transacted in the High Court or for any other reason arising from the state of business in that Court, it is expedient to increase temporarily the number of judges available for the purposes of the High Court—

- (i) the Chief Justice, at the request of the President of the High Court, may request any ordinary judge of the Supreme Court to sit in the High Court as an additional judge thereof, or
 - (ii) the President of the Court of Appeal, at the request of the President of the High Court, may request any ordinary judge of the Court of Appeal to sit in the High Court as an additional judge thereof,
- and every ordinary judge of the Supreme Court or of the Court of Appeal, as the case may be, so requested shall sit in the High Court.
- (b) Whenever an ordinary judge of the Supreme Court or the Court of Appeal sits in the High Court in pursuance of this subsection, he or she shall be an additional judge of the High Court for all the purposes of that Court.”.

Amendment of section 18 of Courts Act 1981

33. Section 18 of the Courts Act 1981 is amended—

- (a) in subsection (1), by the substitution of the following paragraph for paragraph (a):

“(a) If, during any period, the Chief Justice is unable owing to illness or for any other reason to transact the business of his or her office or the office of Chief Justice is vacant, all jurisdictions, powers, authorities and functions for the time being vested in him or her by virtue of his or her office, other than the power of determination specified in section 7(4) (amended by *section 44* of the *Court of Appeal Act 2014*) of the Courts (Supplemental Provisions) Act 1961, shall be exercised or performed by—

- (i) the President of the Court of Appeal, or
- (ii) if the President of the Court of Appeal is unable owing to illness or for any other reason to exercise or perform the said jurisdictions, powers, authorities and functions, or if there is a vacancy in the office of the President of the Court of Appeal, by the President of the High Court, or
- (iii) if the President of the High Court is unable owing to illness or for any other reason to exercise or perform the said jurisdictions, powers, authorities and functions, or if there is a vacancy in the office of the President of the High Court, by the senior ordinary judge of the Supreme Court who is for the time being available.”,

and

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

“(1A) If, during any period, the President of the Court of Appeal is unable owing to illness or for any other reason to transact the business of his or her office or the office of the President of the Court of Appeal is vacant, all jurisdictions, powers, authorities and functions for the time being vested in him or her by virtue of his or her office, other than those conferred on him or her by subsection (1)(a), shall be exercised or performed by the President of the High Court or, if the President of the High Court is unable owing to illness or for any other reason to exercise or perform the said jurisdictions, powers, authorities and functions, or if there is a vacancy in the office of the President of the High Court, by the senior ordinary judge of the Court of Appeal who is for the time being available.”.

Completion of partly heard cases by judge appointed to higher court

34. The Courts (Establishment and Constitution) Act 1961 is amended by the substitution of the following section for section 6A (amended by section 187 of the Personal Insolvency Act 2012):

“**6A.** (1) Where a judicial office within the meaning of section 6 of this Act is vacated by a person in accordance with subsection (3) of that section, the person shall complete the hearing and pronounce judgment in respect of any case or cases that have been partly heard by the person in the Court in which the judicial office is vacated if, at the request of the President of that Court—

(a) in case the person is appointed to the office of Chief Justice, President of the Court of Appeal, President of the High Court or President of the Circuit Court, he or she considers it appropriate to do so, or

(b) in case the person is appointed to the office of—

(i) ordinary judge of the Supreme Court, the Chief Justice requests the person to do so,

(ia) ordinary judge of the Court of Appeal, the President of the Court of Appeal requests the person to do so,

(ii) ordinary judge of the High Court, the President of the High Court requests the person to do so, or

(iii) ordinary judge of the Circuit Court or specialist judge of the Circuit Court, the President of the Circuit Court requests the person to do so.

(2) Whenever a judge sits in a court in pursuance of this section, he or she shall be an additional judge of the Court concerned for all the purposes of that Court.”.

PART 3

AMENDMENTS OF OTHER ACTS

Amendment of section 24 of Act of 1924

35. Section 24 of the Act of 1924 is amended by the substitution of “the Supreme Court, the Court of Appeal and the High Court” for “the High Court and the Supreme Court”.

Amendment of Court Officers Act 1926

36. The Court Officers Act 1926 is amended—

- (a) in section 17, by the deletion of “and also the business of the Court of Criminal Appeal (except such business as is for the time being required by law to be transacted by or before one or more judges of that Court)”, and
- (b) in section 18—
 - (i) in subsection (1)—
 - (I) by the deletion of “and the Court of Criminal Appeal respectively”, and
 - (II) by the substitution of “that Court” for “those courts respectively”,and
 - (ii) in subsection (2)—
 - (I) by the deletion of “and also as Registrar to the Court of Criminal Appeal”, and
 - (II) by the substitution of “that Court” for “those Courts”.

Amendment of section 8 of Offences Against the State (Amendment) Act 1940

37. Section 8 of the Offences Against the State (Amendment) Act 1940 is amended in subsection (2)(b), by the insertion of “the Court of Appeal,” after “Supreme Court,”.

Amendment of section 57E of Central Bank Act 1942

38. The Central Bank Act 1942 is amended, in section 57E (inserted by section 28 of the Central Bank and Financial Services Authority of Ireland Act 2003) by the substitution, in subsection (1), of the following paragraph for paragraph (a):

“(a) a former judge of the Supreme Court, the Court of Appeal or the High Court, or”.

Amendment of section 2 of Irish Legal Terms Act 1945

39. Section 2 of the Irish Legal Terms Act 1945 is amended—

- (a) in subsection (2)(a), by the insertion of “, the Court of Appeal” after “the Supreme Court”,

- (b) in subsection (3), by the insertion of “, the Court of Appeal” after “the Supreme Court”, and
- (c) in subsection (5), by the insertion of “, the Court of Appeal” after “the Supreme Court”.

Amendment of section 12 of Seanad Electoral (Panel Members) Act 1947

40. Section 12 of the Seanad Electoral (Panel Members) Act 1947 is amended, in subsection (2)(a), by the insertion of “, the Court of Appeal” after “the Supreme Court”.

Amendment of section 5 of Courts of Justice Act 1953

41. Section 5 of the Courts of Justice Act 1953 is amended, in subsection (1)—
- (a) by the insertion of “the Court of Appeal,” after “a judge of the Supreme Court,”, and
 - (b) by the substitution of “or a judge or a specialist judge of the Circuit Court” for “or the Circuit Court”.

Amendment of section 50 of Greyhound Industry Act 1958

42. Section 50 of the Greyhound Industry Act 1958 is amended, in subsection (2)(a), by the insertion of “Court of Appeal,” after “Supreme Court,”.

Amendment of Courts (Establishment and Constitution) Act 1961

43. The Courts (Establishment and Constitution) Act 1961 is amended—
- (a) in section 1(4), by the insertion of “or the Court of Appeal,” after “the High Court”, and
 - (b) in section 6—
 - (i) in subsection (1)(a)—
 - (I) by the insertion of “President of the Court of Appeal,” after “Chief Justice,”, and
 - (II) by the insertion of “ordinary judge of the Court of Appeal,” after “ordinary judge of the Supreme Court,”,
 - and
 - (ii) in subsection (5), by the insertion of “the Court of Appeal” after “the Supreme Court,”.

Amendment of Act of 1961

44. The Act of 1961 is amended—
- (a) in section 7—

- (i) by the insertion of the following subsection after subsection (3):
- “(3A) Without prejudice to the generality of subsection (3), an interlocutory application relating to an appeal before the Supreme Court or, unless the appeal itself is confined to a procedural matter, any procedural application or motion in the matter, may be heard and determined by—
- (a) the Chief Justice sitting alone, or
- (b) any other judge of the Supreme Court sitting alone as may be nominated for that purpose by the Chief Justice.”,
- (ii) in subsection (4), by the insertion of “or subsection (4) of section 1A” after “section 1”,
- (iii) in subsection (5), by the insertion of “or subsection (4) of section 1A” after “section 1”,
- (iv) by the insertion of the following subsections after subsection (5):
- “(6) In the interests of the administration of justice and the determination of proceedings in a manner which is just, expeditious and likely to minimise the cost of those proceedings—
- (a) the Chief Justice sitting alone, or
- (b) any other judge of the Supreme Court sitting alone as may be nominated for that purpose by the Chief Justice,
- may, subject to any practice direction issued under subsection (7), make any order, or give any direction he or she thinks appropriate in relation to the conduct of proceedings before the Supreme Court.
- (7) In the interests of the administration of justice and the determination of proceedings in a manner which is just, expeditious and likely to minimise the cost of those proceedings and, without prejudice to the generality of Article 64 of the Constitution and the powers of the Supreme Court in that regard, the Chief Justice may issue directions (in this section referred to as ‘practice directions’) in relation to the conduct of appeals or applications made to the Supreme Court.
- (8) A practice direction may relate to—
- (a) civil or criminal proceedings, or both, or
- (b) a class or classes of civil or criminal proceedings, or both,
- and may make provision for such incidental, supplementary and consequential matters, including in respect of a failure to comply with any matter provided for in a practice direction as appear to the Chief Justice to be necessary or expedient for the purposes of the direction.
- (9) A practice direction under this section shall be published in such manner as the Chief Justice may direct.

- (10) Subject to subsection (11), the following applications may be determined by the Supreme Court otherwise than with an oral hearing:
- (a) an application seeking leave to appeal against a decision of the Court of Appeal or the High Court, as the case may be, (in this section referred to as ‘leave to appeal’);
 - (b) an application referred to in Article 64.3.3° of the Constitution;
 - (c) an application referred to in Article 64.4.1° of the Constitution.
- (11) Where the Supreme Court considers it appropriate to do, having considered the documents lodged in respect of an application referred to in subsection (10), it may direct that the application, or any matter arising on the application, be determined with an oral hearing.
- (12) Where the Supreme Court directs under subsection (11) that an application be determined with an oral hearing, the direction shall be published in such manner as the Chief Justice shall direct.
- (13) Subject to subsections (14) and (15), the determination of an application referred to in subsection (10) shall be published in such form and manner as the Chief Justice shall direct.
- (14) Leave to appeal shall be granted by way of a certificate of the Supreme Court specifying the ground or grounds on which such appeal may be brought.
- (15) Where the Supreme Court determines an application referred to in subsection (10), the Court shall state its reasons for the determination and such reasons may be stated briefly and in general terms.
- (16) Where, upon application to it in that behalf by any party to an appeal against a decision of the High Court, the Supreme Court grants leave to appeal against the decision of the High Court, such grant of leave to appeal shall operate—
- (a) where an appeal has also been made to the Court of Appeal, to discontinue the appeal proceedings before the Court of Appeal in respect of the grounds on which the Supreme Court has granted leave to appeal, or
 - (b) where no appeal has, at the time of the grant of the leave to appeal, been made to the Court of Appeal, to preclude such an appeal being made to the Court of Appeal on those grounds.
- (17) Subsections (6) to (16) are without prejudice to any powers of the Supreme Court in respect of proceedings before it.
- (18) In this section—
- (a) ‘appeal’ includes a cross-appeal or request to vary an order under appeal,

‘party’ includes a notice party or a party permitted by the Supreme Court to intervene in proceedings,

- (b) a reference to an ‘interlocutory application’ includes a reference to an application which may be made under any enactment to the Supreme Court in criminal proceedings concerning the grant of a certificate of entitlement to legal aid.”,
- (b) in section 54, in paragraph (a), by the insertion of “, the Court of Appeal” after “the Supreme Court”, and
- (c) in the Eighth Schedule—

- (i) by the substitution of the following paragraph for paragraph 2:

“Offices attached to the High Court, Court of Appeal, the Supreme Court and the President of the High Court

2. There shall become and be attached to the High Court, the Court of Appeal, the Supreme Court and the President of the High Court respectively the following offices—

To the High Court,

The Central Office,

The Taxing-Masters’ Office,

The Probate Office,

Two Examiners’ Offices or the Examiners’ Office,

The Accountant’s Office;

To the Court of Appeal,

The Office of the Register of the Court of Appeal;

To the Supreme Court,

The Office of the Registrar of the Supreme Court;

To the President of the High Court,

The Office of Wards of Court.”,

- (ii) by the substitution of the following paragraph for paragraph 3:

“Officers attached to the High Court, the Court of Appeal, the Supreme Court and the President of the High Court.

3. There shall become and be attached to the High Court, the Court of Appeal, the Supreme Court and the President of the High Court respectively the following officers (each of whom shall be a principal officer within the meaning of Part I of the Act of 1926)—

To the High Court,

The Master of the High Court,

Two Taxing-Masters,
 The Probate Officer,
 Two Examiners or the Examiner,
 The Accountant;
To the Court of Appeal,
 The Registrar of the Court of Appeal;
To the Supreme Court,
 The Registrar of the Supreme Court;
To the President of the High Court,
 The Registrar of Wards of Court.”,

and

(iii) by the substitution of the following for paragraph 22:

“22. (1) In addition to the principal officers there shall be employed in the several offices mentioned in paragraph 2 of this Schedule such and so many officers, clerks, messengers, criers and servants as the Courts Service shall from time to time determine with the sanction of the Minister for Public Expenditure and Reform and after consultation with the President of the High Court in the case of an office attached to the High Court or in the case of the Office of Wards of Court, with the President of the Court of Appeal in the case of the Office of the Registrar of the Court of Appeal and with the Chief Justice in the case of the Office of the Registrar of the Supreme Court.

(2) All officers (other than the principal officers), clerks, messengers, criers and servants employed in any of the offices mentioned in paragraph 2 of this Schedule shall be interchangeable amongst such offices and shall be liable to serve in any of those offices as the Courts Service shall from time to time direct after consultation with the President of the High Court in the case of an office attached to the High Court or in the case of the Office of Wards of Court, with the President of the Court of Appeal in the case of the Office of Registrar of the Court of Appeal and with the Chief Justice in the case of the Office of the Registrar of the Supreme Court.”.

Amendment of Criminal Justice (Legal Aid) Act 1962

45. The Criminal Justice (Legal Aid) Act 1962 is amended—

(a) by the insertion of the following section after section 5:

“Legal aid (case stated appeal) certificate**5A. (1) Where—**

- (a) a person is charged with an offence,
- (b) an appeal is brought to the Court of Appeal from a determination of the High Court on a case stated by a judge in relation to the proceedings in the District Court in regard to the offence or in relation to a question of law arising in those proceedings, and
- (c) a certificate for free legal aid (in this Act referred to as a ‘legal aid (case stated appeal) certificate’) is granted in respect of the person charged with the offence to which the appeal relates by the High Court or under subsection (3) of this section,

the person shall be entitled to free legal aid in the preparation and conduct of his or her case in relation to the appeal and to have a solicitor and counsel assigned to him or her for that purpose in such manner as may be prescribed by regulations under section 10 of this Act.

- (2) A legal aid (case stated appeal) certificate shall be granted if (but only if)—
 - (a) application is made therefor, and
 - (b) it appears to the High Court that—
 - (i) the means of the person charged with the offence are insufficient to enable him or her to obtain legal aid, and
 - (ii) by reason of the serious nature of the offence with which the person is charged or of exceptional circumstances, it is essential in the interests of justice that a legal aid (case stated appeal) certificate should be granted in respect of the person.
- (3) Where a person is refused a legal aid (case stated appeal) certificate, he or she may apply for the certificate to the Court of Appeal either—
 - (a) by letter addressed to the Registrar of the Court of Appeal setting out the facts of the case and the grounds of the application, or
 - (b) to the Court of Appeal itself,and the Court shall grant the certificate if (but only if) it appears to the Court that—
 - (i) the means of the person are insufficient to enable him or her to obtain legal aid, and
 - (ii) by reason of the serious nature of the offence with which the person is charged or of exceptional circumstances, it is essential in the interests of justice that a legal aid (case stated appeal) certificate should be granted in respect of the person.”,

(b) in section 6—

(i) by the substitution, in subsection (1), of the following paragraph for paragraph (b):

“(b) an appeal is brought to the Supreme Court from—

- (i) a determination of the Court of Criminal Appeal, Court of Appeal or the Central Criminal Court in relation to the offence or the penalty (if any) imposed in respect thereof,
- (ii) a determination of the Court of Appeal on a case stated by the Circuit Court in relation to the proceedings in the Circuit Court in regard to the offence or in relation to a question of law arising in those proceedings,
- (iii) a determination of the High Court on a case stated by a judge in relation to the proceedings in the District Court in regard to the offence or in relation to a question of law arising in those proceedings, or
- (iv) a determination of the Court of Appeal on appeal from a determination of the High Court referred to in subparagraph (iii), and”

(ii) by the substitution of the following subsection for subsection (2):

“(2) A legal aid (Supreme Court) certificate shall be granted if (but only if)—

- (a) application is made therefor,
- (b) it appears to the Court of Criminal Appeal, Court of Appeal or the High Court (as the case may be) that the means of the person charged with the offence are insufficient to enable him to obtain legal aid,
- (c) in the case of an appeal from—
 - (i) a determination of the Court of Appeal on a case stated by the Circuit Court in relation to the proceedings in the Circuit Court in regard to the offence or in relation to a question of law arising in those proceedings,
 - (ii) a determination of the High Court on a case stated by a judge in relation to the proceedings in the District Court in regard to the offence or in relation to a question of law arising in those proceedings, or
 - (iii) a determination of the Court of Appeal on appeal from a determination of the High Court referred to in subparagraph (ii),

it appears to the Court of Appeal or the High Court (as the case may be) that, by reason of the serious nature of the offence with which the

person is charged or of exceptional circumstances, it is essential in the interests of justice that a legal aid (Supreme Court) certificate should be granted in respect of the person.”,

(iii) by the substitution, in subsection (3), of the following subparagraph for subparagraph (ii):

“(ii) in the case of an appeal from—

- (I) a determination of the Court of Appeal on a case stated by the Circuit Court in relation to the proceedings in the Circuit Court in regard to the offence or in relation to a question of law arising in those proceedings,
- (II) a determination of the High Court on a case stated by a judge in relation to the proceedings in the District Court in regard to the offence or in relation to a question of law arising in those proceedings, or
- (III) a determination of the Court of Appeal on appeal from a determination of the High Court referred to in clause (II),

it appears to the Supreme Court that, by reason of the serious nature of the offence with which the person is charged or of exceptional circumstances, it is essential in the interests of justice that a legal aid (Supreme Court) certificate should be granted in respect of the person.”,

and

(iv) by the insertion of the following subsections after subsection (3):

“(4) Where on or after the establishment day—

- (a) an appeal before the Supreme Court is subsequently determinable by the Court of Appeal pursuant to a direction given under Article 64.3.1° of the Constitution or an order made under Article 64.4.1° of the Constitution, or
- (b) an application to the Supreme Court seeking leave to appeal against a decision of the High Court is refused by the Supreme Court and an appeal against the decision of the High Court is subsequently brought to the Court of Appeal,

and a legal aid (Supreme Court) certificate was granted in respect of the person the subject of the appeal referred to in paragraph (a) or the application referred to in paragraph (b), as the case may be, a legal aid (appeal) certificate or a legal aid (case stated appeal) certificate, as the case may be, shall be deemed to have been granted in respect of the person in relation to the proceedings before the Court of Appeal.

(5) In this section ‘the establishment day’ has the same meaning as it has in *section 2* of the *Court of Appeal Act 2014*.”,

(c) in section 7, by the insertion of the following subsection after subsection (4):

“(5) Where a legal aid (case stated appeal) certificate has been granted in respect of a person, any fees, costs or other expenses properly incurred in preparing and conducting the person’s case in relation to the appeal to which the certificate relates shall, subject to the regulations under section 10 of this Act, be paid out of moneys provided by the Oireachtas.”,

and

(d) in section 9(2), by the insertion of “a legal aid (case stated appeal) certificate,” after “a legal aid (case stated) certificate,”.

Amendment of section 8 of Geneva Conventions Act 1962

46. Section 8 of the Geneva Conventions Act 1962 is amended—

- (a) in subsection (1), by the insertion of “or the Supreme Court, as the case may be,” after “Court of Criminal Appeal”, and
- (b) in subsection (2), by the substitution of “an application for leave to appeal to the Supreme Court” for “an application to the Attorney General for a certificate authorising an appeal to the Supreme Court”.

Amendment of section 34 of Criminal Procedure Act 1967

47. Section 34 of the Criminal Procedure Act 1967 is amended—

- (a) in subsection (1), by the substitution of “may, without prejudice to the verdict or decision in favour of the accused person, refer a question of law arising during the trial to the Court of Appeal for determination or, in the case of a person who is tried on indictment in the Central Criminal Court, make application to the Supreme Court under Article 34.5.4° of the Constitution to refer a question of law arising during the trial to it for determination” for “may, without prejudice to the verdict or decision in favour of the accused person, refer a question of law arising during the trial to the Supreme Court for determination”,
- (b) in subsection (2), by the substitution of “the Court of Appeal or the Supreme Court, as the case may be,” for “the Supreme Court”,
- (c) in subsection (3), by the substitution of “the Court of Appeal or the Supreme Court, as the case may be,” for “the Supreme Court”,
- (d) in subsection (4), by the substitution of “The Court of Appeal or the Supreme Court, as the case may be,” for “The Supreme Court”,
- (e) in subsection (5), by the substitution of—
 - (i) “The Court of Appeal or the Supreme Court, as the case may be,” for “The Supreme Court”, and
 - (ii) “referred to in this section” for “under this section”,

(f) by the substitution of the following subsection for subsection (6)—

“(6) If the acquitted person wishes to be represented in proceedings referred to in this section before the Court of Appeal or the Supreme Court, as the case may be, and a legal aid (appeal) certificate, or as the case may be, a legal aid (Supreme Court) certificate, is granted under subsection (7) or is deemed to have been granted under subsection (8), he or she shall be entitled to free legal aid in the preparation and presentation of any argument that he or she wishes to make to the Court of Appeal or the Supreme Court, as the case may be, and to have a solicitor and counsel assigned to him or her for that purpose in the manner prescribed by regulations under section 10 of the Criminal Justice (Legal Aid) Act 1962.”,

(g) by the substitution of the following subsection for subsection (7):

“(7) The acquitted person may, in relation to proceedings referred to in this section, apply for a legal aid (appeal) certificate to the Court of Appeal or a legal aid (Supreme Court) certificate to the Supreme Court, as the case may be, either—

(a) by letter to the registrar of the Court of Appeal or, as the case may be, the registrar of the Supreme Court, setting out the facts of the case and the grounds of the application, or

(b) to the Court of Appeal, or the Supreme Court, itself, as the case may be,

and the Court concerned shall grant the certificate if (but only if) it appears to the Court that the means of the person are insufficient to enable him or her to obtain legal aid.”,

(h) in subsection (8), by the substitution of—

(i) “a legal aid (appeal) certificate or a legal aid (Supreme Court) certificate, as the case may be,” for “a legal aid (Supreme Court) certificate”, and

(ii) “referred to in” for “under this”,

and

(i) in subsection (9), by the insertion of “, ‘legal aid (appeal) certificate’ ” after “ ‘legal aid (Supreme Court) certificate’ ”.

Amendment of Law Reform Commission Act 1975

48. The Law Reform Commission Act 1975 is amended—

(a) in section 1, by the substitution of the following for the definition of “judicial office”:

“ ‘judicial office’, except where the context otherwise requires, means an office, being the office of President of the Court of Appeal, President of the High Court, ordinary judge of the Supreme Court, ordinary judge of

the Court of Appeal or ordinary judge of the High Court;”,

(b) in section 14—

(i) in subsection (1), by the insertion of the following paragraph after paragraph (a):

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

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

(ii) in subsection (2)(c), by the insertion of “, the Court of Appeal” after “Supreme Court”, and

(iii) in subsection (2A), by the insertion of “, Court of Appeal” after “Supreme Court”.

Amendment of Courts-Martial Appeals Act 1983

49. The Courts-Martial Appeals Act 1983 is amended—

(a) in section 25, in the definition of “legal aid certificate”, by the substitution of “a legal aid (court-martial appeal) certificate” for “a legal aid (Courts-Martial Appeal Court) certificate”,

(b) in section 28—

(i) by the substitution, in subsection (1)(b), of “a legal aid (court-martial appeal) certificate” for “a legal aid (Courts-Martial Appeal Court) certificate”,

(ii) by the substitution, in subsection (2), of “A legal aid (court-martial appeal) certificate” for “A legal aid (Courts-Martial Appeal Court) certificate”, and

(iii) by the substitution, in subsection (3), of “a legal aid (court-martial appeal) certificate” for “a legal aid (Courts-Martial Appeal Court) certificate”,

(c) in section 30(3), by the substitution of “a legal aid (court-martial appeal) certificate” for “a legal aid (Courts-Martial Appeal Court) certificate”, and

- (d) in section 31(2), by the substitution of “a legal aid (court-martial appeal) certificate” for “a legal aid (Courts-Martial Appeal Court) certificate”.

Application where conviction or sentence of court-martial

- 50.** The Criminal Procedure Act 1993 is amended by the substitution of the following section for section 6:

“6. (1) Sections 2 to 5 and 7 shall have effect with the following modifications where the conviction or sentence concerned is a conviction or sentence of a court-martial:

- (a) the references in section 2 to a conviction or sentence shall be construed as references to a conviction or sentence of a court-martial;
 - (b) the reference in section 3 to the jury shall be construed as a reference to the court-martial;
 - (c) the references in section 3 to the trial shall be construed as references to the court-martial;
 - (d) the reference in section 3(3) to the Commissioner of the Garda Síochána shall be construed as a reference to the Deputy Chief of Staff (Support) of the Defence Forces;
 - (e) the reference in section 4(1) to any rule of law shall include a reference to anything in the Defence Act 1954.
- (2) The Superior Courts Rules Committee may, with the concurrence of the Minister for Justice and Equality, make rules of court for the purposes of this section.”.

Amendment of section 4 of Criminal Justice Act 1993

- 51.** Section 4 of the Criminal Justice Act 1993 is amended by the substitution of the following subsection for subsection (2):

“(2) Where an application has been made to the Court of Appeal under section 2—

- (a) a legal aid (appeal) certificate shall be deemed for the purposes of the Criminal Justice (Legal Aid) Act 1962 to have been granted in respect of the person whose sentence is the subject of the application, and
- (b) the person shall be entitled to free legal aid in the preparation and conduct of his or her case before the Court of Appeal and to have a solicitor and counsel assigned to him or her for that purpose in the manner prescribed by regulations under section 10 of that Act.”.

Amendment of section 21 of Ethics in Public Office Act 1995

52. Section 21 of the Ethics in Public Office Act 1995 is amended—

- (a) in subsection 2(a), by the insertion of “, the Court of Appeal” after “Supreme Court”,
- (b) in subsection (2E)(a), by the insertion of “, the Court of Appeal” after “Supreme Court”, and
- (c) by the substitution of the following subsection for subsection (2F):

“(2F) If the person who is the chairperson of the Commission ceases (otherwise than by death or removal from office) during his or her term of office as such chairperson to be—

- (a) a judge of the High Court and is not a judge of the Supreme Court or Court of Appeal,
- (b) a judge of the Court of Appeal and is not a judge of the Supreme Court, or
- (c) a judge of the Supreme Court,

he or she shall continue to be such chairperson until the expiration of his or her term of office.”.

Further amendment of Act of 1995

53. The Act of 1995 is amended—

- (a) in section 20A(4)(a), by the insertion of “the Court of Appeal,” after “the Supreme Court,”, and
- (b) in section 23, by the insertion of “President of the Court of Appeal,” after “Chief Justice,”.

Amendment of section 27 of Civil Legal Aid Act 1995

54. Section 27 (amended by section 25 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013) of the Civil Legal Aid Act 1995 is amended, in subsection 2(a), by the insertion of “, the Court of Appeal” after “High Court”.

Amendment of Electoral Act 1997

55. The Electoral Act 1997 is amended—

- (a) in section 7, by the substitution of the following paragraph for paragraph (a):

“(a) (i) a judge of the Supreme Court,

- (ia) following consultation with the President of the Court of Appeal, a judge of the Court of Appeal, or

- (ii) following consultation with the President of the High Court, a judge of the High Court,
nominated by the Chief Justice, who shall be the chairperson of the Commission,”

and

- (b) in section 8, by the substitution of the following subsection for subsection (1):

“(1) Where, before the reports of a Constituency Commission have been presented to the Chairman of the Dáil under section 9, the person appointed to be the chairperson of the Commission—

- (a) through ill-health or other reasonable cause becomes unable to act as such chairperson, the Chief Justice shall assign another judge of the Supreme Court, or following consultation with—

- (i) the President of the Court of Appeal, another judge of the Court of Appeal, or

- (ii) the President of the High Court, another judge of the High Court,

to be a member and the chairperson of the Commission;

- (b) ceases to hold office as a judge of the Supreme Court, of the Court of Appeal or of the High Court, the person shall continue as such chairperson until the reports of the Commission have been presented unless the Chief Justice assigns another judge of the Supreme Court, of the Court of Appeal or of the High Court to be a member and the chairperson of the Commission.”.

Amendment of section 196 of Taxes Consolidation Act 1997

- 56.** Section 196 of the Taxes Consolidation Act 1997 is amended by the substitution of the following subsection for subsection (1):

“(1) In this section, ‘a member of the Judiciary’ means—

- (a) a judge of the Supreme Court,

- (aa) a judge of the Court of Appeal,

- (b) a judge of the High Court,

- (c) a judge of the Circuit Court,

- (cc) a specialist judge of the Circuit Court, or

- (d) a judge of the District Court.”.

Amendment of section 11 of Courts Service Act 1998

- 57.** Section 11 of the Courts Service Act 1998 is amended, in subsection (1)—

- (a) by the insertion of the following paragraphs after paragraph (b):
- “(bb) the President for the time being of the Court of Appeal or a judge of the Court of Appeal nominated by the President of that Court,
 - (bc) a judge of the Court of Appeal elected by the ordinary judges of that Court,”,
- and
- (b) by the deletion of paragraph (i).

Amendment of section 20 of Referendum Act 1998

58. Section 2 of the Referendum Act 1998 is amended—

- (a) in subsection (5)(a), by the insertion of “, a former judge of the Court of Appeal” after “a former judge of the Supreme Court”, and
- (b) in subsection (7)(a)(i), by the insertion of “a former judge of the Court of Appeal” after “Supreme Court”.

Amendment of Jurisdiction of Courts and Enforcement of Judgments Act 1998

59. The Jurisdiction of Courts and Enforcement of Judgments Act 1998 is amended—

- (a) in the First Schedule, by the substitution—
 - (i) in Article 37(2) of the English text, of “in Ireland, by an appeal on a point of law to the Court of Appeal,” for “in Ireland, by an appeal on a point of law to the Supreme Court,”,
 - (ii) in Article 37(2) of the Irish text, of “in Éirinn, trí achomharc ar phointe dlí chuig an gCúirt Achomhairc;” for “in Éirinn, trí achomharc ar phointe dlí chuig an gCúirt Uachtarach;”,
 - (iii) in Article 41 of the English text, of “in Ireland, by an appeal on a point of law to the Court of Appeal,” for “in Ireland, by an appeal on a point of law to the Supreme Court,”, and
 - (iv) in Article 41 of the Irish text, of “in Éirinn, trí achomharc ar phointe dlí chuig an gCúirt Achomhairc;” for “in Éirinn, trí achomharc ar phointe dlí chuig an gCúirt Uachtarach;”,
- and
- (b) in the Tenth Schedule (inserted by section 1(b) of the Jurisdiction of Courts and Enforcement of Judgments (Amendment) Act 2012), by the substitution, in Annex IV, of “in Ireland: an appeal on a point of law to the Court of Appeal,” for “in Ireland: an appeal on a point of law to the Supreme Court.”

Amendment of Human Rights Commission Act 2000

60. The Human Rights Commission Act 2000 is amended—

- (a) in section 1(1), by the substitution of the following definition for the definition of “judicial office in the Superior Courts”:

“ ‘judicial office in the Superior Courts’ means the office of judge of the High Court, the office of judge of the Court of Appeal or the office of judge of the Supreme Court;”,

- (b) in section 5(6), by the insertion of the following paragraphs after paragraph (a):

“(aa) in case on being so appointed he or she is the President of the Court of Appeal or an ordinary judge of the Court of Appeal, then, for so long as he or she continues to hold the judicial office held by him or her on so being appointed, the number of ordinary judges of the Court of Appeal otherwise provided for under any enactment for the time being in force may be exceeded by one and, if the said person so appointed is a former President of the Court of Appeal, the proviso to paragraph (aa) of section 14(1) of the Law Reform Commission Act 1975 shall apply to him or her in respect of his or her appointment as President of the Commission to the like extent as it applies to a former President of the Court of Appeal who is appointed to be a member of the Law Reform Commission,

(ab) in case he or she is the President of the Court of Appeal, he or she may, for so long as he or she continues to be President of the Commission, from time to time appoint an ordinary judge of the Court of Appeal to exercise on his or her behalf (and which judge is hereby empowered to exercise) all the jurisdiction exercisable by the President of the Court of Appeal under section 7B of the Courts (Supplemental Provisions) Act 1961;”,

- (c) by the substitution of the following section for section 6:

“6. Where the number of ordinary judges of the High Court, the Court of Appeal or the Supreme Court falls to be determined for the purpose of any enactment which makes provision with respect to the number of such judges of the High Court, the Court of Appeal or the Supreme Court, as the case may be, the operation, for the time being, of section 5(6) shall be taken account of in making that determination.”,

and

- (d) in section 8, in paragraph (h), by the insertion of “, the Court of Appeal” after “the High Court” in each place where it occurs.

Amendment of Standards in Public Office Act 2001

- 61.** Section 22 of the Standards in Public Office Act 2001 is amended, in subsection (3), by the substitution of the following definition for the definition of “judicial office”:

“ ‘judicial office’ means the office of—

- (a) judge of the Supreme Court,

- (aa) judge of the Court of Appeal,
- (b) judge of the High Court,
- (c) judge of the Circuit Court,
- (cc) specialist judge of the Circuit Court, or
- (d) judge of the District Court;”.

Amendment of Courts and Court Officers Act 2002

62. The Courts and Court Officers Act 2002 is amended—

- (a) in section 6(a), by the insertion of “, the Court of Appeal” after “Supreme Court”, and
- (b) in section 46—
 - (i) in subsection (1), by the insertion of “the Court of Appeal,” after “the Supreme Court,”, and
 - (ii) in subsection (11), in the definition of “President of the Court”, by the insertion of the following paragraph after paragraph (c):
 - “(cc) in relation to the Court of Appeal, the President of the Court of Appeal.”.

Amendment of European Convention on Human Rights Act 2003

63. Section 5 of the European Convention on Human Rights Act 2003 is amended in subsection (1) by the insertion of “the Court of Appeal” after “the High Court,”.

Amendment of Garda Síochána Act 2005

64. The Garda Síochána Act 2005 is amended—

- (a) in section 109, by the substitution of the following subsection for subsection (2):
 - “(2) The Chief Justice may invite—
 - (a) a judge of the Supreme Court,
 - (b) with the consent of the President of the Court of Appeal, a judge of the Court of Appeal, or
 - (c) with the consent of the President of the High Court, a judge of the High Court,to conduct the inquiry and, if the invitation is accepted, the Chief Justice shall appoint that judge to conduct the inquiry.”,
- and
- (b) in Schedule 4, by the insertion of the following paragraph after paragraph 1:

“If Court of Appeal judge or former President of the Court of Appeal is appointed member of Ombudsman Commission

- 1A.** (1) If a person appointed as the chairperson of the Ombudsman Commission is, when so appointed, the President of the Court of Appeal or an ordinary judge of the Court of Appeal, then, for so long as he or she continues to hold the judicial office held by him or her on being so appointed, the number of ordinary judges of the Court of Appeal otherwise provided for under any enactment for the time being in force may be exceeded by one.
- (2) If the person so appointed is a former President of the Court of Appeal, the proviso to paragraph (aa) of section 14(1) of the Law Reform Commission Act 1975 applies to him or her in respect of his or her appointment as a member of the Ombudsman Commission to the like extent as it applies to a former President of the Court of Appeal who is appointed to be a member of the Law Reform Commission.
- (3) If the person so appointed is the President of the Court of Appeal, he or she may, for so long as he or she continues to be a member of the Ombudsman Commission, from time to time appoint an ordinary judge of the Court of Appeal to exercise on his or her behalf (and which judge is hereby empowered to exercise) all jurisdiction exercisable by the President of the Court of Appeal under section 7D (inserted by section 19 of the *Court of Appeal Act 2014*) of the Courts (Supplemental Provisions) Act 1961.”.

Amendment of Criminal Law (Insanity) Act 2006

65. The Criminal Law (Insanity) Act 2006 is amended—

- (a) in section 7, by the deletion of subsection (5), and
- (b) in Schedule 1, in paragraph 2, by the insertion of “, Court of Appeal” after “High Court”.

Amendment of section 181 of Criminal Justice Act 2006

66. Section 181(4) of the Criminal Justice Act 2006 is amended by the substitution of the following paragraph for paragraph (c):

- “(c) in relation to proceedings before the Central Criminal Court, to a judge of the Court of Appeal.”.

Amendment of Building Control Act 2007

67. The Building Control Act 2007 is amended—

- (a) in section 13, by the substitution of the following subsection for subsection (5):
- “(5) The chairperson of the Admissions Board shall be a solicitor, a barrister or a former judge of the Circuit Court, High Court, Court of

Appeal or Supreme Court who shall be appointed as chairperson by the Minister.”,

(b) in section 21, by the substitution of the following subsection for subsection (3):

“(3) The chairperson of the Technical Assessment Board shall be a solicitor, a barrister or a former judge of the Circuit Court, High Court, Court of Appeal or Supreme Court who shall be appointed as chairperson by the Minister.”,

(c) in section 23, by the substitution of the following subsection for subsection (3):

“(3) The chairperson of the Committee shall be a solicitor, a barrister or a former judge of the Circuit Court, High Court, Court of Appeal or Supreme Court who shall be appointed as chairperson by the Minister with the consent of the Minister for Jobs, Enterprise and Innovation.”,

(d) in section 24, by the substitution of the following subsection for subsection (3):

“(3) The chairperson of the Appeals Board shall be a solicitor, a barrister or a former judge of the Circuit Court, High Court, Court of Appeal or Supreme Court who shall be appointed as chairperson by the Minister.”,

(e) in section 28, by the substitution of the following subsection for subsection (5):

“(5) The chairperson of the Admissions Board shall be a solicitor, a barrister or a former judge of the Circuit Court, High Court, Court of Appeal or Supreme Court who shall be appointed as chairperson by the Minister.”,

(f) in section 35, by the substitution of the following subsection for subsection (3):

“(3) The chairperson of the Technical Assessment Board shall be a solicitor, a barrister or a former judge of the Circuit Court, High Court, Court of Appeal or Supreme Court who shall be appointed as chairperson by the Minister.”,

(g) in section 37, by the substitution of the following subsection for subsection (3):

“(3) The chairperson of the Committee shall be a solicitor, a barrister or a former judge of the Circuit Court, High Court, the Court of Appeal or Supreme Court who shall be appointed as chairperson by the Minister with the consent of the Minister for Jobs, Enterprise and Innovation.”,

(h) in section 38, by the substitution of the following subsection for subsection (3):

“(3) The chairperson of the Appeals Board shall be a solicitor, a barrister or a former judge of the Circuit Court, High Court, Court of Appeal or Supreme Court who shall be appointed as chairperson by the Minister.”,

(i) in section 42, by the substitution of the following subsection for subsection (5):

“(5) The chairperson of the Admissions Board shall be a solicitor, a barrister or a former judge of the Circuit Court, High Court, Court of Appeal or Supreme Court who shall be appointed as chairperson by the Minister.”,

(j) in section 49, by the substitution of the following subsection for subsection (3):

“(3) The chairperson of the Technical Assessment Board shall be a solicitor, a barrister or a former judge of the Circuit Court, High Court, Court of Appeal or Supreme Court who shall be appointed as chairperson by the Minister.”,

(k) in section 51, by the substitution of the following subsection for subsection (3):

“(3) The chairperson of the Committee shall be a solicitor, a barrister or a former judge of the Circuit Court, High Court, Court of Appeal or Supreme Court who shall be appointed as chairperson by the Minister with the consent of the Minister for Jobs, Enterprise and Innovation.”,

and

(l) in section 52, by the substitution of the following subsection for subsection (3):

“(3) The chairperson of the Appeals Board shall be a solicitor, a barrister or a former judge of the Circuit Court, High Court, Court of Appeal or Supreme Court who shall be appointed as chairperson by the Minister.”.

Amendment of section 2 of Charities Act 2009

68. Section 2 of the Charities Act 2009 is amended, in subsection (1), in the definition of “judicial office in the Superior Courts”, by the insertion of “, the office of judge of the Court of Appeal” after “the office of judge of the High Court”.

Amendment of Courts and Court Officers Act 2009

69. The Courts and Court Officers Act 2009 is amended—

(a) in section 13, in the definition of “court office”, by the insertion of the following paragraph after paragraph (a):

“(aa) the Court of Appeal,”,

(b) in section 16, by the insertion of the following paragraph after paragraph (a):

“(aa) the President of the Court of Appeal, where a proposed constituent court office is an office attached to Court of Appeal,”,

and

(c) in section 22—

(i) in subsection (1)(b), by the insertion of “Court of Appeal,” before “High Court”, and

(ii) in subsection (2), by the substitution of the following paragraphs for paragraphs (a) to (d):

- “(a) the Central Criminal Court;
- (b) the Court of Appeal;
- (c) the Circuit Court.”.

Amendment of section 98 of Adoption Act 2010

70. Section 98 of the Adoption Act 2010 is amended, in subsection (2)(a), by the insertion of “the Court of Appeal” after “Supreme Court,”.

Amendment of Criminal Procedure Act 2010

71. The Criminal Procedure Act 2010 is amended—

(a) in section 2(1), by the insertion of the following definition:

“ ‘legal aid (appeal) certificate’ has the meaning it has in the Act of 1962;”,

(b) in section 23—

(i) by the substitution, in subsection (1), for “may, subject to subsection (3) and section 24, appeal the acquittal in respect of the offence concerned on a question of law to the Supreme Court” of “may, subject to subsection (3) and section 24, appeal the acquittal in respect of the offence concerned on a question of law to—

(I) the Court of Appeal, or

(II) in the case of a person who is tried on indictment in the Central Criminal Court, the Court of Appeal or the Supreme Court under Article 34.5.4° of the Constitution”,

(ii) by the substitution of the following subsection for subsection (2):

“(2) Where a person’s conviction of an offence on indictment is quashed on appeal by the Court of Appeal and the Court makes no order for the re-trial of the person in respect of the offence, the Director, if he or she is the prosecuting authority in the trial, or the Attorney General, as may be appropriate, may, subject to subsection (3) and section 24, appeal the decision of the Court of Appeal not to order a re-trial of the offence concerned on a question of law to the Supreme Court under Article 34.5.3° of the Constitution.”.

(iii) in subsection (3)—

(I) by the substitution of “An appeal referred to in this section” for “An appeal under this section”,

(II) by the substitution of the following paragraph for paragraph (a):

- “(a) a ruling was made by a court—
- (i) during the course of a trial referred to in subsection (1), or
 - (ii) during the hearing of an appeal referred to in subsection (2), which erroneously excluded compelling evidence, or”
- (iv) by the substitution of the following subsection for subsection (4):
- “(4) An appeal referred to in this section shall be made on notice to the person who is the subject of the appeal within 28 days or such longer period not exceeding 56 days as—
- (a) in the case of an appeal referred to in subsection (1), the Court of Appeal or the Supreme Court, as the case may be, or
 - (b) in the case of an appeal referred to in subsection (2), the Supreme Court,
- may, on application to it in that behalf, determine, from the day on which the person was acquitted or the conviction was quashed, as the case may be.”
- (v) in subsection (5), by the substitution of “the Supreme Court or the Court of Appeal, as the case may be,” for “the Supreme Court”,
- (vi) in subsection (6), by the substitution of “For the purposes of considering an appeal referred to in this section the Supreme Court or the Court of Appeal, as the case may be,” for “For the purposes of considering an appeal under this section the Supreme Court”,
- (vii) in subsection (7), by the substitution of “The Supreme Court or the Court of Appeal, as the case may be, shall assign counsel to argue in support of the acquittal referred to in subsection (1) or the decision not to order a re-trial referred to in subsection (2), as the case may be, if” for “The Supreme Court shall assign counsel to argue in support of the acquittal referred to in subsection (1) or the decision of the Court of Criminal Appeal not to order a re-trial referred to in subsection (2), as the case may be, if”,
- (viii) by the substitution of the following subsection for subsection (8):
- “(8) Where an appeal referred to in this section has been made to the Court of Appeal or the Supreme Court and a legal aid (appeal) certificate or, as the case may be, a legal aid (Supreme Court) certificate, is granted under subsection (9), or deemed to have been granted under subsection (10), in respect of the person who is the subject of the appeal, he or she shall be entitled to free legal aid in the preparation and conduct of any argument that he or she wishes to make to the Court of Appeal or the Supreme Court, as the case may be, and to have a solicitor and counsel assigned to him or her for that purpose in the manner prescribed by regulations under section 10 of the Act of 1962.”
- (ix) by the substitution of the following subsection for subsection (9):

“(9) The person may, in relation to an appeal referred to in this section, apply for a legal aid (appeal) certificate to the Court of Appeal or a legal aid (Supreme Court) certificate to the Supreme Court, as the case may be, either—

(a) by letter to the registrar of the Court of Appeal or, as the case may be, the registrar of the Supreme Court, setting out the facts of the case and the grounds of the application, or

(b) to the Court of Appeal, or the Supreme Court, itself, as the case may be,

and the Court concerned shall grant the certificate if (but only if) it appears to the Court that the means of the person are insufficient to enable him or her to obtain legal aid.”,

(x) in subsection (10)—

(I) by the substitution of “a legal aid (Supreme Court) certificate or a legal aid (appeal) certificate, as the case may be,” for “a legal aid (Supreme Court) certificate”, and

(II) by the substitution of “in relation to an appeal referred to in this section” for “in relation to the proceedings under this section”,

(xi) in subsection (11)—

(I) by the substitution of “On hearing an appeal referred to in subsection (1) the Court of Appeal may” for “On hearing an appeal under this section the Supreme Court may”,

(II) in paragraph (a)—

(A) by the deletion of “or reverse the decision of the Court of Criminal Appeal, as the case may be,”, and

(B) in subparagraph (i) by the substitution of “subsection (3)(a)(i) or (b)” for “subsection (3)(a) or (3)(b)”,

and

(III) in paragraph (b), by the deletion of “or the decision of the Court of Criminal Appeal, as the case may be”,

(xii) by the insertion of the following subsection after subsection (11):

“(11A) On hearing an appeal referred to in this section, the Supreme Court may—

(a) quash the acquittal or reverse the decision of the Court of Appeal, as the case may be, and order the person to be re-tried for the offence concerned if it is satisfied—

(i) that the requirements of subsection (3)(a) or (b), as the case may be, are met, and

- (ii) that, having regard to the matters referred to in subsection (12), it is, in all the circumstances, in the interests of justice to do so,
 - or
 - (b) if it is not so satisfied, affirm the acquittal or the decision of the Court of Appeal, as the case may be.”,
- (xiii) in subsection (12), by the substitution of “In determining whether to make an order under paragraph (a) of subsection (11) or (11A), the Court of Appeal or the Supreme Court, as the case may be,” for “In determining whether to make an order under subsection (11)(a), the Supreme Court”, and
- (xiv) in subsection (13)—
 - (I) by the substitution, in paragraph (a), of “The Court of Appeal or the Supreme Court, as the case may be,” for “The Supreme Court”, and
 - (II) by the substitution, in paragraph (b), of “the Court of Appeal or the Supreme Court, as the case may be,” for “the Supreme Court”,
- (c) in section 25—
 - (i) by the substitution, in subsection (2), of “the Court of Appeal or the Supreme Court, as the case may be,” for “the Supreme Court”, and
 - (ii) by the substitution, in subsection (3), of “The Court of Appeal or the Supreme Court, as the case may be,” for “The Supreme Court”,and
- (d) in section 26—
 - (i) by the substitution, in subsection (2), of “the Court of Appeal or the Supreme Court, as the case may be,” for “the Supreme Court”, and
 - (ii) by the substitution, in subsection (3), of “A legal aid (appeal) certificate or a legal aid (Supreme Court) certificate” for “A legal aid (Supreme Court) certificate”.

Amendment of Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013

72. The Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 is amended—

- (a) in section 67—
 - (i) in subsection (5)(b), by the insertion of “the Court of Appeal,” after “Supreme Court,”, and
 - (ii) in subsection (8)(a), by the insertion of “the Court of Appeal,” after “Supreme Court,”,and
- (b) in section 83—

- (i) in subsection (4)(b), by the insertion of “the Court of Appeal,” after “Supreme Court,”, and
- (ii) in subsection (7)(a), by the insertion of “the Court of Appeal,” after “Supreme Court,”.

PART 4

MISCELLANEOUS

Repeals

73. Each enactment specified in *column (2)* of *Schedule 1* is repealed to the extent specified in *columns (3)* and *(4)* of that Schedule.

Construction of references – Supreme Court

74. (1) References (howsoever expressed) to the Supreme Court, in relation to an appeal, including proceedings taken by way of case stated, which lies (or otherwise) to it in any enactment passed or made before the establishment day, shall be construed as references to the Court of Appeal, unless the context otherwise requires.
- (2) *Subsection (1)* shall not apply in respect of references to an appeal which lies (or otherwise) from the Court of Criminal Appeal to the Supreme Court in any enactment passed or made before the establishment day.
- (3) Without prejudice to the generality of *subsection (1)*, each enactment specified in *column (2)* of *Schedule 2* is amended to the extent specified in *columns (3)* and *(4)* of that Schedule.
- (4) The reference in Annex IV to Council Regulation (EC) No. 44/2001 of 22 December 2000¹ on jurisdiction and the recognition and enforcement of judgment in civil and commercial matters, to “in Ireland, an appeal on a point of law to the Supreme Court” shall, without prejudice to Article 34.5.4° of the Constitution, be construed as a reference to “in Ireland, an appeal on a point of law to the Court of Appeal”, unless the context otherwise requires.

Construction of references in respect of decisions of High Court being final subject to further appeal in certain circumstances

75. Without prejudice to the generality of *section 74*, a reference (howsoever expressed) contained in any enactment passed or made before the establishment day, to a decision or determination of the High Court which is stated to be final, subject to a right of appeal to the Supreme Court in certain circumstances, including by way of certification or leave of the High Court, or as the case may be, the Supreme Court—
- (a) shall be construed as being without prejudice to Article 34.5.4° of the Constitution, and

¹ OJ No. L12, 16.1.2001, p.1

- (b) in respect of a reference in that regard to the “Supreme Court”, shall be construed as a reference to the Court of Appeal unless the context otherwise requires.

Construction of references in respect of decisions of High Court being final and not subject to further appeal

76. References (howsoever expressed) contained in any enactment passed or made before the establishment day to a decision or determination of the High Court which is stated to be final shall be construed as being without prejudice to Article 34.5.4^o of the Constitution.

Construction of references – Court of Criminal Appeal and Courts-Martial Appeal Court

77. Subject to *section 78*, references (howsoever expressed) to—

- (a) the Court of Criminal Appeal, or
(b) the Courts-Martial Appeal Court,

in any enactment passed or made before the establishment day, shall be construed as references to the Court of Appeal exercising its criminal jurisdiction, unless the context otherwise requires.

Transitional provisions

78. (1) The Court of Criminal Appeal shall, as regards any proceedings before it that have been—
- (a) initiated before the establishment day, and
(b) heard in full or in part by that Court before that day,
- continue to have jurisdiction in respect of the proceedings and accordingly the Court of Criminal Appeal may determine and pronounce judgment in respect of those proceedings.
- (2) The Courts-Martial Appeal Court shall, as regards any proceedings before it that have been—
- (a) initiated before the establishment day, and
(b) heard in full or in part by that Court before that day,
- continue to have jurisdiction in respect of the proceedings and accordingly the Courts-Martial Appeal Court may determine and pronounce judgment in respect of those proceedings.
- (3) Nothing in this Act shall operate to affect the application of section 14 of the Courts-Martial Appeals Act 1983 in respect of a determination of the Courts-Martial Appeal Court made—
- (a) before the establishment day, or
(b) in the case of proceedings referred to in *subsection (2)*, on or after the establishment day.

- (4) (a) For the purposes of *subsection (1)*, proceedings shall not be taken to have been heard in part by reason only of the Court of Criminal Appeal or the Courts-Martial Appeal Court, as the case may be, having heard an interlocutory application relating to the proceedings or unless the proceedings are confined to a procedural matter, the Court of Criminal Appeal or the Courts-Martial Appeal Court, as the case may be, having heard any procedural application or motion relating to the proceedings.
- (b) Where, however, an order has been made by the Court of Criminal Appeal or the Courts-Martial Appeal Court, in relation to an interlocutory application, procedural application or motion concerning proceedings which are subsequently determinable by the Court of Appeal, the order shall be binding on the Court of Appeal in respect of the issue which is the subject of the proceedings.
- (c) *Paragraph (b)* is without prejudice to any change of circumstance which may warrant a variation in the terms of the order referred to in that paragraph.
- (5) Where an order has been made by the Supreme Court in relation to an interlocutory application, procedural application or motion concerning an appeal which is subsequently determinable by the Court of Appeal pursuant to a direction given under Article 64.3.1° of the Constitution or an order made under Article 64.4.1° of the Constitution, the order shall be binding on the Court of Appeal in respect of the issue which is the subject of the appeal.
- (6) *Subsection (5)* is without prejudice to any change of circumstance which may warrant a variation in the terms of the order referred to in that subsection.

Continuity and enforcement of administration of justice not affected

79. The continuity of the administration and enforcement of justice shall not be interrupted by the coming into operation of any provision of this Act.

SCHEDULE 1

Section 73

REPEALS

Item (1)	Act (2)	Provision (3)	Extent of Repeal (4)
1.	Courts of Justice Act 1924	Section 28	The whole section
2.	Courts of Justice Act 1924	Section 29	The whole section
3.	Courts of Justice Act 1928	Section 7	The whole section
4.	Courts (Establishment and Constitution) Act 1961	Section 3	The whole section
5.	Courts (Supplemental Provisions) Act 1961	Section 12	The whole section
6.	Courts-Martial Appeals Act 1983	Sections 9 to 12	The whole of each section
		Sections 14 and 15	The whole of each section
7.	Criminal Justice Act 1993	Section 3	The whole section
8.	Criminal Procedure Act 1993	Section 11	The whole section
9.	Courts and Court Officers Act 1995	Sections 4 and 5	The whole of each section
		Section 44	The whole section
10.	Criminal Procedure Act 2010	Section 14	The whole section

SCHEDULE 2

Section 74

CONSEQUENTIAL AMENDMENTS

Item (1)	Act (2)	Provision (3)	Amendment (4)
1	Patents Act 1992	Section 95	In subsection (2), by the substitution of “The Court of Appeal or the Supreme Court, as the case may be, may, if it thinks fit,” for “The Supreme Court may, if it thinks fit.” In subsection (3), by the substitution of “the Court, the Court of Appeal or the Supreme Court, as may be appropriate,” for “the Court or the Supreme Court, as may be appropriate.”
2	International War Crimes Tribunals Act 1998	Section 18	In subsection (1), by the substitution of the following paragraphs for paragraphs (a), (b) and (c): “(a) by a decision of the High Court under Article 40.4.2° of the Constitution or following an appeal from such a decision, (aa) as a consequence of an appeal to the Supreme Court (whether under Article 34.5.4° or on an appeal from a decision of the Court of Appeal), (b) as a consequence of an appeal on a point of law to the Court of Appeal, or (c) as a consequence of an order under section 21 or 22.”
3	International War Crimes Tribunals Act 1998	Section 19	By the substitution of the following subsection for subsection (3): “(3) In this section, ‘appeal proceedings’ means proceedings relating to— (a) a complaint under Article 40.4.2° of the Constitution (including proceedings on an appeal from a decision about that complaint), (b) an appeal on a point of law to the Court of Appeal, or (c) an appeal to the Supreme Court (whether under Article 34.5.4° or on an appeal from a decision of the Court of Appeal).”

Item (1)	Act (2)	Provision (3)	Amendment (4)
4	Criminal Justice (Illicit Traffic by Sea) Act 2003	Section 17	<p>In subsection (1), by the substitution of the following paragraphs for paragraphs (a), (b), (c) and (d):</p> <p>“(a) who has been released by order of the High Court under Article 40.4.2° of the Constitution or on the determination of an appeal from an order under that provision,</p> <p>(aa) who has been released on the determination of an appeal to the Supreme Court (whether under Article 34.5.4° or on an appeal from a decision of the Court of Appeal),</p> <p>(b) who has been released on the determination by the Court of Appeal of an appeal on a point of law,</p> <p>(c) who has been released by order of the Minister under section 21, or</p> <p>(d) whose surrender has been refused under section 22.”.</p>
5	Criminal Justice (Illicit Traffic by Sea) Act 2003	Section 19	<p>By the substitution of the following subsection for subsection (2)(c):</p> <p>“In this section ‘appeal proceedings’ means proceedings relating to—</p> <p>(a) a complaint under Article 40.4.2° of the Constitution (including proceedings on an appeal from a decision about the complaint),</p> <p>(b) an appeal on a point of law to the Court of Appeal, or</p> <p>(c) an appeal to the Supreme Court (whether under Article 34.5.4° or on an appeal from a decision of the Court of Appeal);”.</p>
6	International Criminal Court Act 2006	Section 15	<p>By the substitution of the following definition for the definition of “appeal proceedings”:</p> <p>“ ‘appeal proceedings’ means proceedings relating to—</p>

Item (1)	Act (2)	Provision (3)	Amendment (4)
			<p>(a) a complaint under Article 40.4.2° of the Constitution (including any proceedings on appeal from a decision on the complaint),</p> <p>(b) an appeal on a point of law to the Court of Appeal against a surrender order or an appeal to that Court against a refusal of such an order, or</p> <p>(c) an appeal to the Supreme Court (whether under Article 34.5.4° or on an appeal from a decision of the Court of Appeal);”.</p>
7	Adoption Act 2010	Section 53	<p>In subsection (2), by the substitution of the following paragraph for paragraph (b):</p> <p>“(b) an appeal against the order—</p> <p>(i) is not brought or the order is confirmed on appeal by the Court of Appeal, and</p> <p>(ii) is not brought (whether under Article 34.5.4° or on appeal from a decision of the Court of Appeal) or the order is confirmed on appeal by the Supreme Court.”.</p>
8	Adoption Act 2010	Section 56	<p>In paragraph (a) of subsection (1), by the substitution of “an appeal to the Court of Appeal or the Supreme Court, as the case may be,” for “an appeal to the Supreme Court”.</p> <p>In paragraph (a) of subsection (2), by the substitution of “the High Court, the Court of Appeal or the Supreme Court” for “the High Court or the Supreme Court”.</p> <p>In subsection (3)—</p> <p>(a) in paragraph (a), by the substitution of the following subparagraphs for subparagraphs (i) and (ii):</p> <p>“(i) an appeal against the order—</p> <p>(I) is not brought or the order is confirmed on appeal by Court of Appeal, and</p>

Item (1)	Act (2)	Provision (3)	Amendment (4)
			<p>(II) is not, brought (whether under Article 34.5.4° or on appeal from a decision of the Court of Appeal) or the order is confirmed on appeal by the Supreme Court, or</p> <p>(ii) the High Court refuses to make an order under section 54(2) but, following an appeal to the Court of Appeal or the Supreme Court, as the case may be, the order is made, and”,</p> <p>and</p> <p>(b) by the substitution of “as may be specified by the High Court, the Court of Appeal or the Supreme Court” for “as may be specified by the High Court or the Supreme Court”.</p>