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*Number 13 of 2004*

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**TRIBUNALS OF INQUIRY (EVIDENCE)  
(AMENDMENT) ACT 2004**

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ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Amendment of section 6 of 1979 Act.
3. Amendment of 1997 Act.
4. Short title and collective citation.





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**TRIBUNALS OF INQUIRY (EVIDENCE)  
(AMENDMENT) ACT 2004**

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AN ACT TO AMEND THE TRIBUNALS OF INQUIRY  
(EVIDENCE) ACTS 1921 to 2002. [5th May, 2004]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

**1.**—In this Act—

Definitions.

“1979 Act” means Tribunals of Inquiry (Evidence) (Amendment) Act 1979;

“1997 Act” means the Tribunals of Inquiry (Evidence) (Amendment) Act 1997.

**2.**—(1) Section 6 of the 1979 Act (as amended by the 1997 Act) is amended by inserting the following subsections after subsection (1): Amendment of section 6 of 1979 Act.

“(1A) The person who for the time being is the sole member of a tribunal or is the chairperson of a tribunal consisting of more than one member—

(a) may make an order under subsection (1) in relation to any costs referred to in that subsection that were incurred before his or her appointment as sole member or chairperson and that have not already been determined in accordance with that subsection, and

(b) shall, for that purpose, have regard to any report of the tribunal relating to its proceedings in the period before his or her appointment.

(1B) Paragraph (b) of subsection (1A) shall not be taken to limit the matters to which regard is to be had under subsection (1).”.

(2) The amendment effected by *subsection (1)* of this section applies to—

(a) tribunals appointed, and

(b) costs incurred,

before or after the passing of this Act.

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(Amendment) Act 2004.

Amendment of  
1997 Act.

3.—(1) The 1997 Act is amended by inserting the following sections after section 4:

“Directions and  
orders of High  
Court.

4A.—(1) A tribunal or, where the tribunal consists of more than one member, the chairperson may, whenever the tribunal or chairperson considers it appropriate to do so, apply to the High Court for directions relating to the performance of the functions of the tribunal or the chairperson under the *Tribunals of Inquiry (Evidence) Acts 1921 to 2004*, including their functions under section 6 of the *Tribunals of Inquiry (Evidence) (Amendment) Act 1979* relating to costs.

(2) On an application under subsection (1), the High Court may give such directions and make such orders as it considers appropriate.

(3) The High Court may, on application, hear an application under subsection (1) otherwise than in public if satisfied that it is appropriate to do so because of—

- (a) the subject matter in relation to which directions are sought,
- (b) a risk of prejudice to criminal proceedings, or
- (c) any other matter relating to the nature of the evidence to be given at the hearing of the application.

(4) The High Court shall give such priority as it reasonably can, having regard to all the circumstances, to the disposal of proceedings in the Court under this Act.

(5) The Superior Court Rules Committee may, with the concurrence of the Minister for Justice, Equality and Law Reform, make rules to facilitate giving effect to subsection (4).

Divisions of  
tribunals.

4B.—(1) A tribunal consisting of more than one member may, whenever the chairperson so determines, act in divisions each of which consists of such members of the tribunal as the chairperson may determine.

(2) The chairperson of a tribunal may, in relation to each division—

- (a) designate one member of the division as its chairperson,
- (b) determine those functions of the tribunal that are to be performed by the division,
- (c) determine the matters in relation to which the division is to perform those functions, and

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(d) require the division to prepare a report S.3  
of its findings.

(3) A division of a tribunal shall provide any report prepared as required by subsection (2) to the chairperson of the tribunal, and the report is considered for all purposes to have been made by the tribunal.

(4) A division of a tribunal and the chairperson of a division have, for the purposes of performing the functions of the division, all the powers and duties of the tribunal and chairperson of the tribunal respectively, including their powers and duties under section 6 of the Tribunals of Inquiry (Evidence) (Amendment) Act 1979 relating to costs.

(5) If the chairperson of a division of a tribunal is for any reason unable to continue to act as such, another member of the division may be designated under subsection (2)(a) as its chairperson, and the designation does not affect decisions, determinations or inquiries made or other actions taken before the designation.”.

(2) The amendments effected by *subsection (1)* of this section apply to tribunals appointed before or after the passing of this Act.

**4.—(1)** This Act may be cited as the Tribunals of Inquiry (Evidence) (Amendment) Act 2004. Short title and collective citation.

(2) The Tribunals of Inquiry (Evidence) Acts 1921 to 2002 and this Act may be cited together as the Tribunals of Inquiry (Evidence) Acts 1921 to 2004.