

Outline of the 16 Parts of the General Scheme of a Courts and Civil Law (Miscellaneous Provisions) Bill

- 1) Preliminary and Commencement.
- 2) **Courts Legislation:** Amendments proposed by the Courts Service to make the necessary changes to facilitate the centralisation and electronic automation of certain court offices and processes and of statements of truth.
- 3) **Bankruptcy Act 1988:** Amendments dealing with the making of a statement of affairs, distribution of estate and income payment agreements including by way of addressing a number of issues that had been identified by the Official Assignee in Bankruptcy.
- 4) **Personal Insolvency Act 2012:** Amendments dealing with a range of matters including the debt relief notice process, duration of personal insolvency, personal insolvency practitioners, the variation of a personal insolvency agreement and rectifying some errors and oversights that have emerged under the 2012 Act.
- 5) **Prevention of Benefit from Homicide:** Provision to give effect to the Law Reform Commission recommendations for reform of the law in its Report “Prevention of Benefit from Homicide” including property held under joint tenancy. These amendments emanate from the Law Reform Commission’s recommendations in response to the *Cawley v Lillis* case.
- 6) **Civil Liability and Courts Act 2004:** These amendments are to certain sections of the 2004 Act that cater for the realisation of dormant funds as can currently happen in the High Court. The Heads proposed will allow also for the realisation of dormant funds of the Circuit and District Courts.
- 7) **Licensing Acts 1833 to 2011:** Amendments to make the granting of a certificate by the Circuit Court (on-licence) or District Court (off-licence) for a new licence for the sale of intoxicating liquor subject to a new statutory condition that the applicant must produce proof that planning permission has been obtained and that planning permission and fire safety regulations are respected. The need for clarity emerged during a recent District Court case.
- 8) **Land and Conveyancing (Law Reform) Act 2009:** Amendment to protect deposits paid by or on behalf of intending purchasers of land in the event of the insolvency of the vendor – this gap has been highlighted by recent court proceedings.
- 9) **Courts Service Act 1998:** Amendments to change the timing of the preparation of the Courts Service’s strategic plan to enable its approval by an outgoing Board; to allow the Chief Executive of the Courts Service to exercise functions or powers conferred on the Courts Service; to prohibit payments to Courts Service staff for the administration of oaths.
- 10) **Legal Services Regulation Act 2015:** Amendments to correct a cross reference and to correct the unintended omission of the President of the Court of Appeal in relation to the granting of Patents of Precedence (i.e. title of Senior Counsel).
- 11) **International Protection Act 2015:** Amendments to correct a cross reference and to clarify provisions relating to revocation of a protection declaration including

clarifications in relation to Circuit Court jurisdiction and appeal to the High Court on a point of law.

- 12) **Immigration Acts:** Amendment to include the prohibition on *refoulement* in the Acts dealing with deportation and removal following refusal of leave to land.
- 13) **Gaming and Lotteries Act 1956:** A series of amendments to provide, in the main, for modernisation of the 1956 regime and to provide greater clarity and certainty for all promoters and participants involved, and to combat potential fraudulent behaviour. A new Part to the 1956 Act is being introduced to bring clarity to the area of raffles. Archaic stakes and prizes are also to be adjusted upwards. A uniform lower age limit for gambling is to be set at 18 years. These provisions have been prepared by the Gambling Policy unit in consultation with Minister of State Stanton to whom responsibility for this policy area has been delegated by the Tánaiste. In addressing a number of pressing matters they are seen as a bridgehead to the introduction of more modern and comprehensive gambling control legislation.
- 14) **Property Services (Regulation) Act 2011:** Amendments to provide for a sanction of an oversight arrangement on a licensee and to place a cap on the maximum grant from the Compensation Fund operated under the 2011 Act.
- 15) **Charities Acts:** Amendments to tighten up the arrangements for financial reporting and auditing of accounts by charities that are also registered as companies as well as the exchange of information between the Charities Regulator and the Revenue Commissioners.
- 16) **Miscellaneous:** A series of miscellaneous Heads including some technical amendments and provisions relating to - the qualifications of a Deputy Master of the High Court; the appointment of Registrars in the Special Criminal Court; a repeal relating to the District Court and lodgements of claim; the status for pension purposes of retired Legal Aid Board solicitors; measures to deal with the disruption of court proceedings; enhanced Garda powers in cases of child abduction, the execution of committal warrants in the prison of custody, the recovery of unpaid Court fees, a lodgement and tender procedure for applications for the adjudication of legal costs, and, the protection of Sheriffs in the carrying out of their functions.