

An Bille um Chúirteanna agus an Dlí Sibhialta (Forálacha Ilghnéitheacha), 2025
Courts and Civil Law (Miscellaneous Provisions) Bill 2025

Meabhrán Míniúcháin
Explanatory Memorandum

AN BILLE UM CHÚIRTEANNA AGUS AN DLÍ SIBHIALTA (FORÁLACHA ILGHNÉITHEACHA), 2025
COURTS AND CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL 2025

EXPLANATORY MEMORANDUM

Purpose of the Bill

The principal purpose of the Bill is to provide for an increase in the maximum numbers of judges in the District Court, the Circuit Court, the High Court and the Court of Appeal.

The Bill also provides for amendments related to the Gambling Regulation Act 2024, the Street and House to House Collections Act 1962, the Family Courts Act 2024 and the Childcare Act 1991.

Provisions of the Bill

Part 1

Preliminary and General

Section 1 is a standard provision providing for the short title of the Bill and the commencement details and collective citation.

Section 2 provides for the repeal of sections 263 and 271 of the Gambling Regulation Act 2024 to facilitate amendments contained in section 10 of this Bill.

Section 2 also provides for the repeal of Sections 31 and 33 and parts of section 80 of the Family Courts Act 2024 to facilitate amendments contained in section 9 of this Bill.

Part 2

Numbers of Judges of Court of Appeal, High Court, Circuit Court and District Court

Section 3 provides for the definition of the Courts and Court Officers Act 1995 for the purposes of Part 2 of this Bill.

Section 4 provides for the amendment of section 1A(2) (b) of the Courts (Establishment and Constitution) Act 1961 for the purpose of increasing the maximum number of ordinary judges of the Court of Appeal by 3 to 21. The most recent amendment by section 2 of the Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024 fixed this number at 18.

Secondly, *Section 4* provides that the Government may, by order, allow for an additional judge of the Court of Appeal over the maximum number permitted.

Section 5 provides for the amendment of paragraph 2(1)(b) of the Sixth Schedule of the Courts (Supplemental Provisions) Act 1961 for the purpose of increasing the number of moveable judges of the District Court by 6 to 34. The Sixth Schedule of the Courts (Supplemental Provisions) Act 1961 provides where, at the time of the appointment of a person to be a judge of the District Court, there are a fixed number of judges of the District Court not permanently assigned to particular districts, the Government shall assign that person permanently to a particular district. The most recent amendment by section 3 of the Courts Act 2023 fixed this number at 28.

Section 6 provides for the amendment of section 9(1) of the Courts and Court Officers Act 1995 for the purpose of increasing the maximum number of ordinary judges of the High Court by 6 to 55. The most recent amendment by section 4 of the Courts Act 2023 fixed this number at 48 and a further one judge was provided for by S.I. No. 778/2021 in accordance with section 9(2) of the Courts and Court Officers Act 1995, as inserted by section 8 of the Civil Law (Miscellaneous Provisions) Act 2021.

Section 7 provides for the amendment of section 10 of the Courts and Court Officers Act 1995 for the purpose of increasing the maximum number of ordinary judges of the Circuit Court by 6 to 51. The most recent amendment by Section 5 of the Courts Act 2023 fixed this number at 45.

Section 8 provides for the amendment of section 11 (1) of the Courts and Court Officers Act 1995 for the purpose of increasing the maximum number of judges of the District Court by 6 to 77. The most recent amendment by section 6 of the Courts Act 2023 fixed this number at 71.

Part 3

Technical amendments relating to the Child Care Act 1991

Section 9 provides for the amendment of Section 12 of the Child Care Act 1991 to update the time that the Child and Family Agency can retain the custody of a child pending the hearing of an application for an emergency care order from three days to three working days.

Section 9 also provides a further amendment to Section 12 of the Child Care Act 1991 to update the District Court to the Family District Court, previously provided for in section 80(b) of the Family Courts Act 2024 (repealed by section 2).

Section 9 further provides for amendments to update provisions in the Child Care Act 1991 that contain references from "a justice" to "a judge".

Part 4

Amendments relating to the Gambling Regulation Act 2024

Section 10 provides for the amendment of Section 1 of the Street and House Collections Act 1962 to amend the definitions of "collection" and "exempt activity" to refer to the Gambling Regulation Act 2024 rather than the Gaming and Lotteries Act 1956 for exempted activities.

Section 11 provides for an amendment to section 1(2) of the Gambling Regulation Act 2024 which contains a cross-reference to section 9 of that Act where it should have referred to section 10.

An Roinn Dlí agus Cirt, Gnóthaí Baile agus Imirce,

Deireadh Fómhair, 2025.