Tithe an Oireachtais
Houses of the Oireachtas

An Comhchoiste um Dhlí agus Ceart, Gnóthaí Baile agus Imirce
Teach Laighean
Baile Átha Cliath 2

Joint Committee on Justice, Home Affairs and Migration
Leinster House
Dublin 2

Tel: (01) 618 4237
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34/JC/08

10th February 2026

Mr Jim O'Callaghan TD,
Minister for Justice, Home Affairs and Migration,
51 St Stephen's Green,
Dublin 2, D02 HK52.

By e-mail to: EZByrne@justice.ie

Our Ref: JC/7/1/L

RE: General Scheme of the Judicial Council (Amendment) Bill

Dear Minister,

I am writing to you in relation to the General Scheme of the *Judicial Council (Amendment) Bill* which was referred to the Committee for Pre-Legislative Scrutiny (PLS).

The Committee agreed to commence PLS by requesting an oral briefing from Departmental Officials on this matter.

On Tuesday 10th February 2026, the Committee received a briefing from your officials which provided an opportunity for members to clarify a number of matters as part of this process.

The Committee has now concluded PLS on this General Scheme and looks forward to further engagement and debate on this Bill in the course of its consideration and passage through both Houses.

The Committee further agreed to publish the written briefing provided as an appendix to this letter and lay it before both Houses.

Yours sincerely,

Matt Carthy

Matt Carthy TD
Cathaoirleach

Cuirfear fáilte roimh chomhfhreagras i nGaeilge

General Scheme of the Judicial Council (Amendment) Bill 2026
Opening Statment

My colleagues and I thank the Cathaoirleach and members of the committee for the opportunity to appear today to assist in the pre-legislative scrutiny of the general scheme of the Judicial Council (Amendment) Bill 2026.

This is a technical Bill with 3 main aims:

- Amend the process for the adoption of Personal Injuries Guidelines to make it more transparent and comprehensive,
- Amend the process for the adoption of Sentencing Guidelines to comply with the requirements of the Delaney judgement (2024) IESC 10, and
- Delivery on a Programme for Government commitment to enable the Minister to ask the Judicial Council to draw up sentencing guidelines in a particular area.

The Bill also provides that future Secretaries of the Judicial Council will be classed as civil servants rather than public servants.

Personal Injuries Guidelines

Background

With regard to Personal Injuries Guidelines, to comply with the requirements of the Delaney judgment, the Judicial Council Act 2019 was amended in 2024 by the Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024 to require that amendments to the guidelines be laid before each House of the Oireachtas and be adopted by the Judicial Council only after a positive resolution has been passed by both Houses.

In February 2025, the Judicial Council proposed revised Personal Injuries Guidelines injuries applying an across-the-board increase of 16.7% in compensation amounts. In September 2025 Minister O'Callaghan laid the draft Personal Injury Guidelines before the Oireachtas but did not bring a Resolution before the Houses seeking their approval at that time.

Amendment to adoption process

This Bill will provide for deemed adoption of guidelines once the Oireachtas has passed resolutions approving same and for a mechanism for the Judicial Council to reconsider revised Personal Injuries Guidelines, should the Oireachtas not approve Guidelines presented to them.

Review timeframe

It further proposes that the review period for guidelines should be increased from 3 to 5 years, with this review period dating from the date on which new guidelines are adopted.

Research and consultation

The Bill seeks to ensure that the Judicial Council Personal Injuries Guidelines Committee will have access to sufficient information to enable a meaningful analysis to be carried out on the level of damages provided for particular categories of injuries and be able to compare these to the level of damages provided for similar injuries in other jurisdictions.

While currently the Committee may consult the Injuries Resolution Board when reviewing the Personal Injuries Guidelines, the Bill makes it a requirement to consult with the Board as well as other stakeholders. It also requires the Committee to conduct research on damages for personal injuries, including the level of damages awarded by courts and quasi-judicial bodies outside the State as well as the level of damages mediated or assessed by the Injuries Resolution Board.

In the interests of transparency, any such research should be published in a manner the Committee considers appropriate and no later than the date the Council submits a draft of the guidelines, or amendments it proposes to adopt, to the Minister.

Injuries Resolution Board

In acknowledging the central role of the Injuries Resolution Board in implementing the Guidelines, the Bill will require that the Committee In preparing personal injuries guidelines have regard to the level of damages mediated or assessed for personal injuries by the Board and the fact that the guidelines are used not just by the Courts, but also by the Injuries Resolution Board, and so must take into account how they would be used by the Board.

Given the relatively small number of court judgements for personal injuries, it is possible that for large categories of injuries there may never be enough decisions to be statistically significant. The proposed amendments will address this situation by requiring the Committee to have regard to assessments made by the Personal Injuries Resolution Board and thereby enable a higher degree of review of individual categories of injuries and the related guideline damages.

Sentencing Guidelines

With regard to Sentencing Guidelines, to comply with the requirements of the Delaney judgement, the Bill will mirror the adoption procedures regarding Personal Injuries Guidelines – namely that Sentencing Guidelines be laid before each House of the Oireachtas and are deemed adopted only after a positive resolution has been passed by both Houses.

In the event that Sentencing Guidelines are not approved by the Oireachtas, the Bill will provide for a mechanism for the Judicial Council to reconsider same.

The Bill also includes a new provision to enable the Minister to ask the Judicial Council to draw up sentencing guidelines in a particular area.

Secretary of the Judicial Council

The Bill includes a technical amendment to provide that future Secretaries of the Judicial Council will be classed as civil servants rather than public servants. This addresses practical and administrative difficulties which have arisen regarding the current classification.

I look forward to discussing the Bill with the Committee and answering any questions you may have.