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An Leabharlann Dlí

Opening Statement to the Joint Committee on Justice, Home Affairs and Migration

THE GENERAL SCHEME OF THE CIVIL REFORM BILL 2025

March 2026

Chair and Members of the Committee,

Thank you for the invitation to appear before you today. The Council of The Bar of Ireland welcomes the opportunity to address members of the Joint Committee on Justice in relation to the General Scheme of the Civil Reform Bill 2025.

The General Scheme seeks to implement some of the more than 90 recommendations of the Kelly Report published in 2020, and 3 of the 27 recommendations contained in the Sheriff Review Group Report, published in 2024.

The Bar of Ireland fully supports meaningful and evidence-based reform to ensure that the civil justice system is efficient, modern and accessible. The Kelly Report represents a comprehensive and carefully considered roadmap for such reform and we are concerned that the General Scheme departs in several important respects from the approach recommended in that report.

Firstly, in relation to the replacement of discovery with a statutory self-production regime, the Kelly Report recommended that any reform of document production should be implemented through court rules, developed by the Rules Committees and subject to judicial oversight. The General Scheme instead proposes a rigid and front-loaded statutory model that is vague in scope, costly in practice and likely to generate extensive satellite litigation. The substantial upfront burden in producing documents risks entrenching inequality of arms and disproportionately burdening individuals, small businesses and legally aided litigants particularly in complex or document-heavy disputes.

Secondly, the proposals in the General Scheme relating to judicial review represent a radical curtailment, rather than a codification, of existing law. Judicial review is a fundamental safeguard against unlawful administrative action and a cornerstone of the rule of law. While the Kelly Report recommended procedural reforms aimed at improving the efficiency of judicial review proceedings, the General Scheme goes considerably further. The proposed introduction of new statutory thresholds for relief, combined with restrictions on appeal rights and significant changes to the applicable costs regime would substantially alter how judicial review operates in practice. Taken together, these measures risk placing unnecessary barriers in the path of individuals seeking to challenge unlawful decisions of public authorities and vindicate their rights before the courts.

Thirdly, the Bar also has concerns regarding aspects of the proposed civil procedure reforms contained in the General Scheme. The Kelly Report envisaged a programme of procedural reform driven through the Rules Committees of the courts, allowing changes to be introduced incrementally and refined in light of practical experience. By contrast, many of the reforms proposed in the General Scheme represent significant structural changes to how civil litigation

will operate in practice. Rules designed to combat delay should not inadvertently prejudice vulnerable litigants or those whose cases involve legitimate complexity. A more flexible, court-led approach to procedural reform, as recommended in the Kelly Report, would better ensure that changes operate fairly and effectively for all litigants.

Fourthly, the General Scheme proposes raising the monetary limits of the District and Circuit Courts. While an increase in the monetary jurisdiction of the lower courts is supported in principle by the Bar, such changes should be phased, proportionate and evidence-based, as contemplated by the Kelly Report. As currently framed, the proposed increases risk exacerbating delays, overburdening already stretched courts and undermining regional access to the High Court, particularly in complex personal injury and clinical negligence litigation.

Finally, while the modest reforms proposed by the General Scheme to the Office of Sheriff are welcomed, many key recommendations of the Sheriff Report - including those relating to eligibility, regulation of enforcement staff, reporting obligations and the application of ethics legislation - remain unimplemented. We believe their omission represents a missed opportunity to fully modernise an important public office.

In conclusion, the Council of The Bar of Ireland fully supports the objective of civil justice reform and recognises the importance of modernising the procedures that govern civil litigation. However, reform should strengthen, not weaken the integrity of our civil justice system. We hope that our submission on this issue and our discussions here today will assist the Committee in its consideration of the General Scheme and we would be pleased to address any questions members may have.

Thank you.



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