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Submission of the Legal Aid Board on the General Scheme of the Civil Reform Bill 2025

To: Joint Committee on Justice, Home Affairs and Migration

Date: 5th February 2026

Re: Written Submission on the General Scheme of the Civil Reform Bill 2025

A Chathaoirleach agus a bhaill,

The Legal Aid Board welcomes the opportunity to make a written submission to the Joint Committee on Justice, Home Affairs and Migration on the General Scheme of the Civil Reform Bill 2025.

This submission is made in response to the Committee's invitation of 20 January 2026. It is confined to observations arising from the Legal Aid Board's statutory remit and service delivery experience, particularly in relation to judicial review proceedings and civil litigation more generally.

The submission is presented on a head-by-head basis in accordance with the Committee's guidance and is submitted for the assistance of the Committee in its consideration of the General Scheme.

Is mise, le meas,

Joan Crawford

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Chief Executive

Legal Aid Board

Submission of the Legal Aid Board on the General Scheme of the Civil Reform Bill 2025

Introduction

1. The Legal Aid Board is a statutory body established under the Civil Legal Aid Act 1995. The LAB provides civil legal aid and advice to persons who satisfy the statutory financial eligibility and merits criteria.

2. The services provided by the solicitors who work for the LAB may, from time to time, include the initiation or defence of judicial review proceedings, as well as a wide range of civil litigation before the District Court, Circuit Court and High Court.

3. The LAB therefore welcomes the opportunity to comment on the General Scheme of the Civil Reform Bill 2025 and, in particular, on the proposed reforms to judicial review and civil procedure, insofar as these may impact on access to justice for legally aided clients and on the delivery of the LAB's services.

General Observations

4. The LAB acknowledges the policy objective of the General Scheme to promote efficiency, proportionality and cost-effectiveness in civil proceedings.

5. However, the LAB emphasises the importance of ensuring that procedural reform does not unintentionally impede access to justice, particularly for vulnerable individuals who may experience delays in accessing legal advice or representation.

6. Furthermore, it is clear that the above policy objective will impose increased resource demands upon the LAB, and it is therefore imperative that the LAB is appropriately resourced to enable it to meet the additional demands which this new legislative approach will entail. It is therefore important to ensure that the aims of this legislative change are not undermined by delays arising from the failure to properly resource the LAB.

7. Further to Para. 6, it is important to ensure consideration of the delays which derive from the uniquely regulated environment in which the staff of the LAB provide advice and representation to their clients. Adherence to such regulations by our staff inevitably takes time, creating a tension with the objectives of this Bill. It is imperative that consideration is given to this factor as the Bill progresses, whether by specific recognition of the unique needs of the LAB or, indeed, by commitment to, where appropriate and possible, amend the regulatory environment in which the LAB staff work.

8. The LAB welcomes the General Scheme significantly strengthening the role of mediation and other Alternative Dispute Resolution (ADR) processes across civil litigation, reinforcing mediation as a *default consideration* rather than an optional extra.

9. Further to Para 6, it is imperative that these legislative changes are supported by the provision of adequate resources to all impacted, not least the Circuit Court upon whom a range of additional responsibilities will be assigned. The LAB considers it vital that the necessary training and supports be made available to the members of that Court.

10. Given the generality of the terminology employed in the Heads of Bill, and the inclusion therein of some terms of concern to the LAB (as discussed below), the LAB reserves the right to make further comment upon the content of the Bill itself once published, in the expectation of inclusion therein of definitions and greater specificity in relation to that terminology.

Head-by-Head Observations

Heads 1–3: Preliminary and General

11 The LAB has no observations on these Heads.

Head 4: Abolition of Existing Discovery, Inspection and Production Procedures

12 The LAB notes that the abolition of existing discovery procedures is necessary to give effect to the new legislative framework proposed under the Bill. No further observations are made.

Head 5: Production of Documents in Civil Proceedings

13 The LAB welcomes the objective of earlier and more focused document production, which may assist in clarifying issues at an earlier stage of proceedings.

14 However, the significantly shortened timelines for initial production of documents represent a substantial front-loading of work. For Legal Aid Board law centres, this will constitute a marked change from existing practice, where discovery frequently occurs closer to the hearing of a case.

15 The LAB is concerned that applicants for legal aid often present at a late stage, sometimes close to the expiry of statutory limitation periods or after proceedings have already commenced. In such cases, there is a risk that relevant documents may not have been produced prior to LAB involvement, potentially limiting the ability of legally aided parties to rely on such documents.

16 The LAB notes that subhead 5(6), providing for the production of additional documents up to 28 days before trial, may alleviate some of these concerns. The LAB would encourage a flexible judicial approach in cases where parties obtain legal representation at a late stage.

Head 8: Rule 5

17 Further to the observations made above, the LAB notes the general and vague language employed at Head 8, Rule 5(a) and expresses its concern at the impact of such terminology and on access to justice. In that regard, the LAB refers to the term "the public interest", (Rule 5(a)(iv)); the materiality of an error of law or procedural error, (Rule 5(a)(iii)); and "harm or prejudice", (Rule 5(a)(ii)). The LAB reserves the right to address this further when the terms of the Bill are published.

Head 8: Rule 7

18 The LAB is concerned that Head 8 Rule 7 creates the prospect of a successful applicant in judicial review proceedings, who has satisfied the thresholds set out at Head 8 Rule 5, not getting their costs. This is a fundamental access to justice matter and one which carries the prospect of a significant impact for the LAB.

Head 9: Jurisdiction

19 As noted at Para. 9, the LAB regards it is imperative that adequate training and resources are provided to the Circuit Court in order for it to undertake this complex work, having regard to the requirement to provide written judgments in judicial review matters.

20 The LAB notes that this reform may lead to an increase in applications for legal aid in judicial review matters, although historically the volume of such applications has been low.

Head 10: Application for Leave to Apply – Time Limits

21 The reduction of the general time limit for applying for leave to seek judicial review to eight weeks represents a significant change and will impact access to justice. From the particular perspective of the LAB, the shortened timelines pose unique challenges, given law centre waiting times generated by resourcing deficiencies, coupled with the internal decision-making processes required by law.

22 The LAB is concerned that internal procedures may not constitute "good and sufficient reason" for an extension of time, which may result in meritorious cases being excluded.

Head 11: Court's Consideration of Application for Leave

23 The LAB notes that the proposed tests introduce a higher threshold for establishing an arguable case and sufficient interest.

Head 12: Appeals

24 The limitation on appeals, particularly in cases originating in the Circuit Court, raises concerns given the restricted avenues for challenging decisions in complex public law matters.

Heads 14–16: Civil Procedure and Adjournments

25 The LAB welcomes the requirement of parties and their legal representatives to identify and narrow issues at an early stage, conduct proceedings in a way that minimises trauma, delay, and cost, and to use mediation, or other ADR where appropriate.

26 While the operation of a presumption against granting adjournments, combined with mandatory penalties, may create difficulties for the LAB given the resource and procedural constraints under which the LAB operates, the LAB nonetheless acknowledge the potential for this change to be resource efficient in the longer term. Nonetheless, the LAB requests that consideration be given to changing the reference in subsection (3) from "shall impose a penalty" to "may impose a penalty".

Head 17: Deemed Discontinuance

27 The LAB acknowledges that this provision may assist in addressing dormant proceedings.

Heads 18–25: Miscellaneous Civil Procedure Reforms

28 The LAB has no observations on these Heads other than the LAB welcomes the Bill's broader reforms (streamlined discovery, clearer jurisdictional limits, fewer adjournments) to support mediation indirectly and make earlier resolution more attractive and realistic.

Heads 26–27: Bills of Costs

29 The LAB has no observations on these Heads.

Heads 28–39 and Additional Observations

30 The LAB notes that the extension of monetary jurisdiction in the District and Circuit Courts may result in increasingly complex cases being heard at those levels, where lists are already impacted by long delays.

31 The LAB has concerns regarding the proposed limitation of the term of a lis pendens to 28 days, as this may generate additional court applications, costs and procedural burdens, particularly in family law proceedings.

Conclusion

32 The LAB supports reform measures that enhance efficiency and proportionality in civil justice.

33 The LAB respectfully urges the Committee to consider the potential access-to-justice implications of the proposed reforms, particularly for legally aided clients and other vulnerable court users.

34 The LAB would welcome the opportunity to engage further with the Committee on these matters.

35 The LAB notes that the Bill has a pro-mediation perspective, which will integrate mediation into how cases are expected to unfold, strengthening judicial expectations around reasonable ADR engagement.