

THE BAR OF IRELAND

Continuation of our answers for *Horizontal Developments* and *Justice System* sections as we exceeded the character limit.

Questions on Horizontal Developments

Please provide any relevant information on horizontal developments here

CONTINUED

Publication of General Scheme of Civil Reform Bill

In January 2026, the Minister for Justice published the Civil Reform Bill. The General Scheme of the Civil Reform Bill includes measures to:

- Place Judicial Review on a statutory basis, with a public interest test at the centre of the process ensuring balance and protection of common good
- Prevent abuse of the discovery process by introducing a new production regime that will be more effective, efficient and lead to lower costs
- Raise monetary limits on the jurisdiction of the Circuit and District Courts, reducing legal costs by allowing more non-complex cases to be heard in lower courts

The Council is currently reviewing the details and will engage on the content of the Bill over the coming weeks.

Budget 2026

- In recent years, the Government has acknowledged the work undertaken by criminal barristers and the value they bring to the administration of justice and application of the rule of law. In March 2025, representatives of The Council met with Minister for Justice, Home Affairs and Migration Jim O'Callaghan to discuss the progress that has been made in restoring the fee cuts that were applied to the professional fees of criminal barristers and the ongoing frustration of members in relation to the failure to have the entirety of those cuts reversed. The Council requested the following ahead of the Budget 2026 announcement:
 - i. Engage colleagues in Government to implement the commitment outlined in the Programme for Government (PFG), to 'fully restore criminal legal aid fees' during this year's budgetary cycle.
 - ii. Specifically, to restore the 8% cut that was applied in March 2009 and the non-payment of the 2.5% increase that was due to be applied in September 2008 and

fully restore the link with national wage agreements to ensure victims of crime and accused persons will have their rights vindicated in a timely manner.

- On 7 October 2025, Minister O’Callaghan announced a total of €5.78 billion in current expenditure and €390 million in capital investment for 2026. Further detail on the Justice Sector allocation for Budget 2026 can be read here:

<https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/news/record-6-17-billion-for-justice-sector-in-budget-2026/>

The Council released a statement following the announcement, which can be read here <https://www.lawlibrary.ie/statement-on-budget-2026/>

Civil Legal Aid fees

- In an effort to effectively illustrate the issue of inadequate civil legal aid fees and their impact on access to justice in Ireland, in early 2025 the Council consulted by way of survey with its members who provide legal services to clients under the Legal Aid Board’s 2012 Terms and Conditions. Survey results revealed that the provision of advocacy services under the current Civil Legal Aid Scheme is at a crisis point. In July 2025, The Minister for Justice published the long-awaited review of the Civil Legal Aid scheme. The review, including a majority and minority report from the Independent Review Group, has identified a need for a much broader-based and more comprehensive civil legal aid system and stated that existing levels of fee payments significantly impede the ability of the Legal Aid Board to meet the legal needs of those accessing the system. The reports can be accessed here <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-jim-ocallaghan-publishes-historic-review-of-civil-legal-aid-scheme/>.
- The Council welcomed the report and its identification of the need for a broader-based and more comprehensive civil legal aid system in addition to its recognition that existing levels of fee payments significantly impede the ability of the Legal Aid Board to meet the legal needs of the most vulnerable in society. The Council’s statement on the publication of the reports can be read here: <https://www.lawlibrary.ie/statement-from-the-bar-of-ireland-on-the-publication-of-the-civil-legal-aid-review/>
- In June 2025, The Bar of Ireland Subcommittee on Civil Legal Aid released *Justice on a knife edge*, a document which was created from the survey results and addressed the strained provision of advocacy services. It can be read here https://www.lawlibrary.ie/app/uploads/securepdfs/2025/11/TBoI_CivilFeesReport-FINAL-Nov-2025.pdf. The restoration of Civil Legal Aid fees will continue to be an important priority for the council next year. Our asks are as follows:
 - i. Immediately restructure the basis on which fees are calculated to reflect the work actually required today.
 - ii. Immediately recalibrate fees payable so that the fees which are paid constitute a fair and reasonable payment for the work done and serve to stem the exodus of legal expertise

- iii. Require interim payments to allow fees to be paid in stages while work is still ongoing.
- The Council remains available to engage constructively with the Department of Justice, the Legal Aid Board and all other interested parties in the recommended review.

Criminal Justice (International Co-operation) (Amendment) Bill 2025

- This legislation will implement the eEvidence Regulation (EU) 2023/1543 (which creates a mechanism for EU member states to issue cross-border orders compelling in-scope service providers to preserve and/or produce relevant user data to authorised authorities in the EU); and transposes the Legal Representative Directive (EU) 2023/1544 (which requires service providers to designate one or more addressees for the purpose of receiving orders and decisions. Over 600 service providers are expected to designate an “addressee” in Ireland). A new Criminal Justice International Cooperation Office (CJICO) will also be established and will operate as the designated enforcing authority with investigatory powers for suspected breaches.
- The General Scheme of this Bill was published by the Department in December.

Criminal Law and Civil Law (Miscellaneous Provisions) Bill 2025

- This legislation develops existing policies to improve the efficiency of courts (through digitisation of court documents including warrants); aims to free up Garda time for frontline policing; changes legislation in relation to the disclosure of counselling notes in sexual offence trials; encourages greater use of non-custodial sanctions in suitable cases; addresses sexually exploitative practices in the rental market; limits the use of face coverings to intimidate other persons or evade justice; and introduces legislation to allow prison officers to deploy incapacitant spray in certain circumstances in prisons.
- The Council drafted a submission for this in June, which can be read here https://www.lawlibrary.ie/app/uploads/securepdfs/2025/06/Submission-to-Oireachtas-Joint-Committee-on-Criminal-Civil-Bill-26.6.25_.pdf
- In November, the Joint Committee on Justice, Home Affairs and Migration published its pre-legislative scrutiny report on the General Scheme of the Bill.

Courts and Civil Law (Miscellaneous Provisions) Act 2025

- This Bill was signed into law by the President on 10th December 2025. It provides for an increase in the number of ordinary judges of the Court of Appeal and to amend the Courts (Establishment and Constitution) Act 1961; to provide for an increase in the number of ordinary judges of the High Court, ordinary judges of the Circuit Court and judges of the District Court. It also provides for several technical amendments to the Gambling Regulation Act 2024.

Defamation (Amendment) Bill 2024

- Under the Defamation (Amendment) Bill 2024, it is proposed that juries in High Court defamation cases would be abolished and protective measures for those targeted by Strategic Lawsuits against Public Participation proceedings (SLAPPs) would be

introduced (where a plaintiff presents defamation proceedings against an individual or an organisation in order to silence responsible investigation or debate on matters of public interest). As of July 2025, the Dáil passed the Bill with a significant majority and it was sent to Seanad Éireann where it has since advanced through to Third Stage (Committee Stage). The Council remains available to engage with Government on the Bill.

International Protection Bill 2025

- The General Scheme of the International Protection Bill 2025 was approved by the Joint Oireachtas Committee on Justice in April 2025. The Report of the Joint Committee on Justice, Home Affairs and Migration on Pre-Legislative Scrutiny of the General Scheme was published on 1 December. The Scheme proposes a significant reform of Ireland's international protection system. It will replace the International Protection Act 2015 and is designed to bring Irish procedures into alignment with eight legislative measures under the EU Migration and Asylum Pact, which Ireland has opted into. In June, The Council submitted its views on the General Scheme. You can read the submission [here](https://www.lawlibrary.ie/app/uploads/securepdfs/2025/06/Submission-to-Oireachtas-Joint-Committee-on-IP-Bill_FINAL_Bar-of-Ireland-1.pdf)
- As currently written, the proposed legislation raises serious concerns about access to legal representation, the fairness of procedures and the protection of fundamental rights throughout the international protection process. While the Bill aims to streamline processes and align us with EU Pact legislation, it raises concerns regarding access to legal representation, fair procedures and the protection of human or fundamental rights throughout the international protection process. The Minister for Justice stated on 4th December that he intended to seek Government approval "*in the coming weeks for publication of the Bill*". The Bill is expected to be published by the end of the year.

I Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding the justice system (if applicable)

Defamation Bill

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- The Bill passed its First and Second Stages in the Dáil in September 2024 before the Dáil was formally dissolved in November. Following the general election and reconstitution of the Dáil, the Bill completed Committee Stage in February 2025 and in July was passed by a margin of 83 votes to 61. As of December 2025, the Bill is before Seanad Éireann, Third stage (at this stage, the Bill is examined section by section and amendments may be made). The Council will continue to monitor this Bill and will engage with Government as appropriate.

Family Courts Act

- As stated in previous Rule of Law Reports, the Council expressed its concerns in the proposal to expand the jurisdiction of the District Court under the Family Courts Bill (now an Act) as it will drastically increase and overwhelm the workload of the court. The Family Courts Bill 2022 was signed into law by the President in November 2024. The Council is continuing to engage on this matter as the Act is being implemented.
- In September, we met with the Law Society to discuss our shared objectives and to explore potential collaboration opportunities. Following this meeting, in October, the Council contacted Minister O'Callaghan, requesting that a representative of the Council be appointed to the implementation group. Membership of this group would help to ensure that family law practitioners can contribute their insight and knowledge.
- The Family Courts Act implementation plan is expected in January or February 2026.