



THE BAR
OF IRELAND

The Law Library
BARRA NA HÉIREANN
An Leabharlann Dlí


LAW IN PRACTICE
The risk of AI hallucinations
in the Irish legal system

INTERVIEW
Attorney General of Ireland
Rossa Fanning SC

CLOSING ARGUMENT
Proposals regarding the
oath for judicial office

THE BAR REVIEW

VOLUME 30 / NUMBER 4 / OCTOBER 2025

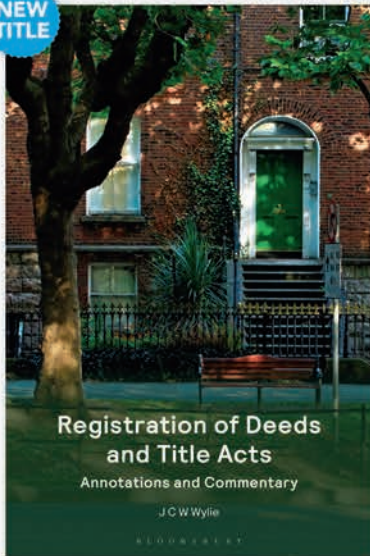


PB AND CC:
AN UPDATE ON
CRIMINAL PROCEEDINGS
INVOLVING CHILDREN

BLOOMSBURY PROFESSIONAL IRELAND

OUT NOW: SEPTEMBER NEW RELEASES

NEW
TITLE



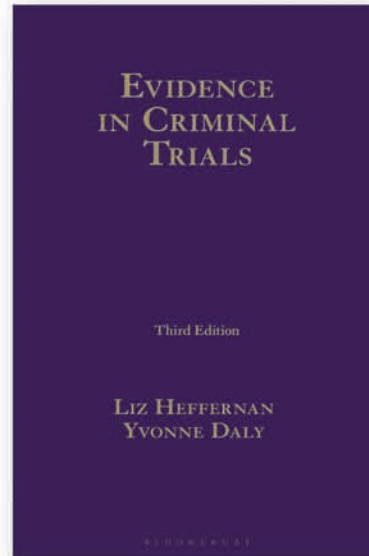
Registration of Deeds and Title Acts

Annotations and Commentary

By J C W Wylie

This new book is a companion to Prof Wylie's highly regarded *Land and Conveyancing Law Reform Acts: Annotations and Commentary* and is an indispensable guide to the legislation governing this key aspect of property and conveyancing law.

Pub Date: Sept 2025
Hardback Price: €215
eBook Price: €189.82
ISBN: 9781526531339



Evidence in Criminal Trials

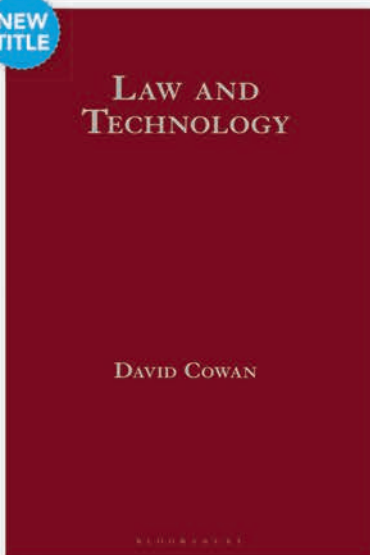
3rd Edition

By Liz Heffernan and Yvonne Daly

The only Irish textbook devoted exclusively to the subject of criminal evidence. It provides extensive coverage of law and practice on the admissibility of evidence, the presentation of evidence in court and the pre-trial gathering and disclosure of evidence.

Pub Date: Sept 2025
Hardback Price: €255
eBook Price: €225.13
ISBN: 9781526529978

NEW
TITLE

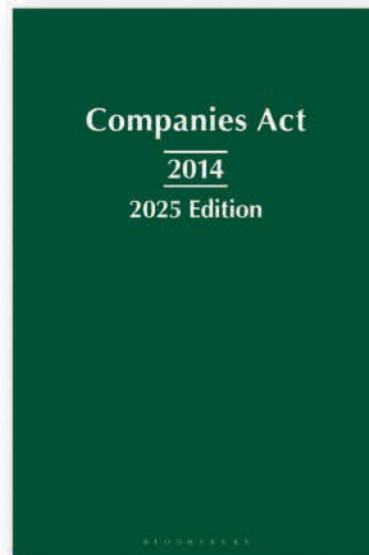


Law and Technology

By David Cowan

By providing an accessible and holistic approach to law and technology issues, this book will guide practitioners through the technological challenges facing them both in their working practices and in the matters they handle.

Pub Date: Sept 2025
Paperback Price: €245
eBook Price: €216.31
ISBN: 9781526531001



Companies Act 2014: 2025 Edition

Companies Act 2014 ushered in significant and wide-ranging changes to Irish company law. In this new edition, the Companies Act 2014 is updated to reflect the changes brought about by all relevant provisions up to 1 August 2025.

Pub Date: Sept 2025
Paperback Price: €99
eBook: €87.40
ISBN: 9781526532220

Order your copies now on [BloomsburyProfessional.com](https://www.bloomsburyprofessional.com)

Get 10% off these titles on our website with code BP2025 at check out.

These titles are also available on our online services. To purchase a subscription, organise a free trial or request a remote demonstration, please email: professionalsales@bloomsbury.com

OCTOBER 2025

CONTENTS

116

Message from
the Chair

117

Editor's note

118

News

124

News feature
AI at the Bar: lessons
from recent AI trials

126

Interview
The Government's lawyer

i

Legal update

130

Law in practice
The risk of AI hallucinations in
the Irish legal system

135

Law in practice
PB and CC: an update on criminal
proceedings involving children

140

Obituary
Frank Quirke BL

141

Closing
argument
Under oath



THE BAR
OF IRELAND
The Law Library
BARRA NA hÉIREANN
An Leabharlann Dlí

The Bar Review
The Bar of Ireland
Distillery Building
145-151 Church Street
Dublin D07 WDX8

Direct: +353 (0)1 817 5025
Fax: +353 (0)1 817 5150
Email: molly.eastman@lawlibrary.ie
Web: www.lawlibrary.ie

EDITORIAL BOARD

Editor
Helen Murray BL

Michael Conlon SC
Tom Flynn SC
Cliona Kimber SC
Paul McGarry SC
Cathleen Noctor SC
Sean Ó hUallacháin SC
Proinsias Ó Maolchalaín SC
Bairbre O'Neill SC
Peggy O'Rourke SC
Morgan Shelley SC
Lydia Bunni BL
Dearbhla M. Cunningham BL
Simon Donagh BL
Arran Dowling-Hussey BL
MAry-Paula Guinness BL
Stephen Hanaphy BL
Michael Kinsley BL
Cian McGoldrick BL
Catherine Needham BL
James Nerney BL

Una Nesdale BL
Emer Ní Chúgáin BL
Tim O'Connor BL
Michael O'Doherty BL
Tanya Smyth BL

Ciara Murphy, CEO
Vanessa Curley, Law Library
Gary LaCumber, Law Library
Molly Eastman McCarthy, Policy & Public
Affairs Officer
Paul O'Grady, Publisher
Ann-Marie Hardiman, Think Media

PUBLISHERS

Published on behalf of The Bar of Ireland by
Think Media Ltd

Editorial: Caoimhe Coolican
Ann-Marie Hardiman
Paul O'Grady

Design: Rebecca Bohan
Tony Byrne

Advertising: Paul O'Grady

Commercial matters and news items
relating to *The Bar Review* should be
addressed to:

Paul O'Grady
The Bar Review
Think Media Ltd The Malthouse, 537 NCR, Dublin
D01 R5X8
Tel: +353 (0)1 856 1166
Email: paul@thinkmedia.ie
Web www.thinkmedia.ie

www.lawlibrary.ie

Views expressed by contributors or
correspondents are not necessarily those of
The Bar of Ireland or the publisher and neither
The Bar of Ireland nor the publisher accept any
responsibility for them.

ADVOCATING FOR THE PROFESSION AND THE PUBLIC

At the beginning of this new legal year, I want to extend a warm welcome to our new members, 96 of whom commenced their devilling year on October 6.



Seán Guerin SC

*Senior Counsel, Barrister – Member of the Inner Bar
Chair of the Council of The Bar of Ireland*

I had the opportunity to meet with our new colleagues during their induction day in late September, and I encourage everyone to take time to welcome them to our collegiate profession. Our newly refurbished Barrister's Tea Rooms is once again open for business, and I hope members will support the operation and use the opportunity to reconnect with colleagues, old and new. There are some significant policy issues on the Government's agenda that will impact on our profession and where the Council will be prioritising its efforts and engagements over the months ahead.

Budget 2026 – criminal legal aid

I welcome the progress made in Budget 2026 towards the long-overdue restoration of professional fees for criminal barristers, marking a significant step in fulfilling the commitment contained in the Programme for Government. I want to express our

appreciation to the Minister for Justice, Jim O'Callaghan SC TD, and his officials for their continued engagement and recognition of the vital role played by criminal practitioners in ensuring the effective operation of the justice system. Council representatives will meet with Department officials shortly to continue discussions in relation to possible further reforms, and to ensure the implementation of the restored fee rates at the earliest opportunity.

Civil legal aid review

In July 2025, the Government published the first comprehensive review of the Civil Legal Aid Scheme in nearly half a century. Chaired by retired Chief Justice Frank Clarke SC, the Review Group was established in June 2022 to conduct a full appraisal of the Scheme, engaging in extensive consultation, comparative analysis, and financial evaluation across 40 meetings. The Group presented a principle-based

and strategic framework to modernise civil legal aid in Ireland – framed as a “clear roadmap” to ensure that the system better supports access to justice. The Civil Legal Aid Review Report provides a blueprint for modernising Ireland's system of civil legal aid. The reports, including both a majority and minority report, converge on the need to:

- broaden access across all legal domains;
- ensure fair remuneration and practitioner participation;
- harness existing service infrastructure;
- embed preventive and rights-based principles; and,
- secure dedicated funding and political will.

The Civil Legal Aid Scheme has fallen short of what is required to meet the needs of ordinary people. The path charted in the recommendations set out

in the report offers a real opportunity to fulfil the core promise of meaningful and timely access to justice for citizens of limited means – restoring dignity, fairness, and equality before the law.

Council of The Bar of Ireland will contribute positively to the discussion about implementation that now needs to take place and, at the same time, will be pressing for early and substantial progress on establishing the revised pay structures and pay rates that are necessary to ensure a supply of highly qualified and competent barristers in this essential area of the legal market.

Judicial review

The issue of judicial review as a cause of delay in infrastructure development has been the subject of various Government reports and media comment. While the stated intention of Government is to reform the judicial review process as it applies to infrastructure and planning for the purpose of expediting project delivery and improving efficiency, any reforms under consideration must be balanced against the fundamental rights of citizens and safeguarding access to justice.

Judicial review in Ireland is a cornerstone of constitutional democracy, ensuring that the exercise of public power is subject to the rule of law, upholding the constitutional principle that all organs of the State remain accountable to the law. It is not the purpose or the practice of judicial review courts to take the place of expert decision-makers; instead, judicial review is designed to ensure that administrative decision-makers observe the minimum standards of lawfulness and rationality, each an essential requirement for the promotion of the public interest as much as for the protection of individual rights.

The Council will be engaging with Government on these important areas of public policy development. The opportunity for members to get involved and share their views will be facilitated through the organisation of a series of events that will focus on these important public interest areas, which will undoubtedly impact citizens and our profession.

THORNY ISSUES

This edition covers AI hallucinations, child sentencing, and the judicial oath.



Helen Murray BL

Editor

The Bar Review

The Bar Review would like to extend a warm welcome to all our new members and to wish you well at the beginning of your career at The Bar of Ireland. We hope this is the beginning of a rewarding and exciting chapter in your working lives.

In this month's edition, the Attorney General, Rossa Fanning SC, recalls his journey into the legal profession and the experiences and travels that have shaped his career. Halloween is almost upon us and if you are short on tales that will make the hairs on the back of your neck stand up, read the law in practice article written by Tomás Keys BL. He examines the impact of the increased use of generative AI within the legal profession and the repercussions when the research results in what are known as AI hallucinations.

Kevin Roche BL has written a comprehensive article on child sentencing focusing on two recent Supreme Court cases – *DPP v PB* and *DPP v CC*. This is essential reading for all members, particularly those working in the area of criminal law. The thorny issue of faith and the Constitution is tackled head on by Elizabeth O'Connell SC when she considers the Private Members' Bill proposing a constitutional amendment to remove "religion and gendered language" from the oath for judicial office.

Jeremy Maher SC has written a thoughtful appreciation of our late colleague Frank Quirke BL who passed away last year. He, along with all our colleagues who have passed away in recent times, continue to be missed.

Specialist Bar Association news

Key strategies in finance law

On June 25, the Financial Services Bar Association (FSBA) hosted its annual conference in the Gaffney Room, focusing on key legal strategies in financial services disputes. Chair John Breslin SC opened the event, followed by a keynote address from John MacMenamin, former Supreme Court Judge and Chairperson of the Irish Financial Services Appeals Tribunal. The first panel, 'Advocacy in Regulatory Processes', was chaired by John Breslin SC and featured Mr Justice Seamus Woulfe, Ailbhe O'Neill SC, and Mark Harty SC. The second session, 'Strategy for Directors and Senior Managers under Investigation', was chaired by Úna Tighe SC, with panellists Lisa Carty (Pinsent Masons), Penny Miller (Simmons + Simmons, London), and Robert Cain (Arthur Cox). The final panel, 'Amendment to Order 11 – Service Outside the Jurisdiction', was chaired by Patrick O'Reilly SC and included Ms Justice Nuala Butler, David Sweetman BL, and Darragh K. Connell (Maitland Chambers, London).



From left: David Sweetman BL; Darragh K. Connell, Maitland Chambers, London; Patrick O'Reilly SC; and, Ms Justice Nuala Butler.

epitome | HAUTE TRAVEL

Where Luxury Meets the Wild

Where travel knows no bounds.

Across the plains and into the heart of the savannah, sophistication knows no bounds. At Epitome Travel, we curate journeys that transcend the ordinary - crafted for those who seek elegance in every experience. Each itinerary is tailored with precision, discretion, and an eye for the extraordinary. Every journey should reflect who you are. Bespoke. Authentic. Unforgettable. This is the Epitome of Travel.

ITAA Irish Travel Agents Association | IAA | Licensed by the Irish Aviation Authority, TA0167 T0274 | epitometravel.ie | BROUGHT TO YOU BY CASSIDY TRAVEL

Constructing clarity

The Construction Bar Association (CBA) held its 11th major open conference on June 20 in the Dining Hall of The Honourable Society of King's Inns, beginning with an opening address by James Burke BL. The afternoon featured three expert-led sessions. 'Adjudication: Law, Strategy & Practice' was chaired by Madam Justice Denise McBride with panellists Jarlath Fitzsimons SC and Rory Kirrane SC. 'Housing and Building Regulation' was chaired by Mr Justice Mark Sanfey and featured Deirdre Ní Fhloinn BL, Minister for Housing, Local Government and Heritage James Browne TD, and Michael O'Flynn. The last panel discussed 'Professional Negligence', chaired by Mr Justice Maurice Collins with contributions from Sara Moorhead SC, Peggy O'Rourke SC, and Lydia Bunni BL.

10 years of the Workplace Relations Act 2015

On June 25, the Employment Bar Association (EBA) and the Employment Law Association of Ireland (ELAI) hosted a joint event at the Museum of Literature Ireland (MoLI) to mark a decade since the introduction of the Workplace Relations Act 2015. Co-chaired by Julie Galbraith (Chair, ELAI) and Brendan Kirwan SC (Chair, EBA), the evening featured reflections on the Act's impact on employment law and practice. Speakers included Mr Justice Oisín Quinn, Melanie Crowley (Mason Hayes & Curran), and Peter Ward SC, who shared insights on legal developments and practical implications over the past ten years.

Updates in criminal law



The Irish Criminal Bar Association (ICBA) held its annual conference in the Kilkenny Ormonde Hotel. The conference was chaired by Judge Ronan Munro. Speakers included Maurice Coffey SC, Garnet Orange SC, Diarmuid Collins BL, Gemma McLoughlin Burke BL, David Perry, and David Staunton. The session discussed various updates in criminal law from the past year. The conference concluded with the AGM and a networking dinner for participants.

medytrak
Innovating Irish Healthcare

**EIS Investment
Now Open**

**Up to
50% Tax
Relief**

Why Invest in Medytrak?

- **Digital healthcare innovation:** Remote patient monitoring, homecare compliance, clinical trial management.
- **Proven impact:** Real-time patient data, reduced hospital readmissions, HIQA compliance, streamlined trials.
- **Growth pathway:** Expanding AI-driven analytics, interoperability, European & USA market rollout.



EIS - A unique Irish Tax Incentive

Medytrak is EIS-qualified for 2025, enabling investors to claim up to 50% income tax relief (subject to rules). e.g. €100,000 investment may reduce net exposure to as little as €50,000.

Be part of the future of Irish Healthcare

Contact us today for prospectus and Statement of Qualification (SOQ).

Contact: info@medytrak.net | medytrak.com

Planning and environmental update

The Planning, Environmental and Local Government Bar Association (PELGBA) held its annual conference in the Dublin Dispute Resolution Centre on July 4. Chair Tom Flynn SC welcomed the attendees before introductory remarks from Mr Justice Richard Humphreys.

Fintan Valentine SC gave a presentation that discussed updated legislation in planning enforcement. This was followed by a presentation by David Browne SC on 'Standing and Public Participation'. 'Offshore Energy' was

the topic discussed by Gregory Jones KC. This was followed by Grainne Gilmore BL who took the audience through 'Renewable Energy and Nuisance'.

After lunch, attendees heard from Emily Egan McGrath SC on 'The Courts' Discretion to Grant Certiorari'. The final presentation was given by Ger Deering, the Commissioner for Environmental Information, who discussed 'Access to Environmental Information'.



Mr Justice
Richard
Humphreys.



Emily Egan
McGrath SC.



THE BAR
OF IRELAND
Practice Support & Fee Recovery

Practice Support & Fee Recovery We are here to help

What we can do for you

- Fee recovery service (for up to three fee notes at a time that are more than six months overdue)
- Information service on best practice in practice management
- A dedicated practice support hub on the members' website
- A range of practice information guides
- Pre-recorded and live information events/CPD events
- Dedicated email accounts for queries

How to get in touch

Visit the 'Practice Support & Fee Recovery' hub on the website and familiarise yourself with the range of best practice information and tips on offer. For those who need to avail of the Fee Recovery service, please contact the team whose details are below. A starter pack will be sent to you together with the terms and conditions of the service. This service is included in your membership subscription and there is no additional cost.



Michelle Farrell
Fee Recovery Manager
Ext: 5053
feerecovery@lawlibrary.ie



Waad Alias
Fee Recovery Administrator
Ext: 5409
feerecovery@lawlibrary.ie

Media and technology law

The Media, Internet and Data Protection Bar Association (MIDBA) held its annual conference on June 27 in the Gaffney Room. Michael O’Doherty welcomed the audience to the event, followed by an opening address by Mr Justice David Barniville, President of the High Court. President Barniville spoke on ‘Ireland as a Hub for Technology Law’. There were three insightful panels throughout the afternoon. The first panel spoke to ‘Data Subject Access Requests’. This was expertly moderated by Emily Gibson BL with contributions from Mark Finan BL, Declan Harmon BL and Laura Fannin from Hayes Solicitors. The second panel discussed the topic of ‘Social Media and Under 16 Year Olds’. This panel was moderated by Conor Power SC with



From left: Alex Cooney, CyberSafeKids; Johnny Ryan, Irish Council for Civil Liberties; Conor Power SC; and (standing) Michael O’Doherty BL.

Michael O’Doherty BL, Alex Cooney of CyberSafeKids and Johnny Ryan of the Irish Council for Civil Liberties discussing whether Ireland should follow Australia and ban social media for children under 16.

Concluding the conference, a panel moderated by Ronan Lupton SC, with contributions from Paul Tweed (WP Tweed & Co), Paula Mullooly (A&L Goodbody) and Ted Harding SC, focused on ‘Media Law in the Digital Age’.

Dublin Dispute Resolution Centre

Ireland’s premier dispute resolution venue

At the DDRC, we take pride in delivering exceptionally high-quality meeting spaces and supplementary services in close proximity to the Four Courts complex.

Key features of our center



Neutrality: DDRC serves as a neutral venue for all parties. Conveniently located in the heart of Dublin’s legal community, we are easy to access.



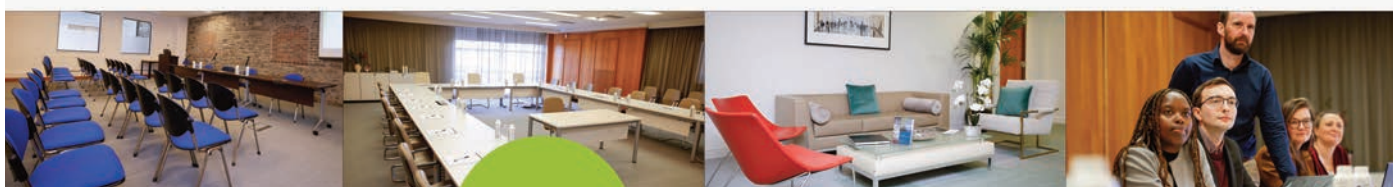
Prime location: on the first floor of the Distillery Building, DDRC offers the perfect setting for consultations, arbitrations, mediations, and settlements.



Fully serviced and accessible for all users: we take care of all your business needs. DDRC guarantees a seamless, positive experience.



Flexible hours: meetings can be unpredictable, so we operate 24/7, allowing your meeting to progress in whichever way suits you.



Dublin Dispute Resolution Centre

OPEN 24/7

CONTACT US NOW FOR MORE DETAILS

Distillery Building, 145-151 Church Street, Dublin D07 WDX8, Ireland. Tel +353 (0)1 817 5277, Email: info@dublinarbitration.com

Rights in a digital world



The legal year ended with a fantastic seminar hosted by The Family Lawyers Association (FLA). Chaired by Paul McCarthy SC, Chair of the FLA, speaker Noeline Blackwell of the Irish Human Rights and Equality Commission (IHREC) addressed the subject of ‘Children’s Family Rights in a Digital World’. This was an insightful seminar with many questions from the floor.

The art of advocacy

The Tort and Insurance Bar Association (TIBA) held its annual conference on May 24 in the Gaffney Room. The conference opened with welcoming remarks from Jeremy Maher SC, Chair of the TIBA, setting the tone for a dynamic programme. The first session, ‘The Art of Advocacy’, featured a distinguished panel including Mr Justice David Barniville, President of the High Court, Seán Guerin SC, Chair of the Council of The Bar of Ireland, and Helen Callanan SC. Following a short break, the second session explored ‘The Regulation of

Professional Ethics’, with contributions from Mr Justice Paul Coffey, Rossa Fanning SC, Attorney General of Ireland, and Paul McGarry SC. The third session focused on ‘Developments in Tort and Privacy Law’, chaired by Ms Justice Mary Faherty, joined by Eoin McCullough SC and William Binchy BL. The final session of the day addressed ‘Recent Developments in Tort Law’, chaired by Judge John Martin, with a panel comprising Sarah Reid BL, Gerard Groarke BL, Aoife Nolan BL, and Sinéad Murphy BL.

Celebrating Daniel O’Connell

In honour of the life and legacy of Daniel O’Connell, former President of Ireland Dr Mary McAleese announced Maria Watson BL as the winner of The Bar of Ireland Liberator Scholarship on July 22. The scholarship was established to mark the 250th anniversary of the birth of Daniel O’Connell, one of Ireland’s most important legal and political figures.

The scholarship offers a fully funded place for Maria to attend the Harvard Programme on Negotiation later this autumn, a unique and prestigious programme on mediation, negotiation and conflict resolution.

The event forms part of The Bar of Ireland’s wider commemorative activities, including participation in the O’Connell 250 Symposium: Liberty, Democracy, and the Struggle for Human Rights, in association with Trinity College Dublin, The Daniel O’Connell Summer School, and Glasnevin Cemetery.



From left: Dr Martin McAleese; Sir Maurice O’Connell, a direct descendant of Daniel O’Connell; scholarship recipient Maria Walsh BL; former President of Ireland, Dr Mary McAleese; retired Mr Justice John MacMenamin; and, Seán Guerin SC, Chair, Council of The Bar of Ireland.

Daniel O’Connell Trinity Symposium

On July 29, The Bar of Ireland was proud to partner with Trinity Long Room Hub for the Daniel O’Connell Trinity Symposium, which marked 250 years since the birth of the Liberator and brought together historians, human rights experts and public figures to explore O’Connell’s life and legacy.

In his address on ‘Daniel O’Connell and the Path to Justice’ panel, Seán Guerin SC quoted Daniel O’Connell in a speech made to the court arguing the importance of an independent Bar: “It is the first interest of the public that the Bar shall be left free. In short, the public are deeply interested in our independence. Their properties, their lives, their honours are entrusted to us. And if we, can in such a guardianship is confided be degraded, how can we afford protection to others?”



Pictured at the Daniel O’Connell Trinity Symposium were (from left): Seán Guerin SC, Chair, Council of The Bar of Ireland; Chief Justice of Ireland Donal O’Donnell; Ms Justice Nessa Cahill; Dr Niamh Howlin; and, John Berry SC.

Adrian Hardiman Moot

The Adrian Hardiman Moot Competition made a much-anticipated return in July, reaffirming its place as a cornerstone event for junior members of The Bar of Ireland. Open to barristers in Years 1 to 5 of practice, the competition spans four rounds and continues to foster excellence in legal advocacy and debate. It is kindly supported by the family of the late Mr Justice Adrian Hardiman, whose legacy continues to inspire excellence in legal debate and advocacy skills among young barristers. Congratulations to this year's winners – Gemma McLoughlin-Burke BL and Seán Beatty BL – who claimed a narrow victory over the team of Laurenz Boss BL and Thea Kennedy BL.



Winners of the 2025 Adrian Hardiman Moot Competition Seán Beatty BL and Gemma McLoughlin-Burke BL stand with Supreme Court judges Ms Justice Dunne, Ms Justice O'Malley, and Mr Justice Collins, who presided as judges during the final competition. Photo: Conor McCabe.

The Bar of Ireland inaugural Internship Programme

The Bar held its inaugural Internship Programme from Monday, June 23, to Friday, July 4. The two-week initiative welcomed four outstanding interns from Leitrim, Donegal, Clare and Dublin.

A strong sense of mentorship and collegiality marked the conclusion of the Programme. Seán Guerin SC, Chair, Council of The Bar of Ireland, commended the four participating students for their professionalism, curiosity, and engagement. Representing institutions across Ireland, the interns were praised for being driven, enthusiastic and motivated throughout the internship, and for forging meaningful connections with members of the Bar.



The Bar congratulates this year's interns. From left: Lee Mac Cuinneagáin; Greta Baronaite; Aoife Carroll SC, Chair of the Bar's University Outreach Committee; Michael White; and, Alvena Sharma. Photo: Robbie Reynolds Photography.

The Bar Review caption competition



The Bar Review is delighted to announce the winner of our caption competition.

We asked members to come up with a caption for this fantastic image by artist and former member of the Law Library Hugh Madden. The winning caption was submitted by ???, and their winning entry is:

CAPTION HERE

?? will receive a framed print of the image complete with their caption. Many congratulations!

Pension and tax advice

The simplest way to save tax is to put money into your pension. Advisors from The Bar of Ireland Retirement Trust Scheme, operated by Mercer, will be in the Law Library giving a series of clinics during October and November. Here are the details of the dates and locations:

Date	Location	Room
October 31, 2025 deadline		
Friday, October 31 – 10.00am–2.30pm	Distillery Building, 145/151 Church St	AON Room, ground floor
November 19, 2025 deadline (ROS)		
Tuesday, November 18 – 10.00am–2.30pm	Church St Building, 158/159 Church St	Room C
Wednesday, November 19 – 10.00am–2.30pm	Distillery Building, 145/151 Church St	AON room, ground floor
Wednesday, November 19 – 12.00pm–2.30pm	Law Library, Four Courts, Dublin 7	Remote meeting room 1, ground floor



AI AT THE BAR:

Recent trials by Law Library members of legal AI platforms have been very helpful in guiding the Bar's approach to this technology.



Gary LaCumber

Director of Library and Information Services

Over the past year, Law Library members have participated in trials of a number of legal AI platforms. The objective was practical: to assess how these tools can assist barristers in their professional practice, and to identify any limitations and guardrails needed for safe, ethical use. The response was engaged and measured, reflecting a profession alert to both the opportunities and the risks. What follows distils the main findings and outlines the evolving approach the Bar will take. The trials operated in line with The Bar of Ireland's Professional Practice Committee (PPC) Ethical Guidance on the use of AI, which all members are encouraged to read.

What worked best

Across the AI platforms, the most significant benefit was seen in document-heavy work. Large briefs, files, reports, and sprawling correspondence were digested at speed, giving barristers an accurate 'gist' and a map of the issues. Members reported gains

in rapid summarisation, extracting legal tests, comparing documents, and building chronologies. Many found that these outputs helped to triage what to read first, and to identify contradictions or gaps, making case preparation more efficient.

First-draft support also featured prominently. Members used AI tools to produce outlines and first passes at submissions, replies, and witness statements, before rewriting based on a barrister's professional experience and expertise. In practice, the primary value was acceleration and structure, rather than final text. Users consistently stressed that outputs are starting points, requiring human review and refinement.

For courtroom preparation, a significant cohort used AI to prepare cross-examination by extracting themes and inconsistencies from their brief. The time savings were concrete, with practitioners reporting improved efficiency in managing complex issues.

Notable product features

Members valued features such as iterative prompting, the ability to interrogate uploaded materials in threads, and workflows that emphasise working from documents provided and verified by legal practitioners. Tools for comparison, chronology building, and in-document drafting, editing, and proofing – particularly for affidavits and structured templates – were consistently praised. Where AI platforms surfaced sources with hyperlinks to Irish judgments, confidence improved, and the risk of hallucination felt lower. The ability to interrogate the same brief repeatedly to refine issues was also highlighted as a practical benefit.

Limitations to note

■ **Uploads and processing:** Members reported frustrations with file size limits, slowness with long PDFs, and unpredictable failures – especially with scanned or handwritten materials. There was a desire for multi-file workflows, bulk processing, and broader file-type support.

- **Legal research accuracy and coverage:** Many members expressed concern about research accuracy and citation reliability when AI tools were used as ‘researchers’, noting that at the time of trialling, most platforms were not yet connected to comprehensive Irish legal databases, an issue that is evolving with publicly available legal content being integrated and partnerships with publishers being explored by AI providers. The recurring request was to pair any document assistant with a research-centric tool that can deliver accurate and authoritative case law and citations.
- **Usability and onboarding:** Members sought clearer guidance, Irish-specific workflows (end-to-end processes for case preparation), and better formatting controls.

Risks identified

- **Accuracy and verification:** Members consistently stressed the need for mandatory human verification of all outputs, with clear standards for citation checking and authority tracing.
- **Data protection and confidentiality:** Many members reported moderate to high concern about GDPR, privacy, and client confidentiality. There is a strong desire for formal data protection review, a clear policy on what may be uploaded and when, and contractual assurances before any procurement. *It is important to note that Bar of Ireland trials were operated within closed systems and with full GDPR compliance.*
- **Training and the junior Bar:** Members cautioned against over-reliance on AI. Speed and convenience must not erode training pathways and opportunities for the junior Bar to learn the skills of an advocate. In the context of AI, structured support is needed to preserve skills development for junior practitioners.
- **Cost and equity:** Concerns were raised about the potential for increased costs, particularly for junior members. Many favour opt-in, tiered, or subsidised access while the market evolves, to avoid inequity where only better-resourced and established barristers can benefit.
- **Environmental impact:** Some members flagged the higher compute load of AI systems and urged proportionate use.

Adoption versus inaction

Members are clear that the greatest risk that presents with AI is inaction. Large legal firms are already deploying AI at scale, and many fear competitive disadvantage and loss of work if the independent Bar does not keep pace. Equally, incautious adoption carries its own hazards: reputational harm from inaccuracies; data protection exposure; erosion of training; vendor lock-in; and, the possibility of supplier failure.

What members asked for

- **Governance before scale:** Members called for: a Bar-approved, safe tool; a formal GDPR/privacy audit and upload policy; and, verification standards – to complement the PPC’s ethical guidance toolkit.
- **Training and support:** Structured onboarding; prompt-craft for end-to-end workflows suited to the Irish legal context; Word-based templates; and, targeted support for less tech-confident members.
- **The right mix of tools:** Members suggested that AI should be used primarily as a documents assistant and first-draft accelerator, and that it should be evaluated alongside research-connected tools for authoritative case law retrieval.
- **Fair access and measured procurement:** There was support for procurement of AI tools managed by the Bar, consideration of subsidies for early-career counsel, and short, comparative testing of available tools before any long-term commitment.

What happens next

The Council is in the process of establishing an AI Oversight Committee. The Committee will provide a forum for open dialogue and exchange of ideas in relation to AI and the Bar. It will horizon-scan for new AI technologies and applications, liaise with partner AI providers to ensure that product development aligns with practitioner requirements and organisational values, and make recommendations to the Council regarding pilots, licensing, resourcing, partnerships, research projects, and submissions. The Committee will also advise the Council on issues in AI that are of particular priority in the current and future AI landscape, provide insights into trends, opportunities, and challenges as they may impact the legal sector, and advise members on ethical issues that may arise in relation to AI, referring such matters as appropriate to the PPC.

Conclusion

The trials confirm that legal-grade AI can already help barristers to do what they have always done: master large briefs swiftly; organise the evidence; and, draft with structure and purpose. They also confirm that research reliability, verification discipline, confidentiality, and fairness of access are non-negotiable. With careful governance and measured adoption, the Bar can embrace AI without compromising standards, training, or independence and, in doing so, maintain the profession’s competitiveness and service to the administration of justice.

Members will be kept informed as the AI Oversight Committee advances this work. In the meantime, the message from the trials is pragmatic and encouraging: used well, with human oversight and judgment firmly in the loop, AI is a documents assistant – not a substitute for an independent referral barrister.

THE GOVERNMENT'S LAWYER

Attorney General of Ireland Rossa Fanning SC speaks to *The Bar Review* about his career at the Bar, and the role of Attorney General.



Ann-Marie Hardiman,
Managing Editor, *Think Media*

For Attorney General of Ireland Rossa Fanning SC, a law career was a natural progression: "I always enjoyed public speaking. I developed an interest in debating when I was in secondary school. I was also fairly interested in politics and current affairs. And of course, periodically, there are always court cases that receive extensive media coverage, so I would have followed the business of the courts from reading the newspapers and watching the news, even as a child. Law seemed like a natural fit for me, even though I didn't know an awful lot about it".

He graduated with a BCL degree from UCD and went straight to the King's Inns, while simultaneously studying for an LLM degree by dissertation at UCD. His intention was to commence a career at the Bar, and he was due to begin devilling for Mr Justice Brian

Murray, now a judge of the Supreme Court, but on the advice of Prof. Paul O'Connor, then Dean of Law at UCD, he decided to pursue further education in the US. He deferred entry to the Bar to take up a Fulbright Scholarship at Michigan Law School. He says that the year in Michigan had a significant impact on him personally: "It was a wonderful year. Having grown up in Dublin, gone to school in Dublin, and attended UCD and the King's Inns, there was always a high degree of familiarity about the environment, whereas I think I learned new things about myself going into an environment where I didn't know anybody and had to start from zero. There is an enormous benefit in immersing yourself in a different jurisdiction, meeting different people, understanding a different culture and different values".

The Attorney General notes that he made friends while studying abroad that he still keeps in touch with today. His time in America also led to some serious reflection on the direction his career might take, as he was offered the opportunity to work for leading US law firms, roles that carried a salary far in excess of what a young barrister in Ireland might expect to earn: "It was difficult not to attach some weight to the remuneration package that was on offer, but I look back and I'm pleased that I never made a decision on the basis of money. I made the decision to return here to devil on the basis that in my heart, that was what I wanted to do".

He also felt that the Bar offered attractions that even the largest law firms couldn't match: "I was attracted to the oral advocacy dimension of becoming a barrister. I think I was always quite a driven and determined person, and I was also attracted to the independence of being self-employed. When I was offered a job in Sullivan Cromwell in New York, I met a partner who was co-head of the litigation department, and he explained

that his team was defending Microsoft in antitrust litigation being brought by the federal government. In economic terms, it was the largest lawsuit in the world at the time. But what occurred to me was that I would be joining a team of 20 or 30 lawyers, and I would be at the very bottom rung of the ladder, whereas the option to come back to Dublin and become a barrister meant that even if I was going to appear in smaller cases in the District Court, I would at least be running the case myself”.

Therefore, after a summer in Brussels working for another American firm, he returned to Dublin and began his career devilling for the now President of the High Court, Mr Justice David Barniville, and says he’s never regretted his decision.

Career at the Bar

While profiles of the Attorney General tend to focus on his career in commercial law, he points out that he acted for a wide variety of clients, especially in the earlier part of his career: “In my formative years as a junior counsel, I did personal injury work, particularly on the defence side. I appeared in a couple of tribunals of inquiry. I did quite a lot of professional negligence work. I also had a faculty position in the law school in UCD, teaching constitutional law and company law. When the economic crash occurred in 2008, there was a significant expansion in corporate insolvency work. I got a couple of breaks in the larger corporate insolvency cases at the outset of the recession. That certainly led to a critical mass of work in the insolvency and banking field in the years that followed”.

Like many barristers, the decision to take silk in 2016 led to a further evolution in his practice: “There was less insolvency. The economy had significantly picked up. There were more commercial disputes, and I also began to do more media work for newspapers, but also for technology companies, including Google and Meta, addressing legal questions that didn’t exist

at the time I came to the Bar. I think the common experience of all practitioners with a long career is that their career will evolve in different ways. I also appeared in significant disputes representing Government Ministers and semi-state bodies, so although I was better known for private law work, I was also frequently appearing in judicial review proceedings by the time I was asked to serve as Attorney General”.

A constitutional role

The Attorney General took up his current role in December 2022. He is very cognisant of the common law lineage of the role, and of both its international context, and the specific conditions under which the role exists in Ireland: “The office is a historic one, and it’s a feature of common law jurisdictions. You will find an attorney general in Australia, you’ll find one in London, you’ll find one in Washington DC, but you won’t find one in France or Germany. Article 30 of the Constitution stipulates that I am the advisor to the Government in matters of law and legal opinion. At a practical level, I am the apex lawyer for Government as a whole”.

While there are several elements to the role, he feels that in many ways the most important is in the sphere of legislation: “Because our political system is a parliamentary system in which the Government, by definition, must have a majority, in practical terms, very few Private Members’ Bills are enacted. Almost all the legislation that is enacted is Government legislation, and almost all of that legislation is drafted in this office”.

Another significant element, and one more readily associated with the barrister profession, is in the litigation sphere (see panel). The role also encompasses an important advisory function, including attending weekly Cabinet meetings and engaging regularly with Government Ministers and Department officials. The Attorney General is also an *ex officio* member of the Judicial Appointments Commission, and a member of the

Advisory Committee on the Grant of Patents of Precedence.

Finally, there is the public-facing element to the role, which involves representing the Office of the Attorney General at conferences, conferring ceremonies and legal events.

Representing Ireland

While the Attorney General’s tenure has not (thankfully) been marked by the turbulence of economic crash or pandemic, the legal elements of the business of Government are many. He points out that about 100 Acts of the Oireachtas have been enacted since his appointment, 48 of those in 2024 alone, including significant multi-year projects that culminated in 2024, such as the Gambling Regulation Act 2024, the Planning and Development Act 2024, and the Health (Assisted Human Reproduction) Act 2024.

One case that stands out to the Attorney arose from President Higgins’ decision to refer the Judicial Appointments Commission Bill to the Supreme Court in October 2023, the first Article 26 reference in almost two decades. The Attorney General made the decision to lead the State’s defence of the constitutionality of that Bill: “Historically, Article 26 references are infrequent, but in a sense, they are regarded as the Blue Riband event of constitutional law, as it is a sparingly exercised power of the President to refer a Bill, and the written submissions, oral hearing, and indeed the Supreme Court’s determination must all be conducted within a very compressed period of 60 days, placing pressure on all the participants in that process. Appearing at a Council of State meeting to advise the President on the constitutionality of a Bill and subsequently appearing in the Supreme Court to lead the defence of that Bill, is in constitutional terms, perhaps the high point of the function and role of any attorney general. And our position was ultimately vindicated in the Supreme Court’s judgment”.

Another significant event was his appearance on behalf of the State at the International Court of Justice (ICJ) in The Hague in February 2024 in the case regarding Israel’s actions in the Occupied Palestinian Territory, including East Jerusalem. On one level, this was simply part of his responsibility for the conduct of the State’s litigation before international courts and tribunals. For example, in September, he travelled to Luxembourg to present Ireland’s submissions before the Grand Chamber of the Court of Justice of the European Union in proceedings brought by the Commission against Hungary, which the State elected to intervene in.

It’s fair to say that the proceedings in The Hague were of a different order, however, not least because of the enormous public interest, and the fact that the proceedings were broadcast globally. He points out that his submission was very much a team effort: “The collaboration with the legal division in the Department of Foreign Affairs and Trade, headed by Declan Smyth, who has

enormous expertise in international law, was a very important part of the advocacy role that I ultimately fulfilled. Advisory counsel in my own office were also of enormous assistance to me in refining drafts of what ultimately became the oral submission that I delivered”.

The global broadcast of the submission had both a personal and a wider impact: “The submissions that I made struck a chord over and above any other litigation that I’ve been involved in, perhaps because of, obviously, the significant public concern in this jurisdiction and beyond about issues concerning Israel and Palestine. And of course, it was a relatively rare occasion as a barrister in which my oral submissions were widely broadcast. It raises an interesting point about the general merit of broadcasting certain types of legal proceedings so that the administration of justice is more visible and capable of being better understood, which I know is something that’s on the Chief Justice’s agenda. What’s much more important is the fact that it was hopefully a clear



Litigation in principle

The Attorney General is responsible for all litigation involving the State. While over time, elements of that responsibility have devolved to the Director of Public Prosecutions and the State Claims Agency, his office manages all constitutional litigation, and many other cases in areas such as property and employment rights. Given the sheer number of cases to be managed, prioritisation is essential: “We have an internal protocol by which about 150 cases are on the sensitive file list. In respect of those cases, my level of personal oversight is higher than the balance, and I would personally approve any significant procedural step that is taken in relation to those cases”.

The issue of how the State’s litigation is conducted is something the Attorney General has taken a particular interest in, and in 2023 he published the State Litigation Principles.

While the development of these principles was an existing strategic objective of his office, like many other issues it was delayed by the pandemic, and it was a project the Attorney General was personally keen to advance: “I felt that arising out of occasional controversy about how the State had conducted itself in the context of litigation, it was important that there was a set of principles that were publicly available, and that both Government in the broader sense, and external parties, including those engaged in litigation against the State, would all have an understanding of the central principles that the State had regard to when litigating”.

He points out that the ability to take a case against the State is a fundamental part of our democratic structures: “It is an intended design feature of our system of Government that we

have independent courts, that where people are dissatisfied with decisions made by Government or by other public bodies, they can challenge those decisions”.

“The State Litigation Principles are about trying to ensure that we have high standards of behaviour at an ethical level within Government, and also that other participants in litigation understand the role of litigation from the perspective of State actors. The principles themselves are not particularly radical – they are more in the nature of a codification of existing best practices. But they do, in one place, set down a simple, pithy set of guidelines that Government ought to have regard to.”

He says he has been heartened by the response to the Principles since their publication, both within Government and externally.

articulation of Ireland's moral position on issues that are of enormous concern to Irish society as a whole".

Role of law in society

The wider issue of public understanding of the law, of justice systems, and indeed democracy itself seems all the more pertinent as this interview takes place the morning after the murder of US activist Charlie Kirk. While Ireland thankfully has not faced a similar situation in recent history, threats against politicians and public figures are increasing, and online mis- and disinformation regarding the law and justice systems are all too common. The Attorney General says this is something he reflects on constantly, and feels it's very important to highlight where the Irish Government stands on the rule of law: "As the legal adviser to the Government, one thing that has been an incredible positive is that the Governments I have served over the last three years have been entirely adherent to the rule of law. In Ireland, no Irish Government would contemplate defying a court order, for instance. When the Supreme Court decides that legislation is unconstitutional, or where the Supreme Court

decides that a constitutional right has been breached, that is accepted by Government, and where appropriate, remedial legislation is introduced to address that finding. In any modern democracy, that is an essential starting point".

Discussions of public perceptions are trickier: "I do believe that Irish people in general are respectful of the law and are law abiding. However, there are challenges in the modern era with social media, which facilitates a rush to judgement. I'm often troubled by criticisms on social media of individual judicial decisions, but that is the nature of the world we live in. Unfortunately, there will always be people that are willing to criticise a decision or a process without taking the time to engage with or understand its true nature".

Role of the Bar

The Attorney General is of course very cognisant of the role played by barristers in the work of his office: "I'm fortunate to work with some brilliant advisory counsel here in the Office of the Attorney General and some superb solicitors in the Chief State Solicitor's Office. But the reality of the situation is that the State is represented by

barristers in every significant court case. I do think there has been, at times, a failure in some quarters to properly value the service provided by barristers to the State. But in the context of my role, I have often taken the opportunity to emphasise it within Government".

He also values his continuing strong links to The Bar of Ireland: "I've really appreciated my relationship with the current Chair, Sean Guerin SC, and his predecessor, now Ms Justice Sara Phelan. I've had a really good insight through my engagement with them over the last three years as to how hard they work on behalf of the profession".

In a broader sense, however, the links with the Bar are more personal: "The Bar, if you're doing it right, is much more than a career. It is a vocation, and it does consume an awful lot of your life. If you are committed to the career, it does unavoidably involve long hours, and you develop a bond with many of the barristers you work alongside over a long period of years. It is important to me that I retain those links and I fully intend to return to the Bar to resume private practice at some point in the future when I cease to hold my current role".



— I fully intend to return to the Bar to resume private practice at some point in the future when I cease to hold my current role.

UPDATE

VOLUME 30 / NUMBER 4 / OCTOBER 2025

A directory of legislation, articles and acquisitions received in the Law Library from May 22, 2025, to September 18, 2025

Judgment information supplied by Vlex Justis Ltd.

Edited by Vanessa Curley, Susan Downes and Clare O'Dwyer, Law Library, Four Courts.

ADMINISTRATIVE LAW

Library acquisitions

Craig, P. *Administrative Law* (10th ed.). London: Sweet & Maxwell, 2025 – M300
Whyte, G. *Social Inclusion and the Legal System: Public Interest Law in Ireland* (3rd ed.). Dublin: Institute of Public Administration, 2025 – M31.C5

AGRICULTURE

Statutory instruments

Avian Influenza (Biosecurity measures) Regulations 2024 (Revocation) Regulations 2025 – SI 201/2025
Agriculture Appeals Act 2001 (Amendment of Schedule) Regulations 2025 – SI 342/2025

ANIMALS

Articles

Unger, H., Mullen, D., McMeel, C. Who let the dogs out? *Law Society Gazette* 2025; June: 26-29

Statutory instruments

Control of Dogs (XL Bully) (Amendment) Regulations 2025 – SI 214/2025

ARBITRATION

Articles

Carey, G. Arbitral confidentiality: recent English guidance. *Commercial Law Practitioner* 2025; 32 (4): 53-56
Carey, G. Hands-off approach to expert determination confirmed. *Irish Law Times* 2025; 43 (6): 69-72
Doherty, F. Let's talk it out: the prospect of mandatory mediation in Ireland. *Trinity College Law Review* 2025; 28 (1): 54-77

ASSOCIATIONS

Statutory instruments

Friendly Societies (Forms) Regulations

2025 – SI 330/2025

Industrial and Provident Societies (Forms) Regulations 2025 – SI 331/2025

BANKING

Statutory instruments

Central Bank Act 1942 (Section 32D) (Certain Financial Vehicles Dedicated Levy) (Amendment) Regulations 2025 – SI 292/2025

Central Bank Act 1942 (Service of Notices and Other Documents) (Amendment) Regulations 2025 – SI 302/2025

Central Bank Act 1942 (Section 32D) Regulations 2025 – SI 358/2025

BROADCASTING

Media regulation – Judicial review – Vires of the Commission – Online Safety and Media Regulation Act 2022 – Audiovisual Media Services Directive (AVMSD) – Digital Services Act (DSA) – Broadcasting Act 2009 – Applicant seeks to challenge the Commission's decision to adopt provisions of an Online Safety Code – Whether the Commission's adoption of the Code was *ultra vires* and conflicted with the DSA – 29/07/2025 – [2025] IEHC 442

X Internet Unlimited Company v Coimisiún Na Meán

BUILDING

Construction law – Enforcement order – Adjudicator's jurisdiction – Construction Contracts Act 2013, s.6 – Employer seeks enforcement of adjudicator's decision – Whether the dispute relates to a payment provided for under the construction contract – 01/09/2025 – [2025] IEHC 469
Connaughton v Timber Frame Projects Limited trading as Timber Frame Ireland

CHARITY

Articles

Hoy, K. Charities selling real estate: navigating the choppy waters of powers of sale, with some respite provided by the Charities (Amendment) Act 2024. *Conveyancing and Property Law Journal* 2025; 2: 28-36

CIVIL LAW

Statutory instruments

Civil Law (Miscellaneous Provisions) Act 2022 (Section 9(2)) (Amount of Financial Contribution) Order 2025 – SI 228/2025

COMMERCIAL LAW

Commercial law – Declaration order – Expert determination process – Legal Services Regulation Act 2015 – Plaintiff seeks a declaration limiting the expert's discretion in determining the Earn-Out Statement – Whether the court should interfere in the expert determination process agreed by the parties – 23/05/2025 – [2025] IEHC 296

Sunward Holdings Limited v Teqnon AB
Commercial law – Adjudgment order – Breach of contract – Mediation Act 2017, ss.14(1),14(2) – Plaintiffs seek payment for unpaid invoices from defendants – Whether the plaintiffs breached the Marketing Agent Agreement by using unapproved subcontractors – 29/07/2025 – [2025] IEHC 430
V Media Doo and anor v Techads Media Limited

Articles

Oluborode, A. Receivership in Irish law: a case-based review. *Commercial Law Practitioner* 2025; 32 (5): 63-67

COMMUNICATIONS

Statutory instruments

Wireless Telegraphy (Railway Mobile Radio Licence) Regulations 2025 – SI 417/2025

COMPANY LAW

Judicial review – Company representation in court – EC (Public Authorities' Contracts) (Review Procedures) Regulations 2010 – Plaintiff seeks leave to judicially review the decision to cancel a procurement process – Whether Mr Kenny can represent the company in court without a lawyer – 31/07/2025 – [2025] IEHC 443

Caraglass Limited [Trading as Zeeko] v Minister for Education
Company law – Declaration of restriction – Restriction of directors – Companies Act 2014, s.819 – Applicant seeks an order under s.819(1) of the Companies Act

2014 declaring that the respondents shall not be appointed or act as directors or secretaries of a company for five years – Whether the respondents acted responsibly in relation to the conduct of the affairs of Downtul Limited within the meaning of s.819(2) of the Companies Act 2014 – 24/06/2025 – [2025] IEHC 358
Downtul Limited [in liquidation] v Companies Act

Property law – Dismissal order – Fraud and misappropriation – Companies Act 2014 – Plaintiffs seek to recover losses from defendants for alleged fraud and misappropriation of company assets – Whether the defendants acted illegally, oppressively, or contrary to the best interests of the company – 30/07/2025 – [2025] IEHC 435
O'Donoghue and anor v Murphy and ors

Articles

Breen, Dr R. Recent legislative changes to reckless trading. *Commercial Law Practitioner* 2025; 32 (4): 47-51

Statutory instruments

Companies (Corporate Governance, Enforcement and Regulatory Provisions) Act 2024 (Commencement) Order 2025 – SI 325/2025
Companies Act 2014 (Forms) Regulations 2025 – SI 328/2025
Companies Act 2014 (Fees) Regulations 2025 – SI 329/2025

COMPETITION LAW

Articles

Bryan, G., Kippin, L. Before the dawn. *Law Society Gazette* 2025; Aug/Sept: 24-25
Casey, A. Not all setbacks are equal: the impact of the Digital Markets Act upon the scope of the essential facilities doctrine. *Irish Journal of European Law* 2024; 26 (26): 51-83
McGovern, L. Competition law investigations following commencement of the Competition (Amendment) Act 2022. *Irish Journal of European Law* 2024; 26 (26): 125-152
McGrath, J. EU competition law and sports governance: a lesson of legitimacy and distrust – Case C-333/21 *European Super League v FIFA and UEFA*. *Irish*

Journal of European Law 2024; 26 (26): 181-202

CONSUMER LAW

Consumer credit Law – Restitution order – Unjust enrichment – Consumer Credit Act 1995 – Whether the bank's claim for unjust enrichment should be dismissed due to its wrongful conduct – 04/06/2025 – [2025] IESC 24
Bank of Ireland Mortgage Bank v Murray and anor

Library acquisitions

Ellis, A. *Ellis on Credit Hire* (7th ed.). Somerset: Law Brief Publishing, 2024 – N305.4

CONSTITUTIONAL LAW

Constitutional law – Judicial review order – Constitutionality of sentencing provisions – Probation of Offenders Act 1907, s.1(1) – Finance Act 2001, s.126(6) – Appellant seeks judicial review of the disapplication of the Probation Act in his trial – Whether the constitutional challenge was premature in the absence of any fact-finding exercise by the District Court – 17/07/2025 – [2025] IESC 35
Galvin v DPP

CONTRACT

Library acquisitions

Andrews, N., Tettenborn, A., Virgo, G. *Contractual Duties: Performance, Breach, Termination and Remedies* (4th ed.). London: Sweet & Maxwell, 2023 – N10

COPYRIGHT

Copyright infringement – Injunctive relief – Copyright and Related Rights Act 2000 (as amended), s.127 – Courts (Supplemental Provisions) Act 1961, s.45 – Plaintiff seeks judgment in default of defence and committal of defendant for copyright infringement – Whether the defendant should be punished for contempt of court through fines or imprisonment – 20/08/2025 – [2025] IEHC 465
Sky UK Limited v Dunbar

Articles

Opricovi, T. To b(ifurcate) or not to b(ifurcate)?: a comparative analysis of the UPC, Germany, and the Netherlands' patent litigation systems. *Trinity College Law Review* 2025; 28 (1): 154-179

COSTS

Costs – Stay on costs – Judicial review – Legal Services Regulation Act 2015, s.169 – Petty Sessions (Ireland) Act 1851, s.10 – Notice party seeks costs against the respondent for the appeal and High Court proceedings – Whether the Director of Public Prosecutions is entitled to an order for costs against the unsuccessful party under the Legal Services Regulation Act

2015 – 18/07/2025 – [2025] IECA 146
A.G. v A Judge of the District Court
Administrative law – Costs order – Duty of care – Plaintiffs seek costs of appeal and recognition of duty of care – Whether the plaintiffs were entitled to the costs of the appeal despite not succeeding on every issue – 25/06/2025 – [2025] IESC 28
Barlow v The Minister for Communications and ors
Civil litigation – Appointment of receiver – Costs – Legal Services Regulation Act 2015, s.169 – Plaintiff seeks appointment of a receiver to open space in Glenair Manor – Whether the Promontoria interests are entitled to recover costs from the Corcorans – 01/04/2025 – [2025] IEHC 359

Corcoran v Eassda Group Limited and ors, Fennell v Corcoran and anor, Cororan and anor v Promontoria and anor
Judicial review – Costs order – Parole Act 2019, ss.13,30 – Applicant seeks costs for judicial review application – Whether the applicant is entitled to costs due to the Parole Board's unilateral action causing mootness – 04/06/2025 – [2025] IEHC 328

Donnan v Parole Board

Civil procedure – Costs order – Costs – Legal Services Regulation Act 2015, s.169 – Respondent seeks costs of Circuit Court proceedings and appeal – Whether to award costs to the second named respondent against the appellants – 31/07/2025 – [2025] IEHC 445
EBS Mortgage Finance and anor v Bedford and anor [No.4]

Civil procedure – Costs order – Costs allocation – Appellant seeks adjudication and apportionment of costs between him and Malcomson Law – Whether the High Court was correct to make the award of costs against Mr Morrissey in favour of AIB/Everyday – 25/07/2025 – [2025] IECA 150

Everyday Finance DAC v Bradley and ors (PUST Malcomson Law Solicitors) and anor

Civil procedure – Costs – Legal Services Regulation Act 2015, s.169 – Petty Sessions (Ireland) Act 1851, s.10 – Applicant seeks costs against the respondent for the appeal and High Court proceedings – Whether the DPP is entitled to costs against Mr G – 18/07/2025 – [2025] IECA 146
G.(A.) v A Judge of the District Court
Judicial review – Order for costs – Costs of proceedings – Legal Services Regulation Act 2015, ss.168,169 – 0.99 RSC – Applicant seeks a small order for costs in his favour – Whether the applicant should be fixed with costs for the application where the respondent and notice party contested the application – 03/06/2025 – [2025] IEHC 314
McShane v Data Protection Commissioner [No.2]

Civil law – Costs order – Legal Services Regulation Act 2015, s.169 – Courts of Justice Act 1924, s.94 – Appellant seeks to be awarded costs against the respondent – Whether Mr Lawrence should be awarded his costs against Ms Hand – 31/07/2025 – [2025] IECA 161
Ní Laimhín v McGregor and anor
Civil procedure – Award of costs – Legal Services Regulation Act 2015, ss.168,169 – Rules of the Superior Courts 1986, O.99, rr.2,3 – Appellant seeks to contest the provisional view on costs – 06/06/2025 – [2025] IECA 94
O'Connor v Legal Aid Board and ors

Civil procedure – Enhanced costs order – Enhanced costs – Legal Services Regulation Act 2015 – Defendant seeks enhanced costs order against plaintiff – Whether the conduct of the plaintiff was so egregious as to justify an order for enhanced costs – 05/08/2025 – [2025] IEHC 45

Propiteer Ireland Limited v Castlehaven Property Finance Designated Activity Company and ors

Construction law – Costs order – Costs recovery – Construction Contracts Act 2013, s.6 – Legal Services Regulation Act 2015, s.169 – Applicant seeks to recover its costs up to the date the respondent disclosed its intended defence – Whether the respondent is entitled to recover its costs as against the applicant – 18/05/2025 – [2025] IEHC 339

Tenderbids Limited trading as Bastion v Electrical Waste Management Limited
Civil procedure – Costs order – Summary judgment – Legal Services Regulation Act 2015, ss.168,169 – Rules of the Superior Courts, O.99 – Defendant seeks costs of proceedings due to alleged unreasonable application for summary judgment – Whether the defendant has a bona fide defence to the proceedings – 31/07/2025 – [2025] IEHC 439

Xerotech Limited v Ayro Incorporated
Civil procedure – Costs order – Discovery application – Legal Services Regulation Act 2015, ss.168,169 – Rules of the Superior Courts 1986, O.99, rr.2,3 – Plaintiff seeks to postpone determination of discovery costs until jurisdiction motions are heard – Whether CCC Essen should be granted its costs of successfully opposing the discovery motions – 30/10/2024 – [2024] IEHC 759
Yasar v CCC Essen Digital GMBH and anor, Talibov v CCC Essen Digital GMBH and anor, Senen v CCC Barcelona Digital Serices SLU and anor

Civil procedure – Costs order – Jurisdiction motions – Legal Services Regulation Act 2015, ss.168,169 – Rules of the Superior Courts 1986, O.99, rr.2,3 – Defendants seek costs against plaintiffs for jurisdiction motions – Whether the High Court has jurisdiction to hear and determine the claims against the first named defendants

– 12/05/2025 – [2025] IEHC 288
Yasar v CCC Essen Digital GMBH and anor, Talibov v CCC Essen Digital GMBH and anor, Senen v CCC Barcelona Digital Serices SLU and anor

Articles

O'Donnell, J.L. Does the winner take it all? *The Bar Review* 2025; 30 (3): 93-98

COURTS

Statutory instruments

Circuit Court Rules (Interrogatories) 2025 – SI 200/2025
Circuit Court Rules (Evidence Regulation) 2025 – SI 216/2025
Circuit Court Rules (Digital) 2025 – SI 217/2025
District Court (Digital) Rules 2025 – SI 218/2025
District Court (Domestic Violence) Rules 2025 – SI 219/2025
District Court (Guardianship) Rules 2025 – SI 220/2025
District Court (Maintenance) Rules 2025 – SI 221/2025
District Court Districts and Areas (Amendment) and Variation of Days and Hours (Nenagh, Thurles) No. 3. Order, 2025 – SI 231/2025
District Court Districts and Areas (Amendment) and Variation of Days and Hours (Nenagh, Thurles) No. 4. Order, 2025 – SI 232/2025
Rules of the Superior Courts (Planning & Environment) 2025 – SI 246/2025
District Court Districts and Areas (Amendment) and Variation of Days and Hours (Ardee, Drogheda, Dundalk and Louth) Order 2025 – SI 385/2025

CREDIT UNION

Statutory instruments

Credit Union Act 1997 (Regulatory Requirements) (Amendment) Regulations 2025 – SI 410/2025

CRIMINAL LAW

Criminal law – Certiorari order – Judicial review – Non-Fatal Offences Against the Person Act 1997, s.2 – Criminal Law (Defence and the Dwelling) Act 2011, s.2 – Appellant seeks leave to apply for judicial review to quash the Circuit Court decision – Whether the appellant was entitled to judicial review based on alleged errors in law by the Circuit Court judge – 28/04/2025 – [2025] IECA 121
Ahern v DPP
Criminal law – Receivership order – Appointment of receiver – Proceeds of Crime Acts 1996 and 2016, ss.3(1),7 – Applicant seeks appointment of receiver over property – Whether the High Court satisfied the standard of proof – 15/09/2025 – [2025] IECA 188
Criminal Assets Bureau v Calvert and ors
Criminal law – Freezing order – Application under Proceeds of Crime Act

– Proceeds of Crime Act 1996, ss.3(3),4 – Appellant seeks to have s.3(3) and s.4 applications remitted to the High Court for further consideration – Whether limitations should be read into ss.3(3) and 4 of the Proceeds of Crime Act 1996 – 15/07/2025 – [2025] IESC 34

Criminal Asset Bureau v Routeback Media and anor

Criminal law – Review of sentence – Unduly lenient sentence – Criminal Justice Act 1993, s.2 – Misuse of Drugs Act 1977, ss.15A,26 – Criminal Justice (Money Laundering and Terrorist Financing) Act 2010, s.7 – Director of Public Prosecutions seeks a review of the respondent’s sentence – Whether the sentence for money laundering and drug offences was unduly lenient given the mitigating factors and respondent’s rehabilitation – 29/07/2025 – [2025] IECA 180

DPP v Adeagbo

Criminal law – Prohibition order – Prohibition of criminal trial – Offences Against the Person Act 1861, s.62 – Appellant seeks to prohibit his criminal trial due to alleged prejudice and stress – Whether the appellant’s case falls within the exceptional category where it would be unjust to put him on trial – 29/07/2025 – [2025] IECA 158

DPP v B.(N.)

Criminal law – Custodial sentence – Sentencing severity – Child Trafficking and Pornography Act 1998, s.6 – Appellant seeks reduction of jail sentence arguing excessive severity – Whether the sentence was excessively severe given mitigating factors – 06/02/2025 – [2025] IECA 183

DPP v C.(O.)

Criminal law – Dismissal order – Jury instruction on necessity – Criminal Damage Act 1991, s.2 – Criminal Justice (Public Order) Act 1994, s.11 – Appellant seeks to overturn conviction for trespass – Whether the trial judge should have instructed the jury on the defence of necessity regarding the trespass offence – 30/07/2025 – [2025] IECA 186

DPP v Dowling

Criminal law – Discharge of jury – Appeal against conviction – Criminal Evidence Act 1992, s.27 – Appellant seeks to overturn the conviction for manslaughter – Whether the trial judge erred in refusing to discharge the jury – 29/05/2025 – [2025] IECA 169

DPP v Hayes

Criminal law – Dismissal of appeal – Appeal against severity of sentence – Criminal Damage Act 1991, ss.2(1),(4) – Criminal Justice (Theft and Fraud Offences) Act 2001, s.12(1)(b) – Appellant seeks to appeal the severity of the sentence – Whether the headline sentence of 12 years falls within the sentencing judge’s margin of discretion – 28/07/2025 – [2025] IECA 174

DPP v Hughes

Criminal law – Retrial order – Exclusion of evidence – Criminal Procedure Act 2010, s.23 – Misuse of Drugs Act 1977, s.15 – Respondent seeks a retrial after acquittal – Whether the trial judge erroneously excluded compelling evidence – 11/07/2025 – [2025] IESC 32

DPP v J.(S.)

Criminal law – Exclusion order – Admissibility of evidence – Criminal Law (Rape) (Amendment) Act 1990, s.2 – Children Act 2001, ss.246(1),(2) – Appellant seeks to appeal the admissibility of evidence and the overall conviction – Whether the trial judge erred in finding the issue had already been decided by the Appellate Courts – 14/07/2025 – [2025] IECA 179

DPP v K.(B.)

Criminal law – Imprisonment order – Severity of sentence – Criminal Justice (Theft and Fraud Offences) Act 2001, s.4 – Criminal Justice (Administration) Act 1924, s.12 – Appellant seeks to challenge the severity of the sentence imposed – Whether the sentence imposed was excessive and disproportionate – 13/05/2025 – [2025] IECA 131

DPP v Lynn

Criminal law – Review order – Undue leniency – Criminal Justice Act 1993, s.2 – Road Traffic Act 1961, s.112 – Applicant seeks a review of sentences imposed on respondents for undue leniency – Whether the sentence imposed was unduly lenient so that the divergence between the sentence imposed and that which ought to have been imposed amounts to an error of principle before this Court may justifiably intervene – 17/07/2025 – [2025] IECA 172

DPP v Lyons and ors

Criminal law – Custodial sentence order – Severity of sentence – Criminal Law (Rape) (Amendment) Act 1990, s.2 – Appellant seeks to appeal the severity of the sentence imposed by the Circuit Criminal Court for charges of sexual assault – Whether the sentence imposed by the lower court on the appellant for sexual assault offenses, committed when the appellant was a child, was appropriate given the mitigating circumstances, including the appellant’s age at the time of the offenses and rehabilitation – 15/07/2025 – [2025] IECA 185

DPP v M.(B.)

Criminal law – Re-sentence order – Undue leniency – Criminal Justice Act 1993, s.2 – Criminal Justice (Theft and Fraud Offences) Act 2001, s.14 – Applicant seeks a review of the sentence on grounds of undue leniency – Whether the sentence was unduly lenient and should be quashed and re-sentenced – 16/05/2025 – [2025] IECA 165

DPP v McGovern

Criminal law – Review of sentence – Criminal Justice Act 1993, s.2 – Criminal

Justice (Theft and Fraud Offences) Act 2021, s.14 – Non-Fatal Offences Against the Person Act 1997, s.4 – Applicant seeks a review of the sentence imposed on the respondent for undue leniency – 07/04/2025 – [2025] IECA 120

DPP v McLoughlin

Criminal law – Consecutive sentences – Severity of sentence – Criminal Damage Act 1991, s.2(1) – Non-Fatal Offences against the Person Act 1997, s.3 – Road Traffic Act 1961, s.112 – Appellants seek to appeal against the severity of their sentences – Whether the sentencing judge erred by imposing consecutive sentences in respect of each sentence – 24/07/2025 – [2025] IECA 173

DPP v Murphy

Criminal law – Sentence reduction order – Severity of sentence – Criminal Justice Act 1999, s.29 – Appellant seeks reduction of sentence severity – Whether the trial judge erred in principle in the assessment of the sentence imposed – 07/04/2025 – [2025] IECA 119

DPP v N.(S.)

Criminal law – Dismissal order – Authority to open vehicle boot – Road Traffic Act 1994, s.41 – Appellant seeks to challenge the authority of the Gardaí to open the boot of the seized vehicle – 30/04/2025 – [2025] IESC 22

DPP v Noonan

Criminal law – Dismissal of appeal – Incompetent legal representation – Non-Fatal Offences against the Person Act 1997, s.3 – Appellant seeks to overturn conviction for assault causing harm – Whether the appellant was denied a trial in due course of law due to alleged incompetent legal representation – 25/07/2025 – [2023] IECA 340

DPP v O’Connor

Criminal law – Sentence appeal – Severity of sentence – Criminal Justice (Theft and Fraud Offences) Act 2001, ss.4,14 – Appellant seeks reduction of sentence due to mitigating circumstances – Whether the appeal should be refused due to lack of error in principle with the headline sentence and mitigatory factors – 15/07/2025 – [2025] IECA 176

DPP v Razqi Goatas

Criminal law – Dismissal order – Possession of contraband – Criminal Justice Act 1984, ss.18,19 – Misuse of Drugs Act 1977, ss.3,27 – Accused seeks reinstatement of trial judge’s dismissal of charges – Whether the accused was part of a common design to possess and cultivate drugs – 04/06/2025 – [2025] IESC 25

DPP v T.(D.)

Criminal law – Certiorari order – Judicial review – Petty Sessions (Ireland) Act 1851, s.10 – Criminal Justice (Public Order) Act 1994, ss.6,8 – Applicant seeks judicial review of District Court decision refusing application under s.10 of the Petty

Sessions (Ireland) Act 1851 – Whether the District Court judge was correct in determining that the application under s.10 was an abuse of process – 06/06/2025 – [2025] IECA 129

G.(A.) v A judge of the District Court

Criminal law – Order for certiorari – Unlawful arrest – Criminal Justice (Theft and Fraud Offences) Act 2001 – Public Order Act 1994 – Applicant seeks leave to apply for judicial review to challenge arrest and prosecution – Whether the applicant should be granted leave for judicial review – 26/08/2025 – [2025] IEHC 476

Harford v Commissioner of An Garda Síochána

Criminal law – Prohibition order – Culpable prosecutorial delay – Children Act 2001, s.75 – Non-Fatal Offences against the Person Act 1997, s.3 – Firearms and Offensive Weapons Act 1990, s.11 – Applicant seeks to prohibit trial claiming delay prevented eligibility for concurrent sentencing under Children Act 2001 – Whether there was culpable prosecutorial delay in the criminal investigation and whether alleged delay resulted in prejudice sufficient to justify prohibition of the trial – 01/09/2025 – [2025] IEHC 470

K. (aged out child) v DPP

Criminal law – Access order – Access to trial transcripts – Offences against the State Acts 1939 to 1998 Special Criminal Court Rules 2016 – Plaintiff seeks access to transcripts for the purpose of using that material in the Appeal – Whether the Special Criminal Court should provide the plaintiff with access to transcripts of the trial of Mr McConnell and the judgment – 12/09/2025 – [2025] IEHC 489

Keogh v Special Criminal Court

Criminal law – Dismissal order – Dismissal of charges – Summary Jurisdiction Act 1857, s.2 – Courts (Supplemental Provisions) Act 1961, s.51 – Taxi Regulation Act 2013, ss.40(1),40(3) – Appellant seeks to overturn the decision of the District Court dismissing charges against the respondent – Whether the District judge was correct in law in dismissing the case – 20/06/2025 – [2025] IECA 133

National Transport Authority v Anderson

Library acquisitions

Griffin, D. *Killing Time: Life Imprisonment and Parole in Ireland*. Switzerland: Springer International Publishing, 2018 – M587.C5

Griffin, D. *Sentencing Serious Sex Offenders: How Judges Decide when Discretion is Wide*. Bristol: Bristol University Press, 2025 – M587

Articles

Byrne, J.P., Dr. Codifying the criminal law – twenty years on. *Irish Criminal Law Journal* 2025; 35 (3): 56-63

Dwyer, J.B. Sentencing companies. *The Bar Review* 2025; 30 (1): 20-23
 Flynn, T. Contempt and public bodies. *The Bar Review* 2025; 30 (3): 104-107
 Heffernan, L. Challenging a witness through evidence or argument: the need to put questions under the rule in *Browne v Dunn*. *Irish Law Times* 2025; 43 (5): 51-55

Ryan, E. Partially rationalised but permanently problematic: a case for re-moralising the Irish doctrine of provocation. *Trinity College Law Review* 2025; 28 (1): 78-117

Shelley, M. A structured approach to mental illness in sentencing. *The Bar Review* 2025; 30 (2): 55-59

Statutory instruments

Criminal Justice (Mutual Assistance) Act 2008 (Designation of the United Arab Emirates) Order 2025 – SI 206/2025

Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 (Prescribed Organisations and Prescribed Persons) Order 2025 – SI 224/2025

Criminal Justice (Terrorist Offences) Act 2005 (Section 42) (Restrictive Measures concerning Certain Persons and Entities Associated with the ISIL (Da'esh) and Al-Qaida Organisations) (No.3) Regulations 2025 – SI 271/2025

Criminal Justice (Terrorist Offences) Act 2005 (Section 42) (Restrictive Measures concerning Certain Persons and Entities Associated with the ISIL (Da'esh) and Al-Qaida Organisations) (No.4) Regulations 2025 – SI 278/2025

Criminal Justice (Terrorist Offences) Act 2005 (Section 42) (Restrictive Measures concerning Certain Persons and Entities with a view to Combating Terrorism) (No.2) Regulations 2025 – SI 386/2025
 Misuse of Drugs Act 1977 (Controlled Drugs) (Declaration) Order 2025 – SI 404/2025

Misuse of Drugs (Amendment) Regulations 2025 – SI 405/2025

Misuse of Drugs Act 1977 (Controlled Drugs) (Designation) (Amendment) Order 2025 – SI 406/2025

DAMAGES

Contract law – Specific performance order – Breach of contract – Trustee Act 1893 – Rules of the Superior Courts, ss.28,30 – Plaintiff seeks an award of damages – Whether the plaintiff is entitled in law to an award of damages in respect of those consequences – 11/08/2025 – [2025] IEHC 455
O'Brien v O'Donnell and ors

DATA PROTECTION

Banking and financial law – Norwich Pharmacal Order – Data Protection Act

2018 – Plaintiff seeks orders requiring defendant to provide information to identify individuals who allegedly perpetrated fraud – Whether to grant a Norwich Pharmacal Order and a Bankers Trust Order for disclosure of information – 20/05/2025 – [2025] IEHC 285
Boulbet v Sumup Limited

Articles

Sutton, K.J. From playground to platform: sharenting in the digital age. *Irish Journal of Family Law* 2025; 28 (2): 37-43

Statutory instruments

Data Protection Act 2018 (Section 159(2)) (Amendment) Rules 2025 – SI 270/2025

Data Protection Act 2018 (Section 60(4)) (Comptroller and Auditor General) Regulations 2025 – SI 319/2025

Data Protection Act 2018 (Section 60(4)) (Information Commissioner) Regulations 2025 – SI 320/2025

Data Protection Act 2018 (Section 60(4)) (Data Protection Commission) Regulations 2025 – SI 321/2025

Data Protection Act 2018 (Section 60(6)) (Defence Forces Tribunal of Inquiry) Regulations 2025 – SI 338/2025

Data Protection Act 2018 (Section 38(4)(b)) (Inquiry into the Licensing and Use of Sodium Valproate in Women of Child-Bearing Potential in the State) Regulations 2025 – SI 350/2025

Data Protection Act 2018 (Section 51(3)) (Inquiry into the Licensing and Use of Sodium Valproate in Women of Child-Bearing Potential in the State) Regulations 2025 – SI 351/2025

Data Protection Act 2018 (Section 60(6)) (Inquiry into the Licensing and Use of Sodium Valproate in Women of Child-Bearing Potential in the State) Regulations 2025 – SI 352/2025

DEFAMATION

Defamation law – Qualified privilege – Defamation Act 2009, ss.18,26 – Taxes Consolidation Act 1997, s.1086 – Defendant seeks to rely on qualified privilege for inaccurate publication – Whether section 18(2) of the Defamation Act 2009 provides a defence for inaccurate media publication – 10/07/2025 – [2025] IESC 30
Bird v Iconic Newspapers

Defamation law – Stay order – Stay of proceedings – Defamation Act 2009, s.27 – Defendants seek a stay of proceedings – Whether to grant a stay on the proceedings until the conclusion of the plaintiff's action in the Georgetown proceedings – 29/05/2025 – [2025] IEHC 313
Tweed v Amazon.com Inc and anor

Articles

Carty, L., Finn, L., Bourke, J. Put a plug in it. *Law Society Gazette* 2025; Jul: 29-31
 Hanaphy, S. ADR and defamation. *The Bar Review* 2025; 30 (1): 25-28

DISABILITY

Disability law – Remittal order – Service statement compliance – Disability Act 2005, s.20 – Appellant seeks to overturn the High Court decision regarding the service statement compliance – Whether the statutory requirements regarding the contents of service statements were breached by identifying development of an IFSP as a specified health service – 04/06/2025 – [2025] IESC 26
Y and anor v The Health Service Executive

DISCOVERY

Tort law – Discovery order – Vicarious liability – 0.31, r.12 RSC – Appellants seek discovery of documents to establish vicarious liability of the hospital for consultant's negligence – Whether the discovery sought by the appellants was necessary for disposing fairly of the cause or matter and for saving costs – 28/07/2025 – [2025] IECA 151
O'Regan and anor v Lanigan and anor

Intellectual property law – Discovery order – Discovery application – Treaty on the Functioning of the European Union (TFEU), art.102 – 0.19, r.27 RSC – Plaintiff seeks discovery against defendants for alleged unauthorised use of data – Whether Ryanair's actions constitute abuse of a dominant position – 05/06/2025 – [2025] IEHC 320
Ryanair DAC v Skyscanner Limited and ors

Judicial review – Order of mandamus – Discovery application – Irish Nationality and Citizenship Act 1956 – Applicant seeks discovery to establish entitlement to costs – Whether the applicant is entitled to discovery to establish a causal link between the proceedings and the decision on her naturalisation application – 04/06/2025 – [2025] IEHC 335
S.(M.) v Minister for Justice

DRAFTING

Library acquisitions

Xanthaki, H. *Thornton's Legislative Drafting (6th ed.)*. Haywards Heath: Bloomsbury Professional, 2022 – L34

EASEMENTS

Library acquisitions

Gaunt, J., Morgan, The Hon. Mr Justice. *Gale on Easements (22nd ed.)*. London: Sweet & Maxwell, 2025 – N65.1

EDUCATION

Education law – Declaratory relief order – Declaratory relief – Education Act 1998, ss.2,7 – Applicant seeks declaratory relief for failure to provide school transport service – Whether the

Minister failed to comply with statutory obligations to provide transport services – 07/08/2025 – [2025] IEHC 456
C.(L.) a minor v Minister for Education and Youth

Statutory instruments

Industrial Training (Social Care Industry) Order 2025 – SI 408/2025

ELDER LAW

Library acquisitions

Williams, J. *Older Persons and the Law*. Oxfordshire: Routledge, 2025 – N151.4

ELECTORAL

Electoral law – Interim order – Access to electoral documents – Electoral Act 1992, ss.129,130 – Applicant seeks access to electoral documents for Garda investigation – Whether the applicant is entitled to inspect the sealed documents for the purposes of a prosecution under the Electoral Act – 19/06/2025 – [2025] IEHC 349
Keane v The Clerk of the Dáil

Statutory instruments

Seanad Electoral (University Members) (Amendment) Act 2024 (Commencement) (No. 2) Order 2025 – SI 213/2025

Election of Members for Appointment to the Medical Scientists Registration Board Bye-law 2025 – SI 348/2025

Electoral (Amendment) Regulations 2025 – SI 361/2025

Electoral Act 1997 (Variation of Monetary Amount) Order 2025 – SI 383/2025

ENERGY

Library acquisitions

Glachant, J.-M., Joskow, P.L., Pollitt, M.G. *Handbook on Electricity Regulation*. Cheltenham: Edward Elgar Publishing Limited, 2025 – N89.44

EMPLOYMENT LAW

Articles

Bruton, C., O'Mahony, A.M. The Employment Equality Acts: the need for reform. *Irish Employment Law Journal* 2025; 22 (2): 27-30

Fay, A. Head in the clouds? *Law Society Gazette* 2025; Aug/Sept: 22-23

Lynch, L. Recent developments in employment injunctions. *The Bar Review* 2025; 30 (1): 29-33

Wall, H. The role of cross-examination in workplace investigations. *Irish Employment Law Journal* 2025; 22 (2): 31-36

Statutory instruments

Employment Equality Act 1998 (Section 20A) (Gender Pay Gap Information) (Amendment) Regulations 2025 – SI 212/2025

Employment Regulation Order (Security Industry Joint Labour Committee) 2025 – SI 326/2025

European Communities (Cross Border Payments) (Amendment) Regulations 2025 – SI 419/2025

EQUALITY

Equality law – Certiorari order – Judicial review – Equality Act 2000, s.28 – Appellant seeks to challenge the availability of judicial review where a statutory appeal is provided – Whether the trial judge correctly identified the relevant authorities and principles to be applied in the application – 09/06/2025 – [2025] IECA 130

Atlantic Troy Limited v O'Reilly & Atlantic Troy Limited v O'Neill

EQUITY AND TRUSTS

Library acquisitions

Biehler, H., Gavin, P. *Equity and the Law of Trusts in Ireland (8th ed.)*. Dublin: Round Hall, 2025 – N200.C5

EUROPEAN UNION

Personal injuries – Substitution order – Jurisdiction – Brussels I Regulation (recast) 2012, art.13 – Rome I Regulation 2008 – Plaintiff seeks to join a different insurance company to the proceedings – Whether the Irish courts have jurisdiction to entertain the claim against the various foreign defendants – 30/05/2025 – [2025] IEHC 304

Farley v Mapfre Asistencia and ors

European Union law – Certiorari order – Validity of Exclusion Order – European Communities (Free Movement of Persons) Regulations 2015 – Applicant seeks to quash the Removal and Exclusion Orders – Whether the Exclusion Order is invalid due to uncertainty as to the time at which it takes effect – 27/05/2025 – [2025] IECA 122

K v The Minister for Justice

European Union law – Recognition and enforcement order – Public policy – Regulation No. 1215/2012, art.45 – O.42A, r.23(4) RSC – Appellant seeks to enforce a Polish judgment in Ireland – Whether Irish public policy requires refusal of recognition of a judgment obtained in another country where any assignment is perfectly lawful – 26/05/2025 – [2025] IESC 20

Scully v Coucal Ltd

Library acquisitions

Craig, P., Schütze, R. *Landmark Cases in EU Law, Volume 1: The Constitutional Cases*. Oxford: Hart Publishing, 2025 – W86
Lowe, N., Honorati, C., Hellner, M. *Brussels II-ter: Cross-border Marriage Dissolution, Parental Responsibility Disputes and Child Abduction in the EU*. Belgium: Larcier Intersentia 2024 – W128.2

Werner, P., Verouden, V. *EU State Aid Control: Law and Economics (2nd ed.)*. Alphen aan den Rijn, The Netherlands: Kluwer Law International, 2025 – W110.1

Articles

Mohit, B. Diagonal direct effect. *Irish Law Times* 2025; 43 (5): 56-60

Moran, N., Wade, D. Russia's invasion of Ukraine and the circumvention of EU sanctions: the case for refining rules of origin and rules on destination. *Irish Journal of European Law* 2024; 26 (26): 1-49

O'Connell, R., Craig, S., Lougarre, C. European Union law and the rights of individuals in Northern Ireland: Article 2 of the Windsor Framework. *Irish Journal of European Law* 2024; 26 (26): 153-179
Paju, J. A study in scarlet: the role of the Administrative Commission in the aftermath of the pandemic. *Irish Journal of European Law* 2024; 26 (26): 103-124

Statutory instruments

European Union (Restrictive Measures against Cyber-attacks threatening the Union or its Member States) (No.2) Regulations 2025 – SI 196/2025

European Union (Equine) Regulations 2025 – SI 202/2025

European Union (Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers) (Amendment) Regulations 2025 – SI 204/2025

European Union (Restrictive Measures concerning Ukraine) (No.5) Regulations 2025 – SI 207/2025

European Union (Restrictive Measures concerning Russia) Regulations 2025 – SI 208/2025

European Communities (IntraCommunity Transfers of Defence Related Products) (Amendment) Regulations 2025 – SI 210/2025

European Union (Gender Balance on Boards of Certain Companies) Regulations 2025 – SI 215/2025

European Union (Restrictive Measures Against the Proliferation and Use of Chemical Weapons) Regulations 2025 – SI 222/2025

European Union (Restrictive Measures concerning Russia) (No.2) Regulations 2025 – SI 230/2025

European Union (Basic Safety Standards for Protection Against Dangers Arising from Medical Exposure to Ionising Radiation) (Amendment) Regulations 2025 – SI 245/2025

European Union (Restrictive Measures concerning Guatemala) Regulations 2025 – SI 255/2025

European Union (Restrictive Measures concerning Syria) (No.2) Regulations 2025 – SI 258/2025

European Union (Restrictive Measures Against Serious Human Rights Violations and Abuses) (No.2) Regulations 2025 – SI 259/2025

European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) (Amendment) Regulations 2025 – SI 261/2025

European Union (Planning and Development) (Renewable Energy) Regulations 2025 – SI 274/2025

European Union (Transport of Dangerous Goods by Rail) (Amendment) Regulations 2025 – SI 275/2025

European Union (Basic Safety Standards for Protection Against Dangers Arising from Medical Exposure to Ionising Radiation) (Amendment) (No. 2) Regulations 2025 – SI 280/2025

European Union (Restrictive Measures concerning Russia) (No.3) Regulations 2025 – SI 282/2025

European Union (Hague Judgments Convention) (Amendment) Regulations 2025 – SI 305/2025

European Union (Corporate Sustainability Reporting) Regulations 2025 – SI 309/2025

European Union (Information Accompanying Transfers of Funds) Regulations 2025 – SI 310/2025

European Union (Anti-Money Laundering: Beneficial Ownership of Trusts) (Amendment) Regulations 2025 – SI 311/2025

Transparency (Directive 2004/109/EC) (Amendment) Regulations 2025 – SI 312/2025

European Union (Novel Foods) (Amendment) (No. 2) Regulations 2025 – SI 315/2025

European Union (Protection of Animals used for Scientific Purposes) (Amendment) Regulations 2025 – SI 316/2025

European Union (Dublin System) (Amendment) Regulations 2025 – SI 317/2025

European Union (Controls of Cash Entering or Leaving the Union) Regulations 2025 – SI 318/2025

European Union (Restrictive Measures concerning Moldova) (No.2) Regulations 2025 – SI 333/2025

European Union (Acquisition and Possession of Weapons and Ammunition) (Amendment) Regulations 2025 – SI 339/2025

European Union (Restrictive Measures concerning Russia) (No.4) Regulations 2025 – SI 344/2025

European Union (Restrictive Measures concerning Ukraine) (No.6) Regulations 2025 – SI 345/2025

European Union (Restrictive Measures concerning Belarus) (No.3) Regulations 2025 – SI 346/2025

European Union (Restrictive Measures concerning Mali) Regulations 2025 – SI 347/2025

European Union (Investigations Conducted by the European Anti-Fraud

Office (OLAF)) (Competent Authority) Regulations 2025 – SI 349/2025

European Organization for Nuclear Research (Privileges and Immunities) Order 2025 – SI 355/2025

European Communities (Marine Strategy Framework) (Amendment) Regulations 2025 – SI 362/2025

European Union (Artificial Intelligence) (Designation) Regulations 2025 – SI 366/2025

European Union (Online Dissemination of Terrorist Content) (Designation of the Commissioner of An Garda Síochána as a Competent Authority) Regulations 2025 – SI 375/2025

European Union (Restrictive Measures concerning Libya) (No.3) Regulations 2025 – SI 387/2025

European Union (International Labour Organisation Work in Fishing Convention) (Safe Manning) (Amendment) Regulations 2025 – SI 394/2025

European Union (Maritime Reporting Obligations) Regulations 2025 – SI 395/2025
European Union (ReFuelEU Aviation) (Competent Authorities) Regulations 2025 – SI 396/2025

European Union (Restrictive Measures concerning Iraq) Regulations 2025 – SI 397/2025

European Communities (Free Movement of Persons) (Amendment) Regulations 2025 – SI 398/2025

European Union (Renewable Energy) Regulations (2) 2022 (Amendment) Regulations 2025 – SI 407/2025

European Union (Official Controls in relation to Food Legislation) (Imports of Food of Non-Animal Origin) (Amendment) (No. 2) Regulations 2025 – SI 409/2025

European Union (Restrictive Measures concerning Iran) Regulations 2025 – SI 411/2025

European Union (Restrictive Measures concerning Haiti) (No.2) Regulations 2025 – SI 412/2025

European Union (Restrictive Measures concerning South Sudan) Regulations 2025 – SI 413/2025

European Union (Restrictive Measures Against Serious Human Rights Violations and Abuses) (No.3) Regulations 2025 – SI 414/2025

European Union (Restrictive Measures concerning Sudan) (No. 2) Regulations 2025 – SI 415/2025

European Union (Planning and Development) (Renewable Energy) (No. 2) Regulations 2025 – SI 426/2025

EVIDENCE

Commercial law – Disclosure order – Without prejudice communications – Legal Services Regulation Act 2015 – Defendant seeks to admit certain correspondence into evidence – Whether

the correspondence should be admitted into evidence – 01/09/2025 – [2025] IEHC 474

QPQ Limited v Schute

Articles

Heffernan, L. Belief evidence in the Special Criminal Court: the dilemma over disclosure. *Irish Criminal Law Journal* 2025; 35 (2): 27-30

EXTRADITION LAW

Extradition law – Surrender order – European Arrest Warrant Act 2003, ss.20,45 – Applicant seeks the surrender of the respondent to France under a European Arrest Warrant – 06/08/2025 – [2025] IEHC 459

Minister for Justice v Hitu

Extradition law – Surrender order – Extradition and sovereignty – European Arrest Warrant Act 2003, s.16 – Criminal Justice (Theft and Fraud Offences) Act 2001, s.13 – Applicant seeks an order for the surrender of the respondent to the United Kingdom – Whether the surrender of the respondent to Northern Ireland is justified under the European Arrest Warrant Act 2003 – 05/06/2025 – [2025] IEHC 346

Minister for Justice v Maughan

Extradition law – Surrender order – European Arrest Warrant Act 2003, ss.20,22 – Applicant seeks an order for the surrender of the respondent to Italy under a European Arrest Warrant – Whether the respondent will have a right to a retrial or appeal that satisfies the requirements of s.45 of the 2003 Act – 03/06/2025 – [2025] IEHC 329

Minister for Justice v Okojie

European Arrest Warrant – Surrender order – Surrender of respondent – European Arrest Warrant Act 2003, ss.14,16 – Applicant seeks the surrender of the respondent to Poland – Whether the respondent made an informed decision not to attend his trial – 21/05/2025 – [2025] IEHC 295

Minister for Justice and Equality v Puk

Statutory instruments

Extradition (United Arab Emirates) Order 2025 – SI 205/2025

FAMILY LAW

Family law – Direction order – Order of witness testimony – Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, s.173 – Rules of the Superior Courts, O.36, r.42 – Applicant seeks court direction on the order of witness testimony – Whether the court should direct the order in which the respondent's witnesses give evidence – 21/05/2025 – [2025] IEHC 341

A.(M.) v E.(R.)

Childcare law – Costs order – Costs for guardian ad litem – Child Care Act 1991,

ss.26(1),26(2) – Appellant seeks costs for guardian ad litem in plenary proceedings – Whether the guardian ad litem should have been joined as a notice party – 15/07/2025 – [2025] IESC 33

B. v The Child and Family Agency

Family law – Decree of divorce – Access arrangements – Family Law (Divorce) Act 2019 – Guardianship of Infants Act 1964, s.31 – Applicant seeks a decree of divorce and proper provision for dependent children – Whether the net proceeds of sale of the family home should be divided on a one-third/two-thirds basis – 18/06/2025 – [2025] IEHC 342

B.(K.) v B.(R.)

Childcare law – Non-compliance with care orders – Childcare Act 1991, ss.18,47 – Court seeks compliance with care orders and re-entry of cases – Whether the Agency's systems were fit for purpose in terms of recording, managing and monitoring court orders – 20/06/2025 – [2025] IEDC 3

In the matter of the Childcare Act 1991 – Section 18 and 47. No.2

Family law – Registration order – Registration of enduring power – Powers of Attorney Act 1996, s.10 – Applicants seek registration of the Enduring Power of Attorney (EPA) despite objections from the respondent – Whether the objection to the registration of the EPA should be rejected – 18/06/2025 – [2025] IEHC 344

D.(K.) and anor v P.(K.)

Family law – Safety order – Spousal maintenance – Family Law (Divorce) Act 1996 – Respondent seeks to overturn the Circuit Court's decision on spousal maintenance and pension equalisation – Whether the Circuit Court's provision for spousal maintenance and pension equalisation was excessive – 07/05/2025 – [2025] IEHC 323

E. v N.

Family law – Relief order – Enforcement of foreign divorce – Family Law Act 1995, ss.23,26 – Applicant seeks relief after a foreign divorce under Part III of the Family Law Act 1995 – Whether the respondent's non-compliance with the English court's ancillary relief orders warrants relief under Part III of the Family Law Act 1995 – 15/05/2025 – [2025] IEHC 343

F.(D.) v K.(C.)

Family law – Custody order – Habitual residence determination – Child Abduction and Enforcement of Custody Orders Act 1991 – Applicant seeks return of child to Brazil based on alleged wrongful retention – Whether the child was habitually resident in Ireland or in Brazil on May 15, 2024 – 25/08/2025 – [2025] IECA 184

G.(J.) v P.(M.)

Family law – Refusal of application – Habitual residence – Child Abduction and Enforcement of Custody Orders Act 1991

– Hague Convention on the Civil Aspects of International Child Abduction – Applicant seeks the return of his son to Brazil under the Hague Convention – Whether the child was habitually resident in Brazil or Ireland at the time of wrongful retention – 16/05/2025 – [2025] IEHC 282

(G.)J. v P.(M.)

Family law – Decree of judicial separation – Decree of divorce – Family Law (Divorce) Act 1996, s.5 – Judicial Separation and Family Law Reform Act 1989, s.2(1)(f) – Applicant seeks a decree of divorce and ancillary reliefs – Whether the applicant is entitled to a decree of divorce or judicial separation – 03/06/2025 – [2025] IEHC 340

L.(R.) v R.(M.)

Family law – Interim order – Jurisdiction for return order – Child Abduction and Enforcement of Custody Orders Act 1991, s.12 – Applicant seeks the return of a child to Ireland under the Hague Convention – Whether the Irish High Court has jurisdiction to make an interim order under s.12 of the Child Abduction and Enforcement of Custody Orders Act 1991 – 30/07/2025 – [2025] IEHC 450

M.(G.) v U.(E.)

Family law – Care order – Disclosure of parenting capacity report – Child Care Act 1991, ss.13,17,18,47 – Appellant seeks an order directing that the parenting capacity assessment report be shared with his legal advisers – Whether the appellant's rights are infringed by withholding the report – 16/05/2025 – [2025] IECC 5

In the matter of M.S., a child, and In the matter of E.S., a child: L.M. v Child and Family Agency and ors

Family law – Divorce decree – Settlement in family law proceedings – Judicial Separation and Family Law Reform Act 1989 – Family Law Act 1995 – Family Law (Divorce) Act 1996 – Land and Conveyancing Law Reform Act 2009, s.51 – Respondent seeks to argue the settlement point and determine proper provision under the 1995/1996 Acts – Whether there was a concluded agreement in all material respects and the terms thereof – 16/05/2025 – [2025] IEHC 332

P.(C.) v R.P.(R.)

Childcare law – Special care order – Judicial review – Childcare Act 1991, s.23F – Applicant seeks to quash the decision of the Special Care Referrals Committee denying special care – Whether the applicant minor requires special care under s.23F of the Childcare Act 1991 – 29/05/2025 – [2025] IEHC 316

T.(J.) [Aa minor] v Child and Family Agency

Family law – Return order – Child abduction – Child Abduction and Enforcement of Custody Orders Act 1991 – Applicant seeks the return of the minor

to Poland – Whether the child was wrongfully removed from Poland – 01/07/2025 – [2025] IEHC 432

X.(A.) v X.(R.)

Library acquisitions

Fenton-Glynn, C. *The Law of Parenthood: A Comparative Guide*. Cheltenham: Edward Elgar Publishing Limited, 2025 – N176.6

Articles

O'Sullivan, Dr K. Revisiting Irish cohabitation laws: lessons for England and Wales? *Irish Journal of Family Law* 2025; 28 (2): 31-36

FINANCIAL SERVICES

Financial services law – Stay order – Adjudgment application – Financial Services and Pensions Ombudsman Act 2017, s.49 – Defendant seeks adjournment of proceedings pending Financial Services and Pensions Ombudsman complaint – Whether the interests of justice require that the case proceed today – 29/05/2025 – [2025] IEHC 325

Mars Capital Finance Ireland Designated Activity Company v Kane and anor

Articles

Meaney, A. Cracks in the system: sovereign debt and unregulated financial sectors as key risks to global financial stability. *Trinity College Law Review* 2025; 28 (1): 132-153

Statutory instruments

Finance (Provision of Access to Cash Infrastructure) Act 2025 (Commencement) Order 2025 – SI 248/2025

FOOD

Statutory instruments

Food Safety Authority of Ireland Act 1998 (Amendment of First and Second Schedules) Order 2025 – SI 249/2025

GOVERNMENT

Statutory instruments

Cyber Security (Transfer of Departmental Administration and Ministerial Functions) Order 2025 – SI 234/2025

Environment, Climate and Communications (Alteration of Name of Department and Title of Minister) Order 2025 – SI 235/2025

Tourism, Culture, Arts, Gaeltacht, Sport and Media (Alteration of Name of Department and Title of Minister) Order 2025 – SI 236/2025

Telecommunications (Transfer of Departmental Administration and Ministerial Functions) Order 2025 – SI 237/2025

Dog Control (Transfer of Departmental Administration and Ministerial Functions)

Order 2025 – SI 283/2025
 Enterprise, Tourism and Employment (Delegation of Ministerial Functions) Order 2025 – SI 240/2025
 Enterprise, Tourism and Employment (Delegation of Ministerial Functions) (No. 2) Order 2025 – SI 241/2025
 Justice (Alteration of Name of Department and Title of Minister) Order 2025 – SI 242/2025
 Agriculture, Food and the Marine (Delegation of Ministerial Functions) Order 2025 – SI 244/2025
 Justice, Home Affairs and Migration (Delegation of Ministerial Functions) Order 2025 – SI 252/2025
 Justice, Home Affairs and Migration (Delegation of Ministerial Functions) (No.2) Order 2025 – SI 253/2025
 Appointment of Special Adviser (Minister of State at the Department of Health) Order 2025 – SI 254/2025
 Climate, Energy and the Environment (Delegation of Ministerial Functions) Order 2025 – SI 257/2025
 Appointment of Special Adviser (Minister of State at the Department of Rural and Community Development and the Gaeltacht) Order 2025 – SI 265/2025
 Appointment of Special Adviser (Minister for Rural and Community Development and the Gaeltacht) Order 2025 – SI 266/2025
 Rural and Community Development and the Gaeltacht (Delegation of Ministerial Functions) Order 2025 – SI 267/2025
 Further and Higher Education, Research, Innovation and Science (Delegation of Ministerial Functions) Order 2025 – SI 272/2025
 Appointment of Special Adviser (Minister for Further and Higher Education, Research, Innovation and Science) Order 2025 – SI 284/2025
 Appointment of Special Adviser (Minister of State at the Department of Further and Higher Education, Research, Innovation and Science) Order 2025 – SI 285/2025
 Appointment of Special Advisers (Minister of State at the Department of Transport) Order 2025 – SI 288/2025
 Oireachtas (Allowances) (Members and Holders of Parliamentary and Certain Ministerial Offices) Order 2025 – SI 289/2025
 Appointment of Special Advisers (Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation) Order 2025 – SI 290/2025
 Appointment of Special Adviser (Minister of State at the Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation) Order 2025 – SI 291/2025
 Appointment of Special Advisers (Minister for Agriculture, Food and the Marine) Order 2025 – SI 294/2025
 Appointment of Special Advisers (Minister of State at the Department of Agriculture,

Food and the Marine) Order 2025 – SI 295/2025
 Appointment of Special Adviser (Minister of State at the Department of Agriculture, Food and the Marine) Order 2025 – SI 296/2025
 Appointment of Special Advisers (Taoiseach) Order 2025 – SI 298/2025
 Appointment of Special Advisers (Tánaiste, Minister for Foreign Affairs and Trade and Minister for Defence) Order 2025 – SI 299/2025
 Appointment of Special Advisers (Minister of State at the Department of the Taoiseach) Order 2025 – SI 300/2025
 Appointment of Special Adviser (Minister of State at the Department of Enterprise, Tourism and Employment) Order 2025 – SI 301/2025
 Appointment of Special Advisers (Minister for Enterprise, Tourism and Employment) Order 2025 – SI 303/2025
 Appointment of Special Adviser (Minister of State at the Department of Enterprise, Tourism and Employment and the Department of Climate, Energy and the Environment) Order 2025 – SI 304/2025
 Appointment of Special Advisers (Minister for Children, Disability and Equality) Order 2025 – SI 307/2025
 Appointment of Special Advisers (Minister of State at the Department of Children, Disability and Equality) Order 2025 – SI 308/2025
 Appointment of Special Advisers (Minister for Housing, Local Government and Heritage) Order 2025 – SI 322/2025
 Appointment of Special Adviser (Minister of State at the Department of Housing, Local Government and Heritage) Order 2025 – SI 323/2025
 Appointment of Special Adviser (Minister of State at the Department of Housing, Local Government and Heritage) (No. 2) Order 2025 – SI 324/2025
 Oireachtas (Ministerial and Parliamentary Offices) (Secretarial Facilities) Regulations 2025 – SI 332/2025
 General Government Secured Borrowings Order 2025 – SI 334/2025
 Appointment of Special Advisers (Tánaiste, Minister for Foreign Affairs and Trade and Minister for Defence) (No. 2) Order 2025 – SI 335/2025
 Appointment of Special Adviser (Minister of State at the Department of the Taoiseach, the Department of Foreign Affairs and Trade and the Department of Defence) Order 2025 – SI 336/2025
 Appointment of Special Adviser (Minister of State at the Department of Foreign Affairs and Trade) Order 2025 – SI 337/2025
 Appointment of Special Advisers (Tánaiste, Minister for Foreign Affairs and Trade and Minister for Defence) (No. 3) Order 2025 – SI 340/2025
 Appointment of Special Advisers (Minister for Culture, Communications and Sport)

Order 2025 – SI 356/2025
 Appointment of Special Adviser (Minister of State at the Department of Culture, Communications and Sport) Order 2025 – SI 357/2025
 Children, Disability and Equality (Delegation of Ministerial Functions) Order 2025 – SI 360/2025
 Appointment of Special Adviser (Minister of State at the Department of Finance) Order 2025 – SI 363/2025
 Agriculture, Food and the Marine (Delegation of Ministerial Functions) (No. 2) Order 2025 – SI 368/2025
 Marine Environment (Transfer of Departmental Administration and Ministerial Functions) Order 2025 – SI 390/2025
 Dog Breeding Establishments (Transfer of Departmental Administration and Ministerial Functions) Order 2025 – SI 391/2025
 Property Services (Transfer of Departmental Administration and Ministerial Functions) Order 2025 – SI 392/2025
 Censorship of Films and Censorship of Publications (Transfer of Departmental Administration and Ministerial Functions) Order 2025 – SI 393/2025
 Appointment of Special Adviser (Minister of State at the Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation) (No. 2) Order 2025 – SI 399/2025
 Appointment of Special Advisers (Minister for Justice, Home Affairs and Migration) Order 2025 – SI 400/2025
 Appointment of Special Adviser (Minister of State at the Department of Justice, Home Affairs and Migration) Order 2025 – SI 401/2025
 Appointment of Special Adviser (Minister of State at the Department of Justice, Home Affairs and Migration) (No.2) Order 2025 – SI 402/2025
 Appointment of Special Adviser (Minister of State at the Department of Enterprise, Tourism and Employment) (No. 2) Order 2025 – SI 425/2025

HEALTH Articles

Cassidy, C. Where law and public health meet: an analysis of the legal framework for criminalising STI transmission in Ireland. *Irish Criminal Law Journal* 2025; 35 (2): 31–45

Statutory instruments

Health Insurance (Amendment) and Health (Provision of Menopause Products) Act 2024 (Commencement) Order 2025 – SI 225/2025
 Health Act 1970 (Section 59(4)) (Menopause Products) Regulations 2025 – SI 226/2025
 Health Act 1970 (Section 67F) (Payments in Respect of Menopause Products

Dispensing Services) Regulations 2025 – SI 227/2025
 Misuse of Drugs (Prescription and Control of Supply of Cannabis for Medical Use) (Amendment) Regulations 2025 – SI 229/2025
 Human Tissue (Transplantation, Post-Mortem, Anatomical Examination and Public Display) Act 2024 – SI 250/2025
 Human Tissue (Transplantation, Post-Mortem, Anatomical Examination and Public Display) (Living Donor Reimbursement Scheme) Regulations 2025 – SI 251/2025
 Medicinal Products (Prescription and Control of Supply) (Amendment) (No.2) Regulations 2025 – SI 418/2025
 Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement) Order 2025 – SI 420/2025
 Public Health (Alcohol) Act 2018 (Commencement) (Amendment) Order 2025 – SI 422/2025
 Public Health (Alcohol) (Labelling) (Amendment) Regulations 2025 – SI 423/2025

HOUSING

Acts

Residential Tenancies (Amendment) Act 2025 – Act 5/2025 – Signed on June 19, 2025

Statutory instruments

Affordable Housing Act 2021 (Cost Rental Allocation Plan) Regulations 2025 – SI 306/2025
 Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2025 – SI 364/2025
 Housing, Local Government and Heritage (Delegation of Ministerial Functions) (No. 2) Order 2025 – SI 365/2025

HUMAN RIGHTS

Human rights law – Declaration order – Breach of human rights – Irish Human Rights and Equality Commission Act 2014, s.41 – Charter of Fundamental Rights of the European Union, art.1 – Respondents seek to dismiss the application for judicial review – Whether the respondents breached Article 1 of the Charter of Fundamental Rights of the European Union – 30/07/2025 – [2025] IECA 156
Irish Human Rights and Equality Commission v The Minister for Children, Equality, Disability, Integration and Youth and ors

Articles

Boutier, I. The protection of Catalonia by the European Court of Human Rights. *Irish Journal of European Law* 2024; 26 (26): 85–102
 De Verteuil, S. Unattainable silence and the dissolution of Miranda: The U.S. Supreme Court's erosion of civil liberties.

Trinity College Law Review 2025; 28 (1): 118-131

Fennelly, D. The significance of the European Convention on Human Rights in the Irish legal order: thirty years on. *Irish Journal of European Law* 2024; 26 (26): 203-207

Flynn, L. The significance of the European Convention on Human Rights in the Irish legal order. *Irish Journal of European Law* 2024; 26 (26): 209-238

Rea, L. Understanding the nature of constitutional language frameworks in Northern Ireland: construction or dilapidation? *Trinity College Law Review* 2025; 28 (1): 180-205

IMMIGRATION

Immigration law – Costs order – Mootness due to time passage – Dublin III Regulation – Applicant seeks 50% of costs for judicial review proceedings – Whether the applicant's failure to attend two scheduled flights rendered the proceedings moot – 26/08/2025 – [2025] IEHC 471

A.E.K. v International Protection Appeals Tribunal and ors

Refugee law – Certiorari order – Severance of tribunal decision – International Protection Act 2015, s.2 – Respondents seek partial order of certiorari for flawed State protection decision – Whether the relationship between fear of persecution and State protection is too close to separate them – 25/07/2025 – [2025] IESC 38

B.D., T.D. (a minor suing by his mother and next friend, B.D.) and M.D. (a minor suing by his mother and next friend, B.D.) v International Protection Appeals Tribunal Judicial review – Accommodation rights for asylum seeker – European Communities (Reception Conditions) Regulations 2018 – Applicant seeks accommodation despite being granted subsidiary protection – Whether the removal from accommodation due to misbehavior makes judicial review proceedings moot – 05/08/2025 – [2025] IEHC 478

Dashevsky v International Protection Accommodation Services and ors

International protection law – Security for costs order – Order for security of costs – International Protection Act 2015, s.22 – Immigration Act 1999, s.3(11) – Respondents seek an order for security for costs – Whether the security for costs should be imposed given the applicant's deportation – 26/08/2025 – [2025] IEHC 473

G.T. v International Protection Appeals Tribunal and ors

International protection law – Injunction order – Judicial review – Regulation (EU) No. 604/2013, art.17 – International Protection Act 2015, s.15 – Applicant seeks leave to challenge the Minister's

refusal to exercise discretion under Article 17 of the Dublin III Regulation – Whether the applicant has demonstrated a *prima facie* legal argument that has a reasonable prospect of success – 23/05/2025 – [2025] IEHC 298

H.(A.H.) v Minister for Justice and anor Immigration law – Leave application – Judicial review – Irish Nationality and Citizenship Act 1956, ss.15,15C – Courts and Civil Law (Miscellaneous Provisions) Act 2023, s.8 – Applicant seeks leave to proceed by way of judicial review to challenge the decision of the Minister refusing the application for a certificate of naturalisation – Whether the applicant has demonstrated a *prima facie* legal argument that has a reasonable prospect of success and whether the evidence is such as to support that *prima facie* argument being advanced – 30/07/2025 – [2025] IEHC 436

Hicsonmez v Minister for Justice Home Affairs and Migration and ors

Immigration law – Judicial review – Proportionality assessment – Directive 2004/38/EC, art.35 – Appellant seeks judicial review of the decision to revoke permanent residency – Whether the Minister was obliged to conduct a proportionality assessment before revoking permanent residency due to fraud – 27/06/2025 – [2025] IESC 29

Imran v The Minister for Justice

International protection law – Refusal of reliefs – Credibility of applicant's claim – International Protection Act 2015, ss.42,61 – Applicant seeks to overturn the refusal of international protection – Whether the applicant's credibility regarding his sexuality and relationship was sufficiently established – 02/05/2025 – [2025] IEHC 308

J.(K.) [Georgia] v International Protection Appeals Tribunal and anor

Immigration law – Certiorari order – Judicial review – Illegal Immigrants (Trafficking) Act 2000 – Applicant seeks to quash the decision imposing a five-year visa exclusion period – Whether the decision to impose a five-year exclusion period was unjust or unlawful – 28/05/2025 – [2025] IEHC 352

Liqun v Minister for Justice and Equality and anor

Immigration law – Certiorari order – Visa refusal – Legal Services Regulation Act 2015, s.169 – Immigration Act 2004, s.17 – Applicant seeks an order quashing the respondent's decision refusing an employment visa – Whether the respondent fell into error by finding that the applicant did not demonstrate a qualification to be employed – 10/09/2025 – [2025] IEHC 485

Masood v Minister for Justice

Immigration law – Certiorari order – Judicial review – International Protection Act 2015, s.43 – Illegal Immigrants

(Trafficking) Act 2000, s.5 – Applicant seeks to quash the decision of the Tribunal refusing her application for refugee status and subsidiary protection – Whether the applicant had established a well-founded fear of persecution or a risk of serious harm if returned to her country of origin – 23/05/2025 – [2025] IEHC 294

S.(M.M.) v International Protection Appeals Tribunal and ors

Articles

Healy, N. Emerging barriers in the international protection process. *The Bar Review* 2025; 30 (2): 65-69

Statutory instruments

Immigration Act 2004 (Registration Certificate Fee) Regulations 2025 – SI 421/2025

INFORMATION TECHNOLOGY

Articles

Doherty, M. Catfishing: hook, line and victim. *The Bar Review* 2025; 30 (3): 99-103

Holohan, B. Mobile misadventures. *Law Society Gazette* 2025; Aug/Sept: 34-39

Rauer, N., Seinen, W. Keep it simple! *Law Society Gazette* 2025; July: 42-45

INJUNCTIONS

Articles

Biehler, H. Injunctions sought in circumstances where specific contextual factors arise. *Irish Law Times* 2025; 43 (3): 26-32

INSURANCE

Insurance law – Stay of proceedings – Rules of the Superior Courts, O.63A – Rules of the Superior Courts, O.19 – Plaintiffs seek indemnity, damages and interest under insurance policies – Whether to grant a stay of proceedings pending the determination of English court proceedings – 07/08/2025 – [2025] IEHC 452

WWTAI Airopco II DAC and anor v Global Aerospace Underwriting Managers [Europe] SAS and ors

Articles

Canny, M. Weathering the storms. *The Bar Review* 2025; 30 (1): 34

INTELLECTUAL PROPERTY

Intellectual property law – Interlocutory injunction – Trademark infringement – Trade Marks Act 1996, s.14 – Plaintiff seeks an interlocutory injunction to restrain defendant from using initials 'GHR' – Whether the defendant's use of initials 'GHR' infringes the plaintiff's trademark – 30/07/2025 – [2025] IEHC 462

Choice Broadcasting Limited v Bauer

Audio Ireland Limited

Intellectual property law – Interlocutory injunction – Passing off – Plaintiff seeks an interlocutory injunction to restrain the defendant from passing off its Skyr products as those of the plaintiff – 02/05/2025 – [2025] IEHC 301

Yoplait Ireland Limited v Nutricia Ireland Limited

Intellectual property law – Injunction order – Passing off – Appellant seeks to overturn the injunction restraining the launch of its Skyr products in Ireland – Whether the trial judge erred in granting an injunction based on confusing similarity between the products – 01/08/2025 – [2025] IECA 163

Yoplait Ireland Limited v Nutricia Ireland Limited

INTERNATIONAL LAW

Library acquisitions

Ferrari, F. Concise Commentary on the Rome I Regulation (2nd ed.). Cambridge: Cambridge University Press, 2020 – C2000

Mulgrew, R. Early Release in International Criminal Law. Cheltenham: Edward Elgar Publishing Limited, 2025 – C210

JUDGES

Constitutional law – Judicial review – Judicial misconduct – Judicial Council Act 2019 – Applicant seeks to remove judges from office due to alleged misconduct – Whether the High Court has jurisdiction to remove judges from office due to alleged misconduct – 30/05/2025 – [2025] IEHC 334

Gaultier v Four judges of the Court of Appeal and ors

LANDLORD AND TENANT

Residential tenancy law – Costs order – Timing of appeal – Residential Tenancies Act 2004, s.123 – Legal Services Regulation Act 2015, ss.168,169 – O.99, r.2 RSC – Respondent seeks costs of the application and proceedings – Whether the Board is entitled to costs due to its success in the preliminary objection – 31/07/2025 – [2025] IEHC 446

Cahill v Residential Tenancies Board

Property law – Order for remittal – Exemption from rent restrictions – Residential Tenancies Act 2004, ss.19,123 – Appellant seeks exemption from rent restriction rules in a rent pressure zone – Whether the Tenancy Tribunal erred in law in its interpretation of the relevant provisions of the Residential Tenancies Act 2004 – 22/05/2025 – [2025] IEHC 290

Doran v Residential Tenancies Board

Property law – Determination order – Validity of Notice of Termination – Residential Tenancies Act 2004, ss.34,35 – Appellant seeks to appeal a Determination Order made by the

Residential Tenancies Board – Whether the Tribunal erred in law by failing to recognise a valid oral agreement – 23/05/2025 – [2025] IEHC 291

Pszonka v Residential Tenancies Board

LEGAL PROFESSION

Solicitors’ disciplinary proceedings – Extension of time order – Solicitors (Amendment) Act 1960, ss.7(12A),7(12B) – Appellant seeks an extension of time to appeal against two decisions of the Solicitors Disciplinary Tribunal – Whether to grant an extension of time for the appellant to appeal the decisions of the Tribunal – 16/06/2025 – [2025] IEHC 337

Kirwan v O’Leary and anor

Professional negligence – Strike out order – Powers of Attorney Act 1996, s.10 – Civil Liability Act 1961, s.7 – Defendants seek to strike out plaintiffs’ proceedings for lack of reasonable cause of action – Whether the plaintiffs have a reasonable cause of action against the defendants for professional negligence – 30/05/2025 – [2025] IEHC 317

McEvoy and anor v Turner [practising under the style and title of David Turner and Co. Solicitors] and anor

Solicitors’ disciplinary law – Full rehearing order – Solicitors (Amendment) Act 1960, s.7 – O.53B, r.9 RSC – Appellant seeks to confine appeal to certain grounds and avoid full rehearing – Whether the appeal must proceed as a full rehearing – 30/05/2025 – [2025] IEHC 312

O’Callaghan v Nirvanna Property Holdings Limited and anor

Library acquisitions

Barrett, M. *The Art and Craft of Judgment Writing: A Primer for Common Law Judges (2nd ed.)*. UK: Globe Law and Business, 2025 – L240

Ramadan, F. *AI and the Legal Profession: Transforming the Future of Law (2nd ed.)*. London: Globe Law and Business, 2025 – K103

Whelan, C. *Lawyers on Trial (2nd ed.)*. Oxford: Hart Publishing, 2024 – L50

Articles

Browne, D. Not fit for purpose. *The Bar Review* 2025; 30 (2): 70

LEGAL SYSTEM

Library acquisitions

Ní Mhuirthile, T., O’Sullivan, C., Thornton, L. *Fundamentals of the Irish Legal System: Law, Policy and Politics (2nd ed.)*. Dublin: Round Hall, 2025 – L13

LICENSING

Statutory instruments

Intoxicating Liquor Act 2003 (Section 21) (Royal Dublin Society) Regulations 2025 – SI 199/2025

LOCAL GOVERNMENT

Statutory instruments

Local Government Act 2001 (Section 142) (Security Allowance for Local Authority Members) (Amendment) Regulations 2025 – SI 297/2025

MEDICAL LAW

Articles

Cunningham, R. “Miss Diagnosis”: the inadequacies surrounding the Patient Safety (Notifiable Incidents and Open Disclosure) Act 2023 and women’s health in Ireland in light of the CervicalCheck debacle. *Trinity College Law Review* 2025; 28 (1): 29-53

NEGLIGENCE

Medical negligence – Reporting restrictions – Failure to diagnose VL – Civil Law (Miscellaneous Provisions) Act 2008, s.27 – Plaintiff seeks damages for medical negligence due to failure to diagnose VL – Whether the hospital breached the standard of care by failing to diagnose VL – 09/04/2025 – [2025] IEHC 331

A.M.S. v Birthistle

Professional negligence – Strike out order – Powers of Attorney Act 1996, s.10 – Civil Liability Act 1961, s.7 – Defendants seek to strike out plaintiffs’ proceedings for lack of reasonable cause of action – Whether the plaintiffs have a reasonable cause of action against the defendants for professional negligence – 30/05/2025 – [2025] IEHC 317

McEvoy and anor v Turner [practising under the style and title of David Turner and Co. Solicitors] and anor

Clinical negligence – Stay order – Locus standi – Civil Liability and Courts Act 2004, s.10 – Civil Liability Act 1961, s.48 – Defendant seeks to strike out the plaintiff’s action for lack of *locus standi* and failure to establish negligence – Whether the plaintiff has established a stateable cause of action against the defendant – 04/06/2025 – [2025] IEHC 327

Tolan v Brindley Manor Federation of Nursing Homes Limited

PENSIONS

Articles

Whelan, R. Expect delays. *Law Society Gazette* 2025; Jun: 24-25

Statutory instruments

Secretary to the Judicial Council Superannuation Scheme 2025 – SI 281/2025

Public Service Pay and Pensions Act 2017 (Section 42) (Payments to General Practitioners) (Amendment) Regulations 2025 – SI 286/2025

Occupational Pension Schemes (Funding Standard) (Amendment) Regulations 2025 – SI 343/2025

PERSONAL INJURIES

Personal injury law – Dismissal order – Personal injury definition – Personal Injuries Assessment Board Act 2003, s.12 – Data Protection Act 2018, s.117 – Appellant seeks compensation for distress, upset, anxiety, and inconvenience due to alleged data protection breaches – Whether the non-material damage in the form of distress, upset and anxiety falls within the statutory definition of personal injury – 24/07/2025 – [2025] IESC 37

Dillon v Irish Life Assurance Plc

Personal injury law – Damages order – Slip and fall – Occupiers’ Liability Act 1995, s.3 – Hotel Proprietors Act 1963, s.4 – Plaintiff seeks damages for injuries sustained from a fall – Whether the plaintiff slipped on a tile with liquid – 30/04/2025 – [2025] IEHC 305

Kirby v Hotel Kilkenny Limited [trading as Hotel Kilkenny]

Articles

Lonergan, M., Minihane, S., Moloney, E. PI pending. *Law Society Gazette* 2025; Jun: 54-55

PLANNING AND ENVIRONMENTAL LAW

Judicial review – Amendment of judicial review – Planning Development Act 2000, s.34 – Applicant seeks leave for judicial review and amendments to the Statement of Grounds – Whether in the interests of justice, it is appropriate to allow the amendments sought – 29/04/2025 – [2025] IEHC 222

Byrne v An Bord Pleanála and anor

Property law – Injunction order – Noise nuisance – Chancery Amendment Act 1858, s.2 – Plaintiffs seek a full injunction to stop the operation of wind turbines causing noise nuisance – Whether to grant a full injunction or allow the nuisance to continue with damages – 05/06/2025 – [2025] IEHC 330

Byrne and anor v Abo Energy Ireland Limited and ors

Planning and development – Certiorari order – Rezoning decision – Planning and Development Act 2000, s.50 – Applicant seeks to quash the decision to rezone the Colbeam Lands from residential to open space – Whether the decision to rezone the Colbeam Lands from residential to open space was invalid due to irrelevant considerations – 05/08/2025 – [2025] IEHC 437

Colbeam Limited v Dun Laoghaire Rathdown County Council

Environmental law – Injunction order – Environmental pollution – Waste Management Act 1996, ss.57,58 – Applicant seeks injunctive relief to remove infill material from protected lands – Whether the removal of infill material should be ordered despite potential adverse environmental impacts

– 28/07/2025 – [2025] IEHC 429

Cork County Council v Collins

Planning and environmental law – Order of certiorari – Judicial review – Planning and Development Act 2000, s.50 – Applicants seek an order of certiorari to quash the decision granting permission for wind farm development – Whether the applicants’ complaints of lack of reasoning, an allegedly invalid condition and error in assessment can surmount the obstacle that a valid reading is the starting point which an applicant must displace if they are to succeed – 30/05/2025 – [2025] IEHC 310

Fahybeg Windfarm Opposition Group and anor v An Bord Pleanála

Environmental law – Ministerial direction – Incompatibility with National Policy Objective 65 – Planning and Development Act 2000, s.31 – Aircraft Noise (Dublin Airport) Regulation Act 2019, s.20 – Appellants seek to quash the Minister’s Direction requiring Fingal to delete the amended text under PA CH 8.1 – Whether the inclusion of PA CH 8.1 in the development plan was inconsistent with the statutory provisions and processes, including the Noise Action Plan, and undermined National Policy Objective 65 – 05/06/2025 – [2025] IECA 128

Friends of the Irish Environment CLG and anor v Minister for Housing, Local Government and Heritage and ors

Planning and development law – Certificate and leave to appeal – Planning and Development Act 2000, s.50A – Applicant seeks certificate and leave to appeal under s.50A(7) of the Planning and Development Act 2000 – Whether the applicant’s points of law are of exceptional public importance – 27/05/2025 – [2025] IEHC 318

Grall v Meath County Council

Planning and environment law – Compulsory purchase order – Leave to appeal – Planning and Development Act 2000 – Applicant seeks leave to appeal the refusal of leave to seek judicial review of a compulsory purchase order – Whether the applicant can introduce new evidence on appeal from an ex parte refusal – 30/05/2025 – [2025] IEHC 311

Heavey v An Bord Pleanála [No.2]

Environmental law – Injunction order – Validity of planning permissions – Planning and Development Act 2000, s.160 – Treaty on the European Union, art.19 – Applicants seek injunctions restraining alleged unauthorised development and site remediation – Whether the permissions are invalid as in breach of EU law – 23/06/2025 – [2025] IEHC 345

Malone and anor v Laois County Council and ors

Planning and development law – Declaratory relief – Leave to appeal –

Planning and Development Act 2000, ss.50,50A,50B – Applicant seeks leave to appeal the High Court’s decision dismissing certiorari – Whether the applicant’s failure to prove any alleged error would make a difference and the developer’s evidence that it would not – 30/05/2025 – [2025] IEHC 309

Massey v An Bord Pleanála [No. 4]

Judicial review – Stay order – Compulsory acquisition – Planning and Development Act 2000, s.213 – Applicant seeks leave to apply for judicial review to challenge two decisions of the respondent relating to the compulsory acquisition of the applicant’s lands – Whether the applicant is entitled to an extension of time to challenge the decisions and whether there has been compliance with s.50A(3)(c) in relation to the exhaustion of any available appeal procedures – 29/05/2025 – [2025] IEHC 306

Mernagh v Wexford County Council

Judicial review – Stay order – Consultative case stated – Planning and Development Act 2000, Part 8 – Courts of Justice Act 1947, s.16 – Applicants seek leave to apply for judicial review of Circuit Court’s refusal to refer a consultative case stated – Whether the Circuit Court erred in its approach to the request for a consultative case stated – 31/07/2025 – [2025] IEHC 447

Murphy and anor v Roscommon County Council

Planning and development law – Interlocutory order – Validity of planning decisions – Planning and Development Act 2000, s.160 – Appellants seek to set aside previous High Court and Supreme Court orders – Whether the new evidence could affect the outcome of the s.160 proceedings – 05/08/2025 – [2025] IECA 164

Murray and anor v The County Council of the County of Meath

Environmental law – Certiorari order – Environmental Impact Assessment – Planning and Development Act 2000, Part X – Applicants seek orders of certiorari of a decision to grant planning permission for a wind farm – Whether the decision failed to comply with the EIA Directive – 16/06/2025 – [2025] IEHC 367

North Westmeath Turbine Action Group and anor v An Bord Pleanála and anor, Sweetman v An Bord Pleanála and anor – Planning and development law – Certiorari – Reasons for refusing planning application – Planning and Development Act 2000, ss.50,50A,50B – Applicant seeks to quash the decision denying permission for residential development including mobile home – Whether the applicant failed to demonstrate long-term commitment to operate a business from the proposed home – 31/07/2025 – [2025] IEHC 449

Sexton v An Bord Pleanála

Judicial review – Extension of time – Planning and Development Act 2000, s.50 – Respondent seeks extension of time to judicially review planning decision – Whether the Court of Appeal was correct to grant an extension of time for judicial review – 10/07/2025 – [2025] IESC 31

Thomson and anor v An Bord Pleanála

Environmental law – Injunction order – Noise nuisance – Planning and Development Act 2000, s.28 – Plaintiffs seek an injunction to shut down T2 during sensitive periods – Whether the plaintiffs ought to be confined to damages in lieu or whether the nuisance should be abated by injunction – 27/05/2025 – [2025] IEHC 300

Webster and anor v Meenacloghspar [Wind] Limited; Shorten and anor v Meenacloghspar [Wind] Limited [No.2]

Articles

Gaudin-Rolland, E. The future of statehood of low-lying island states in the context of rising sea levels. *Trinity College Law Review* 2025; 28 (1): 11–28

Hayes, G. No more business as usual on climate. *The Bar Review* 2025; 30 (2): 60–64

Kabilov, F. Scope 3 emissions in climate litigation: implications for Environmental Impact Assessments and infrastructure planning. *Irish Law Times* 2025; 43 (6): 63–68

Lee, R. Running up that hill. *Law Society Gazette* 2025; Jun: 57–59

Vanmechelen, L. A terrible beauty: the need for a national plan to eradicate *Rhododendron ponticum* in Ireland. *Irish Law Times* 2025; 43 (4): 38–48

Acts

Planning and Development (Amendment) Act 2025 – Act 9/2025 – Signed on July 23, 2025

Statutory instruments

Planning and Development Act 2024 (Commencement) Order 2025 – SI 239/2025

Planning and Development Act 2024 (Commencement) (No. 2) Order 2025 – SI 256/2025

Planning and Development Act 2000 (Section 181(2)(a)) (No. 3) Order 2024 (Revocation) Order 2025 – SI 260/2025
Planning and Development (An Coimisiún Pleanála) (Declaration of Interests) Regulations 2025 – SI 262/2025

Planning and Development Regulations (Amendment) Regulations 2025 – SI 263/2025

Planning and Development (Prescribed Newspapers) Regulations 2025 – SI 264/2025

National Oil Reserves Agency Act 2007 (Delegation of Climate Action Fund Grant Payment Functions) Order 2025 – SI

287/2025

Planning and Development (Street Furniture Fees) Regulations 2025 – SI 367/2025

Planning and Development (Extension of Duration – Planning and Development Act 2000) Regulations 2025 – SI 378/2025

Planning and Development Act 2024 (Commencement) (No. 3) Order 2025 – SI 379/2025

Planning and Development (Amendment) Act 2025 (Commencement) Order 2025 – SI 380/2025

Air Pollution Act 1987 (Solid Fuels, Moisture Content) (Amendment) Regulations 2025 – SI 389/2025

Urban Wastewater (Nutrient-Sensitive Areas) Regulations 2025 – SI 403/2025

POLICE

Judicial review order – Lawfulness of suspension – Garda Síochána (Discipline) Regulations 2007 – Applicant seeks judicial review of disciplinary process – Whether the applicant’s continued suspension is lawful – 29/05/2025 – [2025] IEHC 303

Harrison v Commissioner of An Garda Síochána

Constitutional law – Dismissal order – Constitutional justice – Garda Síochána Act 2005, s.14(2) – Appellant seeks to dismiss the respondent from An Garda Síochána under s.14(2) of the Garda Síochána Act 2005 – Whether the Commissioner can invoke s.14(2) to dismiss a member of An Garda Síochána for conduct already sanctioned – 17/07/2025 – [2025] IESC 36

Hegarty v The Commissioner of An Garda Síochána

Judicial review – Suspension and disciplinary process – Garda Síochána Act 2005, ss.95,97 – Applicant seeks judicial review of suspension and disciplinary process – Whether the suspension and disciplinary processes were conducted fairly and without undue delay – 15/05/2025 – [2025] IEHC 297

Mulligan v Commissioner of and Garda Síochána and ors

Judicial review – Protection order – Refusal of station bail – Domestic Violence Act 2018, s.33 – Criminal Procedure Act 1967, s.31 – Applicant seeks to challenge the lawfulness of a refusal of station bail following arrest for breach of protection order – Whether the refusal of station bail was influenced by an unlawful policy direction – 04/06/2025 – [2025] IEHC 336

W.(G.) v The Commissioner of An Garda Síochána

Statutory instruments

Policing, Security and Community Safety Act 2024 (Section 114) (Safety Partnership) Regulations 2025 – SI 279/2025

PRACTICE AND PROCEDURE

Civil law – Anonymity order – Reporting restrictions – Civil Law (Miscellaneous Provisions) Act 2008, s.27 – Applicant seeks access to pleadings and proceedings to challenge reporting restrictions – Whether the applicant can challenge the reporting restrictions without appealing the order – 17/07/2025 – [2025] IEHC 453

A. and anor v E. and ors

Contract law – Substitution order – Substitution of plaintiff – O.15, r.14 RSC – O.17, r.4 RSC – Appellant seeks to overturn the High Court decision allowing substitution of Everyday Finance DAC as plaintiff – Whether the settlement agreement extinguished the 2017 judgment – 28/05/2025 – [2025] IECA 124

Allied Irish Banks PLC v Sheehy

Judicial review – Strike out proceedings – Abuse of process – Rules of the Superior Courts, O.19, r.28 – Defendants seek to strike out plaintiff’s claim due to procedural impropriety – Whether the plaintiff’s proceedings should be struck out for abuse of process – 09/09/2025 – [2025] IEHC 486

Browne v Registrar General of Fishing Boats and ors

Civil procedure – Injunction order – Maintenance and champerty – Maintenance and Embracery Act 1634 – Defendant seeks to strike out proceedings as unlawful, vexatious, and frivolous – Whether the plaintiff’s funding mechanism offends against the law relating to maintenance and champerty – 29/04/2025 – [2025] IEHC 223

Campbell v O’Doherty [trading as The Irish Light]

Civil procedure – Motion to strike out – Plaintiffs seek to invalidate the appointment of the receiver and strike out claims related to agreements – Whether the motion should be struck out with no order as to costs – 19/08/2025 – [2025] IEHC 468

Corcoran v Eassda Group Limited and ors, Fennell v Corcoran and anor, Cororan And anor v Promontoria and anor [No.4]

Civil law – Strike out order – Delay in reporting abuse – Defendant seeks to strike out proceedings due to delay – Whether the defendant can get a fair hearing due to the lapse of time since the alleged assaults – 18/07/2025 – [2025] IEHC 434

D. v D.

Civil procedure – Amendment of summary summons – Rules of the Superior Courts, O.28, r.1 – Whether the High Court was justified in allowing the amendment of the summary summons – 27/05/2025 – [2025] IECA 125

Everyday Finance DAC v Tolan

Civil law – Summary judgment – Civil Law

and Criminal Law (Miscellaneous Provisions) Act 2020, s.15 – Supreme Court of Judicature (Ireland) Act 1877, s.28 – Plaintiff seeks summary judgment against the defendant for the outstanding loan amount – Whether the plaintiff is the ultimate successor in title to the Bank of Scotland Ireland Ltd – 29/05/2025 – [2025] IEHC 315

Fitzwilliam Loan Management Unlimited Company v Conneally

Civil procedure – Security for costs – Rules of the Superior Courts, O.29 – Defendants seek security for costs from the plaintiff – 15/08/2025 – [2025] IEHC 461

Flatley v Austin Newport Group Limited and ors

Judicial review – Leave application – Substitution of applicant – O.84, r.20 RSC – O.84, r.21 RSC – Applicant seeks to substitute the company as applicant and amend the statement of grounds – Whether the application for leave to substitute the company as applicant in lieu of Mr Jones should be refused – 18/06/2025 – [2025] IEHC 338

Jones v Obisesan

Civil liability – Set aside order – Third-party notice delay – Civil Liability Act 1961, s.27 – Rules of the Superior Courts, O.16, r.1 – Defendant seeks to set aside the third-party notice against the first named third party – Whether the statutory obligation to serve the third-party notice as soon as is reasonably possible was met – 30/07/2025 – [2025] IEHC 438

Judge v Health Service Executive

Civil procedure – Dismissal for want of prosecution – Court Proceedings (Delays) Act 2024, s.11 – Statute of Limitations 1957, s.11 – Plaintiff seeks to proceed with the combined action despite significant delay – Whether the plaintiff's delay caused material prejudice to the defendants – 30/05/2025 – [2025] IESC 21

Kirwan v Connors and ors

Injunction order – Exercise of purchase option – O.19, r.28 RSC – Defendants seek to strike out proceedings – Whether the option was exercised – 07/08/2025 – [2025] IEHC 454

Madison Retail Limited v Carlow SRH Limited and anor

Civil procedure – Execution of judgment – Legal Services Regulation Act 2015, ss.168,169 – Rules of the Superior Courts, O.17, r.4 – Appellant seeks to overturn the High Court's decision allowing execution of judgment and substitution of plaintiff – Whether the respondent is entitled to execute the judgment and be substituted as plaintiff – 23/05/2025 – 2025 IECA 117

Mars Capital Finance Ireland DAC v Phelan

Civil procedure law – Strike out proceedings – Legal Services Regulation Act 2015, s.169 – Plaintiff seeks to strike

out the defendant's defence – Whether to strike out the defendant's defence as disclosing no reasonable grounds – 26/08/2025 – [2025] IEHC 472

Monarca v Hayes Solicitors LLP

Civil procedure – Preliminary issue order – Pre-commencement delay – Statute of Limitations 1957, s.11 – Civil Liability Act 1961, s.27 – First defendant seeks to strike out plaintiff's claim for want of prosecution and delay – Whether the proceedings should be struck out for want of prosecution – 28/05/2025 – [2025] IEHC 302

Mullen v O'Brien and anor

Civil law – Judgment order – Challenge of jury verdict – Courts and Court Officers Act 1995, s.45 – Courts of Justice Act 1924, s.96 – Appellant seeks to overturn the jury's verdict on the basis of admission of "new evidence" – Whether the impugned questioning of no comment answers created a real risk of an unfair trial – 31/07/2025 – [2025] IECA 162

Ni Laimhín v McGregor and anor

Judicial review – Certiorari order – *Ultra vires* – Courts Act 1981, s.17 – Legal Services Regulation Act 2015, s.141 – Appellant seeks to quash the adjudication order of the County Registrar – Whether the County Registrar applied s.141 of the Legal Services Regulation Act 2015 – 20/05/2025 – [2025] IECA 110

Nolan v The County Registrar for the County of Waterford and ors

Civil procedure – Issac Wunder order – Abuse of process – Courts of Justice Act 1936, s.39 – Respondent seeks orders prohibiting further proceedings without leave of court – Whether the plaintiff is attempting an impermissible collateral attack on previous judgments – 04/09/2025 – [2025] IEHC 484

Nowak v Courts Service of Ireland

Judicial review – Certiorari order – Applicant seeks certiorari of the Circuit Court decision to convict and affirm the District Court decision – Whether the applicant's rights were breached or ignored by the Circuit Court Judge – 12/08/2025 – [2025] IEHC 458

O'Malley v Garda Commissioner and ors

Commercial law – Set-aside order – Set-aside application – Rules of the Superior Courts, O.11 – Defendant seeks to set aside the service of proceedings – Whether the service out order should be set aside – 18/08/2025 – [2025] IEHC 463

Petersen Energía Inversora SAU and ors v Argentine Republic

Contempt of court – Legal Services Regulation Act 2015, s.169 – Plaintiff seeks declaration of contempt for breach of court order – Whether the defendant's delay constituted contempt of court – 04/09/2025 – [2025] IEHC 480

Point Village Development Limited v Dunnes Stores Unlimited Company

Veterinary regulation – Strike-off order – Statutory interpretation – Veterinary Practice Act 2005, s.84 – Applicant seeks confirmation of strike-off decision – Whether the summary procedure under s.84 can apply to a conviction before registration – 07/05/2025 – [2025] IEHC 350

Veterinary Council of Ireland v Ciobanu

PROBATE

Probate law – Partial revocation of will – Succession Act 1965, s.27 – Applicant seeks to admit the will to probate – Whether the attempted obliteration and alteration were done prior to execution – 26/05/2025 – [2025] IEHC 299

Re: The Estate of Michael Joseph McNally [deceased]

PROFESSIONS

Statutory instruments

Election of Members for Appointment to the Radiographers Registration Board By-law 2025 – SI 198/2025

Election of Members for Appointment to the Social Care Workers Registration Board By-Law 2025 – SI 223/2025

Social Care Workers Registration Board Approved Qualifications By-Law 2025 – SI 416/2025

PROPERTY

Property law – Permanent injunction – Ownership dispute – Registration of Title Act 1964, s.31 – Turf Development Act 1998 – Plaintiff seeks permanent injunctions to restrain defendant from trespassing on Garrymore Bog lands – Whether the plaintiff has established full legal and beneficial ownership to the lands contained in Plot 570 – 24/06/2025 – [2025] IEHC 360

Bord Na Móna Biomass Limited v Gorman

Property law – Receiver appointment order – Return of deposits – Plaintiffs seek return of deposits paid for acquisition of property – Whether the deposits issue can be treated as an addendum to the original actions – 12/06/2025 – [2025] IEHC 361

Corcoran v Eassda Group Limited and ors

Fennell v Corcoran and anor, Cororan and anor v Promontoria and anor [No.3]

Property law – Order for remittal – Exemption from rent restrictions – Residential Tenancies Act 2004, ss.19,123 – Appellant seeks exemption from rent restriction rules in a rent pressure zone – Whether the Tenancy Tribunal erred in law in its interpretation of the relevant provisions of the Residential Tenancies Act 2004 – 22/05/2025 – [2025] IEHC 290

Doran v Residential Tenancies Board

Property law – Stay of proceedings – Trespass and possession – Appellant seeks a stay on the Order restraining her from trespassing – Whether the appellant raised bona fide or arguable grounds of appeal for a stay application – 12/09/2025 –

[2025] IECA 187

Doyle v Houston

Property law – Judicial review – Compensation for depreciation – Electricity (Supply) Act 1927, ss.53(1),53(9) – Appellants seek compensation for depreciation of land value due to electric line placement – Whether compensation under s.53(5) includes depreciation to the value of land owned by the claimant – 05/06/2025 – [2025] IESC 27

Electricity Supply Board v Good and ors

Property law – Possession order – Family Home Protection Act 1976 – Plaintiff seeks possession of the property due to unpaid loans – Whether the loans secured on the property are valid under the Family Home Protection Act 1976 – 03/06/2025 – [2025] IEHC 326

Everyday Finance Limited v Marsh

Property law – Possession order – Conveyancing Act 1881, ss.21,18 – Conveyancing Act 1911, s.5 – Appellants seek to overturn the possession order granted to the respondent – Whether the appellants have a valid lease entitling them to remain in occupation – 22/05/2025 – [2025] IECA 115

Fox v Reilly and anor

Residential tenancies – Strike out order – 21-day appeal period – Residential Tenancies Act 2004, s.123 – Interpretation Act 2005, s.25 – Respondent seeks to strike out the appellant's appeal as out of time – Whether the appeal period commenced on the date the determination order was posted or when received – 11/08/2025 – [2025] IEHC 477

Friedman v Residential Tenancies Board and ors

Property law – Well-charging order – Judgment mortgage enforcement – Land and Conveyancing Law Reform Act 2009, ss.31,117 – Whether the judgment mortgage stands well charged against the defendants' interests in the property – 07/08/2025 – [2025] IEHC 460

Gaffney and anor v Gaffney and anor

Property law – Strike out order – Defence disclosure – Central Bank Act 1971, s.41 – Plaintiff seeks orders requiring defendants to vacate property and not obstruct possession – Whether the defence disclosed no reasonable basis and should be struck out – 02/09/2025 – [2025] IEHC 481

KBC Bank NV [trading as KBC Bank NV Dublin] v Smith and ors

Property law – Mandatory interlocutory order – Injunction – Land and Conveyancing Law Reform Act 2009, s.103 – Registration of Title Act 1964 – Plaintiff seeks mandatory interlocutory orders and prohibitory orders restraining the sale of two properties – Whether the plaintiff has offended equitable principles and whether damages are an adequate

remedy – 20/05/2025 – [2025] IEHC 286
Kehoe v Promontoria [Aran] Limited and anor

Property law – Attachment and committal order – Contempt of court – Courts and Courts Officers Act 1995, s.34 – Rules of the Superior Courts, O. 41, r.8 – Plaintiff seeks attachment and committal of first-named defendant for breach of High Court order – Whether the first-named defendant should be committed to prison for contempt of court – 16/05/2025 – [2025] IEHC 307

Mars Capital Finance Ireland DAC v O'Halloran and anor

Property law – Possession order – Registration of Title Act 1964, s.62 – Plaintiff seeks possession of the property from the defendant – Whether the plaintiff is entitled to possession of the property – 05/06/2025 – [2025] IEHC 333

Pepper Finance Corporation [Ireland] Designated Activity Company v O'Reilly

Property law – Well charging order – Lien registration – Registration of Deeds and Title Act 2006, s.73 – Registration of Title Act 1964, s.69 – Appellant seeks well charging orders over lands owned by respondents – Whether liens registered pursuant to s.73 of the 2006 Act can secure loan agreements or advances made after registration – 03/06/2025 – [2025] IESC 23

Promontoria (Oyster) Designated Activity Company and anor v Fox, Promontoria (Oyster) Designated Activity Company and anor v Kean

Property law – Interlocutory injunction – Execution of possession order – Enforcement of Court Orders Act 1926, s.3 – Court Officers Act 1926, s.54 – Appellants seek interlocutory injunction to vacate property and restrain trespassing – Whether the order for possession was fully executed – 05/06/2025 – [2025] IECA 127

Start Mortgages Designated Activity Company and anor v Kavanagh and ors

Articles

Oluborode, A. Resulting trusts, co-ownership, and equitable interests: an analysis of contributions and intentions in joint property purchases. *Conveyancing and Property Law Journal* 2025; 2: 26–27
Murphy, G.N. Don't look back in anger. *Law Society Gazette* 2025; Jul: 24–25
O'Leary, C., Moore, C. Mud in Your eye. *Law Society Gazette* 2025; Jun: 38–43

Statutory instruments

Property Services (Regulation) Act 2011 (Licensing) (Amendment) Regulations 2025 – SI 211/2025

PUBLIC EXPENDITURE

Statutory instruments

Public Expenditure, National

Development Plan Delivery and Reform (Alteration of Name of Department and Title of Minister) Order 2025 – SI 243/2025

Future Ireland Fund and Infrastructure, Climate and Nature Fund Act 2024 – SI 354/2025

PUBLIC PROCUREMENT

Judicial review – Automatic suspension – European Union (Award of Concession Contracts) (Review Procedures) Regulations 2017, reg.9 – Applicants seek to challenge the allocation of landing permits – Whether the automatic suspension should be lifted to allow the Office of Public Works to enter into contracts with successful tenderers for the 2025 landing season – 05/06/2025 – [2025] IEHC 324

Atlantic Endeavour Limited and anor v Office of Public Works

REDRESS

Acts

Supports for Survivors of Residential Institutional Abuse Act 2025 – Act 7/2025 – Signed on July 15, 2025

Statutory instruments

Commission of Investigation (Handling of Historical Child Sexual Abuse in Day and Boarding Schools) Order 2025 – SI 388/2025

ROAD TRAFFIC

Judicial review – Order of certiorari – Statutory presumption – Road Traffic Act 2010, ss.15,17 – Applicant seeks an order of certiorari to quash the District Court's decision convicting him of intoxicated driving – Whether the statutory presumption covered the custody of the specimen between the taking and transfer for analysis – 30/07/2025 – [2025] IEHC 428
Ratinskis v DPP

SOCIAL WELFARE

Social welfare law – Judicial review order – Habitual residence criterion – European Communities (Free Movement of Persons) Regulations 2015 – Social Welfare Consolidation Act 2005, ss.246,180 – Applicant seeks judicial review challenging refusal of carer's allowance – Whether the applicant had a right to reside in the State when she made her application for carer's allowance in January/February 2022 – 22/08/2025 – [2025] IEHC 479
Neagoe v Minister for Social Protection and ors

Acts

Social Welfare (Bereaved Partner's Pension and Miscellaneous Provisions) Act 2025 – Act 8/2025 – Signed on July 21, 2025

Statutory instruments

Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Provisional Allowance of Claim) Regulations 2025 – SI 269/2025

Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Income Disregard) Regulations 2025 – SI 276/2025

Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 2) (Calculation of Means) Regulations 2025 – SI 277/2025

Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Sharing of Information) Regulations 2025 – SI 293/2025

Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Bereaved Partner's Pension) Regulations 2025 – SI 376/2025

Social Welfare (Consolidated Occupational Injuries) (Amendment) (No. 1) (Prescribed Time) Regulations 2025 – SI 377/2025

Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Persons Unable to Manage Financial Affairs and Bereaved Partner's Pension) Regulations 2025 – SI 424/2025

STATISTICS

Statutory instruments

Statistics (Waste Generation and Treatment Survey) Order 2025 – SI 195/2025

Statistics (Community Innovation Survey) Order 2025 – SI 209/2025

STATUTORY INTERPRETATION

Acts

Statute Law Revision Act 2025 – Act 10/2025 – Signed on July 23, 2025

TAXATION

Debt collection – Strike out application – Taxes Consolidation Act 1997, s.959AH – Rules of the Superior Courts, O.122, r.11 – Plaintiff seeks to recover amounts due under notices of assessment from defendants – Whether the delay in progressing the debt collection proceedings was justified by the existence of parallel proceedings before the Tax Appeals Commission – 22/05/2025 – [2025] IEHC 289
Howley v S. and ors

Tax law – Dismissal order – Group relief entitlement – Taxes Consolidation Act 1997, s.411 – Double Taxation Treaty between Ireland and the United States of America – Appellants seek entitlement to group relief under s.411 of the Taxes Consolidation Act, 1997 – Whether the taxpayers' parent company was liable to tax in the US and entitled to group relief under s.411 of the Taxes Consolidation Act – 27/05/2025 – [2025] IECA 123

Revenue Commissioners v Susquehanna International Group Limited and ors

Library acquisitions

Courtney, P., *Taxation for Solicitors*. Oxford: Oxford University Press, 2025 – M335.C5

Fennell, D. *Direct Tax Acts: Finance Act 2024 (29th ed.)*. Dublin: Irish Tax Institute, 2025 – M335.C5

Gunn, M. *Tolley's Inheritance Tax 2025–26*. London: LexisNexis Tolley, 2025 – M337.33

Keogan, A., Scully, E. *Law of Capital Acquisitions Tax, Stamp Duty and Local Property Tax: Finance Act 2024 (14th ed.)*. Dublin: Irish Taxation Institute, 2025 – M337.16.C5

LexisNexis UK. *Finance Act Handbook 2025*. Dublin: Simon's Direct Tax Service. London: LexisNexis UK, 2025 – M335

Maguire, T. *The Taxation of Companies 2025*. Dublin: Bloomsbury Professional, 2025 – M337.2.C5

McLafferty, F. *Capital Tax Acts 2025*. Dublin: Bloomsbury, 2025 – M335.C5.Z14

McNeill, P. *Tolley's Income Tax 2025–26 (110th ed.)*. London: LexisNexis Tolley, 2025 – M337.11

Walton, K. *Tolley's Corporation Tax 2025–2026*. London: LexisNexis Tolley, 2025 – M337.2

Acts

Finance (Local Property Tax and Other Provisions) (Amendment) Act 2025 – Act 6/2025 – Signed on July 2, 2025

Statutory instruments

Film (Enhanced Credit for Lower Budget Film) (Amendment) Regulations 2025 – SI 197/2025

Vehicle Registration and Taxation (Amendment) Regulations 2025 – SI 268/2025

Value-Added Tax (Restriction of Flat-Rate Addition) Order 2025 – SI 327/2025

Finance (Local Property Tax and Other Provisions) (Amendment) Act 2025 (Commencement) Order 2025 – SI 341/2025

TORT

Civil liability – Stay order – Sequencing of pleadings – Liability for Defective Products Act 1991, s.5 – Civil Liability and Courts Act 2004, s.13 – Defendant seeks a stay pending appeal on the High Court order requiring delivery of defence – Whether the defendant should deliver a defence before the plaintiff identifies a defect in the breast implants – 16/05/2025 – [2025] IECA 111
Mulhall v Allergan Limited

Library acquisitions

Corbett, V. *Tort Law: Cases and Key Principles*. Dublin: Clarus Press, 2025 – N30.C5

VULNERABLE ADULTS

Family law – Transfer order – Capacity to make personal welfare decisions – Assisted Decision-Making (Capacity) Act 2015, ss.3(1),3(2) – Applicant seeks orders permitting the transfer of the respondent to a placement for assessment – 03/06/2025 – [2025] IEHC 353
HSE v DD

WARDS OF COURT

Mental health law – Discharge from wardship – Capacity to make decisions – Assisted Decision-Making (Capacity) Act 2015 – Respondent seeks discharge from wardship and appointment of a decision-making representative – Whether the respondent lacks capacity to make decisions regarding his personal welfare and property and affairs – 08/05/2025 – [2025] IEHC 293
Re: N. [a ward of court]

Bills initiated in Dáil Éireann during the period May 22, 2025, to September 18, 2025

[pmb]: Private Members' Bills are proposals for legislation in Ireland initiated by members of the Dáil or Seanad. Other Bills are initiated by the Government.

Animal Health and Welfare (Ban on Fox Hunting) Bill 2025 – Bill 30/2025 [pmb] – Deputy Ruth Coppinger and Deputy Paul Murphy
Animal Health and Welfare (Welfare of Pigs) Bill 2025 – Bill 41/2025 [pmb] – Deputy Paul Murphy, Deputy Ruth Coppinger and Deputy Richard Boyd Barrett
Broadcasting (All Ireland Service) (Amendment) Bill 2025 – Bill 37/2025 [pmb] – Deputy Aengus Ó Snodaigh and Deputy Joanna Byrne
Compulsory Purchase Order Bill 2025 – Bill 48/2025 [pmb] – Deputy James Geoghegan
Copyright and Related Rights (Amendment) Bill 2025 – Bill 33/2025
Coroners (Amendment) Bill 2025 – Bill 45/2025 [pmb] – Deputy Mark Ward and Deputy Pádraig Mac Lochlainn
Criminal Justice (Terrorist Offences) (Amendment) Bill 2025 – Bill 34/2025
Disregard of Historic Offences for Consensual Sexual Activity Between Men Bill 2025 – Bill 40/2025 [pmb] – Deputy Aengus Ó Snodaigh, Deputy Catherine Connolly, Deputy Ged Nash, Deputy Pádraig Rice, Deputy Paul Murphy and Deputy Roderic O'Gorman
Environment (Miscellaneous Provisions) Bill 2025 – Bill 53/2025
Finance (Local Property Tax and Other Provisions) (Amendment) Bill 2025 – Bill 32/2025
Forty-first Amendment of the Constitution (Voting Rights in Presidential Elections) Bill 2025 – Bill

36/2025 [pmb] – Deputy Peadar Tóibín, Deputy Paul Lawless and Deputy Michael Collins
Health (Amendment) Bill 2025 – Bill 46/2025
Health (Availability of General Practitioner Services) Bill 2025 – Bill 43/2025 [pmb] – Deputy Marie Sherlock
Industrial Relations (Boycott of Joint Labour Committees) Bill 2025 – Bill 25/2025 [pmb] – Deputy George Lawlor
Occupying Power (Securities and Handling of Settlement Goods) Bill 2025 – Bill 50/2025 [pmb] – Deputy Duncan Smith
Organisation of Working Time (Leave for Health Screening Purposes) Bill 2025 – Bill 42/2025 [pmb] – Deputy Duncan Smith
Planning and Development (Amendment) Bill 2025 – Bill 39/2025
Planning And Development (Exempted Development – External Wall Insulation) Bill 2025 – Bill 26/2025 [pmb] – Deputy Paul Murphy, Deputy Richard Boyd Barrett and Deputy Ruth Coppinger
Proceeds of Crime and Related Matters Bill 2025 – Bill 44/2025
Protection of Employees (Employers' Insolvency) (Amendment) Bill 2025 – Bill 28/2025
Residential Tenancies (Amendment) Bill 2025 – Bill 35/2025
Road Traffic and Roads (Blood Bikes Exemption) (Amendment) Bill 2025 – Bill 47/2025 [pmb] – Deputy Aengus Ó Snodaigh
Taxes Consolidation (Rights of Performers and Film Workers) (Amendment) Bill 2025 – Bill 31/2025 [pmb] – Deputy Aengus Ó Snodaigh
Victims of Sexual Violence Civil Protection Orders Bill 2025 – Bill 38/2025 [pmb] – Deputy Matt Carthy
Wildlife (Amendment) Bill 2025 – Bill 51/2025 [pmb] – Deputy Jennifer Whitmore
Wind Turbine Regulation Bill 2025 – Bill 29/2025 [pmb] – Deputy Brian Stanley

Bills initiated in Seanad Éireann during the period May 22, 2025 to September 18, 2025
Air Pollution (Amendment) Bill 2025 – Bill 52/2025

Progress of Bill and Bills amended in Dáil Éireann during the period May 22, 2025 to September 18, 2025
Copyright and Related Rights (Amendment) Bill 2025 – Bill 33/2025 – Committee Stage
Criminal Justice (Terrorist Offences) (Amendment) Bill 2025 – Bill 34/2025 – Committee Stage
Finance (Local Property Tax and Other Provisions) (Amendment) Bill 2025 – Bill 32/2025 – Committee Stage – Passed by Dáil Éireann

Planning and Development (Amendment) Bill 2025 – Bill 39/2025 – Committee Stage
Social Welfare (Bereaved Partner's Pension and Miscellaneous Provisions) Bill 2025 – Bill 7/2025 – Committee Stage – Report Stage
Statute Law Revision Bill 2024 – Bill 78/2024 – Committee Stage
Supports for Survivors of Residential Institutional Abuse Bill 2024 – Bill 28/2024 – Committee Stage – Report Stage – Passed by Dáil Éireann

Progress of Bill and Bills amended in Seanad Éireann during the period May 22, 2025 to September 18, 2025

Domestic Violence (Amendment) Bill 2024 – Bill 2/2024 – Committee Stage
Planning and Development (Amendment) Bill 2025 – Bill 39/2025 – Committee Stage
Residential Tenancies (Amendment) Bill 2025 – Bill 35/2025 – Committee Stage
Social Welfare (Bereaved Partner's Pension and Miscellaneous Provisions) Bill 2025 – Bill 7/2025 – Committee Stage
Supports for Survivors of Residential Institutional Abuse Bill 2024 – Bill 28/2024 – Committee Stage – Report Stage

For up-to-date information, please check the following websites:

Bills and legislation
<http://www.oireachtas.ie/parliament/>
http://www.taoiseach.gov.ie/eng/Taoiseach_and_Government/Government_Legislation_Programme/

Supreme Court determinations – leave to appeal granted Published on Courts.ie – May 22, 2025, to September 18, 2025

A.B. v The Chief International Protection Officer and ors [2025] IESCDET 110 – Leave to appeal from the High Court granted on the 30/07/2025 – (O' Malley J., Collins J., Donnelly J.)
F.O.M. v The Minister for Justice, Ireland and The Attorney General [2025] IESCDET 76 – Leave to appeal from Court of Appeal granted on the 05/06/2025 – (Dunne J., Hogan J. and Donnelly J.)
K.E. v The International Protection Appeals Tribunal, The Minister for Justice, Ireland and The Attorney General [2025] IESCDET 77 – Leave to appeal from the Court of Appeal granted on the 05/06/2025 – (Dunne J., Hogan J. and Donnelly J.)
L.A. v The Chief Appeals Office and ors [2025] IESCDET 109 – Leave to appeal from the Court of Appeal granted on the 30/07/2025 – (O'Malley, Collins and Donnelly JJ.)
NUA Healthcare Services Limited v Táiite Éireann (formerly the Commissioner of Valuation) [2025] IESCDET 89 – Leave to

appeal from the High Court granted on the 07/07/2025 – (Dunne J, Woulfe J, Murray J.)
Protect East Meath Limited v Meath County Council [2025] IESCDET 69 – Leave to appeal from High Court granted on the 23/05/2025 – (Charleton J., O'Malley J., Woulfe J.)
Redwood Extended Care Facility v Táiite Éireann (formerly the Commissioner of Valuation) [2025] IESCDET 90 – Leave to appeal from the High Court granted on the 07/07/2025 – (Dunne J, Woulfe J, Murray J.)
Revenue Commissioners v Covidien Limited [2025] IESCDET 94 – Leave to appeal from the Court of Appeal granted on the 24/07/2025 – (Dunne J., Woulfe J and Hogan J.)
S.B. v The Director of Public Prosecutions and ors [2025] IESCDET 68 – Leave to appeal from the High Court granted on the 23/05/2025 – (Dunne J., Woulfe J., and Hogan J.)
V. (suing by his mother and next friend x) v The Minister for Foreign Affairs, The Attorney General and Ireland [2025] IESCDET 97 – Leave to appeal from the High Court granted on the 29/07/2025 – (O'Malley J., Collins J., Donnelly J.)
Vigeland v Zurich Insurance Public Limited Company [2025] IESCDET 78 – Leave to appeal from the Court of Appeal granted on the 20/06/2025 – (Dunne J., Hogan J., Donnelly J.)
W. (suing by his mother and next friend x) v The Minister for Foreign Affairs, The Attorney General and Ireland [2025] IESCDET 98 – Leave to appeal from the High Court granted on the 29/07/2025 – (O'Malley J., Collins J., Donnelly J.)
X. (suing by his mother and next friend x) v The Minister for Foreign Affairs, The Attorney General and Ireland [2025] IESCDET 99 – Leave to appeal from the High Court granted on the 29/07/2025 – (O'Malley J., Collins J., Donnelly J.)
X v The International Protection Appeals Tribunal and ors [2025] IESCDET 81 – Leave to appeal from the High Court granted on the 20/06/2025 – (Charleton J., Hogan J., Collins J.)
Y (suing by his mother and next friend x) v The Minister for Foreign Affairs, The Attorney General and Ireland [2025] IESCDET 100 – Leave to appeal from the High Court granted on the 29/07/2025 – (O'Malley, J., Collins J., Donnelly J.)
Z. (suing by his mother and next friend x) v The Minister for Foreign Affairs, The Attorney General and Ireland [2025] IESCDET 101 – Leave to appeal from the High Court granted on the 29/07/2025 – (O'Malley J., Collins J., Donnelly J.)

For up-to-date information, please check the courts website – <https://www.courts.ie/determinations>



THE RISK OF AI HALLUCINATIONS IN THE IRISH LEGAL SYSTEM

“Every lawyer knows that citing fake cases in a court filing is a terrible decision.”¹



Tomás Keyes BL

Since OpenAI released ChatGPT in November 2022, the global use of artificial intelligence (AI) has grown exponentially. As of July 2025, OpenAI reported over 500 million weekly active users, generating 2.5 billion prompts daily.² In May 2025, the Professional Practices Committee (PPC) of The Bar of Ireland published guidance for members on the ethical use of AI in legal practice.³ The guidance outlined the difference between discriminative AI and generative AI:

“Discriminative AI performs computations based on input data and is entirely dependent on learned patterns to provide results.

As such, discriminative AI is not capable of producing ‘new’ data. Instead, discriminative AI is only capable of classifying data rather than generating new content.

[...]

Generative AI is trained by uploading millions of documents into the system, thereby allowing the AI to ‘learn’ from these documents and produce text in response to prompts from the user. In the case of litigation, generative AI is capable of producing text-based documents such as written submissions and case summaries in a very short timeframe”.

While the guidance recognised the potential to fundamentally change the legal professions, it also identified a wide variety of risks. One such risk arises from the phenomenon known as ‘AI hallucination’, which can arise from the use of generative AI. Microsoft Co-pilot⁴ describes AI hallucinations as follows:

“AI hallucinations refer to instances where artificial intelligence systems, particularly those using large language models (LLMs), generate responses that contain false or misleading information presented as fact”.

In order to assess the accuracy of generative AI in a legal context, law researchers in Stanford University conducted a study across four LLMs where they submitted over 200,000 legal queries in each LLM and measured the accuracy of the responses against

authentic legal databases.⁵ The study found hallucination rates among the four LLMs ranged from 58% to 88%.

This article will focus on the risks to the administration of justice of the improper use of generative AI tools. It will also explore some of the principles that have been identified by the courts in dealing with false materials generated by AI, and suggest ways that practitioners can avoid AI hallucinations being submitted to the court.

Mata v Avianca

One of the earliest instances of lawyers being criticised for using generative AI tools in legal submissions was the judgment of Federal Judge Castel J. in the Southern District of New York in *Mata v Avianca*.⁶ The plaintiff claimed that he had suffered personal injury when a metal cart on the defendant's airline had struck his knee. The defendant brought an application to dismiss the proceedings as being statute barred. The plaintiff's lawyers filed written legal submissions, which contained numerous citations that the defendant's lawyers were unable to locate. Of the cases that they were able to locate, the defendant's lawyers informed the judge that those cases "do not stand for the propositions for which they are cited".⁷

It transpired that the lawyer who had prepared the written legal submission had used ChatGPT, which generated the false citations and cases. The lawyer's evidence to the court was that he was: "...operating under the false perception that this website [i.e., ChatGPT] could not possibly be fabricating cases on its own".⁸

Castel J. identified some of the harms that flow from the submission of fake judgments:

"The opposing party wastes time and money in exposing the deception. The Court's time is taken from other important endeavours. The client may be deprived of arguments based on authentic judicial precedents. There is potential harm to the reputation of judges and courts whose names are falsely invoked as authors of the bogus opinions and to the reputation of a party attributed with fictional conduct. It promotes cynicism about the legal profession and the [...] judicial system. And a future litigant may be tempted to defy a judicial ruling by disingenuously claiming doubt about its authenticity".

Ultimately, the court fined the plaintiff's lawyers \$5,000 and ordered them to write to each judge falsely identified as the author of the fabricated judgments, enclosing the relevant filings, hearing transcript, and the court's written judgment.

Growth of AI hallucinations in litigation

While Castel J. described what occurred in *Mata* as unprecedented, the

— Since OpenAI released ChatGPT in November 2022, the global use of artificial intelligence (AI) has grown exponentially.

misuse of AI in litigation has continued. According to French academic Damien Charlotin, since the delivery of the *Mata* judgment, over 300 judicial decisions across 18 countries have criticised the use of false citations or evidence, many linked to AI hallucinations.⁹ Over 200 of those decisions were cases in the USA.

For example, in the case of *Johnson v Jefferson*,¹⁰ Manasco J. of the US District Court of the Northern Division of Alabama made a sanctions order on July 23, 2025, against three named lawyers arising from AI hallucinations generated from ChatGPT. The judge was of the view that reprimands and modest financial sanctions imposed in other cases in the United States where false citation have been discovered are insufficient:

"As a practical matter, time is telling us – quickly and loudly – that those sanctions are insufficient deterrents. In principle, they do not account for the danger that fake citations pose for the fair administration of justice and the integrity of the judicial system.

[...]

If fines and public embarrassment were effective deterrents, there would not be so many cases to cite".

The judge ordered, *inter alia*, that the three named lawyers provide a copy of the judgment and order to every lawyer in their firm, to every client they have, and to every opposing counsel and presiding judge in every case where they are on record. Copies of the judgment were also delivered to the various state regulatory bodies.

False citations in other common law jurisdictions

On April 29, 2025, the Chief Justice of the Federal Court of Australia issued a notice to the profession inviting submissions from the legal professions and litigants in person on the use of AI in legal proceedings. Pending further guidance, the Chief Justice stated that:

"...it is also expected that parties and practitioners disclose such use if required to do so by a Judge or Registrar of the Court".¹¹

In England & Wales, the inclusion of false citations in written legal submissions, prepared by counsel in one case and by a solicitor in a second case, were the subject of a hearing before the President of the King's Bench Division of the High Court under the *Hamid*¹² jurisdiction (this jurisdiction relates to the Court's inherent power to regulate its own procedures and to enforce duties that lawyers owe to the Court, and was established in the case *R. (Hamid) v Secretary of State for the Home Department* [2012] EWHC 3070).

In the case of *Ayinde v Haringey LBC*,¹³ the claimant brought judicial review proceedings against the local authority alleging a breach of its housing duties owed to him. The respondent's solicitors identified five cases cited in the grounds for judicial review, which they were unable to find, and which in fact did not exist.

In response to the correspondence from the respondent's solicitors, the claimant's solicitors accepted that while there were some errors in the citations that could easily be explained, they then failed to explain them and described the errors as cosmetic. The Court described the assertion that the citations are merely cosmetic errors as "a grossly unprofessional categorisation". Further, the Court did not accept the explanations from counsel during the hearing that these were minor citation errors. Having reviewed the non-existent case law, Ritchie J. summarised the issue at paragraph 63:

"[Counsel] had moved on from fake High Court cases to fake Court of Appeal cases. I have no difficulty with the submission that the respondent local authority had to ensure fair treatment of applicants in the homelessness review process, but I do have a substantial difficulty with members of the Bar who put fake cases in statements of facts and grounds".

At paragraph 70:

"I consider that it is self-evident that both counsel and solicitors should never knowingly mislead the Court. Producing submissions based on fake cases is misleading the Court. The justice of the case requires me to make a wasted costs order and I shall do so".

In addition to making a wasted costs order against counsel and her solicitors, the judge gave a direction that the judgment be referred to the relevant regulatory authorities.

In the case of *Al Haroun v. Qatar National Bank*,¹⁴ Dias J. dismissed a motion by agreement between the parties. The court found that 18 of the 45 cases that had been cited by the plaintiff's solicitor in did not exist, and in the circumstances referred the papers on for further consideration. One of the fake authorities cited to Dias J. was a judgment that was attributed to Dias J.

In May 2025, the Professional Practices Committee (PPC) of The Bar of Ireland published guidance for members on the ethical use of AI in legal practice.

On foot of the *Hamid* referral, the President of the King's Bench Division, Sharp P., delivered a comprehensive judgment in *Ayinde v Haringey LBC*¹⁵ on June 6, 2025, on behalf of the divisional court.

In *Ayinde*, counsel admitted in her witness statements that she had acted negligently and apologised to the court; however, she denied that she had acted improperly and maintained that the underlying legal principles for which the cases were cited were sound. She admitted that there was a separate incident in the County Court where she had put false material before that Court in her grounds of appeal and written submission. At paragraph 68, Sharp P. stated:

"On the material before us, there seem to be two possible scenarios. One is that [Counsel] deliberately included fake citations in her written work. That would be a clear contempt of court. The other is that she did use generative artificial intelligence tools to produce her list of cases and/or to draft parts of the grounds of claim. In that event, her denial (in a witness statement supported by a statement of truth) is untruthful. Again, that would amount to a contempt. In all the circumstances, we consider that the threshold for initiating contempt proceedings is met".

Ultimately, the Court decided not to initiate contempt proceedings against counsel due to the specific circumstances of the case, but warned that the decision not to initiate contempt proceedings was not a precedent.

In *Al Haroun*, the solicitor admitted that he had relied on the research of his lay client, who had provided the false citations without independently verifying the authorities. In a witness statement, the client accepted full responsibility for what occurred. The Court noted that counsel had been provided with the materials and while he advised against the bringing of the motion, he does not appear to have advised on the accuracy of the authorities. Counsel did not participate further in the motion, which was run by the solicitor. At paragraph 81, Sharp P. stated:

"As to [the solicitor]... , there was a lamentable failure to comply with the basic requirement to check the accuracy of material that is put before the

court. A lawyer is not entitled to rely on their lay client for the accuracy of citations of authority or quotations that are contained in documents put before the court by the lawyer. It is the lawyer's professional responsibility to ensure the accuracy of such material. We are satisfied that [the solicitor] did not realise the true position. It is striking that one of the fake authorities that was cited to Dias J was a decision that was attributed to Dias J. If this had been a deliberate attempt to mislead the court, it was always going to fail. The threshold for the initiation of contempt proceedings is, accordingly, not met. [The solicitor] has referred himself to the Solicitors Regulation Authority. We will also make a referral".

In an appendix to the judgment, the Court listed a number of examples of where erroneous material that had been generated by AI had been put before the Court. The final judgment referred to therein was *Ko v Li*,¹⁶ where Myers J. summarised the duties that a lawyer has to the court at paragraphs 15-22:

"All lawyers have duties to the court, to their clients, and to the administration of justice.

It is the lawyer's duty to faithfully represent the law to the court.

It is the lawyer's duty not to fabricate case precedents and not to mis-cite cases for propositions that they do not support.

It is the lawyer's duty to use technology, conduct legal research, and prepare court documents competently.

It is the lawyer's duty to supervise staff and review material prepared for her signature.

It is the lawyer's duty to ensure human review of materials prepared by non-human technology such as generative artificial intelligence.

It should go without saying that it is the lawyer's duty to read cases before submitting them to a court as precedential authorities. At its barest minimum, it is the lawyer's duty not to submit case authorities that do not exist or that stand for the opposite of the lawyer's submission.

It is the litigation lawyer's most fundamental duty not to mislead the court".

Potential misuse of AI in this jurisdiction

Although there has been no written judgment in this jurisdiction to date concerning the misuse of AI by lawyers in the preparation of written submissions, the use or potential use by litigants in person of AI has been the subject of three judgments of the High Court.

In the case of *Coulston v Elliot*,¹⁷ a litigant in person informed the court that he was unable to explain one aspect of his submissions as "a friend" had helped him prepare them. Nolan J. formed the view that it was highly likely that either the litigant in person went to a person who purportedly held

themselves out as a lawyer and was not, or that he used an AI generative tool. At paragraph 87 of the judgment, Nolan J. stated:

"The general public should be warned against the use of generative AI devices and programs in matters of law".

In the case of *Reddan v An Bord Pleanála*,¹⁸ Nolan J. was highly critical of an unfounded allegation made by a litigant in person that an architect had committed perjury. When the litigant in person confirmed that he had discovered the terminology through online research, the Court stated that it sounded like something "that derived from an artificial intelligence source".

In the case of *Malone v Laois County Council*,¹⁹ an issue arose where the litigant in person provided written legal submissions on the day of the trial, which included quotation marks and italics to convey that the text was from a case of the Court of Justice of the European Union (CJEU). Given that the submissions had only been provided on the date of trial, nobody had an opportunity to check whether the quotation was accurate. The judge was unable to find the quotation in the reference case or any case. Upon further enquiries, the litigant in person confirmed by email that it was "not a direct quotation from a single source but a well-established concept reflected in multiple decisions of the...[CJEU]". Upon further enquiry, the litigant in person failed to confirm who had generated the text. At paragraph 42 of his judgment, Holland J. stated:

"It is necessary to be clear: it is not acceptable to depict text in written submissions as a verbatim quotation from an authority where it is not such. A similar action by a professional lawyer would be misconduct – see, for example, the recent and somewhat analogous case of *Ayinde*. The principle is essentially the same – though I hasten to say that I would not push the analogy too far as to a factual comparison of the present case with that case and the error in the present case is not of the order of the misconduct in that case. However, appreciable judicial time was wasted on the issue – not least trying to find the source of the quotation. And it does illustrate:

- The vital importance of precision and accuracy in written submissions. That duty lies on lay litigants as much as on lawyers.
- That text in submissions formatted so as to convey that it is a direct and verbatim quotation from an identified source must be exactly that. Of course, it is permissible to edit the text (for example to exclude irrelevant content or by underlining for emphasis) but, if so, that it has been done must be apparent on the face of the document.
- That opposing parties are entitled to written submissions in good time to check them".

Minimising the risk of AI hallucinations

In its guidance to barristers from May 2025, the PPC advised that:

“...the general position for barristers using AI is to do so in a responsible and competent manner. Barristers are obliged to avoid using AI in a way which could have a negative impact on their clients or the administration of justice as a whole. Overreliance on AI-generated content or simply lazy practice management may lead to false or misleading evidence/submissions placed before a court, which is clearly poor professional performance and is likely to have significant adverse consequences for the individual lawyers involved”.³

On July 1, 2025, the Law Society Library published practical guidance to its members on mitigating AI hallucinations,²⁰ wherein it advised solicitors to:

“Implement human oversight and strict verification processes to verify the accuracy of output.

Only rely on authoritative sources for verification purposes”.

Guidance provided to the judiciary in England & Wales on April 14, 2025,²¹ sets out some of the indications that work may have been produced by AI:

“■ references to cases that do not sound familiar, or have unfamiliar citations (sometimes from the US),

- parties citing different bodies of case law in relation to the same legal issues,
- submissions that do not accord with your general understanding of the law in the area,
- submissions that use American spelling or refer to overseas cases, and
- content that (superficially at least) appears to be highly persuasive and well written, but on closer inspection contains obvious substantive errors”.

While many of the lists in the Superior Courts in this jurisdiction require the parties to deliver written legal submissions weeks in advance of the hearing, on occasion submissions may be delivered on the day of trial. While there is an obligation on the party who has prepared the submissions to ensure their accuracy, the Courts will expect the opposing party to check the accuracy of same.

Both The Bar of Ireland and the Law Society provide access to legal research tools, which can be used to check the accuracy of citations and quotations of case law. In the event that parties receive submissions containing citations or quotations that cannot be verified, the recipient of such submissions should call upon the party delivering the unverified material to provide copies of the original source material and confirmation of where the material was obtained.

If the opposing party is unable or refuses to comply with said request, then there is an obligation to bring the issue to the court’s attention.

References

1. *Johnson v Jefferson S. Dunn*, Case Number 2:21-cv-1701-AMM (US District Court, Manasco J., July 23, 2025).
2. Allen, M. ‘Altman plans D.C. push to “democratize” AI economic benefits’. Axios, July 21, 2025. Available from: <https://www.axios.com/2025/07/21/sam-altman-openai-trump-dc-fed> (accessed on September 2, 2025).
3. The Bar of Ireland. ‘Ethical Toolkit: Ethical Use and Use Cases for Artificial Intelligence In Legal Practice. Available from: <https://members.lawlibrary.ie/app/uploads/2025/05/TBoI-Ai-EthicalToolkit-1.pdf> (accessed on September 2, 2025).
4. Microsoft’s generative AI chatbot.
5. Dahl *et al.* Large legal fictions: profiling legal hallucinations in large language models. *Journal of Legal Analysis* 2024; 16 (1): 2024.
6. Case No. 22-cv-1461 (PKC) (S.D.N.Y.).
7. *Ibid* page 9.
8. *Ibid* page 6.
9. Charlotin, D. AI hallucination cases. Available from: <https://www.damiencharlotin.com/hallucinations/> (accessed on September 2, 2025).
10. Case Number 2:21-cv-1701-AMM.
11. Federal Court of Australia. ‘Notice to the Profession: Artificial intelligence use in the Federal Court of Australia’. Available from: <https://www.fedcourt.gov.au/law-and-practice/practice-documents/notice-to-profession/29-april-2025>.
12. [2012] EWHC 3070 (Admin).
13. [2025] 4 WLR 71.
14. *Ex tempore* decision High Court of England & Wales, Dias J., May 9, 2025.
15. [2025] EWHC 1383 (Admin).
16. [2025] ONSC 2766 Ontario Superior Court of Justice.
17. [2024] IEHC 697.
18. [2025] IEHC 172.
19. [2025] IEHC 345.
20. Law society of Ireland. ‘AI and the legal profession: introduction’. Available from: <https://lawsociety.libguides.com/AI> (accessed on September 2, 2025).
21. Courts and Tribunals Judiciary. ‘Artificial Intelligence (AI): Guidance for Judicial Office Holders’. April 14, 2025. Available from: <https://www.judiciary.uk/wp-content/uploads/2025/04/Refreshed-AI-Guidance-published-version-website-version.pdf> (accessed on September 2, 2025).



PB AND CC:
AN UPDATE ON
CRIMINAL PROCEEDINGS
INVOLVING CHILDREN



Kevin Roche BL

Recent Supreme Court judgments provide clarity on important issues in regard to the sentencing of children, while legislation currently passing through the Oireachtas will also have relevance to these issues.

On March 13, 2025, the Supreme Court delivered two judgments with important implications for criminal cases involving child defendants: *DPP v PB*;¹ and *DPP v CC*.² These cases, both concerning murders committed by children, had been heard together with the consent of the parties involved. This article considers those judgments in detail and briefly outlines some proposed legislative amendments contained within the General Scheme of the Children (Amendment) Bill 2024.

The people (DPP) v PB [2025] IESC 12

PB was 17 years of age when he committed the offence of murder. He pleaded guilty and was sentenced to life detention with a court review scheduled for the year 2033. At the time of sentencing, the accused was protected by s.93 of the Children Act 2001, which prohibits the publication of information that may identify a child defendant in criminal proceedings. By the time his appeal against severity of sentence was heard, PB had reached the age of majority. An issue arose as to whether he was still therefore protected by s.93 of the Act.

The Court of Appeal ruled that since he was no longer a child, PB was not protected by s.93 of the Act and his anonymity could be lifted. He sought and was granted leave to appeal before the Supreme Court. The sole issue in the appeal was whether a

defendant who is charged and brought before the courts while still a child can remain entitled to that protection if they reach the age of majority before the criminal proceedings and any subsequent appeal have concluded.

It was accepted by all parties to the proceedings that had PB not exercised his right of appeal, he would have continued to enjoy the protections of s.93. The Director of Public Prosecutions, together with the Attorney General (joined as a Notice Party to the proceedings with the consent of the parties) submitted that the Court of Appeal was entirely correct. They submitted that the clear purpose of the provision is to protect children only, and that it is not available to someone who is no longer a child. It was accepted, however, that the protection is presumptively permanent if the proceedings conclude before the accused reaches the age of 18.

The Supreme Court granted a declaration that PB was entitled to the protections of s.93 of the Children Act 2001. The judgment of the Court was delivered by O'Malley J. At the outset, she considered the importance of the status of childhood, particularly in the criminal law sphere. In particular, she considered the competing interests of a child being prosecuted for a criminal offence and that of society in the prosecution and punishment of crime.

O'Malley J. held that as with any exercise in statutory interpretation, s.93 must be read in the context of the statute as a whole and having regard to the applicable constitutional principles. She could not accept the argument put forward by the State parties that the interpretation of s.93 is plain and obvious; the meaning of the phrase "proceedings concerning a child" is certainly open to debate, and the effect of subs.(5) must be considered. She then considered the temporal extent of the protections of s.93. She considered four possibilities in this regard. Each of these possibilities, and the Court's treatment of them, has been neatly and economically summarised by Perry:

"The first was that the protection lasts only until the age of 18, regardless of the status of the proceedings.

The second was that s.93 applies to any proceedings concerning a crime alleged to have been committed by a child. That would mean that a person prosecuted at any age in adulthood for their deeds when a child could avail of the statutory protection. O'Malley J. held that it was difficult to read the section as applying to a person brought before the court as an adult.

The third interpretation was that the section applies to a person who is a child when the proceedings commence and is capable of having indefinite effect, but expires if the person reaches 18 before the conclusion of the proceedings. O'Malley J. said that she had difficulty with this interpretation as it required the word "proceedings" to be given a dynamic interpretation. She could not see that the nature of the proceedings changes with the occurrence of a birthday, as the focus is still on the past event. For that reason, she was of the view that the "proceedings" are the same throughout and the word does not change meaning. The interpretation also failed to take due account of subs.(5). Further, the interpretation was capable of producing significant disparities between young

offenders in very similar situations in circumstances where the differing results may well come about by reasons entirely out of the control of an accused person, such as the availability of court dates, the length of time taken to deal with preliminary matters, and unanticipated events during the trial. The interpretation could also serve as a significant disincentive for a defendant to appeal, or even to contest a charge.

The fourth interpretation was that the section applies throughout the proceedings, including any appeal, but expires at the conclusion if the person has reached the age of 18. It would have the effect that the section protects the accused from the pressures of publicity during the court process but becomes inapplicable once the proceedings have concluded. O'Malley J. noted that this interpretation was, again, capable of creating significant disparities between young offenders".³

The Court rejected each of these interpretations, instead ruling that the proper construction of the legislation is that s.93 of the 2001 Act applies when proceedings are commenced against a child, and continues to apply throughout those proceedings. Its effects last beyond the conclusion of the proceedings in so far as any publication or report relates to the proceedings and is likely to identify the person who was "the child concerned in the proceedings".⁴ The rationale for such an approach was outlined as follows (at para. 115):

"This reading seems to me to reduce the possibility of unequal and unfair treatment as between young offenders, and attempts to ensure that they are not subjected to additional, unjustified, and unnecessary pressure and harm while involved in the criminal justice process. It has the further advantage of assisting the rehabilitation of the defendant when their involvement with the criminal process has concluded. That, it seems to me, means that it is also the interpretation that is most consistent with the principles and policies of a statute that lays such heavy emphasis on the rehabilitation of persons who commit crimes during childhood".

In the course of its decision, the Court considered *Gilchrist v Sunday Newspapers Ltd*.⁵ In *Gilchrist*, the Supreme Court held that there was a continuing common law power to direct that a case be heard *in camera*, or to impose lesser measures such as reporting restrictions. The Court in *PB* had asked the parties to make submissions in respect of *Gilchrist*; however, the judgment ultimately did not deal with the appropriateness of such an order. It is worth noting that the Supreme Court has considered this issue further in *Doe v The DPP*.⁶ That case concerned three sets of related judicial review proceedings seeking orders of prohibitions, or alternatively, *Gilchrist* orders. The accused had been minors at the time of the alleged offences but had not

been charged until such a time as they had attained the age of majority. It was argued that there had been blameworthy prosecutorial delay, as a consequence of which they had been deprived of the protection of s.93 of the 2001 Act. While refusing the applicants' appeal, the Supreme Court held that where the delay has been found to be such as to amount to a breach of the constitutional right to a trial with due expedition, and the defendant has as a result lost the protection of the 2001 Act, the court should consider granting remedies falling short of prohibition to address the effects of the breach on the interests of the defendant. Since, in this context, the most significant of the protections afforded by the Act is that provided for in s.93, the court should consider making a *Gilchrist* order if failing to do so would expose the defendant to serious public odium. The Court held that the High Court, and therefore the Central Criminal Court, has the power to grant orders with permanent effect.⁷

The People (DPP) v CC [2025] IESC 11

The *CC* decision, the more far-reaching of the two decisions handed down, provides extremely useful guidance for practitioners advising child defendants. *CC*, a 14-year-old child, was convicted of murder by a jury on November 11, 2022. The trial judge imposed a sentence of life imprisonment with a review scheduled after 13 years.

Before the sentencing court, the various sentencing options were considered in some detail, including the possibility of a review procedure at some future point. Counsel for the DPP indicated that there were questions about the lawfulness of that procedure by reason of the judgment in *People (DPP) v Finn*,⁸ but a possible source of jurisdiction was identified by reference to the judgment of Walsh J. in *State (O.) v O'Brien*.⁹

The trial judge considered that his only option was to impose a life sentence; he indicated a number of reservations about adopting a review mechanism. Firstly, *O'Brien* related to the provisions and terminology of the Children Act 1908, which had been repealed in its entirety. Secondly, the judgment in *Finn* had cast considerable uncertainty over the lawfulness of the review procedure. Thirdly, he considered that the decision of the Court of Appeal in *People (DPP) v A.S.*¹⁰ had made it clear that on a review date a court that had imposed a sentence of detention would have no power to suspend the balance of the sentence. In the light of that decision, the only options available at a review (if a review was legally possible) would be unconditional release or continued detention. He agreed to defer a final decision pending further enquiries being made as to whether a legislative solution was under consideration. During the adjourned period, the Minister for Justice and Equality stated in the Dáil that the Children Act 2001 would be amended to ensure that there were "sufficient alternative sentencing options to fully and partially suspended sentences".

On the adjourned date, the trial judge imposed a sentence of life detention with a review after 13 years. In so doing, the trial judge indicated that he was reassured

by the statement of the Minister that by the review date, an appropriate statutory provision would be in place. It is noted in the judgment that in passing sentence, the trial judge indicated that the time was ripe for the Supreme Court to consider and advise in relation to the possibility of a review, and on what a reviewing judge could or could not do. Legislative intervention would be preferable but, failing that, an updated, definitive ruling was desirable.¹¹

CC appealed the sentence imposed to the Court of Appeal having unsuccessfully appealed against his conviction. He was then given leave to appeal to the Supreme Court. The Court considered the following questions:

- i. whether a life sentence can be imposed on a child;
- ii. whether a court-ordered review of a life sentence is lawful;
- iii. whether a part-suspended sentence is permissible for children; and,
- iv. whether anonymity protections under the Children Act 2001 continue after the child turns 18.¹²

In giving judgment, O'Malley J. noted the competing interests in terms of the obligation to protect the right to life, to investigate murders and to bring murderers to justice. In the case of a child murderer, however, there is also an obligation to take due account of the reasons why children are given particular protection within the legal system. She noted also that it was essential in this context that trial judges should have clarity as to the options available to them. The first issue considered by O'Malley J. was whether a sentencing court possessed a power to modify a sentence imposed at some point in the future, by way of a review procedure. The Court held that such a power did not exist. The basis for such a finding was that a review mechanism amounted to a judicial exercise of executive power, which is incompatible with Article 13.6 of the Constitution. This was not to say, however, that the Oireachtas could not confer a procedure to conduct such a process in accordance with the provisions of Article 13.6.¹³

Next the Court considered the issue of suspended sentences. O'Malley J. held that there was no doubt regarding the power to suspend a sentence pursuant to s.99 of the Criminal Justice Act 2006. The issue was whether there existed a power to suspend a period of detention. It was noted that in *DPP v AS*, the Court of Appeal concluded that the Children Act 2001 was a comprehensive code for sentencing children, and that therefore the common law power to suspend a sentence of detention had been extinguished other than as provided for in s.144 of the Children Act 2001, which permits a sentencing court to defer the making of a detention order in certain circumstances,¹⁴ and then ultimately suspend the whole or any portion of the order concerned.¹⁵ In that regard, O'Malley J. considered that the Court of Appeal was correct in *AS* to the extent that s.144 of the 2001 Act would not be of assistance in a case such as *CC*. She noted that the s.144 procedure is best utilised, therefore,

in cases where the court considers that a relatively short period of detention would be appropriate but is prepared, for good reason, to allow the child an opportunity to show that a non-custodial option (including, where appropriate, a suspended sentence) would be sufficient.

In contemplating the broader issue of suspended sentences, O'Malley J. considered more closely the distinction between detention and imprisonment, in particular, a number of situations where the distinction "blurs significantly",¹⁶ which renders it somewhat artificial. The Court then considered the question of whether a sentencing court might have, as part of its "general powers", a power to suspend part of a sentence imposed on a child where the age of the child and the length of the sentence mean that it will not expire until after they enter the prison system.

In answering that question, the Court had regard to the provisions of s.99 of the Criminal Justice Act 2006. Unlike s.98 of the Children Act 2001, s.99 does not contain the phrase "without prejudice to its general powers". In that respect O'Malley J. held that the purpose of the 2001 Act was to introduce a range of new procedures and potential orders but without prejudice to existing powers. The power to part-suspend a sentence arguably came within the term "general powers".¹⁷ Finally, O'Malley J. considered the amendments to s.3 of the Criminal Procedure Act 1993 effected by ss.61 and 62 of the Criminal Justice (Miscellaneous Provisions) Act 2023, which expressly conferred jurisdiction on the Court to deal with a person who has "aged out" during the court process. In effect, such a person is dealt with in the Court of Appeal as an adult (albeit one who committed the relevant offence when a child). If the Court quashes the original sentence, any new custodial sentence will be one of imprisonment. As a result of the foregoing analysis, O'Malley J. held (at para.183):

"[W]here a court contemplates imposing a sentence of detention, the length of which means that some part of it will inevitably be served in prison, it may if it thinks fit suspend part of that period which is composed of imprisonment in accordance with s.99 of the Criminal Justice Act 2006".

On the issue of children and life sentences for murder, O'Malley J. held that it was not possible for the Court to go so far as to say that a life sentence should never be imposed on a child.¹⁸ The Court did go so far as to provide a framework wherein a sentencing judge could consider whether a life sentence should be imposed (at para. 188):

"In my view, a life sentence should be imposed on a child only in exceptional cases where the evidence shows that the child's intentions and actions can fairly be equated with those of an adult. If there is evidence of premeditation such as the use of a weapon carried for the purpose of killing, or deliberate luring of the victim to the murder scene, or exploitation of the known physical

or psychological vulnerability of the victim, or evidence of planned efforts to conceal guilt, or of an intention to inflict sexual violence or particularly brutal physical violence, such evidence may demonstrate adult levels of planning and foresight of consequences. It can be contrasted with evidence demonstrating that the death was caused by an impulsive, angry lashing out by a child”.

Of assistance to sentencing courts grappling with this issue in the future, O’Malley J. held (at para.191):

“Other than in the exceptional cases meriting a life sentence, I would see the most appropriate form of sentence for a child convicted of murder as being a determinate sentence with a part-suspended element. The length of the custodial element should be tailored to reflect the age of the child at the time of the offence. As noted above, it may in principle be significantly shorter than the period which an adult might be expected to serve but that will, of course, depend on the facts of the case”.

Legislative reform: the Children (Amendment) Bill 2024

One can certainly glean some anxiety from all actors involved in the decisions of *PB* and *CC* that this is an area in which legislative reform is urgently needed. Indeed, the sentencing judge in *CC* saw fit to impose a review in that case on the basis that such legislative intervention was on the way.¹⁹ The decisions of *PB* and *CC* are neat judicial solutions to problems created by inadequate statutory provisions. The conclusion that sentencing regimes for child defendants are a matter for the Oireachtas is inescapable.

Currently passing through the Oireachtas is the Children (Amendment) Bill of 2024.²⁰ The Bill will heavily amend sections of the Children Act 2001. A

number of heads are relevant to the matters discussed here. Head 4 of the Bill proposes to insert a new section, s.70A, into the 2001 Act creating the term ‘relevant person’, which would mean “a person who at the time of the alleged offence was a child”. Head 10 of the Bill would amend s.93 of the 2001 Act to apply to “proceedings before any court concerning a child or a relevant person”. This appears to have the effect of providing anonymity to any person who is alleged to have committed an offence as a child, regardless of the point at which they are prosecuted. This is clearly further reaching than the decision in *PB*. This is certainly a neater approach to such prosecutions than that outlined in *Doe*, as it appears to alleviate the requirement on practitioners to apply for a Gilchrist order.

Head 19 of the 2024 Bill proposes to insert a new section, s.144A, into the 2001 Act. This section would allow for the making of a “deferred sentence supervision order”. The section is drafted in almost identical terms to s.144. Crucially the new s.144A(10) provides for a number of scenarios that may occur where the child has attained the age of 18 (referred to as the “relevant date”) before the matter has been finalised. In particular, s.144A(10)(4)(c) would allow the sentencing judge to impose a term of imprisonment, and suspend the whole or any portion of it, thus overcoming the temporal issues previously encountered with the operation of s.144 of the 2001 Act.

Conclusion

The decisions of *PB* and *CC* provide clarity to procedural issues that had long haunted practitioners dealing with child defendants, particularly those who will age out. Judges too will welcome the guidance provided. Such important procedural issues are matters largely for the Oireachtas to determine. It is refreshing in that respect to see the voyage of the Bill of 2024 through the Oireachtas.

References

- [2025] IESC 12.
- [2025] IESC 11.
- Perry, D. ‘Minor Issues for The Supreme Court, An Update on the Prosecution of Children’. Paper delivered at the Irish Criminal Bar Association Conference, July 12, 2025.
- Para. 114.
- [2017] 2 I.R. 284.
- [2025] IESC 17.
- It is worth noting that the judgment did not determine the full scope of the powers of the District Court and Circuit Court, and hence did not determine that they have power to make a permanent order; the Supreme Court did find that they have the power to make an order that covers, at least, the time during which they have seisin of a matter (see para. 154).
- [2001] 2 I.R. 25.
- [1973] I.R. 50.
- [2017] IECA 310.
- Noted at para. 13 of the Supreme Court decision.
- The last of these questions was disposed of in light of the judgment in *PB*, delivered on the same day.
- At para. 168 of the Supreme Court decision.
- Section 144(1) of the Children Act 2001.
- Section 144(9) of the Children Act 2001.
- See paras 174 and 175.
- At para. 181.
- At para. 187.
- Noted at para. 10 of the Supreme Court decision.
- General Scheme available at <https://assets.gov.ie/static/documents/children-amendment-bill-2024-general-scheme.pdf> [accessed August 2025].

APPRECIATION

Frank Quirke BL 1962-2024

An essential attribute of the advocate is courage – Frank Quirke displayed courage throughout his distinguished career at the Bar.

Frank was called to the Bar in 1988. A native of Co. Tipperary, he served his devilling year on the South Eastern Circuit with Tom Slattery, one of the Circuit's most senior and respected practitioners known for the steadiness of his approach. Frank and he struck up an unlikely friendship. In those early days at the Bar, the ownership of a car was beyond the means of most starting counsel. This meant reliance upon transport to and from Circuit venues. Frank regularly travelled with Tom. The first time that Frank got into Tom's car he felt a rush of adrenaline as Tom pulled on his driving gloves; however, this rush quickly dissipated as Tom proceeded to drive his car as he practised – slowly and steadily. The following year Frank purchased his own second-hand motor vehicle (a Honda) through the generosity of his parents. No gloves for him – Frank loved the thrill of the speed of the car, driving at and often above the speed limit while clutching a two-litre bottle of water in his left hand.

It was no surprise when Frank quickly developed a significant practice on the South Eastern Circuit, enjoying particular support among the solicitors of Co. Tipperary (Clonmel was his hometown) and Co. Wexford. Frank shone as an advocate with a particular skill in getting to the heart of the issue in any case quickly. He hated pretentiousness and pomposity. One look from Frank was enough to tell any opposing advocate that they were headed in that direction. His skill in getting to the heart of a case was quickly recognised by all, including the judge then presiding on the South Eastern Circuit, Judge Diarmuid P. Sheridan SC.

Frank's only regret was that the pace of life in the Circuit Court at that time did not reflect his need for speed and efficiency. Speed and efficiency were to emerge, however, with the appointment of Judge Sean O'Leary as judge in charge of the South Eastern Circuit. Frank's practice blossomed under the stewardship of Judge O'Leary and his successor Judge Olive Buttimer.

While Frank could practise in any area of law, whether in the Circuit or High Court, he was, in particular, a doughty advocate of the accused. It was no doubt his skills defending on the criminal side that led him to be appointed prosecutor for the County of Tipperary in 2000, a post he held until his death in December 2024. Frank was a fair prosecutor who understood (as had been the tradition) that the task of the prosecutor was not to secure a conviction at all costs but to put forward the evidence firmly but fairly on behalf of the State.

Frank was also lead counsel on the civil side for the County Council of Tipperary – a time-consuming task given the propensity for litigants in Tipperary to suffer 'trips and falls'. At one stage Frank held what may well have been a world record

for briefs on a day in the Circuit Court. He had ten cases listed in which he appeared for the local authority; Frank settled nine of them and fought one case – he won the case that he fought.

Frank was a constant in the courts of the South Eastern Circuit for over 30 years. He possessed a wry humour and wit, and was always a great source of practical advice for other counsel. He was also a protector of the newly qualified and a benign master to many pupils.

Frank's prowess at the Bar was not confined to the courtroom. He also excelled in sport and for many years was the opening bowler on the Bar cricket team. Frank's pace struck fear into the opposition batsmen with his languid style belying the speed and accuracy of his delivery. His cricketing skills were probably attributable to his early schooling in Bristol. Frank was also a keen golfer who did not approve of the introduction of the new equipment so beloved of the modern golfer. Frank preferred to stick with his old brown pencil thin bag in which he liked to carry a couple of battered clubs that he could then use to devastating effect, winning many competitive matches against colleagues.

When Judy Philpott was called to the Bar and started on the South Eastern Circuit it was love at first sight for Frank. Fortunately for Frank, it was also love at first sight for Judy. They married and set up a beautiful home in Moyglass, Co. Tipperary where they pursued their interests of family, horses and law (in that order). At Moyglass they successfully raised their eight children, each following their parents' footsteps in the love of horses. Frank continued to pursue his love of horseriding. He loved the thrill of the cross-country challenge and was a prominent member of the local hunting club.

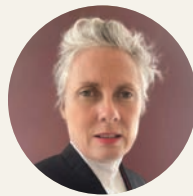
Frank suffered a lifechanging accident in December 2020 when hunting, which left him a wheelchair user for the rest of his life. Frank's courage shone through at this time. He never once complained despite the fact that much of his period of treatment and rehabilitation coincided with the worst limitations of the Covid period. His courage and determination enabled him to return to the Bar, where he continued to practise with skill and distinction until his untimely death.

Frank had decided many years ago to remain at the Junior Bar. His decision was a loss to the Inner Bar but wholly understandable given his priorities in life. Frank would also have made an excellent judge and was indeed committed to public service. Despite the strong support of his colleagues at the Bar, the limitations of the judicial appointment process meant that Frank never fulfilled this ambition. Frank will be missed by all who knew him but will be remembered as an inspiration for all.

Jeremy Maher SC

UNDER OATH

The Private Members' Bill proposing constitutional amendment to remove "religion and gendered language" from the oath for judicial office raises deep and difficult questions.



Elizabeth O'Connell SC

A discussion of the Bill proposing the removal of "God" from the oath for the judicial office raises the awkward necessity of speaking about God publicly and, more awkwardly still, in a legal setting. But this Private Members' Bill, unopposed by Government, now proceeds to Second Stage in the Dáil, so we either brace ourselves or, as is more likely, have no in-depth public discussion of what would be a radical change, or at least, a reflection of a radical change.

The wording of the oath, which is set out in the text of Article 34.6, would be changed as follows:

~~"In the presence of Almighty God I do solemnly swear and sincerely promise and declare that I will duly and faithfully and to the best of my knowledge and power, execute the office of Chief Justice (or as the case may be) without fear or favour, affection or ill-will towards any person any man, and that I will uphold the Constitution and the laws. May God direct and sustain me".~~

Although the amendment is described as removing "man" from the wording as well as "God", the Irish language text of Article 34 refers to "duine", and it being authoritative,¹ one wonders whether an amendment, as opposed to simply a new translation, is necessary.

A sign of modernity?

It is said that the referendum to remove "God" is required because Ireland is a modern state and reference to God is "absolutely inconsistent" with this modernity, a view that may well be widely

enough accepted without question.² But the question then is whether the Constitution itself is inconsistent with such a notion of modernity? Under the proposed new wording, absent "God", the oath will still be to uphold the provisions of the Constitution.

The Irish Constitution was constructed by those who believed in God – who were steeped in a European education. This is reflected most simply in the Preamble, which begins: "In the Name of the Most Holy Trinity, from Whom all authority and to Whom, as our final end, all both of men and States must be referred".

The Catholic Church was not the only source of influence. The now Supreme Court Judge, Gerard Hogan, in *The Origins of the Irish Constitution 1928 – 1941* says at page 215:

"That, however, the Constitution was influenced by Catholic social teaching is surely unremarkable given the historical context of 1937. What is more remarkable, however, is the extent to which that document also reflects secular – one might almost say "Protestant" – values of liberal democracy, respect for individual rights and the separation of Church and State and the extent to which it does not reflect Catholic teaching".

A central point to make, before secular panic sets in, is that something can be constructed by those with faith in God, indeed who are inspired in the process of construction by that faith, which is inherently good and useful to all persons, of all creeds or none.

The fundamental rights provisions drafted in 1937 met with widespread approval and have stood the test of time. The edifice of the Constitution and indeed the common law protecting the rights of the citizen, though of course, and thankfully, secular, were built with, or around, the concept of the individual that was shaped by a belief in God, with its deepest roots in medieval Christian culture. It would make sense to remove "God" from the oath, if it were the case that God was also excised from the constitutional frame of reference.

Disavowing a fundamental part of the philosophy underpinning the Constitution is a radical change. The stakes are high as with all societal change but particularly now in these especially turbulent times. I humbly suggest that our view of what it means to be human animates the interpretation of rights and further, that only citing the words "modernity" or "pluralism" as a justification for change to long-developed concepts, without an alternative philosophy for the source of rights, is not rational.

References

1. Article 25.5.4.
2. The Bill was presented to the Dáil by our colleague Barry Ward SC TD. Available from: <https://data.oireachtas.ie/ie/oireachtas/bill/2025/8/mul/initiated/b0825d.pdf>.



FAMILY LAW Podcast Series

with **Judge Marie Baker**, retired Supreme Court Judge
and **Claire Collins SC**



A six-part series examining the compelling cases
and decisions shaping family law in Ireland.

Listen at lawlibrary.ie/podcasts
or search for The Bar of Ireland Podcasts



THE BAR
OF IRELAND
The Law Library
BARRA NA hÉIREANN
An Leabharlann Dlí

what's the simplest way to
save up to 40% of income tax?

Put money in your pension

Even the terms and conditions are simple. The earnings limit is €115,000 and the amount of relief varies according to your age (see below).

With a pension, you save tax when you put money in and you save tax when you take it out. You can take up to 25% out tax free (subject to conditions) and all investment gains accumulate tax free within your fund.

Remember, prosperity needs to be planned - especially for retirement. Be sure to avail of our help.

The Bar of Ireland Retirement Trust Scheme

Open to all members of the Law Library under 75 years of age.

Age	Maximum tax relief on pension contribution (as a percentage of earnings)
Up to 29	15%
30-39	20%
40-49	25%
50-54	30%
55-59	35%
60 and over	40%

Contact your Mercer Bar of Ireland Pension Team on **01 636 2700** or Donal Coyne via email at donal.coyne@mercer.com.

www.mercer.ie

A business of Marsh McLennan

