



**Tithe an
Oireachtais**
Houses of the
Oireachtas

**An Comhchoiste um Dhlí
agus Ceart**
Teach Laighean
Baile Átha Cliath 2

**Joint Committee on
Justice**

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33/JC/57

Ms Helen McEntee T.D.,
Minister for Justice,
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D02 HK52.

By e-mail to: EXMcHugh@justice.ie

Our Ref: JC4/5/ZH

**RE: General Scheme of the Courts, Civil Law, Criminal Law and Superannuation
(Miscellaneous Provisions) Bill 2024**

Dear Minister,

I refer to your correspondence dated 10th June 2024, to the Ceann Comhairle and copied to the Committee, seeking a waiver from Pre-Legislative Scrutiny (PLS) on the General Scheme of the Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Bill 2024.

The Committee agreed to accept your offer of a technical briefing from your Officials on this matter.

On Tuesday, 18th June 2024, the Committee received this briefing which provided an opportunity for members to clarify a number of matters as part of this process.

In the course of the engagement, the Committee raised a number of questions with the officials and hope that any matters raised will be taken on board in the finalisation of this Bill.

However, some members raised concerns regarding the possibility of additional provisions being included in the Bill when it is ultimately published and the difficulty this presents to the Committee in conducting thorough scrutiny of the General Scheme. It was considered that the inclusion of other provisions not contained in the General Scheme may detract from the benefits of the PLS process.

The Committee was also provided with a written briefing from your Departmental officials (see Appendix 1).

The Committee agreed, at its meeting on Tuesday 18th June 2024, that it has now concluded PLS on this General Scheme and looks forward to further engagement and debate on this Bill in the course of its consideration and passage through both Houses.

Yours sincerely,

Niamh Smyth

Cuirfear fáilte roimh chomhfhreagras i nGaeilge

Niamh Smyth TD
Cathaoirleach Sealadach
19th June 2024

[Senator Lynn Ruane wished to record her dissent to the abridged PLS process undertaken on this General Scheme].

Cuirfear fáilte roimh chomhfhreagras i nGaeilge

APPENDIX 1

General Scheme of Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Bill 2024

Explanatory Notes

Part 1 of this this General Scheme provides for short title and commencement and contains one head

Head 1 provides for short title and commencement interpretation sections.

Part 2 of this General Scheme contains one head:

Head 2 amends the Courts (Establishment and Constitution) Act 1961 to increase maximum of ordinary judges in the Court of Appeal by one to 18.

Part 3 of this General Scheme amends the International Protection Act 2015 and contains one head:

Head 3 amends s62 of the Act of 2015 to reduce the requirement for ordinary tribunal members from 5 years' experience as a practising solicitor or barrister for appointment to 2 years' experience in order to be appointed to the Tribunal.

Part 4 of this General Scheme amends the Firearms and Offensive Weapons Act 1990 contains one head:

Head 4 amends the Firearms and Offensive Weapons Act 1990 to increase the maximum penalties available upon conviction on indictment for 4 knife related offences in sections 9(5), 10, 11 and 12 of that Act.

Part 5 of this General Scheme contains the following heads:

Head 5 amends Section 9 of the Superannuation (Prison Officers) Act 1919. This amendment facilitates fast accrual for prison officers up to age 60 but not beyond.

Head 6 amends Section 8 of the Civil Service Regulation Act, 1956 to remove the requirement for prison officers to retire at 60, and provides the Minister for Justice with a new power to make regulations to set the mandatory retirement age (MRA) for this cohort.

Head 7 amends Section158(1) of the Local Government Act 2001 to allow for the Minister to specify the age at which an employee of a fire authority must retire.

Head 8 amends the Public Service Superannuation (Miscellaneous Provisions) Act 2004 as follows:

In Section 1, to redefine “specified fire brigade employee” so that the requirement to retire at age 55 is removed and instead the retirement age is that declared by the Minister for Housing, Local Government and Heritage.

In Section 4, (a) to remove the requirement for Gardaí to retire at age 60, and allows the Minister for Justice to make regulations to set the mandatory retirement age (MRA) for this cohort; and (b) to allow the Commissioner or Deputy Commissioner to be recruited up to the age specified by the Minister for Justice.

In Section 13, to exclude uniformed fast accrual cohorts for the application of this provision, concerning how service is reckoned.

Head 9 amends Section 5 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012 as follows:

In Section 5, to insert a definition of “specified fast accrual member”

In Section 13, to ensure that retained firefighters are excluded from the provisions which set the minimum (age 66) and Mandatory retirement ages (age 70) for members of the single scheme.

In Section 16, to provide that for specified fast accrual members the rate of contributions are amended so that the existing rate applies when the individual has not yet attained the age of 60 and then changes to the desired lower contribution rate when the individual attains that age and remains in employment.

In Section 26, so that for specified fast accrual members the existing rate applies when the individual has not yet attained the age of 60 and which changes to a lower rate when the individual attains that age and remains in employment. This Head also refers to the definition of ‘special fire brigade member’ inserted into the Public Service Superannuation (Miscellaneous Provisions) Act 2004 by Head 8 of this Bill.

Part 6 of the General Scheme contains two heads:

Heads 10 and 11 contain amendments to increase the amount prescribed for Carrier Liability Fines imposed under the Immigration Act 2003. These fines have not been increased since the enactment of the 2003 Act and a review was carried out and approved by Government which recommended the increase in fines.