



An Roinn Dlí agus Cirt
Department of Justice

Post-Enactment Report

Civil Law and Criminal Law (Miscellaneous
Provisions Act 2020 (Act 13 of 2020))

July 2022

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Post-Enactment Report

Background

The Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (the "**Act**") was signed into law by the President on 6 August 2020 with the majority of the Act commenced by Ministerial Order on 21 August 2020. The Act provided for a range of necessary reforms to respond to new challenges and legal issues arising from the COVID-19 pandemic such as:

Introduced a statutory basis for courts to conduct remote hearings in civil proceedings.

- Included the admissibility of business records as evidence in civil proceedings.
- Made provision for the lodgement of documents with the courts by electronic means, or e-filing.
- Included the lodgement of "statements of truth" with the courts by electronic means as an alternative to the swearing of affidavits.
- Made provision for the wider use of video links between persons in custody and the courts.
- Enhanced and expanded the existing provisions on giving evidence through video link.
- Provided for appeals (to the Court of Appeal and the Supreme Court) in criminal proceedings to take place via remote hearing.
- Provided for remote meetings of State bodies.
- Included provisions making it easier to alter the operating hours and sitting locations of the District Court.
- Provided for the assignment and appointment of temporary coroners in exceptional circumstances due to the number or nature of deaths resulting from a pandemic, catastrophic event or other occurrence leading to mass fatalities.

Key reforms include those in relation to business records, criminal proceedings and witnesses.

The reform of the law in relation to business records in civil proceedings follow the recommendations of the Law Reform Commission in its 2016 report "Consolidation and Reform of Aspects of the Law of Evidence". The Act includes provisions to deal with the holding of meetings of unincorporated bodies, such as clubs, remotely during the pandemic and allows designated bodies, such as appeals boards, to conduct their business remotely.

The Act has introduced a number of changes in relation to criminal procedure where physical attendance may be difficult or impossible for public health reasons. The changes have allowed wider use of video-links between accused persons and the courts. These are currently limited to persons in custody, for a limited list of hearing types.

The list of hearing types is extended in the Act, including to permit arraignments, returns for trial, sentencing hearings and certain aspects of surrender proceedings, and to allow accused

persons not in custody to attend those hearings by video-link where the court so directs. The Act does not affect the right of an accused person to be present in person during the trial.

The Act has allowed witnesses to attend the same types of hearings by video-link, and provides for appeals to the Court of Appeal and the Supreme Court in criminal proceedings to be conducted remotely, with some or all of the participants attending via video-link. Furthermore, it addressed a long-standing issue with committal warrants for persons already in prison, and removes the need to transport prisoners between one prison and another, merely to execute these warrants.

Enactment and Commencement of the Act

The Bill was signed by the President on 6th August, 2020.

Section 32 has not been commenced. Following enactment, the Law Society made a submission to the Department of Justice concerning section 32 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 which provides for the execution of documents, such as contracts or deeds, in counterpart. On foot of the submission, the Department sought legal advice from the Office of the Attorney General on the issues raised by the Law Society in their submission and as such, the Department remains in discussion with the Office of the Attorney General around commencement of this section.

Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 – List of Commencements

Section	Commencement Date	Commencement Information
S. 1-4	21 August 2020	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020. (Commencement) Order 2020 (S.I. No. 306 of 2020), art. 2(a)
S. 5(1)	14 September 2020	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Commencement) (No. 2) Order 2020 (S.I. No. 307 of 2020), art. 2(a)
S. 5(2)	14 September 2020	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Commencement) (No. 2) Order 2020 (S.I. No. 307 of 2020), art. 2(a)

Section	Commencement Date	Commencement Information
S. 5(3)	21 August 2020	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Commencement) Order 2020 (S.I. No. 306 of 2020), art. 2(a)
S. 5(4)	14 September 2020	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Commencement) (No. 2) Order 2020 (S.I. No. 307 of 2020), art. 2(a)
Ss. 6-9	21 August 2020	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Commencement) Order 2020 (S.I. No. 306 of 2020), art. 2(b)
Ss. 10- 21	21 August 2020	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Commencement) Order 2020 (S.I. No. 306 of 2020), art. 2(c)
S. 22	21 August 2020	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Commencement) Order 2020 (S.I. No. 306 of 2020), art. 2(d)
S. 23	14 September 2020	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Commencement) (No. 2) Order 2020 (S.I. No. 307 of 2020), art. 2(b)
S. 24	14 September 2020	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Commencement) (No. 2) Order 2020 (S.I. No. 307 of 2020), art. 2(c)
S. 25	14 September 2020	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Commencement) (No. 2) Order 2020 (S.I. No. 307 of 2020), art. 2(d)

Section	Commencement Date	Commencement Information
Ss. 26-28	21 August 2020	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Commencement) Order 2020 (S.I. No. 306 of 2020), art. 2(d)
Ss. 29-31	21 August 2020	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Commencement) Order 2020 (S.I. No. 306 of 2020), art. 2(e)
S. 32		Not yet commenced. Commencement order required under s. 1(2).
S. 33	21 August 2020	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Commencement) Order 2020 (S.I. No. 306 of 2020), art. 2(e)

Statutory Instruments under the Act

A number of SIs were made under the Act, mainly relating to the provisions under section 29 and section 31 respectively allowing for remote meetings of State Bodies and designated bodies.

Section 30 of the Civil and Criminal Law (Miscellaneous Provisions) Act 2020 provided that unincorporated bodies may conduct their meetings remotely due to the current pandemic situation, during an interim period. This interim period took effect on 21 August 2020 and after a number of extensions expired on 09 November 2021.

Section	Statutory Instruments made under the Act
S. 29 (3)	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Remote Meetings and Remote Hearings of State Body – Adoption Authority of Ireland) Order 2020 (S.I. No. 335 of 2020)

Section	Statutory Instruments made under the Act
S. 29 (3)(a)	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Child and Family Agency) (Designation) Order 2021 (S.I. No. 311 of 2021)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Inland Fisheries Ireland) (Designation) Order 2021 (S.I. No. 238 of 2021)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29)(Commission for Regulation of Utilities)(Designation) Order 2021 (S.I. No. 232 of 2021)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Child and Family Agency) (Designation) Order 2020 (S.I. No. 118 of 2021)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Veterinary Council of Ireland) (Designation) Order 2021 (S.I. No. 58 of 2021)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (International Protection Appeals Tribunal) (Designation) Order 2020 (S.I. No. 714 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Health) (Designation) Order 2020 (S.I. No. 532 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) Order 2020 (S.I. No. 517 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Labour Court) (Designation) Order 2020 (S.I. No. 514 of 2020)

Section	Statutory Instruments made under the Act
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Property Services Appeal Board) (Designation) Order 2020 (S.I. No. 484 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Property Services Regulatory Authority) (Designation) Order 2020 (S.I. No. 483 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Property Services Regulatory Authority) (Designation) Order 2020 (S.I. No. 482 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Mental Health (Criminal Law) Review Board) (Designation) Order 2020 (S.I. No. 481 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Legal Aid Board) (Designation) Order 2020 (S.I. No. 480 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Judicial Council) (Designation) Order 2020 (S.I. No. 479 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Regional Assemblies) (Designation) Order 2020 (S.I. No. 446 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Local Authorities) (Designation) Order 2020 (S.I. No. 445 of 2020)

Section	Statutory Instruments made under the Act
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Sections 29 and 31) (Hepatitis C and HIV Compensation Tribunal) (Designation) Order 2020 (S.I. No. 428 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Irish Financial Services Appeals Tribunal) (Designation) Order 2020 (S.I. No. 423 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Central Bank of Ireland) (Designation) Order 2020 (S.I. No. 421 of 2020)
S. 29 (3)(b)	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Meetings of the Oberstown Children Detention Campus Board of Management) (Designation) Order 2020 (S.I. No. 553 of 2020)
S. 30 (3)	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 30(3)) Order 2021 (S.I. No. 274 of 2021)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 30(3)) Order 2020 (S.I. No. 530 of 2020)
S. 31 (3)	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 31)(Commission for Regulation of Utilities)(Designation) Order 2021 (S.I. No. 233 of 2021)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 31) (Standards in Public Office Commission) (Designation) Order 2021 (S.I. No. 189 of 2021)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 31) (CHARITY APPEALS TRIBUNAL) (Designation) Order 2021 (S.I. No. 59 of 2021)

Section	Statutory Instruments made under the Act
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 31) (International Protection Appeals Tribunal) (Designation) Order 2020 (S.I. No. 715 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 31) (Health) (Designation) Order 2020 (S.I. No. 533 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 31) (Appeals Officers) (Designation) Order 2020 (S.I. No. 523 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 31) Order 2020 (S.I. No. 518 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 31) (Labour Court) (Designation) Order 2020 (S.I. No. 515 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 31) (Property Services Appeal Board) (Designation) Order 2020 (S.I. No. 488 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 31) (Property Services Regulatory Authority) (Designation) Order 2020 (S.I. No. 487 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 31) (Mental Health (Criminal Law) Review Board) (Designation) Order 2020 (S.I. No. 486 of 2020)
	Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 31) (Legal Aid Board) (Designation) Order 2020 (S.I. No. 485 of 2020)

Section Statutory Instruments made under the Act

Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 31) (Competition and Consumer Protection Commission) (Designation) Order 2020 ([S.I. No. 455 of 2020](#))

Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Sections 29 and 31) (Hepatitis C and HIV Compensation Tribunal) (Designation) Order 2020 ([S.I. No. 428 of 2020](#))

Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 31) (Irish Financial Services Appeals Tribunal) (Designation) Order 2020 ([S.I. No. 424 of 2020](#))

Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 31) (Central Bank of Ireland) (Designation) Order 2020 ([S.I. No. 422 of 2020](#))

Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 31) (Financial Services and Pensions Ombudsman) (Designation) Order 2020 ([S.I. No. 420 of 2020](#))

Civil Law and Criminal Law (Designated Body - Agriculture) Order 2020 ([S.I. No. 411 of 2020](#))

Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 31) (Workplace Relations Commission) (Designation) Order 2020 ([S.I. No. 359 of 2020](#))

Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Remote Meetings and Remote Hearings of State Body – Adoption Authority of Ireland) Order 2020 ([S.I. No. 335 of 2020](#))

Operation of the Act

The Act has introduced a number of important innovations which serve to provide a practical response to the challenges brought about by COVID-19. These innovations have assisted in

bringing greater efficiencies to the Irish civil litigation process, in particular by embracing the potential of modern communications technology.

The Courts Service reports that the provisions of the Act have been operating satisfactorily.