MEMBERSHIP

The Law Reform Commission consists of a President, one full-time Commissioner and three part-time Commissioners.

The Commissioners at present are:

**President:**
The Hon Mrs Justice Catherine McGuinness, former judge of the Supreme Court

**Full-time Commissioner:**
Patricia T. Rickard-Clarke, Solicitor

**Part-time Commissioner:**
Professor Finbarr McAuley

**Part-time Commissioner**
Marian Shanley, Solicitor

**Part-time Commissioner:**
Donal O’Donnell, Senior Counsel
LAW REFORM RESEARCH STAFF

Director of Research:
Raymond Byrne BCL, LLM (NUI),
Barrister-at-Law

Legal Researchers:
Áine Clancy BCL, LLM (NUI)
Kate Dineen LLB, LLM (Cantab)
Philip Flaherty BCL, LLM (NUI), Diop sa Gh (NUI)
Eleanor Leane LLB, LLM (NUI)
Margaret Maguire LLB, LLM (NUI)
Richard McNamara BCL, LLM (NUI)
Jane Mulcahy BCL (Law and German), LLM (NUI)
Gemma Ní Chaoimh BCL, LLM (NUI)
Verona Ní Dhrisceoil BCL (Dlí agus Gaeilge), LLM (NUI)
Charles O’ Mahony BA, LLB (NUI), LLM (Lond), LLM (NUI)
Nicola White LLB, LLM (Dub) Attorney-at-Law (NY)
Joanne Williams LLB, LLM (NUI), Barrister-at-Law

STATUTE LAW RESTATEMENT

Project Manager for Restatement:
Alma Clissmann, BA (Mod), LLB, Dip Eur Law (Bruges), Solicitor

Legal Researchers:
John P. Byrne BCL, LLM (NUI), Barrister-at-Law
John Kenny LLB, LLM (Cape Town), Barrister-at-Law
Eimear Long LLB, Barrister-at-Law

LEGISLATION DIRECTORY

Project Manager for Legislation Directory:
Deirdre Ahern LLB, LLM (Cantab), Dip E-Commerce (Law Society), Solicitor

Legal Researchers:
Eóin McManus BA, LLB (NUI), LLM (Lond)
Tina O’ Reilly BCL (Law and German), LLM (NUI)
ADMINISTRATION STAFF

Secretary:
John Quirke

Project Manager:
Pearse Rayel

Legal Information Manager:
Conor Kennedy BA, H Dip LIS

Cataloguer:
Eithne Boland BA (Hons), HDip Ed, HDip LIS

Higher Executive Officer:
Alan Heade

Executive Officers:
Emma Kenny
Darina Moran
Peter Trainor

Clerical Officers:
Liam Dargan
Ann Browne
Ann Byrne
Sabrina Kelly

PRINCIPAL LEGAL RESEARCHER FOR
THE THIRD PROGRAMME OF LAW REFORM

Charles O’ Mahony BA, LLB (NUI), LLM (Lond), LLM (NUI)
In consultation with the Attorney General and in accordance with Section 4 (2)(a) of the Law Reform Commission Act 1975 the Law Reform Commission submits for approval to Government our Third Programme of Law Reform, which will commence on 1 January 2008.

The Hon Mrs Justice Catherine McGuinness, former judge of the Supreme Court

Commissioner Patricia T. Rickard-Clarke

Commissioner Finbarr McAuley

Commissioner Marian Shanley

Commissioner Donal O’Donnell

I am very pleased to present, on behalf of the Commission, this Third Programme of Law Reform 2008 – 2014. The Commission’s Programmes of Law Reform are the principal basis on which we carry out our statutory mandate (under the Law Reform Commission Act 1975) to keep the law under review with a view to its reform. The Third Programme of Law Reform contains 37 law reform projects which will be examined by the Commission over the next seven years.

The Commission’s work in framing the Third Programme of Law Reform has followed a wide-ranging and extensive consultation with the public, Government Departments, members of the legal profession and non-governmental community and voluntary organisations. In doing so, we had the benefit of over 200 submissions on which to base the final selection of topics. The Commission is extremely grateful for the time and care taken by those organisations and individuals who contributed to our deliberations. The Commission also had the benefit of an insight into the perspectives of other jurisdictions. We were delighted that Mr Justice Michael Kirby of the High Court of Australia and former Chairman of the Australian Law Reform Commission spoke at the Commission’s third public consultation seminar. He noted that: “In a way, to be Irish is to be interested in reform. History teaches the need for it. Society, technology and changing values demand it.”

It goes without saying that the law has a significant impact on all our lives and, as our society changes, it is necessary for our laws to respond to these changes. Each Programme of Law Reform has tried to reflect this need to be responsive to change. While delivering a lecture to mark the 30th Anniversary of the Commission in 2005, Mr Justice Ronan Keane pointed out that the Commission’s First Programme (1976) included a wide review of criminal law and family law, while the Second Programme (2000) addressed accessibility of the law for the citizen, emerging concerns for vulnerable groups (including older persons) and changes in family structures. His address emphasised that the Commission’s work should continue to contribute “to a body of law which is fair, accessible and relevant to the needs of Irish society today.”

The Commission shares the ambition of all those who have contributed to the preparation of the Third Programme that it must respond to the needs of a modern
Ireland. The topics contained in this Programme reflect a society which is currently in a process of great change. It is equally clear that the topics will present enormous challenges to the Commission to continue the interdisciplinary research which has been an increasing feature of our work under the Second Programme of Law Reform. That work has also greatly benefited from a growing realisation that law reform proposals cannot easily fit within a particular area of law nor of governmental responsibility but involve cross-cutting issues that require integrated responses across a number of bodies and institutions.

We look forward to initiating and completing the projects set out in the Third Programme of Law Reform and also responding to any other areas of law referred to us by the Attorney General under the 1975 Act. We acknowledge that the successful completion of these projects will depend upon consultation with members of the legal profession, with experts from other disciplines, and with interested parties and organisations. The Commission is ready and eager to embark on a new Programme which contains many challenging, interesting and important law reform projects.

The Hon Mrs. Justice Catherine McGuinness
President
TABLE OF CONTENTS

PART 1  
Introduction 2

PART 2  
Projects Included in the Third Programme of Law Reform 9

APPENDIX 1  
Abstracts of Projects in the Third Programme of Law Reform 11

APPENDIX 2  
Values in Carrying Out Our Role 19

APPENDIX 3  
The Consultation Process: Third Programme of Law Reform 25

APPENDIX 4  
Overview of how the Commission Works 29

APPENDIX 5  
Subject Matter of Reports Completed Under the First and Second Programmes of Law Reform 31

APPENDIX 6  
Table of Implementation of Reports under the First and Second Programmes of Law Reform 38
PART I
INTRODUCTION

THE COMMISSION’S FUNCTIONS

The Law Reform Commission is an independent statutory body established by the Law Reform Commission Act 1975. The 1975 Act states that the Commission’s role is to keep the law under review and to conduct research with a view to the reform of the law. Law reform is defined under the Act to include:

- the development of law
- its codification (including its simplification and modernisation), and
- the revision and consolidation of statute law.

PROGRAMMES OF LAW REFORM

A Programme of Law Reform is prepared by the Commission, in consultation with the Attorney General, and contains a specific number of areas of law that require examination with a view to their reform. When such a Programme of Law Reform is approved by the Government, the Commission will examine and research the subjects set out in it and, if appropriate, formulate and submit to the Taoiseach proposals for the reform of the law in those areas. The Commission’s First Programme of Law Reform was in place between 1977 and 1999. The Second Programme of Law Reform had a defined timeframe from 2000 to the end of 2007. The Third Programme of Law Reform will also run for the specified timeframe from 2008 to 2014.

STATUTE LAW RESTATEMENT AND LEGISLATION DIRECTORY

Until 2006, the Commission carried out its statutory mandate primarily through Programmes of Law Reform, together with requests by the Attorney General under the 1975 Act to examine specific areas of law. In 2006, the scope of the Commission’s research work was expanded to include two other areas of activity, Statute Law Restatement and the Chronological Tables of the Statutes. Statute Law Restatement is a process of making legislation more accessible by updating existing Acts to incorporate all changes made by subsequent Acts or Statutory Instruments into a single text, which is certified by the Attorney General. The Chronological Tables of the Statutes consists of an Index listing in chronological order all amendments to legislation made by Acts and Statutory Instruments which have been enacted or made since 1922. Following the Commission’s assumption of responsibility for the Chronological tables of Statutes,
the commission made the decision to change the name of the “Chronological Tables of Statutes” to “Legislation Directory”. This decision was taken in order to better indicate to potential users the function of this resource as an electronically searchable guide to legislative effects. These roles are fully consistent with the Commission’s law reform remit under the 1975 Act.

SECOND PROGRAMME OF LAW REFORM 2000 TO 2007

Under the Second Programme of Law Reform 2000 to 2007 the Commission published over 60 documents - Consultation Papers and Reports - containing proposals for law reform covering the 30 specific topics in the Programme. The Commission also responded to requests from the Attorney General to examine specific areas of law under the 1975 Act. These Consultation Papers and Reports dealt with issues such as:

- Plain Language in the Law
- The Establishment of a DNA database
- Tribunals of Inquiry
- Murder and Manslaughter, Corporate Killing and Defences in Criminal Law
- Reform and Modernisation of Land Law and Conveyancing law, eConveyancing and Multi-Unit Developments
- Mental Capacity and Vulnerable Adults
- Rights and Duties of Cohabitants
- Contract Law and Third Parties

The Commission is very pleased to note that much of this work has led on to reforming legislation.¹

THE DEVELOPMENT OF THE THIRD PROGRAMME

The Commission firmly believes that law cannot exist for its own sake or in a vacuum. The law exists to serve Irish society and it operates within the framework of that society. If the law is to continue to have a real meaning for our society, it must reflect the values and attitudes of our society. Law must be expressed in modern, clear and readily understandable language.

¹ See Appendix 6, which sets out the table of implementation of Law Reform Commission Reports to 2007.
The Context of the Third Programme

As the Commission approached the preparation of the Third Programme, it was conscious that its role of law reform takes place against the background of a number of related initiatives:


- Pre-1922 Statute Law Revision Project: this is a major component of the Better Regulation Policy, and has culminated in the enactment (of the *Statute Law Revision Act 2007* which contains) the first definitive list (the “White List”) of all pre-1922 Acts that currently apply in the State.

- Significant increase in the level of general legislative law reform in the Oireachtas in recent years.

- The establishment of specific working groups or committees to deal with reform in specific areas – some placed on a statutory footing, such as the Company Law Review Group and the Criminal Law Codification Advisory Committee.

- The increasing importance of the international dimension to law reform, including the EU, OECD, the UN, the 1998 Belfast Agreements and other international treaties.


Public Consultation Process

The Commission decided that public consultation was essential if the Commission was to develop a new Programme of Law Reform that was responsive to the needs of modern Ireland. To that end, the Commission organised a number of public consultations on the *Third Programme of Law Reform*. These were designed to provide the widest opportunity for all interested parties to engage in the law reform process and to suggest areas of law that require reform, modernisation and renewal. The
Commission aimed to identify gaps in the law and also issues that would require review during the seven year timescale of the new Programme.

The first public consultation took place in NUI Galway in March 2007 and the second at University College Cork in April 2007. The final public consultation, which was also the Commission’s Annual Conference for 2007, took place in Dublin in July and over 300 people attended. The keynote address was delivered by Justice Michael Kirby of the High Court of Australia\(^2\) and the Attorney General, Paul Gallagher SC, opened the Conference.

**Attorney General’s Consultative Committee**

In September 2007, the Commission met with the Attorney General’s Consultative Committee on Law Reform.\(^3\) The Consultative Committee comprises representatives of certain Government Departments, the Law Society of Ireland, the Bar Council and the Commission. One of its functions is to assist the Attorney General in his consultations with the Commission on the *Third Programme of Law Reform*. The Consultative Committee discussed and approved the Commission’s draft Programme of Law Reform.

**Meetings with Oireachtas Committee**

Since 1998, the Commission has held periodic meetings with the Oireachtas Joint Committee on Justice, Equality, Defence and Women’s Rights to discuss the work programme of the Commission. The Commission greatly values the meetings with the Committee. In November 2007, the Joint Committee considered and discussed with the Commission the content of the proposed *Third Programme of Law Reform*.

**Selection Criteria**

To facilitate the public consultation process, the Commission published a Seminar Paper which set out the approach of the Commission in developing the *Third Programme of Law Reform*. This outlined the selection criteria which have assisted the Commission in choosing the law reform projects for the *Third Programme of Law Reform*.\(^4\) The selection criteria are:

\(a\) **Public benefit**: projects must meet a real community need by providing a remedy for a deficiency or gap in the law, including the need to modernise an outdated law.

---

\(^2\) Justice Kirby provided two versions of his Keynote Address; both versions are available from [www.lawreform.ie](http://www.lawreform.ie) and [www.hcourt.gov.au/publications_05.html#MichaelKirby](http://www.hcourt.gov.au/publications_05.html#MichaelKirby).

\(^3\) This Consultative Committee was established by a Government decision in March 1998.

b) **Suitable for a law reform body:** projects should be suitable for analysis by the legal expertise available in the Commission, supplemented by appropriate consultation with other professionals and interested parties.

c) **Mix of projects and resources:** the programme should include a mix of narrow-focus projects and wider-focus projects that are relevant to society, so that the Commission’s resources are not tied up in one project.

d) **Avoid duplication:** projects should not overlap with the work of other bodies engaged in law reform activities, but should complement such work where appropriate.

**Application of the Selection Criteria**
The Commission received over 200 submissions suggesting approximately 400 areas of law for inclusion in the Third Programme. All submissions were fully considered by the Commission. The Commission concluded it would be feasible to include 37 law reform projects because:

- The projects addressed legal issues in need of reform that would meet a real community need.

- The projects were considered suitable for analysis by the Commission, taking into consideration both the resources and the expertise available to the Commission.

- The Commission was likely to complete the projects selected within the timeframe of the Programme and they represented a good mix of different areas of law.

- The projects did not duplicate work being done elsewhere.

The Commission concluded that a number of other projects merited examination but were unlikely to be completed within the timeframe of the *Third Programme of Law Reform*. Other projects involved areas which were more suitable for examination by relevant Government Departments, either because they involved exclusively policy issues or were otherwise already under consideration by those Departments.\(^5\) In accordance with the Commission’s remit under the *Law Reform Commission Act 1975*

---

\(^5\) For a fuller discussion on law reform and policy see *Seminar Paper Third Programme of Law Reform (SP3-2007)* at pages 4-5, available at www.lawreform.ie.
to identify other bodies which may appropriately carry out law reform projects, the Commission communicated with those Departments concerning these other projects.

THIRD PROGRAMME OF LAW REFORM 2008 TO 2014

Having applied the selection criteria, the Third Programme of Law Reform lists 37 projects, including the following:

- Review of the Law Relating to Juries
- Alternative Dispute Resolution
- Documentary Evidence and Technology
- The Law of Sexual Offences
- The Victim and the Criminal Justice System
- Further Statutory Codification of Land Law
- eConveyancing Road Map
- Legal Aspects of Family Relationships
- Children and the Law
- Legal Aspects of New and Emerging Members of Irish Society
- Legal Aspects of Assisted Human Reproduction
- Insurance Contracts
- Civil Law Aspects of the Law of Missing Persons

As the President’s Foreword indicates, these topics involve recognition of the need to respond to the changing and complex legal issues that affect Irish society.

Mid-term Review of the Third Programme of Law Reform

The Commission is aware that a seven year Programme of Law Reform should be reviewed to take account of developments after its initial publication. Under the Second Programme, the Commission conducted a mid-term review in 2004 in order to take stock of developments since its initiation in 2000 and to plan for completion of the remaining work in the Programme. This exercise proved extremely useful and the Commission envisages that it will repeat this exercise at the mid-way point of the Third Programme.

---

As noted in the *Second Programme of Law Reform*, it is difficult if not impossible to anticipate change which may call for law reform in the future. Therefore, the Commission considers that this mid-term review might provide an opportunity to supplement the list of law reform projects set out in this Programme. The Commission will do this where it considers appropriate, subject to its available resources.

**Consultation on Projects in the Third Programme**
The Commission will continue to have regard to the activities and work of all bodies that have a law reform remit with a view to consulting, co-operating and collaborating with them as appropriate.

**Third Programme of Law Reform and Codification**
The Commission, in accordance with its statutory remit to keep the law under review retains a continuing interest in codification of the law. The Commission proposes to address the issue of codification in the context of the projects in this Programme of Law Reform as appropriate. This work will complement the work of the Commission on Statute Law Restatement and the Legislation Directory.
## PART 2
### PROJECTS INCLUDED IN THE THIRD PROGRAMME OF LAW REFORM

#### A. LEGAL SYSTEM AND PUBLIC LAW

1. The Law Relating to Juries
2. Debt Enforcement and Securing Interests over Personal Property
3. Bench Warrants and Search Warrants
4. Limitation of Actions
5. Alternative Dispute Resolution
6. Consolidation and Reform of the Courts Acts

#### B. LAW OF EVIDENCE

7. Documentary Evidence and Technology
8. Hearsay in Civil and Criminal Cases
9. Advance Disclosure of Defence Cases
10. Forensic Evidence
11. Expert Evidence

#### C. CRIMINAL LAW

12. The Law of Sexual Offences
13. The Victim and the Criminal Justice System
14. Vulnerable Persons and the Criminal Justice System
15. Restorative Justice
16. Having regard to the establishment of the Criminal Law Codification Advisory Committee, examination of issues arising in the general part of the criminal law
17. The Law of Homicide
18. Defences in the Criminal Law
19. Inchoate Offences
D. LAND LAW AND PROPERTY
20. Further Statutory Codification of Land Law
22. eConveyancing Road Map

E. FAMILY LAW
23. Legal Aspects of Family Relationships
24. Domestic Violence
25. The Law of Annulment in the 21st Century

F. SPECIFIC GROUPS IN A CHANGING SOCIETY
26. Children and the Law
27. Gender Recognition
28. Legal Aspects of New and Emerging Members of Irish Society [Reunification Procedures and Citizenship]
29. Legal Aspects of Carers

G. TECHNOLOGY, INNOVATION AND THE INDIVIDUAL
30. Legal Aspects of Bioethics
31. Legal Aspects of Assisted Human Reproduction
32. Privacy

H. COMMERCIAL LAW AND THE LAW OF OBLIGATIONS
33. Frustration of Contracts
34. Insurance Contracts
35. Damages in Contract and Tort Law

I. INTERNATIONAL LAW
36. The Status of International Law in Domestic Irish Law
APPENDIX 1

ABSTRACTS OF PROJECTS IN THE THIRD PROGRAMME OF LAW REFORM

A. LEGAL SYSTEM AND PUBLIC LAW

1. The Law Relating to Juries
   This project will involve a general review of the law concerning the jury system in Ireland, with particular emphasis on reform of the Juries Act 1976. This will include qualification for jury service, jury selection and the consequences of failure to attend for jury service. The Commission will consult with all interested parties, including the Courts Service.

2. Debt Enforcement and Securing Interests over Personal Property
   This project will include an examination of the legal issues surrounding the instalment order procedure. The Commission will also examine the attachment of security interests to personal property. The Commission is aware that FLAC (the Free Legal Advice Centres) has carried out work on some aspects of this project and will consult with them and other interested parties.

3. Bench Warrants and Search Warrants
   This project will examine the enforcement of court orders and the service of proceedings in both civil and criminal cases, in particular the procedure for the execution of bench warrants and search warrants. The associated procedural problems in this area have resulted in inefficient use of court resources.

4. Limitation of Actions
   This project will examine in general the limitation periods for civil claims in the Statute of Limitations 1957 and the potential for consolidation of the limitation periods. This project involves the completion of work begun under the Commission’s Second Programme of Law Reform, and which reflected earlier work by the Commission that reviewed specific aspects of this area of law.

5. Alternative Dispute Resolution
   This project involves the completion of work begun under the Commission’s Second Programme of Law Reform. The Commission will examine the main processes of ADR including partnering, mediation, conciliation, expert determination and collaborative lawyering. Key principles, including confidentiality, enforceability of ADR agreements and training of ADR professionals will also be examined.
Consolidation and Reform of the Courts Acts
The project will lead to a draft *Courts Bill* which will contain a complete legislative statement of the jurisdiction of the courts in Ireland, currently contained in over 100 Acts, both pre-1922 and post-1922. The project involves the completion of work begun under the Commission’s *Second Programme of Law Reform*. The project will also incorporate proposals for reform in this area.

**B. LAW OF EVIDENCE**

Documentary Evidence and Technology
Documentary evidence is an essential element of nearly all litigation. This project will discuss the rules concerning proof of execution and authentication of documents, and consider the need for their modernisation. The project will also consider whether electronic evidence should be regulated as a separate category of evidence.

Hearsay in Civil and Criminal Cases
The Commission has previously examined the hearsay rule as it applies in civil cases. This project will build on this previous work and extend the analysis to include the use of hearsay in both civil and criminal cases.

Advance Disclosure of Defence Cases
This project will examine whether it would be appropriate to require advance disclosure of defence cases in criminal trials. The *Report of the Balance in the Criminal Law Review Group (2007)* recommended that this should be examined in some detail.

Forensic Evidence
This project will build on previous work by the Commission under the *Second Programme of Law Reform*, notably on the Establishment of a DNA Database. That work benefited greatly from the interdisciplinary assistance of experts from the scientific and forensic community and the Commission will continue to consult widely on this project in order to ensure that relevant developments are reflected in law reform proposals.
11 Expert Evidence
This project involves the completion of work begun under the Commission’s Second Programme of Law Reform. The project will examine the current rules concerning the admissibility of expert evidence in court and the role and function of the expert witness. The project will also examine arrangements for ensuring the quality of expert evidence.

C. CRIMINAL LAW

12 The Law of Sexual Offences
This project will involve a general examination of the law of sexual offences. It will build on previous work by the Commission, which resulted in some legislative reforms. The project will include an examination of consent to sexual contact and whether there should be a statutory definition of the term “consent”. The project will also explore the extent to which the law in this area can be consolidated.

13 The Victim and the Criminal Justice System
This project will involve a general review of the interaction between victims of crime and the criminal justice system. This will include areas such as communication of information, anonymity of parties, the right of representation, video and remote evidence, victim impact statements and media reporting.

14 Vulnerable Persons and the Criminal Justice System
This project will examine how vulnerable persons, including those who are vulnerable arising from limited intellectual capacity, are dealt with in the criminal justice system in Ireland. The project will examine how vulnerable persons are treated before, during and after the court process.

15 Restorative Justice
This project will examine restorative justice from a community, victim and offender perspective. This project will build on previous work by the Commission under the Second Programme of Law Reform in which the Commission examined the Court Poor Box and the issue of spent convictions. The project will take into account any relevant work being undertaken by the National Commission on Restorative Justice.
16 Having regard to the establishment of the Criminal Law Codification Advisory Committee, examination of issues arising in the general part of the criminal law

The Criminal Law Codification Advisory Committee was established under Part 14 of the Criminal Justice Act 2006. The Commission will continue to collaborate with the Committee and will engage in appropriate research – in particular in connection with the general principles of criminal liability – which complements the Committee’s work programme.

17 The Law of Homicide

This project involves the completion of work begun under the Commission’s Second Programme of Law Reform. This is focused on reform of the law on murder and involuntary manslaughter in the wider context of codification of the criminal law. This also complements the Commission’s related work on defences in the criminal law.

18 Defences in the Criminal Law

This project also involves the completion of work begun under the Commission’s Second Programme of Law Reform. The project will deal with the defences of provocation, legitimate defence (including self-defence), duress and necessity. This will also assist the work of the Criminal Law Codification Advisory Committee.

19 Inchoate Offences

This project will examine the criminal offences of attempt, conspiracy, and incitement. This project also involves the completion of work begun under the Commission’s Second Programme of Law Reform and concerns particular aspects of the general principles of criminal liability.

D. LAND LAW AND PROPERTY

20 Further Statutory Codification of Land Law

This project will deal with a number of discrete areas, including adverse possession. It will build on the extensive codification work of the Commission under the Second Programme of Law Reform. This work has resulted in the Land and Conveyancing Law Reform Bill 2006, which will repeal almost 200 pre-1922 Acts in this area and replace many common law and statutory rules with a single legislative code.
21 Trust Law and the Settled Land Acts
This project will deal with an issue arising from the repeal of the Settled Land Acts when the Land and Conveyancing Law Reform Bill 2006 is enacted. The project will also build on the work of the Commission under the Second Programme of Law Reform concerning the modernisation and replacement of the Trustee Act 1893.

22 eConveyancing Road Map
Under the Second Programme of Law Reform the Commission oversaw (with the assistance of the Information Society Commission) a modelling of the current conveyancing process in Ireland. This included an analysis of the state of readiness of the various stakeholders, public and private, for the eventual introduction of an eConveyancing system. In this project the Commission will, in conjunction with the Department of Justice, Equality and Law Reform, develop a roadmap for an eConveyancing system which will be presented to Government.

E. FAMILY LAW

23 Legal Aspects of Family Relationships
This project will examine the rights and duties of fathers, in relation to guardianship, custody and access to their children. It will also examine the rights and duties (if any) of grandparents.

24 Domestic Violence
This project will involve a general review of the law on domestic violence. This will include a review of its current scope, including its application to persons other than spouses and its extension to other relationships, in particular older persons.

25 The Law of Annulment in the 21st Century
This project will build on previous work by the Commission under the First Programme of Law Reform in which it completed an examination of the law on nullity of marriage. It is necessary to re-examine this area, in particular, in the light of the introduction of divorce legislation.
F. SPECIFIC GROUPS IN A CHANGING SOCIETY

26 Children and the Law
This project will examine a range of issues, including the age at which children are competent to consent to medical treatment and the issue of internet regulation for children. The Commission is committed to ensuring that its consultation process includes appropriate mechanisms for obtaining the views of young persons. The Commission will also liaise with the Ombudsman for Children on this project.

27 Gender Recognition
This project will review current law on gender recognition to ensure that it complies fully with international human rights standards, including the European Convention on Human Rights and Fundamental Freedoms.

28 Legal Aspects of New and Emerging Members of Irish Society (Reunification Procedures and Citizenship)
This project will examine specific issues arising from the new and emerging patterns of migration to Ireland. The project will focus in particular on the extent to which family reunification procedures and the related issue of citizenship are consistent with international law and best practice.

29 Legal Aspects of Carers
This project will examine the extent to which the current law ensures appropriate standards for professional carers, in particular those engaged in the provision of care to vulnerable persons. The Commission will ensure that this project takes full account of the work of the Health Information and Quality Authority (HIQA).

G. TECHNOLOGY, INNOVATION AND THE INDIVIDUAL

30 Legal Aspects of Bioethics
This project will examine the extent to which certain aspects of bioethics require legal regulation. The project will focus on specific issues, such as advance care directives and certain feeding interventions in a medical care setting. The Commission will ensure that this project benefits from existing collaborative links it has developed with the Irish Council for Bioethics.
31 **Legal Aspects of Assisted Human Reproduction**
This project will examine the need for regulation of assisted human reproduction in Ireland, taking into account general policy reviews already done in this area. The project will include the legal aspects of sperm donation, surrogacy and related issues such as consent. The Commission will consult with those who have particular expertise in the scientific and medical aspects of this area.

32 **Privacy**
This project will build on previous work by the Commission under the *First Programme of Law Reform* in which it completed an examination of privacy and surveillance. The project will take into account relevant legislative developments, in particular the *Privacy Bill 2006*.

### H. COMMERCIAL LAW AND THE LAW OF OBLIGATIONS

33 **Frustration of Contracts**
This project on frustration of contracts will examine the legal effects of unforeseeable and other events (such as war or industrial action) which are outside the control of contracting parties. This research will build on previous work by the Commission on the reform of other aspects of contract law.

34 **Insurance Contracts**
This project will review existing rules concerning insurance contracts, such as formalities, material non-disclosure, ‘basis of contract’ clauses and the concept of insurable interest. The project will examine whether these rules would benefit from codification, from the perspectives of business efficiency and consumer protection.

35 **Damages in Contract and Tort Law**
This project will examine the legal principles concerning the award of damages in contract and tort law. This research will build on previous work by the Commission on the law of damages.
I. INTERNATIONAL LAW

36 The Status of International Law in Domestic Irish Law
This project will examine the extent to which international law and international conventions affect domestic Irish law. The project will include an analysis of the manner in which international conventions are implemented in Irish law and the methods used to interpret the rules contained in those conventions.

37 Civil Law Aspects of the Law of Missing Persons
This project will examine the civil law aspects of missing persons, including the presumption of death, the issuing of a death certificate and the effect of a declaration of presumed death. The project will examine the effects on the civil status of those left behind (such as married status) and on the succession and property rights of the missing person and those left behind.
APPENDIX 2

VALUES IN CARRYING OUT OUR ROLE

In carrying out our role, the Commission places a particular emphasis on a number of values. These values were set out in the Seminar Paper that was produced to assist in the development of the Third Programme of Law Reform. These values are essential to the work of the Commission and we will apply them to our work under the Third Programme of Law Reform.

INDEPENDENCE

The Commission’s independence in reviewing the law and in formulating proposals for law reform is of paramount importance in ensuring that we properly fulfil our role. The Commission believes that its independence is vital to its continued success under the Third Programme.

While independence is a fundamental principle, we also realise that there must be proper liaison with all stakeholders in society, including the public and the Government. It is important that law reform is a collaborative enterprise between the Commission, the public and Government Departments. While the Commission is fully committed to retaining its independence, this will not be a recipe for isolation or non-engagement. Such isolation would impede the effectiveness of the Commission and the relevance of its recommendations for law reform.

IMPARTIALITY

The Commission recognises the crucial importance of carrying out its role in an impartial and objective way. This concept is very much intertwined with the notion of its independence. The Commission objectively makes its recommendations following detailed research, consideration of the legal issues and public consultation leading up to and following the publication of Consultation Papers.

---


8 The conference on Multi-Unit Developments, held in January 2007, is an example of this. The conference was held following the publication of the Consultation Paper on Multi-Unit Developments in December 2006 and was aimed at members of the public and interested parties. The Commission organised this consultative conference in conjunction with the Department of Justice, Equality and Law Reform. The National Consumer Agency (NCA) and the Office of the Director of Corporate Enforcement (ODCE) were also involved in this consultation and addressed the conference. Many members of the public made valuable contributions to the discussion on Multi-Unit Developments both at the conference and through written submissions.
HIGH QUALITY RESEARCH

High quality research and expert review of the law is at the core of the Commission’s work. Reports produced by a Law Reform Commission are often regarded as “the definitive text” on that particular area of law.9 More significantly, they “…may serve to shape attitudes, values and understandings into the future, laying the ground work for reform at a later time.”10

We increasingly see the value of interdisciplinary research. Law reform agencies throughout the world progressively examine more law reform topics outside of what is considered to be traditional “black letter law”. Such legal research requires greater interdisciplinary work. These law reform projects often involve more social policy and will require better understanding of disciplines such as information technology, economics and medical science. The Commission is particularly mindful of this, as many of the law reform projects included in the Third Programme will require interdisciplinary research.

For example, the Commission’s 2005 Report on the Establishment of a DNA Database11 greatly benefited from consultation with forensic scientists. Similarly, the 2006 Report on Vulnerable Adults and the Law12 required considerable consultation with experts from general and specialised areas of medicine and with NGOs and State bodies involved with those having limited intellectual capacity. Indeed, the Commission gained some of its most valuable insights from informal discussions with carers and the families of those with limited intellectual capacity. The Commission is aware that it will need to collaborate on many projects included in the Third Programme, particularly in respect of projects included under the heading Technology, Innovation and the Individual.

EFFECTIVE RELATIONSHIPS

External legal specialists and other experts are invited to assist the Commission as members of working groups, and they play an important part in the examination of particular areas of the law. The Commission also has ongoing relationships with the

---

10 Ibid.
Office of the Attorney General, the Department of Justice, Equality and Law Reform, and other Departments of Government. The development of effective relationships is of key importance to the Commission’s work, consistent with the commitment to ensure that its independence and impartiality is retained.

THE IMPLEMENTATION OF RECOMMENDATIONS

As the Commission is independent from the Government it is natural that, from time to time, the Government does not agree with some recommendations of the Commission and will take a different course of reform, or decide not to implement some recommendations. In general terms, under the First and Second Programmes, about 70% of the Commission’s recommendations have been or are in the process of being implemented.¹³

The Commission is firmly of the view that its recommendations should be rooted in rigorous analysis but should also be tested against the question: “will they work in practice?” We believe that this approach will ensure that our work remains relevant to society - and to public representatives in Government and the Oireachtas. The Commission is also committed to ensuring that implementation of its recommendations is facilitated through the continued publication of draft legislation in Reports published under the Third Programme.

While the Commission recognises the need to be implementation minded, it is also committed not to become implementation obsessed. The Commission will continue to focus on a number of other indicators of “success.”¹⁴ For example the Commission places value on:

- Raising community awareness of a particular issue
- Instigation of debate on an area of law
- Encouraging alternative reform mechanisms which do not involve legislative change, consistent with the Government’s White Paper Regulating Better (2004).¹⁵

¹³ See Appendix 3 for the Table of Implementation of Commission Reports to 2007.
¹⁵ Available at www.betterregulation.ie.
RESPONSIVENESS

Our responsiveness to the needs of Irish society is a core value. Responsiveness was identified by the Commission as being particularly important as we engaged in the public consultation for the Third Programme of Law Reform. We believe that the projects included in the Third Programme are responsive to the issues raised throughout the consultation process.

CONSULTATION

The consultation process has been integral to the formulation of the Commission’s new Programme. The input from the public and interested groups into the Commission’s Consultation Papers and Reports produced under the First and Second Programmes of Law Reform enriched the content of these publications and the laws enacted as a result. It is the belief of the Commission that this input will continue to be invaluable as the Commission begins work on the law reform projects under the Third Programme of Law Reform.

The Commission’s aim was to ensure that consultation for the Third Programme presented the widest opportunity for comment on areas of law that require renewal and reform. The public consultative seminars were an integral part of the Commission’s strategy to identify law reform topics for the Third Programme.

The principle of public consultation is intertwined with the concepts of independence, interdisciplinary research, responsiveness, relevance and accountability. The broad consultation process has been beneficial not only for the Commission but, we hope, also for all of those groups who participated in the process.

CONFIDENTIALITY

Private submissions from members of the public are treated confidentially. Many submissions received by the Commission on the Third Programme involved disclosure of highly personal information, which the Commission has treated confidentially. This approach will continue to be adopted as the Commission consults interested parties on the law reform projects included in the Third Programme.
THE CONTEXT OF LAW REFORM IN 2007

As we approached the preparation of the Third Programme, the Commission was conscious that its role of law reform took place against the background of a number of related initiatives:


- Pre-1922 Statute Law Revision Project: this is a major component of the Better Regulation Policy, and has culminated in the passing of the *Statute Law Revision Act 2007*, which contains the first definitive list (the “White List”) of all pre-1922 Acts that apply in the State.

- Significant increase in the level of general legislative law reform in the Oireachtas in recent years.

- The establishment of specific working groups or committees to deal with reform in specific areas – some placed on a statutory footing, such as the Company Law Review Group and the Criminal Law Codification Advisory Committee.

- The increasing importance of the international dimension to law reform, including the EU, OECD, the UN, the 1998 Belfast Agreements and other international treaties.

GENERAL APPROACH TO THIRD PROGRAMME

The following general criteria underlined our approach to the development of the Third Programme of Law Reform:

- Develop, update and clarify the law
- Respond to changes in our society
- Include some projects that will involve codification of areas of law and some which deal with discrete areas of law
- Have regard to the work of other bodies engaged in law reform. The Commission does not have a monopoly on the law reform process and will endeavour to ensure that the Commission will remain aware of the work of other bodies with a law reform remit
- Have regard to the international – including comparative – aspects of law reform

When the Law Reform Commission Act 1975 was being debated in Dáil Éireann in 1975, the Attorney General of the time Declan Costello summed up concisely the rationale behind the establishment of the Commission:

“If a community’s laws become inadequate for the functions for which they were designed, if they become obsolete, or are too numerous, or over-refined by judicial interpretation, then cases of individual injustices will multiply and society as a whole will suffer. Governments in a dynamic and fast changing world should ensure that the laws are kept under constant review and are regularly and systematically reformed.”16

The Commission considers that this view of law reform is still very relevant today.

THE CONSULTATION PROCESS: THIRD PROGRAMME OF LAW REFORM

The Commission decided that public consultation was essential if the Commission was to develop a Programme of Law Reform that was responsive to the needs of modern Ireland. To that end, the Commission organised a number of public consultations on its Third Programme of Law Reform. These public consultations were designed to provide the widest opportunity for all interested parties to engage in the law reform process and suggest areas of law which require reform, modernisation and renewal. The Commission aimed to identify gaps in the law and also issues that would require review during the seven year timescale of the Third Programme of Law Reform 2008 – 2014.

The first public consultation took place in NUI Galway on 26 March 2007. Approximately 100 people attended this consultation. The second consultative seminar took place on 30 April 2007 at University College Cork; approximately 100 people also attended this consultation. The final public consultation, which was also the Commission’s Annual Conference for 2007, took place in Dublin Castle on 18 July and over 300 people attended this consultation. The keynote address at this consultation was delivered by Justice Michael Kirby of the High Court of Australia and the Attorney General, Paul Gallagher SC, opened the conference.

The Approach to the Development of the Third Programme of Law Reform

The Commission committed itself to a strategic and forward looking approach to the selection of topics for the Third Programme of Law Reform. It recognised that the renewal and reform of law in Ireland is influenced not only by what happens in the courtroom, but also by what occurs in society as a whole: workplaces, schools and universities, scientific laboratories, hospitals, and the home. This approach is reflected in the types of law reform projects that have been included in this Third Programme of Law Reform.

The engagement and participation of Irish society in the law reform process is essential to our work. In facing up to this challenge, the Commission used new forms of technology and consultation to encourage submissions from a wide range of sources on its Third Programme of Law Reform.

Consultation Timeline

It was decided that the consultation period for the Third Programme should provide the greatest opportunity for people and organisations to make submissions. To that end, the consultation period ran from the beginning of January 2007 to 30 July 2007. The

---

17 Justice Kirby’s Keynote Address is available from www.lawreform.ie.
Commission received a significant number of submissions after this deadline and full consideration was given to these submissions. As the Third Programme of Law Reform is to run for seven years it was felt that the consultation process should be long enough to ensure that any pressing legal issues were identified.

Seminar Paper
The Commission prepared a Seminar Paper for the public consultations. This Seminar Paper explained the work of the Commission and set out clearly and concisely the approach of the Commission in formulating its Third Programme of Law Reform. The Seminar Paper was a useful tool in soliciting submissions and explaining the types of projects the Commission could examine. The Seminar Paper was available on the Commission’s website and it was distributed at the public consultations and other consultative meetings on the Third Programme.

Consultation with Members of the Public
Consultation with members of the public on the Third Programme of Law Reform was achieved primarily through the three public consultations. The Commission advertised the consultations in the print media and issued press releases. The Commission also gave interviews on the Third Programme of Law Reform to national and local broadcast and print media in order to publicise the consultation process. The Commission contacted all members of the Oireachtas, hundreds of non-governmental and voluntary organisations and invited them to attend the public consultations and make either written or oral submissions. A large number of members of the public and representatives of non-governmental, voluntary and community organisations attended the consultations and made written and oral submissions, suggesting areas of law in need of reform.

Consultation with the Legal Profession
The Commission began the consultation process with the legal profession in December 2006 by placing a one page advertisement in the Bar Council of Ireland Yearbook and Diary and Directory. The advertisements announced the commencement of the consultation process for the Third Programme and invited submissions on law reform projects for the new programme. The Commission also contacted the Director General of the Law Society and the Chairperson of the Bar Council in January 2007. The Commission invited both bodies to engage with the law reform process and to publicise the consultations.
Solicitors practicing in Galway and Cork and the surrounding counties were invited to attend the consultative seminars in Galway and Cork. All barristers practicing on the Western, South Western, Cork and South Eastern Circuits were invited to the consultations in Galway and Cork.

The Commission published an article in the March 2007 edition of the Law Society Gazette. This article further publicised the Commission’s public consultative seminars and invited legal practitioners to make submissions on the Third Programme. The Commission organised a meeting with the Law Reform Committee of the Law Society which took place in February 2007. The Commission also held a meeting in March 2007 with the Irish Family Lawyers Association.

Many solicitors, barristers and members of the judiciary attended the public consultations on the Third Programme of Law Reform and suggested law reform projects.

**Consultation with Government Departments**

All Government Departments and all relevant state agencies were written to in April 2007 inviting them to submit suggestions for the Third Programme of Law Reform and to attend the public consultations. The Commission published a short article in Link, the Newsletter of Better Governance, in the February 2007 edition. This publicised the public consultations in Galway and Cork and encouraged attendance and submissions. The Commission wrote to all Government Departments located in Galway and Cork and the surrounding counties and invited them to make submissions and attend the consultations on the Third Programme.

**Consultation with other Law Reform Bodies**

The Commission held a meeting with the Law Commission for Scotland, the Law Commission for England and Wales and the Law Commission for Northern Ireland in July 2007. This meeting discussed the work of the different Commissions and the development of Programmes of Law Reform.

**Legal Research**

The Commission appointed a full-time researcher who co-ordinated the consultation process and carried out legal research on law reform in Ireland and law reform activity in other jurisdictions. Research was carried out on the legal topics that were under examination by other Law Reform Agencies, which informed the deliberations of the Commission.
Use of Information Technology
The Commission used its website\textsuperscript{18} to publicise the consultation process for the Third Programme. Details of the Third Programme and the consultative seminars were uploaded onto the Commission’s website. In addition to the public consultations, the Commission invited suggestions for law reform in written or oral format. A dedicated email address thirdprog@lawreform.ie was created and the majority of submissions were submitted to the Commission via this contact point. The Commission stressed that there was no required format for making a submission and that there was no requirement to use technical legal language. This was to encourage submissions from members of the public and to ensure that the consultation process was as broad as possible. The details of the public consultations were publicised on the Commission’s website, the Bar Council website, the Law Society website and other legal network websites. Hundreds of organisations were invited via email to make submissions and attend the public consultations.

Consultative Meetings on Third Programme of Law Reform
The Commission met a number of interest groups and Government Departments. Discussion at these meetings was focused on law reform projects for the Third Programme of Law Reform. These meetings were very beneficial and greatly assisted the Commission in developing its Third Programme.

Participants in the Consultation Process
The Commission would like to thank all persons who assisted in the development of this Third Programme of Law Reform. In particular, the Commission would like to thank all those persons who took the time to make submissions and attend the public consultations.

\textsuperscript{18} www.lawreform.ie
APPENDIX 4

OVERVIEW OF HOW THE COMMISSION WORKS

A Programme of Law Reform
The Law Reform Commission Act 1975 requires the Commission to prepare Programmes of Law Reform from time to time. The topics set out in our Programmes of Law Reform provide the main source of our work. The Second Programme of Law Reform 2000-2007 contains 30 specific topics, many of which contain, in turn, a number of sub-headings requiring separate investigation and review. The Third Programme of Law Reform contains 37 specific law reform projects.

Attorney General Requests
Under the 1975 Act the Attorney General may also request that the Commission examine, conduct research into or make proposals for reform of particular branches of the law. Examples of requests include:

- The Possible Benefits of a Revenue Court and a Fiscal Prosecutor
- The Establishment of a DNA Database
- Aspects of Intercountry Adoption Law

Consultation Papers and Reports
The Commission publishes Consultation Papers and Reports based on detailed and thorough research. In the course of our research, we give careful consideration to the relevant legislation, case law and academic commentary that is available. We also place a focus on comparative law, because the laws of other States may provide solutions to the area of law under review.

In the initial stages of our research, we may meet with professionals working in a particular area, or representatives of interest groups. We publish a Consultation Paper, containing our analysis and provisional recommendations. The Commission then looks for submissions from the public and all interested parties on the provisional recommendations made in the Consultation Paper. We often hold a seminar after a Consultation Paper is published in order to provide a forum for experts and interested parties to make their views known on the Commission’s provisional recommendations.

The Commission takes the submissions from the consultation process into account when drafting the final Report on the subject. Any issues or concerns raised are

19 Available at www.lawreform.ie.
considered within the Report, which contains the Commission’s final recommendations and, where relevant, draft legislation.

**Working Groups**

In addition to the consultation process already mentioned, the Commission may set up Working Groups to assist in the examination of particular areas of law, such as the reform and modernisation of land law and conveyancing law. We receive the benefit of the advice and knowledge of the members of these Working Groups on a purely voluntary basis. The time and advice which is freely given by our working group members is an invaluable addition to our work. Undoubtedly, these Working Groups will continue to assist the Commission as it examines the different areas of law in the *Third Programme of Law Reform*. 
APPENDIX 5

SUBJECT MATTER OF REPORTS COMPLETED UNDER THE FIRST AND SECOND PROGRAMMES OF LAW REFORM

A. LEGAL SYSTEM AND ADMINISTRATIVE LAW


Report on Public Inquiries including Tribunals of Inquiry [LRC 73-2005] (May 2005)


B. EVIDENCE


Report on Oaths and Affirmations [LRC 34-1990] (December 1990)


C. CRIMINAL LAW AND PROCEDURE

Report on Spent Convictions (84-2007) (July 2007)


Report on the Court Poor Box: Probation of Offenders (LRC 75-2005) (September 2005)


Report on Contempt of Court (LRC 47-1994) (September 1994)

Report on Non-Fatal Offences Against the Person (LRC 45-1994) (February 1994)


Report on Sexual Offences against the Mentally Handicapped (LRC 33-1990) (September 1990)


Report on Rape and Allied Offences (LRC 24-1988) (May 1988)


Report on Vagrancy and Related Offences (LRC 11-1985) (June 1985)

### D. LAND LAW AND CONVEYANCING LAW


Report on Interests of Vendor and Purchaser in Land during the Period between Contract and Completion [LRC 49-1995] [April 1995]


E. FAMILY LAW

Report on the Rights and Duties of Cohabitants [82-2006] [December 2006]

Report on Family Courts [LRC 52-1996] [March 1996]

Report on Recognition of Foreign Divorces and Legal Separations [LRC 10-1985] [April 1985]

Report on Nullity of Marriage [LRC 9-1984] [October 1984]

Report on Divorce a Mensa et Thoro and Related Matters [LRC 8-1983] [December 1983]

Report on Domicile and Habitual Residence as Connecting Factors in the Conflict of Laws [LRC 7-1983] [December 1983]

Report on Restitution of Conjugal Rights, Jactitation of Marriage and Related Matters [LRC 6-1983] [November 1983]


F. VULNERABLE GROUPS AND THE LAW

Report on Vulnerable Adults and the Law [83-2006] (December 2006)


G. COMMERCIAL, CONTRACT AND TORT LAW


Report on the Statutes of Limitations: Claims in Contract and Tort in Respect of Latent Damage (Other Than Personal Injury) [LRC 64-2001] (February 2001)


H. INTERNATIONAL LAW


Report on The Unidroit Convention on Stolen or Illegally Exported Cultural Objects [LRC 55-1997] (October 1997)


## APPENDIX 6
### TABLE OF IMPLEMENTATION OF REPORTS UNDER THE FIRST AND SECOND PROGRAMMES OF LAW REFORM\(^{21}\)

<table>
<thead>
<tr>
<th>Report</th>
<th>Statutory provisions</th>
<th>Recommendation</th>
<th>Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report on Spent Convictions LRC 84-2007</td>
<td>Bill prepared and contained in the Report</td>
<td>Recommends certain old convictions be spent for certain purposes</td>
<td></td>
</tr>
<tr>
<td>Report on Vulnerable Adults and the Law LRC 83-2006</td>
<td>Bill prepared and contained in the Report</td>
<td>Recommends general mental capacity law to facilitate informal decision-making for adults who lack capacity; and establishment of Guardianship Board and Office of Public Guardian to replace Wards of Court system</td>
<td>Mental Capacity and Guardianship Bill to be published (Government Legislative Programme, September 2007)</td>
</tr>
<tr>
<td>Report on Rights and Duties of Cohabitants LRC 82-2006</td>
<td>Bill prepared and contained in the Report</td>
<td>Recommends reform to allow cohabitant agreements, to confer certain entitlements on cohabitants and to provide for application to court for relief for certain qualified cohabitants</td>
<td>Domestic Partnership Bill to be published (Government Legislative Programme, September 2007)</td>
</tr>
</tbody>
</table>

---

<table>
<thead>
<tr>
<th>Report</th>
<th>Statutory provisions</th>
<th>Recommendation</th>
<th>Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report on Corporate Killing LRC 77-2005</td>
<td>Bill prepared and contained in the Report</td>
<td>Recommends offence of corporate killing and associated individual offence</td>
<td>Corporate Manslaughter Bill to be published (Government Legislative Programme, September 2007)</td>
</tr>
<tr>
<td>Report on the Court Poor Box: Probation of Offenders LRC 75-2005</td>
<td>Bill prepared and contained in the Report</td>
<td>Recommends replacement of court poor box and updating Probation of Offenders Act 1907</td>
<td></td>
</tr>
<tr>
<td>Report</td>
<td>Statutory provisions</td>
<td>Recommendation</td>
<td>Implementation</td>
</tr>
<tr>
<td>--------</td>
<td>----------------------</td>
<td>----------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Report on a Fiscal Prosecutor and a Revenue Court LRC 72-2004</td>
<td>Bill prepared and contained in the Report</td>
<td>Recommends changes to Taxes Consolidation Act 1997</td>
<td>In part in Finance Act 2005 (threshold for publication of tax defaulters)</td>
</tr>
<tr>
<td>Report on Penalties for Minor Offences LRC 69-2003</td>
<td>Draft legislative provisions contained in the Report.</td>
<td>Recommends limit to imprisonment power of District Court; allowing amount of fine to be tailored to means of individual offender; increasing maximum fine for corporation to three times that for individuals.</td>
<td>Administrative implementation (by parliamentary counsel) of consideration of limit to imprisonment power of District Court; Fines Bill 2007 published by Government (January 2007)</td>
</tr>
<tr>
<td>Report</td>
<td>Statutory provisions</td>
<td>Recommendation</td>
<td>Implementation</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Report on Title by Adverse Possession of Land LRC 67-2002</td>
<td>Bill prepared and contained in the Report.</td>
<td>Clarifies the exact type of title acquired by a ‘squatter’ and recommends the granting of a parliamentary conveyance.</td>
<td></td>
</tr>
<tr>
<td>Report</td>
<td>Statutory provisions</td>
<td>Recommendation</td>
<td>Implementation</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td>Report on Aggravated, Exemplary and Restitutionary Damages LRC 60 - 2000</td>
<td>Did not recommend legislation</td>
<td>Recommended primarily judicial development of the law on aggravated, exemplary and restitutory damages; limited statutory reform</td>
<td></td>
</tr>
<tr>
<td>Report on the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption LRC 58 - 1998</td>
<td>Draft legislative provisions included in Report</td>
<td>Recommended that words of limitation should not be required for the creation or transfer of any interest in freehold registered land</td>
<td>Land and Conveyancing Law Reform Bill 2006 passed by Seanad Éireann (November 2006) [see LRC 74-2005]</td>
</tr>
<tr>
<td>Report on Land Law and Conveyancing Law; (6) Further General Proposals Including the Execution of Deeds LRC 56 - 1998</td>
<td>Draft legislative provisions included in Report</td>
<td>Recommended that words of limitation should not be required for the creation or transfer of any interest in freehold registered land</td>
<td>Land and Conveyancing Law Reform Bill 2006 passed by Seanad Éireann (November 2006) [see LRC 74-2005]</td>
</tr>
<tr>
<td>Report</td>
<td>Statutory provisions</td>
<td>Recommendation</td>
<td>Implementation</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Report on Personal Injuries: Periodic Payments and Structured Settlements LRC 54 - 1996</td>
<td>Draft legislative provisions included in Report</td>
<td>Recommended periodic payments and structured settlements in compensation claims</td>
<td></td>
</tr>
<tr>
<td>Report on Sentencing LRC 53 - 1996</td>
<td>Recommended limited legislative reforms; primarily recommended non-legislative reform</td>
<td>Recommended discretion to reduce sentence where guilty plea entered; recommended non-statutory sentencing guidelines</td>
<td>Criminal Justice Act 1999, s.29 (discretion of court to reduce sentence where guilty plea entered)</td>
</tr>
<tr>
<td>Report on Family Courts LRC 52 - 1996</td>
<td>Various recommendations on family law and its administration</td>
<td></td>
<td>Children Act 1997, s.28 (appointment of guardian for litigation); Civil Liability and Courts Act 2004, s.40 (in camera rule)</td>
</tr>
<tr>
<td>An Examination of the Law of Bail LRC 50 - 1995</td>
<td>Not requested to make specific proposals for reform</td>
<td></td>
<td>Bail Act 1997</td>
</tr>
<tr>
<td>Report</td>
<td>Statutory provisions</td>
<td>Recommendation</td>
<td>Implementation</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Report on Contempt of Court LRC 47 - 1994</td>
<td></td>
<td>Recommended reform of contempt of court law</td>
<td></td>
</tr>
<tr>
<td>Report on Non-Fatal Offences Against the Person LRC 45 - 1994</td>
<td></td>
<td>Recommended reform of common law and statutory rules</td>
<td>Non-Fatal Offences Against the Person Act 1997</td>
</tr>
<tr>
<td>Report</td>
<td>Statutory provisions</td>
<td>Recommendation</td>
<td>Implementation</td>
</tr>
<tr>
<td>--------</td>
<td>----------------------</td>
<td>----------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Report on Oaths and Affirmations LRC 34 - 1990</td>
<td>Various recommendations</td>
<td>Implemented in part (Children Act 1997)</td>
<td></td>
</tr>
<tr>
<td>Report</td>
<td>Statutory provisions</td>
<td>Recommendation</td>
<td>Implementation</td>
</tr>
<tr>
<td>--------</td>
<td>----------------------</td>
<td>----------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Report on Land Law and Conveyancing: (1) General Proposals LRC 30 - 1989</td>
<td>Recommended substitution of 5 years for 3 years for a new tenancy</td>
<td></td>
<td>Landlord and Tenant (Amendment) Act 1994</td>
</tr>
<tr>
<td>Report on Debt Collection: (2) Retention of Title LRC 28 - 1988</td>
<td>Various recommendations concerning retention of title contract clauses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Report</td>
<td>Statutory provisions</td>
<td>Recommendation</td>
<td>Implementation</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Report on the Rule Against Hearsay in Civil Cases LRC 25 - 1988</td>
<td>Various recommendations for reform of common law rules</td>
<td>Civil Evidence Bill to be published (Government Legislative Programme September 2007)</td>
<td></td>
</tr>
<tr>
<td>Report on Rape and Allied Offences LRC 24 - 1988</td>
<td>Recommended wider definition of rape; and abolition of marital rape exemption</td>
<td>Criminal Law (Rape) (Amendment) Act 1990, Criminal Justice Act 1993</td>
<td></td>
</tr>
<tr>
<td>Report</td>
<td>Statutory provisions</td>
<td>Recommendation</td>
<td>Implementation</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------------------</td>
<td>----------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td>Report</td>
<td>Statutory provisions</td>
<td>Recommendation</td>
<td>Implementation</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
<td>----------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td>Report on Competence and Compellability of Spouses as Witnesses LRC 13 - 1985</td>
<td></td>
<td>Recommended that spouse or former spouse is competent to give evidence</td>
<td>Criminal Evidence Act 1992</td>
</tr>
<tr>
<td>Report on Vagrancy and Related Offences LRC 11 - 1985</td>
<td></td>
<td>Recommended abolition of offence of wandering abroad in the Vagrancy Act 1824; new offences of: entering a building with intent to commit an offence; soliciting or importuning for the purposes of the commission of a sexual offence; living on earnings of prostitution</td>
<td>Housing Act 1988, Criminal Law (Sexual Offences) Act 1993, Criminal Justice (Public Order) Act 1994</td>
</tr>
<tr>
<td>Report</td>
<td>Statutory provisions</td>
<td>Recommendation</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Report on Nullity of Marriage LRC 9 - 1984</td>
<td>Recommended reform and codification of common law rules</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Report on Domicile and Habitual Residence as Connecting Factors in the Conflict of Laws LRC 7 - 1983</td>
<td>Recommended abolition of domicile of dependency</td>
<td>Domicile and Recognition of Foreign Divorces Act 1986</td>
<td></td>
</tr>
<tr>
<td>Report on the Age of Majority, the Age for Marriage and Some Connected Subjects LRC 5 - 1983</td>
<td>Recommended reduction of age of majority from 21 years to 18 years; also concerns the age of marriage</td>
<td>Age of Majority Act, 1985, Family Law Act 1995, Family Law (Miscellaneous Provisions) Act 1997</td>
<td></td>
</tr>
<tr>
<td>Report on Illegitimacy LRC 4 - 1982</td>
<td>Recommended abolition of status of illegitimacy; that the marital status of parents to have no effect on children’s status; refusal to give a blood test in paternity proceedings allows court to draw its own inferences.</td>
<td>Status of Children Act 1987</td>
<td></td>
</tr>
<tr>
<td>Report on Defective Premises LRC 3 - 1982</td>
<td>Draft Bill prepared and included in Report</td>
<td>Recommended statutory provisions to protect purchasers of defective premises</td>
<td>Non-statutory HomeBond scheme introduced</td>
</tr>
<tr>
<td>Report</td>
<td>Statutory provisions</td>
<td>Recommendation</td>
<td>Implementation</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>-----------------------</td>
</tr>
</tbody>
</table>
The Law Reform Commission is an independent statutory body established by the *Law Reform Commission Act 1975*. The Commission’s principal role is to keep the law under review and to make proposals for reform, in particular by recommending the enactment of legislation to clarify and modernise the law.

This role is carried out primarily under a Programme of Law Reform, which is prepared by the Commission, approved by Government and placed before both Houses of the Oireachtas in accordance with the 1975 Act. The Commission also works on specific matters referred to it by the Attorney General under the 1975 Act. Since 2006, the Commission’s role also includes two other areas of activity, Statute Law Restatement and the Legislation Directory. Statute Law Restatement involves incorporating all amendments to an Act into a single text, making legislation more accessible. The Legislation Directory (previously called the Chronological Tables of the Statutes) is a searchable guide to all legislative changes.