



**LAW REFORM**  
COMMISSION/COIMISIÚN UM  
ATHCHÓIRIÚ AN DLÍ

REPORT

# FOURTH PROGRAMME OF LAW REFORM

(LRC 110 – 2013)

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Law Reform Commission

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## LAW REFORM COMMISSION'S ROLE

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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. Since it was established, the Commission has published 190 documents (Working Papers, Consultation Papers, Issues Papers and Reports) containing proposals for law reform and these are all available at [www.lawreform.ie](http://www.lawreform.ie). Most of these proposals have contributed in a significant way to the development and enactment of reforming legislation.

The Commission's role is carried out primarily under a Programme of Law Reform. This *Fourth Programme of Law Reform* was prepared by the Commission following broad consultation and discussion. In accordance with the 1975 Act, it was approved by the Government in October 2013 and placed before both Houses of the Oireachtas. The Commission also works on specific matters referred to it by the Attorney General under the 1975 Act.

The Commission's *Access to Legislation* project makes legislation in its current state (as amended rather than as enacted) more easily accessible to the public in three main outputs: the Legislation Directory, the Classified List and the Revised Acts. The Legislation Directory comprises electronically searchable indexes of amendments to primary and secondary legislation and important related information. The Classified List is a separate list of all Acts of the Oireachtas that remain in force organised under 36 major subject-matter headings. Revised Acts bring together all amendments and changes to an Act in a single text. The Commission provides online access to selected Revised Acts that were enacted before 2006 and Revised Acts are available for all Acts enacted from 2006 onwards (other than Finance and Social Welfare Acts) that have been textually amended.

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## MEMBERSHIP

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

The Commissioners are:

**President:**

Mr Justice John Quirke  
Former Judge of the High Court

**Full-time Commissioner:**

Finola Flanagan, Barrister-at-Law

**Part-time Commissioner:**

Marie Baker, Senior Counsel

**Part-time Commissioner:**

Donncha O'Connell, Professor of Law

**Part-time Commissioner:**

Thomas O'Malley, Barrister-at-Law

---

## LAW REFORM RESEARCH STAFF

---

**Director of Research:**

Raymond Byrne BCL, LLM (NUI), Barrister-at-Law

**Legal Researchers:**

Kerri McGuigan LLB (Dub), LLM (UCL), Attorney-at-Law (New York)

Karen McLaughlin LLB (Ling Germ) (Dub), LLM (QUB)

Sarahrose Murphy BCL (NUI), LLM (NUI), Barrister-at-law

Fiona O'Regan BCL, LLM, PhD (NUI)

Denise Roche BCL (Int.), Solicitor

Mary Travers BA (Law), LLM (NUI)

---

## ACCESS TO LEGISLATION

---

**Project Manager:**

Alma Clissmann, BA (Mod), LLB, Dip Eur Law (Bruges), Solicitor

**Deputy Project Manager:**

Jane Murphy LLB (UL), LLM (NUI), Barrister-at-Law

**Legal Researchers:**

Aileen O'Leary BCL (NUI), LLM (NUI), AITI, Solicitor

Morgan Harris LLB (UKC), Barrister-at-Law

---

## ADMINISTRATION STAFF

---

**Head of Administration:**

Ciara Carberry

**Executive Officer:**

Deirdre Fleming

**Staff Officer:**

Anmarie Cowley

**Clerical Officers:**

Ann Browne

Joe Cooke

Liam Dargan

**Legal Information Manager:**

Órla Gillen, BA, MLIS

---

## PRINCIPAL LEGAL RESEARCHERS FOR THIS REPORT

---

Kate McGovern LLB (Dub), LLM (Edin), Barrister-at-Law

Emma Roche-Cagney BCL (Clinical) (NUI), LLM (NUI)

---

## CONTACT DETAILS

---

Further information can be obtained from:

Head of Administration  
Law Reform Commission  
35-39 Shelbourne Road  
Ballsbridge  
Dublin 4

**Telephone:**

+353 1 637 7600

**Fax:**

+353 1 637 7601

**Email:**

[info@lawreform.ie](mailto:info@lawreform.ie)

**Website:**

[www.lawreform.ie](http://www.lawreform.ie)

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## FOREWORD BY THE PRESIDENT

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It is a privilege for my fellow Commissioners and me to introduce this *Fourth Programme of Law Reform*.

The content of the Programme is the result of an extensive consultation process which began in the second half of 2012 and which continued well into 2013. The Commission is especially grateful to the large number of individuals and bodies from all parts of Ireland who took the time and trouble to submit written submissions and suggestions (listed in the Appendix to this Report) on areas of law which might usefully be included in the Programme.

The Commission wishes to ensure that the projects selected for inclusion in the Programme will truly reflect the current and anticipated needs of Irish society and will be capable of completion within a relatively short time period. As a result, the Commission decided to propose 11 projects for inclusion in this new *Fourth Programme*.

The extensive consultation process which I have mentioned included the Commission's Annual Conference 2012 at which we heard from a number of distinguished speakers. A key theme that emerged from that Conference was the need to explore in depth the question of corporate liability and regulatory enforcement, notably in the economic setting, and this is a project on which the Commission has already begun work.

Another important theme that emerged during the consultation process and within the written submissions was the need for consolidation and indeed codification of our laws. The Commission is fully committed to this objective which has been an important part of all the Commission's proposals for law reform since its foundation in 1975. The Commission's commitment to codification is also complemented by its present work on Access to Legislation.

The 11 projects in the *Fourth Programme* range over many key areas of law, including corporate and regulatory law, criminal law, international law, land law and statute law. Each of these projects will receive the Commission's full and committed attention.

Since my appointment as President of the Commission I have become increasingly conscious of the remarkable generosity demonstrated by so many individuals and bodies who willingly and voluntarily provide the Commission with their invaluable expertise, knowledge and experience.

The Commission will continue to rely on the support of those whose interest in law reform greatly assists its work. We constantly seek and receive information and opinions from experts and non-governmental organisations in their areas of expertise and also from interested members of the public.

Members of the legal profession and the judiciary assist us with their invaluable experience and knowledge of the law while other professions and disciplines provide us with their practical knowledge of how law impacts on Irish society in general. All these contributions add important dimensions to our deliberative processes as we seek to ensure that our laws remain relevant for Irish society now and into the foreseeable future.

My fellow Commissioners and I greatly appreciate and are grateful for the significant and ongoing support which we have received from the Attorney General Máire Whelan SC during our term of office to date. We would like to thank also the members of her Consultative Committee who discussed and considered with great care the content of the draft *Fourth Programme of Law Reform*.

We are also grateful for the consideration given to the draft Programme by the Oireachtas Joint Committee on Justice, Equality and Defence, chaired by David Stanton TD.

In conclusion we look forward to working through the 11 approved projects during the coming two years and to continuing the collaborative and consultative processes which we have begun in this latest phase of the important task of law reform.

Mr Justice John Quirke  
President



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## **PART 1            THE FOURTH PROGRAMME OF LAW REFORM**

1.01        In accordance with section 5(1) of the *Law Reform Commission Act 1975*, on 8 October 2013 the Government approved the Commission's *Fourth Programme of Law Reform*. The 11 projects in the *Fourth Programme* are:

1. Corporate offences and regulatory enforcement;
2. Disclosure and discovery in criminal cases;
3. Sexual offences against children;
4. Contempt of court and other offences and torts involving the administration of justice;
5. Suspended sentences;
6. Crime affecting personal safety, privacy and reputation, including cyber-bullying;
7. Aspects of succession law;
8. Compulsory acquisition of land;
9. Landlord and tenant law for residential tenancies;
10. Domestic implementation of international obligations;
11. Codification/Consolidation/Simplification of the Law.

1.02        The Commission sets out below an abstract for each of the 11 Projects in the *Fourth Programme of Law Reform*. These abstracts will form the basis for the scoping and development of each project, including where relevant the preparation and publication of Issues Papers in order to inform the Commission's analysis of the areas of law involved in the projects. In Part 2 the Commission outlines the background to the development of the *Fourth Programme*.

### **(1)            *Corporate offences and regulatory enforcement***

1.03        This project will examine the regulatory and enforcement powers of the Central Bank of Ireland and other comparable bodies such as the

Commission for Energy Regulation and the Irish Medicines Board. The project will examine criminal law enforcement mechanisms for corporate offences, including whether the range of existing corporate offences are sufficient, the range of sentences available on conviction for corporate offences and the use of deferred prosecution agreements. It will also examine civil law mechanisms, including the imposition of administrative sanctions. The project will explore whether a single set of enforcement and regulatory powers that would apply to all comparable regulators would be beneficial. The project will also examine the appeals system concerning administrative sanctions, including whether it is appropriate that appeals from bodies such as the Financial Services Ombudsman should continue to be to the High Court.

**(2) *Disclosure and discovery in criminal cases***

1.04 This project will examine the extent to which it is appropriate for an accused in a criminal trial to have access to material held by a third party. The issue of such third party disclosure or discovery may arise, for example, in sexual offence cases where the accused seeks access to therapeutic records held by a third party who has treated or advised a potential witness. This involves the competing rights of the accused to a fair trial and the confidentiality rights of third parties and their patients or clients. The project will examine whether this should be determined by adopting the approach used in discovery of documents (where the party could, for example, claim privilege over the production of certain documents) or on the basis of requiring full disclosure of documents.

**(3) *Sexual offences involving children***

1.05 This project will examine aspects of the substantive and procedural law of sexual offences concerning children. The project will build on the Commission's previous work in this area and will have regard to the general review of the law on sexual offences currently being carried out by the Department of Justice and Equality. As to the substantive law, the project will explore whether the general review should include an offence of child "grooming" or an offence of maintaining a sexual relationship with a child. As to the procedural law, the project may examine whether, and if so to what extent, defendants should be entitled to represent themselves (in particular when it comes to the cross-examination of complainants) and existing procedures for taking evidence from young children.

**(4) Contempt of court and other offences and torts involving the administration of justice**

1.06 This project will examine offences involving the administration of justice, including the law of contempt of court. This will take account of recent developments in this area since the publication of the Commission's 1994 *Report on Contempt of Court*,<sup>1</sup> which recommended that the common law distinction between criminal contempt and civil contempt should be abolished and replaced with a number of specific statutory offences. In *Irish Bank Resolution Corp Ltd v Quinn Investments Sweden AB*<sup>2</sup> the Supreme Court drew attention to the "amorphous" nature of the current law on contempt of court. The project will also examine related offences and torts involving the administration of justice, including embracery (influencing or attempting to influence a juror), champerty (which involves a third party supporting litigation without just cause) and maintenance (where a third party supports litigation without just cause in return for a share of the proceeds).

**(5) Suspended sentences**

1.07 This project will examine the principles which courts apply when deciding whether to impose a suspended sentence. Some aspects of the suspended sentence are dealt with in section 99 of the *Criminal Justice Act 2006* (as amended). The project will build on the Commission's previous work in this area, including its analysis of the principles of sentencing contained in its 2013 *Report on Mandatory Sentences*.<sup>3</sup> The project will also complement the work of the Irish Sentencing Information System (ISIS), which is involved (under the auspices of the Board of the Courts Service) in gathering, analysing and disseminating information on sentencing in the State.

**(6) Crime affecting personal safety, privacy and reputation, including cyber-bullying**

1.08 This project will examine a number of related matters concerning personal safety, privacy and reputation. The project will include an analysis of the types of harmful behaviour involved in this area, in particular bullying, and the impact which cyber-bullying through social media has had. The project will also explore the extent to which the current law on hate crime intersects or overlaps with this area. The project will also examine procedural aspects of

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<sup>1</sup> *Report on Contempt of Court* (LRC 47-1994).

<sup>2</sup> [2012] IESC 51.

<sup>3</sup> *Report on Mandatory Sentences* (LRC 108-2013).

cyber-crime affecting personal safety, including the options for exercising jurisdiction in respect of offences committed via the internet.

**(7) Aspects of succession law**

1.09 This project will examine a number of discrete issues in succession law. These discrete issues will include whether section 120 of the *Succession Act 1965* should be amended to prescribe the destination of co-owned property in the event of the unlawful killing of one of the co-owners by another co-owner, which was adverted to by the High Court in *Cawley v Lillis*.<sup>4</sup> A related issue arising under section 120 of the 1965 Act is the admissibility of evidence from a criminal trial in a related civil case, which was discussed by the High Court in *Nevin v Nevin*.<sup>5</sup> The project will also examine the six month time limit under section 117 of the 1965 Act (and will have regard to comparable legislation in some other jurisdictions which allows for an extension of the time limit in certain circumstances). The project will also examine children's rights on intestacies arising from the enactment of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*. In the case of married persons, when a parent dies intestate the children are automatically entitled to a third of their estate (assuming there is a spouse) and cannot make a claim for more. Under the 2010 Act, the child of a person in a civil partnership may, in an intestacy, apply for more than a one third share if they have a need. This aspect of the project will examine whether this gives rise to discrimination in the case of children of a marriage.

**(8) Compulsory acquisition of land**

1.10 This project will involve the consolidation, clarification and reform of the rules and principles on compulsory acquisition of land. The current process is considered unnecessarily complex, lengthy and costly and the purpose of the project would be to put in place a fair, effective and efficient system. The current law emanates from many different pieces of legislation and different rules apply depending on the type of compulsory purchase order (CPO) involved, whether for electricity, railways, roads or other matters. In addition, much of the relevant legislation predates the foundation of the State, including the *Lands Clauses Consolidation Act 1845*, the *Railways Clauses Consolidation Act 1845* and the *Acquisition of Land (Assessment of Compensation) Act 1919*. Among the matters included in the project will be: simplification, consolidation and

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<sup>4</sup> [2011] IEHC 515.

<sup>5</sup> [2013] IEHC 80.

codification of the law; the principles for the assessment of compensation on the acquisition of land or interests in land; time limits for implementation of a CPO; and submissions from third parties whose land is not being acquired.

**(9) *Landlord and tenant law for residential tenancies***

1.11 This project will examine reform of the law of landlord and tenant for residential tenancies and will build on the Commission's previous recommendations to consolidate and reform the law on business tenancies contained in its 2007 *Report on the Law of Landlord and Tenant*.<sup>6</sup> The project will also have regard to the *Scheme of a Landlord and Tenant Bill*, which the Department of Justice and Equality published in 2011, and which proposes to implement the Commission's 2007 Report and to apply a number of elements to the residential setting. Among the issues which the project will consider is whether the lack of long to medium term tenure for residential tenants dissuades people from renting as a viable alternative to buying property, thereby leaving the housing market more prone to bubbles. The project will also examine whether there should be a distinction between tenants who may wish to remain as long term tenants and others who may wish to have a "limited" tenancy. It will also examine whether the mechanisms for owners to recover possession of properties from their tenants are efficient and balanced.

**(10) *Domestic implementation of international obligations***

1.12 This project will examine the methodology and models of implementing international obligations and the monitoring of and accountability for state obligations. Ireland has ratified many international treaties and conventions, including the six core human rights treaties of the United Nations Organization (UNO) as well as treaties and conventions emanating from bodies such as the International Labour Organization (ILO), the International Maritime Organization (IMO) and the World Trade Organization (WTO). Some international treaties have been signed but not ratified, and the project will describe the effect of Article 29.6 of the Constitution which provides that "[no] international agreement shall be part of the domestic law of the State save as may be determined by the Oireachtas." The project will provide an inventory of methods of transposition used in Ireland and other jurisdictions, which will include whether some international treaties may be incorporated into the law of the State by secondary legislation or by endorsement by resolution of the Oireachtas. The project will also explore and evaluate such methods and make

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<sup>6</sup> *Report on the Law of Landlord and Tenant* (LRC 85-2007).

observations in terms of their efficacy and efficiency. The project may also explore some discrete areas, such as the law of state immunity in civil matters.

**(11) Codification/Consolidation/Simplification of the Law**

1.13 This project will examine how legislation is prepared and produced in order to support its availability in consolidated or codified form and will build on the Commission's Access to Legislation project. The project will examine the procedures, processes and standards for the enactment of codification Bills and the retention of codified Acts as they are amended over time. The project will identify suitable areas of law for codification based on the 36 headings of the Classified List of Legislation in Ireland<sup>7</sup> which includes the headings "Civil Liability (Contract and Tort) and Dispute Resolution," "Family Law" and "Criminal Law," a draft code for which has already been prepared by the Criminal Law Codification Advisory Committee.<sup>8</sup> The project will also explore challenges identified by the Office of the Attorney General in relation to drafting legislation that underscore the need for ongoing codification. It will also examine developments that support the process of authoring and managing legislative text, including the Statute Law Revision project, the work of the eLegislation Group under the auspices of the Department of the Taoiseach and the introduction of technological tools such as the Legislation Work Bench (LWB).

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<sup>7</sup> See *Consultation Paper on a Classified List of Legislation in Ireland* (LRC CP 62-2010). Since 2010, the Commission has published updates of the Classified List on its website, [www.lawreform.ie](http://www.lawreform.ie).

<sup>8</sup> See the Committee's *Draft Criminal Code and Commentary* (2010), available at [www.criminalcode.ie](http://www.criminalcode.ie) and [www.justice.ie](http://www.justice.ie).

## **PART 2            BACKGROUND TO THE DEVELOPMENT OF THE FOURTH PROGRAMME**

2.01        In this Part the Commission sets out the background to the development of the *Fourth Programme*.

### **A                    Functions of the Law Reform Commission**

2.02        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.

2.03        The Commission's law reform role is carried out primarily under a Programme of Law Reform. The Commission also works on specific matters referred to it by the Attorney General under the 1975 Act. Since it was established, the Commission has published over 180 documents (Working Papers, Consultation Papers, Issues Papers and Reports) containing proposals for law reform and these are all available on the Commission's website, [www.lawreform.ie](http://www.lawreform.ie). Most of these proposals have contributed in a significant way to the development and enactment of reforming legislation.<sup>1</sup>

2.04        The Commission's *Access to Legislation* project makes legislation in its current state (as amended rather than as enacted) more easily accessible to the public in three main outputs: the Legislation Directory, the Classified List and the Revised Acts. The Legislation Directory comprises electronically searchable indexes of amendments to primary and secondary legislation and important related information. The Classified List is a separate list of all Acts of the Oireachtas that remain in force organised under 36 major subject-matter

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<sup>1</sup>        The Commission's website, [www.lawreform.ie](http://www.lawreform.ie), includes a Table of Implementation which tracks the implementation of Commission recommendations.

headings. Revised Acts bring together all amendments and changes to an Act in a single text. The Commission provides online access to selected Revised Acts that were enacted before 2006 and Revised Acts are available for all Acts enacted from 2006 onwards (other than Finance and Social Welfare Acts) that have been textually amended.

## **B Programmes of Law Reform**

2.05 In accordance with the 1975 Act, 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 a Programme of Law Reform is approved by the Government, the Commission examines and researches the subjects set out in it and, if appropriate, formulate 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.

2.06 The *Third Programme of Law Reform* was intended to run from 2008 to 2014. The Commission conducted a mid-term review of the *Third Programme* in 2011,<sup>2</sup> which noted that 22 of the 37 projects had been begun or completed and that a further nine projects had been overtaken by developments since 2008 (including planned or enacted legislation in those areas). The Commission therefore concluded that preparations should begin in 2012 on the development of a *Fourth Programme of Law Reform* (which would include consideration of the continuing relevance and importance of the remaining six projects in the *Third Programme*). The Commission intends to complete the remaining projects in the *Third Programme* in the first half of 2014.

## **C Subject-Matter of Projects in the *Third Programme***

2.07 In the six years since the start of the *Third Programme of Law Reform* the Commission has published over 40 documents – Consultation Papers, Issues Papers and Reports – containing proposals for law reform covering the specific topics in the Programme as well as in response to requests from the Attorney General to examine specific areas of law under the 1975 Act. Among the general subject areas dealt with in these are:

### **Commercial Law**

- Personal Insolvency and Debt Enforcement
- Insurance Contracts

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<sup>2</sup> See the Commission's *Annual Report 2011*, Chapter 6.

## **Courts and Courts Service**

- Consolidation and Reform of the Courts Acts
- Jury Service
- Search Warrants and Bench Warrants

## **Criminal Law and Procedure**

- Defences and Inchoate Offences
- Mandatory Sentences
- Sexual Offences and Capacity to Consent

## **Dispute Resolution**

- Alternative Dispute Resolution: Mediation and Conciliation

## **Family Law**

- Family Relationships
- Domestic Violence

## **Health and Health Services**

- Advance Care Directives
- Professional Home Care

## **Land Law and Conveyancing**

- Multi-Unit Developments.

## **D Development of the *Fourth Programme***

2.08 The Commission outlines briefly here the context within which the *Fourth Programme of Law Reform* was developed. In this respect, the Commission engaged in a wide-ranging consultation process so that the resultant Programme would reflect current and anticipated needs of Irish society.

### **(1) *The context for the Fourth Programme***

2.09 In preparing the *Fourth Programme*, the Commission considered that its content should take account of relevant reform-related developments both nationally and internationally, including:

- the Government's commitment to law reform, including the statement in the *Programme for Government 2011-2016* to

“prioritise a programme of law reform arising out of the recommendations made by the Law Reform Commission”,<sup>3</sup>

- the wider context of regulatory reform, including the establishment of the Department of Public Expenditure and Reform and the development of pre-legislative scrutiny by Oireachtas Committees;
- international focus on the role that law reform and legislative revision and consolidation can play in economic recovery, discussed in the OECD’s 2010 *Report on Regulatory Reform in Europe: Ireland*,<sup>4</sup>
- ongoing debate concerning the importance of international standards, including human rights standards; and
- the establishment in 2008 of the Northern Ireland Law Commission, which is statutorily required to take account of the work of this Commission, and the long-term impact of this on the development and reform of law on the island of Ireland.

## **(2) Criteria used to select projects for the Fourth Programme**

2.10 In approaching the question as to what projects should be included in the *Fourth Programme*, the Commission used the following selection criteria:

- (a) *Importance* – 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.
- (b) *Suitability* – projects should be suitable for analysis by the legal expertise available in the Commission, supplemented by appropriate consultation with other professionals and interested parties. The demands and dimensions of a project and its projected duration and the desirability of any other agency undertaking the project should also be taken into account under this criterion.
- (c) *Resources and timeframe* – projects should be suitable for analysis in light of the human and financial resources, current and projected, at the Commission’s disposal; and should be capable of being completed within a relatively short time period and if possible within the remainder of the term of the current Commission, that is, by August 2015.

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<sup>3</sup> *Programme for Government 2011-2016*, p.51, available at [www.taoiseach.ie](http://www.taoiseach.ie).

<sup>4</sup> *Report on Regulatory Reform in Europe: Ireland*, available at [www.oecd.org](http://www.oecd.org).

### **(3) Consultation process**

2.11 The Commission's consultation process on the *Fourth Programme* began in October 2012 and extended to September 2013.

2.12 In October 2012, the Commission sent letters to all government departments and offices, NGOs and other public interest groups inviting them to make suggestions for reform of the law which they considered suitable for inclusion in the new Programme. This was intended 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.

2.13 The Commission made extensive use of its website to publicise the consultation process for the *Fourth Programme*. In addition to the public consultations discussed below, the Commission invited suggestions for law reform in written or oral format. A dedicated email address [fourthprog@lawreform.ie](mailto:fourthprog@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.

2.14 The Commission's Annual Conference in December 2012, which was attended by over 100 delegates, focused on the preparation of the *Fourth Programme*. The Conference discussed the Commission's role in law reform generally, the relevance to law reform of the economic and fiscal crisis, codification of law, and the approach to reform related to ethical, moral and philosophical matters. The keynote address was delivered by Mr Justice Donal O'Donnell, judge of the Supreme Court and former Commissioner. Papers were also delivered by Mr Justice Gerard Hogan (judge of the High Court), Professor Frances Ruane (Economic and Social Research Institute), Professor Blanaid Clarke (School of Law, Trinity College Dublin), Paul Appleby (former Director of Corporate Enforcement) and Professor Desmond Clarke (Professor Emeritus, University College Cork).

2.15 A further public consultation seminar took place in NUI Galway in February 2013, at which Mr Damian McCallig, LL.M., delivered a paper on developments in the law of digital remains, and Judge Tom O'Donnell, judge of the Circuit Court, delivered a speech which identified areas for law reform based on his judicial experience.

2.16 The Commission also held meetings with a number of individuals and representative groups, including those who had made written submissions as to possible projects to be considered for inclusion in the *Fourth Programme*.

2.17 During the consultation period from October 2012 onwards, the Commission received 68 written submissions (see the Appendix) suggesting more than 140 areas of law for inclusion in the *Fourth Programme*. All submissions were fully considered by the Commission against the selection criteria set out above.

2.18 In June 2013, the Commission met with the Attorney General's Consultative Committee on Law Reform to discuss the 11 projects in the draft *Fourth Programme of Law Reform* which the Commission had prepared. The Consultative Committee comprises representatives of certain Government Departments, the Law Society of Ireland, the Bar Council of Ireland and the Commission. One of its functions is to assist the Attorney General in consultations with the Commission on the preparation of a programme of law reform.

2.19 In September 2013, the Commission also discussed the draft *Fourth Programme of Law Reform* with the Oireachtas Joint Committee on Justice, Equality and Defence.<sup>5</sup>

#### **(4) Content of the Fourth Programme of Law Reform as approved**

2.20 In accordance with the *Law Reform Commission Act 1975*, on 8 October 2013 the Government approved the Commission's draft *Fourth Programme of Law Reform*. Part 1 of this Report has already set out an abstract of the content of each of the 11 projects in the *Fourth Programme*, which are:

1. Corporate offences and regulatory enforcement;
2. Disclosure and discovery in criminal cases;
3. Sexual offences against children;
4. Contempt of court and other offences and torts involving the administration of justice;
5. Suspended sentences;
6. Crime affecting personal safety, privacy and reputation, including cyber-bullying;
7. Aspects of succession law;

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<sup>5</sup> Available at

<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/JUJ2013092500008?opendocument#J00100>.

8. Compulsory acquisition of land;
9. Landlord and tenant law for residential tenancies;
10. Domestic implementation of international obligations;
11. Codification/Consolidation/Simplification of the Law.

**(5) *The Commission's approach to the specific projects in the Fourth Programme***

2.21 The traditional approach of the Commission in approaching a law reform project has been to publish a Consultation Paper containing provisional recommendations, to invite submissions on these and to follow this with a Report containing final recommendations. A year has usually been allocated to the preparation and publication of each such document. Having reviewed this traditional consultation process, the Commission has concluded that some projects may be more amenable to the early production of discrete papers dealing with specific elements of a project as it progresses. As a result of this review, during 2013 the Commission began publishing Issues Papers in connection with the remaining projects in the *Third Programme of Law Reform*.<sup>6</sup> These Issues Papers are short documents that contain a brief analysis of specific areas followed by questions for comment. For each of the projects in the *Fourth Programme* the Commission proposes to adopt a flexible approach to the examination of each project, including the use of Issues Papers, so that each project can be individually tailored to suit the subject-matter being considered.

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<sup>6</sup> To date the Commission has published three Issues Papers: *Issues Paper on Domestic Violence: Bail* (LRC IP 1-2013), *Issues Paper on Domestic Violence: Harassment* (LRC IP 2-2013) and *Issues Paper on Consolidation of Evidence Law* (LRC IP 3-2013). All these are available at [www.lawreform.ie](http://www.lawreform.ie).



## APPENDIX LIST OF WRITTEN SUBMISSIONS

The Commission would like to thank all persons who assisted in the development of this *Fourth Programme of Law Reform*. In particular, the Commission would like to thank all those persons who took the time to make submissions and to attend the public consultations. The following is a list of individuals and bodies who made written submissions:

1. Association of Pension Lawyers in Ireland
2. Senator Ivana Bacik, Seanad Éireann
3. Ballymun Community Law Centre and Northside Community Law Centre (joint submission)
4. Siobhán Barron, Director, National Disability Authority
5. Hilka Becker, Senior Solicitor, Immigrant Council of Ireland
6. Noeline Blackwell, Free Legal Advice Centres (Flac)
7. Frank Browne
8. Mr Justice Declan Budd, former judge of the High Court (and former President of the Commission)
9. Patrick Burke, CEO, Youth Work Ireland
10. Centre for Disability Law and Policy, NUI Galway
11. Child Law Clinic, University College Cork
12. Clinical Legal Education Programmes of the Faculty of Law, University College Cork, the School of Law, University College Dublin and the School of Law, NUI Galway (joint submission)
13. Commission for Communications Regulation, Commission for Energy Regulation, Competition Authority and Irish Medicines Board (joint submission)
14. Commissioner, An Garda Síochána
15. Courts Service of Ireland
16. Celene Craig, Deputy CEO, Broadcasting Authority of Ireland
17. Pádraig Cullinane, Barrister-at-Law
18. Department of Children and Youth Affairs
19. Department of Communications, Energy and Natural Resources
20. Department of the Environment, Community and Local Government
21. Department of Finance
22. Department of Foreign Affairs and Trade
23. Department of Jobs, Enterprise and Innovation
24. Department of Justice and Equality
25. Department of Transport, Tourism and Sport
26. Judge Mary Devins, judge of the District Court
27. Disability Federation of Ireland
28. Disability Legal Information Clinic, NUI Galway

29. Ian Drennan, Director of Corporate Enforcement
30. Matthew Elderfield, then-Deputy Governor, Central Bank of Ireland
31. Paul Fetherstonhaugh, Laois County Registrar
32. Kieran Fitzpatrick
33. Des Hogan, Acting Chief Executive, Irish Human Rights Commission
34. Richard Humphreys SC
35. Judge Tony Hunt, judge of the Circuit Court
36. Léonie Hussey-O'Brien, Barrister-at-Law
37. Irish Penal Reform Trust
38. Raymond Jamala
39. Paul Johnstone, School of Law, Trinity College Dublin
40. Jonathan A Kavanagh
41. Mary Kearns
42. Mark Kelly, Irish Council for Civil Liberties
43. Prof Ursula Kilkelly, Dean, Faculty of Law, University College Cork
44. Paul Lambert, Solicitor
45. Nora Lillis, Chair, Society of Trust and Estate Practitioners Ireland (STEP Ireland)
46. Emily Logan, Ombudsman for Children
47. Lydia Lynch
48. Yvonne Lynch, Society of Actuaries in Ireland
49. Finian McGrath TD, Dr Paul O'Mahony, Students for Sensible Drug Policy Ireland, Union for Improved Services Communication and Education (UISCE) and University College Cork Drug Awareness and Reform Society (joint submission)
50. Barry Magee, Solicitor
51. Monica Mazzone, Women's Aid
52. Ken Murphy, Director General, Law Society of Ireland
53. Prof Kieran C. Murphy, President, Medical Council of Ireland
54. Norrie Neary
55. Úna Ní Raifeartaigh SC
56. Judge John O'Connor, judge of the District Court
57. Professor Paul O'Connor, School of Law, University College Dublin
58. Professor Desmond O'Neill, Trinity College Dublin and Department of Gerontology, Tallaght Hospital
59. Fiona Pryle, Project Worker, ASCEND – North Tipperary Domestic Abuse Service
60. Michael Randles, Cork Institute of Technology
61. Rape Crisis Network Ireland
62. Patricia T Rickard-Clarke, Solicitor (former full-time Commissioner)
63. Gavin Ralston SC
64. School of Law, NUI Galway
65. Austin Slattery, President, Chartered Accountants Ireland
66. June Tinsley, Barnardos
67. Sharon Waters, Irish Refugee Council
68. Máire Whelan SC, Attorney General