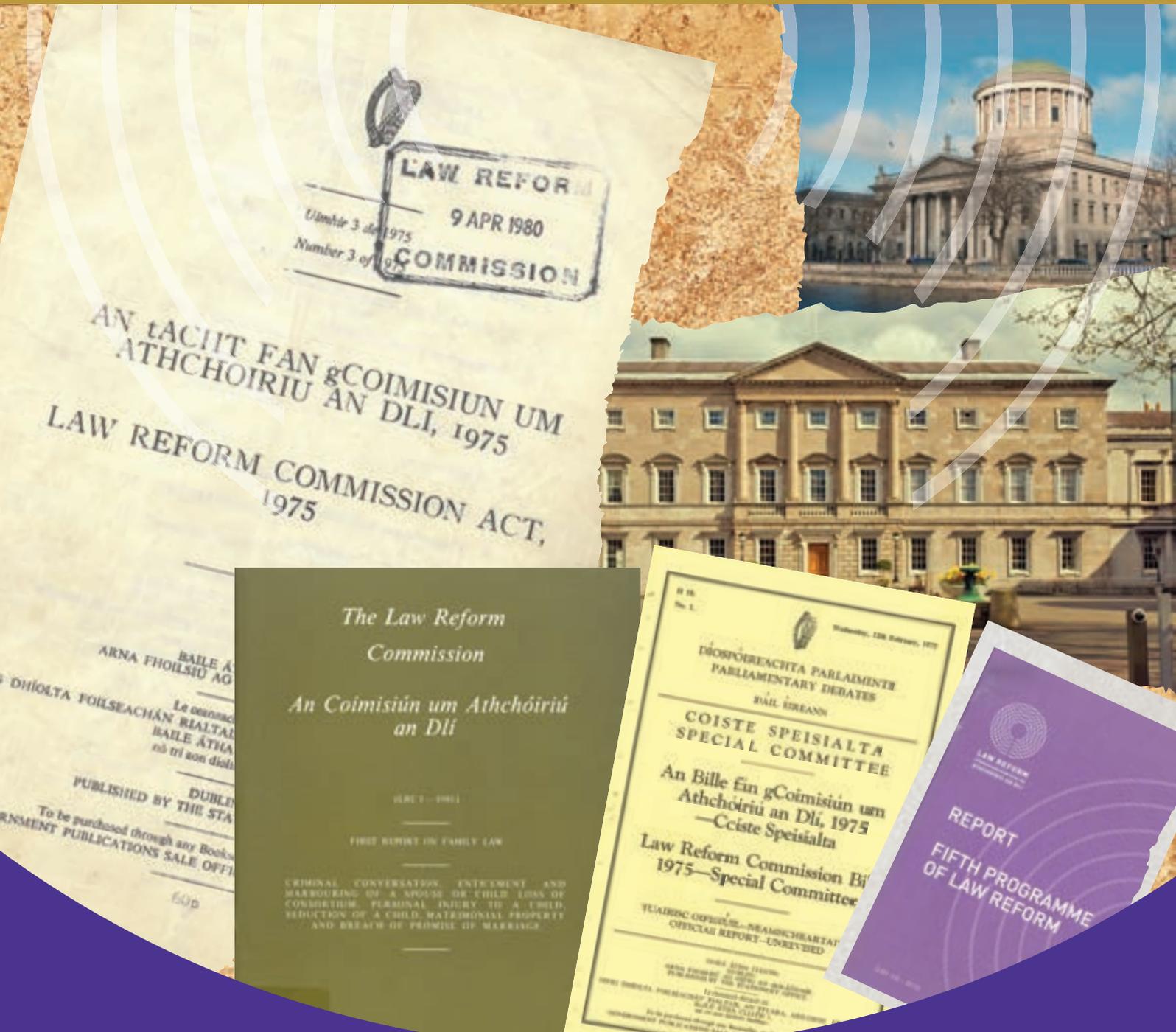


5



COIMISIÚN UM
ATHCHÓIRIÚ AN DLI
LAW REFORM
COMMISSION
1975-2025

FIFTY YEARS OF THE LAW REFORM COMMISSION



LAW REFORM
COMMISSION
9 APR 1980
Uimhir 3 de 1975
Number 3 of 1975

AN tACHT FAN gCOIMISIUN UM
ATHCHOIRIU AN DLI, 1975
LAW REFORM COMMISSION ACT,
1975

The Law Reform
Commission
An Coimisiún um Athchóiriú
an Dlí

DROSPÓIREACHTA PARLAIMÉINTE
PARLIAMENTARY DEBATES
DÁIL ÉIREANN
COISTE SPEISIALTA
SPECIAL COMMITTEE

An Bille Éin gCoimisiún um
Athchóiriú an Dlí, 1975
—Ciste Speisialta
Law Reform Commission Bill
1975—Special Committee

REPORT
FIFTH PROGRAMME
OF LAW REFORM



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Introduction

The history of the Law Reform Commission over the past 50 years reflects the evolving changes in modern Ireland. During this time, the Commission has been instrumental in shaping Ireland's legal landscape, contributing to significant reforms in family law, the rights of people with disabilities, issues of criminal law, and the regulation of corporate entities. Since its inception, the Commission has published 128 reports, many of which have directly influenced Irish legislation.

Throughout its work, the Commission has upheld its independence and commitment to meaningful legal reform based on transparency and public engagement. The story of the Commission, told in these pages, outlines its history through its initiatives across five decades, focusing on key legal reforms, organizational changes, and the evolving challenges and opportunities.



Getting established

From the twelfth to the twentieth century, the legal system in Ireland was tied to that of England and the United Kingdom. Following independence, existing law was carried over and the courts continued to follow general common law principles. The need to establish a body to examine and oversee law reform was recognized in 1962 when a systematic law reform scheme led to the establishment of a division within the Department of Justice. The aim of the scheme was to adapt pre-independence legislation to the post-independence era and introduce legislation that reflected the changing values of Irish society.

It was not until the 1970s that a formal commission was established through the Law Reform Commission Act, 1975. Comprising a president and four commissioners, it was tasked with advising on law reform and also attempting to codify existing law and consolidating it. The Attorney General, Declan Costello, highlighted the importance of law reform in an address to the Dáil:

“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.”¹



Letter to the Commission President from the Attorney General confirming the establishment day of the Law Reform Commission.

¹ Dáil Debates – Law Reform Commission Bill 1975: Second Stage.

Purpose of the Commission

The Law Reform Commission Act 1975 states that its purpose is to

“Keep the law under review and in accordance with the provisions of this Act shall undertake examinations and conduct research with a view to reforming the law and formulate proposals for law reform.”

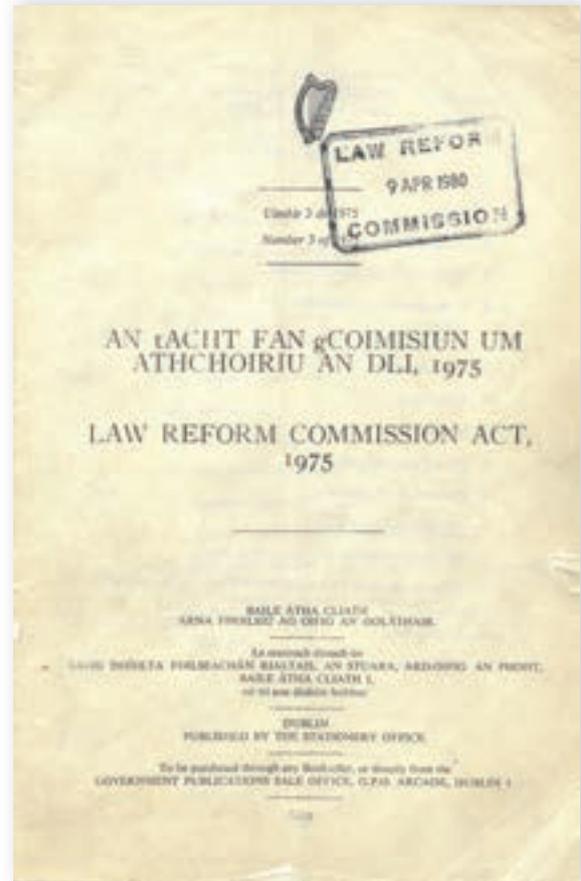
This includes:

“codification (including in particular its simplification and modernisation) and the revision and consolidation of statute law.”

Former Commission President Mr Justice Ronan Keane best explained this when he said consolidation “seeks to bring together in one statute measures in particular areas of law which are to be found in a number of different statutes... Codification by contrast involves the setting out in one statute of all the law affecting a particular topic whether it is to be found in statutes or in common law.”²

Independence of the Commission

The Commission was established as an independent body and has always operated as such. To see its recommendations implemented, the Commission must work closely with the government whilst maintaining its independence; otherwise, the Commission may be perceived as merely executing government policy. Former Commission President Ms. Justice Mary Laffoy emphasized the importance of the Commission collaborating with the Executive and the public while preserving its independence.



The Law Reform Commission Act 1975

She viewed the elected legislature as the sole law-making body constitutionally, with the Government serving as the principle conduit for proposals, including those from the Commission.

² Ronan Keane, 'Thirty Years of Law Reform 1975-2005' (2005).

The First Commission

The first Commission was established in 1975 with Mr. Justice Brian Walsh as its President. Mr. Justice Charles J. Conroy, then retiring President of the Circuit Court, took on the role of full time Commissioner. He was joined on the Commission by Professor Robert Heuston, Regius Professor of Laws, Trinity College Dublin, Martin Marren, Solicitor, and Dr. Helen Burke, Lecturer in the Department of Social Science at University College Dublin and the only non-legal member of the Commission.

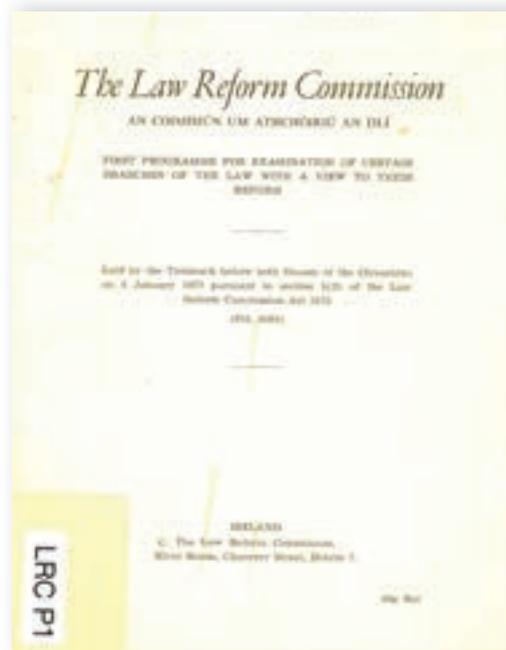
The Commission had no office or library, and its goal to consolidate and codify Irish law seemed ambitious. However, it benefited from the expertise of distinguished research counsellors in William Binchy, Bryan McMahon and Charles Lysaght. The First Programme of Law Reform was laid before the Houses of the Oireachtas in January 1977. It was wide in scope, encompassing virtually every aspect of the criminal law and envisaging wide-ranging examinations of administrative and family law.



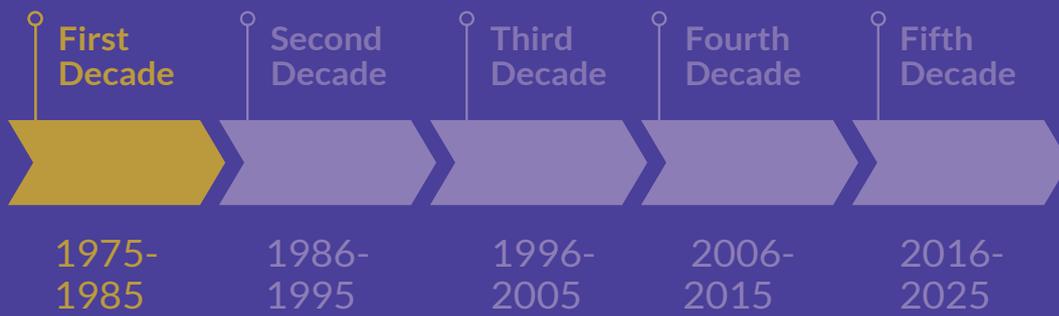
Pictured at the first meeting of the Law Reform Commission are (standing) Prof. Robert Heuston, Dr. Helen Burke, Mr Justice Brian Walsh (President), Mr. Justice Charles J. Conroy, Mr. Martin E. Marren (seated) Attorney General Declan Costello, Taoiseach Liam Cosgrave and Secretary to the Government Donal O'Sullivan.



Cover letter from the Commission President to the Attorney General sent with a copy of the first programme of law reform.



First programme of law reform, 1977.



First Decade

1975-1985

During its first decade the Law Reform Commission published 20 reports of which 15 became, or contributed to, legislation. It established its position and produced a number of groundbreaking reports that led to significant legal reforms.

The Commission's first report was on Family Law in 1981. Acknowledging that the tort of criminal conversation "savours of a proprietary interest in one's spouse [and] offends against modern notions," the Commission recommended that the tort of criminal conversation be abolished and that both spouses should have equal right to sue a third party for adultery. The commission proposed that the action for breach of promise

to marry should be abolished, which was later implemented in the Family Law Act 1981, and it also made proposals for the division of marital assets, taking account both of a wife's financial contribution and her contribution to the care of the family.

A significant step in the modernisation of Irish family law came in the 1982 Report on Illegitimacy. Acknowledging the boldness

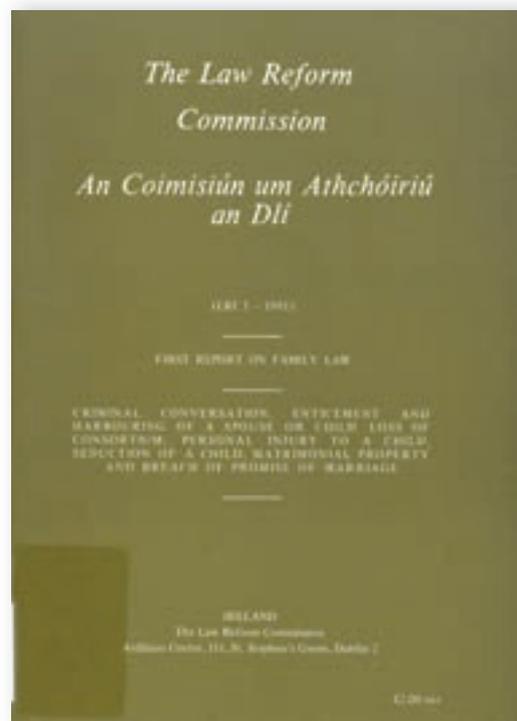
of the proposal, the commission wrote: “we think that a law that denies substantial rights to innocent children needs radical reform.” The Commission concluded that the rights of children should not be restricted on the grounds of their parents’ marital status and that the status of illegitimacy should be removed from the law, later reflected in the Status of Children Act 1987, which abolished the legal concept of illegitimacy in Ireland.

In 1982 the issue of defective premises was examined and in their report the Commission recommended making builders, developers and financial institutions liable for defects in buildings. The Commission stated that each of these parties owe a duty to see that their work is executed professionally and with suitable and proper materials so that the building will be fit for purpose. They highlighted that the acquisition of a house is by far the largest single item of expenditure the majority of people make in their lives and the idea that “they should enjoy a lesser guarantee of quality than that enjoyed by purchasers of goods, which is the present legal position, is anomalous, to say the least.” The recommendations were opposed by the Construction Industry Federation, which argued that they would increase the cost of housing, and the government decided not to implement the Commission’s recommendations.

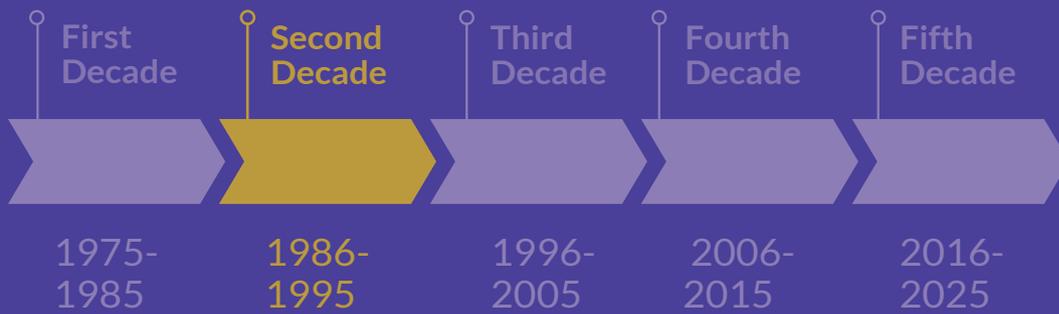
The Commission also looked at recognition of foreign divorces, proposing that they should not be recognised if both spouses were habitually resident in Ireland, or where one moved temporarily abroad for the primary purpose of seeking a divorce. The 1983 report on Divorce a Mensa et Thoro (de facto separation) was more comprehensive. It set out the basis for a major review of the law on judicial separation, extending the grounds from adultery and cruelty to include unreasonable behaviour, desertion, the

breakdown of a marriage, and the couple living apart continually for a specified period. These proposals were later included in the Judicial Separation & Family Reform Act, 1989, and the Family Law Act, 1995.

The reforms proposed during the first decade sought not only to modernize family law but also lay the groundwork for a more equitable legal system, reflecting the Commission’s pivotal role in legal transformation.



Cover page of the Commission's first report on Family Law (1981).



Second Decade

1986-1995

The second decade saw an inauspicious start for the Commission as, by 1986, it was comprised of just two full-time research counsellors and no Commissioners to bring their work to fruition.

The government deliberated on its abolition, however, Attorney General, John Rogers, considered that it should instead be strengthened, and a more focused programme of law reform drawn up. Mr. Justice Ronan Keane was appointed as President of the Commission in 1986 and was joined by Simon O'Leary from the Office of the Director of Public Prosecutions, William Duncan from Trinity College, John Buckley, a solicitor and later Circuit Court judge, and Maureen Gaffney, a psychologist.



The President Ronan Keane, with John Buckley, Maureen Gaffney, Simon O'Leary, William Duncan and John Quirke (Secretary)

In 1988 the Commission published a report on rape recommending that rape trials be conducted in private, with bona fide members of the media under reporting restrictions in attendance. They did not recommend separate legal representation for complainants, aware of the constitutional implications if someone not a party to a trial could take part to the disadvantage of the accused, but it did recommend that a complainant's sexual history could only be introduced after the judge had heard the arguments in favour, which was accepted into legislation with other proposals in the Criminal Law (Rape) (Amendment) Act 1990.

In 1990 the Commission addressed child sexual abuse, with the most controversial issue being mandatory reporting. The Commission commented that were mandatory reporting to be introduced, it needed to be supported by increased resources and training for those to whom it applied. It would take 30 years before legislation on mandatory reporting would be introduced in the Children First Act 2015. The Commission also recommended a better mechanism for cooperation between Gardaí, health boards and hospital staff, which was incorporated into the Child Care Act 1991. For children giving evidence they proposed easing the process, including by modifying the law on hearsay evidence and by providing for the use of video evidence, which were implemented in the Criminal Evidence Act 1992.

The Commission also examined the law on homosexuality. A recent ruling in the European Court of Human Rights stated that the Northern Irish ban on homosexual acts contravened the European Convention on Human Rights, to which Ireland was a signatory. The Commission stated that the government could either de-criminalise homosexual acts or withdraw from the Convention, and "no responsible body of opinion was advocating that". They recommended a change in law to apply the same legal regime to consensual homosexual activity as to consensual heterosexual activity.

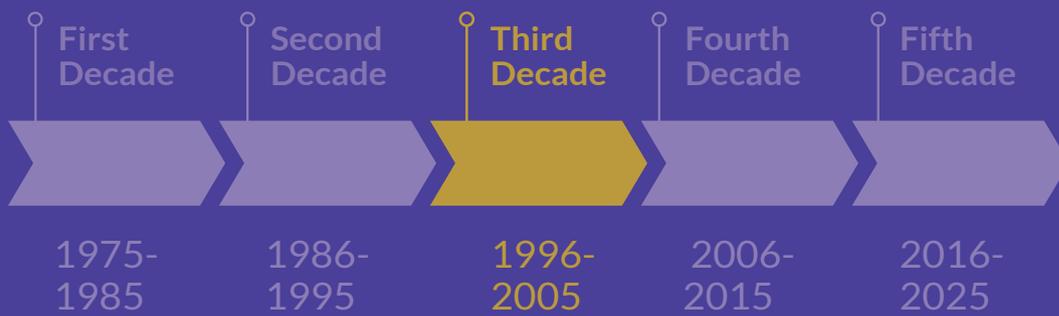
By the time the report was published in 1990, the European Court of Human Rights had held that Irish law was in breach of the Convention.

Those working in the Commission at the time recall the great sense of satisfaction they had in bringing forward such significant reforms. Maureen Gaffney was determined to make a difference and other Commission members recalled her enormous contribution, especially in the areas of family, rape and child sexual abuse. At one point Ireland had one of the most progressive laws on rape in Europe with a prohibition on marital rape. Simon O'Leary, with his experience of the DPP's office, came from a different perspective but also recalls his time at the Commission very positively, where everyone worked together to create a successful marriage of the academic with the practical.

During this period, the Commission began engaging more with the public. For the report on rape, they consulted with organizations like the Rape Crisis Centre, social workers, and lobby groups who had direct experience with the issues. When examining defamation, they visited newspaper offices, and for occupier's liability, they met with farmers. Although the Commission did not achieve all its goals, its reports laid the foundation for significant law reforms and represented a radical response to society's growing awareness of major issues.



The Commission; Anthony Hederman, Maureen Gaffney, Simon P. O'Leary, William Duncan, John Quirke, John F. Buckley.



Third Decade

1996-2005

The third decade of the Commission, starting in 1996, marked a period of significant modernization and reform, driven by new leadership and a focus on addressing the evolving legal landscape and societal needs.

The third decade started with Judge Anthony Hederman already at the helm as president. Judge Keane's term had ended in 1992, after which he was briefly succeeded by Judge Rory O'Hanlon. Patricia Rickard-Clarke, a partner with McCann Fitzgerald, joined as a commissioner in 1997 and went on to serve for 15 years under three presidents. She brought to the Commission expertise in running a modern legal organisation and was somewhat taken aback when she first entered the Commission offices where she was confronted with outdated typewriters and notepaper from 1976. As the Commission entered its third

decade, it became evident that modernization was necessary to address the evolving legal landscape and societal needs.



The Commission; John Quirke (secretary), Turlough O'Donnell, Arthur F. Plunkett, Hilary A. Delany, Anthony J. Hederman and Patricia T. Rickard-Clarke

Modernising the Commission

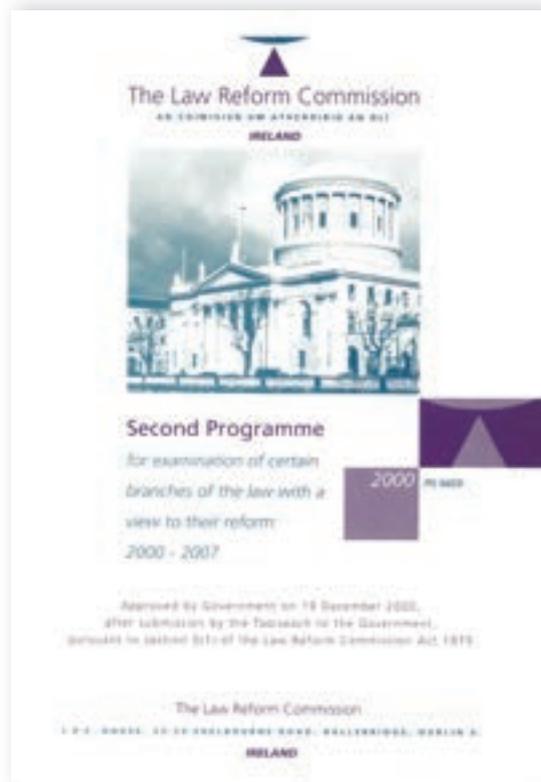
A Deloitte and Touche report on the Commission identified a number of issues with its organisation and management. In its report, the consultants acknowledged that the Commission had been successful in maintaining its independence, producing high quality research and it was highly regarded by Government departments. However, to date there had been only one programme of law reform which began in 1977.

It suggested that programmes be developed through consultation between the office of the Attorney General and a consultative committee comprising all key government departments and representatives of the Law Society and the Bar Council. The report also recommended that the roles and functions of the Commissioners and personnel be more clearly established, and that the President should be full-time, with some flexibility to permit a serving judge sit in court from time to time. These recommendations were taken on board by the Commission as it sought to modernise itself.

Second Programme of Law Reform

In the decades since the approval of the first programme Irish society had changed significantly and new fields of reform needed the Commission's attention. The Second Programme of Law Reform commenced in 2000 and sought to report on issues relating to the legal system, evidence, administrative law, civil rights, criminal law, law of obligations, real and personal property, commercial law, the information society, vulnerable groups and international law. Working with the Attorney General's office the Commission looked at what society wanted. Public meetings were organised, and annual conferences were established, the first of these on land law.

There was particular interest in the law relating to the elderly, whose decision-making capacity might become compromised with age and ill-health. The Commission published a Consultation Paper on Law and the Elderly in 2003 and Vulnerable Adults and the Law in 2005, followed by related reports in 2006. Previously, adults lacking legal capacity were governed by the outdated Lunacy Act of 1871. The Commission proposed a major overhaul, inspired by the UN Convention on the Rights of People with Disabilities, presuming all adults over 18 have capacity but may need protection against abuse. They recommended assessing decision-making ability at the time of the decision and replacing the Wards of Court system with a new adult guardianship system, which was included in the Assisted Decision-Making (Capacity) Act 2015.



The Second Programme of Law Reform which was launched in 2000.



President Mary McAleese with Commissioners and Commission staff at the launch of the Consultation Paper on Law and the Elderly

The Commission had for a long time been engaged in a review of Irish conveyancing and land law, and it published its report on *Reform and Modernisation of Land Law and Conveyancing Law* in 2005. This led to the enactment of the Land and Conveyancing Law Reform Act 2009 resulting in the codification of the law in this area, not only making the law clearer and more accessible, but also introducing significant substantive reforms, such as removal from the law of the whole concept of feudal tenure on which the Irish law of real property was still based. The Commission also reported on reform of the law on cohabitants, the law regulating apartment complex management companies, and recommended the development of a limited DNA Database.

At this time the Commission began to look beyond common law systems and to prioritise the jurisprudence of the European Court of Human Rights, as well as arranging meetings with other law reform commissions. In a bid to get more traction on their reports the Commission also successfully appeared before the Oireachtas Justice Committee, which helped to provide impetus to researchers fired up at the prospect of presenting to an Oireachtas committee at the end of a project.

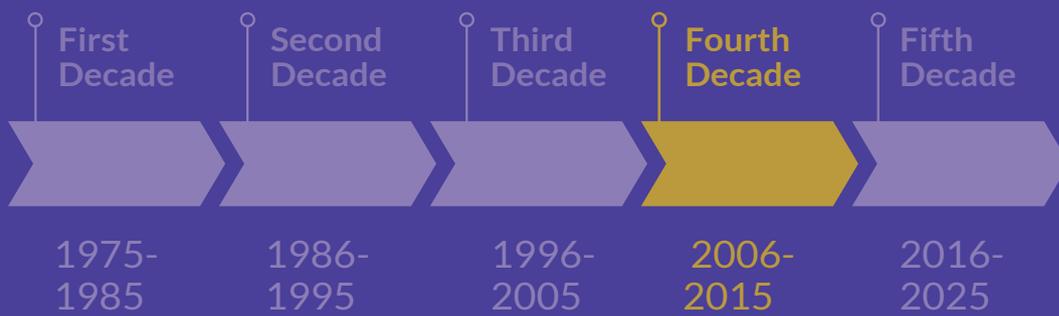
During this decade the Commission was guided by four successive presidents. In 1998 Vivian Lavan replaced Anthony Hederman, staying in the role until 2000 when Declan Budd took up the presidency. He served until 2005, when he was replaced by Supreme Court judge Catherine McGuinness who remained at the helm into the fourth decade.



Commission President Declan Budd with Ms Justice Catherine McGuinness, Patricia Rickard-Clarke and Marian Shanley at the launch of the Consultation Paper on Rights and Duties of Cohabitees, April 2004



Catherine McGuinness, President of the Commission with Taoiseach Bertie Ahern and former Commission President Ronan Keane at the 30th anniversary event in Farmleigh House.



Fourth Decade

2006-2015

The fourth decade was to prove challenging with the Commission facing a threat to its very existence as the financial crisis took its toll.

Third Programme of Law Reform

The third programme of law reform was developed by the Commission in 2007. This process saw extensive consultation with the public in preparation of the programme. Other outreach efforts were also engaged as the Commission went out to Cork and Galway, put ads in local papers and interviewed on local radio. They also wrote to local TDs, legal practitioners and law schools and had a conference on law reform in Dublin Castle. The final consultation was addressed by then Minister for Justice, Brian Lenihan, where he stressed the need for the government to work closely with the Commission, pointing to the Bill on the establishment of a DNA database where his department was drawing heavily on a report from the Commission. He described how courts might be faced with a legal lacuna that could not satisfactorily be bridged by

judicial creativity. *“The Law Reform Commission comes into its own in such circumstances. It is equipped with the tools to seek out such lacunae whether in statute law, in the common law or in any interstices that it may identify between the two; to research and, through its well-developed consultative processes, canvass possible solutions; and to make proposals to the legislature and the general public for change.”*



The Commission; John Quirke, Finola Flanagan, Donnacha O’Connell, Marie Baker and Tom O’Malley, 2013.

Crisis for the Commission

The Commission, however, was soon to face a threat to its very existence. In 2009 the McCarthy Report was published in which it recommended that a number of State agencies should be abolished, amalgamated, or their functions absorbed by a government department. It was recommended that the Commission should no longer be convened on a permanent basis and instead “re-convened as required to address government mandated reform agendas.”³

The proposals provoked shock in the legal community and Mrs Justice Catherine McGuinness, President of the Commission, said it was very unfortunate the McCarthy group had not spoken to the Commission, as it was clear from the group’s report that it did not fully understand what the commission’s mandate and methodology were⁴. The Commission already worked to a government-mandated reform agenda and each of its Programmes of Law Reform was agreed with the Government. She also pointed out that, ironically, many of the other McCarthy proposals had originated with the Law Reform Commission, including rolling out of digital recording in the courts, periodical payments in catastrophic personal injuries cases and mandatory arbitration and mediation by State bodies. In the end the value of the Commission ensured its survival.

On with the Show

Despite these challenges the Commission continued its work publishing reports in 2009 on advance care directives, civil liability for “good Samaritans” and volunteers, and criminal law defences. They also addressed children’s medical treatment and electronic and documentary evidence.

Following a controversial adoption case where a couple returned their adopted son to Indonesia, the Attorney General asked the Commission to examine inter-country adoptions. In 2008, they reiterated the need to ratify the 1993 Convention on Inter-country Adoptions, which was being incorporated into the Adoption Bill 2008. They also recommended guidelines for verifying foreign adoption documentation and ensuring the Adoption Board had independent legal advice.

In 2010 the commission published a Report on Legal Aspects of Family Relationships. Considering the best interests and welfare of children this report covered such issues as the rights and responsibilities of unmarried fathers, civil partners, and other members of the family, and formed the basis for the comprehensive reform of family law contained in the Children and Family Relationships Act 2015.

The Commission also published reports on alternative dispute resolution, leading to the Mediation Act 2017, and on professional



Commission staff at the annual conference in Dublin Castle, 2009.

³ (vol 1, p. 71; vol 2, p. 207)

⁴ Carol Coulter, ‘Proposal to Abolish Law Reform Body Criticised’ The Irish Times (Dublin, Ireland, 22 July 2009) <<https://www.irishtimes.com/news/proposal-to-abolish-law-reform-body-criticised-1.704091>> accessed 19 March 2025.

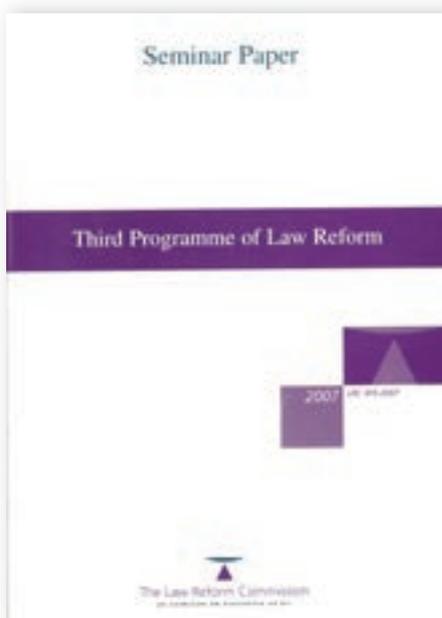
home care. Consultation papers on mandatory sentences, insurance contracts, civil law aspects of missing persons and the capacity of consent in the context of sexual offences were also published. Their work on personal debt management and debt enforcement was also published at this time and informed the Insolvency Act 2012.

The Report on the Rights and Duties of Cohabitants is another example of the Commission proposing legal solutions to problems that arose in a rapidly changing society. Informal families had become more common in Ireland, and, in some cases, one partner was financially dependent on the other without the legal protection of marriage. The report addressed legal issues around the making of agreements on financial matters, tax laws and what succession entitlements qualified cohabitants should be entitled to, general recognition of cohabitants under social welfare law, private tenancy law, healthcare and hospital settings, domestic violence law, and a “safety net” redress system for financial relief at the end of a relationship if economic dependency could be proved. Many of the recommendations were incorporated into the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

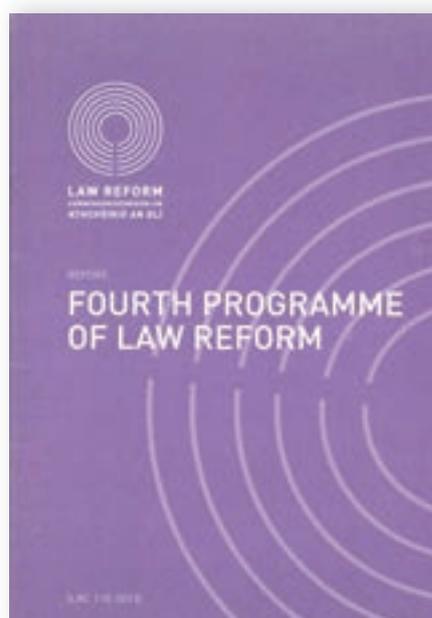
Fourth Programme of Law Reform

The future of the Commission was sealed in the 2011 Programme for Government which described how it would “prioritise a programme of law reform arising out of the recommendations made by the Law Reform Commission.” The Government approved the Fourth Programme of Law Reform in 2013.

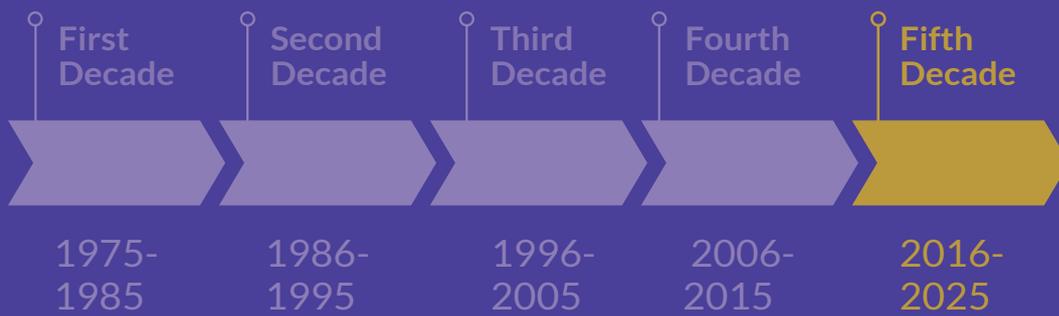
Judge McGuinness’s term as president came to an end in 2011 and in 2012 Mr Justice John Quirke was appointed as President. Finola Flanagan from the Attorney General’s office, Donncha O’Connell and Tom O’Malley both from NUI Galway, and Marie Baker SC all joined the Commission. Judge Baker later recalled the respect felt for the Commission amongst Government and practitioners alike and how being asked to join was a matter of huge status. Often the Commission’s Consultation Papers and Reports are taken as important explanations and sources of the current state of Irish law. For example, in relation to alternative dispute resolution the consultation paper, written by Nicola White, was the definitive text in the area and the consultation paper and report on statutory interpretation also proved seminal works.



The Third Programme of Law Reform which was launched in 2007



The Fourth Programme of Law Reform which was launched in 2013.



Fifth Decade

2016-2025

The fifth decade was to see the commission make significant strides, addressing critical issues such as internet safety, corporate offences, and a new regulatory framework for adult safeguarding.

In 2016 the commission published a lengthy report on aspects of the law of evidence, including hearsay evidence, drawing on the expertise of Commissioner and criminal law academic, Tom O'Malley. It also examined in detail cyber-bullying and internet safety, publishing a report, Harmful Communications and Digital Safety which contributed to the Harmful Communications and Related Offences Act 2020.

An important project of the Fourth Programme was completed in 2018 with the publication of the Report on Regulatory Powers and Corporate Offences. In launching the report, the Attorney General, Seamus Woulfe SC, concluded that it was a valuable step in the system of regulation and corporate governance, and it was used to inform recommendations by the Hamilton Review Group on Corporate Crime and Corruption

that led to the establishment of the Corporate Enforcement Authority.

Land law continued to be addressed by the Commission with the launch of the report on Compulsory Acquisition of Land in March 2023, where the commission identified multiple deficiencies in the procedure, following a confirmed CPO, where the acquisition is achieved using a notice to treat procedure. A new system that would involve



Commissioner Raymond Byrne, President Mary Laffoy and Commissioner Tom O'Malley presenting to the Oireachtas Joint Committee on Regulatory Powers and Corporate Offences

deadlines for authorities that have been granted an order to compulsory purchase land was proposed and also immediate payment of no less than 90 per cent of the estimated value of the land to the owner, with the payment to be made when the land is “vested” in the acquiring authority.⁵

The Commission examined a number of other aspects of law during this decade including the accessibility of legislation in the digital age, knowledge and belief concerning consent in rape law, capping damages in personal injuries actions and suspended sentences.

It also became clear that there was a need for an appropriate statutory framework for the safeguarding of vulnerable or at-risk adults. Following extensive research and analysis of existing domestic law and policy, and a comprehensive review of adult safeguarding legislative frameworks in other jurisdictions, the Commission published its report on A Regulatory Framework for Adult Safeguarding in 2024. The report recommended new laws and a radical regulatory framework to protect at-risk adults to include powers of access to private dwellings, recommendations to financial institutions to prevent financial abuse and new reporting and review models.

Fifth Programme of Law Reform

Supreme Court judge Mary Laffoy succeeded John Quirke in October 2018. A draft Fifth

Programme of Law Reform was submitted to the Attorney General in May 2018, shortly before Judge Laffoy took up the presidency of the commission. It came about after through public consultation with the wider public, NGO’s, representative groups, Government Departments and the Oireachtas Committee on Justice and Equality and was approved by Government in March 2019. The Fifth Programme contained 15 projects relating to six areas of law: the courts, public law and the digital era; criminal law and procedure; civil liability and procedure; evidence; family law; and land law.



The Fifth Programme of Law Reform which was launched in 2019



Commission President Mary Laffoy presenting remotely during the Covid-19 pandemic to the Joint Oireachtas Committee on Health in relation to adult safeguarding.



Members of the Commission with the Attorney General, Rossa Fanning, at the launch of the Report on a Regulatory Framework for Adult Safeguarding.

⁵ <https://www.irishtimes.com/ireland/housing-planning/2023/03/29/changes-to-compulsory-purchase-regime-would-speed-up-process-says-commission/>

Access to Legislation

Aside from the Commission's work producing reports on law reform it also engages in the important work of Access to Legislation.

Before this unit was established, there was no easy way to access all amendments affecting a particular Act. In May 2006, at the Attorney General's request, the Commission took charge of Restatements and the Chronological Table of Statutes, later renamed the Legislation Directory. By July 2007, the Directory was fully transferred to the Commission, and a consultation paper on Statute Law Restatements was published. Alma Clissmann and Deirdre Ahern were brought on board to manage both the Legislation Directory and the Restatements, with an XML authoring system for legislation established.

In 2010 the Commission began creating the Classified List. Though by 2011 it was clear that the restatements process was cumbersome as amendments to restated Acts required further restatements. In 2012, it was agreed to publish Revised Acts instead, integrating all this work under the title "Access to Legislation," led by Alma Clissmann.

By 2013, the Commission had published 180 Revised Acts and made significant progress in classifying all in-force Statutory Instruments (SIs) for the Classified List, while tracking all amendments made by SIs. In 2015, the team worked to keep the Legislation Directory

accurate within 1-2 months and transitioned records from file collections to a database, completed the following year. By 2016, the number of Revised Acts grew to over 300, and by 2019, the Legislation Directory was updated weekly, with Revised Acts updated within two months of amendments. A major milestone was reached in 2024 with the completion of the 500th Revised Act.

In tandem with its approach to Access to Legislation, the Commission, supported by the AGO, began work on the Statute Law Revision Programme (SLRP) in 2019. The programme aims to review all secondary legislation from 1821 to 1922 to determine whether they should be revoked or retained. The first part, covering 1821 to 1860, was completed and was enacted as the Statute Law Revision Act 2025. Work on the second part, from 1861 to 1922, began in late 2023 and is ongoing.

Looking to the Future

The history of law reform in Ireland reflects a dynamic and evolving legal landscape. The greatest guarantee of success for a law reform commission in implementing its proposals lies in selecting areas of action that are relevant to societal concerns. With its previous five programmes of law reform, the Law Reform Commission has sought to do just that.

The continuous efforts by successive Commissions to review and update legislation demonstrate a commitment to justice, fairness, and societal progress. The implementation of Commission recommendations and the active engagement of various stakeholders in the law reform process have been crucial in shaping a responsive and effective legal system.

As we look to the future, it is essential to maintain this momentum, ensuring that the law evolves in tandem with the needs and values of society. The work of the Law Reform Commission remains vital in this ongoing journey, providing a foundation for informed and impactful legal reforms.



Group photograph of Commission presidents John Quirke, Catherine McGuinness, Ronan Keane and Declan Budd. With Donnacha O'Connell and Raymond Byrne.

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What Happened to My Report?

Four of our past researchers have kindly contributed a short piece on their time working at the Commission and what became of a report that they worked on.



Justice Úna Ní Raifeartaigh

European Court of Human Rights

Worked at the Commission: 1988-1991

Working as a research assistant at the Law Reform Commission for three years was the first job I had after I completed my degree in UCD. At the time I was undecided whether to continue with a career in law but the work at the Commission made up my mind for me. I enjoyed so many aspects of the work. It gave me an opportunity to study topics closely, taking into account the historical development of the law in those areas as well as the case law of other jurisdictions.

It was eye-opening to meet and receive the input of the Commissioners who were senior people in their professions and from whom so much could be learned, particularly as I knew no lawyers before that. It was a chance to make new friends among my peers, and some

of those friendships proved to be among the most important in my life. I also enjoyed the public seminars on consultation papers, which provided useful lessons about the wide range of views that a topic can provoke in different interest groups and how the process of law reform must take these into account.

I worked, among other things, on a Consultation Paper on Defamation, a Consultation Paper on Family Courts (including mediation), and a report on the Law Relating to Bail. This work gave me a keen appreciation of the issues involved whenever legislation on these topics was subsequently discussed in the public arena or passed by the Oireachtas, and extremely helpful in my subsequent career as a barrister and judge. Essentially, my time at the Commission was a transformative experience, an important steppingstone in the journey from law graduate, without practical experience, to a professional lawyer with a deeper understanding of the complexities and practical realities of the law.



Professor Deirdre Ahern

Trinity College Dublin
Worked at the
Commission:
2004-2005

The report on Law and Vulnerable Adults was a truly inspirational, values-led project which I was very fortunate to work on as a legal researcher and later while a lecturer. My work began with a short Seminar Paper on Law and the Elderly in 2003 and blossomed and broadened out over time to consider issues relating to legal capacity and decision-making for a wider group of vulnerable adults. The Consultation Paper on Law and Vulnerable Adults: Capacity (LRC 37-2005) was published first, followed a year later by a substantial final report, Vulnerable Adults and the Law (LRC 83-2006), written with assistance from fellow legal researcher Orla Joyce).

The first part of the Commission's report recommended bespoke legislation creating clear rules on when a person has the legal capacity to make a wide range of decisions with the second part recommending replacing the antiquated Wards of Court system with a new pro-capacity adult guardianship system. This report has been judicially cited and referred to in many national and international academic publications, however, of most interest has been its eventual landmark enactment as legislation in the form of the Assisted Decision-Making (Capacity) Act 2015.

It is satisfying to know that my work contributed to reform of the law relating to vulnerable adults with real world impact. The support and advocacy efforts along with the public engagement of the then Full-time Commissioner Patricia Rickard-Clarke made a huge difference. She was knowledgeable, persuasive and unwavering in her support and advocacy.

The pro-capacity approach, issue-specific approach to determining decision-making capacity pioneered in this Law Reform

Commission Report was hugely significant from a human rights perspective and welcomed by families of adults with intellectual disability, dementia and acquired brain injury. Implementation of its recommendations led to reforms enshrining the right to dignity and self-determination of all adults through assessing legal capacity in an issue-specific and time-specific manner. Recently, I was delighted to see that this foundational work of the Law Reform Commission has been built upon in the 2024 report of the Commission proposing legislation to safeguard vulnerable adults from harm.



Dr Joseph Spooner

LSE Law School
Worked at the
Commission:
2008-2010

I began work at the Law Reform Commission on the inauspicious date of 1st September 2008, when I was presented with a brief of researching the law relating to the enforcement of judgment debts, little realising the importance about to be assumed by this topic. After two weeks on the job, Lehman Brothers collapsed. Within my first month, the Irish banking system closely followed, housing prices crashed, economic turmoil ensued and there was mass household over-indebtedness. Suddenly questions of how the law deals with household debt and default became crucial, and my research brief was expanded to include a comprehensive reshaping of Irish bankruptcy law, which at the time was outdated and draconian.

It is a credit to the Commission that it had the foresight to include this area of law in its Third Programme of Law Reform, ensuring a crucial law reform project was underway when needed most. Tireless and visionary campaigning from stakeholder groups highlighted debtor-creditor law as

an important area for reform. Their input was indicative of the widely collaborative consultative approach taken by the Commission during its reform projects, and I had the privilege of meeting with stakeholders from across government, international organisations, industry, legal practice, NGOs, and academia.

Two years of intense and urgent work produced three publications – a Consultation Paper (2009), Interim Report (2010), and final Report on Personal Debt Management and Debt Enforcement (2010). Government worked promptly to develop the recommendations for a new system of personal insolvency law, and the result was the Personal Insolvency Act 2012, a comprehensive piece of legislation that reformed bankruptcy procedure with a new Insolvency Service of Ireland to oversee the system. The ‘fresh start’ policy, central to contemporary bankruptcy thinking, had arrived in Irish law. There has been a comprehensive cultural change in how Irish law and society thinks about personal debt, over-indebtedness, and insolvency. The leadership of the Law Reform Commission played a significant role in realising this change.



Fiona O'Regan

Mason Hayes & Curran
Worked at the Commission:
2013-2016

I worked as the sole legal researcher on the Commission's project on harmful communications and digital safety from joining the Law Reform Commission in November 2013 until the project report was published in September 2016. It was a very interesting project to work on because it was so topical and attracted significant interest and engagement throughout.

An issues paper in relation to the project was published in November 2014, with a public seminar held in April 2015. Numerous meetings and consultations also took place with interested parties including the social media sector, legal practitioners and representatives from Government and law enforcement. The final report was published in September 2016 and received significant media attention.

The report made 32 recommendations covering both civil and criminal law in relation to harmful communications and online safety including proposing reform of the offence of harassment to better provide for online harassment and proposing new offences designed to deal with once off harmful online communications. The report also proposed certain civil law reforms, in particular, the establishment of a new office of a digital safety commissioner, with responsibility for promoting online safety.

Many of the criminal law-based recommendations of the report were implemented by the Harassment, Harmful Communications and Related Offences Act 2020. The main civil law recommendation, the establishment of an office of the online safety commissioner, was implemented by the Online Safety and Media Regulation Act 2022. This act provided for the establishment of Coimisiún na Meán including an online safety commissioner, with the first such online safety commissioner appointed in 2023.

Roll of Honour

Our Roll of Honour celebrates the past Presidents and Commissioners of the Law Reform Commission. Their dedication and vision over the past 50 years have been instrumental in shaping the work of the Commission to drive law reform within Irish society.

Presidents of the Commission

Mr. Justice Brian Walsh	1975 – 1985
Mr. Justice Ronan Keane	1987 – 1992
Mr. Justice Rory O'Hanlon	1992
Mr. Justice Anthony J. Hederman	1992 – 1998
Mr. Justice Vivan Lavan	1998 – 2000
Mr. Justice Declan Budd	2000- 2005
Ms. Justice Catherine McGuinness	2005-2011
Mr. Justice John Quirke	2012-2018
Ms. Justice Mary Laffoy	2018-2022
Mr. Justice Frank Clarke	2022- present

Commissioners

Mr. Justice J.C. Conroy	1975 - 1980
Prof. Robert F.V. Heuston	1975 - 1981
Dr. Helen Burke	1975 - 1977
Martin E. Marren	1975 - 1980
Roger Hayes	1977 - 1984
Prof. James B. Casey	1980 - 1985
Mary Finlay	1980 - 1983
Francis D. Murphy S.C.	1981 - 1982
J.H.G. Lovatt-Dolan S.C.	1982 - 1985
Mr. Justice John F. Buckley	1987 - 2001
Prof. William Duncan	1987 - 1997
Maureen Gaffney	1987 - 1997
Simon P. O'Leary	1987 - 1997
Dr. Hilary Delany	1997 - 2005
Dr. Turlough O'Donnell	1997 - 1999
Patricia Rickard-Clarke	1997 - 2012
Arthur F. Plunkett	1997 - 2001
Prof. Finbarr McAuley	1999 - 2012
Marian Shanley	2001 - 2012
Mr Justice Donal O'Donnell	2005 - 2012
Finola Flanagan	2012 - 2016
Prof. Donncha O'Connell	2012 - 2020
Ms. Justice Marie Baker	2012 - 2015
Tom O'Malley B.L.	2012 - 2020
Ms. Justice Carmel Stewart	2015 - 2020
Raymond Byrne	2016 - 2021
Mr. Justice Maurice Collins	2020 - present
Mr. Justice Richard Humphreys	2020 - 2021
Dr. Andrea Mulligan	2020 - present
Ms. Justice Niamh Hyland	2021 - 2024
Richard Barrett	2022 - present
Ms. Justice Eileen Roberts	2024 - present

5



COIMISIÚN UM
ATHCHÓIRIÚ AN DLÍ
LAW REFORM
COMMISSION
1975-2025



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COMISIÚN UM
ATHCHÓIRIÚ AN DLÍ
LAW REFORM
COMMISSION
1975-2025



1975 - 1980	An Breitheamh Onórach J.C. Conroy
1975 - 1981	An tOll. Robert F.V. Heuston
1975 - 1977	An Dr Helen Burke
1975 - 1980	Martin E. Marren
1977 - 1984	Roger Hayes
1980 - 1985	An tOll. James B. Casey
1980 - 1983	Mary Finlay
1981 - 1982	Francis D. Murphy S.C.
1982 - 1985	J.H.G. Lovatt-Dolan S.C.
1987 - 2001	An Breitheamh Onórach John F. Buckley
1987 - 1997	An tOll. William Duncan
1987-1997	Maureen Gaffney
1987-1997	Simon P. O'Leary
1997 - 2005	An Dr Hilary Delany
1997 - 1999	An Dr Turrough O'Donnell
1997 - 2012	Patricia Rickard-Clarke
1997 - 2001	Arthur F. Plunkett
1999 - 2012	An tOll. Finbarr McAuley
2001 - 2012	Marian Shanley
2005 - 2012	An Breitheamh Onórach Donal O'Donnell
2012 - 2016	Finola Flanagan
2012 - 2020	An tOll. Donncha O'Connell
2012 - 2015	An Breitheamh Onórach Marie Baker
2012 - 2020	Tom O'Malley B.L.
2015 - 2020	An Breitheamh Onórach Carmel Stewart
2016 - 2021	Raymond Byrne
2020 - present	An Breitheamh Onórach Maurice Collins
2020 - 2021	An Breitheamh Onórach Richard Humphreys
2020 - inniu	An Dr Andrea Mulligan
2021 - 2024	An Breitheamh Onórach Niamh Hyland
2022 - inniu	Richard Barrett
2024 - inniu	An Breitheamh Onórach Eileen Roberts

Rolla Onóra

Lenár Rolla Onóra, ceiliúrtar iar-Uachtaráin agus iar-Choimisineirí an Choimisiúin um Athchóiriú an Dlí. An díograis agus an fhís a léirigh siad sa 50 bliain seo a chuaigh thart, chuir siad go mór le hobair an Choimisiúin a mhúnlú chun athchóiriú an dlí a bhrú chun cinn laistigh de shochoaí na hÉireann.

Uachtaráin an Choimisiúin

An Breitheamh Onórach Brian Walsh	1975 - 1985
An Breitheamh Onórach Ronan Keane	1987 - 1992
An Breitheamh Onórach Rory O'Hanlon	1992
An Breitheamh Onórach Anthony J. Hederman	1992 - 1998
An Breitheamh Onórach Vivian Lavan	1998 - 2000
An Breitheamh Onórach Declan Budd	2000-2005
An Breitheamh Onórach Catherine McGuinness	2005-2011
An Breitheamh Onórach John Quirke	2012-2018
An Breitheamh Onórach Mary Laffoy	2018-2022
An Breitheamh Onórach Frank Clarke	2022 - inniu



Fiona O'Regan

Mason Hayes & Curran

Seal ag an gCoimisiún:
2013-2016

Chun a cheart a thabhairt don Choimisiún, bhí sé de stualm ann an réimse sin a chur ar áireamh ina *Thriú Clár um Athchóiriú an Ríthábhachtach* um athchóiriú an dlí ar síl *Dlí, Chinntigh sé sin go raibh tionscadal dhigitreach ó chuaigne meáiteach sa Choimisiún um Athchóiriú an Dlí i mí na Samhna 2013 go dtí gur foilsíodh tuarascáil an tionscadail i mí Mheán Fómhair 2016. Ba thionscadal an-réimse tabhachtach lena athchóiriú. Bhí ionchur na ngrúpaí sin ina léiriú ar an gcur chuige comhairleach an-chomhoibríoch a ghlacann an Coimisiún le linn a thionscadal athchóirithe, agus bhí sé de phribhléid agam buaidh le gallséalbhóirí ó gach cuid den rialtas, ó eagraíochtaí idirnáisiúnta, ón tionscal, ón lucht dlí, ó eagraíochtaí neamhríaltasacha agus ón lucht léinn.*

Tar éis dhá bhliain a chatheamh ag tabhairt faoi obair dhian phríomha, eisíodh trí fhoilseachán – *Páipéar Comhairliúcháin* (2009), *Tuarascáil Eatramhach* (2010), agus *Tuarascáil deiridh ar Bhainistiú Fíach* (2010). *Pearsanta agus Forfheidhmiú Fíach* (2010). D'obrígh an Rialtas go pras chun forbairt a dhéanamh ar na moltaí le haghaidh córas nua dlí dócmhainneachta pearsanta, agus ba é an tAcht um Dócmhainneacht Phearsanta, 2012, an toradh a bhí ar an obair sin. B'ionann an tAcht sin agus píosa cuimsitheach reachtaíochta lena athchóiriú an nós imeachta féimheachta agus lena bunádh Seirbhís Dócmhainneachta na hÉireann chun formhaoirseacht a dhéanamh ar an gcóras. Ba ann i ndlí na hÉireann ansin don bheartas 'tús úr', rud a bhfuil rithábhacht ag baint leis maidir le smaointeoireacht chomhairleach féimheachta. Tháinig athru cultúrtha cuimsitheach ar an dóigh a bhféachtar ar fíach pearsanta, ar rófhéichínas agus ar dhócmhainneacht i ndlí agus sochaí na hÉireann. D'imir ceannaireacht an Choimisiúin um Athchóiriú an Dlí ról suntasach maidir leis an athru sin a bhaint amach.

D'obrígh mé mar an t-aon taighdeoir dlí amháin ar thionscadal an Choimisiúin maidir le cumarsáid dhochrach agus sábháilteacht dhigitreach ó chuaigne meáiteach sa Choimisiún um Athchóiriú an Dlí i mí na Samhna 2013 go dtí gur foilsíodh tuarascáil an tionscadail i mí Mheán Fómhair 2016. Ba thionscadal an-réimse tabhachtach lena athchóiriú an dlí ar síl le páirtithe leasmhara comhairliúcháin ar síl le páirtithe leasmhara freisin, lena áiríodh an earnáil meán sóisialta, dlí-chleachtóirí, agus ionadaithe ón Rialtas agus ón lucht forfheidhmithe dlí. Foilsíodh an tuarascáil deiridh i mí Mheán Fómhair 2016, agus rinneadh tuairiscíú forleathan uirthi sna meáin.

Rinneadh 32 mholadh sa tuarascáil, lena cumhdáil an dlí sibhialta agus an dlí coirúil araon i ndáil le cumarsáid dhochrach agus sábháilteacht ar líne. Áiríodh leis na moltaí sin an cion arb éard é cíapadh a athchóiriú chun socrú níos fearr a dhéanamh do chíapadh ar líne, mar aon le cionta nua a mhóladh chun déileáil le cumarsáid dhochrach aonuaire ar líne. Moladh athchóirithe áirithe ar an dlí sibhialta freisin, go háirithe oifig nua coimisiúnara um shábháilteacht dhigitreach a bhunú, a bheadh freagrach as sábháilteacht ar líne a chur chun cinn.

Ba leis an Acht um Chíapadh, Cumarsáid Dhochrach agus Cionta Gaolmhara, 2020, a cuireadh chun feidhme cuid mhór de na moltaí dlí choirúil a rinneadh sa tuarascáil. Ba leis an Acht um Rialáil Sábháilteachta ar Líne agus na Meán, 2022, a cuireadh chun feidhme an príomh-mholadh dlí sibhialta – oifig an coimisiúnara um shábháilteacht ar líne a bhunú. Foráladh leis an Acht sin do Choimisiún na Meán a bhunú, lena áiríodh coimisiúnair um shábháilteacht ar líne a bhunú, agus ceapadh an chéad choimisiúnair um shábháilteacht ar líne sa bhliain 2023.

An cur chuige saincheist-sonrach a bhí ar son an chumais a glacadh i leith cumas cinnnteoireachta um Athchóiriú an Dli, bhí sé thar a bheith suntasach ó thaobh chearta an duine de, agus chuir teaghlaigh de chuid aosach a bhfuil míchumas intleachta, néaltruú nó gortú inchinne faighte orthu fáilte roimhe. Ba éard a tháinig as moltaí na Tuarascála a chur chun feidhme ná athchóirithe lenar cumhdáil an ceart chun dinite agus an ceart chun féinchinntiúcháin do gach aosach trí chumas dlíthiúil a mheasúin ar mhodh atá saincheist-sonrach agus am-shonrach. Bhí lúcháir orm a fheiceáil gur tógadh ar an obair bhunúsach sin de chuid an Choimisiúin um Athchóiriú an Dli le déanaí! dtuarascáil a d'fhoilsigh an Coimisiún sa bhliain 2024, rud ina moltar reachtaíocht chun aosáigh shoghonta a chosaint ar dhobháil.

Ba ar dháta mífhabhrach, an 1 Meán Fómhair 2008, a thosaigh mé ag obair ag an gCoimisiún um Athchóiriú an Dli. Ar an lá sin, bhí mé ag cur le facha breithiúnais a fhorfheidhmiú, gan a bheith ar an eolas ar bith faoina thábhacht a bheadh an topaic sin ar ball beag. Thit Lehman Brothers as a chéile dhá sheachtain ina dhiaidh sin. Laistigh den chéad mhí a chaith mé ag an gCoimisiún, thit córas baincéireachta na hÉireann as a chéile, thit praghsanna tithíochta as éadan, tháinig suaitheadh gilleagrách chun cinn, agus bhí ríthéicínas ollmhór teaghlaigh ann. D'ireach ina dhiaidh sin, bhí ríthábhacht ag baint le conas a dhéilítear le fíach agus mainneachtain teaghlaigh faoin dli. Leathnailodh raon feidhme mo chuid taighde chun go n-áireofaí leis athmhúilú cuimsitheach ar dhíl féimheachta na hÉireann, rud a bhí as dáta agus ródhian ag an am.

An Dr Joseph Spooner
Scoil Dli LSE
Seal ag an gCoimisiún:
2008-2010



An tOllamh Deirdre Ahern
Coláiste na Tríonóide,
Baile Átha Cliath
Seal ag an gCoimisiún:
2004-2005

Tionscadal fíor-inspioráideach luachbhunaithe ba ea an tuarascáil ar an Dli agus Aosáigh Shoghonta, rud a raibh an t-ádh dearg orm obair air mar thagairt. Túsphointe mo chuid oibre a bhí i bPáipéar Seimneáir gearr a scríobh ar an Dli agus Daoine Scothaosta sa bhliain 2003. Tháinig borradh faoin obair sin le himeacht ama, agus mé ag déanamh breithniú ar shaincheisteanna a bhaineann le cumas dlíthiúil agus cinnnteoireacht i ndáil le mórghrúpa aosach shoghonta. Ba é an Páipéar Comhairliúcháin ar an Dli agus Aosáigh Shoghonta: Cumas (LRC 37-2005) a foilsíodh ar dtús. Bliain ina dhiaidh sin, foilsíodh tuarascáil shubstaintiúil deiridh ar Aosáigh Shoghonta agus an Dli (LRC 83-2006), a scríobhadh le cúnaimh ó Orla Joyce, taighdeoir dlí eile.

Moladh sa chéad chuid den tuarascáil ón gCoimisiún go n-ullmhófaí reachtaíocht shaincheaptha lena gcruthófaí rialacha soiléire maidir le cé na cásanna ina bhfuil cumas dlíthiúil ag duine chun raon leathan cinntrí dhéanamh, agus moladh sa dara cuid go gcuirfi córas nua caomhnóireachta aosach a bheadh ar son an chumais in ionad chóras seancheapthe na gCoimircithe Cúirte. Maidir leis an tuarascáil sin, rinneadh trácht uirthi i gcásanna breithiúnacha, agus tagairt di ina lán foilseachán acadúil náisiúnta agus idirnáisiúnta. Ba é an toradh is suntasal a bhí uirthi, áfach, ná gur actaíodh na moltaí atá inti tríd an Acht um Chinnnteoireacht Chuidithe (Cumas), 2015. Is cúis sásaimh dom gur chuir mo chuid oibre le hathchóiriú an dli a bhaineann le haosaigh shoghonta agus go raibh tionchar fíorshaoil aici. Rinne na hiarraichataí tacalochta agus tathanta agus an rannpháirtíocht phoiblí ó Patricia Rickard-Clarke, Coimisinéir Lánaimseartha ag an am, difríocht ollmhór. Bhí sí eolach, áititheach agus daingean le linn na tacalochta agus an tathanta sin ar fad.



Cad a Tharla do mo Thurascaí?

Scríobh ceathrar dar dtairgheoirí roimhe piosa gearr go cineálta ar an am a chaitheadh ag obair sa Choimisiún agus ar cad a tharla do cheann amháin de na tuarascálacha ar oibrigh siad orthu.



An Breithéamh Onórach Una Ní Raifeartaigh

An Chuir Eorpach um Chearta an Duine

Seal ag an gCoimisiún:
1988-1991

Ba é an chéad phost a bhí agam tar éis dom céim a bhaint amach ón gColáiste Ollscoile, Baile Atha Cliath, ba ea obair mar chuntóir taighde ag an gCoimisiún um Athchóiriú an Dlí ar feadh tréimhse trí bliana. Cé nach raibh mé cinnte ag an am an leanfaim ar aghaidh le gairm a shaothrú sa dlí, ba í an obair a rinne mé ag an gCoimisiún a shocrú an cheist sin. Bhain mé taitneamh as a lán gnéithe den obair. Bhí deis agam mionstaidéar a dhéanamh ar thopaic, agus aird a tabhairt ar fhorbairt stairiúil an dlí sna réimsí sin, mar aon leis an gcásdlí i ndlínsí Ocsailt súl cheart a bhí i mbualadh leis na Coimisinéirí agus in ionchur a fhail uathu, agus iad ina ndaoine sinsearach ina ngairm féin óna bhféadfaí cuid mhór a fhoghlaim, go háirithe toisc nach raibh aithne agam ar aon dlíodóirí roimhe sin. Thug an ról deis dom cairde nua a

dhéanamh i measc mo chomhghleacaithe, agus b'amlaidh a bhí roinnt de na cairdis sin i measc na gcairdeas is tabhachtaí a bhí agam i mo shaol. Bhain mé taitneamh freisin as na seimínéirí phoiblí ar pháipéir chomhairliúcháin, ar lena linn a dh'fhoghlaim mé ceachtanna úsáideacha faoin raon leathan tuairimí a bhíonn ag grúpaí sainleasa difriúla ar thopaic ar leith agus faoin gceanglas atá ann na tuairimí sin a chur san áireamh sa phróiseas um athchóiriú an dlí.

I measc nithé eile, d'oibrigh mé ar Pháipéar Comhairliúcháin ar Chlúmhíleadh, Páipéar Comhairliúcháin ar Chúiteanna Teaghlaigh (dirghabháil san áireamh), agus tuarascáil ar an Dlí a Bhaineann le Bannai. A bhfuil leis an obair sin, ghnóthaigh mé tuiscint ghéar ar na saincheisteanna a bhí i gceist nuair a bhí reachtatocht ar na topaicí sin a ple go poiblí. Bhí an tuiscint sin thar a bheith cabhrach i mo ghairm ina dhiaidh sin mar abhcóide agus mar bhreitheamh. Go bunúsach, eispéireas bunathraitheach a bhí sa seal a chaitheadh mé ag an gCoimisiún. Ba chéim thabhachtaí é ar an aiste ar ó cheim dlí, nach raibh aon taitneamh phraiticiúil aici, ina dlíodóir gairmiúil a raibh tuiscint níos doimhne aici ar chasachtaí agus réaltachtaí praiticiúla an dlí.

Coulter C, 'Proposal to Abolish Law Reform Body Criticised' *The Irish Times* (Baile Atha Cliath, Éire, an 22 Iúil 2009)
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Breathnú Chun Cinn

Leiríú ar thirdreach dlí dinimiciúil éabhlóideach is ea stair athchóiriú an dlí in Éirinn. Is é an bealach is fearr inar féidir le haon choimisiún um athchóiriú an dlí a chinntiú go gcuirfear na tograí uaidh chun feidhme ná réimsí gníomhaíochta is iomchuí d'ábhair imní na sochaí a roghnú. Ba é sin an rud a bhí i gceist go dtreach leis na cúig chláir roimhe um athchóiriú an dlí ón gCoimisiún um Athchóiriú an Dlí.

Na hiarrachtaí leanúnacha a rinne Coimisiún as a chéile chun reachtaíocht a athbhreithniú agus a nuashonrú, léiríonn siad tiomantas do cheartas, do chothroime agus do dhul chun cinn sochafach. Trí na moltaí ón gCoimisiún a chur chun feidhme, agus trí rannpháirtíocht ghníomhach gallséalbhóirí éagsúla sa phróiseas um athchóiriú an dlí, cuirfeadh go mór le córas dlí atá freagrúil agus éifeachtach a mhúnlú.

Agus sinn ag breathnú chun cinn, tá sé rithabhachtach an móiminteam sin a choinneáil ar bun, a chinntiú go n-athraítear an dlí i gcomhréir le ríachtanais agus luachanna na sochaí. Tá obair an Choimisiúin um Athchóiriú an Dlí ina cuid rithabhachtach den aiste ar leanúnach sin go fóill, agus an bealach a réiteach aici le haghaidh athchóirithe dlí atá eolach agus éifeachtach.



Graingharf de Uachtarán an Choimisiúin John Quirke, Catherine McGuinness, Ronan Keane agus Declan Budd. Le Donncha O'Connell agus Raymond Byrne.

Rochtain ar Reachtáíocht

Ní hé amháin go n-ullmháil an Coimisiún tuarascálacha ar athchóiriú an dlí, ach gabhann sé freisin don obair thábhachtach a bhaineann le Rochtain ar Reachtáíocht.

Sular bunaíodh an t-aonad sin, ní raibh aon mhodh éasca ann chun rochtain a fháil ar na leasuithe uile lena ndéantar difear d'Acht ar leith. I mí na Bealtaine 2006, tar éis iarraidh a fháil ón Ard-Aighne, ghlac an Coimisiún ceannas ar Athráitis agus ar Thábla Cróineolaíoch na Reachtanna, dar gairleadh an tEolair Reachtáíochta ina dhiaidh sin. Faoi mhí Iúil 2007, aistríodh an tEolair go hiomlán chig an gCoimisiún, agus foilsíodh páipéar comhairliúcháin ar Athráitis ar an Dlí Reachtúil. Tugadh Alma Clissmann agus Deirdre Ahern ar bord chun an tEolair Reachtáíochta agus na hAthráitis araon a bhainistiú, agus córas ceapadóireachta XML a bhunú do reachtáíocht. Thosaigh an Coimisiún ar an Liosfa Aicmithe a chruthu sa bhliain 2010. Faoin mbliain 2011, áfach, ba leir gur phróiseas útamalach é an próiseas athráiteas toisc gur gha tuilleadh athráiteas a dhéanamh ar Achtanna a athraíodh cheana féin. Sa bhliain 2012, comhaontáidh Achtanna Athbhreithnithe a fhoilsiú ina ionad sin. Agus i faoi stiúir ag Alma Clissmann, ba faoin teideal "Rochtain ar Reachtáíocht" a comhthátháíodh an obair sin ar fad.

Faoin mbliain 2013, d'fhoilsigh an Coimisiún 180 Acht Athbhreithnithe agus rinne sé dul chun cinn suntasach ar na hionstraimí Reachtúla uile a bhí i bhfeidhm a aicmiú don Liosfa Aicmithe. Rianáigh sé na leasuithe uile a rinneadh le hionstraimí Reachtúla an tráth céanna. Sa bhliain

2015, d'oirigh an fhoireann chun an tEolair Reachtáíochta a choinneáil cruinn laistigh de threimhse 1-2 mhí. Aistríodh tairníde bhaillíocháin comhad chuíg bunachar sonraí freisin, agus críochnaíodh an obair sin an bhliain dár gcionn. Mhéadaigh an líon Achtanna Athbhreithnithe go níos mó ná 300 ceann faoin mbliain 2016. Faoin mbliain 2019, bhí an tEolair Reachtáíochta á nuashonrú gach seachtain, agus Achtanna Athbhreithnithe á nuashonrú laistigh de dhá mhí ó leasaíodh iad. Baineadh cloch mhíle shuntasach amach sa bhliain 2024 nuair a críochnaíodh an 500ú hAcht Athbhreithnithe.

I gcomhthráth lena chur chuige i leith Rochtain ar Reachtáíocht, thosaigh an Coimisiún, le tacaíocht ó oifig an Ard-Aighne, ag obair ar an gClár um Athchóiriú an Dlí Reachtúil sa bhliain 2019. Tá sé mar aidhm leis an gclár sin athbhreithniú a dhéanamh ar an reachtáíocht thánaisteach ar fad ón mbliain 1821 go dtí an bhliain 1922 chun a chinneadh cé acu ba cheart na píosaí éagsúla reachtáíochta a chúlghairm nó a choinneáil. Críochnaíodh an chéad chuid den chláir, inar cumhdáíodh an bhliain 1821 go dtí an bhliain 1860, agus achtaíodh í mar an tAcht um Athchóiriú an Dlí Reachtúil, 2015. Ag deireadh na bliana 2023, tosáidh ag obair ar an dara cuid den chláir, ina gcumhdáítear an bhliain 1861 go dtí an bhliain 1922, agus tá an obair sin fós ar siúl.

imeachta um fhogra gnóthachta. Moladh córas nua ina gcuirfí spríochdhátaí i bhfeidhm d'údaráis ar deonaidh ordú ceannairgí eigeantairgí talún doibh. Moladh freisin go ndéanfaí focailocht láithreach ab fhiú nach lu ná 90 faoin gcéad de luach measta na talún leis an uinéir, agus an focailocht le déanamh nuair a bheadh an talamh "dílísithe" don údarás fála.⁵

Rinne an Coimisiún scrúdú ar roinnt gnéithe eile den dlí le linn na deacáide seo, lena n-áiríodh inrochtaineacht na reachtairíochta sa ré dhigiteach, eolas agus creideamh maidir le tolliú sa dlí um éigniú, uasteorainn a chur ar dhamaístí i gcaingne díobhála pearsanta, agus pianbhreitheanna ar fionraí.

Ba léir freisin go raibh gá le creat reachtuil cuil le haghaidh aosaigh atá soghonta nó atá i mbaol a chumhdach. Tar éis taighde fairsing agus anailís fhairsing a dhéanamh ar an dlí agus beartas intire a bhí ann cheana, agus tar éis athbhreithniú cuimsitheach a dhéanamh ar chreataí reachtach a le haghaidh cumhdach aosaigh i ndlísiní eile, choimisiúnaigh an Coimisiún an tuarascáil uaidh ar Chreat Rialála le haghaidh Cumhdach Aosaigh sa bhliain 2024. Moladh sa tuarascáil sin dlíthe nua agus creat rialála radacach chun aosaigh atá i mbaol a chosaint, lena n-áiríodh cumhdachtaí chun dul isteach i dteaghaisí príobháideacha, moltaí d'institiúidí airgeadais chun drochúsáid airgeadais a chosc, agus samhla nua tuairiscithe agus athbhreithnithe.

An Cúigiú Clár um Athchóiriú an Dlí

Tháinig Mary Laffoy, breitheamh den Chúirt



Uachtarán an Choimisiúin Mary Laffoy ag déanamh cur i láthair ó chian le linn na paindéime Covid-19 don Chomhchoiste Oireachtais um Shlainté faoi cumhdach aosaigh.

Uachtarach, i gcomharbas ar John Quirke i mí Dheireadh Fómhair 2018. Cuirteadh dréacht den Chúigiú Clár um Athchóiriú an Dlí faoi bhraid an Ard-Aighne i mí na Bealtaine 2018, tamailín sula ndeachaigh an Breitheamh Laffoy i mbun an ról mar uachtarán ar an gCoimisiún. Ullmhíodh an dréacht sin trí chomhairliúcháin neamhríaltasacha, le grúpáil ionadaíoch, le Ranna Rialtais agus leis an gCoiste Oireachtais um Dhí agus Ceart agus Comhionannas, agus chéadaigh an Rialtas é i mí an Mhárta 2019. Ba é a bhí sa Chúigiú Clár ná 15 thionscadal a bhain le sé réimse den dlí: na cúirteanna, an dlí poiblí agus an ré dhigiteach; an dlí coirúil agus an nós imeachta coirúil; an dlí teannas sibhialta agus an nós imeachta sibhialta; an fhianaise; an dlí teaghlaigh; agus an dlí talún.



An Cúigiú Clár um Athchóiriú an Dlí a seoladh i 2009.



Baill an Choimisiúin leis an Ard-Aighne, Rossa Fanning, ag seoladh na Tuarascála ar Chreat Rialála le haghaidh Cumhdach Aosaigh.

⁵ <https://www.irishtimes.com/ireland/housing-planning/2023/03/29/changes-to-compulsory-purchase-regime-would-speed-up-process-says-commission/>

D'fhoilsigh an Coimisiún tuarascáil fhada ar ghnéithe de dhí na fanaise, fanaise chlostráichta san áireamh, sa bhliain 2016, agus é ag baint leas as an sainéolas de chuid Tom O'Malley, Coimisiúinéir agus acadóir dlí choiriúil. Rinne an Coimisiún scrúdú mionsonraithe ar chibeartbhualáocht agus ar shábháilteacht Idirlin freisin. D'fhoilsigh sé tuarascáil ar Chumarásáid Dhochrach agus Sábháilteacht Dhigiteach chuide sin, rud lenar rannchuidíodh leis an Acht um Chiapadh, Cumarásáid Dhochrach agus Cionta Gaolmhara, 2020.

Cuireadh an chéad tionscadal den Cheathrú Clár i gcrích sa bhliain 2018 nuair a foilsíodh an Tuarascáil ar Chumhachtaí Rialála agus Cionta Corparáideacha. Agus an tuarascáil á seoladh aige, chinn Seamus Woulfe SC, an tArd-Aighne, gur cheim luachmhar í sa chóras rialála agus rialachais chorpóraídig. Úsáideadh an tuarascáil freisin chun bonn eolais a chur faoi na moltaí ó Ghrúpa Athbhreithnithe Hamilton ar Choireacht

Coimisiúinéir Raymond Byrne, Mary Laffoy agus Coimisiúinéir Tom O'Malley ag déanamh cur i láthair don Chomhchoiste Oireachtais faoin dTuarascáil ar Chumhachtaí Rialála agus Cionta Corparáideacha.

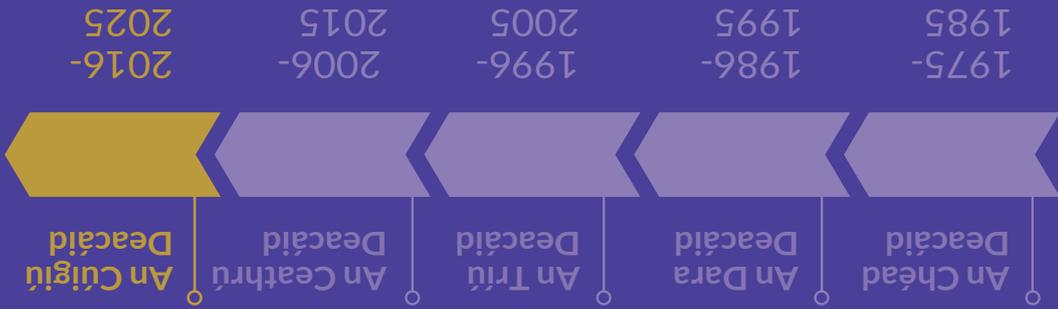


Chorparáideach agus Eililiú Corparáideach, rud a bhí taobh thiar de bhunú an Udarais um Fhorfheidhmiú Corparáideach.

Lean an Coimisiún le haghaidh a thabhairt ar an dlí talún, agus an tuarascáil ar Fháil Eigeantach Talún á seoladh aige i mí an Mhárta 2023. Sa tuarascáil sin, shainiaithin an Coimisiún roinnt easnamh éagsúil sa nós imeachta a leanantar tar éis ordú ceannaigh éigeantaigh deimhnithe, áit a gcuirtear an fháil i gcrích trí leas a bhaint as nós

Rinne an Coimisiún dul chun cinn suntasach sa chúigiú deacáid, agus é ag tabhairt aghaidh ar shaincheisteanna rithábhachtacha amhail sábháilteacht Idirlin, cionta corparáideacha, agus creat nua rialála le haghaidh cumhdach aosach freisin.

An Cúigiú Deacáid 2016-2025



An Ceathrú Clár um Athchóiriú an Dlí

Ba le Clár an Rialtais 2011 a áirithriodh todhchathair an Chóimisiúin, rud inar tuairiscíodh an dóigh a dtabharfaí “tús áite do chláir um athchóiriú an dlí de bhun na moltaí arna ndéanamh ag an gCoimisiún um Athchóiriú an Dlí”. Cheadaigh an Rialtas an Ceathrú Clár um Athchóiriú an Dlí sa bhliain 2013.

Tháinig téarma an Bhreithimh McGuinness chun deiridh sa bhliain 2011, agus an

Breitheamh Onórach John Quirke á cheapadh ina Uachtarán sa bhliain 2012. Chuaigh Finola Flanagan, ó oifig an Ard-Aighne, Donncha O’Connell agus Tom O’Malley, an bheirt ó Ollscoil na hÉireann, Gaillimh, agus Marie Baker SC isteach sa Chóimisiún. Chuirimh

an Breitheamh Baker ina dhiaidh sin ar an meas a bhí ag an Rialtas agus ag cleachtóirí araon ar an gCoimisiún agus ar cé chomh suntasach agus a bhí sé cuirteadh a fháil chun dul isteach ann. Is minic a úsáidtear na Páipéir Chomhairliúcháin agus na Tuarascálacha ón gCoimisiún mar mhíniú agus foinsí tábhachtacha ar staid reatha dhlí na hÉireann. Mar shampla, ba é an páipéar comhairliúcháin a scríobh Nicola White ar réiteach malartach diospóidí an téacs cinntitheach ar an topaic. Saothair cheannródacha eile ba ea an páipéar comhairliúcháin agus an tuarascáil ar léiriú

reachtuil.



An Ceathrú Clár um Athchóiriú an Dlí a seoladh i 2013.

díl shibhialta de chásanna ina bhfuil daoine ar iarraidh; agus an cumas chun toiliú a thabhairt i gcomhthéacs cionta gnéis. Foilsíodh obair an Chóimisiúin ar bhainistiú fach pearsanta agus fortheidhmíú fach thart ar an am sin freisin, agus an obair sin ag cur bonn eolais faoin Acht um Dhócmhainneacht Phearsanta, 2012.

Sampla eile den Chóimisiún a bheith ag moladh réitigh dhifhithiúla ar fhadhbanna a tháinig chun cinn i sochail mheathraitheach ba ea an Tuarascáil ar Chearta agus Dualgais de chuid Comhchónaitheoirí. Tháinig teaghláigh neamhfhoirmiúla chun bheith níos coitianta in Éirinn agus, i gcásanna áirithe, bhí páirtneirí amháin i gcleithiúnas airgeadais ar an bpáirtneirí eile gan cosaint dhifhithiúil an phósta a bheith aige nó aici. Pleadh sa tuarascáil saincheisteanna dhifhithiúla amháil comhaontuithe a dhéanamh ar nithe airgeadais, dlíthe cánach agus na teidilíochtaí comharbais ba cheart a bheith ag comhchónaitheoirí cáilithe, aitheantas ginearálta do chomhchónaitheoirí faoin dlí leasa shóisialaigh, an dlí tionóntachta príobháidí, suíomhanna cúram sláinte agus ospidéal, an dlí foreigin baille, agus córas cúitimh “íontán sábháilteachta” le haghaidh faoiseamh airgeadais a thabhairt ag deireadh caidrimh dá bhfeadfaí cleithiúnas eacnamaíoch a chruthú. Cuirteadh cuid mhór de na moltaí san áireamh san Acht um Páirtneireacht Shibhialta agus um Chearta agus Oibleagáidí Áirithe de chuid Comhchónaitheoirí, 2010.



An Tríú Clár um Athchóiriú an Dlí a seoladh i 2007.

Gearcheim don Choimisiún

Tamallín ina dhiaidh sin, áfach, bhí baol ann go scoirfeadh an Coimisiún de bheith ann. Foilsíodh Tuarascáil McCarthy sa bhliain 2009, inar moladh go ndéanfaí roinnt gníomhairíochtaí Stáit a dhíothú nó a chnascadh nó go ngabhfaidh ranna rialtais a gcuid feidhmeanna orthu féin. Moladh inti nach dtionófaí an Coimisiún ar bhonn buan a thuilleadh, á rá gur cheart é a ationól "as required to address government mandated reform agendas".

Baineadh suaitheadh as an lucht díl mar thoradh ar na tograí sin. Luaigh an Breitheamh Onórach Catherine McGuinness, Uachtarán an Choimisiúin, gur mhór an trua é nar labhairt grúpa McCarthy leis an gCoimisiún toisc gur léir, bunaithe ar an tuarascáil ón ngrúpa, nár thug sé go hiomlán cad a bhí i sainordú agus i modheolaíocht an Choimisiúin. Bhí an Coimisiún ag obair cheana féin de réir clár oibre athchóirithe a bhí sainordaithe ag an rialtas, agus comhaontáidh gach ceann dá Chláir um Athchóiriú an Díl leis an Rialtas. Chuir sí in iúl freisin gurbh íoronta an rud é gur ón gCoimisiún um Athchóiriú an Díl féin a tháinig cuid mhór de na tograí eile ó McCarthy. Airíodh leo sin tairfeadadh digiteach a chur i bhfeidhm sna cúirteanna, focalochtaí tréimhsíúla a dhéanamh i gcásanna díobhála pearsanta tubaistí, agus eadráin agus idirghabháil shainordaitheach ag comhlachtaí Stáit. Ba é luach an Choimisiúin a chinntigh ar deireadh go leanfaidh sé ar aghaidh.

Leanúint ar Aghaidh

Lean an Coimisiún ar aghaidh lena chuid oibre

beag beann ar na dúshláin sin, agus é ag foilsíú tuarascálacha ar réamhthreoracha cúraim, ar dhíiteanas sibhialta do "Shamáráigh mhaithe" agus d'oirbriú deonacha, agus ar chosaintí díl choiriúil sa bhliain 2009. Phléigh an Coimisiún cóiréail liachta leanaí agus fanaise leictreonach agus dhoiciméadach freisin.

Ag teacht sna sala ar chás conspóideach uchtála inar thug lánúin a mac uchtaithe ar ais chuig an Indinéis, d'iarr an Árd-Aighne ar an gCoimisiún scrúdu a dhéanamh ar uchtálacha idir tíortha. Sa bhliain 2008, chuir an Coimisiún in iúl an athnuair gur gha an Coimhinsiún um Uchtálacha Idir Tíortha 1993 a dhaingníú, rud a bhí á chur san áireamh sa Bhille Uchtála, 2008. Mhol sé freisin go n-eiseofaí treoirlinnte maidir le doiciméid uchtála coigríche a fhorú agus maidir lena chinntiú go mbíonn comhairle díl neamhspleách ag an mBord Uchtála.

D'fhoilsigh an Coimisiún Tuarascáil ar Ghnéithe Dlíthiúla de Chongais Teaghlaigh sa bhliain 2010. Agus leas leanaí á bhreithniú, cumhdáidh sa tuarascáil sin saincheisteanna amháil na cearta agus na freagrachtaí de chuid aithreacha neamhphósta, páirtneirí sibhialta agus daoine eile den teaghlach, agus úsáideadh an tuarascáil mar bhunús don athchóiriú cuimsitheach ar an dlí teaghlaigh a rinneadh faoin Acht um Leanaí agus Cóngais Teaghlaigh, 2015.

D'fhoilsigh an Coimisiún tuarascáil ar réiteach malartach díospóidí, agus an Acht Idirghabhála, 2017, ag teacht aisti, agus tuarascáil ar chúram baile gairmiúil freisin. Foilsíodh páipéir chomhairliúcháin ar na nithe seo a leanas chomh maith: pianbhreitheanna sainordaitheacha; comarthaí árachais; gnéithe



Foireann an Choimisiúin ag bhliantúil i gCaisleán Bhaile Átha Cliath, 2009.

³ (iml. 1, lch 71; iml. 2, lch 207) <https://www.irishtimes.com/news/proposal-to-abolish-law-reform-body-criticised-1.704091> arna rochtain an 19 Márta 2025

An Ceathrú Decaid 2006-2015



Tréimhse dhúshlánach ba ea an ceathrú decaid, ar lena linn a bhí todhchaí an Choimisiúin faoi bhagairt mar gheall ar iarmhairtí na géarchéime airgeadais.

An Tríú Clár um Athchóiriú an Dlí

Ba sa bhliain 2007 a d'fhorbair an Coimisiún an tríú clár um athchóiriú an dlí. Rinneadh comhairliúcháin fairsing leis an bpobal chun an clár sin a ullmhú. Rinneadh iarrachtaí for-rochtana eile freisin, aít ar thug an Coimisiún cuairt ar Chorcaigh agus ar Ghailímh, ar chuir sé fógraí i nuachtáin áitiúla agus a ndearna sé agallaimh ar stáisiúin áitiúla raidió. Chomh maith leis sin, scríobh an Coimisiún chuid TDanna áitiúla, chuid dlí-chleachtóirí agus chuid scoileanna dlí, agus réachtáil sé comhdháil ar athchóiriú an dlí i gCaisleán Bhaile Átha Cliath. Thug Brian Lenihan, an Aire Dlí agus Cirt ag an am, aitheasc ag an gcomhairliúchán deiridh, agus é ag cur in iúl go láidir gur gá don rialtas obair go dlúth leis an gCoimisiún. Rinne sé tagairt ar leith don Bhille um bunachar sonraí DNA a bhnuú, ar ina leith a bhain a roinn leas mór as tuarascáil ón gCoimisiún. Labhair sé faoin mbearna dhlíthiúil a d'fhéadfadh teacht roimh na cúlirteanna, ar bhearna í nach



An Coimisiún: John Quirke, Finola Flanagan, Donnacha O'Connell, Marie Baker agus Tom O'Malley, 2013.

bhfeadfadh cruthaitheacht bhreithiúnach í a íonadh go sásúil. "The Law Reform Commission comes into its own in such circumstances. It is equipped with the tools to seek out such lacunae whether in statute law, in the common law or in any interstices that it may identify between the two; to research and, through its well-developed consultative processes, canvass possible solutions; and to make proposals to the legislature and the general public for change."

Uachtarán an Chóimisiúin An Breitheamh Declan Budd leis an Mbreitheamh Catherine McGuinness, Patricia Rickard-Clarke agus Marian Shanley ag seoladh an Pháipéir Comhairliúcháin ar Chearta agus Dualgais Chomhchónaitheoirí, Aibreán 2004.



Ag an am sin, thosaigh an Coimisiún ag feachaint níos faide ná cónais dlí choitinn agus ag tabhairt tús áite do dhlí-eolaíocht na Cúirte Forpaí um Chearta an Duine. Thosaigh sé ag eagrú cruinnithe le coimisiúin eile um

Bhí an Coimisiún ag gabháil le fada d'athbhreithniú ar dhlí talún agus tíolactha na hÉireann, agus d'fhoilsigh sé an tuarascáil uaidh ar Athchóiriú agus Nuachóiriú an Dlí Talún agus Tíolactha sa bhliain 2005. Achtaíodh an Acht um Athchóiriú an Dlí Talún agus Tíolactha 2009 mar thoradh air sin, agus an dlí sa réimse seo a chomhdú. Ní hé amháin go ndearnadh an dlí níos solliére agus níos inrochtana de bharr an Achta sin, ach tugadh isteach ann athchóirithe suntasacha substainteacha freisin, amháil deirleadh a chur le coinchéap iomlán na tionachta feodaí ar a raibh dlí maoinne réadál na hÉireann bunaithe go fóill. Thuairiscigh an Coimisiún freisin ar athchóiriú an dlí maidir le comhchónaitheoirí agus ar an dlí lenar rialaíodh cuidéachtaí bainistíochta coimpléasc árasán, agus mhól sé go bhforbrófaí Bunachar Sonraí teoranta DNA.

Uachtarán an Chóimisiúin, Catherine McGuinness, le Taoiseach Bertie Ahern agus Iar-Uachtarán an Chóimisiúin Ronan Keane, ag freastal ar ócáid i dTeach Farnleigh chun tríocha bliain a cheiliúradh.



Ba iad ceathrar uachtarán as a chéile a threoraigh an Coimisiún le linn na decaíde seo. Tháinig Vivian Lavan in ionad Anthony Hederman sa bhliain 1998, agus d'fhan sé sa ról go dtí an bhliain 2000, tráth a chuaigh Declan Budd i mbun an ról. D'fhóin sé mar uachtarán go dtí an bhliain 2005. Tháinig Catherine McGuinness, breitheamh den Chúirt Uachtarach, ina ionad, agus í ag sealbhu an ról tráth a chuaigh an Coimisiún isteach sa cheathrú decaid.

athchóiriú an dlí freisin. Ar mháithre le tuilleadh airde a tharraingt ar na tuarascálacha uaidh, láithrigh an Coimisiún go rathúil os comhair an Choiste Oireachtais um Dhlí agus Ceart. Chabhraigh sé sin le spreagadh a thabhairt do thairbhíochtaí a bhí ag tnúth lena gcuid oibre a chur i láthair coiste den Oireachtas ag deireadh an tionscadail.

Uachtarán Mary McAleese le Coimisinéirí agus foireann an Chóimisiúin ag seoladh an Pháipéir Comhairliúcháin ar an Dlí agus ar Dhaoinne Scothaosta.



An Coimisiún a Nuachóiriú

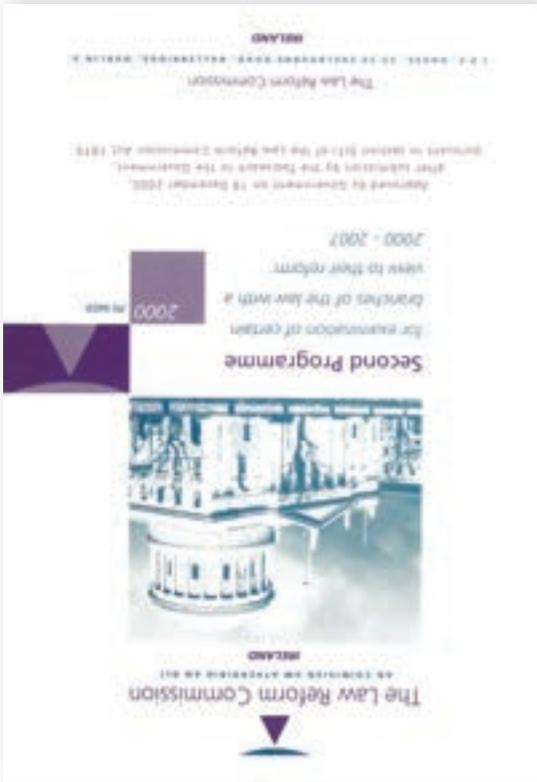
Sainathnóidh i dtuarascáil ó Deloitte and Touche ar an gCoimisiún roinnt fadhbanna lena eagrú agus lena bhainistiú. Sa tuarascáil uathu, d'admhaigh na comhairleoirí gur éirigh leis an gCoimisiún a neamhspleáchas a choinneáil agus taighde ardchaighdeán a tháirgeadh agus go raibh an-mheas ag ranna Rialtais air. Ní raibh ach clár amháin um athchóiriú an dlí ann faoin am sin, áfach, agus cuirteadh tús leis an gclár sin sa bhliain 1977. Moladh sa tuarascáil sin go bhforbrófaí clár trí chomhairliúcháin idir oifig an Ard-Aighne agus coiste comhairleach ina mbeadh na príomhranna rialtais uile agus ionadaithe ón Dlí-Chumann agus ó Chomhairle an Bharra. Moladh inti freisin go gcuirfí ról agus feidhmeanna na gCoimisinéirí agus an phearsanra in iúl ar shli níos soiléire agus gur cheart ról lanaimseartha a bheith i ról an Uachtaráin, agus roinnt solúbthachta ann lígean do bhreitheamh atá ag fónamh sui sa chúirt ó am go ham. Ghlac an Coimisiún leis na moltaí sin agus é ag iarraidh é féin a nuachóiriú.

An Dara Clár um Athchóiriú an Dlí

Sna blianta fada ó ceadú an chéad chláir, tháinig athru suntasach ar shochair na hÉireann, agus ba gha don Choimisiún aird a thabhairt ar réimsí nua athchóirithe. Cuirteadh tús leis an Dara Clár um Athchóiriú an Dlí sa bhliain 2000. Bhí sé mar aidhm leis tuairiscí ar shaincheisteanna amhail an córas dlí, fianaise, an dlí riaracháin, cearta sibhialta, an dlí coirúil, dlí na n-óibleagáidí, maoin réadach agus phearsanta, an dlí tráchtála, an tsochair faisnéise, grúpáil soghonta, agus an dlí idirnáisiúnta. Ag obair dó i gcomhar le hoifig an Ard-Aighne, bhreathnaigh an Coimisiún ar a raibh ón tsochair. Eagraíodh cruinnithe poiblí, agus buníodh comhdhálaacha bliantúla, agus an chéad cheann díobh sin ag baint leis an dlí talún.

Bhí spéis ar leith ann sa dlí a bhaineann le daoine scothaosta, a bhféadfadh meath teacht agus drochshláinte. D'fhoilsigh an Coimisiún

Páipéar Comhairliúcháin ar an Dlí agus Daoine Scothaosta sa bhliain 2003 agus Páipéar Comhairliúcháin ar Aosaigh Shoghonta agus an Dlí sa bhliain 2005, agus tuarascálacha gaolmhara a bhfoilsíu aige ina dhiaidh sin sa bhliain 2006. Roimhe sin, ba leis an Lunacy Regulation (Ireland) Act, 1871, a bhí as dáta, a rialaíodh aosaigh a raibh cumas dlíthiúil in easnamh orthu. Agus spreagadh a fháil aige ó Choibhinsín na Náisiún Aontaithe ar Chearta Daoine faoi Mhíchumas, mhol an Coimisiún oiliúcháin nua sa réimse seo, bunaithe ar an toimhde go bhfuil cumas ag gach aosaigh ó cionn 18 mbliana d'aois ach go bhféadfadh go dtéastódh uathu cosaint ar mhí-úsáid. Mhol an Coimisiún go ndéanfaí measúnú ar chumas cinnnteoireachta tráth an chinnidh agus go gcuirfí córas nua caomhnóireachta a osach in ionad chóras na gCoimircithe Cúirte, agus cuirteadh an moladh sin ar áireamh san Acht um Chinnnteoireacht Chuidithe (Cumas), 2015.



An Dara Clár um Athchóiriú an Dlí a seoladh i 2000.

Bhí an Breitheamh Anthony Hederman ina uachtarán ar an gCoimisiún cheana féin trath thús an tríú deacáid. Tháinig téarma an Bhreithimh Keane chun deiridh sa bhliain 1992, agus an Breitheamh Rory O'Hanlon ag teacht i gcomharbas air ar feadh tamaillín. Agus í ina chompháirtí le McCann Fitzgerald, chuaigh Patricia Rickard-Clarke isteach sa Choimisiún mar choimisinéir sa bhliain 1997. D'fhóin sí ar feadh tréimhse 15 bliana ansin, ag gníomhu di faoi thri uachtarán. Chuir sí saíneolas ar eagraíocht dlí nua-aimseartha a reáchtáil leis an gCoimisiún. Go deimhin, baineadh geit aisti nuair a chuaigh sí isteach in oifigi an Choimisiúin den chéad uair, trath a chonaic sí clóscríobháin as dáta agus páipéar nótaí a chuaigh siar go

An Coimisiún: John Quirke (runaí), Turlogh O'Donnell, Arthur F Plunkett, Hilary A. Delany, An Breitheamh Anthony J. Hederman agus Patricia T. Rickard-Clarke.

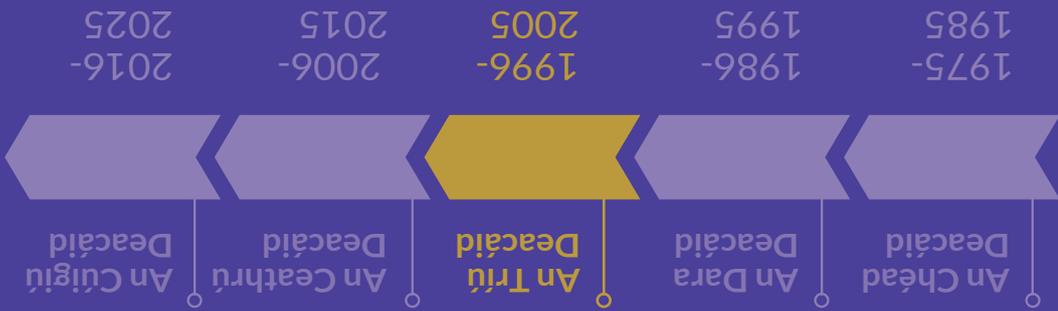


dtí an bhliain 1976. Agus an Coimisiún ag dul isteach sa tríú deacáid, ba léir gur ghá dó nuachóiriú ionas go bhféadadh sé aghaidh a thabhairt ar na hathruithe ar an tírdhreach dlí agus ar riachtanais na sochaí.

riachtanais na sochaí.

Tréimhse athchóirithe agus nuachóirithe shuntasáigh ba ea tríú deacáid an Choimisiúin, a thosaigh sa bhliain 1996. Brúdh an t-athchóiriú agus an nuachóiriú sin chun cinn mar gheall ar cheannaireacht nua agus mar gheall ar an diríú a leagadh ar aghaidh a thabhairt ar na hathruithe ar an tírdhreach dlí agus ar

An Tríú Deacáid 1996-2005



An Coimisiún: Anthony Hederman, Maureen Gaffney, Simon P. O'Leary, William Duncan, John Quirke, John F. Buckley.



Le linn na tréimhse sin, thosaigh an Coimisiún ag déanamh caidreamh méadaithe leis an bpobal. I gcás na tuarascála maidir le héigniú, chuaigh an Coimisiún i gcomhairle le heagraíochtaí amhail an tIonad Eigeandála um Eigniú, oibríthe sóisialta, agus grúpaí brústocaireachta a raibh taitní dhíreach acu ar na saincheisteanna lena mbaineann. Thug an Coimisiún cuairt ar oifigi nuachtáin le linn do ciumhilleadh a scrúdu agus, i gcás dliteanas áititheora, bhual sé le feirmeoirí. Cé nár éirigh leis an gCoimisiún a spríocanna uile a bhaint amach, ba leis na tuarascálacha uaidh a leagadh an bhunchloch le haghaidh athchóirithe suntasasacha a dhéanamh ar an dli. B'ionann na tuarascálacha sin freisin agus freagairt radacach ar an bhfeasacht mhéadaitheach a bhí ag an tsochat ar shaincheisteanna tábhachtacha.

Lad síúd a bhí ag obair sa Choimisiún ag an am, is cuimhin leo an sásamh mór a bhí acu agus athchóirithe chomh suntasach sin á dtabhairt chun cinn acu. Bhí rún daingean ag Maureen Gaffney difear a dhéanamh, agus chuimhnigh comhaltai eile den Choimisiún ar an rannchuidiú ollmhór a rinne sí, go háirithe i réimsí an dli teaghlaigh, an dli um éigniú agus an dli um mí-úsáid ghnéasach leanaí. Ba ag Éirinn a bhí ceann amháin de na dlíthe is forásal maidir le héigniú san Eoraip ag am amháin, agus toirmeasc i bhfeidhm aici ar éigniú pósta. Mar gheall ar an am a chaithe sé in oifig an Stiúrthóra lonchúiseamh Poiblí, bhí dearcadh difriúil ag Simon O'Leary ar theacht isteach sa Choimisiún do. Mar sin féin, cuimhníonn sé go han-dearfach ar an am a chaithe sé sa Choimisiún, áit ar oibrigh gach duine le chéile chun an ghné acadúil agus an ghné phraiticiúil a cheangal go rathúil.

1990, ba é seasamh na Cúirte Eorpaí um Chearta an Duine go raibh dli na hÉireann ag sárú an Choinbhinsiúin.

Rinne an Coimisiún scrúdu ar an dli um homaighnéasachas freisin. Luadh i rialú ón gCúirt Eorpach um Chearta an Duine le déanaí go raibh an toirmeasc i dTuaisceart Éireann ar ghníomhartha homaighnéasacha ina shárú ar an gCoimhinsiún Eorpach um Chearta an Duine, rud ar chuir Éire a hainm leis. Luaidh an Coimisiún go bhféadfadh an rialtas gníomhartha homaighnéasacha a dhíchóiriú. Luaidh sé freisin go bhféadfadh Éire tarraingt siar as an gCoimhinsiún, agus é ag rá: "no responsible body of opinion was advocating that". Mhol an Coimisiún go ndéanfaí athrú ar an dli chun an córas dlí céanna a bhfuil feidhm aige maidir le gníomhaíocht heitrighnéasach chomhthoilíúil a chur i bhfeidhm maidir le gníomhaíocht homaighnéasach chomhthoilíúil. Faoin am a foilsíodh an tuarascáil sa bhliain

feidhme. Choiriúil, 1992, a cuireadh na moltaí sin chun frise a úsáid. Ba tríd an Acht um Fhianaise mhodhnu agus socru a dhéanamh d'fhianaise n-áireofaí an dli um fhianaise chlostrácha a an próiseas trína dtugann leanaí fianaise, lena Leanaí, 1991. Mhol an Coimisiún go maolófaí a cuireadh san áireamh san Acht um Chúram sláinte agus foireann ospidéal, ar mholadh é ann le haghaidh comhair idir Gardaí, boird Coimisiún freisin go mbeadh sásra níos fearr Acht um Thus Aite do Leanaí, 2015. Mhol an sainordaitheach isteach den chéad uair tríd an suiar tugadh reachtáíocht maidir le tuairiscíú aige maidir leo. Chuaigh 30 bliain thart ansin oiliúna a sholáthar dóibh sin a mbeadh feidhm ba ghá tacú leis tríd thuilleadh acmhainní agus dtabharfaí tuairiscíú sainordaitheach isteach, is conspóidí. Dar leis an gCoimisiún, dá tuairiscíú sainordaitheach ar an tsaincheist ghnéasach leanaí sa bhliain 1990, tráth a bhí Thug an Coimisiún aghaidh ar mhí-úsáid (Baneigean) (Leasú), 1990.

le tograí eile tríd an Acht um an Dlí Choiriúil an moladh sin isteach i reachtáíocht in éineacht hargóintí ina fhabhar sin a eisteacht. Ligeadh isteach ach amháin tar éis don bhreithneamh na stair ghnéasach aon ghearánai a thabhairt don chúisí. Mhol sé, áfach, nach bhféadfaí nach páirtí i dtail páirt a ghlacadh chun dochar d'fhéadfadh a bheith ann dá bhféadfadh duine an eolas faoi na himpleachtaí bunreachtúla a dhíthíúil ar leithligh do ghearánaithe, agus é ar mhól an Coimisiún go ndéanfaí ionadaíocht bona fide de na meáin i láthair. Níor



Rinne an rialtas breithniú ar an gCoimisiún a dhíothú. Mheas John Rogers, an tArd-Aighne, áfach, gur cheart an Coimisiún a neartú agus gur cheart clár níos dirithe um athchóiriú an dlí a tharraingt suas. Ceapadh an Breitheamh Onórach Roman Keane mar Uachtarán ar an gCoimisiún sa bhliain 1986, agus chuaigh Simon O'Leary ó Oifig an Stiúirthóra Ionchúiseamh Poiblí, William Duncan ó Chólaiste na Tríonóide, John Buckley, aturnae agus breitheamh den Chúirt Chuarda ina dhiaidh sin, agus Maureen Gaffney, siceolaí, i bpáirt leis.

D'fhoilsigh an Coimisiún tuarascáil maidir le héigniú sa bhliain 1988, inar moladh go seofraí triailacha éignithe go príobháideach agus go mbeadh sríanta tuairiscithe ann ar chomhaltai



Uachtarán an Choimisiúin Roman Keane, le John Buckley, Maureen Gaffney, Simon O'Leary, William Duncan agus John Quirke (rúnaí).

Bhí drochtús ann leis an dara decaid. Faoin mbliain 1986, ní raibh ach beirt chomhairleoirí taighde lánaimseartha ag an gCoimisiún agus ní raibh aon Choimisinéir ar bith aige chun obair na gcomhairleoirí sin a chur i gcrích.

An Dara Decaid 1986-1995



Tógadh ceim mhór i dtreo dlí teaghlaigh na hÉireann a fhréacnaíciu nuair a foilsíodh Tuarascáil maidir le Neamhdhlísteanacht sa bhliain 1982. Agus é ag aithint cé chomh huaillmhiánach agus bhí an togra, scríobh an Coimisiún: “we think that a law that denies substantial rights to innocent children needs radical reform.” Chinn an Coimisiún nár cheart srian a chur le cearta leanaí bunaithe ar stádas pósta a dtuismitheoirí agus gur cheart stádas na neamhdhlísteanachta a bhaint den dlí. Léiríodh an méid sin tráth níos déanaí san Acht um Stádas Leanaí, 1987, rud lenar cuirfeadh deireadh le coincheap dlíthiúil na neamhdhlísteanachta in Éirinn.

Scrúdaiodh an tsaincheist a bhaineann le háitribh lochtacha sa bhliain 1982. Sa tuarascáil uaidh, mhol an Coimisiún go gcuirfí tógáilthe, forbróirí agus institiúidí airgeadais faoi dhiliteanas i leith lochtanna i bhfoirgnimh. Dar leis an gCoimisiún, tá dualgas ar gach ceann de na páirtithe sin a chinntiú go gcuirfear a gcuid oibre i gcrích go gairmiúil agus go n-úsáidfear ábhair oiriúnacha chuí lena linn ionas go mbeidh an foirgneamh oiriúnach don fheidhm. Dar leis freisin, is é ceannach tí an mhír aonair is costasail go mór fada a cheannóidh formhór na ndaoine ina saol agus “That they should enjoy a lesser guarantee of quality than that enjoyed by purchasers of goods, which is the present legal position, is anomalous, to say the least.” Chuir Cónaidhm Thionscal na Foirgníochta i gcoinne na moltaí sin, agus í ag rá go méadófaí an costas ar thithíocht dá ndeasca, agus chinn an rialtas gan na moltaí ón gCoimisiún a chur chun feidhme.

Bhreathnaigh an Coimisiún ar aithint colscarthaí coigríche freisin, agus é ag moladh nár cheart na colscarthaí sin a aithint i gcás go raibh gnáthchónar ar an mbeirt chéill in Éirinn nó i gcás gur bhog duine amháin díobh thar lear ar feadh tréimhse shealadach chun colscaradh a lorg agus chuirge sin go príomha. Bhí an tuarascáil maidir le Divorce a Mensa et Thoro (*idirscaradh de facto*) a foilsíodh sa bhliain 1983 níos cuimsithe fós. Leagadh amach inti an bunús le haghaidh athbhreithniú mór a dhéanamh ar an dlí um idirscaradh breithiúnach, agus na

forais leis sin á leathnú ó adhatranas agus ó chruálacht chun go bhfóidh siad freisin iompar míreásunach, tréigean, cliсадh pósta, agus cásanna ina bhfuil an lánúin ag cónaí ar leithligh óna chéile go leaúnach ar feadh tréimhse shonraithe. Cuirfeadh na tograí sin ar áireamh tráth níos déanaí san Acht um Idirscaradh Breithiúnach agus Athchóiriú an Dlí Teaghlaigh, 1989, agus san Acht um an Dlí Teaghlaigh, 1995. Na hathchóirithe a moladh le linn na chead deacáide, ní hé amháin go raibh siad ceaptha chun an dlí teaghlaigh a fhréacnaíciu, ach bhí siad ceaptha freisin chun an bealach a réiteach le haghaidh córas dlí níos cothroime, ina léireofaí ról lárnach an Choimisiúin ó thaobh bunathrú dlí de.



Leathanach cumhdáigh don chead tuarascáil ón Coimisiún maidir le Dlí Teaghlaigh (1981).

Ba leis an Dlí Teaghlaigh a bhain an chéad tuarascáil ón gCoimisiún, a foilsíodh sa bhliain 1981. Agus tréacht á dhéanamh aige ar thort an chomhrá choiriúil, d'aithin an Coimisiún mar a leanas sa tuarascáil sin: "that the rather barbarous theoretical basis of the action, which savours of a proprietary interest in one's spouse, offends against modern notions". Dá réir sin, mhol an Coimisiún go gcuirfí deireadh le tort an chomhrá choiriúil agus go mbeadh an ceart céanna ag an mbeirt chéili chun tríú páirtí a

agairt as adhaltranas. Mhol an Coimisiún go gcuirfí deireadh leis an gcaingean mar gheall ar shárú gealltanais pósta, ar mhodh é a cuireadh chun feidhme ina dhiaidh sin leis an Acht um an Dlí Teaghlaigh, 1981. Rinne sé tograí freisin maidir le sócmhainní pósta a roinnt, agus aird a tabhairt ar rannfocailocht airgeadais na má ceile agus ar a rannchuidiú le haire a thabhairt don teaghlach.

suntasacha ar an dlí.

D'fhoilsigh an Coimisiún um Athchoiriú an Dlí 20 tuarascáil le linn na chéad decaíde dá chuid oibre. I gcás 15 cinn díobh, rinneadh reachtálocht díobh nó cuireadh iad san áireamh i reachtálocht. Bhunaigh an Coimisiún a sheasamh, agus d'ullmhaigh sé roinnt tuarascálacha ceannródaíocha as ar tháinig athchoirithe

An Chéad Decaid

1975-1985



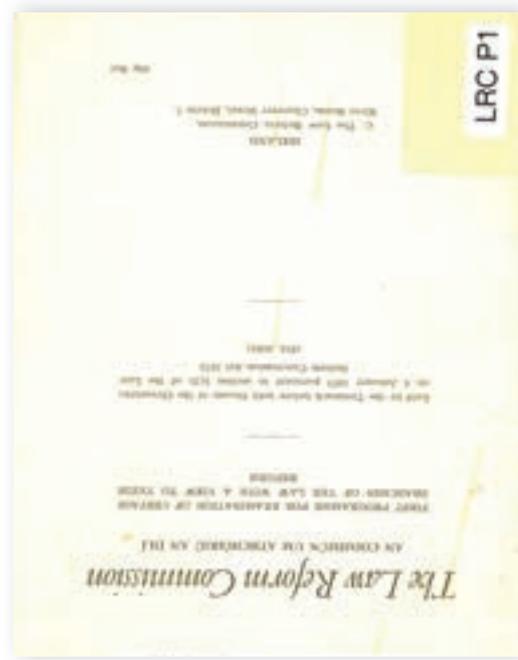
An Chéad Chomisiún

Bunaíodh an chéad Chomisiún sa bhliain 1975, agus an Breitheamh Onórach Charles J. Conroy a ghlac an ról Walsh ina Uachtarán air. Ba é an Breitheamh Onórach Charles J. Conroy a ghlac an ról mar Chomisiúinéir Iánaimeasártha, agus é ag dul ar scor ón ról mar Uachtarán ar an gCúirt Chuarda. Chuaigh na daoine seo a leanas i bpáirt leis ar an gComisiún: an tOllamh Robert Heuston, Ollamh Regius le Dlí, Coláiste na Tríonóide, Baile Atha Cliath; Martin Marren, Aturnae; agus an Dr Helen Burke, Léachtóir i Roinn na nEolaíochtaí Sóisialta, Coláiste na hOllscoile, Baile Atha Cliath, agus an t-aon chomhata amháin den Chomisiún nár dhúine den lucht dlí í.



Ag an gcéad chruinniú don Chomisiún um Athchóiriú an Dlí, tógadh grianghraf de na daoine seo a leanas: (ina seasamh) an tOllamh Robert Heuston, An Dr. Helen Burke, An Breitheamh Brian Walsh (Uachtarán), An Breitheamh Charles J. Conroy, Martin E. Marren (ina sui), An tArd-Aighne Declan Costello, Taoiseach Liam Cosgrave agus Rúnar don Rialtas Donal O'Sullivan.

Ní raibh aon oifig ná aon leabharlann ag an gComisiún, agus bhí cuma uallimhianach ar an spríoc a bhí aige dlí na hÉireann a chomhdhlúthú agus a chodú. Ba é a bhí aige, áfach, ná an sainneolas de chuid comhairleoirí, táighde mór le rá amhail William Binchy, Bryan McMahon agus Charles Lysaght. Ba i mí Eanáir 1977 a leagadh an Chéad Chlár um Athchóiriú an Dlí faoi bhráid Thithe an Oireachtais. Bhí raon feidhme leathan ag an gClár sin, inar cumhdaitíodh beagnach gach gné den dlí coirúil agus inar samhlaíodh scrúdúithe fadréimséacha ar an dlí riaracháin agus ar an dlí teaghlaigh.



Litrí chumhdáigh ó Uachtarán an Chomisiúin go dtí an tArd-Aighne seo le cóp den Chéad Chlár um Athchóiriú an Dlí.

An Chéad Chlár um Athchóiriú an Dlí, 1977.

² Ronan Keane, 'Thirty Years of Law Reform 1975-2005' (2005).

Ba mar chomhlacht neamhspleách a bunaíodh an Coimisiún, agus tá sé ag oibriú sa chail sin ó thús. Chun a shocrú go gcuirfead na moltaí uaidh chun feidhme, ní mór don Choimisiún obair go dlúth leis an rialtas agus a neamhspleáchas a chothabháil an tráth céanna; ar shli eile, d'fhéadfaí a mheas nach ann don Choimisiún ach chun beartas an rialtais a chur i ngníomh. Leag an Breitheamh Onórach Mary Laffoy, iar-Uachtarán an Choimisiúin,

Neamhspleáchas an Choimisiúin

Ba é an Breitheamh Onórach Ronan Keane, iar-Uachtarán an Choimisiúin, a thug an minníú is fearr air sin nuair a dúirt sé mar a leanas maidir le comhdhlúthú: "seeks to bring together in one statute measures in particular areas of law which are to be found in a number of different statutes... Codification by contrast involves the setting out in one statute of all the law affecting a particular topic whether it is to be found in statutes or in common law."²

"Toláinn "athchóiriú", maidir leis an dli nó le brainse den dli, a fhorbairt, a chodú (lena n-áirítear go háirithe a shimpliú agus a fhreacnaircú) agus athbhreithniú agus comhdhlúthú an dli reachtúil..."

Ina theannta sin:

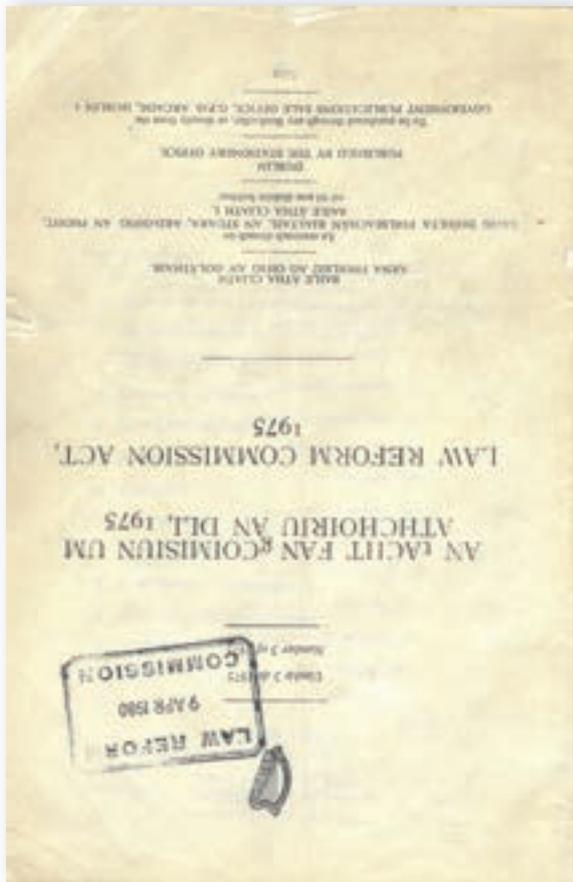
"Coimeádaídh an Coimisiún an dli faoi bhreithniú agus deánfaidh sé, de réir forálacha an Achta seo, scrúdúithe a ghabháil de láimh agus taighde a sheoladh d'fhonn an dli a athchóiriú, agus tograí a leagan amach le haghaidh athchóiriú an dli;"

Luatear mar a leanas san Acht fán gCoimisiún um Athchóiriú an Dli, 1975:

Cuspóir an Choimisiúin

béim ar a thábhacht atá sé go n-ibíreodh an Coimisiún i gcomhar leis an bhFeidhmeannas agus leis an bpobal agus go gcaomhódh sé a neamhspleáchas an tráth céanna. Mheas sí gurb é an reachtas tofa an t-aon chomhlacht reachtóireachta amháin ó thaobh an bhunreacht de, áit a bhfeidhmiú an Rialtas mar phríomhfhaightheoir tograí, lena n-áirítear iad sin ón gCoimisiún.

An tAcht fán gCoimisiún um Athchóiriú an Dli, 1975.



An Coimisiún a bhunú

Ón dara haois déag go dtí an fichiú haois, bhí córas dlí na hÉireann ceangailte leis sin a bhí i bhfeidhm i Sasana agus sa Ríocht Aontaithe. Tar éis neamhspleáchas a bhaint amach, tugadh an dlí láithreach ar aghaidh, agus lean na cúirteanna le cló le prionsabail ghinearálta an dlí choitinn. Ba sa bhliain 1962 a aithníodh an gá le comhlacht a bhunú chun athchóiriú an dlí a scrúdú agus a mhaoirsiú, tráth a bunáilodh rannán laistigh den Róinn Dlí agus Cirt mar thoradh ar scéim chórasach um athchóiriú an dlí. Ba é aidhm na scéime sin reachtáilocht réamh-neamhspleáchais a oiriúint don ré iar-neamhspleáchais agus reachtáilocht a thabhairt isteach lena léireofaí luachanna athraitheacha shochoil na hÉireann.

Níor bunáilodh aon choimisiún foirmiúil ach amháin sna 1970í, áfach. Ba leis an Acht fán gCoimisiún um Athchóiriú an Dlí, 1975, a rinneadh amhlaidh. Agus uachtarán agus ceathrar coimisinéirí aige, cuirteadh de chúram ar an gCoimisiún um Athchóiriú an Dlí comhairle a thabhairt maidir le hathchóiriú an dlí agus féachaint freisin leis an dlí láithreach a chodú agus a chomhdhlúthú. Leag Declan Costello, an tArd-Aighne, béim ar a thábhachtai atá athchóiriú an dlí in aitheasc os comhair na Dála:



Litr ó Uachtarán an Choimisiúin go dtí an tArd-Aighne ag deimhniú bunú an Choimisiúin um Athchóiriú an Dlí.

“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.”¹

¹ ‘Dispoireachtai Dála – An Bille fán gCoimisiún um Athchóiriú an Dlí, 1975: An Dara Céim

Leiríú ar na hathruithe leanúnacha in Éirinn an lae inniu is ea stair an Choimisiúin um Athchóiriú an Dlí le 50 bliain anuas. Bhí ról rithábhachtach ag an gCoimisiún maidir le tirdhreach dlí na hÉireann a mhúnlú le linn na tréimhse sin, agus é ag rannchuidiú le hathchóirithe suntasacha ar an dlí teaghlaigh, ar na cearta atá ag daoine a bhfuil míchumas orthu, ar shaincheisteanna dlí choiriúil, agus ar rialáil eintiteas corparáideach. D'fhoilsigh an Coimisiún 128 dtuarascáil ó bunaidh ar dtús é, agus bhí tionchar díreach ag cuid mhór díobh sin ar reachtáilocht na hÉireann.

Le linn a chuid oibre ar fad, sheas an Coimisiún lena neamhspleáchas agus lena thiomantas d'athchóiriú fiúntach an dlí, bunaithe ar thrédharcacht agus ar rannpháirtíocht an phobail. Instear scéal an Choimisiúin sna leathanaigh seo. Leagtar amach iontu roinnt de na tioncnaimh a sheol sé sa chaoga bliain seo a chuaigh thart, agus diríú á leagan ar athchóirithe tabhachtacha dlí, ar athruithe laistigh den eagraíocht, agus ar na dúshláin agus na deiseanna a bhíonn ag teacht chun cinn.

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CAOGA BLAIN AG ATHCHÓIRIÚ AN DLI

COMIISIÚN UM
LAW REFORM
ATHCHÓIRIÚ AN DLI
1975-2025

