

# Civil Justice Efficiencies And Reform Measures

A Civil Justice System  
for the 21<sup>st</sup> Century



An Roinn Dlí agus Cirt  
Department of Justice

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## Minister's Foreword

The Report of the Review of the Administration of Civil Justice (known as the Peter Kelly Report) made over 90 recommendations, which, when implemented, will represent the most significant reform to civil law in the history of the State.

This accompanying Implementation Plan on Civil Justice Efficiencies and Reform Measures sets out how we will achieve these ambitious reforms, with the goal of facilitating easier, cheaper and quicker access to civil justice.

While most people will thankfully never need to interact with our criminal justice system, many of us will have some reason to engage with the civil justice system over the course of our lives, or the lives of our families. These interactions often take place when we are personally at our most vulnerable, when a marriage is sadly breaking down or when a custody or maintenance issue needs to be resolved for a child. These are stressful and worrying times, often

compounded by an overly-complex process or a lack of information on what to do and when.

While some of the efficiencies and reforms we are seeking to introduce in the civil justice system require legislation, many of them do not. In some instances, the biggest impact can be made simply by providing people with the right information, at the right time, and in the most appropriate way.

We also want to reduce the costs of litigation, improve procedures and reduce delays. We are working closely with the Courts Service, which is implementing its own ambitious Courts Modernisation Programme in a way that aligns closely with the actions under this Plan to ensure better outcomes for all court users.

This is part of a broader civil justice reform programme, which I am spearheading across my Justice Plan 2022. This includes a review of our civil

legal aid system for the first time in its 40 year history; the establishment of a dedicated family court structure; the finalisation of our first national strategy on family justice; and an independently chaired Judicial Planning Working Group, which is examining the number and type of judges needed over the next five years to ensure access to justice.

Implementing these reforms will require input and cooperation from all key stakeholders, including the judiciary, the Courts Service, legal practitioners, and court users themselves. I have been deeply impressed with the collaborative way in which stakeholders have come together, firstly in the preparation of the Report of the Kelly Review Group, and, now, in preparing this Implementation Plan. I am confident that this collegiate approach will continue and will have a positive impact on helping us to achieve our shared goal of a modern civil justice system.

Implementation of this Plan will take place on a phased basis up to the end of 2024 and progress reports will be submitted to Government each year. We will develop indicators to demonstrate the progress which is being made. I have appointed an implementation group comprising members of the judiciary, the Courts Service, my own Department of Justice, the Department of Public Expenditure and Reform and the Department of the Taoiseach to drive and oversee implementation. The Group has already met on a number of occasions and will continue to meet quarterly.

I am pleased to say that six actions under this Implementation Plan have already been completed, including changes to Rules of Court to encourage compliance with time limits (to reduce delays). Progress has been made on the increased use of video conferencing across courtrooms and we will seek to continue to accelerate the digitalisation

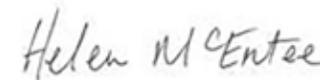
of our courts to ensure that justice is accessible for everyone.

No one action will achieve our objective of easier and cheaper access to civil justice. However, through the implementation of this plan, action by action, reform by reform, we can deliver a far better system. Important actions include:

- The replacement of multiple court documents with a single document to commence legal proceedings;
- Simplification of the language and terminology in Rules of Court;
- Promotion of video conferencing for the taking of expert and other evidence;
- An online information hub to provide dedicated legal and practical information for those considering bringing proceedings without professional representation;
- Standardisation of arrangements for naming and vetting of suitability of next friend or guardian ad litem to act on behalf of a child in litigation;
- Updated Courts Service Customer Charters to provide more specific measurements for performance and service levels; and
- Legislation to provide for Introduction of a more efficient and more cost effective regime for discovery and to automatically discontinue cases not progressed in 30 months.

One area on which the Kelly Review Group was not able to reach consensus was on whether to introduce a scale of legal costs and if it should be mandatory. My Department has commissioned economic research in this area. When completed, this research together with appropriate legal advice on its findings and implications, will inform policy proposals which I intend to bring to Government next year. Our objective will be to reduce the cost of litigation and to improve access to justice.

The Implementation Plan clearly sets out how we will widen access to civil justice and, importantly, sets timelines for when we will deliver reforms. Modernisation will not only help those who need legal services: it will also help legal professionals, the Courts Service and the judiciary to operate more efficiently and effectively, while equipping them for the challenges of the future. I look forward to seeing more actions implemented in the coming months and years and to delivering a modern civil justice system that serves the people of Ireland now and into the future.



**Helen McEntee TD**  
Minister for Justice



# Introduction

The administration of civil justice in Ireland is broadly derived from 19th Century legislation (in particular the Judicature (Ireland) Act 1877), which has been added to or adjusted in a largely piecemeal way over the years. In 2017, a Review of the Administration of Civil Justice was initiated, with the aim of identifying opportunities for reform to achieve improved outcomes for court users, enhanced access to justice, reduced litigation costs, earlier resolution of disputes and a more responsive system. A Review Group chaired by the then President of the High Court, Mr. Justice Peter Kelly, was established to undertake the appraisal. The Review Group made over 90 recommendations in a wide range of areas in its Report published in December 2020.

In compiling its report and formulating recommendations, the Review Group undertook a consultation process, receiving 97 submissions from Government Departments, members of the judiciary, legal professionals,

academics, non-profit organisations, professional bodies and individual members of the public. It also examined Court Service caseload and case flow data, survey data from reviews and evaluations of Ireland's civil justice system, and findings and analyses of reviews of civil justice systems in other jurisdictions. The Report of the Review of the Administration of Civil Justice was noted by the Government in November 2020.

This document sets out the implementation plan to realise the changes proposed by the Review Group and is the culmination of detailed engagement between the Department of Justice and the Courts Service, the two bodies with primary responsibility for implementing the actions outlined in the Review, and further consultation with members of the Judiciary, the Department of Public Expenditure and Reform, and the Department of the Taoiseach. It identifies the work streams for implementation in the next three years, the lead body responsible for

implementation, the enablers that will facilitate the advancement of work streams and approximate timeframes within which the actions are to be achieved.

Given the breadth and complexity of recommendations contained in the report, their implementation will be a multi-year project that will require a phased approach. An implementation group has been appointed to monitor and support completion of this activity. Any proposed adjustment to the scope or time lines of the outlined program will be reviewed and agreed by this cross-organisational committee. It is worth noting that many recommendations of the Kelly review overlap with the aims of the Courts Service Modernisation Programme 2020-2030 and that both have at their core the attainment of better outcomes for court users.

## Structure of the Implementation Team

The implementation group contains the organisations responsible for

the overwhelming majority of changes outlined in the report: the Department of Justice (policy and legislation actions); the Courts Service (for service delivery actions and supports to the Rules Committees); and the Judiciary (as a key independent partner to drive changes for access to justice). In addition, representatives of the Department of the Taoiseach and the Department of Public Expenditure and Reform participate in the implementation group.

Specifically, the implementation group comprises officials from the Civil Justice Policy, Governance and Legislation functions of the Department of Justice, senior officials of the Courts Service Modernisation Civil Reform Programme, the Legislation and Rules Unit (who support the Rules Committee), the Courts Service operational Directorates, and two members of the Judiciary nominated by the Chief Justice. The implementation group is chaired by the Department of Justice.

The Group has held four meetings and will continue to meet quarterly to monitor progress against the timelines outlined in the implementation plan, identify any issues arising and work to overcome them. Courts Service representation on the implementation group will ensure complementary alignment of the work of this group with that of the Courts Service Modernisation Programme.

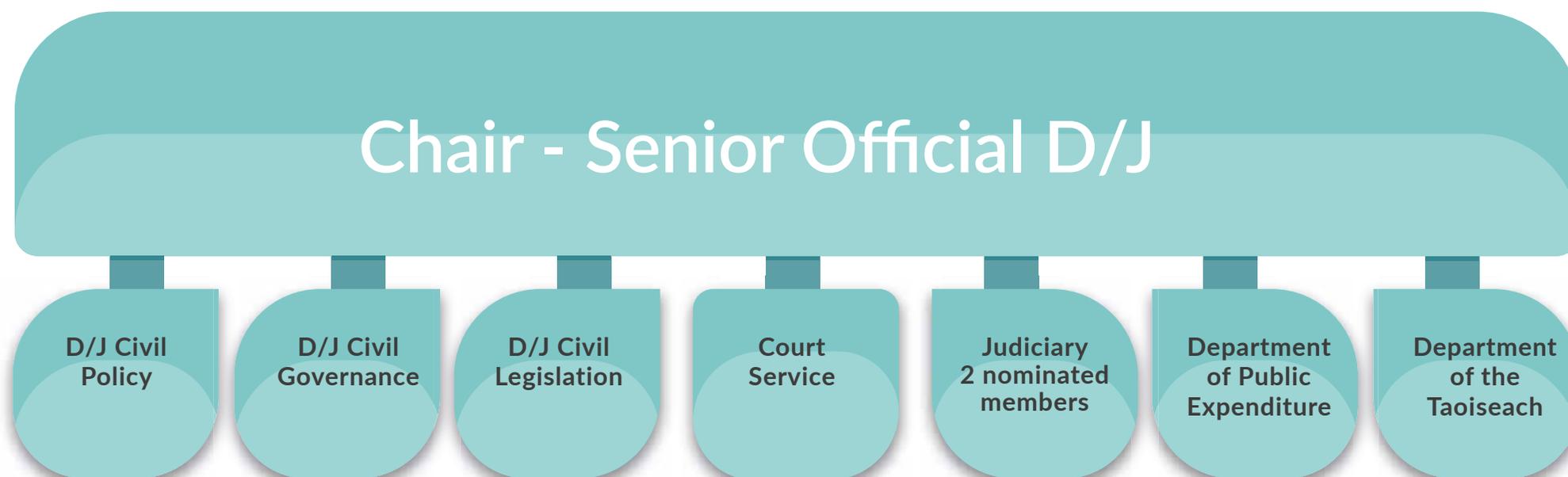
The legal professions are key stakeholders in the administration of justice and were centrally involved in the development of the recommendations in the Review through representative membership of the Group. As we have now moved to the implementation phase, it is proposed to engage with the legal professions on particular aspects of implementation as the need arises.

The mechanisms by which such engagement will be realised will be identified by the implementation group.

A number of recommendations will require the input of other Government Departments or Agencies, and this is occurring as required on a bilateral basis to progress these specific recommendations. For example, the

Department and/or Courts Service will engage, where appropriate, with the Legal Services Regulatory Authority and the Judicial Council in respect of specific recommendations.

The Group is supported by a secretariat from the Department of Justice and Courts Service.



# Implementation Plan Work Streams

The Kelly recommendations will be implemented across seven key work streams which are designed to reflect the major themes emerging from the Kelly Review. The following are the work streams and a summary of their aims:

WORK STREAMS	OVERALL AIM
(1) Civil Procedure in the Courts	To reform a range of practices and procedures to improve and modernise the Civil Courts to ensure timelier hearings and reduce delay.
(2) Discovery	To reform the system of Discovery to reduce the cost of litigation, improve procedures and reduce delay.
(3) Judicial Review	To introduce primary legislation for the granting of applications for judicial review with the aim of enhancing the timeliness, efficiency and cost effectiveness of the process and to amend elements of the Rules of Court.
(4) Multi- Party Litigation	To legislate for a comprehensive Multi-party Action (MPA) procedure in Ireland
(5) Litigation Costs	To consider and advance measures to reduce the costs of litigation, including costs to the State.
(6) Facilitating Court Users	To achieve more effective outcomes for court users, with particular emphasis on vulnerable court users, including children and young persons, litigants who are ineligible for civil legal aid, and wards of court.
(7) Technology and e-Litigation	To create a secure digital environment to facilitate e-litigation and to modernise the digital facilities of Irish Civil Courts.

# Key Enablers

## Legislation

Significant reforming primary and secondary legislation is required to give effect to elements of each of the work streams covered by the Kelly Review. This process will be subject to constraints within the legislative reform process. Drafting will require co-ordination of resources within the department of Justice and the Office the Parliamentary Counsel. The proposals will also require time and prioritisation within the legislative processes in the Houses of the Oireachtas.

The Department of Justice is proposing to introduce the reforms by way of two or more pieces of reforming legislation. The first legislative proposal will support the changes recommended in the civil procedures in the Courts work stream and in the judicial review work stream, as well as some items related to the Courts Service Modernisation Programme. The second legislative proposal will address the changes required by the discovery work stream, the litigation costs work stream, the multi-party litigation work stream and the facilitating court users

work stream. Additionally, the Courts Service has recommended that an annual legislative vehicle should be created to introduce the civil and criminal reforms agreed between the Court Service and the Department, and further consideration is being given to this mechanism. It is noted that repetitive change to legislation or rules of court are problematic and that those responsible for the introduction of new rules or legislation will need to have a clear idea of the intended overarching scheme so that any new items will sit comfortably with those to be introduced at a later stage without requiring extensive alteration themselves. Apart from the drafting deadlines for the Scheme of Bill stage, further drafting timeframes are indicative only and subject to other work priorities of Office of Parliamentary Counsel, Houses of the Oireachtas etc.

## Rules of Court

The Kelly Review proposes significant reforms of the Rules of Court across a range of the project work streams. The

vast majority are contained in the civil procedure in the Courts work stream. Currently, Rules Committees for the various court jurisdictions meet 3-4 times a year on average to consider rules changes and are supported by the Legislation and Rules Unit of the Courts Service. For the purposes of implementation, there are three elements of the Rules of Court reforms:

- Rules of Court that are dependent on the introduction of primary legislation;
- Rules of Court that are not dependent on legislative amendment and can be progressed by the Court Service from an early stage;
- Rules of Court that relate to the standardisation and simplification of civil procedures that will be progressed over the lifetime of the implementation plan.

## Operational Matters

The operational elements of the Review recommendations will fall mainly to be implemented by the Courts Service within Work stream 6 (facilitating court users) and Work stream 7 (e-litigation) because they relate to the day to day running of the Court system. For example, operational actions relate to matters such as the equipping of courtrooms with Wi-Fi and evidence display hardware, consolidating court rules, updating guides to facilitate court users, and advancing guides for litigants in person covering all types of proceedings, amongst a range of other matters.

## Policy

There are a number of discrete policy issues that arise from the Kelly Review recommendations. These include policy considerations around the cost of litigation; policy issues relating to developing a cost index for the healthcare sector that could be used in the assessment of periodic payment

orders and engaging with other members of the Courts Service's Access to Justice Civil Reform User Group established to facilitate litigants that have limited financial means to access justice.

### **Judiciary**

Members of the judiciary are independent in the exercise of their functions as guaranteed under Article 35.2 of the Constitution.

While recognising judicial independence, the Kelly Review identified there are a number of issues that arise for the judiciary specifically that will require consideration. The Department is cognisant that some of the recommendations will have implications for judicial resources and the issue of judicial numbers and supporting staff resources will be further considered in that context.

The Judicial Planning Working Group commenced in May 2021 and as part of its work will consider the question of additional judicial resources. The work of the Working Group is on track and the Group intends to report with recommendations to the Minister for Justice in the spring of 2022.



## Interface with the Court's Service Modernisation Programme

Budget 2022 saw the highest ever budgetary allocation for the Justice sector including €164 million for the Courts Service. This included an extra allocation of €1 million to continue its Courts Modernisation Programme which builds on €8 million already provided in budget 2021 and retained in 2022 along with additional funding to make permanent reforms introduced during the pandemic, such as increased video hearings. The substantial funding received by the Courts Service for its Modernisation Programme aims to enable the delivery of reduced costs, simplified services, and improved timeliness for its users. The current phase of the Modernisation Programme is the transition phase where the Courts Service is building its capability in terms of ICT, people, and simplification of processes.

The Courts Service has made significant commitments in terms of staff and resources to ensure advancement of the modernisation programme, as well as manage the recovery efforts in the context of the global pandemic. While Covid 19 was not helpful in the

conduct of 'business as usual' and was disruptive of forward planning cycles, it drove the introduction of new measures and platforms which are bringing the administration of justice and of the courts up to date. Building on these positive reforms, Mr. Justice Peter Kelly's Civil Review and its recommendations are a key part of the reform of civil justice within the state and of the considerations of the civil reform work stream of the Courts Service Modernisation Programme. Aligning the priorities and timelines of both the Civil Review implementation programme and the Modernisation Programme will ensure a synergy of efforts and good use of public money.

Nevertheless, a significant amount of work in both civil justice reform and the modernisation program remains, as is clear from the comprehensive recommendations contained in the Kelly Review.



## Phased and Coordinated Approach to Implementation

This implementation plan – like the Review Report – is ambitious in its scope. It is also practical in its approach to implementation. The context in which this work is being initiated is one which is still marked by some uncertainty: although the pandemic appears to be nearing a close, the long-term impact of the pandemic has yet to be fully identified. While its disruptive force has changed the way in which elements of the civil justice system now operate, accelerating reforms and illuminating new possibilities, it has also resulted in challenges which will require ongoing consideration and management.

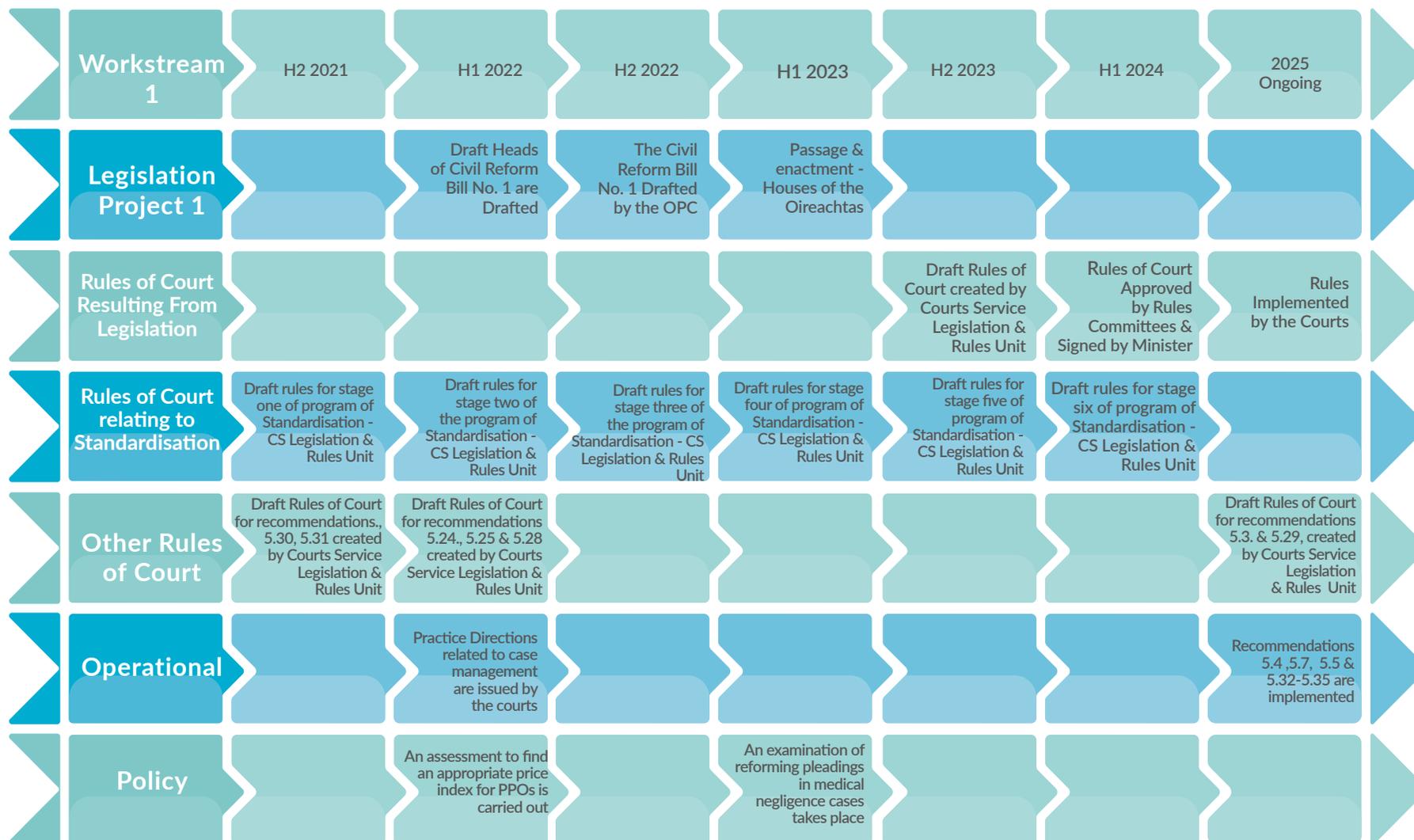
As highlighted above, many of the recommendations will require legislation. Others will require changes to Rules of Court. While some recommendations are relatively straightforward, the range and nature of others will require multiple steps for them to be realised, including policy development. The implementation of some will require coordinated action across the Department of Justice, the Courts Service, Rules Committees, and the Judiciary at different time points, while respecting

the role, function and independence of each. The implementation plan has adopted a phased approach, identifying recommendations that can be progressed within the plan's timeframe, and those which will require further consideration and work beyond the lifetime of the 3 year plan. A progress report will be brought to Government reporting on the achievement of these recommendations annually.

What follows is a provisional timeline for Work streams 1 to 7 which commenced in the second half of 2021 and runs up to the second half of 2024. Each year is divided into 6 month timeframes. A range of recommendations fall to be implemented from 2025 onwards. Each of the numbered recommendations is explained in more detail in the Appendix.



## Work stream 1: Civil Procedures in the Court



## Relevant Recommendations – See Appendix

### **Legislation Project 1**

5.1, 5.2, 5.8, 5.12, 5.13, 5.14, 5.15, 5.16, 5.19, 5.21, 5.26, 5.27,

### **Rules of Courts resulting from Legislation**

5.1, 5.2, 5.8, 5.12, 5.13, 5.14, 5.15, 5.16, , 5.26, 5.27,

### **Rules of Court relating to Standardisation**

5.18, 5.19, 5.20, 5.21, 5.22

### **Other Rules of Court**

5.3, 5.9, 5.17, 5.23, 5.24, 5.25, 5.28, 5.29, 5.30, 5.31.

### **Operational**

5.4, 5.5, 5.6, 5.7, 5.10, 5.32, 5.33, 5.34, 5.35

**Policy** 5.8, 5.11

## Contingencies and Requirements

Capacity of D/J Civil Legislation, Capacity of the Rules Committees, Capacity and prioritisation within Office of Parliamentary Counsel, Time in the legislative programme Houses of the Oireachtas, Availability of adequate resources

## Work stream 2: Discovery



### Relevant Recommendations – See Appendix

#### Legislation Project 2

6.1, 6.3, 6.4, 6.5,

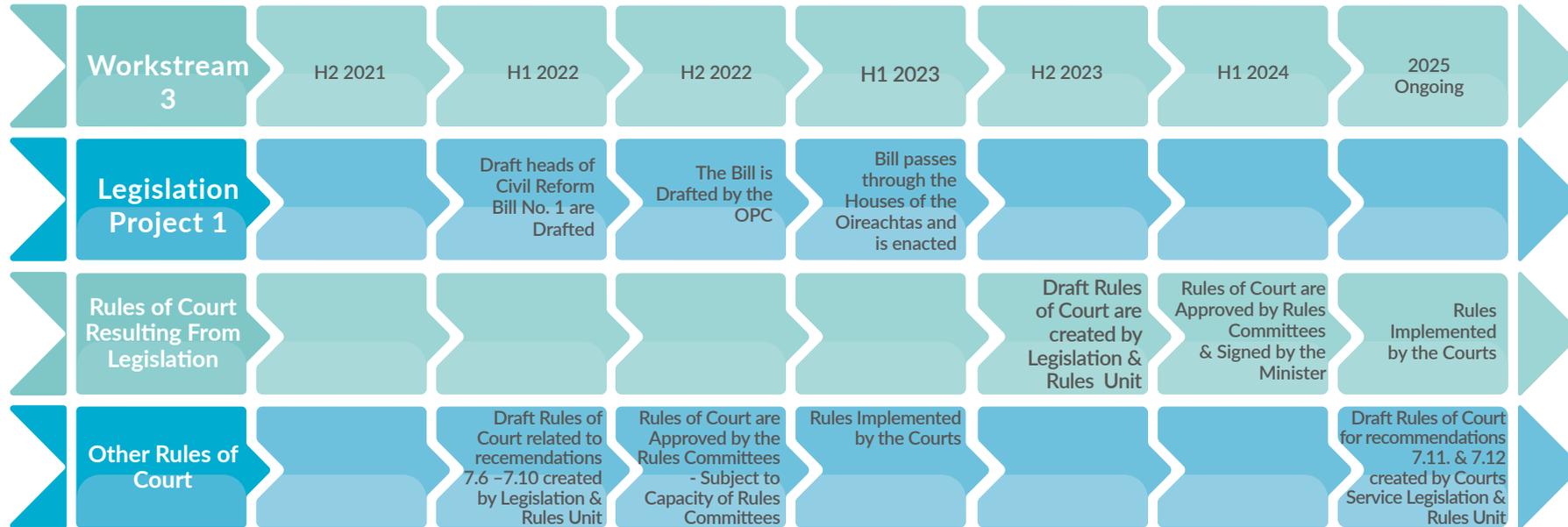
#### Rules of Courts resulting from Legislation

6.2, 6.6, 6.7

### Contingent Factors

Capacity of D/J Civil Legislation, Capacity of the Rules Committees, Capacity and prioritisation with Office of Parliamentary Counsel, Time in the legislative programme Houses of the Oireachtas, Availability of adequate resources

## Work stream 3: Judicial Review



### Relevant Recommendations – See Appendix

#### Legislation Project 1

7.1, 7.2, 7.3, 7.4, 7.5, 7.13, 7.14

#### Rules of Courts resulting from Legislation

7.2, 7.3, 7.4

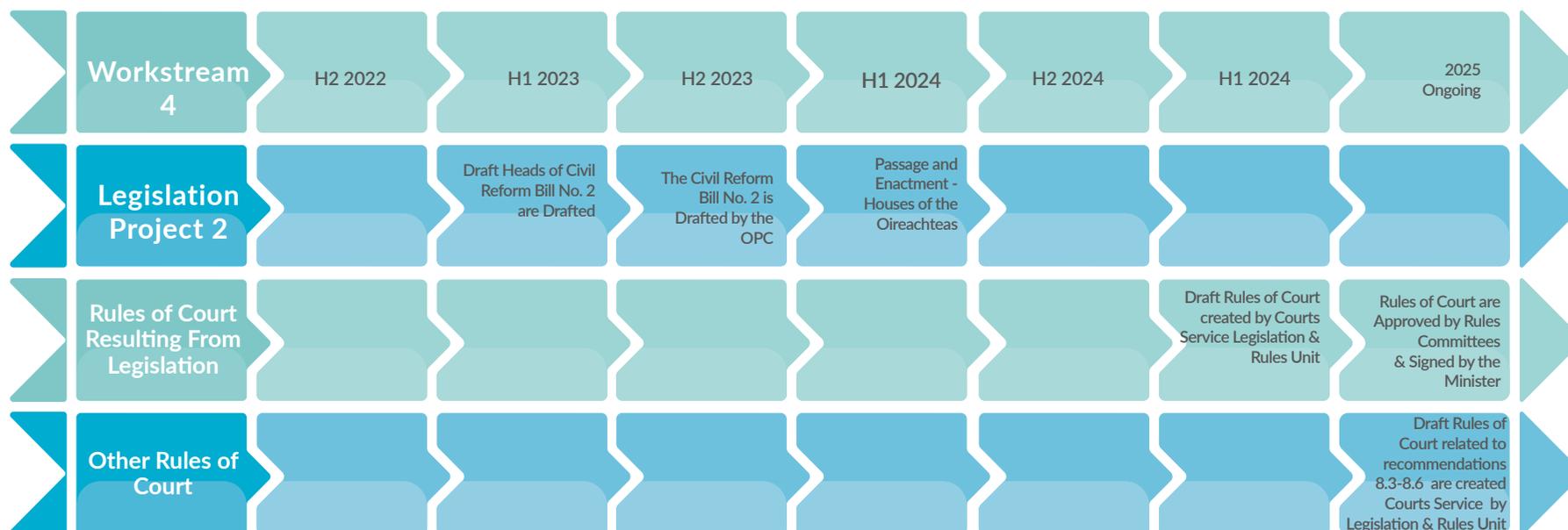
#### Other Rules of Court

7.6, 7.7, 7.8, 7.9, 7.10, 7.11, 7.12

### Requirements and Contingencies

Capacity of D/J Civil Legislation, Capacity of the Rules Committees, Capacity and prioritisation with Office of Parliamentary Counsel, Time in the legislative programme Houses of the Oireachtas  
Availability of adequate resources

## Work stream 4: Multi-Party Litigation



### Relevant Recommendations – See Appendix

#### Legislation Project 2

8.1, 8.2

#### Rules of Courts resulting from Legislation

8.1, 8.2

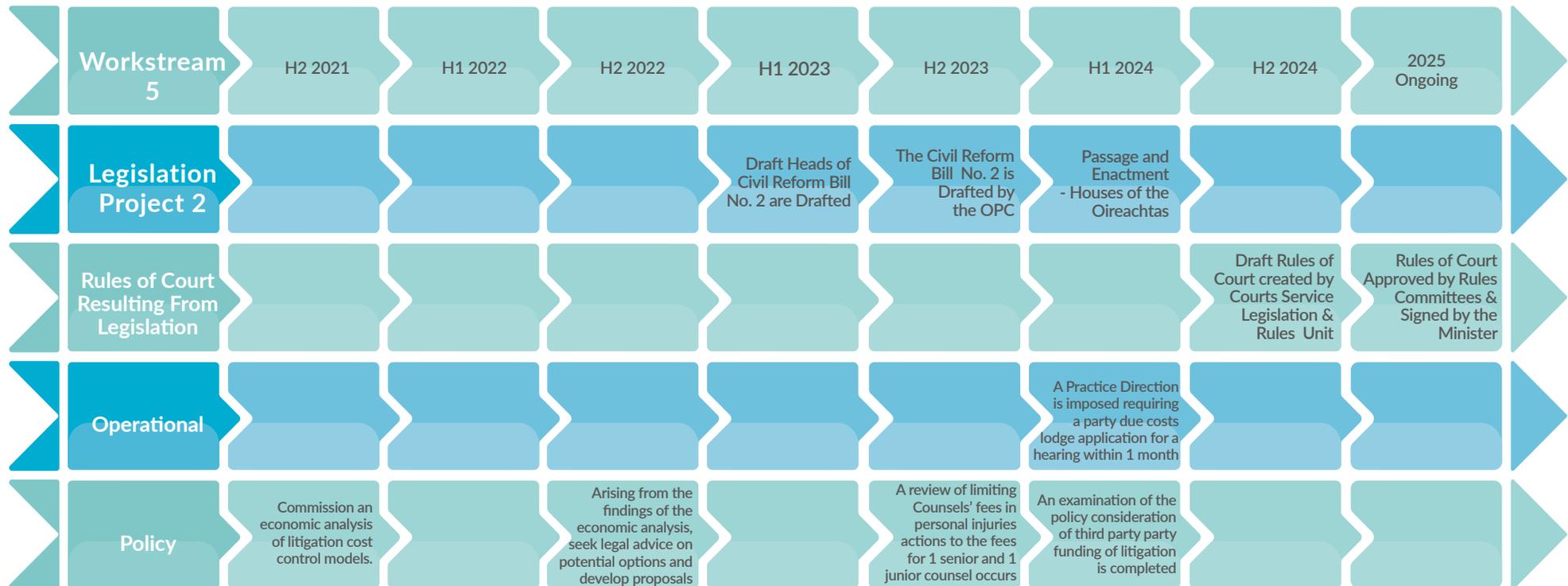
#### Other Rules of Court

8.3, 8.4, 8.5, 8.6

### Requirements and Contingencies

Capacity of D/J Civil Legislation, Capacity of the Rules Committees, Capacity and prioritisation by OPC, Time in the legislative programme Houses of the Oireachtas, Availability of adequate resources

## Work stream 5: Litigation Costs



### Relevant Recommendations – See Appendix

**Legislation Project 2** – 9.2 , 9.3, 9.7

**Rules of Courts resulting from Legislation** – 9.3

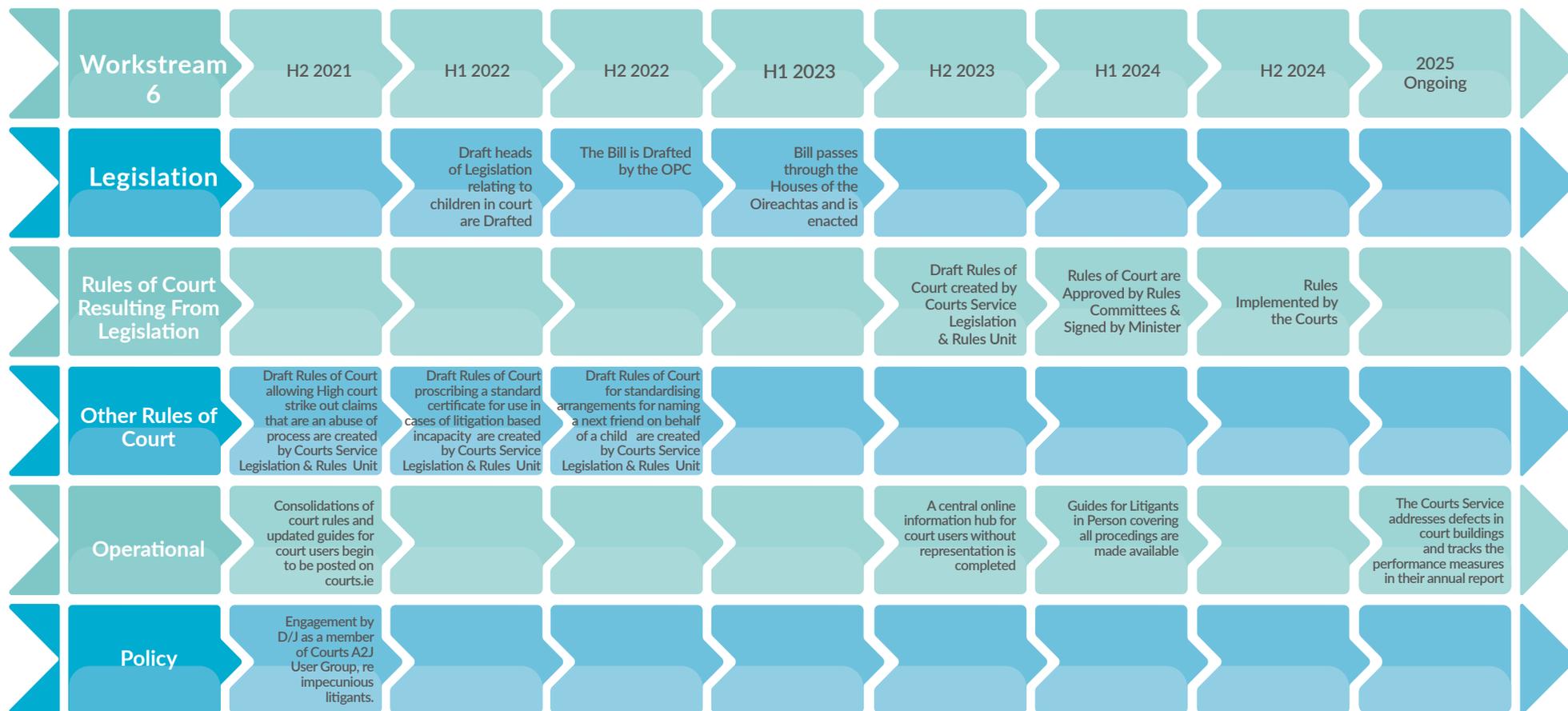
**Operational** – 9.4

**Policy** - 9.1, 9.5, 9.6

### Contingent Factors

Capacity of D/J Civil Legislation, Capacity of the Rules Committees, Capacity and prioritisation by the Office of Parliamentary Counsel, Time in the Legislative Programme Houses of the Oireachtas, Availability of adequate resources

## Work stream 6: Facilitating court users



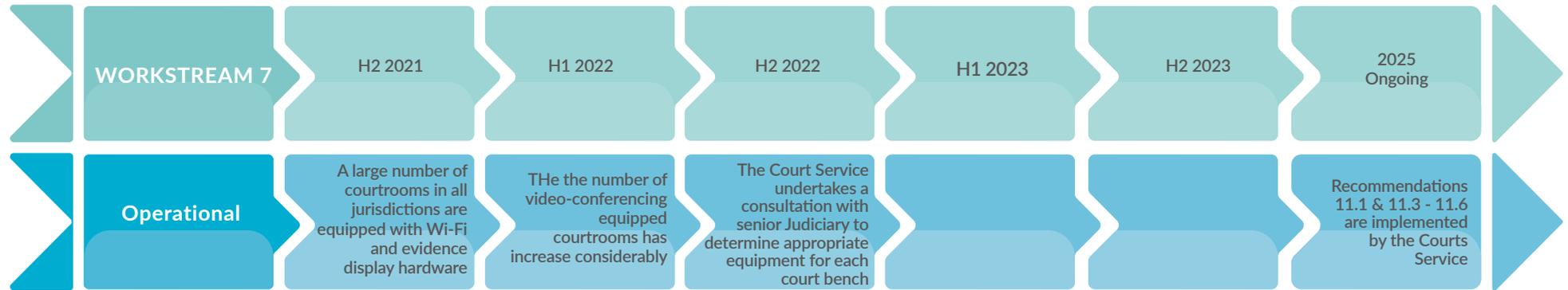
### Relevant Recommendations – See Appendix

**Legislation Project 2** – 10.7, 10.8, 10.16  
**Rules of Courts resulting from Legislation** – 10.7, 10.8, 10.16  
**Other Rules of Court** – 10.6, 10.14, 10.15  
**Operational** – 10.1 10.2, 10.3, 10.4, 10.5, 10.9, 10.10, 10.11, 10.13  
**Policy** - 10.12

### Contingent Factors

Capacity of D/J Civil Legislation, Capacity of the Rules Committees, Capacity and prioritisation by the Office of Parliamentary Counsel, Time in the Legislative Programme Houses of the Oireachtas, Availability of adequate resources

## Work stream 7: E-Litigation



### Relevant Recommendations – See appendix

Operational – 11.1 – 11.8

### Contingent Factors

Availability of adequate resources

	WHAT	WHAT	WHAT	WHEN	
RECOMMENDATION NUMBER	STRATEGIC AREA	SPECIFIC ACTIONS	TYPE OF ACTION	TARGET DATE	REPORT PAGE
Chapter Five: Civil Procedure					
5.1	Procedure – Pre-Action Protocols	Early attention be given to the introduction of the Ministerial regulations allowing for pre-action protocols (“PAP”) in clinical negligence cases as conferred under section 219 of the Legal Services Regulation Act 2015.	Primary/ Secondary Legislation & Rules of Court	A: H1 2022: Draft Heads prepared B: H2 2022: Draft Bill Prepared C: H1 2023: Bill enacted D: H1 2023: Draft Rules created E: H2 2023: Rules Approved	Page 130
5.2	Procedure – Case Management	The RG endorses the recommendations of the Working Group on Medical Negligence and Periodic Payments on the employment of case management in clinical negligence claims – these rules being contingent on the introduction of the PAP for clinical negligence cases.	Primary/ Secondary Legislation & Rules of Court	A: H1 2022: Draft Heads prepared B: H2 2022: Draft Bill Prepared C: H1 2023: Bill enacted D: H1 2023: Draft Rules created E: H2 2023: Rules Approved	Page 130
5.3	Procedure: Case management	The RG recommends that case management powers be conferred on an expanded cadre of Deputy Masters by rule of court, enabling judicial resources to be concentrated on (a) hearing pre-trial applications, and (b) conducting trials.	Rules of Court	2025 ongoing	Page 130

	WHAT	WHAT	WHAT	WHEN	
RECOMMENDATION NUMBER	STRATEGIC AREA	SPECIFIC ACTIONS	TYPE OF ACTION	TARGET DATE	REPORT PAGE
5.4	Procedure – Case management	Optionally, to save on staffing resources, the Deputy Master role could be combined with the existing role conceived for the registrar in the case management rules. Deployment of Deputy Masters to the case management role would also ensure that the Master could focus on attending to the conventional business of the Master’s List.	Operational matter for Judiciary/Courts Service	2025 ongoing	Page 130
5.5	Procedure – Case management	The RG recommends that the Courts Service make provision within its staffing structure at appropriate grades, and recruit for, a cadre of legal officers qualified by expertise and experience to carry out the functions of Deputy Masters.	Department of Justice/ DPER & the Courts Service	2025 ongoing	Page 130/1
5.6	Procedure – Case management	Case management rules in the Circuit Court could be extended: consideration could usefully be given to extending case progression by practice direction – as permitted by those rules – to other categories of case, viz. to any case other than - (a) proceedings – such as mortgage possession proceedings – in which an immediate return date before the county registrar is given and (b) proceedings for summary judgment under Order 28 of the Circuit Court Rules, in which, following written inquiry of the parties by the county registrar after six months from the issue of the Civil Bill, the county registrar ascertains that no defence has been delivered, or has not received confirmation as to whether one has been delivered or not (i.e. cases which are not, or do not appear to be, proceeding with expedition).	Implementing existing rules	H1 2022	Page 131
5.7	Procedure – Case management	Consideration should also be given to extending case progression by practice direction under the rules of court to cases which are likely to occupy more than one day at trial.	Practice Direction	2025 ongoing	Page 131

	WHAT	WHAT	WHAT	WHEN	
RECOMMENDATION NUMBER	STRATEGIC AREA	SPECIFIC ACTIONS	TYPE OF ACTION	TARGET DATE	REPORT PAGE
5.8	Procedure – Pleadings reform	The RG endorses the suggestion of the State Claims Agency that consideration be given to strengthening section 10(2) of the Civil Liability and Courts Act 2004 to impose an obligation on plaintiffs to distinguish clearly in the particulars provided in the personal injuries summons between any relevant pre-existing medical condition of a claimant, and the injuries that are the subject of the claim.	Policy, Primary Legislation	A: H1 2022: Draft Heads prepared B: H2 2022: Draft Bill Prepared C: H1 2023: Bill enacted D: H1 2023: Draft Rules created E: H2 2023: Rules Approved	Page 131
5.9	Procedure – Pleadings reform	The RG recommends that the Rules of Court regulating the content of pleadings be amended to require parties to plead their case with far greater precision than has been the case to date, with a view to ensuring that the real issues in dispute can be identified prior to trial. The Civil Liability and Courts Act 2004 should serve as the model for such rules.	Rules of Court	H1 2023:	Page 131
5.10	Procedure - Measures to reduce delay in and time and cost of proceedings	Full use should be made of the powers conferred by the conduct of trials rules in the High Court to contain the time and expense incurred in adducing of expert evidence and to impose timetables on the successive stages of the trial process.  Orientation on those rules be included in the continuing professional development programmes of both branches of the legal profession and in the programme of judicial studies.	Operational matter for the Judiciary and Legal Profession	2025 ongoing	Page 131/2

RECOMMENDATION NUMBER	WHAT STRATEGIC AREA	WHAT SPECIFIC ACTIONS	WHAT TYPE OF ACTION	WHEN TARGET DATE	REPORT PAGE
5.11	Procedure - Measures to reduce delay in and time and cost of proceedings	The RG is aware that due to the lack of an index of health care sector inflation – similar to the Annual Survey of Hours and Earnings (ASHE) (2000) 6115 employed for periodic payment order (“PPO”) indexation in the UK – PPOs are not in practice being sought by plaintiffs. The RG recommends that an assessment be carried out, with the assistance of the Central Statistics Office, in order to determine a replacement index for the Harmonised Index of Consumer Prices which would take appropriate account of the need to address health care sector inflation relevant to PPOs. The RG recommends that, on a replacement index being identified, section 51L of the Civil Liability Act 1961 be amended as necessary to facilitate the substitution of the replacement index for the Harmonised Index of Consumer Prices.	Policy	Identify Short Term Solution to Issues with HICP - H1 2022	Page 132
5.12	Procedure – extension of pre-action protocols	<p>The RG endorses the recommendations of the Expert Group on Article 13 ECHR that primary legislation should (a) extend the remit of the courts rules committees to permit them to prescribe PAPs for categories of litigation under Rules of Court, and (b) empower courts to order disclosure prior to the commencement of proceedings in accordance with Rules of Court in circumstances where a claim is covered by a PAP.</p> <p>The RG recommends that PAPs be prescribed for specific categories of High Court litigation only at this time, as to be determined by the relevant Rules of Court Committee.</p>	Primary Legislation and Rules of Court	<p>A: H1 2022: Draft Heads prepared</p> <p>B: H2 2022: Draft Bill Prepared</p> <p>C: H1 2023: Bill enacted</p> <p>D: H1 2023: Draft Rules created</p> <p>E: H2 2023: Rules Approved</p>	Page 133

RECOMMENDATION NUMBER	WHAT STRATEGIC AREA	WHAT SPECIFIC ACTIONS	WHAT TYPE OF ACTION	WHEN TARGET DATE	REPORT PAGE
5.13	Procedure - Limitations on adjournments	The RG recommends implementation of the recommendation of the Expert Group on Article 13 of the ECHR that provision be made in statute that: (a) a judge (or court officer where so empowered), when considering a contested application to adjourn proceedings, or to grant an extension of time for the taking of any step in proceedings shall: examine the reasons for the application; have regard to any previous adjournments or (as the case may) extensions granted; and have regard to whether any adjournment or extension which might be granted would impede the holding of a trial of the proceedings within a reasonable time; (b) a judge or court officer shall not grant an adjournment or extension unless satisfied that there is sufficient reason for doing so, and that it would be in the interests of justice to do so.	Primary Legislation	A: H1 2022: Draft Heads prepared B: H2 2022: Draft Bill Prepared C: H1 2023: Bill enacted D: H1 2023: Draft Rules created E: H2 2023: Rules Approved	Page 133
5.14	Procedure - Automatic discontinuance	The RG recommends that provision be made by rule of court for automatic discontinuance – and to that end that the court rules committees be expressly empowered by statute, in terms of the principles and policies, to prescribe an automatic discontinuance procedure	Primary Legislation and Rule of Court	A: H1 2022: Draft Heads prepared B: H2 2022: Draft Bill Prepared C: H1 2023: Bill enacted D: H1 2023: Draft Rules created E: H2 2023: Rules Approved	Page 133/4/5

RECOMMENDATION NUMBER	WHAT STRATEGIC AREA	WHAT SPECIFIC ACTIONS	WHAT TYPE OF ACTION	WHEN TARGET DATE	REPORT PAGE
5.15	Procedure - Automatic discontinuance	The RG recommends the implementing statutory instrument should provide that Order 122 rule 7(1) RSC, which empowers the court to enlarge or abridge the time for doing any act or taking any proceeding, shall not apply to an application under sub-rule (3). A claimant would retain under sub-rule (4) an entitlement to bring a fresh action in respect of the claim provided the limitation period applicable to the right of action concerned has not expired, and to apply for reinstatement under sub-rule (6).	Secondary Legislation	<p>A: H1 2022: Draft Heads prepared</p> <p>B: H2 2022: Draft Bill Prepared</p> <p>C: H1 2023: Bill enacted</p> <p>D: H1 2023: Draft Rules created</p> <p>E: H2 2023: Rules Approved</p>	Page 133/4/5
5.16	Procedure - LRC Reform of the Courts Acts	The RG is of the view that early consideration should be given to incorporating in legislation those provisions of the draft Bill prepared by the Law Reform Commission (The Draft Courts (Consolidation and Reform) Bill found in the LRC report Consolidation and Reform of the Courts Act) for which provision has not already been made in legislation.	Primary Legislation	<p>A: H1 2022: Draft Heads prepared</p> <p>B: H2 2022: Draft Bill Prepared</p> <p>C: H1 2023: Bill enacted</p> <p>D: H1 2023: Draft Rules created</p> <p>E: H2 2023: Rules Approved</p>	Page 135

	WHAT	WHAT	WHAT	WHEN	
RECOMMENDATION NUMBER	STRATEGIC AREA	SPECIFIC ACTIONS	TYPE OF ACTION	TARGET DATE	REPORT PAGE
5.17	Procedure – Standardisation and Simplification	The RG recommends the introduction of a new standard form of “claim notice” – adopting the term currently used in the District Court – to replace the numerous other forms of originating documents.	Rules of Court	Simplified Debt Claim Forms Presented H2 2022 Phased basis H2 2021- H1 2024	Page 136/7/8
5.18	Procedure – Standardisation and Simplification	The RG recommends harmonising across the jurisdictions the forms of originating document, terminology and information requirements associated with the way in which proceedings are commenced.	Rules of Court	Simplified Debt Claim Forms Presented H2 2022 Phased basis H2 2021- H1 2024	Page 136/7/8
5.19	Procedure – Standardisation & Simplification	Since numerous references appear in the statute book to existing types of originating document, such as “civil bill”, “originating motion” etc., replacement of the existing originating documents will require a primary legislative amendment of general application to provide that references to those documents in existing statutes or statutory instruments shall be construed as references to a claim notice.	Primary Legislation	A: H1 2022: Draft Heads prepared B: H2 2022: Draft Bill Prepared C: H1 2023: Bill enacted D: H1 2023: Draft Rules created E: H2 2023: Rules Approved	Page 138
5.20	Procedure – Standardisation and Simplification	In High Court and Circuit Court proceedings an appearance would require to be entered by a respondent to the notice within eight days of its being served on the respondent. This would be a new requirement for proceedings such as judicial review and various proceedings on originating notices of motion.	Rules of Court	Phased basis H2 2021- H1 2024	Page 138

RECOMMENDATION NUMBER	WHAT STRATEGIC AREA	WHAT SPECIFIC ACTIONS	WHAT TYPE OF ACTION	WHEN TARGET DATE	REPORT PAGE
5.21	Procedure – Standardisation and Simplification	The replacing of terms in the Rules of Court may require accompanying amendments to primary legislation or statutory instruments which refer to the terms replaced.	Primary Legislation and Rules of Court	A: H1 2022: Draft Heads prepared B: H2 2022: Draft Bill Prepared C: H1 2023: Bill enacted D: H1 2023: Draft Rules created E: H2 2023: Rules Approved	Page 138
5.22	Procedure – Standardisation and Simplification	Given the very time-consuming nature of revising Rules of Court, the RG considers that a specific programme of simplification should be undertaken by the court rules committees in stages, with priority being assigned to those procedures, and their associated forms, which most frequently impact on potentially vulnerable individuals.	Rules of Court – Operational matters	Phased basis H2 2021- H1 2024	Page 138
5.23	Procedure – Lodgement and tender procedure	Order 22, rule 1(9) of the Rules of the Superior Courts should be amended to allow for a defendant to make or increase a lodgement or tender without leave of the court upon delivery of a further medical report by a plaintiff in personal injuries proceedings.	Rules of Court	Draft Rules Approved H1 2022 Rules Implemented H2 2022	Page 139

RECOMMENDATION NUMBER	WHAT STRATEGIC AREA	WHAT SPECIFIC ACTIONS	WHAT TYPE OF ACTION	WHEN TARGET DATE	REPORT PAGE
5.24	Procedure – Notices for particulars in personal injuries actions	The RG recommends Rules of Court in the first instance jurisdictions relating to the raising of particulars should be amended to provide that in personal injuries actions, and where parties intended to raise particulars and pleadings and to raise a Section 11 Notice, this should be done by way of a single composite notice.	Rules of Court	H1 2022	Page 140
5.25	Procedure – Interrogatories	The RG recommends that the requirement to seek the permission of the court in most categories of High Court litigation to serve interrogatories should be removed. The RG also recommends that amendments to the relevant rules and forms be introduced so as to allow for the raising of interrogatories in modern language by way of straightforward questions. These proposed reforms should also be implemented in the Circuit Court and the District Court.	Rules of Court	H1 2022	Page 140
5.26	Procedure – Lis pendens procedure	In the interests of achieving a greater balance between the rights of those persons seeking to register a lis pendens and those persons who will be adversely affected by the registration, the RG recommends that the lifespan of a lis pendens would be limited to a period of 28 days and that upon the expiration of this period the lis pendens would be deemed to be vacated	Primary Legislation and Rules of Court	A: H1 2022: Draft Heads prepared B: H2 2022: Draft Bill Prepared C: H1 2023: Bill enacted D: H1 2023: Draft Rules created E: H2 2023: Rules Approved	Page 140

RECOMMENDATION NUMBER	WHAT STRATEGIC AREA	WHAT SPECIFIC ACTIONS	WHAT TYPE OF ACTION	WHEN TARGET DATE	REPORT PAGE
5.27	Procedure – Lis pendens procedure	The party who registered the lis pendens would be entitled to apply to the High Court before the expiration of the period, by way of motion on notice to all affected parties and supported by affidavit evidence, to have the period of time extended. A primary legislative amendment would be required to achieve this, with consequential amendments to rules of court.	Primary Legislation and Rules of Court	A: H1 2022: Draft Heads prepared B: H2 2022: Draft Bill Prepared C: H1 2023: Bill enacted D: H1 2023: Draft Rules created E: H2 2023: Rules Approved	Page 140
5.28	Procedure – Summonses to produce documents	Rules of Court to be introduced to require a party seeking to compel attendance of a witness before the High Court – by subpoena duces tecum – to apply to the Master of the High Court for permission to do so and, as part of that application, to disclose whether or not discovery has been made in the case.	Rules of Court	Draft presented to SC Rules Committee – H1 2022  Rules Approved H2 2022	Page 140
5.29	Procedure – Requirement to enter appearance	The RG recommends amendment of the Rules of Court to require solicitors to enter an appearance in all actions and matters before the High Court and Circuit Court within eight days from service on the respondent of the claim notice – the period currently applicable in the High Court	Rules of Court	2025 ongoing	Page 140

RECOMMENDATION NUMBER	WHAT STRATEGIC AREA	WHAT SPECIFIC ACTIONS	WHAT TYPE OF ACTION	WHEN TARGET DATE	REPORT PAGE
5.30	Procedure – Judgment in default of defence	Modify the Rules of Court regarding hearing and determination of pre-trial (interlocutory) motions to encourage increased compliance with the time limits for delivery of pleadings as well as greater compliance with existing rules requirements.	Rules of Court	H2 2021 Completed	Page 141
5.31	Procedure – Judgment in default of defence	The RG considers that a Rule of Court automatically giving judgment for the plaintiff where the defendant has failed to deliver a defence within the period of time allowed by the court on the “first” motion for judgment, would strike an appropriate balance between the right of the plaintiff to have his or her case proceed with due expedition, and the right of the defendant to defend the action in a timely manner.	Rules of Court	H2 2021 Completed	Page 141
5.32	Procedure – Special High Court lists	The RG recommends the establishment of a separate and distinct High Court clinical negligence list and that the required judicial and other resources be made available to ensure the proper functioning of this list.	Operational matter for the Courts Service/ Judiciary	2025 ongoing	Page 141
5.33	Procedure – Special High Court lists	The RG recommends the establishment of a dedicated list, by way of adjunct to the Commercial Court, to hear and determine intellectual property disputes and disputes concerning technology.	Operational matter for the Judiciary	2025 ongoing	Page 141
5.34	Procedure – ADR	The RG acknowledges and endorses views expressed by some respondents as to the importance of education and orientation focussed on practitioners and litigants and extension of ADR to categories of dispute where it is underutilised.	Operational matter for Judiciary and Legal Profession	2025 ongoing	Page 142

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RECOMMENDATION NUMBER	STRATEGIC AREA	SPECIFIC ACTIONS	TYPE OF ACTION	TARGET DATE	REPORT PAGE
5.35	Procedure – Court Sittings and Vacations	The RG has taken the view that the scheduling of vacation periods is more appropriately a matter for the judiciary and – where it falls within their remit, the courts rules committees concerned – to consider.	Operational matter for the Judiciary	2025 ongoing	Page 145
<b>Chapter Six: Discovery</b>					
6.1	Enact Legislation to provide for a system of discovery	Primary legislation should be enacted to abolish the current entitlement to discovery, inspection and production of documents under the existing rules of court for the various jurisdictions and the associated case law	Primary Legislation	A: H1 2023: Draft Heads prepared B: H2 2023: Draft Bill Prepared C: H1 2024: Bill enacted D: H2 2024: Draft Rules created	Page 190
6.2	Enact Legislation to provide for a system of discovery	The principles and policies underpinning the new remedy should be elaborated upon in new rules of court – to be designated “production of documents” so as to make clear the departure from the regime it will replace – which will regulate the entitlement of parties to civil litigation to documents in advance of trial	Rules of Court	A: H1 2023: Draft Heads prepared B: H2 2023: Draft Bill Prepared C: H1 2024: Bill enacted D: H2 2024: Draft Rules created	Page 190
6.3	Enact Legislation to provide for a system of discovery	The primary legislation should provide for the prescribing of a date on which the existing regime should come to an end and mandate the respective court rules committees to replace by that date the existing discovery rules with rules complying with the principles and policies mentioned at Section 5.2.1 of Chapter 7 of the Review.	Primary Legislation	A: H1 2023: Draft Heads prepared B: H2 2023: Draft Bill Prepared C: H1 2024: Bill enacted D: H2 2024: Draft Rules created	Page 190

	WHAT	WHAT	WHAT	WHEN	
RECOMMENDATION NUMBER	STRATEGIC AREA	SPECIFIC ACTIONS	TYPE OF ACTION	TARGET DATE	REPORT PAGE
6.4	Enact Legislation to provide for a system of discovery	The principles and policies set out in the primary legislation should facilitate regulation of the entitlement to pre-trial documents on the basis of a scheme of rules of court along the lines included at Appendix 3 of the Review.	Primary Legislation	A: H1 2023: Draft Heads prepared B: H2 2023: Draft Bill Prepared C: H1 2024: Bill enacted D: H2 2024: Draft Rules created	Page 190
6.5	Enact Legislation to provide for a system of discovery	The proposed requirement that parties should, as the default arrangement, produce their documents within a specified time following delivery of their initial pleading will require further amendment to the time periods for delivery of the defence to allow time for delivery of that pleading to run from the date of receipt of the documents produced in respect of the claim form.	Primary Legislation	A: H1 2023: Draft Heads prepared B: H2 2023: Draft Bill Prepared C: H1 2024: Bill enacted D: H2 2024: Draft Rules created	Page 190
6.6	Enact Legislation to provide for a system of discovery	Consequential amendments to each of the Rules of Courts for the various jurisdictions concerned will also be required, to ensure alignment of the new scheme with those rules when incorporated therein.	Operational matter Rules Committees	H2 2024	Page 190
6.7	Enact Legislation to provide for a system of discovery	In addition the Review Group is of the opinion that those rules of court should be complemented by rules of court specifically obliging parties to plead their case with far greater particularity and precision than has been the case to date – so as to ensure that the real issues in dispute can be identified prior to trial. The standard of particularity of pleading in personal injuries actions introduced by the Civil Liability and Courts Act 2004 should serve as the model for such rules.	Operational matter Rules Committees	H2 2024	Page 190

	WHAT	WHAT	WHAT	WHEN	
RECOMMENDATION NUMBER	STRATEGIC AREA	SPECIFIC ACTIONS	TYPE OF ACTION	TARGET DATE	REPORT PAGE
<b>Chapter Seven: Judicial Review</b>					
7.1	Increase the Threshold for granting Leave to commence Judicial Review	<p>Primary legislation should be developed to prescribe a new threshold that has to be achieved by an applicant in order to obtain leave to apply for judicial review.</p> <p>The applicant must demonstrate (a) substantial grounds for it (rather than simply an arguable case) and (b) demonstrate to the court's satisfaction that the claim has a reasonable prospect of success at trial.</p> <p>In relation to (b) above, consideration should be given to extending this provision to statutory judicial review.</p>	<p>Primary Legislation</p> <p>Primary Legislation</p>	<p>A: H1 2022: Draft Heads prepared</p> <p>B: H2 2022: Draft Bill Prepared</p> <p>C: H1 2023: Bill enacted</p> <p>D: H1 2023: Draft Rules created</p> <p>E: H2 2023: Rules Approved</p>	Page 212
7.2	Threshold for Locus Standi	All applicants for judicial review must be required to demonstrate that they have a substantial interest in the subject matter of the decision that is being challenged.	<p>Primary Legislation</p> <p>Rules Committees</p>	<p>A: H1 2022: Draft Heads prepared</p> <p>B: H2 2022: Draft Bill Prepared</p> <p>C: H1 2023: Bill enacted</p> <p>D: H1 2023: Draft Rules created</p> <p>E: H2 2023: Rules Approved</p>	Page 212

	WHAT	WHAT	WHAT	WHEN	
RECOMMENDATION NUMBER	STRATEGIC AREA	SPECIFIC ACTIONS	TYPE OF ACTION	TARGET DATE	REPORT PAGE
<b>Chapter Seven: Judicial Review</b>					
7.3	Alternative Remedies	<p>Provision should be made in primary legislation that parties should not be entitled to seek judicial review due to an alleged deficiency as outlined below unless they can show to the court that they have applied for rectification of the deficiency and wrongly been refused:</p> <ul style="list-style-type: none"> <li>• Clerical or typographical errors in that tribunal's or court's determination or order;</li> <li>• Unintentional slips or omissions in the determination or order; and</li> <li>• Text or omission of text which has the effect that the determination or order does not on its face accurately express the determination or order which the tribunal or court has intended to make.</li> </ul>	<p>Primary Legislation</p> <p>Primary Legislation</p>	<p>A: H1 2022: Draft Heads prepared</p> <p>B: H2 2022: Draft Bill Prepared</p> <p>C: H1 2023: Bill enacted</p> <p>D: H1 2023: Draft Rules created</p> <p>E: H2 2023: Rules Approved</p>	Page 212
7.4	Alternative Remedies	<p>Legislative provision should also confer a jurisdiction on the High Court, residually, to require an applicant for judicial review to apply to the tribunal or court at first instance to rectify a deficiency of the kind enumerated above, where it was satisfied that such recourse would be an adequate alternative to granting the review.</p>	<p>Primary/ Secondary Legislation</p>	<p>A: H1 2022: Draft Heads prepared</p> <p>B: H2 2022: Draft Bill Prepared</p> <p>C: H1 2023: Bill enacted</p> <p>D: H1 2023: Draft Rules created</p> <p>E: H2 2023: Rules Approved</p>	Page 212

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RECOMMENDATION NUMBER	STRATEGIC AREA	SPECIFIC ACTIONS	TYPE OF ACTION	TARGET DATE	REPORT PAGE
<b>Chapter Seven: Judicial Review</b>					
7.5	Alternative Remedies	Correspondingly, the primary legislation underpinning adjudicative or decision-making regimes in the administrative law field should expressly confer a general jurisdiction on the decision-makers and tribunals concerned to re-open decisions to correct errors of the type referred to.	Primary Legislation	A: H1 2022: Draft Heads prepared B: H2 2022: Draft Bill Prepared C: H1 2023: Bill enacted D: H1 2023: Draft Rules created E: H2 2023: Rules Approved	Page 212
7.6	Measures to address delay and efficiency	Part V of Order 84 of the Rules of Court should be amended to replace the requirement that the application for leave be made within three months with the provision that the ex parte motion papers be filed within three months, and further provide that the application be listed before the Court in the next available ex parte list for such applications.	Operational matter Rules Committees	H1 2022	Page 212
7.7	Measures to address delay and efficiency	Rules of Court should be introduced to tighten up post-leave procedures so as to ensure a speedy trial of the judicial review application. This could include provisions with cost consequences such as wasted cost orders for failure to adhere to time limits fixed by the court, subject to any limitation on liability for costs in statutory judicial review proceedings imposed by statute or EU law.	Operational matter Rules Committees	H1 2022	Page 212

	WHAT	WHAT	WHAT	WHEN	
RECOMMENDATION NUMBER	STRATEGIC AREA	SPECIFIC ACTIONS	TYPE OF ACTION	TARGET DATE	REPORT PAGE
<b>Chapter Seven: Judicial Review</b>					
7.8	Measures to address delay and efficiency	Greater use of 'unless' orders (an order containing a direction that unless a party concerned takes a step within a defined period of time, the party shall without the need for further application to the court, suffer a sanction) is recommended to ensure applications are disposed of in a timely manner.	Operational matter, Rules Committees, Practice Directions	H1 2022 Completed	Page 212
7.9	Measures to address delay and efficiency	Part V of Order 84 of the Rules of Court should be amended to introduce a sequencing of the preparatory steps to a hearing, involving a relatively short period until the first return date and remittal to the Judge's List, six weeks to be afforded in that List for lodgement and delivery of opposition papers and then one further adjournment of two weeks.	Operational matter, Rules Committees, Practice Directions	H1 2022	Page 213
7.10	Measures to address delay and efficiency (pleadings)	Statement of Grounds form should include a specific heading for facts, and the grounding affidavit should set out those facts in a narrative manner.	Operational matter, Rules Committees, Practice Directions	H1 2022	Page 213
7.11	Measures to address delay and efficiency (pleadings)	Rule of Court Order 84, rule 2 (5) and (6) RSC should be amended to allow a general traverse (general denial) in the statement of opposition where no specific new facts or matters are being alleged by the respondents. The statement of opposition should require to address any material facts or issues disputed and incorporate any matters positively relied on, such as time, discretion or alternative remedies.	Operational matter Rules Committees, Practice Directions	2025 ongoing	Page 213
7.12	Measures to address delay and efficiency (pleadings)	An affidavit verifying a statement of opposition should only be necessary if there is a distinct plea as a new fact that is not otherwise in evidence.	Operational matter Rules Committees, Practice Directions	2025 ongoing	Page 213

	WHAT	WHAT	WHAT	WHEN	
RECOMMENDATION NUMBER	STRATEGIC AREA	SPECIFIC ACTIONS	TYPE OF ACTION	TARGET DATE	REPORT PAGE
<b>Chapter Seven: Judicial Review</b>					
7.12	Measures to address delay and efficiency (pleadings)	An affidavit verifying a statement of opposition should only be necessary if there is a distinct plea as a new fact that is not otherwise in evidence.	Operational matter Rules Committees, Practice Directions	2025 ongoing	Page 213
7.13	Measures to address delay and efficiency (“leapfrog” appeals)	Provision should be made in primary legislation to enable a respondent to an appeal to the Court of Appeal against a High Court decision in judicial review proceedings to apply to the Supreme Court to adopt that appeal under its appellate jurisdiction.	Primary Legislation	A: H1 2022: Draft Heads prepared B: H2 2022: Draft Bill Prepared C: H1 2023: Bill enacted D: H1 2023: Draft Rules created E: H2 2023: Rules Approved	Page 213
7.14	Quo Warranto	One of the remedies which can be obtained by Judicial Review – Quo Warranto, which is to challenge the entitlement of a person to hold a specific public office – should be abolished, as per the Law Reform Commission recommendation of 2004.	Primary Legislation	A: H1 2022: Draft Heads prepared B: H2 2022: Draft Bill Prepared C: H1 2023: Bill enacted D: H1 2023: Draft Rules created E: H2 2023: Rules Approved	Page 213

	WHAT	WHAT	WHAT	WHEN	
RECOMMENDATION NUMBER	STRATEGIC AREA	SPECIFIC ACTIONS	TYPE OF ACTION	TARGET DATE	REPORT PAGE
<b>Chapter Eight: Multi Party Litigation</b>					
8.1	Legislate for a comprehensive multi-party action	Legislate for a multi-party actions along the lines of the UK's Group Litigation Orders	Primary Legislation	A: H1 2023: Draft Heads prepared B: H2 2023: Draft Bill Prepared C: H1 2024: Bill enacted D: H2 2024: Draft Rules created E: H2 2023: Rules Approved	Page 261
8.2	Legislate for a comprehensive multi-party action	Additionally Legislate for a single representative action procedure encompassing multiple claims	Primary Legislation	A: H1 2023: Draft Heads prepared B: H2 2023: Draft Bill Prepared C: H1 2024: Bill enacted D: H2 2024: Draft Rules created	Page 261
8.3	Legislate for a comprehensive multi-party action	A lead solicitor should be appointed in multi-party actions to be responsible for the representation of the generic issue of the Multi Party Action.	Rules Committees	2025 ongoing	Page 262

RECOMMENDATION NUMBER	WHAT STRATEGIC AREA	WHAT SPECIFIC ACTIONS	WHAT TYPE OF ACTION	WHEN TARGET DATE	REPORT PAGE
8.4	Legislate for a comprehensive multi-party action	Group Litigation Order-type procedure which relied on the separate initiation by individual claimants of actions followed by a grouping of the actions, could be provided for in Rules of Court	Operational matter Rules Committees	2025 ongoing	Page 263
8.5	Legislate for a comprehensive multi-party action	A Group Litigation Order-type procedure should be introduced in the High Court and the Circuit Court.	Operational matter Rules Committees	2025 ongoing	Page 263
8.6	Legislate for a comprehensive multi-party action	Exclusion by Order 6 rule 10 of the Circuit Court Rules of tort claims from the Circuit Court's existing representative action procedure be revoked.	Operational matter Rules Committees	2025 ongoing	Page 263
<b>Chapter Nine: Litigation Costs</b>					
9.1	Litigation costs	<p>Following from the analysis in the Review report, commission an economic analysis of cost control models on litigation costs, and seek legal analysis of same.</p> <p>Based on the legal and economic research findings, and the considerations of the Review Group majority and minority reports, sub-group to develop proposals</p>	<p>Research</p> <p>Policy</p>	<p>H2 2021: Commission an economic analysis of litigation cost control models.</p> <p>H2 2022: Arising from the findings of the economic analysis, seek legal advice on potential options and develop proposals</p>	Page 322

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RECOMMENDATION NUMBER	STRATEGIC AREA	SPECIFIC ACTIONS	TYPE OF ACTION	TARGET DATE	REPORT PAGE
9.2	Bills of costs	The Legal Services Regulation Act 2015 should be amended to require that bills of costs be delivered to the party liable for the costs within three months of perfection of the court order awarding costs or ruling a settlement in which liability for costs has been agreed.	Primary Legislation	A: H1 2023: Draft Heads prepared B: H2 2023: Draft Bill Prepared C: H1 2024: Bill enacted D: H2 2024: Draft Rules created	Page 323
9.3	Bills of costs	The Legal Services Regulation Act 2015 should be amended to provide that, where the party due costs, having furnished the bill to the party liable for the costs, fails to apply for their adjudication within such period as may be specified in rules of court, the party liable should be entitled to present the bill for adjudication.	Primary Legislation Rules Committees	A: H1 2023: Draft Heads prepared B: H2 2023: Draft Bill Prepared C: H1 2024: Bill enacted D: H2 2024: Draft Rules created	Page 323
9.4	Bills of costs	A time limit should be imposed for setting the bill down for taxation through an amendment to the relevant practice direction requiring that a party due costs, as a condition of receiving an interim payment on account of costs, undertake to lodge an application for adjudication of the costs within, say, one month of a failure to agree the amount of costs to be paid following delivery of the bill to the party liable.	Practice Directions	H1 2024	Page 323
9.5	Voluntary practice of limiting Counsel Fees in personal injuries actions	The power to limit Counsels' fees in personal injuries actions to the fees for one senior and one junior counsel falls within the remit of Ministerial regulations under S.5 of the Courts Act 1988.  Action here is to review the setting of such limits in the context of findings arising from research on cost control models for litigation costs	Policy Review	H2 2023	Page 323

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RECOMMENDATION NUMBER	STRATEGIC AREA	SPECIFIC ACTIONS	TYPE OF ACTION	TARGET DATE	REPORT PAGE
9.6	Third Party Funding of Litigation Costs	The weighing of policy considerations regarding third party funding should await completion of the more detailed examination of this subject being undertaken by the Law Reform Commission.	Policy Review	H1 2024	Page 324
9.7	Third Party Funding of Litigation Costs	Third part funding should be available to liquidators, receivers, administrators under the Insurance (No.2) Act 1983, the Official Assignee or trustees in bankruptcy to fund proceedings intended to increase the pool of assets available to creditors, on condition that the applicant was satisfied that a reasonable case against a prospective defendant existed and would result in increasing the pool of available assets.	Primary Legislation	A: H1 2023: Draft Heads prepared B: H2 2023: Draft Bill Prepared C: H1 2024: Bill enacted D: H2 2024: Draft Rules created	Page 324
<b>Chapter Ten: Facilitating Court Users</b>					
10.1	Accessibility & Quality Court Facilities and Services	Priority Recommendations: (a) provide on the Court's Service website informal consolidations of the Circuit Court and District Court Rules and hyperlinks from those rules to the relevant court forms, modelled on the consolidation undertaken in relation to the Superior Courts Rules;  (b) Collate and update all current guides and information for litigants in person in a dedicated section of the website for that purpose. The information at (b) should in due course be extended to all jurisdictional instances.	Operational matter for Courts Service	H2 2021	Page 367/8

RECOMMENDATION NUMBER	WHAT STRATEGIC AREA	WHAT SPECIFIC ACTIONS	WHAT TYPE OF ACTION	WHEN TARGET DATE	REPORT PAGE
10.2	Accessibility & Quality Court Facilities and Services	The Courts Service is currently undertaking a survey of 70 buildings in its estate for compliance with accessibility requirements. Based on these findings, the RG recommends the Courts Service prepare and undertake, as soon as feasibly possible, a programme of work to address any deficiencies in accessibility identified in the buildings surveyed.	Operational matter for Courts Service	2025 ongoing	Page 368
10.3	Customer Service and Court Staff	The RG recommends: (a) revise its Customer Charter for court offices serving the various jurisdictions to provide more specific measurements as to the performance and actual level of service they may expect from court staff for a wider range of transactions – e.g.: the time within which a summons will issue after being lodged, the time within which a court order will issue after granting, the time for entering of judgment in the office after lodgement of a complete set of judgment papers; (b) up-date and publicly disseminate its Customer Service Action Plan in accordance with the Government’s Quality Customer Service (QCS) Initiative.	Operational matter for Courts Service	H2 2022	Page 368
10.4	Customer Service and Court Staff	The Courts Service consult court user groups when deciding on the content of its Customer Charter and Customer Service Action Plan, including the transactions for which performance measures are set and the nature of the performance measures.	Operational matter for Courts Service	H2 2022	Page 368
10.5	Customer Service and Courts Staff	The Courts Service should track, and report in its Annual Report on compliance the performance measures set out in its Customer Charter.	Operational matter for Courts Service	2025 ongoing	Page 368

RECOMMENDATION NUMBER	WHAT STRATEGIC AREA	WHAT SPECIFIC ACTIONS	WHAT TYPE OF ACTION	WHEN TARGET DATE	REPORT PAGE
10.6	Vulnerable Court Users - Children	The RG considers that the arrangements for naming of a next friend or guardian ad litem to act on behalf of a child in litigation should be standardised by the introduction of a common requirement in the procedural rules for all first instance jurisdictions	Rules of Court	H2 2022	Page 369
10.7	Vulnerable Court Users - Children	The RG recommends the introduction of: (a) a requirement, to be introduced in primary legislation, for the approval by the court at the jurisdictional instance appropriate to the claim value, of a settlement of a claim made on behalf of or against a child where no proceedings have been issued; and (b) provision that in the absence of court approval, no settlement, compromise or payment in respect of a claim made on behalf of or against a child shall be valid.	Primary Legislation Rules Committee	A: H1 2023: Draft Heads prepared B: H2 2023: Draft Bill Prepared C: H1 2024: Bill enacted D: H2 2024: Draft Rules created	Page 369
10.8	Vulnerable Court Users - Children	The special arrangements for adducing of evidence and for admissibility as evidence of statements from children in proceedings concerning a child's welfare referred to at Section 3.1.3 of Chapter 10 should be extended to all civil proceedings in which a child may require to give evidence.	Primary Legislation	A: H1 2022: Draft Heads prepared B: H2 2022: Draft Bill Prepared C: H1 2023: Bill enacted D: H1 2023: Draft Rules created E: H2 2023: Rules Approved	Page 369

RECOMMENDATION NUMBER	WHAT STRATEGIC AREA	WHAT SPECIFIC ACTIONS	WHAT TYPE OF ACTION	WHEN TARGET DATE	REPORT PAGE
10.9	Vulnerable Court Users – Availability of Legal Aid	The RG recommends that the Steering Board of the Abhaile Mortgage Arrears Resolution Service examine both the concerns expressed by the Law Society concerning the scheme and the potential to improve linkages between Abhaile, citizens' information centres nationwide and the Legal Aid Board to ensure that eligible mortgage holders are afforded adequate opportunity to access the services of Abhaile or, as appropriate, the Legal Aid Board.	Operational matter for Governance	H1 2021- Examined as per recommendation but not deemed feasible	Page 369
10.10	Vulnerable Court Users – Litigants in Person	The RG sees a need for guides for litigants in person to be made available covering proceedings in all court jurisdictions and utilising audio-visual as well as textual formats.	Operational matter for Courts Service	360 Virtual Court Tour - H1 2022 Information for lay litigant on Debt Actions available - H1 2023 Guides available for litigants in person H1 2024	Page 370
10.11	Vulnerable Court Users – Litigants in Person	The RG recommends: (a) the creation of a central on-line information hub – along the lines of the “Going to Court and tribunal” section of the “Advice Now” website in the UK – through which dedicated legal and practical information is provided for those contemplating bringing proceedings without professional representation; and (b) provision of “drop in” facilities in proximity to court buildings – such as operate in Scotland and the Royal Courts of Justice in London – to enable unrepresented litigants to consult voluntary legal advice centres.	Operational matter for Courts Service	360 Virtual Court Tour - H1 2022 Information for lay litigant on Debt Actions available - H1 2023 Central on-line information hub H2 2023	Page 370

RECOMMENDATION NUMBER	WHAT STRATEGIC AREA	WHAT SPECIFIC ACTIONS	WHAT TYPE OF ACTION	WHEN TARGET DATE	REPORT PAGE
10.12	Vulnerable Court Users – Litigants in Person	To facilitate impecunious litigants in need of legal advice and assistance, the D/J should establish a Steering Group comprised of the various agencies and bodies concerned – which should include the Courts Service, the Legal Aid Board, Citizens Information, FLAC, MABS/Abhaile, the Law Society and the Bar Council..	The Courts Service	H2 2021 – Completed. D/J engaging with CS re impecunious litigants as member of the CS A2J User Group.	Page 370
10.13	Vulnerable Court Users – Litigants in Person	The Review Group understands, that a Practice Direction introduced in 2010 in the High Court - Governing of proceedings in which one or more of the parties does not have professional legal representation filings - is not being complied with in practice by parties and practitioners, and recommends that it be implemented by the High Court Central Office.	Judiciary	2025 Ongoing	Page 371
10.14	Vulnerable Court Users – Litigants in Person	The Review Group recommends that Order 19, rules 27 and 28 should be amended to provide that the High Court have express power: (a) to strike out a claim or part of a claim which (i) amounts to an abuse of process or (ii) is bound to fail or (iii) has no reasonable chance of succeeding; (b) on an application for such an order, to consider the pleadings and, if appropriate, evidence, for the purpose.	Operational matter - Rules Committees	Draft Rules furnished to SCRC for consideration H2 2021 Rules Approved H1 2022	Page 371
10.15	Vulnerable Court Users – Capacity Issues and Litigation	The Review Group recommends that a standard certificate be prescribed by rule of court for use in cases of an assessment of litigation-related incapacity for use under the new capacity regime.	Operational matter - Rules Committees	Draft Rules furnished to SCRC for consideration H2 2021 Rules Approved H1 2022	Page 372

RECOMMENDATION NUMBER	WHAT STRATEGIC AREA	WHAT SPECIFIC ACTIONS	WHAT TYPE OF ACTION	WHEN TARGET DATE	REPORT PAGE
10.16	Vulnerable Court Users – Capacity Issues and Litigation	The special arrangements for adducing of evidence and for admissibility as evidence of statements from children in proceedings concerning a child’s welfare referred to at Section 3.1.3 of Chapter 10 apply, with the necessary modifications, to civil proceedings before any court concerning the welfare of a person who is of full age but who has a mental disability to such an extent that it is not reasonably possible for the person to live independently. These arrangements should be extended to all civil proceedings in which such a person may require to give evidence.	Primary Legislation	A: H1 2022: Draft Heads prepared B: H2 2022: Draft Bill Prepared C: H1 2023: Bill enacted D: H1 2023: Draft Rules created E: H2 2023: Rules Approved	Page 372
<b>Chapter Eleven: Technology and e-Litigation</b>					
11.1	The future e-Litigation model	Create a secure digital environment	Operational matter Courts Service - IT Development	Dedicated security programme of work Created – H1 2022 Security Information & Event Management Solution (SIEM) introduced - H1 2023 Endpoint Detection and Response Solution (EDR) introduced - H1 2024 Secure Digital Environment in place - 2025 ongoing	Page 391/2

RECOMMENDATION NUMBER	WHAT STRATEGIC AREA	WHAT SPECIFIC ACTIONS	WHAT TYPE OF ACTION	WHEN TARGET DATE	REPORT PAGE
11.2	The Future e-Litigation model	Develop a facility to conduct a case before the court utilising the courtroom technology	Operational matter Courts Service - Purchase and setup of equipment	H2 2021- Completed Further expand number of tech-enabled courtrooms by approx 15 - H2 2022 2025 ongoing	Page 391/2
11.3	The Future e-Litigation model	Ensure varying levels of access to the digital court record for parties, judges, court staff and members of the public, consonant with data protection and privacy rights	Operational Matter Courts Service - IT Development	Debt cases moved to new case management - H1 2023 2025 ongoing	Page 392
11.4	The Future e-Litigation model	Ensure capture of case management information and case flow data	Operational Matter - Consultation, IT Development	Debt cases moved to new case management - H1 2023 2025 ongoing	Page 392
11.5	The next steps towards an e-Litigation model	Facilitate e-litigation by equipping of a much larger number of courtrooms across all jurisdictions with Wi-Fi and evidence display hardware to enable the use by practitioners of e-Litigation software to present their cases in court electronically	Operational matter - IT Development	104 tech-enabled courtroom – H2 2021 Courtroom Wi-Fi Coverage Review – H2 2022 2025 ongoing	Page 393

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RECOMMENDATION NUMBER	STRATEGIC AREA	SPECIFIC ACTIONS	TYPE OF ACTION	TARGET DATE	REPORT PAGE
11.6	The next steps towards an e-Litigation model	Introduce a practice direction requiring practitioners wishing to present their cases electronically to notify the court office of the jurisdiction concerned a set time in advance of the application or trial date	Operational Matter – Issuing of Practice Direction	2025 ongoing	Page 393
11.7	The next steps towards an e-Litigation model	Promote the use of video-conferencing for the taking of expert and other evidence and increase considerably the number of video-conferencing equipped courtrooms	Operational Matter - Purchase and setup of equipment	Completed – Prioritised and Accelerated	Page 394
11.8	The next steps towards an e-Litigation model	Liaise with the senior Judiciary with a view to settling upon the standard equipment set which should be available on each court bench	Operational matter - Consultation with Judiciary, Purchase and setup of equipment	Consultation with Judiciary taken place - H2 2022 Rollout of equipment to benches concluded - H2 2023	Page 394





**An Roinn Dlí agus Cirt**  
Department of Justice