



Number 30 of 2024

Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024



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**COURTS, CIVIL LAW, CRIMINAL LAW AND SUPERANNUATION
(MISCELLANEOUS PROVISIONS) ACT 2024**

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Number 30 of 2024

**COURTS, CIVIL LAW, CRIMINAL LAW AND SUPERANNUATION
(MISCELLANEOUS PROVISIONS) ACT 2024**

An Act to provide for an increase in the number of ordinary judges of the Court of Appeal and, for that purpose, to amend the Courts (Establishment and Constitution) Act 1961; to amend the Irish Nationality and Citizenship Act 1956, the Immigration Act 2003, the International Protection Act 2015, the Judicial Council Act 2019, the Judicial Appointments Commission Act 2023, the Firearms and Offensive Weapons Act 1990, the European Arrest Warrant Act 2003 and the Criminal Justice (Mutual Recognition of Custodial Sentences) Act 2023; to give further effect to Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021¹ on addressing the dissemination of terrorist content online and for that and other purposes to amend the Broadcasting Act 2009; to amend the law in relation to the age at which certain public servants are required to retire; to confer a power on the Minister for Justice to make regulations relating to the retirement, including varying the retirement age, of certain public servants; to confer a power on the Minister for Housing, Local Government and Heritage to make regulations relating to the retirement of certain public servants, including varying the age at which such public servants shall retire; for those and other purposes, to amend the Superannuation (Prison Officers) Act 1919, the Civil Service Regulation Act 1956, the Local Government Act 2001, the Public Service Superannuation (Miscellaneous Provisions) Act 2004 and the Public Service Pensions (Single Scheme and Other Provisions) Act 2012; and to provide for related matters.

[23rd July, 2024]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024.

¹ OJ No. L 172, 17.5.2021, p.79

- (2) *Parts 3, 4, 7 and 9 and section 14(d)* shall come into operation on such day or days as the Minister for Justice may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.
- (3) *Part II* shall come into operation on such day or days as the Minister for Public Expenditure, National Development Plan Delivery and Reform may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

PART 2

NUMBER OF ORDINARY JUDGES OF COURT OF APPEAL

Amendment of section 1A of Courts (Establishment and Constitution) Act 1961

2. Section 1A(2) of the Courts (Establishment and Constitution) Act 1961 is amended by the substitution of the following paragraph for paragraph (b) (amended by section 2 of the Courts Act 2023):

“(b) not more than 18 ordinary judges, each of whom shall be styled ‘Breitheamh den Chúirt Achomhairc’ (‘Judge of the Court of Appeal’).”.

PART 3

AMENDMENT OF IRISH NATIONALITY AND CITIZENSHIP ACT 1956

Amendment of Irish Nationality and Citizenship Act 1956

3. The Irish Nationality and Citizenship Act 1956 is amended—

- (a) by the insertion of the following section after section 4:

“Service of notices or documents

4A. (1) A notice or other document that is required or authorised by or under this Act (other than section 27) to be served on or given to a person shall be addressed to the person concerned by name, and may be so served on or given to the person in one of the following ways:

- (a) by delivering it to the person;
- (b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;
- (c) by sending it by post in a prepaid registered letter, or by any other form of recorded delivery service prescribed by the Minister,

addressed to the person at the address at which he or she ordinarily resides or, in a case in which an address for service has been furnished, to that address;

- (d) by sending it to the person by electronic means in accordance with subsection (2), in a case in which the person has given notice in writing to the Minister of his or her consent to it (or notices or other documents of a class to which it belongs) being served on or given to him or her in that manner.
- (2) For the purposes of subsection (1)(d), a notice or other document is sent to a person by electronic means in accordance with this subsection—
- (a) if it is sent to an email address that the person has furnished to the Minister for that purpose, or
 - (b) in a case in which the person is registered on an electronic interface, by leaving it on that electronic interface.
- (3) Where a notice or other document referred to in subsection (1) has been sent to a person in accordance with—
- (a) paragraph (c) of subsection (1), the notice or other document shall be deemed to have been duly served on or given to the person on the third working day after the day on which it was so sent, and
 - (b) paragraph (d) of subsection (1), the notice or other document shall be deemed to have been duly served on or given to the person when the sender’s facility for the delivery of notices or other documents by electronic means generates a message or other record confirming the delivery of the notice or other document by the electronic means used.
- (4) In this section, ‘electronic interface’ means a secure information technology platform, portal, exchange, network or other similar interface maintained by, or on behalf of, the Minister which requires personal log-in details.”,

and

- (b) in section 19, by the insertion of the following subsections after subsection (1):

“(1A) Where the Minister is satisfied that one or more of the grounds specified in subsection (1) exists, the Minister shall, prior to revoking a certificate of naturalisation under this section, give the person to whom the certificate of naturalisation was granted such notice as may be prescribed of the Minister’s intention to revoke the certificate of naturalisation (in this section referred to as a ‘notice of intention to revoke’).

- (1B) A notice of intention to revoke shall—

- (a) inform the person of—
 - (i) the Minister’s intention to revoke the certificate of naturalisation, and
 - (ii) subject to subsection (1O), the reasons for the opinion of the Minister referred to in subsection (1A),and
 - (b) include a statement of the effect of subsection (1D).
- (1C) A person to whom a notice of intention to revoke is given may, within the period of 28 days beginning on the date the notice of intention to revoke is given to the person, make representations in writing to the Minister regarding the intended revocation.
- (1D) After the expiry of the period referred to in subsection (1C), the Minister shall—
- (a) decide whether to revoke the certificate and in making that decision shall have regard to the representations, if any, made by the person under that subsection, and
 - (b) give the person concerned a notification in writing of his or her decision.
- (1E) Where the Minister decides under subsection (1D) to revoke the certificate of naturalisation, the notification under paragraph (b) of that subsection shall—
- (a) include a statement informing the person of—
 - (i) the Minister’s decision to revoke the certificate,
 - (ii) subject to subsection (1O), the reasons for the decision, and
 - (iii) the right of the person under subsection (1F) to request that an inquiry be held into the decision,and
 - (b) include a statement of the effect of subsection (1J).
- (1F) A person who is the subject of a notification to which subsection (1E) applies may, in the prescribed manner and within the period of 14 days beginning on the date on which the notice is given to the person, request that an inquiry be held into the Minister’s decision to revoke his or her certificate of naturalisation.
- (1G) The Minister, on receipt of a request made in accordance with subsection (1F), shall appoint a Committee of Inquiry to hold an inquiry into the decision to revoke the certificate of naturalisation concerned.

- (1H) A Committee of Inquiry appointed under subsection (1G) shall consist of the following members:
- (a) a chairperson, who shall be a retired Judge of the Circuit Court, the High Court, the Court of Appeal or the Supreme Court, and
 - (b) 2 ordinary members, being persons with such experience and qualifications as the Minister considers appropriate having regard to the functions of the Committee of Inquiry.
- (1I) A Committee of Inquiry shall be independent in the performance of its functions.
- (1J) Where a person does not, within the period specified in subsection (1F), request that an inquiry be held into the Minister's decision to revoke the certificate of naturalisation, the revocation of the certificate of naturalisation shall take effect 14 days after the date the notice is given to the person.
- (1K) A Committee of Inquiry shall consider the Minister's decision to revoke the certificate of naturalisation, and may in accordance with subsection (1L) decide to—
- (a) affirm the decision, or
 - (b) set aside the decision.
- (1L) In arriving at its decision under subsection (1K), a Committee of Inquiry shall have regard to—
- (a) the reasons for which the Minister made the decision to revoke the certificate of naturalisation,
 - (b) any representations made by the person to the Minister under subsection (1C),
 - (c) any submissions made or information provided (where applicable, in accordance with regulations under subsection (1P)) to the Committee by the Minister or person concerned,
 - (d) where an oral hearing is held, the evidence adduced and any submissions made by the Minister or the person concerned at the hearing, and
 - (e) any other circumstances or matters that the Committee considers relevant.
- (1M) Where a Committee of Inquiry decides under paragraph (a) of subsection (1K) to affirm the decision of the Minister to revoke the certificate of naturalisation—
- (a) the Committee of Inquiry shall—

- (i) give the person a notification in writing which shall include a statement informing the person of—
 - (I) its decision,
 - (II) subject to subsection (1O), the reasons for the decision, and
 - (III) the effect of paragraph (b),and
 - (ii) inform the Minister of its decision and of the reasons for its decision,
and
 - (b) the revocation shall take effect 3 days after the date on which the notification under paragraph (a)(i) is given to the person.
- (1N) Where a Committee of Inquiry decides under paragraph (b) of subsection (1K) to set aside the decision of the Minister to revoke the certificate of naturalisation, the Committee of Inquiry shall—
- (a) give the person a notification in writing of its decision, and
 - (b) inform the Minister of its decision.
- (1O) Subsections (1B)(a)(ii), (1E)(a)(ii) and (1M)(a)(i)(II) shall not apply where the Minister or the Committee of Inquiry, as the case may be, considers that specifying the reasons for the decision would be contrary to the interests of national security.
- (1P) The Minister may, in consultation with the chairperson of the Committee of Inquiry and having regard to the need to observe fair procedures, prescribe procedures for and in relation to an inquiry under this section, including the circumstances in which oral hearings may be held.”.

PART 4

AMENDMENT OF IMMIGRATION ACT 2003

Amendment of Immigration Act 2003

4. The Immigration Act 2003 is amended—
- (a) in section 2(7), by the substitution of “class A fine” for “fine of €3,000”, and
 - (b) in section 3(1)(b), by the substitution of “€2,500” for “€1,500”.

PART 5

AMENDMENT OF INTERNATIONAL PROTECTION ACT 2015

Definition (Part 5)

5. In this Part, “Act of 2015” means the International Protection Act 2015.

Revocation

6. The International Protection Act 2015 (Safe Third Country) Order 2020 (S.I. No. 725 of 2020) is revoked.

Amendment of section 5 of Act of 2015

7. Section 5(2) of the Act of 2015 is amended by the substitution of “subsection (1)(d), a notice or other document” for “subsection (1)(c), a notice”.

Amendment of section 21 of Act of 2015

8. Section 21 of the Act of 2015 is amended—
- (a) in subsection (16), by the substitution of “subsection (2)(a)” for “this section”,
 - (b) in subsection (17)—
 - (i) in paragraph (b), by the substitution of “punishment or a serious and individual threat to his or her life or person by reason of indiscriminate violence in situations of international or internal armed conflict,” for “punishment, and”,
 - (ii) in paragraph (c), by the substitution of “concerned, and” for “concerned.”, and
 - (iii) by the insertion of the following paragraph after paragraph (c):

“(d) has the possibility in the country concerned to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention.”,
- and
- (c) by the insertion of the following subsection after subsection (18):

“(19) In subsection (17)(d), ‘refugee status’ means the recognition by the country concerned of a third country national or stateless person as a refugee.”.

Amendment of section 50A of Act of 2015

9. Section 50A of the Act of 2015 is amended by the substitution of the following subsection for subsection (1):

- “(1) A person shall not be expelled or returned in any manner whatsoever to the frontier of a territory—
- (a) where, in the opinion of the Minister—
 - (i) the life or freedom of the person would be threatened for reasons of race, religion, nationality, membership of a particular social group or political opinion, or
 - (ii) there is a risk that the person would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment, or a serious and individual threat to his or her life or person by reason of indiscriminate violence in situations of international or internal armed conflict,
 - or
 - (b) where the Minister is of the opinion that such expulsion or return would be prohibited under any enactment or rule of law as a breach of the person’s fundamental rights.”.

Amendment of section 51 of Act of 2015**10.** Section 51 of the Act of 2015 is amended—

- (a) in subsection (1), by the substitution of “section 50 and subsection (1A),” for “section 50,” and
- (b) by the insertion of the following subsection after subsection (1):
 - “(1A) (a) Subsection (1) shall not apply in respect of a person who is a member of a class of person that is prescribed under paragraph (b).
 - (b) The Minister may, for the purposes of this subsection, prescribe a class or classes of persons, being persons to whom such permission as may be specified has been given.
 - (c) The matters to which the Minister may have regard in specifying a permission under paragraph (b) include—
 - (i) the nature and purposes of the permission,
 - (ii) the period for which a person to whom the permission is granted may remain in the State, and
 - (iii) the conditions attached to the permission.
 - (d) In this subsection, a reference to a permission to remain in the State is a reference to a permission to remain in the State that has been given in accordance with the law of the State and is valid.”.

Amendment of section 51A of Act of 2015**11.** Section 51A of the Act of 2015 is amended—

- (a) in subsection (1), by the substitution of “section 50A and subsection (1A),” for “section 50A,” and
- (b) by the insertion of the following subsection after subsection (1):
 - “(1A) (a) Subsection (1) shall not apply in respect of a person who is a member of a class of person that is prescribed under paragraph (b).
 - (b) The Minister may, for the purposes of this subsection, prescribe a class or classes of persons, being persons to whom such permission as may be specified has been given.
 - (c) The matters to which the Minister may have regard in specifying a permission under paragraph (b) include—
 - (i) the nature and purposes of the permission,
 - (ii) the period for which a person to whom the permission is granted may remain in the State, and
 - (iii) the conditions attached to the permission.
 - (d) In this subsection, a reference to a permission to remain in the State is a reference to a permission to remain in the State that has been given in accordance with the law of the State and is valid.”.

Amendment of section 62 of Act of 2015

12. Section 62 of the Act of 2015 is amended—

- (a) by the substitution of the following subsection for subsection (2):
 - “(2) The experience referred to in subsection (1) is—
 - (a) in the case of a member referred to in paragraph (a) or (b) of that subsection, not less than 5 years’ experience as a practising solicitor, practising barrister or member referred to in paragraph (c) of that subsection, and
 - (b) in the case of a member referred to in paragraph (c) of that subsection, not less than 2 years’ experience—
 - (i) as a practising solicitor or practising barrister,
 - (ii) pursuing his or her professional activities as a lawyer in a member state under the relevant home professional title,
 - (iii) practising, in a jurisdiction other than a member state and in accordance with the law of that jurisdiction, in a profession that corresponds substantially to the profession of solicitor or barrister, or
 - (iv) as a legal academic, where the person is, at the time of his or her appointment, a solicitor or qualified barrister.”.

and

(b) by the insertion of the following subsection after subsection (15):

“(16) In subsection (2)—

‘home professional title’, ‘lawyer’, ‘member state’ and ‘professional activities’ have the same meanings as they have in the European Communities (Lawyers’ Establishment) Regulations 2003 (S.I. No. 732 of 2003);

‘legal academic’ shall be construed in accordance with section 45A(2) (inserted by section 63 of the Judicial Appointments Commission Act 2023) of the Courts (Supplemental Provisions) Act 1961;

‘practising solicitor’, ‘practising barrister’ and ‘qualified barrister’ have the same meanings as they have in the Legal Services Regulation Act 2015;

‘solicitor’ means a person who has been admitted as a solicitor whose name is on the roll of solicitors (within the meaning of section 9 of the Solicitors Act 1954).”.

Amendment of section 72A of Act of 2015

13. Section 72A(2) of the Act of 2015 is amended by the insertion of the following paragraph after paragraph (a)—

“(aa) there is no risk that a person would be subjected to the death penalty, torture or inhuman or degrading treatment or punishment, or a serious and individual threat to his or her life or person by reason of indiscriminate violence in situations of international or internal armed conflict.”.

PART 6

AMENDMENT OF JUDICIAL COUNCIL ACT 2019

Amendment of Judicial Council Act 2019

14. The Judicial Council Act 2019 is amended—

(a) in section 2, by the substitution of the following definition for the definition of “personal injuries guidelines”:

“ ‘personal injuries guidelines’ shall, subject to section 89A, have the meaning assigned to it by section 90(1);”,

(b) in section 7—

- (i) in subsection (2), by the insertion of the following paragraph after paragraph (g):

“(ga) subject to subsection (2A), adopt any amendments to personal injuries guidelines prepared and submitted to the Board under section 18(2)(b) with the modifications (if any) made by the Board under section 11(1)(d), as soon as practicable after such submission, and publish the amendments in such manner as it considers appropriate as soon as practicable following such adoption.”,

- (ii) by the insertion of the following subsections after subsection (2):

“(2A) Amendments to personal injuries guidelines may be adopted by the Council under subsection (2)(ga) only where—

- (a) a draft of the amendments has first been laid before each House of the Oireachtas, and
- (b) a resolution approving the draft of the amendments has been passed by each such House.

(2B) For the purposes of subsection (2A), the Council shall submit a draft of the amendments it proposes to adopt to the Minister and the Minister shall cause a draft of the amendments to be laid before each House of the Oireachtas as soon as practicable after the receipt thereof.”,

and

- (iii) in subsection (5), by the substitution of “Notwithstanding any other provision of this Act, the functions of the Council referred to in paragraphs (a) to (d) and paragraphs (ga) and (h) of subsection (2), and in subsections (2A) and (2B), other than in so far as the functions referred to in paragraphs (d), (ga) and (h)” for “Notwithstanding any other provision of this Act, the functions referred to in paragraphs (a) to (d) and paragraphs (g) and (h) of subsection (2), other than in so far as the functions referred to in paragraphs (d), (g) and (h)”,

- (c) in section 18(5)(a), by the substitution of “within 3 years of the adoption by the Council of the guidelines first adopted by it” for “within 3 years of the first guidelines being adopted by the Council”,

- (d) by the insertion of the following section after section 32:

“Superannuation

32A. (1) The Board shall, as soon as practicable after the coming into operation of *section 14(d) of the Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024—*

- (a) prepare and submit to the Minister, and

- (b) with the approval of the Minister given with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform,
- make a scheme for the granting of superannuation benefits to or in respect of any person appointed to be the Secretary.
- (2) A scheme made under this section shall fix the time and conditions of retirement for a person to or in respect of whom superannuation benefits are payable under the scheme.
- (3) A scheme made under this section shall be carried out by the Board in accordance with its terms.
- (4) No superannuation benefit shall be granted by the Board to or in respect of a person to or in respect of whom superannuation benefits are payable under a scheme made under this section nor shall any other arrangement be entered into for the provision of any superannuation benefit to such person on ceasing to hold office, otherwise than in accordance with—
- (a) a scheme or schemes made under this section, or
- (b) an arrangement approved by the Minister with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform.
- (5) Every scheme made under this section shall make provision for appeals.
- (6) (a) Every scheme made under this section may be amended or revoked by a subsequent scheme made under this section.
- (b) Paragraphs (a) and (b) of subsection (1) shall, with all necessary modifications, apply to the making of a subsequent scheme referred in paragraph (a).
- (7) The Minister shall cause a scheme made under this section to be laid before each House of the Oireachtas as soon as may be after it is approved under this section and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.
- (8) In this section—
- ‘superannuation benefit’ means a pension, gratuity or other allowance payable on resignation, retirement or death;
- ‘scheme made under this section’ means a scheme made by the Board in accordance with subsection (1) and includes a subsequent scheme, referred to in subsection (6), made by the Board.”

(e) by the insertion of the following section after section 89:

“Amendments to personal injuries guidelines

89A. (1) Notwithstanding anything contained in this Act, the personal injuries guidelines adopted by the Council on 6 March 2021 (in this section referred to as the ‘guidelines’) that, for the avoidance of doubt, have continued in force since 24 April 2021 (being the date on which section 99 came into operation), shall, on and after the coming into operation of this section, continue in force subject to any amendments to those guidelines that the Council adopts under section 7(2)(ga).

(2) The reference in section 18(5) to the guidelines first adopted by the Council shall be construed as a reference to the guidelines and, accordingly—

(a) the Board shall, in accordance with section 11(1)(d), review any draft amendments to the guidelines that have been prepared and submitted by the Personal Injuries Guidelines Committee to the Board under section 18(2)(b) with the review of the guidelines completed by that Committee before the coming into operation of this section, and

(b) section 7(2)(ga) shall apply to the adoption by the Council of any such amendments to the guidelines.

(3) The reference in section 90(1) to the personal injuries guidelines adopted by the Council shall be construed as a reference to the guidelines.”,

and

(f) in section 100(1)—

(i) by the substitution of “section 7(2)(ga)” for “section 7(2)(g)(ii)”, and

(ii) by the substitution of “those amendments to the guidelines” for “the guidelines as amended” in each place it occurs.

PART 7

AMENDMENT OF BROADCASTING ACT 2009

Definition (Part 7)

15. In this Part, “Act of 2009” means the Broadcasting Act 2009.

Amendment of section 2 of Act of 2009

16. Section 2 of the Act of 2009 is amended by—

- (a) the substitution of the following for the definition of “electronic communications network”:

“ ‘electronic communications network’ means transmission systems, whether or not based on a permanent infrastructure or centralised administration capacity, and, where applicable, switching or routing equipment and other resources, including network elements which are not active, which permit the conveyance of signals by wire, radio, optical or other electromagnetic means, including satellite networks, fixed (circuit- and packet-switched, including internet) and mobile networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting, and cable television networks, irrespective of the type of information conveyed;”

and

- (b) the insertion of the following definitions:

“ ‘hosting service provider’ has the same meaning as it has in the Terrorist Content Online Regulation;

‘Terrorist Content Online Regulation’ means Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021² on addressing the dissemination of terrorist content online;”

Amendment of section 21 of Act of 2009

17. Section 21(12) of the Act of 2009 is amended by the deletion of the definition of “hosting service provider”.

Amendment of section 139ZG of Act of 2009

18. Section 139ZG(1) of the Act of 2009 is amended in the definition of “contravention” by the insertion of the following paragraph after paragraph (b):

“(ba) an infringement by a hosting service provider of Article 3(3) or (6), Article 4(2) or (7), Article 5(1), (2), (3), (5) or (6), Article 6, Article 7, Article 10, Article 11, Article 14(5), Article 15(1), or Article 17, of the Terrorist Content Online Regulation;”

Insertion of Chapter 1A into Part 8B of Act of 2009

19. Part 8B of the Act of 2009 is amended by the insertion of the following Chapter after Chapter 1:

² OJ No. L 172, 17.5.2021, p.79

“CHAPTER 1A

*Provision of information for purposes of functions of Commission as competent
authority under Terrorist Content Online Regulation*

**Provision of information for purposes of functions of Commission as competent
authority under Terrorist Content Online Regulation**

- 139ZGA.** (1) The Commission may by notice in writing require a person (in this section referred to as ‘the person’) to provide the Commission with information relating to whether the person—
- (a) is a hosting service provider, or
 - (b) is a hosting service provider that is, or has been, exposed to terrorist content.
- (2) A notice under subsection (1) shall specify the information to be provided by the person and the form and manner in which that information shall be provided.
- (3) The person shall comply with a notice under subsection (1) within a period of 20 working days of the date of the notice under that subsection or within such further period as may be agreed in writing before the expiry of the 20 days between the Commission and the person concerned.
- (4) The Commission may, on notice to the person, apply to a judge of the District Court who is assigned to the Dublin Metropolitan District for an order under subsection (5) where it appears to the Commission that the person has failed to comply with subsection (3).
- (5) The judge of the District Court may, on hearing an application under subsection (4), where he or she is satisfied that the person concerned has failed to comply with subsection (3), make an order directing the person, within such period as is specified in the order, to provide the information requested in the notice under subsection (1).
- (6) In this section—
- ‘exposed to terrorist content’ shall be construed in accordance with Article 5 of the Terrorist Content Online Regulation, and
- ‘terrorist content’ has the same meaning as it has in Article 2(7) of the Terrorist Content Online Regulation.”.

Amendment of section 139ZK of Act of 2009

20. Section 139ZK(1) of the Act of 2009 is amended—

- (a) in paragraph (a)(i), by the insertion of “, hosting service provider” after “audiovisual on-demand media service”, and

- (b) in paragraph (g), by the insertion of “hosting service provider” after “audiovisual on-demand media service,”.

Amendment of section 139ZS of Act of 2009

21. Section 139ZS of the Act of 2009 is amended—

- (a) in subsection (4), by the substitution of “Other than where subsection (4A) applies, in deciding” for “In deciding”, and
- (b) by the insertion of the following subsection after subsection (4):

“(4A) Where a contravention falls within paragraph (ba) of the definition of ‘contravention’ in section 139ZG, in deciding whether or not to impose an administrative financial sanction on a hosting service provider, the Commission shall have regard to all relevant circumstances, including the following:

- (a) the nature, gravity and duration of the contravention;
- (b) whether the contravention was intentional or negligent;
- (c) previous contraventions by the hosting service provider;
- (d) the financial strength of the hosting service provider;
- (e) the level of cooperation of the hosting service provider with the competent authorities designated pursuant to Article 12(1) of the Terrorist Content Online Regulation;
- (f) the nature and size of the hosting service provider, in particular whether it is a micro, small or medium-sized enterprise;
- (g) the degree of fault of the hosting service provider, taking into account the technical and organisational measures taken by the hosting service provider to comply with the Terrorist Content Online Regulation.”.

Amendment of section 139ZW of Act of 2009

22. Section 139ZW of the Act of 2009 is amended—

- (a) by the insertion of the following subsection after subsection (1A):

“(1AA) In the case of a contravention falling within paragraph (ba) of the definition of ‘contravention’ in section 139ZG that amounts to, or is a result of, a systematic or persistent failure to comply with obligations under Article 3(3) of the Terrorist Content Online Regulation, an administrative financial sanction may be imposed under section 139ZS of up to 4 per cent of the global turnover of the inquiry subject in the financial year preceding the date of the decision under section 139ZS to impose the sanction.”.

(b) in subsection (3), by the substitution of “Other than where subsection (3A) applies, the Commission” for “The Commission”,

(c) by the insertion of the following subsection after subsection (3):

“(3A) In the case of a contravention falling within paragraph (ba) of the definition of ‘contravention’ in section 139ZG, the Commission shall have regard to all relevant circumstances when determining the amount of the administrative financial sanction imposed under section 139ZS, including the following:

- (a) the nature, gravity and duration of the contravention;
- (b) whether the contravention was intentional or negligent;
- (c) previous contraventions by the hosting service provider;
- (d) the financial strength of the hosting service provider;
- (e) the level of cooperation of the hosting service provider with the competent authorities designated pursuant to Article 12(1) of the Terrorist Content Online Regulation;
- (f) the nature and size of the hosting service provider, in particular whether it is a micro, small or medium-sized enterprise;
- (g) the degree of fault of the hosting service provider, taking into account the technical and organisational measures taken by the provider to comply with the requirements of the Terrorist Content Online Regulation.”,

and

(d) in subsection (4)(b), by the substitution of “a hosting service provider or a provider” for “provider”.

PART 8

AMENDMENT OF JUDICIAL APPOINTMENTS COMMISSION ACT 2023

Amendment of section 36 of Judicial Appointments Commission Act 2023

23. Section 36 of the Judicial Appointments Commission Act 2023 is amended—

(a) by the insertion of the following subsection after subsection (1):

“(1A) The Director shall be a civil servant in the Civil Service of the State.”,

and

(b) by the deletion of subsection (8).

PART 9

AMENDMENT OF FIREARMS AND OFFENSIVE WEAPONS ACT 1990

Amendment of Firearms and Offensive Weapons Act 1990

24. The Firearms and Offensive Weapons Act 1990 is amended—

(a) in section 9(7)—

(i) in paragraph (b), by the deletion of “or (5)”, and

(ii) by the insertion of the following paragraph after paragraph (b):

“(c) A person guilty of an offence under subsection (5) shall be liable—

(i) on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding twelve months or to both, or

(ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding seven years or to both.”,

(b) in section 10(3)(b), by the substitution of “seven years” for “five years”,

(c) in section 11(b), by the substitution of “seven years” for “five years”, and

(d) in section 12(3)(b), by the substitution of “10 years” for “7 years”.

PART 10

MISCELLANEOUS AMENDMENTS

Amendment of section 23 of European Arrest Warrant Act 2003

25. Section 23(5)(b) (as amended by section 16(a) of the European Arrest Warrant (Amendment) Act 2024) of the European Arrest Warrant Act 2003 is amended by the deletion of “of a person”.

Amendment of section 38 of Criminal Justice (Mutual Recognition of Custodial Sentences) Act 2023

26. Section 38(1)(h) of the Criminal Justice (Mutual Recognition of Custodial Sentences) Act 2023 is amended by the substitution of “less than” for “not less than” in both places where it occurs.

PART 11

SUPERANNUATION

Amendment of section 1 of Superannuation (Prison Officers) Act 1919

27. Section 1 of the Superannuation (Prison Officers) Act 1919 is amended—

- (a) in subsection (1)(b), by the substitution of “every subsequent year of actual reckonable service, given while in such employment up to the day the officer reaches the age of 60 years” for “every subsequent year of service”, and
- (b) by the insertion of the following subsection after subsection (2):

“(3) In this section, ‘actual reckonable service’ means reckonable service other than service under section 3(3) of the Superannuation Act 1887.”.

Amendment of section 8 of Civil Service Regulation Act 1956

28. Section 8 of the Civil Service Regulation Act 1956 is amended—

- (a) in subsection (1)(a), by the insertion of “or, where a higher age is specified by regulations under subsection (1A), that age” after “sixty years”, and
- (b) by the insertion of the following subsections after subsection (1):

“(1A) The Minister for Justice may, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, make regulations relating to the retirement of officers to whom the Act of 1919 applies, including specifying a retirement age of such officers, being an age that is higher than 60 years and not exceeding the normal retirement age (within the meaning of section 13(1) of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012).

(1B) Every regulation made by the Minister for Justice under subsection (1A) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House sits after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”.

Amendment of section 158 of Local Government Act 2001

29. Section 158(1) of the Local Government Act 2001 is amended by the insertion of the following paragraph after paragraph (b):

“(ba) The Minister may, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, make regulations relating to the retirement of employees of a local

authority that is a fire authority (within the meaning of the Fire Services Act 1981) whose duties include attendance at fires, including specifying the age at which such employees shall retire, being an age that is higher than the age of 55 years and not exceeding the normal retirement age (within the meaning of section 13(1) of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012).”.

Amendment of Public Service Superannuation (Miscellaneous Provisions) Act 2004

30. The Public Service Superannuation (Miscellaneous Provisions) Act 2004 is amended—

- (a) in section 1(1), in the definition of “specified fire brigade employee”, by the insertion of “or where a higher age is specified by regulations under section 158(1)(ba) of the Local Government Act 2001, that age” after “55 years of age”, and
- (b) in section 4—
 - (i) in subsection (1)(b), by the insertion of “or such higher age as may be specified by the Minister for Justice, in regulations made under the relevant provision, as the retirement age for the rank of the member” after “60 years”,
 - (ii) in subsection (4), by the substitution of “as a new entrant to the Garda Síochána to the rank of Commissioner of the Garda Síochána or of Deputy Garda Commissioner who has attained the age of 55 years but is under the age of 60 years or such higher age as may be specified by the Minister for Justice, in regulations made under the relevant provision, as the retirement age for the rank concerned” for “who has attained the age of 55 years but is under the age of 60 years as a new entrant to the Garda Síochána to the rank of Commissioner of the Garda Síochána or of Deputy Garda Commissioner”, and
 - (iii) by the insertion of the following subsection after subsection (5):
 - “(6) In this section, ‘relevant provision’ means—
 - (a) until the date on which it is repealed by the coming into operation of section 5 of the Policing, Security and Community Safety Act 2024, section 122(1) of the Garda Síochána Act 2005, and
 - (b) on and from the date referred to in paragraph (a), section 254(1) of the Policing, Security and Community Safety Act 2024.”,
- and
- (c) in section 13—
 - (i) by the designation of that section as subsection (1), and
 - (ii) by the addition of the following subsection after subsection (1):
 - “(2) Subsection (1) shall not apply to—

- (a) a person who is appointed as a member of the Garda Síochána,
- (b) a specified fire brigade employee,
- (c) a member of the Permanent Defence Force, or
- (d) a prison officer (within the meaning of section 26 of the Act of 2012).”.

Amendment of Public Service Pensions (Single Scheme and Other Provisions) Act 2012

31. The Public Service Pensions (Single Scheme and Other Provisions) Act 2012 is amended—

- (a) in section 5(1), by the insertion of the following definition:
 - “ ‘specified fast accrual member’ means a person to whom section 26(1) applies who—
 - (a) immediately before the date of coming into operation of *section 31* of the *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024*, is in a pensionable position that requires the person to retire upon attaining the age of 60 years or before that age, or
 - (b) becomes a pensionable public servant on or after the date referred to in paragraph (a);”
- (b) in section 13(4)(b), by the substitution of “or where a higher age is specified by regulations under section 158(1)(ba) of the Local Government Act 2001, that age” for “or, subject to medical examination or examinations, 58 years”,
- (c) in section 16, in column 1 of the Table to subsection (3)—
 - (i) by the substitution of “Persons to whom section 19 refers and specified fast accrual members who have attained the age of 60 years” for “Persons to whom section 19 refers”, and
 - (ii) by the substitution of “Persons to whom section 26 refers and specified fast accrual members to whom that section refers who have not attained the age of 60 years” for “Persons to whom section 26 refers”,

and
- (d) in section 26(5)—
 - (i) by the substitution of the following definition for the definition of “referable amounts in respect of each calendar year or part of a calendar year”:
 - “ ‘referable amounts in respect of each calendar year or part of a calendar year’, in relation to a calendar year or part of a calendar year of service, means—

- (a) in respect of a member to whom subsection (1) applies who is not a specified fast accrual member—
 - (i) for the purpose of the calculation of an annual pension, an amount calculated at a rate of—
 - (I) 0.58 per cent of the Scheme member’s pensionable remuneration for that year or part of a year as a Scheme member to whom subsection (1) applies that is less than or equal to 3.74 times the value of the contributory State Pension at that time, as adjusted, when not working on a full-time basis, by reference to the proportion that the number of hours worked bears to the number of hours that would have been worked if working on a full-time basis, and
 - (II) 1.43 per cent of the Scheme member’s pensionable remuneration for that year or part of a year as a Scheme member to whom subsection (1) applies that is greater than 3.74 times the value of the contributory State Pension at that time, as adjusted, when not working on a full-time basis, by reference to the proportion that the number of hours worked bears to the number of hours that would have been worked if working on a full-time basis,

and

- (ii) for the purpose of the calculation of the lump sum payment, an amount calculated at a rate of 4.29 per cent of the Scheme member’s pensionable remuneration for that year or part of a year as a Scheme member to whom subsection (1) applies, adjusted by reference to the proportion of full-time hours worked by the person where not working on a full-time basis,
and as adjusted thereafter, until payment of the pension and lump sum arises in accordance with this Part, by reference to such adjustments as may arise as provided for in section 40, and
- (b) in respect of a member to whom subsection (1) applies who is a specified fast accrual member—
 - (i) for the purpose of the calculation of an annual pension, an amount calculated at a rate of—
 - (I) 0.58 per cent of the Scheme member’s pensionable remuneration for that year or part of a year as a Scheme member to whom subsection (1) applies that is less than or equal to 3.74 times the value of the contributory State Pension at that time, as adjusted, when not working on a full-time basis, by reference to the proportion that the number of hours worked bears to the number of hours that would have been worked if working on a full-time basis,

(II) during which period the member has not attained the age of 60 years, 1.43 per cent of the Scheme member's pensionable remuneration for that year or part of a year as a Scheme member to whom subsection (1) applies that is greater than 3.74 times the value of the contributory State Pension at that time, as adjusted, when not working on a full-time basis, by reference to the proportion that the number of hours worked bears to the number of hours that would have been worked if working on a full-time basis, and

(III) during which period the member is aged 60 years or above, 1.25 per cent of the Scheme member's pensionable remuneration for that year or part of a year as a Scheme member to whom subsection (1) applies that is greater than 3.74 times the value of the contributory State Pension at that time, as adjusted, when not working on a full-time basis, by reference to the proportion that the number of hours worked bears to the number of hours that would have been worked if working on a full-time basis,

and

(ii) for the purpose of the calculation of the lump sum payment, an amount calculated at a rate of—

(I) during which period the member has not attained the age of 60 years, 4.29 per cent of the Scheme member's pensionable remuneration for that year or part of a year as a Scheme member to whom subsection (1) applies, adjusted by reference to the proportion of full-time hours worked by the person where not working on a full-time basis, and

(II) during which period the member is aged 60 years or above, 3.75 per cent of the Scheme member's pensionable remuneration for that year or part of a year as a Scheme member to whom subsection (1) applies, adjusted by reference to the proportion of full-time hours worked by the person where not working on a full-time basis,

and as adjusted thereafter, until payment of the pension and lump sum arises in accordance with this Part, by reference to such adjustments as may arise as provided for in section 40;”,

and

(ii) by the substitution of the following definition for the definition of “specified fire brigade employee”:

“ ‘specified fire brigade employee’ has the same meaning as it has in the Public Service Superannuation (Miscellaneous Provisions) Act 2004.”.