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**Bille na gCúirteanna Teaghlaigh, 2022**  
**Family Courts Bill 2022**

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*Mar a leasaíodh i gCoiste*

*As amended in Committee*

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**BILLE NA gCÚIRTEANNA TEAGHLAIGH, 2022**  
**FAMILY COURTS BILL 2022**

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Family Law (Divorce) Act 1996 (No. 33)  
Family Law (Maintenance of Spouses and Children) Act 1976 (No. 11)  
Family Law Act 1981 (No. 22)  
Family Law Act 1995 (No. 26)  
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Guardianship of Infants Act 1964 (No. 7)  
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**BILLE NA gCÚIRTEANNA TEAGHLAIGH, 2022**  
**FAMILY COURTS BILL 2022**

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# **Bill**

*entitled*

An Act to provide for the establishment of a Family High Court, Family Circuit Court and Family District Court as divisions of the existing High Court, Circuit Court and District Court; to provide for the reallocation of jurisdiction in family law proceedings between the family courts; to provide for the assignment of Principal Judges and other judges to the family courts; to provide for the establishment of Family Circuit Court circuits and Family District Court districts; to provide for matters supplementary to the establishment of the family courts and matters relating to the judges of those courts; to make provision in relation to the conduct of family law proceedings before such courts; to provide for the establishment of a Family Law Rules Committee or Family Law Sub-committees of existing rules committees; and, for those and other purposes, to amend the Courts of Justice Act 1924, the Court Officers Act 1926, the Legitimacy Act 1931, the Courts of Justice Act 1936, the Enforcement of Court Orders Act 1940, the Courts of Justice Act 1953, the Courts (Establishment and Constitution) Act 1961, the Courts (Supplemental Provisions) Act 1961, the Guardianship of Infants Act 1964, the Courts Act 1971, the Family Home Protection Act 1976, the Family Law (Maintenance of Spouses and Children) Act 1976, the Courts Act 1981, the Family Law Act 1981, the Status of Children Act 1987, the Judicial Separation and Family Law Reform Act 1989, the Child Care Act 1991, the Child Abduction and Enforcement of Custody Orders Act 1991, the Maintenance Act 1994, the Family Law Act 1995, the Family Law (Divorce) Act 1996, the Jurisdiction of Courts and Enforcement of Judgments Act 1998, the Protection of Children (Hague Convention) Act 2000, the Courts and Court Officers Act 1995, the Courts (No. 2) Act 1997, the Courts and Court Officers Act 2002, the Civil Registration Act 2004, the Social Welfare Consolidation Act 2005, the Land and Conveyancing Law Reform Act 2009, the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, the Adoption Act 2010, the European Communities (Maintenance) Regulations 2011 (S.I. No. 274 of 2011), the Children and Family Relationships Act 2015, the Gender Recognition Act 2015, the Domestic Violence Act 2018, the European Union (Hague Maintenance Convention) Regulations 2019 (S.I. No. 594 of 2019), the European Communities (Decisions in Matrimonial Matters and in Matters of Parental Responsibility and International Child Abduction)

Regulations 2022 (S.I. No. 400 of 2022) and certain other enactments; to provide for the protection of parties in family law proceedings; to provide for the repeal of certain enactments; and to provide for related matters.

**Be it enacted by the Oireachtas as follows:**

PART 1

5

PRELIMINARY AND GENERAL

**Short title and commencement**

1. (1) This Act may be cited as the Family Courts Act 2024.
- (2) This Act shall come into operation on such day or days as the Minister 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—
  - (a) different purposes or different provisions,
  - (b) different courts, different Family Circuit Court circuits and different Family District Court districts, and
  - (c) the repeal and amendment of different provisions of enactments effected by *sections 5 and 6.*

**Interpretation**

2. (1) In this Act—
  - “Act of 1924” means The Courts of Justice Act 1924;
  - “Act of 1926” means the Court Officers Act 1926;
  - “Act of 1936” means the Courts of Justice Act 1936;
  - “Act of 1953” means the Courts of Justice Act 1953;
  - “Act of 1961” means the Courts (Supplemental Provisions) Act 1961;
  - “Act of 1964” means the Guardianship of Infants Act 1964;
  - “Act of 1971” means the Courts Act 1971;
  - “Act of 1976” means the Family Home Protection Act 1976;
  - “Act of 1987” means the Status of Children Act 1987;
  - “Act of 1989” means the Judicial Separation and Family Law Reform Act 1989;
  - “Act of 1991” means the Child Care Act 1991;
  - “Act of 1994” means the Maintenance Act 1994;
  - “Act of 1995” means the Courts and Court Officers Act 1995;
  - “Act of 1996” means the Family Law (Divorce) Act 1996;

“Act of 2000” means the Protection of Children (Hague Convention) Act 2000;	
“Act of 2010” means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;	
“Act of 2015” means the Children and Family Relationships Act 2015;	
“Act of 2018” means the Domestic Violence Act 2018;	5
“applicant” means a person seeking a remedy in family law proceedings;	
“civil partner” has the same meaning as it has in section 3 of the Act of 2010;	
“cohabitant” has the same meaning as it has in section 172 of the Act of 2010;	
“enactment” has the same meaning as it has in section 2(1) of the Interpretation Act 2005;	10
“Family Circuit Court” has the same meaning as it has in section 4(1A) (inserted by <i>section 19</i> ) of the Courts (Establishment and Constitution) Act 1961;	
“Family District Court” has the same meaning as it has in section 5(1A) (inserted by <i>section 36</i> ) of the Courts (Establishment and Constitution) Act 1961;	
“Family High Court” has the same meaning as it has in section 2(1A) (inserted by <i>section 9</i> ) of the Courts (Establishment and Constitution) Act 1961;	15
“family law proceedings” means proceedings before a court of competent jurisdiction under any of the following enactments and any proceedings arising from such proceedings:	
(a) the Legitimacy Act 1931;	20
(b) section 8 of the Enforcement of Court Orders Act 1940, in so far as that section relates to the enforcement of maintenance orders;	
(c) the Act of 1964;	
(d) the Act of 1976;	
(e) the Family Law (Maintenance of Spouses and Children) Act 1976;	25
(f) the Family Law Act 1981;	
(g) the Act of 1987;	
(h) the Act of 1989;	
(i) the Child Abduction and Enforcement of Custody Orders Act 1991;	
(j) the Act of 1991;	30
(k) the Act of 1994;	
(l) the Family Law Act 1995;	
(m) the Act of 1996;	
(n) the Jurisdiction of Courts and Enforcement of Judgments Act 1998, in so far as that Act relates to the enforcement of maintenance orders;	35
(o) the Act of 2000;	

- (p) the Civil Registration Act 2004 (other than Part 5B and section 56);
  - (q) the Adoption Act 2010;
  - (r) Regulation (EU) No. 606/2013 of the European Parliament and of the Council of 12 June 2013<sup>1</sup> on mutual recognition of protection measures in civil matters;
  - (s) the Act of 2010; 5
  - (t) the Regulations of 2011;
  - (u) the Act of 2015;
  - (v) the Gender Recognition Act 2015;
  - (w) the Act of 2018;
  - (x) the Regulations of 2019; 10
  - (y) the Regulations of 2022;
  - (z) any other enactment which may be prescribed under *section 3* for the purposes of this definition;
- “Minister” means the Minister for Justice;
- “place” includes part of a place, a building or part of a building; 15
- “practising barrister” has the same meaning as it has in the Legal Services Regulation Act 2015;
- “practising solicitor” has the same meaning as it has in the Legal Services Regulation Act 2015;
- “prescribed” means prescribed by regulations made by the Minister under this Act; 20
- “Regulations of 2011” means the European Communities (Maintenance) Regulations 2011 (S.I. No. 274 of 2011);
- “Regulations of 2019” means the European Union (Hague Maintenance Convention) Regulations 2019 (S.I. No. 594 of 2019);
- “Regulations of 2022” means the European Communities (Decisions in Matrimonial Matters and in Matters of Parental Responsibility and International Child Abduction) Regulations 2022 (S.I. No. 400 of 2022); 25
- “respondent” means a person against whom a remedy is sought by an applicant in family law proceedings.
- (2) A reference in an enactment to— 30
- (a) a “plaintiff”, “claimant” or “petitioner” shall, for the purposes of this Act, be taken to be a reference to an applicant, and
  - (b) a “defendant” shall, for the purposes of this Act, be taken to be a reference to a respondent.

<sup>1</sup> OJ No. L181, 29.6.2013, p. 4

### **Power to prescribe additional enactments in definition of family law proceedings**

3. (1) The Minister may, in accordance with *section 2*, prescribe an enactment for the purposes of the definition of “family law proceedings”.
- (2) In prescribing an enactment under *subsection (1)*, the Minister shall have regard to—
- (a) the nature of the proceedings that can be initiated under that enactment, and 5
  - (b) the guiding principles in *section 8*.

### **Orders and regulations**

4. Every order (other than an order under *section 1(2)*) and regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order or regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 10

### **Repeals**

5. The enactments specified in *column (3)* of *Schedule 1* are repealed to the extent specified in *column (4)* of that Schedule. 15

### **Amendments of miscellaneous enactments**

6. The provisions specified in *column (4)* of the enactments specified in *column (3)* in *Schedule 2* are amended to the extent specified in *column (5)* of that Schedule.

### **Expenses**

7. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure, National Development Plan Delivery and Reform, be paid out of moneys provided by the Oireachtas. 20

## **PART 2**

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### **GUIDING PRINCIPLES**

### **Guiding principles**

8. (1) In any family law proceedings—
- (a) a court sitting to hear and determine family law proceedings, and
  - (b) a practising barrister or a practising solicitor representing a party in such proceedings, 30
- shall, without prejudice to its or their functions under any enactment or rule of law, have regard to the principles set out in *subsection (2)*.

- (2) The principles referred to in *subsection (1)* are those of:
- (a) in proceedings in which the welfare of a child is involved or likely to be affected by the outcome, ensuring that—
    - (i) the best interests of the child are a primary consideration in the conduct of the proceedings, 5
    - (ii) the child is informed, as appropriate to his or her age and capacity and the nature of the proceedings, of developments and progress in the proceedings and the outcome of the proceedings,
    - (iii) in respect of a child who is capable of forming his or her own views and where the child wishes to express such views, in so far as is practicable, the views of the child are ascertained and given due weight having regard to the age and maturity of the child, and 10
    - (iv) there is no unreasonable delay in determining the proceedings;
  - (b) encouraging and facilitating in so far as is possible the parties to the proceedings to achieve consensus to resolve their family law disputes without recourse to the courts, including by the resolution of issues in dispute by means of alternative dispute resolution methods, such as mediation, unless resolution by such means would not be appropriate due to the nature of the proceedings or the risk of adversely affecting the safety of a party to the proceedings or a child to whom the proceedings relate; 15 20
  - (c) promoting and engaging in active case management practices, including time limits and maximum word counts for submissions;
  - (d) conducting proceedings in a manner which—
    - (i) in so far as is possible, is user-friendly and accessible for the parties to those proceedings, 25
    - (ii) minimises the risk of the safety of any party to the proceedings or a child to whom the proceedings relate being adversely affected, where the safety of such a party or child is involved,
    - (iii) expeditiously identifies the issues in dispute,
    - (iv) in so far as is possible, facilitates the parties in reaching agreement on the resolution of the issues in dispute, 30
    - (v) in so far as is possible, minimises conflict between the parties, and
    - (vi) is just, expeditious and likely to minimise the costs of those proceedings.
- (3) In any family law proceedings, the parties to those proceedings shall, without prejudice to their rights and obligations under any enactment or rule of law, have regard to the principles set out in *subsection (4)*. 35
- (4) The principles referred to in *subsection (3)* are those of:
- (a) endeavouring to achieve consensus to resolve family law disputes between the parties to the family law proceedings without recourse to the courts, including by the resolution of issues in dispute by means of alternative dispute resolution 40



methods, such as mediation, unless resolution by such means would not be appropriate due to the nature of the proceedings or the risk of adversely affecting the safety of a party to the proceedings or a child to whom the proceedings relate;

- (b) participating in proceedings in a manner which, in so far as is possible—
- (i) ensures, in respect of proceedings in which the welfare of a child is involved or likely to be affected by the outcome—
    - (I) that the best interests of the child are a primary consideration in the conduct of the proceedings, and
    - (II) that the child is informed, as appropriate to his or her age and capacity and the nature of the proceedings, of developments and progress in the proceedings and the outcome of the proceedings,
  - (ii) minimises the risk of the safety of any party to the proceedings or a child to whom the proceedings relate being adversely affected, where the safety of such a party or child is involved,
  - (iii) facilitates agreement being reached on the resolution of the issues in dispute,
  - (iv) minimises conflict between the parties, and
  - (v) is expeditious and likely to minimise the costs of those proceedings.

### PART 3

#### FAMILY HIGH COURT

#### **Establishment and constitution of Family High Court** 20

9. Section 2 of the Courts (Establishment and Constitution) Act 1961 is amended—

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

“(1A) On the coming into operation of *section 9* of the *Family Courts Act 2024*, there shall stand established a division of the High Court to be known as ‘*an Ard-Chúirt Teaghlaigh*’ (‘the Family High Court’).” 25

(b) in subsection (2)—

(i) in paragraph (a), by the deletion of “and”,

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

“(aa) a judge who shall be styled ‘*an Príomh-Bhreitheamh den Ard-Chúirt Teaghlaigh*’ (‘the Principal Judge of the Family High Court’), and” 30

and

(iii) by the substitution of the following paragraph for paragraph (b):

“(b) such number of ordinary judges (each of whom shall be styled ‘*Breitheamh den Ard-Chúirt*’ (‘Judge of the High Court’) as may from time to time be fixed by Act of the Oireachtas and, from 35

among those Judges of the High Court, such number of judges (each of whom shall, while so acting, be styled ‘*Breitheamh den Ard-Chúirt Teaghlaigh*’) (‘Judge of the Family High Court’) as may from time to time be fixed by Act of the Oireachtas.”,

and

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(c) in subsection (5)—

(i) by the insertion of the following paragraphs after paragraph (a):

“(aa) Where, owing to the illness of a judge of the Family High Court or for any other reason, a sufficient number of judges of the Family High Court is not available for the transaction of the business of that Court or, on account of the volume of business to be transacted in the Family High Court or for any other reason arising from the state of business in that Court, it is expedient to increase temporarily the number of judges available for the purposes of the Family High Court, the President of the High Court, at the request of the Principal Judge of the Family High Court, may request an ordinary judge of the High Court, who is not already assigned to the Family High Court and whom the President of the High Court believes to be, by reason of his or her training or experience, a suitable person, to sit in the Family High Court on a temporary basis.

(ab) Whenever it appears to the President of the High Court that, in circumstances of urgency, an application in family law proceedings is required to be heard without delay and no judge of the Family High Court is available to hear the application, one or more ordinary judges of the High Court may be assigned by the President to hear the application.”,

(ii) in paragraph (b), by the substitution of “that Court,” for “that Court.”, and

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

“(bb) Whenever an ordinary judge of the High Court sits in the Family High Court in accordance with paragraph (aa) or (ab), he or she shall be an additional judge of the Family High Court for all the purposes of that Court.”.

### **Jurisdiction, proceedings and sittings of Family High Court**

**10.** The Act of 1961 is amended by the insertion of the following sections after section 8: 35

#### **“General jurisdiction of Family High Court**

**8A.** (1) On the coming into operation of *section 10* of the *Act of 2024*, the Family High Court may exercise, in addition to the original and inherent jurisdiction of the High Court, the exclusive jurisdiction in family law proceedings for which jurisdiction of the High Court was provided in the following enactments before the coming into operation of that section: 40

- (a) the Adoption Act 2010;
  - (b) the Child Abduction and Enforcement of Custody Orders Act 1991;
  - (c) the European Communities (Decisions in Matrimonial Matters and in Matters of Parental Responsibility and International Child Abduction) Regulations 2022 (S.I. No. 400 of 2022); 5
  - (d) Part IVA of the Child Care Act 1991.
- (2) The jurisdiction of the Family High Court shall include the hearing of—
- (a) appeals of decisions of the Family Circuit Court (other than decisions of that Court in respect of appeals from the Family District Court), and 10
  - (b) cases stated from the Family District Court and the Family Circuit Court.

**Exercise of jurisdiction by judges of Family High Court**

- 8B.** The jurisdiction of the Family High Court shall be exercisable by the Principal Judge of the Family High Court and by each judge of the Family High Court save that, where the Principal Judge of the Family High Court directs that 2 or more such judges shall sit together for the purpose of a particular case, the jurisdiction of the Court for that purpose shall be exercised by those judges sitting together. 15 20

**Proceedings and sittings of Family High Court**

- 8C.** (1) An application to the Family High Court to commence family law proceedings shall state in the originating document—
- (a) subject to any rules of court or practice direction, the circumstances giving rise to the application, and 25
  - (b) subject to subsection (2), whether or not mediation under the Mediation Act 2017 has been attempted.
- (2) Subsection (1)(b) shall not apply to an application to commence proceedings under—
- (a) the Status of Children Act 1987, 30
  - (b) the Child Care Act 1991,
  - (c) section 29 of the Family Law Act 1995,
  - (d) nullity proceedings under the Family Law Act 1995,
  - (e) the Civil Registration Act 2004,
  - (f) section 4 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, 35
  - (g) nullity proceedings under the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010,
  - (h) the Adoption Act 2010,

- (i) Regulation (EU) No. 606/2013 of the European Parliament and of the Council of 12 June 2013<sup>2</sup> on mutual recognition of protection measures in civil matters,
  - (j) the Children and Family Relationships Act 2015,
  - (k) the Gender Recognition Act 2015, or 5
  - (l) the Domestic Violence Act 2018.
- (3) Upon his or her own motion or upon the request of a party to family law proceedings, a judge of the Family High Court may, at any stage during the proceedings, if he or she considers that mediation or another alternative dispute resolution process would assist in resolving some or all of the issues in dispute, suspend the proceedings to allow the parties to seek to resolve those issues through such means. 10
- (4) In considering whether to suspend the proceedings under subsection (3), the judge shall endeavour to ensure that any suspension of proceedings does not have the effect of— 15
- (a) adversely affecting the safety of a party to the proceedings or a child to whom the proceedings relate,
  - (b) unduly delaying the resolution of the issues in dispute, or
  - (c) materially increasing the costs of proceedings.
- (5) Family High Court proceedings shall be as informal as is practicable and consistent with the administration of justice. 20
- (6) Neither a judge sitting in the Family High Court nor a barrister nor a solicitor appearing in that Court shall wear a wig or gown.
- (7) Subject to subsection (8), the Family High Court shall sit to hear and determine family law proceedings either— 25
- (a) in a different building or room from the building or room in which sittings of any other court (other than the Family Circuit Court or the Family District Court) are held, or
  - (b) on different days or at different times from the days on which, or times at which, sittings of any such other court (other than the Family Circuit Court or the Family District Court) are held. 30
- (8) Subsection (7) shall not apply where— 35
- (a) the safety or welfare of a party to the proceedings or a child to whom the proceedings relate is likely to be adversely affected if the proceedings are not heard as a matter of urgency, or
  - (b) due to the urgency of the case or in exceptional circumstances the court is satisfied that compliance with that subsection is not possible.”.

## Functions of Principal Judge of Family High Court

11. Section 10 of the Act of 1961 is amended by the insertion of the following subsections after subsection (3):

“(3A) Without prejudice to subsection (3), it shall be a function of the Principal Judge of the Family High Court to arrange the distribution and allocation of the business of the Family High Court. 5

(3B) In performing a function under subsection (3A), the Principal Judge of the Family High Court shall—

(a) engage with the Courts Service, in such manner as may be agreed between the Principal Judge and the Courts Service, on relevant matters related to the functions of the Courts Service under section 5 of the Courts Service Act 1998 in relation to that Court, and 10

(b) have regard to the information provided, and the views expressed, by the Courts Service on such matters in the course of the engagement under paragraph (a). 15

(3C) The engagement by the Courts Service under subsection (3B) shall not be exercised so as to interfere with the conduct of that part of the business of the Family High Court required by law to be transacted by or before the Principal Judge of the Family High Court or to impugn the independence of the Principal Judge of the Family High Court in the performance of his or her judicial functions. 20

(3D) The Principal Judge of the Family High Court shall, without prejudice to his or her functions under any enactment or rule of law, take such steps as he or she considers appropriate for the purposes of ensuring—

(a) the implementation of the guiding principles in *section 8* of the *Act of 2024*, and 25

(b) the efficiency of court business including, to the extent possible, that there is appropriate consistency in the exercise of jurisdiction by the judges of that Court.

(3E) The Principal Judge of the Family High Court may, where he or she sees fit, make recommendations to the President of the High Court in relation to the number of judges to be assigned to the Family High Court.”. 30

## Judge of Family High Court may issue orders or directions in family law proceedings

12. Without prejudice to his or her functions under any enactment or rule of law and subject to any practice direction issued under *section 13*— 35

(a) the Principal Judge of the Family High Court sitting alone, or

(b) any other judge of the Family High Court sitting alone as may be nominated for that purpose by the Principal Judge of the Family High Court,

may, in the interests of the administration of justice and the determination of proceedings in a manner which is just, expeditious and likely to minimise the cost of those 40

proceedings, make any order or give any direction he or she thinks appropriate in relation to the conduct of proceedings before the Family High Court.

**Principal Judge of Family High Court may issue practice directions**

13. (1) The Principal Judge of the Family High Court may, in the interests of the administration of justice and the determination of family law proceedings in a manner which is just, expeditious and likely to minimise the cost of those proceedings, issue directions in relation to the conduct of appeals or applications made to the Family High Court. 5
- (2) A practice direction issued under *subsection (1)* may make provision for such incidental, supplementary and consequential matters, including in respect of a failure to comply with any matter provided for in a direction, as appear to the Principal Judge of the Family High Court to be necessary or expedient for the purposes of the direction. 10
- (3) The Principal Judge of the Family High Court may, in accordance with *subsection (4)* and in the interests of the administration of justice and the determination of family law proceedings in a manner which is just, expeditious and likely to minimise the cost of those proceedings— 15
- (a) issue directions, for the purpose of the exercise by the Family High Court of a power under any enactment or rule of law to transfer such proceedings to another court where it considers it appropriate to do so or that there was no good reason for the proceedings to have been initiated in the Family High Court, relating to the matters which the Family High Court is to include in such consideration, and 20
- (b) where family law proceedings may, under an enactment, be initiated in more than one court, issue directions relating to the circumstances in which, and the criteria by which, such proceedings may appropriately be initiated in the Family High Court. 25
- (4) In performing a function under *subsection (3)*, the Principal Judge of the Family High Court shall consult with the Principal Judge of the Family Circuit Court and the Principal Judge of the Family District Court.
- (5) In performing a function under *subsection (1)* or *(3)*, the Principal Judge of the Family High Court shall— 30
- (a) consult with the President of the High Court, and
- (b) ensure that there is no conflict between the practice direction to be issued and a practice direction that has been or, as the case may be, is to be issued by the President of the High Court. 35
- (6) In the event that there is a conflict between a practice direction issued by the President of the High Court and a practice direction issued by the Principal Judge of the Family High Court under *subsection (1)* or *(3)*, the practice direction issued by the former shall take precedence.
- (7) (a) In performing a function under *subsection (1)* or *(3)*, the Principal Judge of the Family High Court shall engage with the Courts Service on any practice direction that he or she considers is likely to have a material impact on the performance by 40

the Courts Service of its functions under section 5 of the Courts Service Act 1998 and shall have regard to the information provided by the Courts Service under *paragraph (b)*.

- (b) Where the Courts Service considers, in the course of the engagement under *paragraph (a)*, that the making of a practice direction would materially impact the performance by the Courts Service of its functions under section 5 of the Courts Service Act 1998, the Courts Service shall inform the President of the High Court and the Principal Judge of the Family High Court of the potential impact it has identified. 5
- (8) The engagement by the Courts Service under *subsection (7)* shall not be exercised so as to interfere with the conduct of that part of the business of the Family High Court required by law to be transacted by or before the Principal Judge of the Family High Court or to impugn the independence of the Principal Judge of the Family High Court in the performance of his or her judicial functions. 10
- (9) In performing a function under *subsection (1) or (3)*, the Principal Judge of the Family High Court shall have regard to the guiding principles in *section 8*. 15
- (10) A practice direction shall be published in such manner as the Principal Judge of the Family High Court may direct.
- (11) This section is without prejudice to any powers of the Family High Court in respect of proceedings before it. 20
- (12) In this section—  
“appeal” includes a cross-appeal or request to vary an order under appeal;  
“practice direction” means a direction issued under *subsection (1) or (3)*.

#### **Qualification for assignment as Principal Judge of Family High Court**

14. Section 5 of the Act of 1961 is amended by the substitution of the following subsection for subsection (7): 25
- “(7) An ordinary judge of the High Court shall be qualified for—
- (a) appointment as an ordinary judge of the Court of Appeal or of the Supreme Court or as President of the High Court, President of the Court of Appeal or Chief Justice, or 30
- (b) assignment as Principal Judge of the Family High Court.”.

#### **Assignment of Principal Judge of Family High Court**

15. (1) Subject to *subsection (2)*, the President of the High Court may assign an ordinary judge of the High Court who, by reason of his or her training or experience and his or her temperament, is a suitable person to deal with family law proceedings to be, and who shall be known as, the Principal Judge of the Family High Court. 35
- (2) For the purposes of making an assignment under *subsection (1)*, the President of the High Court shall select the ordinary judge of the High Court to be assigned as

Principal Judge of the Family High Court in accordance with a selection process specified under *subsection (3)*.

- (3) The President of the High Court shall—
- (a) prior to specifying a selection process under this subsection, request the Judicial Appointments Commission to make recommendations as to the appropriate selection process to be followed, and 5
  - (b) specify the selection process, which shall be in accordance with the recommendations of the Judicial Appointments Commission provided in compliance with the request under *paragraph (a)*.
- (4) The Judicial Appointments Commission shall comply with a request under *subsection (3)(a)*. 10
- (5) A person who is to be appointed, or who is appointed, as an ordinary judge of the High Court who wishes to express an interest in being assigned as Principal Judge of the Family High Court by the President of the High Court under *subsection (1)* may forward an expression of such interest to the President of the High Court. 15
- (6) An expression of interest referred to in *subsection (5)* shall not be forwarded by the person expressing the interest to any person other than the President of the High Court.
- (7) Where the President of the High Court is satisfied that it is in the interests of the good administration of the High Court or the Family High Court to do so, he or she may— 20
- (a) reassign the Principal Judge of the Family High Court to the High Court, and
  - (b) assign a new Principal Judge of the Family High Court under *subsection (1)* to take the place of the judge reassigned under *paragraph (a)*.
- (8) The President of the High Court, in exceptional circumstances where required by the exigencies of the High Court, may request the Principal Judge of the Family High Court from time to time to sit as, and exercise any of the powers of, an ordinary judge of the High Court. 25
- (9) Subject to *subsection (7)*, a person who, on and after the coming into operation of this section, is assigned as the Principal Judge of the Family High Court shall be so assigned— 30
- (a) for a period of not less than 4 years, or
  - (b) until he or she reaches the appropriate age of judicial retirement as an ordinary judge of the High Court,
- whichever occurs first, and, in a case to which *paragraph (a)* relates, shall not, on the expiry of the period referred to in that paragraph, be eligible for reassignment as the Principal Judge of the Family High Court. 35
- (10) Where the Principal Judge of the Family High Court has completed 4 years in his or her assignment under *subsection (1)*, he or she may request that his or her assignment be terminated.
- (11) Where the period of assignment of a Principal Judge of the Family High Court referred to in *subsection (9)(a)* expires, or is terminated pursuant to a request under 40



*subsection (10)*, the President of the High Court may at any time thereafter reassign the judge concerned—

- (a) under *section 16(1)* to be a judge of the Family High Court, or
- (b) to fill a vacancy for an ordinary judge in the High Court.

- (12) Where a judge is reassigned in accordance with *subsection (7)(a)* or *(11)*, he or she shall, at the request of the President of the High Court, complete the hearing of any case that has been partly heard by him or her during his or her assignment as Principal Judge of the Family High Court. 5

### **Assignment of judge of High Court as judge of Family High Court**

16. (1) The President of the High Court may assign an ordinary judge of the High Court to be a judge of the Family High Court where he or she is satisfied that the judge concerned is, by reason of his or her training or experience and his or her temperament, a suitable person to deal with family law proceedings. 10
- (2) The President of the High Court, in exceptional circumstances where required by the exigencies of the High Court and following consultation by the President of the High Court with the Principal Judge of the Family High Court, may request a judge of the Family High Court from time to time to sit as, and exercise any of the powers of, an ordinary judge of the High Court. 15
- (3) Subject to *subsection (8)*, a person who, on and after the coming into operation of this section, is assigned as a judge of the Family High Court shall be so assigned— 20
- (a) for a term of not less than 3 years, or
  - (b) until he or she reaches the appropriate age of judicial retirement as an ordinary judge of the High Court,
- whichever occurs first, and, in a case to which *paragraph (a)* relates, shall, on the expiry of the period referred to in that paragraph, be eligible for reassignment under *subsection (1)* as a judge of the Family High Court. 25
- (4) A person who is to be appointed, or who is appointed, an ordinary judge of the High Court who wishes to express an interest in being assigned by the President of the High Court under *subsection (1)* may forward an expression of such interest to the President of the High Court. 30
- (5) An expression of interest referred to in *subsection (4)* shall not be forwarded by the person expressing the interest to any person other than the President of the High Court.
- (6) An ordinary judge of the High Court who is assigned to the Family High Court and who has completed 3 years as a judge of the Family High Court may request that his or her assignment be terminated. 35
- (7) Where the period of assignment of an ordinary judge of the Family High Court referred to in *subsection (3)(a)* expires, or is terminated pursuant to a request under *subsection (6)*, the President of the High Court may at any time thereafter reassign the judge concerned to fill a vacancy for a judge in the High Court. 40

- (8) Where the President of the High Court, in consultation with the Principal Judge of the Family High Court, is satisfied that it is in the interests of the good administration of the High Court or the Family High Court to do so, he or she may—
- (a) reassign a judge of the Family High Court to the High Court, and
  - (b) assign a new judge of the Family High Court under *subsection (1)* to take the place of the judge reassigned under *paragraph (a)*. 5
- (9) Where a judge is reassigned under *subsection (7)* or *subsection (8)(a)*, he or she shall, at the request of the Principal Judge of the Family High Court, complete the hearing of any case that has been partly heard by him or her during his or her assignment as a judge of the Family High Court. 10

### Family High Court on Circuit

17. The Act of 1936 is amended—

- (a) by the insertion of the following section after section 33:

#### “Family High Court Circuits

33A. (1) The Courts Service, after consultation with the President of the High Court and the Principal Judge of the Family High Court, may by order— 15

- (a) divide the State into Family High Court Circuits and make the distribution of the several counties in the State (other than the city of Dublin and the counties of Dun Laoghaire-Rathdown, Fingal and South Dublin) amongst the several Family High Court Circuits as it thinks proper, and 20
- (b) attach to each such Family High Court Circuit a name by which it shall be known.

(2) The Courts Service, after consultation with the President of the High Court and the Principal Judge of the Family High Court, may by order— 25

- (a) alter the composition of a Family High Court Circuit by adding or removing part of a geographical area, and
- (b) where appropriate, attach to the Family High Court Circuit a name by which it shall be known in substitution for its existing name. 30

(3) An order under subsection (2) may make provision for the continuation and completion of any family law proceedings in a Family High Court Circuit to which the order relates—

- (a) initiated before the commencement of the order, and 35
- (b) not completed before such commencement.

(4) For the purposes of subsection (3), proceedings shall be regarded as being initiated on the day on which the originating document relating to the proceedings was issued.

(5) Every order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and if either such House shall, within the next 21 days on which such House sits after such order is laid before it, pass a resolution annulling such order, such order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”, 5

(b) by the insertion of the following section after section 34:

**“Family High Court on Circuit**

**34A.** (1) Subject to subsections (6), (7) and (8), the Family High Court shall, not less than once in every year, at such times as shall be determined by the Principal Judge of the Family High Court, in consultation with the President of the High Court and having regard to any information provided by the Courts Service in relation to such sittings for which the Courts Service is responsible, sit in the appeal towns referred to in subsection (2) for the purposes mentioned in that subsection and to sit and hear family law proceedings. 10 15

(2) Subject to subsections (6), (7) and (8), the Principal Judge of the Family High Court, following consultation with the President of the High Court and having regard to any relevant information provided by the Courts Service, shall designate the appeal towns in which the Family High Court shall sit in accordance with subsection (1) to hear appeals from the Family Circuit Court. 20

(3) For the purposes of this section, one or more judges of the Family High Court shall hold sittings of the Family High Court in the appeal towns referred to in subsection (2) where their attendance is required as determined by the Principal Judge of the Family High Court, in consultation with the President of the High Court. 25

(4) The Family High Court when sitting in an appeal town in accordance with this section shall be known and is in this Act referred to as ‘the Family High Court on Circuit’, and the sittings of the Family High Court in any such appeal town in accordance with this section shall be known and are in this Act referred to as ‘sittings of the Family High Court on Circuit’. 30

(5) The Principal Judge of the Family High Court, following consultation with the President of the High Court and having regard to any information provided by the Courts Service on the number of matters listed for hearing and to the guiding principles in *section 8*, shall determine, in respect of each sitting of the Family High Court on Circuit, the number of judges who shall sit for the purposes of the Family High Court on Circuit and the day and hour at which such sittings shall commence in an appeal town on each such Circuit and shall notify the Courts Service of that determination. 35 40

(6) Where in respect of any sitting of the Family High Court on Circuit, the judge (or if more than one judge shall be sitting, the senior of the judges) who shall be sitting ascertains that there is no business to be 45

transacted at such sittings in any particular appeal town, that judge shall, following engagement with the Courts Service, notify the Principal Judge of the Family High Court of that fact and may direct in writing that it shall not be obligatory to hold such sitting in that appeal town.

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- (7) Where the Principal Judge of the Family High Court, following consultation with the President of the High Court, determines that the effective discharge of the business of the Family High Court so requires, he or she may direct that no sitting of the Family High Court on Circuit shall be held in a particular appeal town in a particular year and shall notify the Courts Service of any such direction. 10
- (8) Where the Principal Judge of the Family High Court, following consultation with the President of the High Court, gives a direction in accordance with subsection (7), appeals from the Family Circuit Court which would, but for such direction, be due for hearing in the appeal town concerned, shall be heard at— 15
- (a) a sitting of the Family High Court on Circuit in such other appeal town, or
- (b) the Family High Court sitting in Dublin, 20
- as the Principal Judge of the Family High Court may direct.
- (9) Where the Principal Judge of the Family High Court, following consultation with the President of the High Court, gives a direction under this section, he or she shall make arrangements for the direction to be sent to the county registrar for the county in which any appeal town so affected is situate.”, 25

and

- (c) by the insertion of the following section after section 35:

**“Judges of Family High Court on Circuit**

**35A.** The Principal Judge of the Family High Court shall, if and when he or she thinks proper, travel and sit as a judge of the Family High Court on Circuit, and every other judge of the Family High Court shall travel and sit as a judge of the Family High Court when requested by the Principal Judge of the Family High Court to do so.”. 30

**Amendment of Act of 1995**

**18.** The Act of 1995 is amended— 35

- (a) in section 25, by the substitution of the following subsection for subsection (1):

“(1) Subject to subsection (2) of this section and section 26 of this Act, the Master of the High Court may, in all such applications made *ex parte* or by motion on notice whether interlocutory or otherwise and in all such applications for judgment by consent or in default of appearance or defence as may from time to time be allocated for hearing by the 40

Master of the High Court by the President of the High Court or, for matters within the jurisdiction of the Family High Court, the Principal Judge of the Family High Court, exercise all the functions, powers and jurisdiction which a judge of the High Court, or the Family High Court, as the case may be, exercises from time to time.”,

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and

(b) in section 50—

(i) in subsection (1), by the insertion of “or, in the case of a debt arising in family law proceedings, the Family High Court” after “in the High Court for a debt or a liquidated sum”,

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(ii) in subsection (2), by the insertion of “or in the Family High Court for a debt arising in family law proceedings” after “in the High Court for a debt or a liquidated sum”,

(iii) in subsection (3), by the insertion of “or, in the case of a debt arising in family law proceedings, the Family Circuit Court” after “in the Circuit Court for a debt or a liquidated sum”,

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(iv) in subsection (4), by the insertion of “or, in the case of family law proceedings, a judge of the Family High Court” after “High Court”, and

(v) in subsection (5), by the insertion of “or, in the case of family law proceedings, a judge of the Family Circuit Court” after “Circuit Court”.

20

## PART 4

### FAMILY CIRCUIT COURT

#### CHAPTER 1

#### *Establishment, jurisdiction and proceedings of Family Circuit Court*

### **Establishment and constitution of Family Circuit Court**

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**19.** Section 4 of the Courts (Establishment and Constitution) Act 1961 is amended—

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

“(1A) On the coming into operation of *section 19* of the *Family Courts Act 2024*, there shall stand established a division of the Circuit Court to be known as ‘*an Chúirt Chuarda Teaghlaigh*’ (‘the Family Circuit Court’).”

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and

(b) in subsection (2)—

(i) by the insertion of the following paragraph after paragraph (a):

“(aa) a judge who shall be styled ‘*an Príomh-Bhreitheamh den Chúirt Chuarda Teaghlaigh*’ (‘the Principal Judge of the Family Circuit Court’),”,

and

(ii) by the substitution of the following paragraph for paragraph (b): 5

“(b) such number of ordinary judges (each of whom shall be styled ‘*Breitheamh den Chúirt Chuarda*’ (‘Judge of the Circuit Court’) as may from time to time be fixed by Act of the Oireachtas and, from among those Judges of the Circuit Court, such number of judges (each of whom shall, while so acting, be styled ‘*Breitheamh den Chúirt Chuarda Teaghlaigh*’) (‘Judge of the Family Circuit Court’) as may from time to time be fixed by Act of the Oireachtas, and”.

### **Jurisdiction of Family Circuit Court and exercise of jurisdiction by judges of Family Circuit Court**

20. The Act of 1961 is amended by the insertion of the following section after section 22: 15

#### **“Jurisdiction of Family Circuit Court and exercise of jurisdiction by judges of Family Circuit Court**

22A. (1) Subject to subsections (2) and (3), jurisdiction vested in the Family Circuit Court is exercisable by a judge of the Family Circuit Court for the time being assigned to the Family Circuit Court circuit in which— 20

(a) a party to the proceedings ordinarily resides or carries on any profession, business or occupation,

(b) a child whose welfare is the subject of the proceedings resides, has resided or is proposed to reside, or

(c) a previous application in the same proceedings has been granted. 25

(2) In proceedings brought in accordance with subsection (1), the judge to whom the originating application in the proceedings was made may, on the application of a party to the proceedings or of his or her own motion, where the judge decides that it would be in the best interests of a child whose welfare is the subject of the proceedings, or otherwise appropriate to do so in a specific case, direct that jurisdiction may be exercised by a judge of another Family Circuit Court circuit with which the child, or another party to the proceedings, has a connection. 30

(3) A judge of the Family Circuit Court may— 35

(a) outside his or her Family Circuit Court circuit, make an order in family law proceedings, or give a direction in relation to the conduct of such proceedings, which he or she has power to make or give within that Family Circuit Court circuit, and

(b) within his or her Family Circuit Court circuit, make an order in family law proceedings, or give a direction in relation to the 40

conduct of such proceedings, which he or she would not, by virtue of subsection (1), have the power to make or give,

where he or she is of the opinion that the order should be made, or the direction be given, as a matter of urgency.

- (4) A judge of the Family Circuit Court may, of his or her own motion or on the application of a party to the proceedings, refer any question of law arising in proceedings before him or her to the Family High Court for determination and the determination of the Family High Court shall be final and conclusive. 5
- (5) A judge of the Family Circuit Court may hear appeals of decisions of the Family District Court. 10
- (6) Decisions of the Family Circuit Court (other than decisions of that Court in respect of appeals from the Family District Court) may be appealed to the Family High Court.”.

**Functions of Principal Judge of Family Circuit Court** 15

21. The Act of 1961 is amended by the insertion of the following section after section 22A:

**“Functions of Principal Judge of Family Circuit Court**

- 22B. (1) It shall be a function of the Principal Judge of the Family Circuit Court to arrange the distribution and allocation of the business of the Family Circuit Court. 20
- (2) In performing a function under subsection (1), the Principal Judge of the Family Circuit Court shall—
  - (a) engage with the Courts Service, in such manner as may be agreed between the Principal Judge and the Courts Service, on relevant matters related to the functions of the Court Service under section 5 of the Courts Service Act 1998 in relation to that Court, and 25
  - (b) have regard to the information provided, and the views expressed, by the Courts Service on such matters in the course of the engagement under paragraph (a).
- (3) The Principal Judge of the Family Circuit Court shall, without prejudice to his or her functions under any enactment or rule of law, take such steps as he or she considers appropriate for the purposes of ensuring— 30
  - (a) the implementation of the guiding principles in *section 8 of the Act of 2024*, and 35
  - (b) the efficiency of court business including, to the extent possible, that there is appropriate consistency in the exercise of jurisdiction by the judges of that Court.
- (4) The Principal Judge of the Family Circuit Court may, where he or she sees fit, make recommendations to the President of the Circuit Court in 40

relation to the number of judges to be assigned to a Family Circuit Court circuit.

(5) The Principal Judge of the Family Circuit Court may—

(a) following engagement with the Courts Service, and

(b) having regard to the information provided, and the views expressed, by the Courts Service in the course of the engagement under paragraph (a) on relevant matters related to its functions under section 5 of the Courts Service Act 1998,

make recommendations to the President of the Circuit Court in relation to the places for holding sittings of the Family Circuit Court in or for any Family Circuit Court circuit.

(6) The engagement by the Courts Service under subsections (2) and (5) shall not be exercised so as to interfere with the conduct of that part of the business of the Family Circuit Court required by law to be transacted by or before the Principal Judge of the Family Circuit Court or to impugn the independence of the Principal Judge of the Family Circuit Court in the performance of his or her judicial functions.”.

#### **Judge of Family Circuit Court may issue orders or directions in family law proceedings**

22. Without prejudice to his or her functions under any enactment or rule of law and subject to any practice direction issued under *section 23*—

(a) the Principal Judge of the Family Circuit Court, or

(b) any other judge of the Family Circuit Court as may be nominated for that purpose by the Principal Judge of the Family Circuit Court,

may, in the interests of the administration of justice and the determination of proceedings in a manner which is just, expeditious and likely to minimise the cost of those proceedings, make any order or give any direction he or she thinks appropriate in relation to the conduct of proceedings before the Family Circuit Court.

#### **Principal Judge of Family Circuit Court may issue practice directions**

23. (1) The Principal Judge of the Family Circuit Court may, in the interests of the administration of justice and the determination of family law proceedings in a manner which is just, expeditious and likely to minimise the cost of those proceedings, issue directions in relation to the conduct of appeals or applications made to the Family Circuit Court.

(2) A practice direction issued under *subsection (1)* may make provision for such incidental, supplementary and consequential matters, including in respect of a failure to comply with any matter provided for in a direction, as appear to the Principal Judge of the Family Circuit Court to be necessary or expedient for the purposes of the direction.

(3) The Principal Judge of the Family Circuit Court may, in accordance with *subsection (4)* and in the interests of the administration of justice and the determination of family



law proceedings in a manner which is just, expeditious and likely to minimise the cost of those proceedings—

- (a) issue directions, for the purpose of the exercise by the Family Circuit Court of a power under any enactment or rule of law to transfer such proceedings to another court where it considers it appropriate to do so or that there was no good reason for the proceedings to have been initiated in the Family Circuit Court, relating to the matters which the Family Circuit Court is to include in such consideration, and 5
  - (b) where family law proceedings may, under an enactment, be initiated in more than one court, issue directions relating to the circumstances in which, and the criteria by which, such proceedings may appropriately be initiated in the Family Circuit Court. 10
- (4) In performing a function under *subsection (3)*, the Principal Judge of the Family Circuit Court shall—
  - (a) consult with the Principal Judge of the Family High Court and the Principal Judge of the Family District Court, and 15
  - (b) ensure that there is no conflict between the practice direction to be issued and practice directions that have been issued or, as the case may be, are to be issued by the Principal Judge of the Family High Court under *section 13(3)* and the Principal Judge of the Family District Court under *section 42(3)*. 20
- (5) In the event that there is a conflict between a practice direction issued by the Principal Judge of the Family High Court under *section 13(3)* and a practice direction issued by the Principal Judge of the Family Circuit Court under *subsection (3)*, the practice direction issued by the former shall take precedence.
- (6) In performing a function under *subsection (1)* or *(3)*, the Principal Judge of the Family Circuit Court shall— 25
  - (a) consult with the President of the Circuit Court, and
  - (b) ensure that there is no conflict between the practice direction to be issued and a practice direction that has been or, as the case may be, is to be issued by the President of the Circuit Court. 30
- (7) In the event that there is a conflict between a practice direction issued by the President of the Circuit Court and a practice direction issued by the Principal Judge of the Family Circuit Court under *subsection (1)* or *(3)*, the practice direction issued by the former shall take precedence.
- (8) (a) In performing a function under *subsection (1)* or *(3)*, the Principal Judge of the Family Circuit Court shall engage with the Courts Service on any practice direction that he or she considers is likely to have a material impact on the performance by the Courts Service of its functions under section 5 of the Courts Service Act 1998 and shall have regard to the information provided by the Courts Service under *paragraph (b)*. 35 40
- (b) Where the Courts Service considers, in the course of the engagement under *paragraph (a)*, that the making of a practice direction would materially impact the performance by the Courts Service of its functions under section 5 of the

Courts Service Act 1998, the Courts Service shall inform the President of the Circuit Court and the Principal Judge of the Family Circuit Court of the potential impact it has identified.

- (9) The engagement by the Courts Service under *subsection (8)* shall not be exercised so as to interfere with the conduct of that part of the business of the Family Circuit Court required by law to be transacted by or before the Principal Judge of the Family Circuit Court or to impugn the independence of the Principal Judge of the Family Circuit Court in the performance of his or her judicial functions. 5
- (10) In performing a function under *subsection (1)* or *(3)*, the Principal Judge of the Family Circuit Court shall have regard to the guiding principles in *section 8*. 10
- (11) A practice direction shall be published in such manner as the Principal Judge of the Family Circuit Court may direct.
- (12) This section is without prejudice to any powers of the Family Circuit Court in respect of proceedings before it.
- (13) In this section— 15
- “appeal” includes a cross-appeal or request to vary an order under appeal;
- “practice direction” means a direction issued under *subsection (1)* or *(3)*.

#### **Proceedings in Family Circuit Court**

24. (1) An application to the Family Circuit Court to commence family law proceedings shall state in the civil bill— 20
- (a) subject to any rules of court or practice direction, the circumstances giving rise to the application, and
- (b) subject to *subsection (2)*, whether or not mediation under the Mediation Act 2017 has been attempted.
- (2) *Subsection (1)(b)* shall not apply to an application to commence proceedings under— 25
- (a) the Act of 1987,
- (b) the Act of 1991,
- (c) section 29 of the Family Law Act 1995,
- (d) nullity proceedings under the Family Law Act 1995,
- (e) the Civil Registration Act 2004, 30
- (f) section 4 of the Act of 2010,
- (g) nullity proceedings under the Act of 2010,
- (h) Regulation (EU) No. 606/2013 of the European Parliament and of the Council of 12 June 2013<sup>3</sup> on mutual recognition of protection measures in civil matters,
- (i) the Act of 2015, 35
- (j) the Gender Recognition Act 2015, or

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- (k) the Act of 2018.
- (3) Upon his or her own motion or upon the request of a party to family law proceedings, a judge of the Family Circuit Court may, at any stage during the proceedings, if he or she considers that mediation or another alternative dispute resolution process would assist in resolving some or all of the issues in dispute, suspend the proceedings to allow the parties to seek to resolve those issues through such means. 5
- (4) In considering whether to suspend the proceedings under *subsection (3)*, the judge shall endeavour to ensure that any suspension of proceedings does not have the effect of—
  - (a) adversely affecting the safety of a party to the proceedings or a child to whom the proceedings relate, 10
  - (b) unduly delaying the resolution of the issues in dispute, or
  - (c) materially increasing the costs of proceedings.
- (5) Family Circuit Court proceedings shall be as informal as is practicable and consistent with the administration of justice. 15
- (6) Neither a judge sitting in the Family Circuit Court nor a barrister nor solicitor appearing in that Court shall wear a wig or gown.

**Sittings of Family Circuit Court**

- 25.** (1) Subject to *subsection (2)*, the Family Circuit Court shall sit to hear and determine family law proceedings either— 20
- (a) in a different building or room from the building or room in which sittings of any other court (other than the Family High Court or the Family District Court) are held, or
  - (b) on different days or at different times from the days on which, or times at which, sittings of any other court (other than the Family High Court or the Family District Court) are held. 25
- (2) *Subsection (1)* shall not apply where—
- (a) the safety or welfare of a party to the proceedings or a child to whom the proceedings relate is likely to be adversely affected if the proceedings are not heard as a matter of urgency, or 30
  - (b) due to the urgency of the case or in exceptional circumstances the court is satisfied that compliance with that subsection is not possible.
- (3) The Principal Judge of the Family Circuit Court shall have and exercise the powers conferred on him or her by *subsection (4)* for the purposes of ensuring—
- (a) an equitable distribution of the work of the Family Circuit Court among the judges of the Court, and 35
  - (b) the prompt despatch of the business of that Court in the Family Circuit Court circuits.

- (4) The Courts Service may, having consulted with the President of the Circuit Court and the Principal Judge of the Family Circuit Court, and having regard to the requirements of *subsection (1)*, by notice specify from time to time in respect of a Family Circuit Court circuit—
  - (a) the places within that circuit at which sittings of the Family Circuit Court are to be held, and 5
  - (b) in respect of each place within that circuit at which sittings are to be held, the dates on which sittings shall be held and the time at which such sittings shall commence.
- (5) A notice under *subsection (4)* shall— 10
  - (a) have effect from the date of its publication or such other date as is specified in the notice,
  - (b) remain in effect until the expiry of such period as is specified in the notice, and
  - (c) be published on the website of the Courts Service.
- (6) A notice issued under *subsection (4)* may be amended or revoked by the Courts Service at any time following its issue and before it ceases to have effect under *paragraph (a)* or *(b)* of *subsection (5)*. 15

CHAPTER 2

*Creation and alteration of Family Circuit Court circuits and assignment of judges to Family Circuit Court* 20

**Family Circuit Court circuits**

**26.** The Act of 1961 is amended—

- (a) in section 20, by the insertion of the following subsection after subsection (1):
  - “(1A) The Family Circuit Court circuits created under section 20A (inserted by *section 26* of the *Act of 2024*) shall be the circuits for the purposes of the Family Circuit Court.”, 25
- and
- (b) by the insertion of the following section after section 20:
  - “**Creation and alteration of Family Circuit Court circuits**
  - 20A.** (1) The circuits created under this section shall be circuits for the purposes of the Family Circuit Court. 30
  - (2) The Government, after consultation with the President of the Circuit Court, the Principal Judge of the Family Circuit Court and the judges of the Family Circuit Court (if any) assigned to the circuits to which the order will relate, may by order— 35
    - (a) divide the State into geographical areas (in this Act referred to as ‘Family Circuit Court circuits’) for the purposes of the Family Circuit Court, and

- (b) attach to each such circuit a name by which it shall be known.
- (3) The Government may, after consultation with the President of the Circuit Court, the Principal Judge of the Family Circuit Court and the judges of the Family Circuit Court (if any) assigned to the Family Circuit Court circuit to which the order will relate, by order do either or both of the following:
  - (a) alter the composition of a Family Circuit Court circuit by adding or removing a part of a geographical area;
  - (b) where appropriate, attach to the Family Circuit Court circuit a name by which it shall be known in substitution for its existing name.
- (4) An order under subsection (3) may make provision for the continuation and completion of any family law proceedings in a Family Circuit Court circuit to which the order relates—
  - (a) initiated before the commencement of the order, and
  - (b) not completed before such commencement.
- (5) For the purposes of subsection (4), proceedings shall be regarded as being initiated on the day on which the civil bill or other originating document relating to the proceedings is issued.
- (6) Every order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”.

**Qualification for assignment as Principal Judge of Family Circuit Court**

27. Section 17 of the Act of 1961 is amended by the substitution of the following subsection for subsection (3):

- “(3) An ordinary judge of the Circuit Court shall be qualified for—
  - (a) appointment as President of the Circuit Court, or
  - (b) assignment as Principal Judge of the Family Circuit Court.”.

**Assignment of Principal Judge of Family Circuit Court**

- 28. (1) Subject to *subsection (2)*, the President of the Circuit Court may assign an ordinary judge of the Circuit Court who, by reason of his or her training or experience and his or her temperament, is a suitable person to deal with family law proceedings to be, and who shall be known as, the Principal Judge of the Family Circuit Court.
- (2) For the purposes of making an assignment under *subsection (1)*, the President of the Circuit Court shall select the ordinary judge of the Circuit Court to be assigned as

Principal Judge of the Family Circuit Court in accordance with a selection process specified under *subsection (3)*.

- (3) The President of the Circuit Court shall—
  - (a) prior to specifying a selection process under this subsection, request the Judicial Appointments Commission to make recommendations as to the appropriate selection process to be followed, and 5
  - (b) specify the selection process, which shall be in accordance with the recommendations of the Judicial Appointments Commission provided in compliance with the request under *paragraph (a)*.
- (4) The Judicial Appointments Commission shall comply with a request under *subsection (3)(a)*. 10
- (5) A person who is to be appointed, or who is appointed, as an ordinary judge of the Circuit Court who wishes to express an interest in being assigned as Principal Judge of the Family Circuit Court by the President of the Circuit Court under *subsection (1)* may forward an expression of such interest to the President of the Circuit Court. 15
- (6) An expression of interest referred to in *subsection (5)* shall not be forwarded by the person expressing the interest to any person other than the President of the Circuit Court.
- (7) Where the President of the Circuit Court is satisfied it is in the interests of the good administration of the Circuit Court or the Family Circuit Court to do so, he or she may— 20
  - (a) reassign the Principal Judge of the Family Circuit Court to the Circuit Court, and
  - (b) assign a new Principal Judge of the Family Circuit Court under *subsection (1)* to take the place of the judge reassigned under *paragraph (a)*.
- (8) The Principal Judge of the Family Circuit Court may from time to time, at the request of the President of the Circuit Court, sit as, and exercise any of the powers of, an ordinary judge of the Circuit Court. 25
- (9) Subject to *subsection (7)*, a person who, on and after the coming into operation of this section, is assigned as the Principal Judge of the Family Circuit Court shall be so assigned— 30
  - (a) for a period of not less than 4 years, or
  - (b) until he or she reaches the appropriate age of judicial retirement as an ordinary judge of the Circuit Court,whichever occurs first, and, in a case to which *paragraph (a)* relates, shall not, on the expiry of the period referred to in that paragraph, be eligible for reassignment as the Principal Judge of the Family Circuit Court. 35
- (10) Where the Principal Judge of the Family Circuit Court has completed 4 years in his or her assignment under *subsection (1)*, he or she may request that his or her assignment be terminated.
- (11) Where the period of assignment of a Principal Judge of the Family Circuit Court referred to in *subsection (9)(a)* expires, or is terminated pursuant to a request under 40

*subsection (10)*, the President of the Circuit Court may at any time thereafter reassign the judge concerned—

- (a) under *section 29(2)* to be a judge of the Family Circuit Court, or
- (b) to fill a vacancy for an ordinary judge in the Circuit Court.

- (12) Where a judge is reassigned in accordance with *subsection (7)(a)* or *(11)*, he or she shall, at the request of the President of the Circuit Court, complete the hearing of any case that has been partly heard by him or her during his or her assignment as Principal Judge of the Family Circuit Court. 5

### **Assignment of judges of Circuit Court to Family Circuit Court**

29. (1) Section 2 of the Courts Act 1977 shall not apply to the assignment of an ordinary judge of the Circuit Court to the Family Circuit Court. 10

- (2) The President of the Circuit Court may assign an ordinary judge of the Circuit Court to be a judge of the Family Circuit Court where he or she is satisfied that the judge concerned is, by reason of his or her training or experience and his or her temperament, a suitable person to deal with family law proceedings. 15

- (3) Subject to *subsection (8)*, a person who, on and after the coming into operation of this section, is assigned as a judge of the Family Circuit Court shall be so assigned—

(a) for a term of not less than 3 years, or

(b) until he or she reaches the appropriate age of judicial retirement as an ordinary judge of the Circuit Court, 20

whichever occurs first, and, in a case to which *paragraph (a)* relates, shall, on the expiry of the period referred to in that paragraph, be eligible for reassignment under *subsection (2)* as a judge of the Family Circuit Court.

- (4) A person who is to be appointed, or who is appointed, an ordinary judge of the Circuit Court who wishes to express an interest in being assigned by the President of the Circuit Court under *subsection (2)* may forward an expression of such interest to the President of the Circuit Court. 25

- (5) An expression of interest referred to in *subsection (4)* shall not be forwarded by the person expressing the interest to any person other than the President of the Circuit Court. 30

- (6) An ordinary judge of the Circuit Court who is assigned to the Family Circuit Court and who has completed 3 years as a judge of the Family Circuit Court may request that his or her assignment be terminated.

- (7) Where the period of assignment of a judge of the Family Circuit Court referred to in *subsection (3)(a)* expires, or is terminated pursuant to a request under *subsection (6)*, the President of the Circuit Court may at any time thereafter reassign the judge concerned to fill a vacancy for an ordinary judge in the Circuit Court. 35

- (8) Where the President of the Circuit Court, in consultation with the Principal Judge of the Family Circuit Court, is satisfied that it is in the interests of the good administration of the Circuit Court or the Family Circuit Court to do so, he or she may— 40

- (a) reassign a judge of the Family Circuit Court to the Circuit Court, and
  - (b) assign a new judge of the Family Circuit Court under *subsection (2)* to take the place of the judge reassigned under *paragraph (a)*.
- (9) Where a judge is reassigned under *subsection (7)* or *(8)(a)*, he or she shall, at the request of the Principal Judge of the Family Circuit Court, complete the hearing of any case that has been partly heard by him or her during his or her assignment as a judge of the Family Circuit Court. 5

**Assignment of persons to act temporarily as additional judges of Family Circuit Court**

30. (1) Whenever it appears to the President of the Circuit Court that, owing to the temporary absence from duty for any cause of a judge of the Family Circuit Court, or an unusual and temporary increase in the business of the Family Circuit Court on any Family Circuit Court circuit, or any other cause, it is necessary, in order to prevent the work of the Family Circuit Court getting into arrear either generally or on any particular Family Circuit Court circuits or circuit, to increase temporarily the number of the judges of the Family Circuit Court, one or more ordinary judges of the Circuit Court may be assigned to act as a judge of the Family Circuit Court for such period as the President shall think proper in respect of each such person. 10 15
- (2) Whenever it appears to the President of the Circuit Court that, in circumstances of urgency, an application in family law proceedings is required to be heard without delay and no judge of the Family Circuit Court is available to hear the application, one or more ordinary judges of the Circuit Court may be assigned by the President to hear the application. 20
- (3) Whenever an ordinary judge of the Circuit Court sits in the Family Circuit Court in accordance with *subsection (1)* or *(2)*, he or she shall be—
- (a) an additional judge of the Family Circuit Court for all the purposes of that Court, and 25
  - (b) deemed to have jurisdiction for the purposes of section 22A (inserted by *section 20*) of the Act of 1961.

**Mode of address and precedence of judges: Family Circuit Court**

31. Section 38 of the Act of 1924 is amended— 30
- (a) in subsection (1), by the substitution of “Subject to subsection (3), the following judges” for “The following judges”, and
  - (b) by the insertion of the following subsection after subsection (2):
    - “(3) The Principal Judge of the Family Circuit Court shall be addressed in such manner as may be determined by the rules made under section 66 or 72B (inserted by *section 51* of the *Act of 2024*) of the Courts of Justice Act 1936.”. 35

**Orders which can be made by County Registrar in family law proceedings**

32. The Second Schedule to the Act of 1995 is amended by the insertion of the following



paragraph after paragraph (xxviii):

“(xxviiiia) An order for the transfer of proceedings to the Family High Court or the Family District Court, including all ancillary orders for the transfer of moneys lodged in the Family Circuit Court.”.

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#### **Amendment of section 38 of Act of 1926**

33. Section 38(2) of the Act of 1926 is amended by the substitution of “Rules of court made under section 66 of the Courts of Justice Act 1924 and rules made under section 72B (inserted by *section 51* of the *Family Courts Act 2024*) of the Courts of Justice Act 1936 may provide” for “Rules of court made under section 66 of the Courts of Justice Act 1924 (No. 10 of 1924), may provide.”.

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#### **Family Circuit Court circuits comprising Irish speaking Family District Court districts**

34. The Act of 1924 is amended by the insertion of the following section after section 44:

##### **“Family Circuit Court circuits comprising Irish speaking Family District Court districts**

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44A. So far as may be practicable having regard to all relevant circumstances, the judge of the Family Circuit Court assigned to any Family Circuit Court circuit which includes an area where the Irish language is in general use shall possess such a knowledge of the Irish language as would enable him or her to dispense with the assistance of an interpreter when evidence is given in that language.”.

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#### **Money paid into Family Circuit Court**

35. Section 41 of the Act of 1926 is amended—

(a) in subsection (1)—

(i) by the substitution of “into the Circuit Court or Family Circuit Court” for “into the circuit court” in each place where it occurs, and

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(ii) by the substitution of “each circuit or Family Circuit Court circuit” for “each circuit” in both places where it occurs,

(b) in subsection (2), by the substitution of “judge of the Circuit Court or judge of the Family Circuit Court assigned at the date of the order to the circuit or Family Circuit Court circuit, as the case may be,” for “judge of the circuit court assigned at the date of the order to the circuit”,

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(c) in subsection (3), by the substitution of “judge of the Circuit Court or judge of the Family Circuit Court assigned at the date of the order to the circuit or Family Circuit Court circuit, as the case may be,” for “judge of the circuit court assigned at the date of the order to the circuit”, and

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

“(4) Moneys payable in respect of orders of the court shall be paid in such manner as the judge of the Circuit Court or judge of the Family Circuit Court, as the case may be, may direct.”.

## PART 5

### FAMILY DISTRICT COURT

5

#### CHAPTER 1

#### *Establishment, jurisdiction and proceedings of Family District Court*

### **Establishment and constitution of Family District Court**

36. Section 5 of the Courts (Establishment and Constitution) Act 1961 is amended—

(a) by the insertion of the following subsection after subsection (1): 10

“(1A) On the coming into operation of *section 36 of the Family Courts Act 2024*, there shall stand established a division of the District Court to be known as ‘*an Chúirt Dúiche Teaghlaigh*’ (‘the Family District Court’).”.

and 15

(b) in subsection (2)—

(i) in paragraph (a), by the deletion of “and”,

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

“(aa) a judge who shall be styled ‘*an Príomh-Bhreitheamh den Chúirt Dúiche Teaghlaigh*’ (‘the Principal Judge of the Family District Court’), and”, 20

and

(iii) by the substitution of the following paragraph for paragraph (b):

“(b) such number of other judges (each of whom shall be styled ‘*Breitheamh den Chúirt Dúiche*’) (‘Judge of the District Court’) as may from time to time be fixed by Act of the Oireachtas and from among those Judges of the District Court such number of judges (each of whom shall, while so acting, be styled ‘*Breitheamh den Chúirt Dúiche Teaghlaigh*’) (‘Judge of the Family District Court’) as may from time to time be fixed by Act of the Oireachtas.”. 25 30

### **Jurisdiction of Family District Court and exercise of jurisdiction by judges of Family District Court**

37. The Act of 1961 is amended by the insertion of the following section after section 34:

**“Jurisdiction of Family District Court and exercise of jurisdiction by judges of Family District Court**

- 34A.** (1) Subject to subsections (2) and (3), jurisdiction vested in the Family District Court is exercisable by a judge of the Family District Court for the time being assigned to the Family District Court district in which— 5
- (a) a party to the proceedings ordinarily resides or carries on any profession, business or occupation,
  - (b) a child whose welfare is the subject of the proceedings resides, has resided or is proposed to reside, or 10
  - (c) a previous application in the same proceedings has been granted.
- (2) In proceedings brought in accordance with subsection (1), the judge to whom the originating application in the proceedings was made may, on the application of a party to the proceedings or of his or her own motion, where the judge decides that it would be in the best interests of a child whose welfare is the subject of the proceedings, or otherwise appropriate to do so in a specific case, direct that jurisdiction may be exercised by a judge of another Family District Court district with which the child, or another party to the proceedings, has a connection. 15 20
- (3) A judge of the Family District Court may—
- (a) outside his or her Family District Court district, make an order in family law proceedings, or give a direction in relation to the conduct of such proceedings, which he or she has power to make or give within that Family District Court district, and 25
  - (b) within his or her Family District Court district, make an order in family law proceedings, or give a direction in relation to the conduct of such proceedings, which he or she would not, by virtue of subsection (1), have the power to make or give,
- where he or she is of the opinion that the order should be made, or the direction be given, as a matter of urgency. 30
- (4) A judge of the Family District Court may, of his or her own motion or on the application of any party to the proceedings, refer any question of law arising in proceedings before him or her to the Family High Court for determination and the determination of the Family High Court shall be final and conclusive. 35
- (5) Decisions of the Family District Court may be appealed to the Family Circuit Court within the Family Circuit Court circuit in which that Family District Court is situated.”.

**Amendment of section 79 of Act of 1924**

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- 38.** Section 79(5) of the Act of 1924 is amended by the substitution of “Family District Court” for “District Court”.

### Proceedings in Family District Court

39. (1) An application to the Family District Court to commence family law proceedings shall state in the originating application—
- (a) subject to any rules of court or practice direction, the circumstances giving rise to the application, and 5
  - (b) subject to *subsection (2)*, whether or not mediation under the Mediation Act 2017 has been attempted.
- (2) *Subsection (1)(b)* shall not apply to an application to commence proceedings under—
- (a) the Act of 1991,
  - (b) the Civil Registration Act 2004, 10
  - (c) Regulation (EU) No. 606/2013 of the European Parliament and of the Council of 12 June 2013<sup>4</sup> on mutual recognition of protection measures in civil matters,
  - (d) the Act of 2015, or
  - (e) the Act of 2018.
- (3) Upon his or her own motion or upon the request of a party to family law proceedings, a judge of the Family District Court may at any stage during the proceedings, if he or she considers that mediation or another alternative dispute resolution process would assist in resolving some or all issues in dispute, suspend the proceedings to allow the parties to resolve those issues by such means. 15
- (4) In considering whether to suspend the proceedings under *subsection (3)*, the judge shall endeavour to ensure that any suspension of proceedings does not have the effect of— 20
- (a) adversely affecting the safety of a party to the proceedings or a child to whom the proceedings relate,
  - (b) unduly delaying the resolution of the issues in dispute, or 25
  - (c) materially increasing the costs of proceedings.
- (5) Family District Court proceedings shall be as informal as is practicable and consistent with the administration of justice.
- (6) Neither a judge sitting in the Family District Court nor a barrister nor a solicitor appearing in that Court shall wear a wig or gown. 30

### Sittings of Family District Court

40. The Act of 1953 is amended—

- (a) by the insertion of the following section after section 26A:

#### “Sittings of Family District Court

- 26B. (1) Subject to subsection (2), the Family District Court shall sit to hear and determine family law proceedings either— 35

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- (a) in a different building or room from the building or room in which sittings of any other court (other than the Family High Court or the Family Circuit Court) are held, or
  - (b) on different days or at different times from the days on which, or times at which, sittings of any such other court (other than the Family High Court or the Family Circuit Court) are held. 5
- (2) Subsection (1) shall not apply where—
- (a) the safety or welfare of a party to the proceedings or a child to whom the proceedings relate is likely to be adversely affected if the proceedings are not heard as a matter of urgency, or 10
  - (b) due to the urgency of the case or in exceptional circumstances the court is satisfied that compliance with that subsection is not possible.
- (3) The Principal Judge of the Family District Court shall have and exercise the powers conferred on him or her by subsection (4) for the purposes of ensuring— 15
- (a) an equitable distribution of the work of the Family District Court among the judges of the Court, and
  - (b) the prompt despatch of the business of that Court in the Family District Court districts. 20
- (4) The Courts Service may, having consulted with the President of the District Court and the Principal Judge of the Family District Court, and having regard to the requirements of subsection (1), by notice specify from time to time in respect of a Family District Court district— 25
- (a) the places within that district at which sittings of the Family District Court are to be held, and
  - (b) in respect of each place within that district at which sittings are to be held, the dates on which sittings shall be held and the time at which such sittings shall commence. 30
- (5) A notice under subsection (4) shall—
- (a) have effect from the date of its publication or such other date as is specified in the notice,
  - (b) remain in effect until the expiry of such period as is specified in the notice, and 35
  - (c) be published on the website of the Courts Service.
- (6) A notice issued under subsection (4) may be amended or revoked by the Courts Service at any time following its issue and before it ceases to have effect under paragraph (a) or (b) of subsection (5).”,

and

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- (b) in section 27(3), by the substitution of “Subject to section 26B (inserted by *section 40 of the Act of 2024*), it shall be lawful” for “It shall be lawful”.

**Judge of Family District Court may issue orders or directions in family law proceedings**

41. Without prejudice to his or her functions under any enactment or rule of law and subject to any practice direction issued under *section 42*— 5
- (a) the Principal Judge of the Family District Court, or
  - (b) any other judge of the Family District Court as may be nominated for that purpose by the Principal Judge of the Family District Court,
- may, in the interests of the administration of justice and the determination of proceedings in a manner which is just, expeditious and likely to minimise the cost of those proceedings, make any order or give any direction he or she thinks appropriate in relation to the conduct of proceedings before the Family District Court. 10

**Principal Judge of Family District Court may issue practice directions**

42. (1) The Principal Judge of the Family District Court may, in the interests of the administration of justice and the determination of family law proceedings in a manner which is just, expeditious and likely to minimise the cost of those proceedings, issue directions in relation to the conduct of applications made to the Family District Court. 15
- (2) A practice direction issued under *subsection (1)* may make provision for such incidental, supplementary and consequential matters, including in respect of a failure to comply with any matter provided for in a direction, as appear to the Principal Judge of the Family District Court to be necessary or expedient for the purposes of the direction. 20
- (3) The Principal Judge of the Family District Court may, in accordance with *subsection (4)* and in the interests of the administration of justice and the determination of family law proceedings in a manner which is just, expeditious and likely to minimise the cost of those proceedings— 25
- (a) issue directions, for the purpose of the exercise by the Family District Court of a power under any enactment or rule of law to transfer such proceedings to another court where it considers it appropriate to do so or that there was no good reason for the proceedings to have been initiated in the Family District Court, relating to the matters which the Family District Court is to include in such consideration, and 30
  - (b) where family law proceedings may, under an enactment, be initiated in more than one court, issue directions relating to the circumstances in which, and the criteria by which, such proceedings may appropriately be initiated in the Family District Court. 35
- (4) In performing a function under *subsection (3)*, the Principal Judge of the Family District Court shall—
- (a) consult with the Principal Judge of the Family High Court and the Principal Judge of the Family Circuit Court, and 40

- (b) ensure that there is no conflict between the practice direction to be issued and practice directions that have been issued or, as the case may be, are to be issued by the Principal Judge of the Family High Court under *section 13(3)* and the Principal Judge of the Family Circuit Court under *section 23(3)*.
- (5) In the event that there is a conflict between— 5
- (a) a practice direction issued by the Principal Judge of the Family District Court under *subsection (3)*, and
- (b) a practice direction issued by—
- (i) the Principal Judge of the Family High Court under *section 13(3)*, or
- (ii) the Principal Judge of the Family Circuit Court under *section 23(3)*, 10
- the practice direction referred to in *subparagraph (i)* or *(ii)*, as may be appropriate, of *paragraph (b)* shall take precedence.
- (6) In performing a function under *subsection (1)* or *(3)*, the Principal Judge of the Family District Court shall—
- (a) consult with the President of the District Court, and 15
- (b) ensure that there is no conflict between the practice direction to be issued and a practice direction that has been or, as the case may be, is to be issued by the President of the District Court.
- (7) In the event that there is a conflict between a practice direction issued by the President of the District Court and a practice direction issued by the Principal Judge 20 of the Family District Court under *subsection (1)* or *(3)*, the practice direction issued by the former shall take precedence.
- (8) (a) In performing a function under *subsection (1)* or *(3)*, the Principal Judge of the Family District Court shall engage with the Courts Service on any practice 25 direction that he or she considers is likely to have a material impact on the performance by the Courts Service of its functions under section 5 of the Courts Service Act 1998 and shall have regard to the information provided by the Courts Service under *paragraph (b)*.
- (b) Where the Courts Service considers, in the course of the engagement under *paragraph (a)*, that the making of a practice direction would materially impact 30 the performance by the Courts Service of its functions under section 5 of the Courts Service Act 1998, the Courts Service shall inform the President of the District Court and the Principal Judge of the Family District Court of the potential impact it has identified.
- (9) The engagement by the Courts Service under *subsection (8)* shall not be exercised so 35 as to interfere with the conduct of that part of the business of the Family District Court required by law to be transacted by or before the Principal Judge of the Family District Court or to impugn the independence of the Principal Judge of the Family District Court in the performance of his or her judicial functions.
- (10) In performing a function under *subsection (1)* or *(3)*, the Principal Judge of the Family 40 District Court shall have regard to the guiding principles in *section 8*.

- (11) A practice direction shall be published in such manner as the Principal Judge of the Family District Court may direct.
- (12) This section is without prejudice to any powers of the Family District Court in respect of proceedings before it.
- (13) In this section, “practice direction” means a direction issued under *subsection (1) or (3)*. 5

**Functions of Principal Judge of Family District Court**

43. The Act of 1961 is amended by the insertion of the following section after section 36:

**“Functions of Principal Judge of Family District Court**

- 36A. (1) It shall be a function of the Principal Judge of the Family District Court to arrange the distribution and allocation of the business of the Family District Court. 10
- (2) In performing a function under subsection (1), the Principal Judge of the Family District Court shall—
  - (a) engage with the Courts Service, in such manner as may be agreed between the Principal Judge and the Courts Service, on relevant matters related to the functions of the Courts Service under section 5 of the Courts Service Act 1998 in relation to that Court, and 15
  - (b) have regard to the information provided, and the views expressed, by the Courts Service on such matters in the course of the engagement under paragraph (a). 20
- (3) The Principal Judge of the Family District Court shall, without prejudice to his or her functions under any enactment or rule of law, take such steps as he or she considers appropriate for the purposes of ensuring— 25
  - (a) the implementation of the guiding principles in *section 8 of the Act of 2024*, and
  - (b) the efficiency of court business including, to the extent possible, that there is appropriate consistency in the exercise of jurisdiction by the judges of that Court. 30
- (4) The Principal Judge of the Family District Court may, where he or she sees fit, make recommendations to the President of the District Court in relation to the number of judges to be assigned to a Family District Court district.
- (5) The Principal Judge of the Family District Court may— 35
  - (a) following engagement with the Courts Service, and
  - (b) having regard to the information provided, and the views expressed, by the Courts Service in the course of the engagement under paragraph (a) on relevant matters related to its functions under section 5 of the Courts Service Act 1998, 40



make recommendations to the President of the District Court in relation to the places for holding sittings of the Family District Court in or for any Family District Court district.

- (6) The engagement by the Courts Service under subsections (2) and (5) shall not be exercised so as to interfere with the conduct of that part of the business of the Family District Court required by law to be transacted by or before the Principal Judge of the Family District Court or to impugn the independence of the Principal Judge of the Family District Court in the performance of his or her judicial functions.”. 5 10

CHAPTER 2

*Creation and alteration of Family District Court districts and assignment of judges to Family District Court*

**Family District Court districts**

- 44. Section 32 of the Act of 1961 is amended by the insertion of the following subsection after subsection (2): 15

“(2A) The Family District Court districts created under section 26C (inserted by *section 45* of the *Act of 2024*) of the Act of 1953 shall be the districts for the purposes of the Family District Court.”.

**Power to create, vary and abolish Family District Court districts for Family District Court** 20

- 45. The Act of 1953 is amended by the insertion of the following section after section 26B (inserted by *section 40*):

**“Power to create, vary and abolish Family District Court districts for Family District Court** 25

**26C.** (1) The Courts Service may, following consultation with the President of the District Court and the Principal Judge of the Family District Court, by order—

- (a) divide the Family Circuit Court circuits created under section 20A (inserted by *section 26* of the *Act of 2024*) of the Courts (Supplemental Provisions) Act 1961 into geographical districts (in this Act referred to as ‘Family District Court districts’) that are convenient for the conduct of the business of the Family District Court, and 30

- (b) attach to each Family District Court district a name by which it shall be known. 35

(2) The Courts Service may, following consultation with the President of the District Court and the Principal Judge of the Family District Court, by order—

- (a) vary or abolish a Family District Court district, 40

- (b) create a new Family District Court district and attach to the district a name by which it shall be known, and
  - (c) where it considers it appropriate to do so, change the name by which a Family District Court district is known.
- (3) Where the Courts Service makes an order under subsection (2), it may make provision for the continuation and completion of any business transacted in a Family District Court district to which the order relates which is initiated before the commencement of the order and is not completed before such commencement. 5
  - (4) For the purposes of subsection (3), business transacted shall be regarded as being initiated on the day on which the summons, notice of application or other originating document is issued. 10
  - (5) The abolition of a Family District Court district under subsection (2) shall operate to terminate any assignment then in force of a judge of the Family District Court and the judge concerned may be assigned by the President of the District Court to another Family District Court district or to a district court district. 15
  - (6) Every order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”. 20

**Qualification for assignment as Principal Judge of Family District Court**

46. Section 35(1) of the Act of 1961 is amended by the substitution of the following paragraph for paragraph (b): 25

“(b) A person who is qualified for appointment as a judge of the District Court shall be qualified for—

(i) appointment as President of the District Court, or

(ii) assignment as Principal Judge of the Family District Court.”. 30

**Assignment of Principal Judge of Family District Court**

47. (1) Subject to *subsection (2)*, the President of the District Court may assign an ordinary judge of the District Court who, by reason of his or her training or experience and his or her temperament, is a suitable person to deal with family law proceedings to be, and who shall be known as, the Principal Judge of the Family District Court. 35

(2) For the purposes of making an assignment under *subsection (1)*, the President of the District Court shall select the ordinary judge of the District Court to be assigned as Principal Judge of the Family District Court in accordance with a selection process specified under *subsection (3)*.

(3) The President of the District Court shall— 40

- (a) prior to specifying a selection process under this subsection, request the Judicial Appointments Commission to make recommendations as to the appropriate selection process to be followed, and
  - (b) specify the selection process, which shall be in accordance with the recommendations of the Judicial Appointments Commission provided in compliance with the request under *paragraph (a)*. 5
- (4) The Judicial Appointments Commission shall comply with a request under *subsection (3)(a)*.
- (5) A person who is to be appointed, or who is appointed, as an ordinary judge of the District Court who wishes to express an interest in being assigned as Principal Judge of the Family District Court by the President of the District Court under *subsection (1)* may forward an expression of such interest to the President of the District Court. 10
- (6) An expression of interest referred to in *subsection (5)* shall not be forwarded by the person expressing the interest to any person other than the President of the District Court. 15
- (7) Where the President of the District Court is satisfied that it is in the interests of the good administration of the District Court or the Family District Court to do so, he or she may—
  - (a) reassign the Principal Judge of the Family District Court to the District Court, and 20
  - (b) assign a new Principal Judge of the Family District Court under *subsection (1)* to take the place of the judge reassigned under *paragraph (a)*.
- (8) The Principal Judge of the Family District Court may from time to time, at the request of the President of the District Court, sit as, and exercise any of the powers of, an ordinary judge of the District Court. 25
- (9) Subject to *subsection (7)*, a person who, on and after the coming into operation of this section, is assigned as the Principal Judge of the Family District Court shall be so assigned—
  - (a) for a period of not less than 4 years, or
  - (b) until he or she reaches the appropriate age of judicial retirement as an ordinary judge of the District Court, 30

whichever occurs first, and, in a case to which *paragraph (a)* relates, shall not, on the expiry of the period referred to in that paragraph, be eligible for reassignment as the Principal Judge of the Family District Court.
- (10) Where the Principal Judge of the Family District Court has completed 4 years in his or her assignment under *subsection (1)*, he or she may request that his or her assignment be terminated. 35
- (11) Where the period of assignment of a Principal Judge of the Family District Court referred to in *subsection (9)(a)* expires, or is terminated pursuant to a request under *subsection (10)*, the President of the District Court may at any time thereafter reassign the judge concerned— 40

- (a) under *section 48(2)* to be a judge of the Family District Court, or
  - (b) to fill a vacancy for an ordinary judge in the District Court.
- (12) Where a judge is reassigned in accordance with *subsection (7)(a)* or *(11)*, he or she shall, at the request of the President of the District Court, complete the hearing of any case that has been partly heard by him or her during his or her assignment as Principal Judge of the Family District Court. 5

**Assignment of judges to Family District Court**

48. (1) The Sixth Schedule to the Act of 1961 shall not apply to the assignment of an ordinary judge of the District Court to the Family District Court.
- (2) The President of the District Court may assign an ordinary judge of the District Court to be a judge of the Family District Court where he or she is satisfied that the judge concerned is, by reason of his or her training or experience and his or her temperament, a suitable person to deal with family law proceedings. 10
- (3) Subject to *subsection (8)*, a person who, on and after the coming into operation of this section, is assigned as a judge of the Family District Court shall be so assigned— 15
- (a) for a term of not less than 3 years, or
  - (b) until he or she reaches the appropriate age of judicial retirement as an ordinary judge of the District Court,
- whichever occurs first, and, in a case to which *paragraph (a)* relates, shall, on the expiry of the period referred to in that paragraph, be eligible for reassignment under *subsection (2)* as a judge of the Family District Court. 20
- (4) A person who is to be appointed, or who is appointed, an ordinary judge of the District Court who wishes to express an interest in being assigned by the President of the District Court under *subsection (2)* may forward an expression of such interest to the President of the District Court. 25
- (5) An expression of interest referred to in *subsection (4)* shall not be forwarded by the person expressing the interest to any person other than the President of the District Court.
- (6) An ordinary judge of the District Court who is assigned to a Family District Court district and who has completed 3 years as a judge of the Family District Court may request that his or her assignment be terminated. 30
- (7) Where the period of assignment of a judge of the Family District Court referred to in *subsection (3)(a)* expires, or is terminated pursuant to a request under *subsection (6)*, the President of the District Court may at any time thereafter reassign the judge concerned to fill a vacancy for a judge in the District Court. 35
- (8) Where the President of the District Court, in consultation with the Principal Judge of the Family District Court, is satisfied that it is in the interests of the good administration of the District Court or the Family District Court to do so, he or she may—
- (a) reassign a judge of the Family District Court to the District Court, and 40

- (b) assign a new judge of the Family District Court under *subsection (2)* to take the place of the judge reassigned under *paragraph (a)*.
- (9) Where a judge is reassigned under *subsection (7)* or *(8)(a)*, he or she shall, at the request of the Principal Judge of the Family District Court, complete the hearing of any case that has been partly heard by him or her during his or her assignment as a judge of the Family District Court. 5

**Assignment of persons to act temporarily as additional judges of Family District Court**

- 49. (1) Whenever it appears to the President of the District Court that, owing to the temporary absence from duty for any cause of a judge of the Family District Court, or an unusual and temporary increase in the business of the Family District Court on any Family District Court district, or any other cause, it is necessary, in order to prevent the work of the Family District Court getting into arrear either generally or on any particular Family District Court district, to increase temporarily the number of the judges of the Family District Court, one or more ordinary judges of the District Court may be assigned to act as a judge of the Family District Court for such period as the President shall think proper in respect of each such person. 10 15
- (2) Whenever it appears to the President of the District Court that, in circumstances of urgency, an application in family law proceedings is required to be heard without delay and no judge of the Family District Court is available to hear the application, one or more ordinary judges of the District Court may be assigned by the President to hear the application. 20
- (3) Whenever an ordinary judge of the District Court sits in the Family District Court in accordance with *subsection (1) or (2)*, he or she shall be—
  - (a) an additional judge of the Family District Court for all the purposes of that Court, and 25
  - (b) deemed to have jurisdiction for the purposes of section 34A (inserted by *section 37*) of the Act of 1961.

**Family District Court districts comprising Irish speaking areas**

50. The Act of 1924 is amended by the insertion of the following section after section 71:

**“Family District Court districts comprising Irish speaking areas 30**

71A. So far as may be practicable having regard to all relevant circumstances, the judge of the Family District Court assigned to a Family District Court district which includes an area where the Irish language is in general use shall possess such a knowledge of the Irish language as would enable him or her to dispense with the assistance of an interpreter when evidence is given in that language.”. 35

PART 6

FAMILY LAW RULES COMMITTEE

**Family Law Rules Committee**

51. The Act of 1936 is amended by the insertion of the following sections after section 72:

**“Family Law Rules Committee**

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72A. (1) The Minister for Justice may, by order, do either of the following:

(a) establish a Committee to be known as the Family Law Rules Committee to perform the functions conferred on it by section 72B;

(b) establish sub-committees of the Superior Courts Rules Committee, the Circuit Court Rules Committee and the District Court Rules Committee to be known as the Family Law Sub-committees, to perform the functions conferred on them by section 72C.

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(2) For the avoidance of doubt—

(a) the Superior Courts Rules Committee, the Circuit Court Rules Committee and the District Court Rules Committee may, at any time prior to the date on which an order referred to in subsection (1) comes into operation, continue to make rules in respect of family law proceedings, and

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(b) any rule made by a Committee referred to in paragraph (a) that is in force immediately before that date shall remain in force until such time as it is amended or revoked by the Family Law Rules Committee (following the establishment of that Committee by order under subsection (1)(a)).

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(3) Every order made by the Minister for Justice under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and if either such House shall, within the next 21 days on which such House sits after such order is laid before it, pass a resolution annulling such order, such order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

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**Composition and Powers of Family Law Rules Committee**

72B. (1) Where the Minister for Justice by order under section 72A(1)(a) establishes the Family Law Rules Committee, (in this section referred to as ‘the Committee’) it shall consist of 12 members comprising 5 *ex officio* members and 7 nominated members.

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(2) The *ex officio* members of the Committee shall be—

(a) the Principal Judge of the Family High Court, who shall be the chairperson of the Committee,

(b) the Principal Judge of the Family Circuit Court,

(c) the Principal Judge of the Family District Court,

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- (d) the Chief Executive Officer of the Courts Service, and
  - (e) the Attorney General.
- (3) The nominated members of the Committee shall be—
- (a) a judge of the Family High Court, nominated by the Principal Judge of the Family High Court, 5
  - (b) a practising barrister, having experience and expertise in the area of family law, nominated by the General Council of the Bar of Ireland,
  - (c) a practising solicitor, having experience and expertise in the area of family law, nominated by the Council of the Law Society of Ireland, 10
  - (d) a county registrar, nominated by the Minister for Justice,
  - (e) a district court clerk, nominated by the Chief Executive Officer of the Courts Service,
  - (f) a clerk of the Circuit Court, nominated by the Chief Executive Officer of the Courts Service, and 15
  - (g) a person nominated by the Minister for Justice to represent consumers of the services provided by the courts in family law proceedings.
- (4) Every nominated member of the Committee shall hold office as such member until— 20
- (a) the fifth anniversary of the date of his or her nomination, or
  - (b) he or she—
    - (i) dies,
    - (ii) resigns as such member, or
    - (iii) ceases to be of the capacity referred to in subsection (3) by virtue of which the member held office as such member, 25
- whichever is the earlier.
- (5) A nominated member of the Committee whose membership thereof expires pursuant to subsection (4)(a) shall be eligible for re-nomination. 30
- (6) The quorum of the Committee shall be 7 members.
- (7) The Committee may act notwithstanding one or more vacancies in its membership.
- (8) Each of the *ex officio* members of the Committee specified in paragraphs (a) to (e) of subsection (2) may appoint in writing a person to act in his or her place as a member of the Committee except that the person so appointed shall be— 35

- (a) in the case of the Principal Judge of the Family High Court, a judge of the Family High Court,
  - (b) in the case of the Principal Judge of the Family Circuit Court, a judge of the Family Circuit Court,
  - (c) in the case of the Principal Judge of the Family District Court, a judge of the Family District Court, 5
  - (d) in the case of the Chief Executive Officer of the Courts Service, a member of the staff of the Courts Service, and
  - (e) in the case of the Attorney General, an officer of the Attorney General. 10
- (9) The Chief Executive Officer of the Courts Service, in consultation with the chairperson of the Committee, shall appoint in writing a member of the staff of the Courts Service to be the secretary to the Committee.
- (10) A person who makes an appointment under subsection (8) or (9) may revoke the appointment at any time. 15
- (11) The Committee may, with the concurrence of the Minister for Justice, in respect of family law proceedings before the Family High Court, the Family Circuit Court and the Family District Court (in this subsection referred to as ‘the Family Courts’) make the following rules: 20
- (a) prescribing documentation required for the commencement of proceedings;
  - (b) regulating pleadings, practice and procedure;
  - (c) providing for remedies in the proceedings;
  - (d) providing for the awarding of costs of proceedings; 25
  - (e) for the purpose of the exercise by a Family Court (in this paragraph referred to as ‘the transferring court’) of a power under any enactment or rule of law to transfer proceedings to another Family Court where it considers it appropriate to do so or that there was no good reason for the proceedings to have been initiated in the transferring court, providing for the matters which the transferring court is to include in such consideration; 30
  - (f) where family law proceedings may, under an enactment, be initiated in more than one court, providing for the circumstances in which, and the criteria by which, such proceedings may appropriately be initiated in each Family Court; 35
  - (g) providing for service outside the State;
  - (h) notwithstanding any other enactment, providing for service of originating or other documents or notices including by way of electronic means; 40



- (i) providing for sittings of the Family Courts and the matters that may be disposed of by such courts;
  - (j) providing for commencement and duration of sittings of the Family Courts, the periods of vacations to be fixed for such courts and arrangements for sittings while the Family Courts are in vacation; 5
  - (k) providing for the mode of address to be adopted for judges of the Family Courts;
  - (l) providing for the fixing and collection of fees (including any waiver of such fees);
  - (m) providing for the form, manner and conditions for cases stated to the Family High Court; 10
  - (n) in respect of the Family High Court, authorising the Master of the High Court and other principal officers, within the meaning of the Court Officers Acts 1926 to 2014, to exercise functions, powers and jurisdiction in uncontested cases and to take accounts, conduct inquiries and make orders of an interlocutory nature; 15
  - (o) regulating the form and execution of any process;
  - (p) providing for such incidental, supplementary and consequential matters as appear to the Committee to be necessary or expedient for the purposes of this Act and the *Act of 2024*. 20
- (12) Rules made under this section shall have regard to the guiding principles set out in *section 8* of the *Act of 2024* as well as the proper and efficient administration of justice.

**Composition and Powers of Family Law Sub-committees**

- 72C.** (1) Where the Minister for Justice by order under section 72A(1)(b) establishes Family Law Sub-committees, they shall consist of— 25
- (a) in respect of the Superior Courts Rules Committee, a Family Law Sub-committee which shall be known as the Family Law Sub-committee of the Superior Courts Rules Committee and which shall consist of— 30
    - (i) the following 4 *ex officio* members:
      - (I) the Principal Judge of the Family High Court, who shall be the chairperson of the Committee;
      - (II) the Master of the High Court;
      - (III) the Attorney General; 35
      - (IV) the Chief Executive Officer of the Courts Service,
    - and
    - (ii) the following 4 nominated members:
      - (I) a judge of the Family High Court, nominated by the Principal Judge of the Family High Court; 40

- (II) a practising barrister, having experience and expertise in the area of family law, nominated by the General Council of the Bar of Ireland;
  - (III) a practising solicitor, having experience and expertise in the area of family law, nominated by the Council of the Law Society of Ireland; 5
  - (IV) a person nominated by the Minister for Justice to represent consumers of the services provided by the courts in family law proceedings,
- (b) in respect of the Circuit Court Rules Committee, a Family Law Sub-committee which shall be known as the Family Law Sub-committee of the Circuit Court Rules Committee and which shall consist of— 10
- (i) the following 3 *ex officio* members:
    - (I) the Principal Judge of the Family Circuit Court, who shall be the chairperson of the Committee; 15
    - (II) the Attorney General;
    - (III) the Chief Executive Officer of the Courts Service,
    - and
  - (ii) the following 6 nominated members: 20
    - (I) a judge of the Family Circuit Court, nominated by the Principal Judge of the Family Circuit Court;
    - (II) a practising barrister, having experience and expertise in family law, nominated by the General Council of the Bar of Ireland; 25
    - (III) a practising solicitor, having experience and expertise in family law, nominated by the Council of the Law Society of Ireland;
    - (IV) a county registrar, nominated by the Minister for Justice;
    - (V) a clerk of the Circuit Court, nominated by the Chief Executive Officer of the Courts Service; 30
    - (VI) a person nominated by the Minister for Justice to represent consumers of the services provided by the courts in family law proceedings,
    - and 35
- (c) in respect of the District Court Rules Committee, a Family Law Sub-committee which shall be known as the Family Law Sub-committee of the District Court Rules Committee and which shall consist of—
- (i) the following 3 *ex officio* members: 40

- (I) the Principal Judge of the Family District Court, who shall be the chairperson of the Committee;
  - (II) the Attorney General;
  - (III) the Chief Executive Officer of the Courts Service,
  - and 5
  - (ii) the following 5 nominated members:
    - (I) a judge of the Family District Court, nominated by the Principal Judge of the Family District Court;
    - (II) a practising barrister, having experience and expertise in family law, nominated by the General Council of the Bar of Ireland; 10
    - (III) a practising solicitor, having experience and expertise in family law, nominated by the Council of the Law Society of Ireland;
    - (IV) a district court clerk, nominated by the Chief Executive Officer of the Courts Service; 15
    - (V) a person nominated by the Minister for Justice to represent consumers of the services provided by the courts in family law proceedings.
  - (2) The quorum of— 20
    - (a) the Family Law Sub-committee of the Superior Courts Rules Committee shall be 5 members,
    - (b) the Family Law Sub-committee of the Circuit Court Rules Committee shall be 5 members, and
    - (c) the Family Law Sub-committee of the District Court Rules Committee shall be 5 members. 25
  - (3) Every nominated member of a Family Law Sub-committee shall hold office as such member until—
    - (a) the fifth anniversary of the date of his or her nomination, or
    - (b) he or she— 30
      - (i) dies,
      - (ii) resigns as such member, or
      - (iii) ceases to be of the capacity referred to in paragraph (a)(ii), (b)(ii) or (c)(ii) of subsection (1) by virtue of which the member held office as such member, 35
- whichever is the earlier.

- (4) A nominated member of a Family Law Sub-committee whose membership thereof expires pursuant to subsection (3)(a) shall be eligible for re-nomination.
- (5) A Family Law Sub-committee may act notwithstanding one or more vacancies in its membership. 5
- (6) Each of the *ex officio* members of the Family Law Sub-committees specified in paragraphs (a)(i), (b)(i) and (c)(i) of subsection (1) may appoint in writing a person to act in his or her place as a member of the Family Law Sub-committee except that the person so appointed shall be— 10
- (a) in respect of the Family Law Sub-committee of the Superior Courts Rules Committee—
- (i) in the case of the Principal Judge of the Family High Court, a judge of the Family High Court other than the judge who stands as a nominated member under paragraph (a)(ii)(I) of subsection (1), 15
- (ii) in the case of the Chief Executive Officer, a member of the staff of the Courts Service, and
- (iii) in the case of the Attorney General, an officer of the Attorney General, 20
- (b) in respect of the Family Law Sub-committee of the Circuit Court Rules Committee—
- (i) in the case of the Principal Judge of the Family Circuit Court, a judge of the Family Circuit Court other than the judge who stands as a nominated member under paragraph (b)(ii)(I) of subsection (1), 25
- (ii) in the case of the Chief Executive Officer of the Courts Service, a member of staff of the Courts Service, and
- (iii) in the case of the Attorney General, an officer of the Attorney General, 30
- and
- (c) in respect of the Family Law Sub-committee of the District Court Rules Committee—
- (i) in the case of the Principal Judge of the Family District Court, a judge of the Family District Court other than the judge who stands as a nominated member under paragraph (c)(ii)(I) of subsection (1), 35
- (ii) in the case of the Chief Executive Officer of the Courts Service, a member of staff of the Courts Service, and
- (iii) in the case of the Attorney General, an officer of the Attorney General. 40

- (7) The Chief Executive Officer of the Courts Service, in consultation with the chairperson of a Family Law Sub-committee, shall appoint in writing a member of the staff of the Courts Service to be the secretary to the Family Law Sub-committee.
- (8) A person who makes an appointment under subsection (6) or (7) may revoke the appointment at any time. 5
- (9) The Family Law Sub-committee of the Superior Courts Rules Committee may propose the making of rules of court by the Superior Courts Rules Committee in respect of family law proceedings before the Family High Court and the content of such rules. 10
- (10) The Family Law Sub-committee of the Circuit Court Rules Committee may propose the making of rules of court by the Circuit Court Rules Committee in respect of family law proceedings before the Family Circuit Court and the content of such rules.
- (11) The Family Law Sub-committee of the District Court Rules Committee may propose the making of rules of court by the District Court Rules Committee in respect of family law proceedings before the Family District Court and the content of such rules. 15
- (12) The following matters may be the subject of proposals for rules of court made by the Family Law Sub-committees under subsections (9) to (11): 20
- (a) prescribing documentation required for the commencement of proceedings;
  - (b) regulating pleadings, practice and procedure;
  - (c) providing for remedies in the proceedings; 25
  - (d) providing for the awarding of costs of proceedings;
  - (e) for the purpose of the exercise by a Family Court (in this paragraph referred to as ‘the transferring court’) of a power under any enactment or rule of law to transfer proceedings to another Family Court where it considers it appropriate to do so or that there was no good reason for the proceedings to have been initiated in the transferring court, providing for the matters which the transferring court is to include in such consideration; 30
  - (f) where family law proceedings may, under an enactment, be initiated in more than one court, providing for the circumstances in which, and the criteria by which, such proceedings may appropriately be initiated in each Family Court; 35
  - (g) providing for service outside the State;
  - (h) notwithstanding any other enactment providing for service of originating or other documents or notices including by way of electronic means; 40

- (i) providing for sittings of the Family Courts and the matters that may be disposed of by such courts;
  - (j) providing for commencement and duration of sittings of the Family Courts, the periods of vacations to be fixed for such courts and arrangements for sittings while the Family Courts are in vacation; 5
  - (k) providing for the mode of address to be adopted for judges of the Family Courts;
  - (l) providing for the fixing and collection of fees (including any waiver of such fees);
  - (m) providing for the form, manner and conditions for cases stated to the Family High Court; 10
  - (n) in respect of the Family High Court, authorising the Master of the High Court and other principal officers, within the meaning of the Court Officers Acts 1926 to 2014, to exercise functions, powers and jurisdiction in uncontested cases and to take accounts, conduct inquiries and make orders of an interlocutory nature; 15
  - (o) regulating the form and execution of any process;
  - (p) providing for such incidental, supplementary and consequential matters as appear to the Family Law Sub-committee to be necessary or expedient for the purposes of this Act and the *Act of 2024*. 20
- (13) In exercising its powers under subsection (9), (10) or (11), a Family Law Sub-committee shall have regard to the guiding principles set out in *section 8* of the *Act of 2024* as well as the proper and efficient administration of justice.”. 25

**Amendment of Act of 1924**

**52.** The Act of 1924 is amended—

- (a) by the insertion of the following section after section 36:

**“Rules of Court regarding family law proceedings**

**36A.** Notwithstanding section 36, rules made under section 72B (inserted by *section 51* of the *Act of 2024*) of the Courts of Justice Act 1936 in respect of family law proceedings before the Family High Court shall apply to the Family High Court.”. 30

and

- (b) by the insertion of the following section after section 66: 35

**“Rules of Circuit Court regarding family law proceedings**

**66A.** Notwithstanding section 66, rules made under section 72B (inserted by *section 51* of the *Act of 2024*) of the Courts of Justice Act 1936 in respect of family law proceedings before the Family Circuit Court shall apply to the Family Circuit Court.”. 40

## Exercise of jurisdiction pursuant to rules of court: amendment of Act of 1961

53. The Act of 1961 is amended—

(a) in section 14—

(i) by the substitution of the following subsection for subsection (1):

“(1) In this section, ‘rules of court’ means—

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(a) rules made under section 36 of the Act of 1924, as applied by section 48 of this Act, and

(b) in respect of family law proceedings before the Family High Court, rules made under section 72B (inserted by *section 51* of the *Act of 2024*) of the Act of 1936.”

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(ii) in subsection (2), by the insertion of “the Family High Court,” after “High Court,” and

(iii) in subsection (3), by the insertion of “the Family High Court,” after “High Court,”

(b) in section 15, by the substitution of the following definition for the definition of “rules of court”:

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“ ‘rules of court’ means—

(a) rules made under section 66 of the Act of 1924, as applied by section 48 of this Act, and

(b) in respect of family law proceedings before the Family Circuit Court, rules made under section 72B (inserted by *section 51* of the *Act of 2024*) of the Act of 1936.”

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(c) in section 27(1), by the insertion of “the Family Circuit Court,” after “Circuit Court,” and

(d) in section 34—

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(i) by the insertion of “and the Family District Court” after “District Court”, and

(ii) by the substitution of “rules of court made under section 91 of the Act of 1924, as applied by section 48 of this Act, or, in respect of family law proceedings before the Family District Court, rules made under section 72B (inserted by *section 51* of the *Act of 2024*) of the Act of 1936” for “rules of court made under section 91 of the Act of 1924, as applied by section 48 of this Act”.

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### Scales of costs

54. Section 46 of the Act of 1995 is amended by the substitution of the following subsection for subsection (4):

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“(4) ‘Rules-making authority’ means—

(a) the Superior Courts Rules Committee,

(b) the Circuit Court Rules Committee,

- (c) the District Court Rules Committee, and
- (d) in the case of family law proceedings before the Family High Court, the Family Circuit Court and the Family District Court, the Family Law Rules Committee (established by order under section 72A(1)(a) (inserted by *section 51* of the *Act of 2024*) of the Courts of Justice Act 1936).” 5

PART 7

MISCELLANEOUS

**Precedence between judges**

55. Section 9 of the Act of 1924 is amended— 10
- (a) by the insertion of the following paragraph after paragraph (h):
    - “(ha) next shall rank the Principal Judge of the Family High Court;”,
  - (b) in paragraph (k), by the substitution of “Circuit Court;” for “Circuit Court.”, and
  - (c) by the insertion of the following paragraph after paragraph (k):
    - “(ka) then shall rank the Principal Judge of the Family Circuit Court.”. 15

**References to senior ordinary judge**

56. Section 11(c) of the Courts (No. 2) Act 1997 is amended by the substitution of “paragraphs (g), (ha) and (i)” for “paragraph (g) and (i)”.

**Temporary discharge of duties of certain judges**

57. Section 18 of the Courts Act 1981 is amended— 20
- (a) by the insertion of the following subsection after subsection (2):
    - “(2A) If, during any period, the Principal Judge of the Family High Court is unable to act or the office of the Principal Judge of the Family High Court is vacant then, during that period, all powers, authorities and functions for the time being vested in him or her by virtue of his or her office— 25
    - (a) shall be exercised or performed by the President of the High Court, or
    - (b) where the President of the High Court so determines, shall be exercised by the senior judge for the time being available of the judges of the Family High Court.”, 30
  - (b) by the insertion of the following subsection after subsection (3):
    - “(3A) If, during any period, the Principal Judge of the Family Circuit Court is unable to act or the office of the Principal Judge of the Family Circuit Court is vacant then, during that period, all powers, authorities 35



and functions for the time being vested in him or her by virtue of his or her office—

(a) shall be exercised or performed by the President of the Circuit Court, or

(b) where the President of the Circuit Court so determines, shall be exercised by the senior judge for the time being available of the judges of the Family Circuit Court.”, 5

and

(c) by the insertion of the following subsection after subsection (4):

“(4A) If, during any period, the Principal Judge of the Family District Court is unable to act or the office of the Principal Judge of the Family District Court is vacant then, during that period, all powers, authorities and functions for the time being vested in him or her by virtue of his or her office— 10

(a) shall be exercised or performed by the President of the District Court, or 15

(b) where the President of the District Court so determines, shall be exercised by the senior judge of the Family District Court for the time being available of the judges of the Family District Court.”.

**Register of reserved judgments** 20

58. Section 46 of the Courts and Court Officers Act 2002 is amended—

(a) in subsection (3), by the substitution of “the President of the Court or, in respect of the Family High Court, the Family Circuit Court or the Family District Court, the Principal Judge of that Court,” for “the President of the Court”, and

(b) in subsection (3A)— 25

(i) by the substitution of “the President or Principal Judge, as the case may be,” for “the President”, and

(ii) by the substitution of “that President or Principal Judge, as the case may be,” for “that President”.

**Training and education of judges of Family High Court, Family Circuit Court and Family District Court** 30

59. A judge of the Family High Court, the Family Circuit Court or the Family District Court shall take such course or courses of training or education, or both, as may be required by the Principal Judge of that Court, in consultation with the President of that Court and the Chief Justice, at such time or times as the Principal Judge may specify. 35

**Service by post of Family High Court documents**

60. Section 23(2) of the Act of 1971 is amended by the insertion of “or, in respect of the Family High Court, the Family Law Rules Committee” after “the Superior Courts Rules

Committee”.

**Amendment of section 3 of Act of 1924**

61. Section 3 of the Act of 1924 is amended by the insertion of the following definitions:

“ ‘Act of 2024’ means the *Family Courts Act 2024*;

‘family law proceedings’ has the same meaning as it has in *section 2* of the *Act of 2024*;”.

**Amendment of Act of 1936**

62. The Act of 1936 is amended by the insertion of the following section after section 2:

**“Definitions**

**2A.** In this Act—

‘Act of 2024’ means the *Family Courts Act 2024*;

‘family law proceedings’ has the same meaning as it has in *section 2* of the *Act of 2024*;

‘practising barrister’ has the same meaning as it has in the Legal Services Regulation Act 2015;

‘practising solicitor’ has the same meaning as it has in the Legal Services Regulation Act 2015.”.

**Amendment of section 2 of Act of 1953**

63. Section 2 of the Act of 1953 is amended by the insertion of the following definitions:

“ ‘Act of 2024’ means the *Family Courts Act 2024*;

‘family law proceedings’ has the same meaning as it has in *section 2* of the *Act of 2024*;”.

**Amendment of section 2 of Act of 1961**

64. Section 2 of the Act of 1961 is amended by the insertion of the following definitions:

“ ‘Act of 2024’ means the *Family Courts Act 2024*;

‘family law proceedings’ has the same meaning as it has in *section 2* of the *Act of 2024*;”.

**Amendment of section 2 of Act of 1995**

65. Section 2 of the Act of 1995 is amended by the insertion of the following definitions:

“ ‘Act of 2024’ means the *Family Courts Act 2024*;

‘family law proceedings’ has the same meaning as it has in *section 2* of the *Act of 2024*;”.

**Amendment of section 45 of Judicial Appointments Commission Act 2023**

66. Section 45(3)(a) of the Judicial Appointments Commission Act 2023 is amended by the substitution of “paragraphs (c) to (ka)” for “paragraphs (c) to (k)”.

**Pending proceedings under certain enactments**

67. Where family law proceedings under the Act of 1989, the Family Law Act 1995, the Act of 1996 or the Act of 2010 (regardless of whether such proceedings were initiated before, on or after the date of coming into operation of this section) are pending before the Family Circuit Court or the Family High Court but have not yet been heard by that Court, the Family District Court may sit to hear and determine other family law proceedings involving the same parties or relating to the same children who are the subject of such proceedings where the Family District Court is satisfied, in the circumstances of the case and in the interests of justice, that it is necessary to hear the other proceedings prior to the proceedings which are before the Family Circuit Court or the Family High Court being heard.

**Exercise of jurisdiction of High Court, Circuit Court and District Court available to judges of Family High Court, Family Circuit Court and Family District Court**

68. A judge of the Family High Court, the Family Circuit Court or the Family District Court shall retain all of the powers of an ordinary judge of the High Court, an ordinary judge of the Circuit Court or an ordinary judge of the District Court, as the case may be, under any enactment or rule of law while assigned as a judge to the Family High Court, the Family Circuit Court or the Family District Court.

**Family law proceedings where concurrent jurisdiction conferred on Family High Court, Family Circuit Court and Family District Court**

69. (1) Notwithstanding section 25 of the Act of 1924, where, on and after the coming into operation of this section, an enactment falling within the definition of “family law proceedings” confers jurisdiction concurrently on the Family High Court, the Family Circuit Court and the Family District Court or concurrently on the Family High Court and the Family Circuit Court, an applicant in such proceedings shall not initiate the proceedings in the Family High Court unless there is a special reason to do so.
- (2) Where proceedings are initiated in, or transferred under *Part 10* to, the Family High Court on and after the coming into operation of this section and the court is satisfied, having regard to any practice direction issued under *section 13(3)*, that there was no special reason for such initiation or, in the case of transfer, that the Family District Court or the Family Circuit Court, as the case may be, is the more appropriate court in the circumstances of the case, it may—
- (a) transfer the proceedings to the Family Circuit Court or the Family District Court, and
  - (b) make an order—
    - (i) as to costs as it considers appropriate, or
    - (ii) that the costs shall be determined by the court to which the proceedings are transferred.

PART 8

JURISDICTION

**Jurisdiction of Family District Court in consent cases**

70. Notwithstanding any enactment providing for the monetary limit of the jurisdiction of the Family District Court in family law proceedings, such proceedings may be determined by the Family District Court without limit as to monetary jurisdiction by a judge of the Family District Court where the judge is satisfied that the parties have— 5
- (a) reached agreement on the matters which are the subject of the proceedings, and
  - (b) consented to the proceedings being determined by the Family District Court.

**Transfer of proceedings from Family District Court to Family Circuit Court** 10

71. Notwithstanding section 22(8)(b) of the Act of 1961 and subject to *section 72*, on and after the coming into operation of this section, the judge of the Family District Court before whom family law proceedings are pending, or to whom proceedings are transferred under *Part 10*, where he or she considers, having regard to any practice direction issued under *section 42(3)*, that there are special circumstances in the proceedings that would make it appropriate for such proceedings to be heard by the Family Circuit Court, may of his or her own motion send forward the proceedings to the Family Circuit Court upon such terms and subject to such conditions as to costs (including the imposition of costs on the party that initiated the proceedings) or otherwise as may appear to him or her to be just and an appeal shall lie under section 84 of the Act of 1924, as applied by section 48 of the Act of 1961, from the decision of the judge to so send forward. 15 20

**Transfer of proceedings from Family Circuit Court to Family District Court**

72. (1) Notwithstanding section 15 of the Courts Act 1991 and subject to *subsection (4)* and *sections 70* and *73*, on and after the coming into operation of this section, a judge of the Family Circuit Court before whom family law proceedings are pending, or to whom proceedings are transferred under *Part 10*, may of his or her own motion remit or transfer the proceedings to the Family District Court if he or she considers, having regard to any practice direction issued under *section 23(3)*, the Family District Court to be the more appropriate Court in the circumstances of the case, or that the proceedings should not have been commenced in the Family Circuit Court but in the Family District Court if at all, upon such terms, and subject to such conditions as to costs (including the imposition of costs on the party that initiated the proceedings) or otherwise, as may appear to him or her to be just. 25 30
- (2) Proceedings transferred to the Family Circuit Court under *section 71* shall not be transferred to the Family District Court under *subsection (1)*. 35
- (3) Proceedings transferred to the Family District Court under *subsection (1)* shall not be transferred to the Family Circuit Court under *section 71*.
- (4) The Family Circuit Court shall not remit or transfer proceedings to the Family District Court under *subsection (1)* by reason only that, since the proceedings were initiated, 40

the issues in dispute in the proceedings have been resolved and the proceedings are to be determined by the court, unless the parties consent to such remission or transfer.

#### **Restriction on power to transfer under *section 71 or 72***

73. Where a judge of the Family District Court or the Family Circuit Court has granted a decree of judicial separation, divorce or dissolution of a civil partnership, a judge of either court shall not transfer proceedings under *section 71 or 72* between the parties in relation to orders made under Part II of the Family Law Act 1995, Part III of the Act of 1996 or Part 12 of the Act of 2010, as the case may be. 5

#### **Amendment of section 2 of Legitimacy Act 1931**

74. Section 2 of the Legitimacy Act 1931 is amended— 10
- (a) in subsection (2), by the substitution of “Family Circuit Court” for “Circuit Court”, and
  - (b) in subsection (3)—
    - (i) by the substitution of “Family Circuit Court” for “Circuit Court”, and
    - (ii) by the substitution of “to the Family Circuit Court circuit” for “to the Circuit” in both places where it occurs. 15

#### **Amendment of section 8 of Enforcement of Court Orders Act 1940**

75. Section 8 of the Enforcement of Court Orders Act 1940 is amended—
- (a) in subsection (1), by the substitution of “before the Family District Court” for “before the District Court”, 20
  - (b) in subsection (2), by the substitution of “judge of the Family District Court” for “District Court Judge”,
  - (c) in subsection (3), by the substitution of “judge of the Family District Court” for “District Court Judge”, and
  - (d) in subsection (5), by the substitution of “Family District Court district” for “District Court area”. 25

#### **Amendment of Act of 1964**

76. The Act of 1964 is amended—
- (a) in section 5—
    - (i) in subsection (1), by the substitution of “Family Circuit Court or the Family District Court” for “Circuit Court or the District Court”, and 30
    - (ii) by the substitution of the following subsection for subsection (2):
      - “(2) Subject to *section 70* of the *Family Courts Act 2024*, the Family District Court and the Family Circuit Court, on appeal from the Family District Court, shall not have jurisdiction to make an order under this Act for the payment of a periodical sum at a rate greater than €500 per 35

week towards the maintenance of a child or a lump sum order greater than €50,000 for the benefit of a child.”,

- (b) in section 13, by the substitution of the following definition for the definition of “the court”:

“ ‘the court’ means the Family Circuit Court or the Family District Court;”, 5

- (c) in section 26, by the substitution of “Family District Court” for “District Court”, and

- (d) in section 30—

(i) in subsection (1), by the substitution of “Family Circuit Court or the Family District Court” for “Circuit Court or the District Court”, and 10

(ii) by the deletion of subsection (2).

### **Amendment of section 10 of Act of 1976**

77. Section 10 of the Act of 1976 is amended—

- (a) by the deletion of subsection (1), 15

- (b) by the substitution of the following subsection for subsection (2):

“(2) Subject to the provisions of this section, the Family District Court, the Family Circuit Court and the Family High Court shall concurrently have jurisdiction to hear and determine proceedings under this Act.”,

- (c) by the deletion of subsection (3), 20

- (d) by the substitution of the following subsection for subsection (4):

“(4) Subject to *section 70* of the *Family Courts Act 2024* and subsection (4B), the Family District Court shall not have jurisdiction in proceedings under this Act where the market value of any land to which the proceedings relate exceeds €1 million.”, 25

- (e) by the insertion of the following subsections after subsection (4):

“(4A) Subject to *section 70* of the *Family Courts Act 2024* and subsection (4B), where proceedings are brought in the Family District Court and the court is of the view, on the basis of the evidence before it, that the market value of the land to which the proceedings relate exceeds €1 million, the court shall transfer the proceedings to the Family Circuit Court, but any order made or act done in the course of such proceedings before such transfer shall be valid unless discharged or varied by order of the Family Circuit Court. 30

(4B) The Minister for Justice may by order increase the amount referred to in subsections (4) and (4A) up to a maximum amount of €2 million where he or she considers it appropriate to do so having regard to— 35

(a) changes in the market value of land,

(b) the need to minimise the costs of proceedings, and

(c) the guiding principles in *section 8 of the Family Courts Act 2024*.

(4C) Every order made by the Minister for Justice under subsection (4B) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”, 5

(f) in subsection (5)(b), by the substitution of “€50,000” for “€15,000”, and

(g) by the deletion of subsection (7). 10

### **Amendment of Family Law (Maintenance of Spouses and Children) Act 1976**

**78.** The Family Law (Maintenance of Spouses and Children) Act 1976 is amended—

(a) in section 8(b), by the substitution of “Family High Court, the Family Circuit Court or the Family District Court” for “High Court or the Circuit Court or, in relation to an agreement other than a separation agreement, the District Court”, 15

(b) in section 8A(b), by the substitution of “Family High Court, the Family Circuit Court or the Family District Court” for “High Court or the Circuit Court or, in relation to an agreement other than a separation agreement, the District Court”,

(c) in section 8B(1), by the substitution of “Family High Court, the Family Circuit Court or the Family District Court” for “High Court or the Circuit Court”, 20

(d) in section 9(6), by the substitution of “Family District Court district” for “District Court district”,

(e) in section 9A—

(i) in subsection (2), by the substitution of “Family District Court” for “District Court”, 25

(ii) in subsection (3)—

(I) by the substitution of “made by the Family District Court” for “made by the District Court”, and

(II) by the substitution of “before the Family District Court” for “before the District Court”, 30

(iii) in subsection (4)—

(I) in paragraph (c), by the substitution of “Family District Court” for “District Court”, and

(II) in paragraph (d), by the substitution of “Family District Court” for “District Court”, 35

(iv) in subsection (5), by the substitution of “Family District Court” for “District Court”,

(v) in subsection (6), by the substitution of “Family District Court” for “District Court”,

- (vi) in subsection (7), by the substitution of “Family District Court” for “District Court” in both places where it occurs,
  - (vii) in subsection (9)(b), by the substitution of “Family District Court” for “District Court”, and
  - (viii) in subsection (13), by the substitution of “Family District Court” for “the District Court”, 5
  - (f) in section 10(1)—
    - (i) in paragraph (a)(i), by the substitution of “Family High Court” for “High Court” in both places where it occurs,
    - (ii) in paragraph (a)(ii), by the substitution of “Family Circuit Court” for “Circuit Court” in both places where it occurs, and 10
    - (iii) in paragraph (a)(iii), by the substitution of “the Family District Court” for “the District Court” in both places where it occurs,
  - (g) in section 23—
    - (i) in subsection (1), by the substitution of “Family Circuit Court and the Family District Court” for “Circuit Court and the District Court”, and 15
    - (ii) in subsection (2)—
      - (I) by the substitution of the following paragraph for paragraph (a):
        - “(a) Subject to *section 70* of the *Family Courts Act 2024*, the Family District Court and the Family Circuit Court, on appeal from the Family District Court, shall not have jurisdiction to make an order under this Act for the payment of a periodical sum at a rate greater than €1,500 per week for the support of a spouse or €500 per week for the support of a child.”, 20
      - (II) in paragraph (b)— 25
        - (A) by the substitution of “Family District Court or the Family Circuit Court” for “District Court or the Circuit Court”, and
        - (B) by the substitution of “Family High Court” for “High Court”,
      - (III) in paragraph (c)—
        - (A) by the substitution of “Family District Court” for “District Court” in both places where it occurs, and 30
        - (B) by the substitution of “Family Circuit Court” for “Circuit Court”, and
      - (IV) in paragraph (d)—
        - (A) by the substitution of “Family District Court” for “District Court” in both places where it occurs, and 35
        - (B) by the substitution of “Family Circuit Court” for “Circuit Court”,
- and



(h) in section 25, by the deletion of subsection (2).

### **Amendment of section 8 of Family Law Act 1981**

79. The Family Law Act 1981 is amended by the substitution of the following section for section 8:

#### **“Jurisdiction (sections 6 and 7)**

- 5
8. (1) Subject to subsection (2), the Family District Court, the Family Circuit Court and the Family High Court shall concurrently have jurisdiction to hear and determine proceedings under section 6 or 7.
- (2) Subject to *section 70* of the *Family Courts Act 2024* and subsection (4), the Family District Court shall not have jurisdiction to hear and determine proceedings under section 6 or 7 where the amount claimed exceeds €1 million. 10
- (3) Subject to *section 70* of the *Family Courts Act 2024* and subsection (4), where proceedings are brought in the Family District Court and the court is of the view, on the basis of the evidence before it, that the market value of the land to which the proceedings relate exceeds €1 million, the court shall transfer the proceedings to the Family Circuit Court, but any order made or act done in the course of such proceedings before such transfer shall be valid unless discharged or varied by order of the Family Circuit Court. 15 20
- (4) The Minister for Justice may by order increase the amount referred to in subsections (2) and (3) up to a maximum amount of €2 million where he or she considers it appropriate to do so having regard to—
- (a) changes in the market value of land,
- (b) the need to minimise the costs of proceedings, and 25
- (c) the guiding principles in *section 8* of the *Family Courts Act 2024*.
- (5) In this section, ‘market value’ means, in relation to land, the price that would have been obtained in respect of the unencumbered fee simple were the land to have been sold on the open market, in the year immediately preceding the bringing of the proceedings concerned, in such manner and subject to such conditions as might reasonably be calculated to have resulted in the vendor obtaining the best price for the land. 30
- (6) Every order made by the Minister for Justice under subsection (4) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”. 35 40

**Amendment of Act of 1987**

**80.** The Act of 1987 is amended—

(a) in section 33, in the definition of “the Court”, by the substitution of “Family Circuit Court” for “Circuit Court”, and

(b) in section 34, by the substitution of the following subsection for subsection (2): 5

“(2) (a) The jurisdiction conferred on the Court by this section shall be exercised by—

(i) a judge of the Family Circuit Court for the time being assigned to the Family Circuit Court circuit in which a party to the proceedings ordinarily resides or carries on any profession, business or occupation, or 10

(ii) where no party to the proceedings ordinarily resides or carries on any profession, business or occupation in the State, by a judge assigned to the Dublin Family Circuit Court circuit.”

**Amendment of Act of 1989**

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**81.** The Act of 1989 is amended—

(a) in section 2—

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

“(1A) A joint application by both spouses for a decree of judicial separation from one another may be made to the court having jurisdiction to hear and determine proceedings under Part III of this Act on one or both of the following grounds: 20

(a) subject to subsection (2), that the spouses have lived apart from one another for a continuous period of at least one year immediately preceding the date of the application; 25

(b) that the marriage has broken down to the extent that the court is satisfied in all the circumstances that a normal marital relationship has not existed between the spouses for a period of at least one year immediately preceding the date of the application.”,

and 30

(ii) in subsection (2)—

(I) by the substitution of “subsection (1) or (1A)” for “subsection (1)”,

(II) in paragraph (a), by the substitution of “subsection (1)” for “that subsection”, and

(III) in paragraph (b), by the substitution of “paragraph (d) of subsection (1) or paragraph (a) of subsection (1A)” for “paragraph (d) of that subsection”, 35

- (b) in section 3(1), by the substitution of “the applicant or, in the case of a joint application, any of the grounds referred to in subsection (1A) of that section which have been relied on by the applicants,” for “the applicant”,
- (c) by the insertion of the following section after section 5:
- “Safeguards to ensure awareness of alternatives to separation proceedings where application made jointly by both spouses and to assist attempts at reconciliation** 5
- 5A.** In the case of a joint application referred to in section 2(1A), the requirements imposed on a solicitor for the applicant under section 5 shall apply to the solicitor for each applicant.”, 10
- (d) in section 8(2), by the substitution of “the applicant and the respondent or, in the case of a joint application referred to in section 2(1A), the applicants,” for “the applicant and the respondent” in both places where it occurs,
- (e) by the deletion of section 30,
- (f) in section 31— 15
- (i) by the deletion of subsection (1),
- (ii) in subsection (2), by the substitution of “the Family District Court, the Family Circuit Court and the Family High Court shall concurrently have” for “the Circuit Family Court shall, concurrently with the High Court, have”,
- (iii) by the substitution of the following subsection for subsection (3): 20
- “(3) Subject to *section 70* of the *Family Courts Act 2024* and subsection (3B), the Family District Court shall not have jurisdiction in proceedings under this Act for a decree of judicial separation where the market value of any land to which the proceedings relate exceeds €1 million.”, 25
- (iv) by the insertion of the following subsections after subsection (3):
- “(3A) Subject to *section 70* of the *Family Courts Act 2024* and subsection (3B), where proceedings are brought in the Family District Court under this Act for a decree of judicial separation and the court is of the view, on the basis of the evidence before it, that the market value of the land to which the proceedings relate exceeds €1 million, the court shall transfer the proceedings to the Family Circuit Court, but any order made (including an interim order) or act done in the course of such proceedings before such transfer shall be valid unless discharged or varied by order of the Family Circuit Court. 30
- (3B) The Minister for Justice may by order increase the amount referred to in subsections (3) and (3A) up to a maximum amount of €2 million where he or she considers it appropriate to do so having regard to—
- (a) changes in the market value of land,
- (b) the need to minimise the costs of proceedings, and 40
- (c) the guiding principles in *section 8* of the *Family Courts Act 2024*.

(3C) Every order made by the Minister for Justice under subsection (3B) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”, 5

and

(v) in subsection (5), by the substitution of “shall be exercised by the judge of the Family Circuit Court circuit or Family District Court district” for “shall, in the Circuit Family Court, be exercised by the judge of the circuit”, 10

(g) by the deletion of sections 32 and 33,

(h) in section 44(1), by the substitution of “the applicant or, in the case of a joint application referred to in section 2(1A), the applicants” for “the applicant”, and

(i) by the deletion of section 45. 15

#### **Amendment of Child Abduction and Enforcement of Custody Orders Act 1991**

**82.** The Child Abduction and Enforcement of Custody Orders Act 1991 is amended—

(a) in section 2, in the definition of “the Court”, by the substitution of “Family High Court” for “High Court”, and

(b) in section 37— 20

(i) by the substitution of the following subsection for subsection (5):

“(5) Where a child is delivered into the care of the Child and Family Agency under subsection (2)(c) of this section, the Child and Family Agency shall apply—

(a) at the next sitting of the Family District Court, 25

(b) in circumstances of urgency where no judge of the Family District Court is available to hear the application, at the next sitting of the District Court, or

(c) in the event that the next sitting of the Family District Court is not due to be held within 3 days of the date on which the child is delivered into the care of the Child and Family Agency, at a specially arranged sitting of the Family District Court held within the said 3 days, 30

for directions as to the child’s release from such care or otherwise in relation to the child’s care and the Family District Court or the District Court, as the case may be, may make such order as it thinks proper in the circumstances regarding custody of and, where appropriate, access to, the child, taking into account any order referred to in subsection (1) of this section relating to the child and without prejudice to proceedings that may be pending or any application that is about to be made for one of those orders in relation to the child.”, 40

(ii) in subsection (6), by the substitution of “Family District Court” for “District Court”, and

(iii) by the substitution of the following subsection for subsection (7):

“(7) The jurisdiction of the Family District Court in respect of proceedings under subsection (5) of this section may be exercised by the judge of the Family District Court for the time being assigned to the Family District Court district where the child resides or was at a material time residing and where a judge for the Family District Court district in which the proceedings are brought is not immediately available, an order may be made by any judge of the Family District Court.”.

### Amendment of Act of 1991

83. The Act of 1991 is amended—

(a) in section 12, by the substitution of the following subsection for subsection (4):

“(4) Where a child is delivered up to the custody of the Child and Family Agency in accordance with subsection (3), the Agency shall, unless it returns the child to the parent having custody of him or her or a person acting *in loco parentis* or an order referred to in section 35 has been made in respect of the child, make an application for an emergency care order—

(a) at the next sitting of the Family District Court held in the same Family District Court district,

(b) in circumstances of urgency where no judge of the Family District Court is available to hear the application, at the next sitting of the District Court held in the same district court district, or

(c) in the event that the next sitting of the Family District Court is not due to be held within 3 days of the date on which the child is delivered up to the custody of the Agency, at a sitting of the Family District Court which has been specially arranged under section 13(4), held within the said 3 days,

and it shall be lawful for the Agency to retain custody of the child pending the hearing of that application.”,

(b) in section 13—

(i) in subsection (1), by the substitution of “Family District Court or the District Court” for “District Court”,

(ii) by the substitution of the following subsection for subsection (4):

“(4) The following provisions shall have effect in relation to the making of emergency care orders—

(a) any such order shall, subject to paragraph (b), be made by the judge for the Family District Court district or the judge for the district court district in which the child resides or is for the time being;

- (b) where a judge for the Family District Court district or a judge for the district court district in which the child resides or for the time being is not immediately available, an order may be made by any judge of the Family District Court or the District Court;
  - (c) an application for any such order may, if the judge is satisfied that the urgency of the matter so requires, be made *ex parte*;
  - (d) an application for any such order may, if the judge is satisfied that the urgency of the matter so requires, be heard and an order made thereon elsewhere than at a sitting of the Family District Court or a public sitting of the District Court.”,
- (c) in section 17(1), by the substitution of “Family District Court” for “District Court”,
- (d) in section 18(10), by the substitution of “Family District Court” for “District Court”,
- (e) in section 19(9), by the substitution of “Family District Court” for “District Court”,
- (f) in section 23—
  - (i) in paragraph (b), by the substitution of “Family District Court for the time being assigned to the Family District Court district” for “District Court for the time being assigned to the district court district”, and
  - (ii) in paragraph (c), by the substitution of “Family District Court for the time being assigned to the Family District Court district” for “District Court for the time being assigned to the district court district”,
- (g) in Part IVA, by the substitution of “Family High Court” for “High Court” in each place where it occurs,
- (h) in section 23U, by the substitution of “Family District Court” for “District Court”,
- (i) in section 23V(3), by the substitution of “Family District Court” for “District Court”,
- (j) in section 23W(2), by the substitution of “Family District Court” for “District Court”,
- (k) in section 24 (amended by section 4 of the Child Care (Amendment) Act 2022), by the substitution of “Family High Court” for “High Court”,
- (l) in section 24A (amended by section 5 of the Child Care (Amendment) Act 2022), by the substitution of “Family High Court” for “High Court”,
- (m) in section 25(6), by the substitution of “Family High Court” for “High Court”,
- (n) in section 26(5), by the substitution of “Family High Court” for “High Court”,
- (o) in section 27(7) (amended by section 8(d) of the Child Care (Amendment) Act 2022), by the substitution of “Family High Court” for “High Court”,
- (p) in section 28—

- (i) by the substitution of the following subsection for subsection (1):
  - “(1) The Family District Court shall concurrently with the Family Circuit Court have jurisdiction to hear and determine proceedings under Part III, IV or VI.”,
- (ii) by the insertion of the following subsection after subsection (1): 5
  - “(1A) The Family District Court and the Family Circuit Court, on appeal from the Family District Court, shall have jurisdiction to hear and determine summary proceedings for an offence under section 23NP.”,
- (iii) by the substitution of the following subsection for subsection (2):
  - “(2) Proceedings under Part III, IV or VI may be brought, heard and determined before and by a judge of the Family District Court or the Family Circuit Court for the time being assigned to the Family District Court district or Family Circuit Court circuit where the child resides, has resided or is proposed to reside or is for the time being.”, 10
- (iv) by the insertion of the following subsections after subsection (2): 15
  - “(2A) Notwithstanding subsection (2), where, on the application of a party to the proceedings or of his or her own motion, the judge to whom the originating application in the proceedings was made decides that it would be in the best interests of a child whose welfare is the subject of the proceedings, or otherwise appropriate to do so in a specific case, that jurisdiction may be exercised by a judge of another Family District Court district or Family Circuit Court circuit with which the child, or another party to the proceedings, has a connection. 20
  - (2B) Summary proceedings for an offence under section 23NP may be brought, heard and determined before and by a judge of the Family District Court for the time being assigned to the Family District Court district where the child resides, has resided or is proposed to reside or is for the time being.”, 25
- (v) in subsection (3), by the substitution of “Family High Court” for “High Court”, and 30
- (vi) in subsection (4), by the substitution of “The Family District Court, and the Family Circuit Court on appeal from the Family District Court” for “The District Court, and the Circuit Court on appeal from the District Court”,
- (q) in section 29, by the deletion of subsections (2) to (4),
- (r) in section 30(3), by the substitution of “Family High Court” for “High Court”, 35
- (s) in section 31(5A), by the substitution of “Family High Court” for “High Court”,
- (t) in section 32, by the substitution of “Family High Court” for “High Court” in both places where it occurs,
- (u) in section 34(1), by the substitution of “Family District Court” for “District Court”, 40

- (v) in section 35A(2) (amended by section 7 of the Child Care (Amendment) Act 2022)—
  - (i) by the substitution of “Family District Court” for “District Court” in both places where it occurs,
  - (ii) by the substitution of “Family Circuit Court” for “Circuit Court”, and 5
  - (iii) by the substitution of “Family High Court” for “High Court”,
- (w) in section 35B (amended by section 7 of the Child Care (Amendment) Act 2022)—
  - (i) in subsection (2), by the substitution of “Family High Court” for “High Court”, 10
  - (ii) in subsection (3), by the substitution of “Family District Court” for “District Court”, and
  - (iii) in subsection (4), by the substitution of “Family District Court” for “District Court”,
- (x) in section 35H (amended by section 7 of the Child Care (Amendment) Act 2022)— 15
  - (i) in subsection (1), by the substitution of “Family High Court” for “High Court” in each place where it occurs,
  - (ii) in subsection (2), by the substitution of “Family District Court” for “District Court” in each place where it occurs, 20
  - (iii) in subsection (6), by the substitution of “Family High Court” for “High Court”, and
  - (iv) in subsection (7), by the substitution of “Family High Court” for “High Court”,
- (y) in section 37(5), by the substitution of “Family High Court” for “High Court”, 25
- (z) in section 43—
  - (i) in subsection (2), by the substitution of “Family District Court” for “District Court”, and
  - (ii) in subsection (3), by the substitution of “Family District Court” for “District Court”, 30
- (aa) in section 46—
  - (i) in subsection (3), by the substitution of “Family District Court” for “District Court”,
  - (ii) in subsection (4), by the substitution of “Family District Court” for “District Court”, 35
  - (iii) in subsection (6), by the substitution of “Family District Court” for “District Court”,



- (iv) in subsection (8), by the substitution of “Family District Court” for “District Court”, and
  - (v) in subsection (9)—
    - (I) in paragraph (a), by the substitution of “Family District Court for the time being assigned to the Family District Court district” for “District Court for the time being assigned to the district court district”, 5
    - (II) in paragraph (b), by the substitution of “Family District Court district” for “district”, and
    - (III) by the substitution of “of the Family District Court” for “of the District Court”, 10
- and
- (ab) in section 47, by the substitution of “Family District Court” for “District Court”.

**Amendment of Act of 1994**

**84.** The Act of 1994 is amended—

- (a) in section 14— 15
  - (i) in subsection (1)—
    - (I) in paragraph (b), by the substitution of “Family District Court” for “District Court”, and
    - (II) in paragraph (c)—
      - (A) by the substitution of “Family District Court” for “District Court” in both places where it occurs, and 20
      - (B) by the substitution of “Family Circuit Court” for “Circuit Court”,
  - (ii) in subsection (2), by the substitution of “Family District Court” for “District Court” in both places where it occurs,
  - (iii) in subsection (7)— 25
    - (I) by the substitution of “Family Circuit Court circuit” for “circuit” in both places where it occurs, and
    - (II) by the substitution of “Family District Court district” for “district court district” in both place where it occurs,
  - (iv) in subsection (10), by the substitution of “Family Circuit Court” for “Circuit Court”, and 30
  - (v) in subsection (11)—
    - (I) in paragraph (a), by the substitution of “Family Circuit Court, by the judge of the Family Circuit Court circuit” for “Circuit Court, by the judge of the circuit”, and 35
    - (II) in paragraph (b), by the substitution of “Family District Court, by the judge of the Family District Court assigned to the Family District Court

district” for “District Court, by the judge of the District Court assigned to the district court district”,

(b) in section 15(2)—

(i) in paragraph (a), by the substitution of “Family District Court” for “District Court”, and 5

(ii) in paragraph (c), by the substitution of “Family District Court by this subsection may be exercised by the judge of the Family District Court assigned to the Family District Court district” for “District Court by this subsection may be exercised by the judge of the District Court assigned to the district court district”, 10

(c) in section 19—

(i) in subsection (2), by the substitution of “Family District Court” for “District Court”,

(ii) in subsection (6), by the substitution of “Family District Court” for “District Court”, 15

(iii) in subsection (7), by the substitution of “Family District Court” for “District Court”, and

(iv) in subsection (9)(a), by the substitution of “Family District Court” for “District Court”,

and 20

(d) in section 20—

(i) in subsection (2), by the substitution of “Family District Court” for “District Court”, and

(ii) in subsection (3), by the substitution of “Family District Court by subsection-(2) may be exercised by the judge of the Family District Court for the time being assigned to the Family District Court district” for “District Court by subsection (2) may be exercised by the judge of the District Court for the time being assigned to the district court district”. 25

### **Amendment of Family Law Act 1995**

**85.** The Family Law Act 1995 is amended— 30

(a) by the insertion of the following section after section 5:

#### **“Joint application for ancillary orders**

**5A.** In proceedings for a grant of a decree of judicial separation following the making of a joint application for such a decree after the coming into operation of section 2(1A) (inserted by *section 81* of the *Family Courts Act 2024*) of the Act of 1989, the applicants may apply jointly in the proceedings concerned for any order referred to in this Part and such order may be made by the court under this Part before, on or after the grant of the decree of judicial separation.”, 35

- (b) in section 38—
- (i) by the substitution of the following subsection for subsection (1):
- “(1) Subject to the provisions of this section, the Family District Court (other than in respect of proceedings under Part IV), the Family Circuit Court and the Family High Court shall concurrently have jurisdiction to hear and determine proceedings under this Act.”, 5
- (ii) in subsection (2), by the substitution of “Family Circuit Court shall, concurrently with the Family High Court” for “Circuit Court shall, concurrently with the High Court”,
- (iii) by the substitution of the following subsection for subsection (3): 10
- “(3) Subject to *section 70* of the *Family Courts Act 2024* and subsection (3B), the Family District Court shall not have jurisdiction in proceedings under this Act where the market value of any land to which the proceedings relate exceeds €1 million.”,
- (iv) by the insertion of the following subsections after subsection (3): 15
- “(3A) Subject to *section 70* of the *Family Courts Act 2024* and subsection (3B), where proceedings are brought in the Family District Court and the court is of the view, on the basis of the evidence before it, that the market value of the land to which the proceedings relate exceeds €1 million, the court shall transfer the proceedings to the Family Circuit Court, but any order made or act done in the course of such proceedings before such transfer shall be valid unless discharged or varied by order of the Family Circuit Court. 20
- (3B) The Minister for Justice may by order increase the amount referred to in subsections (3) and (3A) up to a maximum amount of €2 million where he or she considers it appropriate to do so having regard to— 25
- (a) changes in the market value of land,
- (b) the need to minimise the costs of proceedings, and
- (c) the guiding principles in *section 8* of the *Family Courts Act 2024*.
- (3C) Every order made by the Minister for Justice under subsection (3B) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”, 30 35
- (v) in subsection (4), by the substitution of “Family Circuit Court by this Act may be exercised by the judge of the Family Circuit Court circuit” for “Circuit Family Court by this Act may be exercised by the judge of the circuit”, and 40
- (vi) by the substitution of the following subsection for subsection (6):

- “(6) Sections 34 to 36 of the Act of 1989 shall apply to proceedings under this Act in the Family District Court, the Family Circuit Court and the Family High Court.”,
- (c) in section 41, by the substitution of “Family District Court” for “District Court”, and 5
- (d) in section 42—
- (i) in subsection (3), by the substitution of “Family District Court” for “District Court”, and
- (ii) in subsection (4)—
- (I) by the substitution of “Family District Court” for “District Court”, and 10
- (II) by the substitution of “€50,000” for “€15,000”.

### **Amendment of Act of 1996**

**86.** The Act of 1996 is amended—

- (a) in section 5, by the substitution of “either of the spouses concerned or on the joint application of both spouses concerned” for “either of the spouses concerned”, 15
- (b) by the insertion of the following section after section 6:
- “Safeguards to ensure awareness of alternatives to divorce proceedings where application made jointly by both spouses and to assist attempts at reconciliation**
- 6A.** In the case of a joint application made by both spouses under section 5, the requirements imposed on a solicitor for the applicant under section 6 shall apply to the solicitor for each applicant.”, 20
- (c) by the insertion of the following section after section 10 but in Part III:
- “Joint application for ancillary orders**
- 10A.** In proceedings for a grant of a decree of divorce under section 5 (amended by *section 86* of the *Family Courts Act 2024*) following the making of a joint application for such a decree after the coming into operation of the said *section 86*, the applicants may apply jointly in the proceedings concerned for any order referred to in this Part and such order may be made by the court under this Part before, on or after the grant of the decree of divorce.”, 25 30
- and
- (d) in section 38—
- (i) by the substitution of the following subsection for subsection (1):
- “(1) Subject to the provisions of this section, the Family District Court, the Family Circuit Court and the Family High Court shall concurrently have jurisdiction to hear and determine proceedings under this Act.”, 35
- (ii) by the substitution of the following subsection for subsection (2):

- “(2) Subject to *section 70* of the *Family Courts Act 2024* and subsection (2B), the Family District Court shall not have jurisdiction in proceedings under this Act where the market value of any land to which the proceedings relate exceeds €1 million.”,
- (iii) by the insertion of the following subsections after subsection (2): 5
- “(2A) Subject to *section 70* of the *Family Courts Act 2024* and subsection (2B), where proceedings are brought in the Family District Court and the court is of the view, on the basis of the evidence before it, that the market value of the land to which the proceedings relate exceeds €1 million, the court shall transfer the proceedings to the Family Circuit Court, but any order made or act done in the course of such proceedings before such transfer shall be valid unless discharged or varied by order of the Family Circuit Court. 10
- (2B) The Minister for Justice may by order increase the amount referred to in subsections (2) and (2A) up to a maximum amount of €2 million 15 where he or she considers it appropriate to do so having regard to—
- (a) changes in the market value of land,
- (b) the need to minimise the costs of proceedings, and
- (c) the guiding principles in *section 8* of the *Family Courts Act 2024*.
- (2C) Every order made by the Minister for Justice under subsection (2B) 20 shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done 25 thereunder.”,
- (iv) by the substitution of the following subsection for subsection (3):
- “(3) The jurisdiction conferred on the Family District Court and the Family Circuit Court by this Act may be exercised by the judge of the Family District Court district or Family Circuit Court circuit in which any of 30 the parties to the proceedings ordinarily resides or carries on any business, profession or occupation.”,
- and
- (v) by the substitution of the following subsection for subsection (5):
- “(5) Sections 34 to 36 of the Act of 1989 shall apply to proceedings under 35 this Act in the Family District Court, the Family Circuit Court and the Family High Court.”.

### **Amendment of Jurisdiction of Courts and Enforcement of Judgments Act 1998**

**87.** The Jurisdiction of Courts and Enforcement of Judgments Act 1998 is amended—

- (a) in section 4, in paragraph (b) of the definition of “enforcement order”, by the 40 substitution of “decision of the High Court or, where the Family High Court has

jurisdiction, a decision of the Family High Court relating to the Master’s decision” for “decision of the High Court relating to the Master’s decision”,

- (b) in section 8—
  - (i) in subsection (1)(b), by the substitution of “High Court or, where the Family High Court has jurisdiction, the Family High Court” for “High Court”, and 5
  - (ii) in subsection (6), by the substitution of “Family District Court” for “District Court”,
- (c) in section 9—
  - (i) in subsection (1), by the substitution of “Family District Court” for “District Court”, 10
  - (ii) in subsection (2), by the substitution of “Family District Court” for “District Court”,
  - (iii) in subsection (3), by the substitution of “Family District Court” for “District Court”,
  - (iv) in subsection (7)— 15
    - (I) by the substitution of “Family District Court” for “District Court”, and
    - (II) by the substitution of “Family District Court district” for “district court district” in both places where it occurs,
  - (v) in subsection (8)—
    - (I) in paragraph (a), by the substitution of “Family District Court district” 20 for “district court area”, and
    - (II) in paragraph (b), by the substitution of “the Family District Court” for “the District Court”,
  - (vi) in subsection (13), by the substitution of “Family District Court district” for “district court area”, 25
  - (vii) in subsection (15), by the substitution of “Family District Court district” for “district court area”, and
  - (viii) in subsection (16), by the substitution of “Family District Court district” for “district court area”,
- (d) in section 13— 30
  - (i) in subsection (1), by the substitution of “High Court or the Family High Court, as the case may be, may grant any provisional, including protective, measures of any kind that the Court concerned” for “High Court may grant any provisional, including protective, measures of any kind that the Court”,
  - (ii) in subsection (2), by the substitution of “High Court or the Family High 35 Court, as the case may be, may refuse to grant the measures sought if, in its opinion, the fact that, apart from this section, the Court concerned” for “High Court may refuse to grant the measures sought if, in its opinion, the fact that, apart from this section, that Court”, and

- (iii) in subsection (3), by the substitution of “High Court or the Family High Court, as the case may be, has power” for “High Court has power”,
- (e) in section 16—
  - (i) by the substitution of the following subsection for subsection (1):
    - “(1) Subject to Title II of the 1968 Convention— 5
      - (a) the jurisdiction of the Circuit Court respecting proceedings that may be instituted in the State by virtue of Article 2, 8.1, 11, 14 or 16(1)(b) of that Convention shall be exercised by the judge of that Court for the time being assigned to the circuit where the defendant, or one of the defendants, ordinarily resides or carries on any profession, business or occupation, and 10
      - (b) the jurisdiction of the Family Circuit Court respecting proceedings that may be instituted in the State by virtue of Article 2, 8.1, 11, 14 or 16(1)(b) of that Convention shall be exercised by the judge of that Court for the time being assigned to the Family Circuit Court circuit where the defendant, or one of the defendants, ordinarily resides or carries on any profession, business or occupation.” 15
  - and
  - (ii) in subsection (2), by the substitution of “jurisdiction of the Circuit Court or the Family Circuit Court, as the case may be,” for “Circuit Court’s jurisdiction” 20
- (f) in section 20A(1), in paragraph (b)(ii) of the definition of “enforcement order”, by the substitution of “High Court or, where the Family High Court has jurisdiction, the Family High Court” for “High Court”,
- (g) in section 20F— 25
  - (i) in subsection (1), by the substitution of the following paragraph for paragraph (b):
    - “(b) may be enforced by the High Court or, in respect of matters within the jurisdiction of the Family High Court, by the Family High Court, and proceedings taken on it, as if it were a judgment of the High Court or the Family High Court, as the case may be.” 30
  - and
  - (ii) in subsection (6), by the substitution of “Family District Court” for “District Court”,
- (h) in section 20G— 35
  - (i) in subsection (1), by the substitution of “Family District Court” for “District Court”,
  - (ii) in subsection (2), by the substitution of “Family District Court” for “District Court”,

- (iii) in subsection (3), by the substitution of “Family District Court” for “District Court”,
- (iv) in subsection (7)—
  - (I) by the substitution of “Family District Court” for “District Court”, and
  - (II) by the substitution of “Family District Court district” for “district court district” in both places where it occurs, 5
- (v) in subsection (8)—
  - (I) in paragraph (a), by the substitution of “Family District Court district” for “district court area”, and
  - (II) in paragraph (b), by the substitution of “the Family District Court” for “the District Court”, 10
- (vi) in subsection (9)(b), by the substitution of “Family District Court” for “District Court”,
- (vii) in subsection (12), by the substitution of “Family District Court district” for “district court area”, 15
- (viii) in subsection (14), by the substitution of “Family District Court district” for “district court area”, and
- (ix) in subsection (15), by the substitution of “Family District Court district” for “district court area”,
- (i) in section 20K— 20
  - (i) in subsection (1), by the substitution of “High Court or, in respect of matters within the jurisdiction of the Family High Court, the Family High Court may, on application to it pursuant to Article 31, grant any provisional measures, including protective measures, that the Court concerned” for “High Court may, on application to it pursuant to Article 31, grant any provisional measures, including protective measures, that the Court”, 25
  - (ii) in subsection (2), by the substitution of “High Court or the Family High Court, as the case may be,” for “High Court”, and
  - (iii) in subsection (3), by the substitution of “High Court or the Family High Court, as the case may be, has power” for “High Court has power”, 30
- and
- (j) in section 20M—
  - (i) by the substitution of the following subsection for subsection (1):
    - “(1) Subject to Articles 2 to 31—
      - (a) the jurisdiction of the Circuit Court in proceedings that may be instituted in the State by virtue of Article 2, 9(1)(a), 12(1), 16(2), 19(1) or 20(1) or the proviso to Article 22(1) shall be exercised by the judge of the Court for the time being assigned to the circuit 35



where the defendant, or one of the defendants, ordinarily resides or carries on any profession, business or occupation, and

- (b) the jurisdiction of the Family Circuit Court in proceedings that may be instituted in the State by virtue of Article 2, 9(1)(a), 12(1), 16(2), 19(1) or 20(1) or the proviso to Article 22(1) shall be exercised by the judge of the Family Circuit Court for the time being assigned to the Family Circuit Court circuit where the defendant, or one of the defendants, ordinarily resides or carries on any profession, business or occupation.”, 5

and 10

- (ii) in subsection (2), by the substitution of “jurisdiction of the Circuit Court or the Family Circuit Court, as the case may be,” for “Circuit Court’s jurisdiction”.

**Amendment of Act of 2000**

**88.** The Act of 2000 is amended— 15

- (a) in section 3(2), by the substitution of “Family District Court” for “District Court” in each place where it occurs, and

(b) in section 4—

(i) in subsection (1)—

(I) by the substitution of “Family Circuit Court” for “Circuit Court” in each place where it occurs, 20

(II) by the substitution of “Family District Court” for “District Court” in each place where it occurs,

(III) by the substitution of “Family Circuit Court circuit” for “circuit”, and

(IV) by the substitution of “Family District Court district” for “district court district” in both places where it occurs, 25

(ii) in subsection (2)—

(I) by the substitution of “Family Circuit Court” for “Circuit Court” in both places where it occurs, and

(II) by the substitution of “Family District Court” for “District Court” in both places where it occurs, 30

(iii) in subsection (3)—

(I) by the substitution of “Family Circuit Court or Family District Court” for “Circuit Court or District Court”, and

(II) by the substitution of “a judge of the Family Circuit Court assigned to the Dublin Family Circuit Court circuit or a judge of the Family District Court” for “a circuit judge assigned to the Dublin circuit or a district judge”, 35

and

(iv) by the deletion of subsection (4).

#### **Amendment of Civil Registration Act 2004**

**89.** The Civil Registration Act 2004 is amended—

- (a) in section 22 (amended by section 6 of the Civil Registration (Amendment) Act 2014)— 5
  - (i) by the substitution of “Family Circuit Court” for “Circuit Court” in each place where it occurs, and
  - (ii) by the substitution of “judge of the Family Circuit Court circuit” for “judge of the circuit” in both places where it occurs,
- (b) in section 23— 10
  - (i) in subsection (3F), by the substitution of “Family Circuit Court” for “Circuit Court”, and
  - (ii) in subsection (3G), by the substitution of “Family Circuit Court by subsection (3F) shall be exercised by a judge of the Family Circuit Court circuit” for “Circuit Court by subsection (3F) shall be exercised by a judge of the circuit”, 15
- (c) in section 23A(1), by the substitution of “Family Circuit Court” for “Circuit Court”,
- (d) in section 23B—
  - (i) in subsection (1), by the substitution of “Family District Court under section 20 21 of the Children and Family Relationships Act 2015, or by the Family Circuit Court” for “District Court under section 21 of the Children and Family Relationships Act 2015, or by the Circuit Court”, and
  - (ii) in subsection (2), by the substitution of “Family Circuit Court” for “Circuit Court”, 25
- (e) in subsection 46(1)(a)(i)(II), by the substitution of “Family Circuit Court or the Family High Court” for “Circuit Court or the High Court”,
- (f) in section 47—
  - (i) in subsection (1), by the substitution of “Family Circuit Court or the Family High Court” for “Circuit Family Court or the High Court”, and 30
  - (ii) in subsection (4), by the substitution of “Family Circuit Court by this section shall be exercised by a judge of the Family Circuit Court circuit” for “Circuit Family Court by this section shall be exercised by a judge of the circuit”,
- (g) in section 58(9)—
  - (i) in paragraph (a), by the substitution of “Family Circuit Court” for “Circuit Family Court”, and 35
  - (ii) in paragraph (b), by the substitution of “Family Circuit Court by paragraph (a) may be exercised by a judge of the Family Circuit Court circuit” for

“Circuit Family Court by paragraph (a) may be exercised by a judge of the circuit”,

and

(h) in section 60(8), by the substitution of “Family High Court” for “High Court”.

**Amendment of section 3 of Land and Conveyancing Law Reform Act 2009** 5

**90.** Section 3 of the Land and Conveyancing Law Reform Act 2009 is amended by the substitution of the following definition for the definition of “the court”:

“ ‘the court’ means—

(a) the High Court,

(b) the Circuit Court when exercising the jurisdiction conferred on it by the Third Schedule to the Courts (Supplemental Provisions) Act 1961, or 10

(c) any of the following courts when making an order under section 31 following an application made to that Court under section 10 of the Family Law Act 1995, section 15 of the Family Law (Divorce) Act 1996 or section 119 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010: 15

(i) the Family District Court;

(ii) the Family Circuit Court;

(iii) the Family High Court;” 20

**Amendment of Act of 2010**

**91.** The Act of 2010 is amended—

(a) in section 50(6), by the substitution of “Family District Court district” for “District Court district”,

(b) in section 51(3)— 25

(i) by the substitution of “Family District Court” for “District Court”, and

(ii) by the substitution of “€50,000” for “€15,000”,

(c) in section 52A—

(i) in subsection (2), by the substitution of “Family District Court” for “District Court”, 30

(ii) in subsection (3)—

(I) by the substitution of “by the Family District Court” for “by the District Court”, and

(II) by the substitution of “before the Family District Court” for “before the District Court”, 35

(iii) in subsection (4)—

- (I) in paragraph (c), by the substitution of “Family District Court” for “District Court”, and
- (II) in paragraph (d), by the substitution of “Family District Court” for “District Court”,
- (iv) in subsection (5), by the substitution of “Family District Court” for “District Court”, 5
- (v) in subsection (6), by the substitution of “Family District Court” for “District Court”,
- (vi) in subsection (7), by the substitution of “Family District Court” for “District Court” in both places where it occurs, 10
- (vii) in subsection (9)(b), by the substitution of “Family District Court” for “District Court”, and
- (viii) in subsection (13), by the substitution of “Family District Court” for “District Court”,
- (d) in section 53(1), in the definition of “court”— 15
  - (i) in paragraph (a), by the substitution of “Family High Court” for “High Court” in both places where it occurs,
  - (ii) in paragraph (b), by the substitution of “Family Circuit Court” for “Circuit Court”, and
  - (iii) in paragraph (c), by the substitution of “the Family District Court” for “the District Court” in both places where it occurs, 20
- (e) in section 110(1), by the substitution of “either of the civil partners or on the joint application of both civil partners” for “either of the civil partners”,
- (f) by the insertion of the following section after section 110: 25
 

**“Joint application for ancillary orders**

**110A.** In proceedings for a grant of a decree of dissolution under section 110 (amended by *section 91* of the *Family Courts Act 2024*), following the making of a joint application for such a decree after the coming into operation of the said *section 91*, the applicants may apply jointly in the proceedings concerned for any order referred to in this Part and such order may be made by the court under this Part before, on or after the grant of the decree of dissolution.”, 30
- (g) in section 139—
  - (i) by the deletion of the definition of “Circuit Court”, and
  - (ii) by the insertion of the following definitions: 35
    - “ ‘Family Circuit Court’ means the Family Circuit Court when it is exercising its jurisdiction to hear and determine civil partnership law proceedings or transferring civil partnership law proceedings to the Family District Court or the Family High Court;
    - ‘Family District Court’ means the Family District Court when it is 40

exercising its jurisdiction to hear and determine civil partnership law proceedings or transferring civil partnership law proceedings to the Family Circuit Court or the Family High Court;”,

(h) in section 140—

(i) in subsection (1), by the substitution of “the Family District Court, the Family Circuit Court and the Family High Court have concurrent jurisdiction” for “the Circuit Court has concurrent jurisdiction with the High Court”, 5

(ii) in subsection (2)—

(I) by the substitution of “Family District Court, and the Family Circuit Court on appeal from the Family District Court, have concurrent jurisdiction with the Family High Court” for “District Court, and the Circuit Court on appeal from the District Court, have concurrent jurisdiction with the High Court”, 10

(II) by the substitution of the following paragraph for paragraph (a): 15

“(a) subject to *section 70* of the *Family Courts Act 2024*, they do not have jurisdiction to make an order under one of those sections for the payment of a periodical sum at a rate greater than €1,500 per week for support of a civil partner or €500 per week for the support of a dependent child of the civil partners,” 20

(III) in paragraph (b), by the substitution of “Family High Court” for “High Court”, and

(IV) in paragraph (c)—

(A) by the substitution of “Family District Court” for “District Court” in both places where it occurs, and 25

(B) by the substitution of “Family Circuit Court” for “Circuit Court”,

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

“(2A) The Family District Court shall not have jurisdiction to hear and determine proceedings—

(a) under section 4, or 30

(b) for a decree of nullity under section 107.

(2B) Subject to *section 70* of the *Family Courts Act 2024* and subsection (2D), the Family District Court shall not have jurisdiction in civil partnership proceedings under this Act where the market value of any land to which the proceedings relate exceeds €1 million. 35

(2C) Subject to *section 70* of the *Family Courts Act 2024* and subsection (2D), where proceedings are brought in the Family District Court and the court is of the view, on the basis of the evidence before it, that the market value of the land to which the proceedings relate exceeds €1 million, the court shall transfer the proceedings to the Family Circuit Court, but any order made or act done in the course of such 40

- proceedings before such transfer shall be valid unless discharged or varied by order of the Family Circuit Court.
- (2D) The Minister may by order increase the amount referred to in subsections (2B) and (2C) up to a maximum amount of €2 million where he or she considers it appropriate to do so having regard to— 5
- (a) changes in the market value of land,
  - (b) the need to minimise the costs of proceedings, and
  - (c) the guiding principles in *section 8* of the *Family Courts Act 2024*.
- (2E) Every order made by the Minister under subsection (2D) shall be laid before each House of the Oireachtas as soon as may be after it is made 10 and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”
- (iv) in subsection (4), by the substitution of “Family District Court and the Family Circuit Court may be exercised by the judge of the relevant Family District Court district or Family Circuit Court circuit” for “Circuit Court may be exercised by the judge of the circuit”, 15
  - (v) by the deletion of subsection (5),
  - (vi) in subsection (5A), by the substitution of “In this section” for “In subsection (5) and the following subsection”, 20
  - (vii) by the deletion of subsections (5B), (6), (7), (8) and (9), and
  - (viii) by the substitution of the following subsection for subsection (10):
    - “(10) Subject to *section 70* of the *Family Courts Act 2024*, the Family District Court shall have jurisdiction to hear and determine a question 25 arising out of section 34 where the value of the household chattels intended to be disposed of or removed or actually disposed of or removed does not exceed €50,000.”,
  - (i) by the deletion of sections 143 and 144,
  - (j) in section 145, by the substitution of “*section 98* of the *Family Courts Act 2024*” for “section 40 of the Civil Liability and Courts Act 2004”, 30
  - (k) in section 171, in the definition of “court”, by the substitution of “Family High Court, Family Circuit Court or the Family District Court” for “High Court, the Circuit Court or the District Court”,
  - (l) in section 196— 35
    - (i) in subsection (1), by the substitution of “Family Circuit Court has concurrent jurisdiction with the Family High Court” for “Circuit Court has concurrent jurisdiction with the High Court”,
    - (ii) in subsection (2)—

- (I) by the substitution of “Family District Court, and the Family Circuit Court on appeal from the Family District Court, have concurrent jurisdiction with the Family High Court” for “District Court, and the Circuit Court on appeal from the District Court, have concurrent jurisdiction with the High Court”, 5
- (II) by the substitution of the following paragraph for paragraph (a):
- “(a) subject to *section 70* of the *Family Courts Act 2024*, they do not have jurisdiction to make such an order for periodical payments at a rate greater than €1,500 per week,”
- (III) in paragraph (b), by the substitution of “Family High Court” for “High Court”, and 10
- (IV) in paragraph (c)—
- (A) by the substitution of “Family District Court” for “District Court” in both places where it occurs, and
- (B) by the substitution of “Family Circuit Court” for “Circuit Court”, 15
- (iii) by the insertion of the following subsections after subsection (2):
- “(2A) Subject to *section 70* of the *Family Courts Act 2024* and subsection (2C), the Family District Court shall not have jurisdiction in proceedings on applications for orders for redress referred to in section 173 where the market value of any land to which the proceedings relate exceeds €1 million. 20
- (2B) Subject to *section 70* of the *Family Courts Act 2024* and subsection (2C), where proceedings on applications for orders for redress referred to in section 173 are brought in the Family District Court and the court is of the view, on the basis of the evidence before it, that the market value of the land to which the proceedings relate exceeds €1 million, the court shall transfer the proceedings to the Family Circuit Court, but any order made or act done in the course of such proceedings before such transfer shall be valid unless discharged or varied by order of the Family Circuit Court. 25 30
- (2C) The Minister may by order increase the amount referred to in subsections (2A) and (2B) up to a maximum amount of €2 million where he or she considers it appropriate to do so having regard to—
- (a) changes in the market value of land,
- (b) the need to minimise the costs of proceedings, and 35
- (c) the guiding principles in *section 8* of the *Family Courts Act 2024*.
- (2D) Every order made by the Minister under subsection (2C) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.” 40

- (iv) in subsection (5), by the substitution of “Family District Court and Family Circuit Court may be exercised by the judge of the relevant Family District Court district or Family Circuit Court circuit” for “Circuit Court may be exercised by the judge of the circuit”,
- (v) by the deletion of subsection (6), 5
- (vi) in subsection (6A), by the substitution of “In this section” for “In subsection (6) and the following subsection”, and
- (vii) by the deletion of subsections (6B) and (7),
- (m) by the deletion of section 198, and
- (n) in section 199, by the substitution of “*section 98 of the Family Courts Act 2024*” 10  
for “section 40 of the Civil Liability and Courts Act 2004”.

### **Amendment of Act of 2015**

#### **92. The Act of 2015 is amended—**

- (a) in section 21(1), by the substitution of “Family District Court” for “District Court”, 15
  - (b) in section 22—
    - (i) in subsection (1), by the substitution of “Family Circuit Court” for “Circuit Court”,
    - (ii) in subsection (6), by the substitution of “Family Circuit Court” for “Circuit Court”, and 20
    - (iii) in subsection (7), by the substitution of “Family Circuit Court” for “Circuit Court”,
  - (c) in section 35(5), by the substitution of “Family Circuit Court” for “Circuit Court”, and
  - (d) in section 40— 25
    - (i) in subsection (1)—
      - (I) by the substitution of “conferred on the Family District Court” for “conferred on the District Court”, and
      - (II) in paragraph (a), by the substitution of “judge of the Family District Court who is assigned to the Family District Court district” for “judge of the District Court who is assigned to the district court district”, 30
    - (ii) in subsection (2)—
      - (I) by the substitution of “conferred on the Family Circuit Court” for “conferred on the Circuit Court”, and
      - (II) in paragraph (a), by the substitution of “judge of the Family Circuit Court circuit” for “judge of the circuit”, 35
- and



- (iii) in subsection (3), by the substitution of “Family Circuit Court by section 32 shall be exercised by the judge of the Family Circuit Court circuit” for “Circuit Court by section 32 shall be exercised by the judge of the circuit”.

**Amendment of Act of 2018**

- 93. The Act of 2018 is amended— 5
  - (a) in section 2(1), in the definition of “court” by the substitution of “Family District Court or the Family Circuit Court” for “District Court or the Circuit Court”,
  - (b) in section 6—
    - (i) in subsection (4), by the substitution of “Family District Court or by the Family Circuit Court on appeal from the Family District Court” for “District Court or by the Circuit Court on appeal from the District Court”, 10
    - (ii) in subsection (5), by the substitution of “Family District Court, or by the Family Circuit Court on appeal from the Family District Court” for “District Court, or by the Circuit Court on appeal from the District Court”, and
    - (iii) in subsection (6), by the substitution of “Family District Court, or by the Family Circuit Court on appeal from the Family District Court” for “District Court, or by the Circuit Court on appeal from the District Court”, 15
  - (c) in section 7—
    - (i) in subsection (8), by the substitution of “Family District Court, or by the Family Circuit Court on appeal from the Family District Court” for “District Court, or by the Circuit Court on appeal from the District Court”, 20
    - (ii) in subsection (9), by the substitution of “Family District Court, or by the Family Circuit Court on appeal from the Family District Court” for “District Court, or by the Circuit Court on appeal from the District Court”, and
    - (iii) in subsection (10), by the substitution of “Family District Court, or by the Family Circuit Court on appeal from the Family District Court” for “District Court, or by the Circuit Court on appeal from the District Court”, 25
  - (d) in section 22(1)—
    - (i) in paragraph (a), by the substitution of “Family Circuit Court, by the judge of the Family Circuit Court within whose Family Circuit Court circuit” for “Circuit Court, by the judge of the Circuit Court within whose circuit”, and 30
    - (ii) in paragraph (b), by the substitution of “Family District Court, by a judge of the Family District Court for the time being assigned to the Family District Court district” for “District Court, by a judge of the District Court for the time being assigned to the district court district”, 35
  - (e) in section 23—
    - (i) in subsection (3)—
      - (I) in paragraph (a), by the substitution of “Proceedings under section 24” for “Civil proceedings under this Act”, and

- (II) in paragraph (b), by the substitution of “proceedings under section 24” for “civil proceedings under this Act”,
- and
- (ii) by the deletion of subsections (4) to (6),
- (f) in section 24— 5
  - (i) in subsection (1)—
    - (I) by the substitution of “special sitting of the Family District Court or the District Court” for “special sitting of the District Court”, and
    - (II) in paragraph (b), by the substitution of “Family District Court sitting in the Family District Court district or District Court sitting in the district court district” for “District Court sitting in the district court district”, 10
  - (ii) in subsection (3)—
    - (I) by the substitution of “judge of the Family District Court” for “judge of the District Court” and
    - (II) by the substitution of “special sittings of the Family District Court in the Family District Court district or of the District Court in the district court district” for “special sittings of the District Court in the district court district”, 15
  - and
  - (iii) by the substitution of the following subsection for subsection (4): 20
    - “(4) In this section, ‘special sitting’ means a sitting—
      - (a) of the District Court at a place and time not standing appointed for the time being under section 26 of the Courts of Justice Act 1953 or section 40 or 42 of the Courts (Supplemental Provisions) Act 1961 for the transaction of the business of the District Court, or 25
      - (b) of the Family District Court at a place and time not standing appointed for the time being under section 26B (inserted by *section 40* of the *Family Courts Act 2024*) of the Courts of Justice Act 1953 to sit to hear and determine family law proceedings.”,
    - and 30
- (g) in section 25—
  - (i) in subsection (3), by the substitution of “Family Circuit Court circuit or Family District Court district” for “circuit court or district court district” in both places where it occurs, and
  - (ii) in subsection (4)— 35
    - (I) in paragraph (a), by the substitution of “Family Circuit Court, by the judge of the Family Circuit Court circuit” for “Circuit Court, by the judge of the circuit” and

- (II) in paragraph (b), by the substitution of “Family District Court, by the judge of that court for the time being assigned to the Family District Court district” for “District Court, by the judge of that court for the time being assigned to the district court district”.

**Amendment of Regulations of 2011**

5

**94. The Regulations of 2011 are amended—**

- (a) in Regulation 2, in paragraph (b)(ii) of the definition of “enforcement order”, by the substitution of “Family High Court” for “High Court”,
- (b) in Regulation 3—
  - (i) by the substitution of “The Family Circuit Court or the Family District Court” for “The Circuit Court or the District Court”, 10
  - (ii) in paragraph (a), by the substitution of “Family Circuit Court, to the Family Circuit Court circuit” for “Circuit Court, to the circuit”, and
  - (iii) in paragraph (b), by the substitution of “Family District Court, to the Family District Court district” for “district court district”, 15
- (c) in Regulation 4—
  - (i) by the substitution of “The Family Circuit Court or the Family District Court” for “The Circuit Court or the District Court”,
  - (ii) in paragraph (a), by the substitution of “Family Circuit Court, to the Family Circuit Court circuit” for “Circuit Court, to the circuit”, and 20
  - (iii) in paragraph (b), by the substitution of “Family District Court, to the Family District Court district” for “District Court, to the district court district”,
- (d) in Regulation 5, by the substitution of “Family High Court” for “High Court”,
- (e) in Regulation 8—
  - (i) in paragraph (1), by the substitution of “Family District Court” for “District Court”, and 25
  - (ii) in paragraph (2), by the substitution of “Family District Court” for “District Court”,
- (f) in Regulation 9—
  - (i) in paragraph (5), by the substitution of “as a judgment of the Family High Court and such a decision may be enforced by the Family High Court” for “as a judgment of the High Court and such a decision may be enforced by the High Court”, and 30
  - (ii) in paragraph (7), by the substitution of “Family District Court” for “District Court”, 35
- (g) in Regulation 10—
  - (i) in paragraph (1), by the substitution of “Family District Court” for “District Court”,

- (ii) in paragraph (2), by the substitution of “Family District Court” for “District Court”,
- (iii) in paragraph (3), by the substitution of “Family District Court” for “District Court”,
- (iv) in paragraph (7)— 5
  - (I) by the substitution of “Family District Court” for “District Court”, and
  - (II) by the substitution of “Family District Court district” for “district court district” in both places where it occurs,
- (v) in paragraph (8)—
  - (I) in paragraph (a), by the substitution of “Family District Court district” for “district court area”, and 10
  - (II) in paragraph (b), by the substitution of “the Family District Court” for “the District Court”,
- (vi) in paragraph (9), by the substitution of “to the Family District Court” for “to the District Court”, and 15
- (vii) in paragraph (13), by the substitution of “Family District Court district” for “district court area”,
- (h) in Regulation 12—
  - (i) in paragraph (1), by the substitution of “Family High Court” for “High Court”, 20
  - (ii) in paragraph (2), by the substitution of “Family High Court” for “High Court”, and
  - (iii) in paragraph (3), by the substitution of “Family High Court has power” for “High Court has power”,
- (i) in Regulation 14(3), by the substitution of “Family High Court” for “High Court”, 25
- (j) in Regulation 17—
  - (i) in paragraph (5), by the substitution of “Family District Court district” for “district court area”, and
  - (ii) in paragraph (6), by the substitution of “Family District Court district” for “district court area”, 30
- (k) in Regulation 18, by the substitution of “Family District Court” for “District Court”,
- (l) in Regulation 19—
  - (i) in paragraph (2), by the substitution of “Family District Court” for “District Court”, and 35
  - (ii) in paragraph (3), by the substitution of “Family District Court by paragraph (2) may be exercised by the judge of the Family District Court for the time

being assigned to the Family District Court district” for “District Court by subsection (2) may be exercised by the judge of the District Court for the time being assigned to the district court district”,

and

- (m) in Regulation 23(1), by the substitution of “Family District Court” for “District Court”. 5

### **Amendment of Regulations of 2019**

**95.** The Regulations of 2019 are amended—

(a) in Regulation 2—

- (i) in the definition of “declaration of enforceability”, by the substitution of “Family High Court” for “High Court”, and 10  
(ii) in the definition of “recognition order”, by the substitution of “Family High Court” for “High Court”,

(b) in Regulation 3—

- (i) in paragraph (1)— 15  
(I) by the substitution of “Family District Court” for “District Court”, and  
(II) by the substitution of “Family District Court district” for “district court district” in both places where it occurs,  
(ii) in paragraph (2), by the substitution of “Family District Court district” for “district court area”, and 20  
(iii) in paragraph (3), by the substitution of “Family District Court district” for “district court area” in both places where it occurs,

(c) in Regulation 10(2), by the substitution of “Family District Court” for “District Court”,

(d) in Regulation 11, by the substitution of “Family District Court” for “District Court” in each place where it occurs, 25

(e) in Regulation 12—

- (i) in paragraph (10), by the substitution of “Family High Court which may be enforced by the Family High Court” for “High Court which may be enforced by the High Court”, 30  
(ii) in paragraph (11), by the substitution of “Family District Court” for “District Court”,  
(iii) in paragraph (12), by the substitution of “judgment of the Family High Court and such a decision, to the extent it is the subject of that enforceable maintenance order, may be enforced by the Family High Court” for “judgement of the High Court and such a decision, to the extent it is the subject of that enforceable maintenance order, may be enforced by the High Court”, and 35

- (iv) in paragraph (18), by the substitution of “Family High Court” for “High Court”,
- (f) in Regulation 13, by the substitution of “Family High Court, an appeal shall, by leave of the Family High Court” for “High Court, an appeal shall, by leave of the High Court”, 5
- (g) in Regulation 14—
  - (i) in paragraph (2), by the substitution of “Family District Court” for “District Court”,
  - (ii) in paragraph (4), by the substitution of “Family District Court” for “District Court” in both places where it occurs, 10
  - (iii) in paragraph (5), by the substitution of “Family District Court” for “District Court” in both places where it occurs, and
  - (iv) in paragraph (8)(b), by the substitution of “Family District Court” for “District Court”,
- (h) in Regulation 15, by the substitution of “Family High Court” for “High Court” in each place where it occurs, 15
- (i) in Regulation 16—
  - (i) in paragraph (3), by the substitution of “Family District Court” for “District Court”,
  - (ii) in paragraph (4), by the substitution of “Family District Court for the time being assigned to the Family District Court district” for “District Court for the time being assigned to the district court district”, 20
  - (iii) in paragraph (5), by the substitution of “Family District Court is requested to take evidence under paragraph (3), a district court clerk for the Family District Court district” for “District Court is requested to take evidence under paragraph (3), a district court clerk for the district court area”, 25
  - (iv) in paragraph (6), by the substitution of “Family District Court” for “District Court” in both places where it occurs,
  - (v) in paragraph (7), by the substitution of “Family District Court” for “District Court”, and 30
  - (vi) in paragraph (8), by the substitution of “Family District Court” for “District Court”,
- and
- (j) in Regulation 19—
  - (i) in paragraph (5), by the substitution of “Family District Court” for “District Court”, and 35
  - (ii) in paragraph (7), by the substitution of “Family District Court may be exercised by the judge of that Court for the time being assigned to the Family District Court district” for “District Court may be exercised by the judge of that Court for the time being assigned to the district court district”. 40

## **Amendment of Regulations of 2022**

96. The Regulations of 2022 are amended—
- (a) in Regulation 4, by the substitution of “Family High Court” for “High Court” in both places where it occurs, and
  - (b) in Regulation 5, by the substitution of “Family High Court” for “High Court”. 5

## PART 9

### PROTECTION FOR PARTIES TO PROCEEDINGS

#### **Definitions (*Part 9*)**

97. In this Part—
- “broadcast” has the same meaning as it has in section 2 of the Broadcasting Act 2009; 10
- “publish” means publish, other than by way of broadcast, to the public or a portion of the public;
- “relevant enactment” means any of the following provisions:
- (a) section 2(1B) (inserted by section 20 of the Act of 1971) of the Legitimacy Act 1931; 15
  - (b) section 45 of the Act of 1961 (in so far as it relates to matrimonial causes or matters, or minor matters);
  - (c) section 25 of the Family Law (Maintenance of Spouses and Children) Act 1976;
  - (d) section 10 of the Act of 1976;
  - (e) section 36 of the Act of 1987; 20
  - (f) section 34 of the Act of 1989;
  - (g) section 7 of the Act of 1994;
  - (h) section 38 of the Family Law Act 1995;
  - (i) section 38 of the Act of 1996;
  - (j) sections 23 and 36 of the Act of 2018; 25
  - (k) section 18, 30, 31, 49, 54 or 92 of the Adoption Act 2010;
  - (l) section 145 or 199 of the Act of 2010.

#### **Proceedings heard otherwise than in public**

98. (1) In this section, “court” includes the Master of the High Court.
- (2) Nothing contained in a relevant enactment shall operate to prohibit— 30
- (a) the preparation by a practising barrister or a practising solicitor or a person falling within any other class of persons as may be prescribed and publication of a report of proceedings to which the relevant enactment relates, or

- (b) the publication of the decision of the court in such proceedings,  
in accordance with rules of court, provided that the report or decision does not contain  
any information which would enable the parties to the proceedings or any child to  
which the proceedings relate to be identified and, accordingly, unless in the special  
circumstances of the matter the court, for reasons which shall be specified in the 5  
direction, otherwise directs, a person referred to in *paragraph (a)* may, for the  
purposes of preparing such a report—
- (i) attend the proceedings, and  
(ii) have access to any relevant documents,  
subject to any directions the court may give in that behalf. 10
- (3) (a) Subject to *paragraph (b)*, nothing contained in a relevant enactment shall operate  
to prohibit *bona fide* representatives of the Press from attending proceedings to  
which the relevant enactment relates.
- (b) Subject to *paragraphs (c)* and *(d)*, where, in proceedings under a relevant  
enactment, a court is satisfied that it is necessary to do so— 15
- (i) in order to preserve the anonymity of a party to the proceedings or any child  
to whom the proceedings relate,  
(ii) by reason of the nature or circumstances of the case, or  
(iii) as it is otherwise necessary in the interests of justice,  
the court may, of its own motion, or on application to it by a party to the 20  
proceedings or by a person on behalf of a child to whom the proceedings relate,  
by order—
- (I) exclude, or otherwise restrict the attendance of, *bona fide* representatives of  
the Press from the court during the hearing or particular parts of it, or  
(II) prohibit or restrict the publication or broadcasting of any evidence given or 25  
referred to during the proceedings or any part of such evidence,  
and any such order may, with regard to any restriction, contain such conditions as  
the court considers appropriate.
- (c) In determining whether or not to make an order under *paragraph (b)*, a court shall  
have regard to the desirability of promoting public confidence in the 30  
administration of justice and to any other matter that appears to it to be relevant  
and shall, in particular, have regard to the following:
- (i) the best interests of a child to whom the proceedings relate;  
(ii) the views, if any, of— 35
- (I) a party to the proceedings, and  
(II) a child to whom the proceedings relate who is, in the opinion of the  
court, capable of forming his or her own views;  
(iii) whether information given or likely to be given in evidence is sensitive  
personal information;



- (iv) the extent to which the attendance of *bona fide* representatives of the Press might inhibit or cause undue distress to a party to the proceedings or a child to whom the proceedings relate by reason of the emotional condition or any medical condition, physical impairment or intellectual disability of the party or the child concerned; 5
  - (v) the need to protect a party to the proceedings or a child to whom the proceedings relate against coercion, intimidation or harassment;
  - (vi) whether information given or likely to be given in evidence might be prejudicial to a criminal investigation or criminal proceedings;
  - (vii) whether information given or likely to be given in evidence is commercially sensitive information; 10
  - (viii) whether information of the type referred to in *subparagraphs (iii), (vi) and (vii)* when taken together with other information would, if published or broadcast, be likely to lead members of the public to identify a party to the proceedings or a child to whom the proceedings relate. 15
- (d) In considering the views of a child referred to in *clause (II) of paragraph (c)(ii)*, a court shall take account of the age and level of maturity of the child concerned.
- (e) Where evidence in proceedings to which a relevant enactment relates concerns a matter referred to in *subparagraph (vi) of paragraph (c)*, an application under *paragraph (b)* may be made by or on behalf of the Director of Public Prosecutions. 20
- (f) In this subsection—
- “commercially sensitive information” means—
- (i) financial, commercial, scientific, technical or other information the disclosure of which could reasonably be expected to result in a material financial loss or gain to the person to whom it relates, or could prejudice the competitive position of that person in the conduct of his or her business or otherwise in his or her occupation, or 25
  - (ii) information the disclosure of which could prejudice the conduct or outcome of contractual or other negotiations of the person to whom it relates; 30
- “party to the proceedings” includes a witness in the proceedings;
- “sensitive personal information” means information about a person that would, in the ordinary course of events, be known only to the person or members of the family, or friends, of the person, and includes but is not limited to—
- (i) information relating to the medical, psychiatric or psychological history of the person, 35
  - (ii) information relating to the tax affairs of the person, and
  - (iii) information relating to the sexual conduct or sexual orientation of the person.
- (4) Nothing contained in a relevant enactment shall operate to prohibit a party to proceedings to which the enactment relates from supplying copies of, or extracts 40

- from, orders made in the proceedings to such persons and in accordance with such conditions (if any) as may be prescribed.
- (5) Nothing contained in a relevant enactment shall operate to prohibit a party to proceedings to which the enactment relates from being accompanied, in such proceedings, in court by another person subject to the approval of the court and any directions it may give in that behalf. 5
- (6) Nothing contained in an enactment that prohibits proceedings to which the enactment relates from being heard in public shall operate to prohibit the production of a document prepared for the purposes or in contemplation of such proceedings or given in evidence in such proceedings to— 10
- (a) a body or other person when it, or he or she, is performing functions under any enactment consisting of the conducting of a hearing, inquiry or investigation in relation to, or adjudicating on, any matter, or
- (b) such body or other person as may be prescribed, when the body or person concerned is performing functions consisting of the conducting of a hearing, inquiry or investigation in relation to, or adjudicating on, any matter as may be so prescribed. 15
- (7) Nothing contained in an enactment that prohibits proceedings to which the enactment relates from being heard in public shall operate to prohibit the giving of information or evidence given in such proceedings to— 20
- (a) a body or other person when it, or he or she, is performing functions under any enactment consisting of the conducting of a hearing, inquiry or investigation in relation to, or adjudicating on, any matter, or
- (b) such body or other person as may be prescribed, when the body or person concerned is performing functions consisting of the conducting of a hearing, inquiry or investigation in relation to, or adjudicating on, any matter as may be so prescribed. 25
- (8) The leave of a court shall not be required for—
- (a) the production of a document in accordance with *subsection (6)*, or
- (b) the giving of information or evidence in accordance with *subsection (7)*. 30
- (9) A court hearing proceedings under a relevant enactment shall, of its own motion or on the application of one of the parties to the proceedings, have discretion to order disclosure of documents, information or evidence connected with or arising in the course of the proceedings to third parties if such disclosure is required to protect the legitimate interests of a party or other person affected by the proceedings. 35
- (10) A hearing, inquiry or investigation referred to in *subsection (6)* or *(7)* shall, in so far as it relates to a document referred to in *subsection (6)* or information or evidence referred to in *subsection (7)*, be conducted otherwise than in public and no such document, information or evidence shall be published.
- (11) This section shall apply to proceedings brought, and decisions of a court made, whether before or after the commencement of this section. 40

- (12) In *subsection (2)*, “relevant documents”, in relation to any proceedings referred to in that subsection means any of the following documents (other than where the contents of any such document are expressed to be without prejudice or in terms having a like effect):
- (a) the petition, summons or other originating document in the proceedings; 5
  - (b) pleadings and other documents (including the terms of settlement, if any) produced to or lodged with the court, or included in the book of pleadings, in the course of the proceedings;
  - (c) reports prepared in the course of the proceedings and produced to, or lodged with, the court; 10
  - (d) any order made by the court in the proceedings.

### **Prohibition on publication or broadcast of certain matters**

99. (1) No person shall publish or broadcast or cause to be published or broadcast any information about a matter which would be likely to lead members of the public to identify the parties to proceedings to which a relevant enactment relates or any child to whom those proceedings relate. 15
- (2) If any matter is published or broadcast in contravention of *subsection (1)*, each of the following persons, namely:
- (a) in the case of publication in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical; 20
  - (b) in the case of any other publication, the person who publishes it;
  - (c) in the case of a broadcast, any person who transmits or provides the programme in which the broadcast is made and any person having functions in relation to the programme corresponding to those of an editor of a newspaper,
- shall be guilty of an offence and shall be liable— 25
- (i) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months or both, or
  - (ii) on conviction on indictment, to a fine not exceeding €50,000 or to imprisonment for a term not exceeding 3 years or both.
- (3) (a) Where an offence under this section is committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person, as well as the body corporate, shall be guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence. 30 35
- (b) Where the affairs of a body corporate are managed by its members, *paragraph (a)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate. 40

- (4) Nothing in this section shall affect the law as to contempt of court.
- (5) It shall be a defence for a person who is charged with an offence under this section to prove that at the time of the alleged offence the person was not aware, and neither suspected nor had reason to suspect, that the matter alleged to have been published or broadcast was a matter specified in this section.

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**Limitation on personal cross-examination by applicant or respondent in family law proceedings**

**100.** (1) Where, in family law proceedings (other than proceedings under the Act of 2018)—

(a) a person under the age of 18 years is to give evidence, and

(b) the applicant or respondent proposes to cross-examine the person referred to in *paragraph (a)* personally,

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the court shall direct that the applicant or the respondent, as the case may be, may not personally cross-examine the witness unless the court is of the opinion that the interests of justice require the applicant or the respondent to conduct the cross-examination personally.

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(2) Where, in family law proceedings (other than proceedings under the Act of 2018)—

(a) an applicant or a respondent who has attained the age of 18 years is to give evidence, and

(b) the other party to the proceedings proposes to cross-examine the person referred to in *paragraph (a)* personally,

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the court may direct that the applicant or the respondent, as the case may be, may not personally cross-examine the witness unless the court is of the opinion that the interests of justice require the applicant or respondent to conduct the cross-examination personally.

(3) Where an applicant or respondent, as the case may be, is prevented from cross-examining a witness by virtue of *subsection (1) or (2)*, the court shall—

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(a) give reasons for its decision,

(b) invite the applicant or respondent to arrange for a legal representative to act for him or her for the purpose of cross-examining the witness, and

(c) require the applicant or respondent to notify the court, by the end of such period as it may specify, as to whether a legal representative is to act for him or her for that purpose.

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(4) If, by the end of the period referred to in *subsection (3)(c)*, the applicant or respondent has notified the court that no legal representative is to act for him or her for the purpose of cross-examining the witness or no notification has been received by the court and it appears to the court that no legal representative is to so act, the court shall consider whether it is necessary, in the interests of justice, for the witness to be cross-examined by a legal representative appointed to act for the applicant or respondent for that purpose.

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- (5) If the court decides under *subsection (4)* that it is necessary, in the interests of justice, for the witness to be cross-examined by a legal representative appointed to act for the applicant or respondent for that purpose, the court shall appoint a legal representative (chosen by the court) to cross-examine the witness on behalf of the applicant or respondent.

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### **Amendment of section 28 of Civil Legal Aid Act 1995**

**101.** Section 28(5D) of the Civil Legal Aid Act 1995 is amended—

- (a) in paragraph (a), by the substitution of “Act,” for “Act, or”,
- (b) in paragraph (b), by the insertion of “or” after “Act,”, and
- (c) the insertion of the following paragraph after paragraph (b):

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“(c) an applicant or respondent (within the meaning of the *Family Courts Act 2024*) is prevented from conducting a cross-examination referred to in *section 100* of that Act,”.

## PART 10

### TRANSITIONAL PROVISIONS

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#### **Definitions (*Part 10*)**

**102.** In this Part, “operative date”, in relation to a provision, means the date on which the provision comes into operation and includes the date on which the provision comes into operation, in accordance with *section 1(2)(b)*, in respect of a particular court, a particular Family Circuit Court circuit or a particular Family District Court district.

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#### **Continuity and enforcement of administration of justice not affected**

**103.** The continuity of the administration and enforcement of justice shall not be interrupted by the coming into operation of any provision of this Act, including its coming into operation in accordance with *section 1(2)(b)* in respect of a particular court, a particular Family Circuit Court circuit or a particular Family District Court district.

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#### **General transitional provisions**

**104.** (1) The High Court shall, as regards any family law proceedings before it that have been—

- (a) initiated before the operative date, and
- (b) heard in full or in part by that Court on or before that date,

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continue to have jurisdiction in respect of the proceedings and, accordingly, the High Court may—

- (i) determine and pronounce judgment in respect of those proceedings, or

- (ii) transfer the proceedings to the Family High Court, where it is satisfied that it is appropriate to so transfer.
- (2) The Circuit Court shall, as regards any family law proceedings before it—
- (a) that have been initiated before the operative date, and
  - (b) regardless of whether such proceedings have been heard in full or in part by that Court on or before that date,
- continue to have jurisdiction in respect of the proceedings and, accordingly, the Circuit Court may—
- (i) determine and pronounce judgment in respect of those proceedings, or
  - (ii) transfer the proceedings to the Family Circuit Court to be heard by the judge of the Family Circuit Court circuit in which one of the parties to the proceedings ordinarily resides or carries on any profession, business or occupation, where it is satisfied that it is appropriate to so transfer.
- (3) The District Court shall, as regards any family law proceedings before it—
- (a) that have been initiated before the operative date, and
  - (b) regardless of whether such proceedings have been heard in full or in part by that Court on or before that date,
- continue to have jurisdiction in respect of the proceedings and, accordingly, the District Court may—
- (i) determine and pronounce judgment in respect of those proceedings, or
  - (ii) transfer the proceedings to the Family District Court to be heard by the judge of the Family District Court district in which one of the parties to the proceedings ordinarily resides or carries on any profession, business or occupation, where it is satisfied that it is appropriate to so transfer.
- (4) The High Court shall, as regards any family law proceedings before it that—
- (a) have been initiated before the operative date, and
  - (b) have not been heard in full or in part by that Court on or before that date,
- transfer the proceedings to the Family High Court.
- (5) For the avoidance of doubt, where a court (in this subsection referred to as the “transferring court”) transfers proceedings under this section, the court to which the proceedings are transferred shall retain the power under any enactment or rule of law to transfer the proceedings to another court, other than the transferring court.
- (6) (a) For the purposes of *subsections (1), (2) and (3)*, proceedings shall not be taken to have been heard in part by reason only of the High Court, the Circuit Court or the District Court, as the case may be, having heard an interlocutory application relating to the proceedings or unless the proceedings are confined to a procedural matter, the High Court, the Circuit Court or the District Court, as the case may be, having heard any procedural application or motion relating to the proceedings.

- (b) Where, however, an order has been made by the High Court, Circuit Court or District Court, in relation to an interlocutory application, procedural application or motion concerning proceedings which are subsequently determinable by the Family High Court, Family Circuit Court or Family District Court, as the case may be, the validity of the order shall not be affected by the transfer of the proceedings to the Family High Court, Family Circuit Court or Family District Court. 5
- (7) For the purposes of *subsections (1), (2) and (3)*, in so far as is practicable, the judge of the High Court, Circuit Court or District Court seised of the family law proceedings on the operative date shall be the judge who continues to have jurisdiction in respect of the proceedings regardless of whether the judge concerned is assigned to the Family High Court, Family Circuit Court or Family District Court, as the case may be, on that date. 10

**Transitional provision for appeals in family law proceedings**

- 105.** (1) The High Court shall, as regards an appeal of a decision of the Circuit Court in family law proceedings that has been— 15
- (a) lodged before the operative date, and
  - (b) heard in full or in part by the High Court on or before that date,
- continue to have jurisdiction in respect of the appeal and, accordingly, may determine and pronounce judgment in respect of that appeal. 20
- (2) The Circuit Court shall, as regards an appeal of a decision of the District Court in family law proceedings that has been—
- (a) lodged before the operative date, and
  - (b) heard in full or in part by the Circuit Court on or before that date,
- continue to have jurisdiction in respect of the appeal and, accordingly, may determine and pronounce judgment in respect of that appeal. 25
- (3) The High Court shall, as regards an appeal of a decision of the Circuit Court in family law proceedings that—
- (a) has been lodged before the operative date, and
  - (b) has not been heard in full or in part by the High Court on or before that date,
- transfer the appeal to the Family High Court. 30
- (4) The Circuit Court shall, as regards an appeal of a decision of the District Court in family law proceedings that—
- (a) has been lodged before the operative date, and
  - (b) has not been heard in full or in part by the Circuit Court on or before that date,
- continue to have jurisdiction in respect of the appeal and, accordingly, may— 35
- (i) determine and pronounce judgment in respect of that appeal, or

- (ii) transfer the appeal to the Family Circuit Court to be heard by the Family Circuit Court by the judge of the Family Circuit Court circuit in which one of the parties to the proceedings ordinarily resides or carries on any profession, business or occupation.
- (5) For the purposes of this section, an appeal shall not be taken to have been heard in part by reason only of the High Court or the Circuit Court, as the case may be, having heard an interlocutory application relating to the appeal or, unless the appeal is confined to a procedural matter, the High Court or the Circuit Court, as the case may be, having heard any procedural application or motion relating to the appeal. 5
- (6) Where an order has been made by the High Court or Circuit Court in relation to an interlocutory application, procedural application or motion concerning an appeal in family law proceedings which is subsequently determinable by the Family High Court or Family Circuit Court on or after the operative date, the validity of the order shall not be affected by the transfer of the appeal to the Family High Court or Family Circuit Court. 15
- (7) Where the Court of Appeal or Supreme Court makes an order on or after the operative date requiring the High Court, Circuit Court or District Court, as the case may be, to re-hear in whole or in part, family law proceedings, such proceedings may be transferred by the Court of Appeal or Supreme Court to the Family High Court, the Family Circuit Court or the Family District Court for a re-hearing. 20

**General transitional provision validating any court orders, etc. made by District Court, Circuit Court or High Court in family law proceedings**

- 106.** (1) For the purposes of any family law proceedings initiated on or after the operative date—
- (a) an order, 25
  - (b) a declaration,
  - (c) an appointment,
  - (d) a direction,
  - (e) an application,
  - (f) a deposition, 30
  - (g) a certificate,
  - (h) a decree,
  - (i) an annulment,
  - (j) a dissolution,
  - (k) an exemption, 35
  - (l) a judgment, or
  - (m) a decision,

made in family law proceedings by the High Court, Circuit Court or District Court which is in effect immediately before that date shall be deemed to have been made by



the Family High Court, Family Circuit Court or Family District Court, as the case may be.

(2) For the purposes of any family law proceedings initiated on or after the operative date, an order made in a state other than the State which—

(a) was deemed to be— 5

(i) an order made in the State, or

(ii) of the same effect as an order of the High Court, the Circuit Court or the District Court, as the case may be,

and

(b) is in effect immediately before that date, 10

shall be valid and enforceable by the Family High Court, the Family Circuit Court or the Family District Court, as the case may be.

## SCHEDULE 1

## REPEALS

## ACTS REPEALED

<b>Item (1)</b>	<b>Number and Year (2)</b>	<b>Short Title (3)</b>	<b>Extent of Repeal (4)</b>
1.	No. 32 of 1953	Courts of Justice Act 1953	Section 31
2.	No. 11 of 1981	Courts Act 1981	Sections 5 and 16
3.	No. 6 of 1991	Child Abduction and Enforcement of Custody Orders Act 1991	Section 39(2)
4.	No. 31 of 2004	Civil Liability and Courts Act 2004	Sections 40 and 40A

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SCHEDULE 2

Section 6

AMENDMENTS OF MISCELLANEOUS ENACTMENTS

Item (1)	Number and Year (2)	Short title (3)	Section (4)	Amendment (5)	
1.	No. 1 of 1970	Health Act 1970	Section 64(3)	By the substitution of “Family Circuit Court or the Family District Court” for “Circuit Court or the District Court”.	5 10
2.	No. 26 of 1986	Courts (No. 2) Act 1986	Section 5(2)	By the substitution of “Family District Court” for “District Court”.	
3.	No. 6 of 1993	Criminal Justice Act 1993	Section 7(2)(ii)(I)(B)	By the substitution of “Family District Court” for “District Court”.	15
4.	No. 40 of 1997	Children Act 1997	Section 27	(a) In paragraph (a), by the substitution of “Family Circuit Court, by the judge of the Family Circuit Court circuit” for “Circuit Court, by the judge of the circuit”, and  (b) in paragraph (b), by the substitution of “Family District Court, by the judge of that court for the time being assigned to the Family District Court district” for “District Court, by the judge of that court for the time being assigned to the district court district”.	20 25 30 35
5.	No. 8 of 1998	Courts Service Act 1998	Section 6(2)(ga)	By the insertion of “the Family Law Rules Committee or the Family Law Sub-committees,” after “the Superior Courts Rules Committee.”.	40
6.	No. 31 of 2004	Civil Liability and Courts Act 2004	Section 39	By the deletion of the definitions of “Act of 2010”, “broadcast”, “publish” and “relevant enactment”.	45
7.	No. 26 of 2005	Social Welfare Consolidation Act 2005	Section 51(2)	By the substitution of “Family Circuit Court or the Family District Court” for “Circuit Court or the District Court”.	50

Item (1)	Number and Year (2)	Short title (3)	Section (4)	Amendment (5)	
			Section 142A(4)(d)	(a) In subparagraph (i), by the substitution of “Family High Court or the High Court” for “High Court”, and  (b) in subparagraph (ii) (I), by the substitution of “Family District Court or the Family Circuit Court on appeal from the Family District Court made under Part III, IV, or VI” for “District Court or the Circuit Court on appeal from the District Court made under Part III, IV, IVA, (inserted by section 16 of the Children Act 2001) or VI”.	5  10  15  20
			Section 197(3) (b)	(a) In subparagraph (i), by the substitution of “Family High Court or the High Court” for “High Court”, and  (b) in subparagraph (ii), by the substitution of “Family District Court or the Family Circuit Court on appeal from the Family District Court made under Part III, IV, or VI” for “District Court or the Circuit Court on appeal from the District Court made under Part III, IV, IVA, (inserted by section 16 of the Children Act 2001) or VI”.	25  30  35  40
			Section 346	By the substitution of “Family District Court” for “District Court” in each place where it occurs.	45
			Sections 347(1), (3) and (4)	By the substitution of “Family District Court” for “District Court” in each place where it occurs.	50

Item (1)	Number and Year (2)	Short title (3)	Section (4)	Amendment (5)	
			Section 348(2)	By the substitution of “Family District Court” for “District Court”.	5
			Section 350	By the substitution of “Family District Court” for “District Court” in each place where it occurs.	10
			Section 351	By the substitution of “Family District Court” for “District Court” in each place where it occurs.	15
			Section 352	By the substitution of “Family District Court” for “District Court” in both places where it occurs.	20
			Section 354(1)	By the substitution of “The Family District Court that made an attachment of earnings order” for “The District Court that made an attachment of earnings order”.	25
			Section 356(2)	By the substitution of “Family District Court” for “District Court”.	30
8.	No. 31 of 2009	Defamation Act 2009	Section 17(2) (j)	By the substitution of “ <i>section 98 of the Family Courts Act 2024</i> ” for “section 40 of the Civil Liability and Courts Act 2004”.	35
9.	No. 21 of 2010	Adoption Act 2010	Section 18	By the substitution of “Family High Court” for “High Court” in each place where it occurs.	40
			Section 26	By the substitution of “Family High Court” for “High Court” in each place where it occurs.	45
			Section 27(1) (a)(iii)	By the substitution of “Family High Court” for “High Court”.	
			Section 30	By the substitution of “Family High Court” for “High Court” in both places where it occurs.	50

<b>Item (1)</b>	<b>Number and Year (2)</b>	<b>Short title (3)</b>	<b>Section (4)</b>	<b>Amendment (5)</b>	
			Section 31	By the substitution of “Family High Court” for “High Court” in each place where it occurs.	5
			Section 49	By the substitution of “Family High Court” for “High Court” in each place where it occurs.	10
			Section 53	By the substitution of “Family High Court” for “High Court” in each place where it occurs.	15
			Section 54	By the substitution of “Family High Court” for “High Court” in each place where it occurs.	
			Section 55	By the substitution of “Family High Court” for “High Court” in each place where it occurs.	20
			Section 56(2)	(a) In paragraph (a), by the substitution of “Family High Court” for “High Court”, and (b) in paragraph (b), by the substitution of “by the Family High Court” for “by the High Court”.	25 30
			Section 56(3)	(a) In paragraph (a), by the substitution of “Family High Court” for “High Court” in both places where it occurs, and (b) in paragraph (b), by the substitution of “by the Family High Court” for “by the High Court”.	35 40
			Section 68(2) (b)	By the substitution of “Family High Court” for “High Court”.	
			Section 69(2) (b)	By the substitution of “Family High Court” for “High Court”.	45
			Section 78(2) (b)	By the substitution of “Family High Court” for “High Court”.	
			Section 79(2) (b)	By the substitution of “Family High Court” for “High Court”.	50

Item (1)	Number and Year (2)	Short title (3)	Section (4)	Amendment (5)	
			Section 90	By the substitution of “Family High Court” for “High Court” in both places where it occurs.	5
			Section 92	By the substitution of “Family High Court” for “High Court” in each place where it occurs.	10
10.	No. 25 of 2015	Gender Recognition Act 2015	Section 2	In the definition of “court”, by the substitution of “Family Circuit Court” for “Circuit Family Court”.	15

## BILLE

(mar a leasáidh i gCoiste)

dá ngairtear

Acht do dhéanamh sócrú maidir le hArd-Chúirt Teaghlaigh, Cúirt Teaghlaigh Chuarda agus Cúirt Teaghlaigh Dúiche a bhunú mar rannán den Ard-Chúirt, den Chúirt Chuarda agus den Chúirt Dúiche láithreach; do dhéanamh sócrú maidir le dlínse in imeachtaí dlí teaghlaigh a athleithroinnt idir na cúirteanna teaghlaigh; do dhéanamh sócrú maidir le Príomh-Bhreithiúna agus breithiúna eile a shannadh do na cúirteanna teaghlaigh; do dhéanamh sócrú maidir le cuarda Cúirte Teaghlaigh Chuarda agus dúichí Cúirte Teaghlaigh Dúiche a bhunú; do dhéanamh sócrú maidir le nithé atá forlionsaigh i leith bhunú na gcúirteanna teaghlaigh agus maidir le nithé a bhaineann le breithiúna na gcúirteanna sin; do dhéanamh sócrú i ndáil le himeachtaí dlí teaghlaigh a sheoladh os comhair na gcúirteanna sin; do dhéanamh sócrú maidir le Coiste Rialacha Dlí Teaghlaigh nó Fochoistí Dlí Teaghlaigh de chuid coistí rialacha láithreacha a bhunú; agus, chun na gcrios sin agus chun críoch eile, do leasú an Acha Cúirteanna Breithiúnais, 1924, an Acha Oifigeigh Cúirte, 1926, an Acha Dlisteanais, 1931, an Acha Cúirteanna Breithiúnais, 1936, an Acha um Fheidhmíú Orduithe Cúirte, 1940, an Acha Cúirteanna Breithiúnais, 1953, Acht na gCúirteanna (Bunú agus Comhdhéanamh), 1961, Acht na gCúirteanna (Forálacha Forlionsaigh), 1961, an Acha um Chaomhnóireacht Naíon, 1964, Acht na gCúirteanna, 1971, an Acha um Chaomhnú Áras an Teaghlaigh, 1976, an Acha um an Dlí Teaghlaigh (Cothabháil Céili agus Leanaí), 1976, Acht na gCúirteanna, 1981, an Acha um an Dlí Teaghlaigh, 1981, an Acha um Stádas Leanaí, 1987, an Acha um Idirscaradh Breithiúnach agus Athchóiriú an Dlí Teaghlaigh, 1989, an Acha um Chúram Leanaí, 1991, an Acha um Fhuadach Leanaí agus Forghníomhú Orduithe Coimeáda, 1991, an Acha Cothabhála, 1994, an Acha um an Dlí Teaghlaigh, 1995, an Acha um an Dlí Teaghlaigh (Colscaradh), 1996, an Acha um Dhílnse Cúirteanna agus Forghníomhú Breithiúnas, 1998, an Acha um Chosaint Leanaí (Coinbhinsiún na Háige), 2000, Acht na gCúirteanna agus na nOifigeach Cúirte, 1995, Acht na gCúirteanna (Uimh. 2), 1997, Acht na gCúirteanna agus na nOifigeach Cúirte, 2002, an Acha um Chláru Sibhialta, 2004, an Acha Comhdhlúite Leasa Shóisialaigh, 2005, an Acha um Athchóiriú an Dlí Talún agus Tiolachta, 2009, an Acha um Páirtneireacht Sibhialta agus um Chearta agus Oibleagáidí Airithe de chuid Comhchónaitheoirí, 2010, an Acha Uchtála, 2010, Rialacháin na gComhphobal Eorpach (Cothabháil), 2011 (I.R. Uimh. 274 de 2011), an Acha um Leanaí agus Cóngais Teaghlaigh, 2015, an Acha um Insce a Aithint, 2015, an Acha um Fhoréigean Baile, 2018, Rialacháin an Aontais Eorpaigh (Coinbhinsiún na Háige um Choathabháil), 2019 (I.R. Uimh. 594 de 2019), Rialacháin na gComhphobal Eorpach (Breitheanna in Ábhair a bhaineann le Pósadh agus in Ábhair a bhaineann le Freagracht Tuismitheora agus le Fuadach Idirmáisiúnta Leanaí), 2022 (I.R. Uimh. 400 de 2022) agus achtacháin áirithe eile; do dhéanamh sócrú maidir le páirtithe in imeachtaí dlí teaghlaigh a chosaint; do dhéanamh sócrú maidir le hachtacháin áirithe a aisghairm; agus do dhéanamh sócrú i dtuairim nithé gaolmhara.

Ordáidh ag Seanad Éireann a chlóbhualadh,

2 Deireadh Fómhair, 2024

## BILL

(as amended in Committee)

entitled

An Act to provide for the establishment of a Family High Court, Family Circuit Court and Family District Court as divisions of the existing High Court, Circuit Court and District Court; to provide for the reallocation of jurisdiction in family law proceedings between the family courts; to provide for the assignment of Principal Judges and other judges to the family courts; to provide for the establishment of Family Circuit Court circuits and Family District Court districts; to provide for matters supplementary to the establishment of the family courts and matters relating to the judges of those courts; to make provision in relation to the conduct of family law proceedings before such courts; to provide for the establishment of a Family Law Rules Committee or Family Law Sub-committees of existing rules committees; and, for those and other purposes, to amend the Courts of Justice Act 1924, the Court Officers Act 1926, the Legitimacy Act 1931, the Courts of Justice Act 1936, the Enforcement of Court Orders Act 1940, the Courts of Justice Act 1953, the Courts (Establishment and Constitution) Act 1961, the Courts (Supplemental Provisions) Act 1961, the Guardianship of Infants Act 1964, the Courts Act 1971, the Family Home Protection Act 1976, the Family Law (Maintenance of Spouses and Children) Act 1976, the Courts Act 1981, the Family Law Act 1981, the Status of Children Act 1987, the Judicial Separation and Family Law Reform Act 1989, the Child Care Act 1991, the Child Abduction and Enforcement of Custody Orders Act 1991, the Maintenance Act 1994, the Family Law Act 1995, the Family Law (Divorce) Act 1996, the Jurisdiction of Courts and Enforcement of Judgments Act 1998, the Protection of Children (Hague Convention) Act 2000, the Courts and Court Officers Act 1995, the Courts (No. 2) Act 1997, the Courts and Court Officers Act 2002, the Civil Registration Act 2004, the Social Welfare Consolidation Act 2005, the Land and Conveyancing Law Reform Act 2009, the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, the Adoption Act 2010, the European Communities (Maintenance) Regulations 2011 (S.I. No. 274 of 2011), the Children and Family Relationships Act 2015, the Gender Recognition Act 2015, the Domestic Violence Act 2018, the European Union (Hague Maintenance Convention) Regulations 2019 (S.I. No. 594 of 2019), the European Communities (Decisions in Matrimonial Matters and in Matters of Parental Responsibility and International Child Abduction) Regulations 2022 (S.I. No. 400 of 2022) and certain other enactments; to provide for the protection of parties in family law proceedings; to provide for the repeal of certain enactments; and to provide for related matters.

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Le ceannach díreach ó

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