

Dispute Resolution

Establishment of a New Court of Appeal for Civil Matters

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Ireland's new Court of Appeal is expected to commence in October 2014, dealing with civil appeal matters and reducing the four-year backlog of cases currently awaiting hearing before the Supreme Court.

What Types of Cases?

The new Court will hear all appeals of decisions from the High Court. The Court of Appeal will also have the power to hear appeals of decisions from the High Court on the question of whether or not an Act of the Oireachtas is constitutional. Such appeals are currently heard by the Supreme Court. In addition, further legislation may be passed to give the Court of Appeal jurisdiction to hear appeals from other Courts.

Currently, the Supreme Court deals with all appeals from the High Court and the Court of Criminal Appeal. The Supreme Court has mandatory jurisdiction over those cases and must hear any case appealed to it from the High Court. In the future the Supreme Court will only hear appeals directly from the High Court (bypassing the Court of Appeal) where there are exceptional circumstances warranting a direct appeal.

In order to satisfy this requirement, it will be required to show that the case in question is of exceptional public importance, or that it is in the interests of justice that the Supreme Court hears the case, or both. The Supreme Court will also hear appeals from the Court of Appeal where the Supreme Court is satisfied that the case is of exceptional public importance and that the interests of justice mean that it is necessary that there be an appeal to the Supreme Court. The jurisdiction under Article 26 of the Constitution to allow the President to refer Bills to the Supreme Court will be retained.

Constitution of the Court

Mr. Justice Sean Ryan will act as President of the Court of Appeal. A number of High Court judges have since been announced as judges of the Court of Appeal, with three further positions yet to be filled. Those judges are:

- Mr Justice Peter Kelly
- Ms Justice Mary Finlay Geoghegan
- Mr Justice George Birmingham
- Ms Justice Mary Irvine
- Mr Justice Gerard Hogan
- Mr Justice Michael Peart

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