



**THIRTY-THIRD AMENDMENT OF THE CONSTITUTION
(COURT OF APPEAL) BILL 2013**

As initiated

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[No. 79 of 2013]



**AN BILLE UM AN TRÍÚ LEASÚ IS TRÍOCHA AR AN
mBUNREACTH (CÚIRT ACHOMHAIRC), 2013**

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**THIRTY-THIRD AMENDMENT OF THE CONSTITUTION
(COURT OF APPEAL) BILL 2013**

BILL

entitled

AN ACT TO AMEND THE CONSTITUTION. 5

WHEREAS by virtue of Article 46 of the Constitution any provision of the Constitution may be amended in the manner provided by that Article:

AND WHEREAS it is proposed—

(A) to amend the Constitution for the purpose of establishing a court to be called the Court of Appeal; 10

(B) in consequence of the foregoing, to amend otherwise the Constitution and, in particular, to amend those provisions of it that confer an appellate jurisdiction on the Supreme Court from decisions of the High Court and of other courts; and 15

(C) to delete Article 34.4.5° of the Constitution:

BE IT THEREFORE ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—In this Act—

“the establishment day” has the same meaning as it has in the amendments made by *section 3(c)* and *(d)*; 20

“the relevant law” means the law required to be enacted by the amendments made by *section 3(c)* and *(d)*.

Taking effect of provisions of this Act.

2.—(1) The amendments of the Constitution made by *section 3* take effect on the enactment of this Act. 25

(2) Notwithstanding Article 46 of the Constitution—

(a) the amendments of the Constitution made by *sections 4, 5* and *6* take effect on the establishment day appointed by the Government pursuant to the relevant law, and

(b) a provision, to the extent that it is applicable, of *section 7* takes effect as stated therein. 30



AN BILLE UM AN TRÍÚ LEASÚ IS TRÍOCHA AR AN
mBUNREACT (CÚIRT ACHOMHAIRC), 2013

BILLE

dá ngairtear

5 ACHT CHUN AN BUNREACT A LEASÚ.

DE BHRÍ gur cead, de bhua Airteagal 46 den Bhunreact, foráil ar bith den Bhunreact a leasú ar an modh a shocraítear leis an Airteagal sin:

AGUS DE BHRÍ go bhfuil beartaithe—

10 (A) an Bunreact a leasú chun cúirt dar teideal an Chúirt Achomhairc a bhunú;

(B) de dhroim an mhéid sin roimhe seo, an Bunreact a leasú thairis sin agus, go háirithe, leasú a dhéanamh ar na forálacha sin de lena dtugtar dlínse achomhairc don Chúirt Uachtarach
15 ar bhreitheanna ón Ard-Chúirt agus ó chúirteanna eile; agus

(C) Airteagal 34.4.5° den Bhunreact a scriosadh:

ACHTAÍTEAR AG AN OIREACHTAS AR AN ÁBHAR SIN
MAR A LEANAS:

1.—San Acht seo—

Mínithe.

20 tá le “an lá bunaithe” an bhrí chéanna atá leis sna leasuithe a dhéantar le *halt 3(c)* agus (*d*);

ciallaíonn “an dlí iomchuí” an dlí a cheanglaítear a achtú leis na leasuithe a dhéantar le *halt 3(c)* agus (*d*).

2.—(1) Ar an Acht seo a achtú, tiocfaidh na leasuithe ar an
25 mBunreact a dhéantar le *halt 3* in éifeacht. Forálacha an Achta seo do theacht in éifeacht.

(2) D’ainneoin Airteagal 46 den Bhunreact—

(a) an lá bunaithe a cheapfaidh an Rialtas de bhun an dlí iomchuí, tiocfaidh na leasuithe ar an mBunreact a dhéantar le *halt 4*, 5 agus 6 in éifeacht, agus

30 (b) tiocfaidh foráil *d’alt 7*, a mhéid is infheidhme í, in éifeacht mar a deirtear san alt sin.

(3) The amendments of Article 34 of the Constitution made by *section 5(2)(f) and (g)* apply to a case involving a question as to the validity of any law having regard to the provisions of the Constitution and which is heard, but the decision in which is not pronounced, before the day referred to in *subsection (2)(a)* as they apply to a case involving such a question which is heard, and the decision in which is pronounced, after that day. 5

Establishment of
Court of Appeal.

3.—The Constitution is hereby amended as follows:

- (a) the section, the text of which is set out in *Part 1* of *Schedule 1*, shall be substituted for section 2 of Article 34 of the Irish text, 10
- (b) the section, the text of which is set out in *Part 2* of *Schedule 1*, shall be substituted for section 2 of Article 34 of the English text,
- (c) the Article, the text of which is set out in *Part 1* of *Schedule 2*, shall be inserted after Article 34 of the Irish text, and 15
- (d) the Article, the text of which is set out in *Part 2* of *Schedule 2*, shall be inserted after Article 34 of the English text. 20

Amendments
relating to
jurisdiction of the
Court of Appeal.

4.—Article 34 of the Constitution is hereby amended as follows:

- (a) the section, the text of which is set out in *Part 1* of *Schedule 3*, shall be inserted after section 3 of the Irish text,
- (b) the section, the text of which is set out in *Part 2* of *Schedule 3*, shall be inserted after section 3 of the English text, and 25
- (c) sections 4 and 5 of both texts shall be numbered as sections 5 and 6.

Amendments
relating to
jurisdiction of the
Supreme Court.

5.—(1) A reference in this section to section 5 of Article 34 of the Constitution is a reference to the section of that Article numbered as section 5 by *section 4(c)*. 30

(2) Article 34 of the Constitution is hereby amended as follows:

- (a) the subsection, the text of which is set out in *Part 1* of *Schedule 4*, shall be substituted for subsection 3° of section 5 of the Irish text, 35
- (b) the subsection, the text of which is set out in *Part 2* of *Schedule 4*, shall be substituted for subsection 3° of section 5 of the English text,
- (c) the subsection, the text of which is set out in *Part 1* of *Schedule 5*, shall be inserted after subsection 3° of section 5 of the Irish text, 40
- (d) the subsection, the text of which is set out in *Part 2* of *Schedule 5*, shall be inserted after subsection 3° of section 5 of the English text, 45

(3) Beidh feidhm ag na leasuithe ar Airteagal 34 den Bhunreacht a dhéantar le *halt* 5(2)(f) agus (g) maidir le cás ina mbeadh ceist le réiteach i dtaobh bail a bheith nó gan a bheith ar aon dlí, ag féachaint d'fhorálacha an Bhunreacht, agus a éistear, ach nach bhfógraítear an bhreith ann, roimh an lá dá dtagraítear i *bhfo-alt* (2)(a) mar atá feidhm acu maidir le cás ina mbeadh ceist den sórt sin le réiteach agus a éistear, agus a bhfógraítear an bhreith ann, tar éis an lae sin.

3.—Leasaítear an Bunreacht leis seo mar a leanas:

Cúirt Achomhairc a bhunú.

- 10 (a) cuirfear an t-alt a bhfuil an téacs de leagtha amach i *gCuid 1* de *Sceideal 1* in ionad alt 2 d'Airteagal 34 den téacs Gaeilge,
- (b) cuirfear an t-alt a bhfuil an téacs de leagtha amach i *gCuid 2* de *Sceideal 1* in ionad alt 2 d'Airteagal 34 den téacs Sacs-Bhéarla,
- 15 (c) cuirfear an tAirteagal a bhfuil an téacs de leagtha amach i *gCuid 1* de *Sceideal 2* isteach i ndiaidh Airteagal 34 den téacs Gaeilge, agus
- 20 (d) cuirfear an tAirteagal a bhfuil an téacs de leagtha amach i *gCuid 2* de *Sceideal 2* isteach i ndiaidh Airteagal 34 den téacs Sacs-Bhéarla.

4.—Leasaítear Airteagal 34 den Bhunreacht leis seo mar a leanas:

Leasuithe a bhaineann le dlínse na Cúirte Achomhairc.

- (a) cuirfear an t-alt a bhfuil an téacs de leagtha amach i *gCuid 1* de *Sceideal 3* isteach i ndiaidh alt 3 den téacs Gaeilge,
- 25 (b) cuirfear an t-alt a bhfuil an téacs de leagtha amach i *gCuid 2* de *Sceideal 3* isteach i ndiaidh alt 3 den téacs Sacs-Bhéarla, agus
- (c) déanfar ailt 4 agus 5 den dá théacs a uimhriú mar ailt 5 agus 6.

30 5.—(1) Aon tagairt san alt seo d'alt 5 d'Airteagal 34 den Bhunreacht, is tagairt í don alt den Airteagal sin arna uimhriú mar alt 5 le *halt* 4(c).

Leasuithe a bhaineann le dlínse na Cúirte Uachtaraí.

(2) Leasaítear Airteagal 34 den Bhunreacht leis seo mar a leanas:

- 35 (a) cuirfear an fo-alt a bhfuil an téacs de leagtha amach i *gCuid 1* de *Sceideal 4* in ionad fho-alt 3^o d'alt 5 den téacs Gaeilge,
- (b) cuirfear an fo-alt a bhfuil an téacs de leagtha amach i *gCuid 2* de *Sceideal 4* in ionad fho-alt 3^o d'alt 5 den téacs Sacs-Bhéarla,
- 40 (c) cuirfear an fo-alt a bhfuil an téacs de leagtha amach i *gCuid 1* de *Sceideal 5* isteach i ndiaidh fho-alt 3^o d'alt 5 den téacs Gaeilge,
- (d) cuirfear an fo-alt a bhfuil an téacs de leagtha amach i *gCuid 2* de *Sceideal 5* isteach i ndiaidh fho-alt 3^o d'alt 5 den téacs Sacs-Bhéarla,

- (e) subsection 4° of section 5 of both texts shall be numbered as subsection 5°,
- (f) subsection 5° of section 5 of the Irish text shall be deleted, and
- (g) subsection 5° of section 5 of the English text shall be deleted. 5

Other amendments to the Constitution.

6.—(1) Every Article of the Constitution mentioned in the second column of *Part 1* of *Schedule 6* shall, as respects the Irish text of it, be amended in the manner stated in the third column of that Part opposite the mention, or each of the several mentions, of the Article 10 in that second column.

(2) Every Article of the Constitution mentioned in the second column of *Part 2* of *Schedule 6* shall, as respects the English text of it, be amended in the manner stated in the third column of that Part opposite the mention, or each of the several mentions, of the Article 15 in that second column.

(3) A reference in *Schedule 6* to section 6 of Article 34 of the Constitution is a reference to the section of that Article numbered as section 6 by *section 4(c)*.

(4) The Constitution is hereby further amended as follows: 20

- (a) the Article, the text of which is set out in *Part 1* of *Schedule 7*, shall be inserted after Article 63 of the Irish text, and
- (b) the Article, the text of which is set out in *Part 2* of *Schedule 7*, shall be inserted after Article 63 of the 25 English text.

Contingent amendments and construction provision.

7.—(1) If the Seanad Abolition Bill is enacted into law—

- (a) in the event that the abolition day falls after the establishment day, section 4, inserted by the Seanad Abolition Bill, of Article 35 of the Constitution shall be amended, 30 from the abolition day—
 - (i) as respects the Irish text, in the manner stated in *Part 1* of *Schedule 8*, and
 - (ii) as respects the English text, in the manner stated in *Part 2* of *Schedule 8*, 35
- (b) in the event that the abolition day falls before the establishment day, a reference in *Schedule 6* to section 4 of Article 35 of the Constitution shall, from the establishment day, be construed as a reference to the section of that Article inserted by the Seanad Abolition Bill. 40

(2) In this section—

- (a) “the abolition day” has the same meaning as it has in the amendment of the Constitution made by section 2 of the Seanad Abolition Bill;

(e) déanfar fo-alt 4° d'alt 5 den dá théacs a uimhriú mar fho-alt 5°,

(f) déanfar fo-alt 5° d'alt 5 den téacs Gaeilge a scríosadh, agus

(g) déanfar fo-alt 5° d'alt 5 den téacs Sacs-Bhéarla a scríosadh.

5 6.—(1) Leasófar gach Airteagal den Bhunreacht a luaitear sa dara colún de *Chuid 1* de *Sceideal 6*, maidir lena théacs Gaeilge, ar an modh a deirtear sa tríú colún den Chuid sin os coinne an lua, nó gach ceann faoi leith de na luanna uile, a dhéantar ar an Airteagal sa dara colún sin. Leasuithe eile ar an mBunreacht.

10 (2) Leasófar gach Airteagal den Bhunreacht a luaitear sa dara colún de *Chuid 2* de *Sceideal 6*, maidir lena théacs Sacs-Bhéarla, ar an modh a deirtear sa tríú colún den Chuid sin os coinne an lua, nó gach ceann faoi leith de na luanna uile, a dhéantar ar an Airteagal sa dara colún sin.

15 (3) Aon tagairt i *Sceideal 6* d'alt 6 d'Airteagal 34 den Bhunreacht, is tagairt í don alt den Airteagal sin arna uimhriú mar alt 6 le *halt 4(c)*.

(4) Déantar leis seo an Bunreacht a leasú tuilleadh, mar a leanas:

20 (a) cuirfear an tAirteagal a bhfuil an téacs de leagtha amach i *gCuid 1* de *Sceideal 7* isteach i ndiaidh Airteagal 63 den téacs Gaeilge, agus

(b) cuirfear an tAirteagal a bhfuil an téacs de leagtha amach i *gCuid 2* de *Sceideal 7* isteach i ndiaidh Airteagal 63 den téacs Sacs-Bhéarla.

25 7.—(1) Má dhéantar an Bille maidir le Deireadh a Chur le Seanad Éireann a achtú ina dhlí— Leasuithe teagmhasacha agus foráil maidir le forléiriú.

30 (a) i gcás gur lá tar éis an lae bunaithe an lá a chuirfear deireadh le Seanad Éireann, déanfar alt 4, arna chur isteach leis an mBille maidir le Deireadh a Chur le Seanad Éireann, d'Airteagal 35 den Bhunreacht a leasú ón lá a chuirfear deireadh le Seanad Éireann—

(i) maidir leis an téacs Gaeilge, ar an modh a deirtear i *gCuid 1* de *Sceideal 8*, agus

35 (ii) maidir leis an téacs Sacs-Bhéarla, ar an modh a deirtear i *gCuid 2* de *Sceideal 8*,

40 (b) i gcás gur lá roimh an lá bunaithe an lá a chuirfear deireadh le Seanad Éireann, déanfar tagairt i *Sceideal 6* d'alt 4 d'Airteagal 35 den Bhunreacht a fhorléiriú, ón lá bunaithe, mar thagairt don alt den Airteagal sin arna chur isteach leis an mBille maidir le Deireadh a Chur le Seanad Éireann.

(2) San alt seo—

45 (a) tá le “an lá a chuirfear deireadh le Seanad Éireann” an bhrí chéanna atá leis sa leasú ar an mBunreacht a dhéantar le halt 2 den Bhille maidir le Deireadh a Chur le Seanad Éireann;

(b) “the Seanad Abolition Bill” means the Bill entitled the *Thirty-second Amendment of the Constitution (Abolition of Seanad Éireann) Bill 2013* and initiated in Dáil Éireann on 4 June 2013;

(c) a reference to the Seanad Abolition Bill being enacted 5
into law is a reference to that Bill being enacted into law
in accordance with Articles 46 and 47.1 of the Con-
stitution.

Citation.

8.—(1) The several amendments of the Constitution effected by
this Act shall be collectively known as and may for all purposes be 10
collectively referred to as the Thirty-third Amendment of the Consti-
tution, and any particular one of those amendments that are effected
by *Schedule 6* may, for purposes of identification, be referred to by
the number in the first column of *Part 1* or, as the case may be, *Part*
2 of that Schedule opposite the statement of such amendment in the 15
third column of the Part concerned.

(2) This Act may be cited as the Thirty-third Amendment of the
Constitution (Court of Appeal) Act 2013.

(b) ciallaíonn “an Bille maidir le Deireadh a Chur le Seanad Éireann” an Bille dar teideal an *Bille um an Dara Leasú is Tríocha ar an mBunreacht (Deireadh a Chur le Seanad Éireann)*, 2013 agus a tionscnaíodh i nDáil Éireann an 4 Meitheamh 2013;

(c) aon tagairt don Bhille maidir le Deireadh a Chur le Seanad Éireann a achtú ina dhlí, is tagairt í don Bhille sin a achtú ina dhlí de réir Airteagail 46 agus 47.1 den Bhunreacht.

10 **8.—**(1) An Tríú Leasú is Tríocha ar an mBunreacht a thabharfar Lua.
 ar na leasuithe uile le chéile a dhéantar ar an mBunreacht leis an
 Acht seo agus is cead, chun gach críche, an t-ainm sin a ghairm de
 na leasuithe sin le chéile, agus is cead, chun críocha aitheantais,
 tagairt d’aon leasú áirithe de na leasuithe sin a dhéantar le *Sceideal*
 15 6 tríd an uimhir a lua atá sa chéad cholún de *Chuid 1* nó, de réir mar
 a bheidh, de *Chuid 2* den *Sceideal* sin os coinne an lua a dhéantar ar
 an leasú sin sa tríú colún den *Chuid* lena mbaineann.

(2) Féadfar an tAcht um an Tríú Leasú is Tríocha ar an mBunreacht (Cúirt Achomhairc), 2013 a ghairm den Acht seo.

SCHEDULE 1

PART 1

2 Beidh ar na Cúirteanna sin:

i Cúirteanna Céadchéime;

ii Cúirt Achomhairc; agus

iii Cúirt Achomhairc Dheiridh.

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PART 2

2 The Courts shall comprise:

i Courts of First Instance;

ii a Court of Appeal; and

iii a Court of Final Appeal.

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SCEIDEAL 1

CUID 1

2 Beidh ar na Cúirteanna sin:

- i Cúirteanna Céadchéime;
- 5 ii Cúirt Achomhairc; agus
- iii Cúirt Achomhairc Dheiridh.

CUID 2

2 The Courts shall comprise:

- i Courts of First Instance;
- 10 ii a Court of Appeal; and
- iii a Court of Final Appeal.

SCHEDULE 2

PART 1

CÚIRT ACHOMHAIRC A BHUNÚ

Airteagal 34A

- 1 Bunófar an Chúirt Achomhairc dá dtagraítear i mír ii d’Airteagal 5
34.2 den Bhunreacht seo (“an Chúirt Achomhairc”) de réir an Air-
teagail seo.
- 2 A luaithe is féidir tar éis an tAirteagal seo a achtú, achtófar dlí
lena ndéanfar socrú chun an Chúirt Achomhairc a bhunú.
- 3 Cuirfear de cheangal ar an Rialtas leis an dlí sin lá (“an lá 10
bunaithe”) a cheapadh le hordú arb é an lá é a bhunófar an Chúirt
Achomhairc de bhua an dlí sin; oibreoidh ordú ón Rialtas mar a
dúradh chun go mbeidh an éifeacht sin leis dá bhíthin sin.
- 4 Déanfar an tAirteagal seo a fhágáil ar lár as gach téacs oifigiúil
den Bhunreacht seo a fhoilseofar tar éis an lae bunaithe. 15

PART 2

ESTABLISHMENT OF COURT OF APPEAL

Article 34A

- 1 The Court of Appeal referred to in paragraph ii of Article 34.2
hereof (“the Court of Appeal”) shall be established in accordance 20
with this Article.
- 2 As soon as practicable after the enactment of this Article, a law
providing for the establishment of the Court of Appeal shall be
enacted.
- 3 That law shall require the Government to appoint by order a day 25
(“the establishment day”) on which the Court of Appeal shall be
established by virtue of that law; an order of the Government as
aforesaid shall operate to have that effect accordingly.
- 4 This Article shall be omitted from every official text of this Consti-
tution published after the establishment day. 30

SCEIDEAL 2

CUID 1

CÚIRT ACHOMHAIRC A BHUNÚ

Airteagal 34A

- 5 1 Bunófar an Chúirt Achomhairc dá dtagraítear i mír ii d’Airteagal
34.2 den Bhunreacht seo (“an Chúirt Achomhairc”) de réir an
Airteagail seo.
- 2 A luaithe is féidir tar éis an tAirteagal seo a achtú, achtófar dlí
lena ndéanfar socrú chun an Chúirt Achomhairc a bhunú.
- 10 3 Cuirfear de cheangal ar an Rialtas leis an dlí sin lá (“an lá
bunaithe”) a cheapadh le hordú arb é an lá é a bhunófar an Chúirt
Achomhairc de bhua an dlí sin; oibreoidh ordú ón Rialtas mar a
dúradh chun go mbeidh an éifeacht sin leis dá bhíthin sin.
- 4 Déanfar an tAirteagal seo a fhágáil ar lár as gach téacs oifigiúil
15 den Bhunreacht seo a fhoilseofar tar éis an lae bunaithe.

CUID 2

ESTABLISHMENT OF COURT OF APPEAL

Article 34A

- 1 The Court of Appeal referred to in paragraph ii of Article 34.2
20 hereof (“the Court of Appeal”) shall be established in accordance
with this Article.
- 2 As soon as practicable after the enactment of this Article, a law
providing for the establishment of the Court of Appeal shall be
enacted.
- 25 3 That law shall require the Government to appoint by order a day
(“the establishment day”) on which the Court of Appeal shall be
established by virtue of that law; an order of the Government as
aforesaid shall operate to have that effect accordingly.
- 4 This Article shall be omitted from every official text of this
30 Constitution published after the establishment day.

SCHEDULE 3

PART 1

4 1° Maidir leis an gCúirt Achomhairc—

i taobh amuigh de chás dá socraítear a mhalairt leis an Airteagal seo, agus 5

ii taobh amuigh de cibé eisceachtaí agus faoi chuimsiú cibé rialacha a ordófar le dlí,

beidh dlínse achomhairc aici ar bhreitheanna uile na hArd-Chúirte agus, fairis sin, ar na breitheanna sin ó chúirteanna eile a ordófar le dlí. 10

2° Ní cead aon dlí a achtú a chuirfeadh ar an taobh amuigh de dhlínse achomhairc na Cúirte Achomhairc cásanna ina mbeadh ceisteanna le réiteach i dtaobh bail a bheith nó gan a bheith ar aon dlí, ag féachaint d'fhorálacha an Bhunreacht seo.

3° Ní bheidh dul thar breith na Cúirte Achomhairc, taobh amuigh 15 de chás dá socraítear a mhalairt leis an Airteagal seo.

PART 2

4 1° The Court of Appeal shall—

i save as otherwise provided by this Article, and

ii with such exceptions and subject to such regulations as may 20 be prescribed by law,

have appellate jurisdiction from all decisions of the High Court, and shall also have appellate jurisdiction from such decisions of other courts as may be prescribed by law.

2° No law shall be enacted excepting from the appellate juris- 25 diction of the Court of Appeal cases which involve questions as to the validity of any law having regard to the provisions of this Constitution.

3° The decision of the Court of Appeal shall be final and conclusive, save as otherwise provided by this Article. 30

CUID 1

4 1° Maidir leis an gCúirt Achomhairc—

- 5 i taobh amuigh de chás dá socraítear a mhalairt leis an Airteagal seo, agus
- ii taobh amuigh de cibé eisceachtaí agus faoi chuimsiú cibé rialacha a ordófar le dlí,
- 10 beidh dlínse achomhairc aici ar bhreitheanna uile na hArd-Chúirte agus, fairis sin, ar na breitheanna sin ó chúirteanna eile a ordófar le dlí.
- 2° Ní cead aon dlí a achtú a chuirfeadh ar an taobh amuigh de dhlínse achomhairc na Cúirte Achomhairc cásanna ina mbeadh ceisteanna le réiteach i dtaobh bail a bheith nó gan a bheith ar aon dlí, ag féachaint d'fhorálacha an Bhunreacht seo.
- 15 3° Ní bheidh dul thar breith na Cúirte Achomhairc, taobh amuigh de chás dá socraítear a mhalairt leis an Airteagal seo.

CUID 2

4 1° The Court of Appeal shall—

- i save as otherwise provided by this Article, and
- 20 ii with such exceptions and subject to such regulations as may be prescribed by law,
- have appellate jurisdiction from all decisions of the High Court, and shall also have appellate jurisdiction from such decisions of other courts as may be prescribed by law.
- 25 2° No law shall be enacted excepting from the appellate jurisdiction of the Court of Appeal cases which involve questions as to the validity of any law having regard to the provisions of this Constitution.
- 30 3° The decision of the Court of Appeal shall be final and conclusive, save as otherwise provided by this Article.

SCHEDULE 4

PART 1

3° Faoi chuimsiú cibé rialacha a ordófar le dlí, beidh dlínse achomhairc ag an gCúirt Uachtarach ar bhreith ón gCúirt Achomhairc más deimhin leis an gCúirt Uachtarach— 5

i gur breith í lena ngabhann ní a bhfuil tábhacht phoiblí i gcoitinne ann, nó

ii gur gá, ar mhaithe leis an gceartas, achomharc chun na Cúirte Uachtaraí a bheith ann.

PART 2

10

3° The Supreme Court shall, subject to such regulations as may be prescribed by law, have appellate jurisdiction from a decision of the Court of Appeal if the Supreme Court is satisfied that—

i the decision involves a matter of general public importance, or

ii in the interests of justice it is necessary that there be an appeal 15
to the Supreme Court.

SCEIDEAL 4

CUID 1

3° Faoi chuimsiú cibé rialacha a ordófar le dlí, beidh dlínse
achomhairc ag an gCúirt Uachtarach ar bhreith ón gCúirt
5 Achomhairc más deimhin leis an gCúirt Uachtarach—

i gur breith í lena ngabhann ní a bhfuil tábhacht phoiblí i gcoitinne
ann, nó

ii gur gá, ar mhaithe leis an gceartas, achomharc chun na Cúirte
Uachtaraí a bheith ann.

10

CUID 2

3° The Supreme Court shall, subject to such regulations as may be
prescribed by law, have appellate jurisdiction from a decision of the
Court of Appeal if the Supreme Court is satisfied that—

i the decision involves a matter of general public importance, or

15 ii in the interests of justice it is necessary that there be an appeal
to the Supreme Court.

SCHEDULE 5

PART 1

4° D'ainneoin alt 4.1° den Airteagal seo, beidh ag an gCúirt Uachtarach, faoi chuimsiú cibé rialacha a ordófar le dlí, dlínse achomhairc ar bhreith ón Ard-Chúirt más deimhin leis an gCúirt Uachtarach go bhfuil imthosca neamhchoiteanna ann a fhágann gur gá achomharc díreach chuici a bheith ann agus, chun gur deimhin leis an gCúirt Uachtarach amhlaidh, is réamhchoinníoll é gurb ann do cheachtar de na tosca seo a leanas nó dóibh araon: 5

i gur breith í lena ngabhann ní a bhfuil tábhacht phoiblí i gcoitinne ann; 10

ii gur ar mhaithe leis an gceartas é.

PART 2

4° Notwithstanding section 4.1° hereof, the Supreme Court shall, subject to such regulations as may be prescribed by law, have appellate jurisdiction from a decision of the High Court if the Supreme Court is satisfied that there are exceptional circumstances warranting a direct appeal to it, and a precondition for the Supreme Court being so satisfied is the presence of either or both of the following factors: 15 20

i the decision involves a matter of general public importance;

ii the interests of justice.

CUID 1

4° D'ainneoin alt 4.1° den Airteagal seo, beidh ag an gCúirt
 Uachtarach, faoi chuimsiú cibé rialacha a ordófar le dlí, dlínse
 5 achomhairc ar bhreith ón Ard-Chúirt más deimhin leis an gCúirt
 Uachtarach go bhfuil imthosca neamhchoiteanna ann a fhágann gur
 gá achomharc díreach chuici a bheith ann agus, chun gur deimhin
 leis an gCúirt Uachtarach amhlaidh, is réamhchoinníoll é gurb ann
 do cheachtar de na tosca seo a leanas nó dóibh araon:

10 i gur breith í lena ngabhann ní a bhfuil tábhacht phoiblí i
 gcoitinne ann;

ii gur ar mhaithe leis an gceartas é.

CUID 2

4° Notwithstanding section 4.1° hereof, the Supreme Court shall,
 15 subject to such regulations as may be prescribed by law, have
 appellate jurisdiction from a decision of the High Court if the
 Supreme Court is satisfied that there are exceptional circumstances
 warranting a direct appeal to it, and a precondition for the Supreme
 Court being so satisfied is the presence of either or both of the
 20 following factors:

i the decision involves a matter of general public importance;

ii the interests of justice.

SCHEDULE 6

PART 1

PARTICULARS OF AMENDMENTS OF IRISH TEXT MENTIONED IN *Section 6(1)*

Ref. No.	Article amended	Nature of amendment of the Irish text	
1	Article 12	In section 8, the insertion of “, den Chúirt Achomhairc” after “den Chúirt Uachtarach”.	5
2	Article 14	In section 2.2°, the substitution of “Uachtarán na Cúirte Achomhairc” for “Uachtarán na hArd-Chúirte”.	10
3	Article 31	In section 2, the insertion, in paragraph i, of “Uachtarán na Cúirte Achomhairc,” after “an Príomh-Bhreitheamh,”.	
4	Article 34	In section 3.2°, the insertion of “, an Chúirt Achomhairc” after “seachas an Ard-Chúirt”.	15
5	Article 34	In section 6.2°, the insertion of “, gach breitheamh den Chúirt Achomhairc,” after “gach breitheamh eile den Chúirt Uachtarach”.	
6	Article 35	In section 1, the insertion of “na Cúirte Achomhairc,” after “breithiúna na Cúirte Uachtaraí,”.	20
7	Article 35	In section 4.1°, the insertion of “, den Chúirt Achomhairc” after “den Chúirt Uachtarach”.	
8	Article 36	In paragraph i, the insertion of “na Cúirte Achomhairc,” after “breithiúna na Cúirte Uachtaraí,”.	25
9	Article 40	In section 4.3°, the substitution of “faoi bhreith na Cúirte Achomhairc” for “faoi bhreith na Cúirte Uachtaraí” and “an Chúirt Achomhairc” for “an Chúirt Uachtarach”.	30

PART 2

PARTICULARS OF AMENDMENTS OF ENGLISH TEXT MENTIONED IN *Section 6(2)*

Ref. No.	Article amended	Nature of amendment of the English text	
1	Article 12	In section 8, the insertion of “, of the Court of Appeal” after “Supreme Court”.	35
2	Article 14	In section 2.2°, the substitution of “President of the Court of Appeal” for “President of the High Court”.	
3	Article 31	In section 2, the insertion, in paragraph i, of “the President of the Court of Appeal,” after “the Chief Justice,”.	40
4	Article 34	In section 3.2°, the insertion of “, the Court of Appeal” after “other than the High Court”.	
5	Article 34	In section 6.2°, the insertion of “the judges of the Court of Appeal,” after “judges of the Supreme Court,”.	45
6	Article 35	In section 1, the insertion of “the Court of Appeal,” after “Supreme Court,”.	
7	Article 35	In section 4.1°, the insertion of “, the Court of Appeal,” after “Supreme Court”.	50
8	Article 36	In paragraph i, the insertion of “of the Court of Appeal,” after “Supreme Court,”.	
9	Article 40	In section 4.3°, the substitution of “Court of Appeal” for “Supreme Court” in each place where it occurs.	55

SCEIDEAL 6

CUID 1

NA LEASUITHE AR AN TÉACS GAELIGE A LUAITEAR IN *Alt 6(1)*

5	Uimh. Thag.	An tAirteagal a leasaítear	An leasú a dhéantar ar an téacs Gaeilge
	1	Airteagal 12	In alt 8, “, den Chúirt Achomhairc” a chur isteach i ndiaidh “den Chúirt Uachtarach”.
	2	Airteagal 14	In alt 2.2°, “Uachtarán na Cúirte Achomhairc” a chur in ionad “Uachtarán na hArd-Chúirte”.
10	3	Airteagal 31	In alt 2, i mír i, “Uachtarán na Cúirte Achomhairc,” a chur isteach i ndiaidh “an Príomh-Bhreitheamh,”.
	4	Airteagal 34	In alt 3.2°, “, an Chúirt Achomhairc” a chur isteach i ndiaidh “seachas an Ard-Chúirt”.
15	5	Airteagal 34	In alt 6.2°, “, gach breitheamh den Chúirt Achomhairc,” a chur isteach i ndiaidh “gach breitheamh eile den Chúirt Uachtarach”.
20	6	Airteagal 35	In alt 1, “na Cúirte Achomhairc,” a chur isteach i ndiaidh “breithiúna na Cúirte Uachtaraí,”.
	7	Airteagal 35	In alt 4.1°, “, den Chúirt Achomhairc” a chur isteach i ndiaidh “den Chúirt Uachtarach”.
	8	Airteagal 36	I mír i, “na Cúirte Achomhairc,” a chur isteach i ndiaidh “breithiúna na Cúirte Uachtaraí,”.
25	9	Airteagal 40	In alt 4.3°, “faoi bhreith na Cúirte Achomhairc” a chur in ionad “faoi bhreith na Cúirte Uachtaraí” agus “an Chúirt Achomhairc” a chur in ionad “an Chúirt Uachtarach”.

30

CUID 2

NA LEASUITHE AR AN TÉACS SACS-BHÉARLA A LUAITEAR IN *Alt 6(2)*

	Uimh. Thag.	An tAirteagal a leasaítear	An leasú a dhéantar ar an téacs Sacs-Bhéarla
35	1	Airteagal 12	In alt 8, “, of the Court of Appeal” a chur isteach i ndiaidh “Supreme Court”.
	2	Airteagal 14	In alt 2.2°, “President of the Court of Appeal” a chur in ionad “President of the High Court”.
40	3	Airteagal 31	In alt 2, i mír i, “the President of the Court of Appeal,” a chur isteach i ndiaidh “the Chief Justice,”.
	4	Airteagal 34	In alt 3.2°, “, the Court of Appeal” a chur isteach i ndiaidh “other than the High Court”.
45	5	Airteagal 34	In alt 6.2°, “the judges of the Court of Appeal,” a chur isteach i ndiaidh “judges of the Supreme Court,”.
	6	Airteagal 35	In alt 1, “the Court of Appeal,” a chur isteach i ndiaidh “Supreme Court,”.
	7	Airteagal 35	In alt 4.1°, “, the Court of Appeal,” a chur isteach i ndiaidh “Supreme Court”.
50	8	Airteagal 36	I mír i, “of the Court of Appeal,” a chur isteach i ndiaidh “Supreme Court,”.
	9	Airteagal 40	In alt 4.3°, “Court of Appeal” a chur in ionad “Supreme Court” gach áit a bhfuil sé.

SCHEDULE 7

PART 1

CÚIRT ACHOMHAIRC A BHUNÚ: FORÁLACHA IDIRTHRÉIMHSEACHA

Airteagal 64

1 San Airteagal seo, tá le “an lá bunaithe” an bhrí chéanna atá leis in Airteagal 34A den Bhunreacht seo. 5

2 1° Baineann ailt 3 agus 4 den Airteagal seo le hachomharc a tionscnaíodh chun na Cúirte Uachtaraí roimh an lá bunaithe agus nár éist an Chúirt Uachtarach é, go hiomlán nó go páirteach, roimh an lá sin. 10

2° Chun críocha an Airteagail seo, ní mheasfar gur éisteadh achomharc go páirteach de bhíthin gur éist an Chúirt Uachtarach iarratas idirbhreitheach i ndáil leis an achomharc nó, mura mbaineann an t-achomharc féin ach amháin le ní nóis imeachta, de bhíthin gur éist an Chúirt Uachtarach aon iarratas nó tairiscint nóis imeachta maidir leis an ní. 15

3 1° An lá bunaithe nó dá éis, féadfaidh an Príomh-Bhreitheamh, más deimhin leis an bPríomh-Bhreitheamh go bhfuil sé ar mhaithe le riaradh cirt agus cinneadh éifeachtúil achomharc déanamh amhlaidh, ordachán faoi shéala na Cúirte a thabhairt, le comhthoil na mbreithiúna eile den Chúirt Uachtarach, lena ndéanfar socrú, maidir le gach achomharc lena mbainfidh an t-alt seo agus a thiocfaidh faoi réim aicme achomharc a bheidh sonraithe san ordachán, go ndéanfaidh an Chúirt Achomhairc é a éisteacht agus a chinneadh agus, i gcás go dtabharfar ordachán den sórt sin, beidh dlínse ag an gCúirt Achomhairc, faoi réir fho-alt 3° den alt seo, gach achomharc is ábhar don ordachán sin a éisteacht agus a chinneadh dá bhíthin sin. 20 25

2° Féadfaidh socrú a bheith in ordachán faoi fho-alt 1° den alt seo maidir le haon ní ar dóigh leis an bPríomh-Bhreitheamh gur cuí socrú a dhéanamh ina leith de dhroim an Chúirt Achomhairc d'éisteacht agus do chinneadh na n-achomharc lena mbaineann agus beidh an éifeacht chéanna le haon socrú den sórt sin a bheidh le socrú a bheidh in ordú arna dhéanamh ag an gCúirt Uachtarach. 30

3° Maidir leis an gCúirt Uachtarach, ar iarratas chuici atá de réir cibé rialacha, más ann, a ordófar le dlí, is iarratas arna dhéanamh ag aon pháirtí de na páirtithe in achomharc is ábhar d'ordachán faoi fho-alt 1°, féadfaidh sí, más deimhin léi gur cóir sin a dhéanamh, ordú a dhéanamh— 35

i lena gcealaítear éifeacht an ordacháin sin, nó 40

ii lena gcealaítear nó lena n-athraítear éifeacht aon socrú, dá dtagraítear i bhfo-alt 2° den alt seo, san ordachán sin,

a mhéid a bhaineann sé leis an achomharc sin.

4 1° Más rud é, ar iarratas chuici atá de réir cibé rialacha, más ann, a ordófar le dlí, ar iarratas é arna dhéanamh ag aon pháirtí de na páirtithe san achomharc, gur deimhin leis an gCúirt Uachtarach 45

CUID 1

CÚIRT ACHOMHAIRC A BHUNÚ: FORÁLACHA IDIRTHRÉIMHSEACHA

Airteagal 64

5 1 San Airteagal seo, tá le “an lá bunaithe” an bhrí chéanna atá leis in Airteagal 34A den Bhunreacht seo.

2 1° Baineann ailt 3 agus 4 den Airteagal seo le hachomharc a
tionscnaíodh chun na Cúirte Uachtaraí roimh an lá bunaithe agus
nár éist an Chúirt Uachtarach é, go hiomlán nó go páirteach,
10 roimh an lá sin.

2° Chun críocha an Airteagail seo, ní mheasfar gur éisteadh
achomharc go páirteach de bhíthin gur éist an Chúirt Uachtarach
iarratas idirbhreitheach i ndáil leis an achomharc nó, mura
mbaineann an t-achomharc féin ach amháin le ní nóis imeachta,
15 de bhíthin gur éist an Chúirt Uachtarach aon iarratas nó tairiscint
nóis imeachta maidir leis an ní.

3 1° An lá bunaithe nó dá éis, féadfaidh an Príomh-Bhreitheamh,
más deimhin leis an bPríomh-Bhreitheamh go bhfuil sé ar mhaithe
le riaradh cirt agus cinneadh éifeachtúil achomharc déanamh
amhlaidh, ordachán faoi shéala na Cúirte a thabhairt, le comhthoil
na mbreithiúna eile den Chúirt Uachtarach, lena ndéanfar socrú,
maidir le gach achomharc lena mbainfidh an t-alt seo agus a
thiocfaidh faoi réim aicme achomharc a bheidh sonraithe san
ordachán, go ndéanfaidh an Chúirt Achomhairc é a éisteacht agus
25 a chinneadh agus, i gcás go dtabharfar ordachán den sórt sin, beidh
dlínse ag an gCúirt Achomhairc, faoi réir fho-alt 3° den alt seo,
gach achomharc is ábhar don ordachán sin a éisteacht agus a
chinneadh dá bhíthin sin.

2° Féadfaidh socrú a bheith in ordachán faoi fho-alt 1° den alt seo
maidir le haon ní ar dóigh leis an bPríomh-Bhreitheamh gur cuí
socrú a dhéanamh ina leith de dhroim an Chúirt Achomhairc
d’éisteacht agus do chinneadh na n-achomharc lena mbaineann
agus beidh le haon socrú den sórt sin an éifeacht chéanna sin a
bheidh le socrú a bheidh in ordú arna dhéanamh ag an gCúirt
35 Uachtarach.

3° Maidir leis an gCúirt Uachtarach, ar iarratas chuici atá de réir
cibé rialacha, más ann, a ordófar le dlí, is iarratas arna dhéanamh
ag aon pháirtí de na páirtithe in achomharc is ábhar d’ordachán
faoi fho-alt 1°, féadfaidh sí, más deimhin léi gur cóir sin a
40 dhéanamh, ordú a dhéanamh—

i lena gcealaítear éifeacht an ordacháin sin, nó

ii lena gcealaítear nó lena n-athraítear éifeacht aon socraithe,
dá dtagraítear i bhfo-alt 2° den alt seo, san ordachán sin,

a mhéid a bhaineann sé leis an achomharc sin.

45 4 1° Más rud é, ar iarratas chuici atá de réir cibé rialacha, más ann,
a ordófar le dlí, ar iarratas é arna dhéanamh ag aon pháirtí de na
páirtithe san achomharc, gur deimhin leis an gCúirt Uachtarach

gur ar mhaithe le riaradh cirt agus cinneadh éifeachtúil achomharc déanamh amhlaidh, féadfaidh an Chúirt Uachtarach ordú a dhéanamh lena ndéantar socrú go ndéanfaidh an Chúirt Achomhairc an t-achomharc a éisteacht agus a chinneadh, agus i gcás go ndéanfar ordú den sórt sin beidh dlínse ag an gCúirt Achomhairc an t-achomharc a éisteacht agus a chinneadh dá bhíthin sin. 5

2° Féadfaidh socrú a bheith in ordú faoi fho-alt 1° den alt seo maidir le haon ní ar dóigh leis an gCúirt Uachtarach gur cuí socrú a dhéanamh ina leith de dhroim an Chúirt Achomhairc d'éisteacht agus do chinneadh an achomhairc. 10

5 Ach amháin sa mhéid go ndéantar socrú le haon ordachán arna thabhairt nó le haon ordú arna dhéanamh de bhun na gcumhachtaí a thugtar le halt 3 nó 4 den Airteagal seo, ní dhéanfaidh na leasuithe ar an mBunreacht seo arna ndéanamh leis an *Acht um an Trúú Leasú is Tríocha ar an mBunreacht (Cúirt Achomhairc)*, 2013 difear d'fheidhmiú a dlínse ag an gCúirt Uachtarach i ndáil le hachomhairc chun na Cúirte sin a tionscnaíodh roimh an lá bunaithe. 15

6 D'ainneoin aon leasuithe ar an mBunreacht seo arna ndéanamh mar a dúradh, leanfaidh an Chúirt Uachtarach de dhlínse achomhairc a bheith aici ar bhreitheanna ón gCúirt Achomhairc Choiriúil a bhí arna bunú roimh an lá bunaithe a mhéid go ndearnadh socrú le dlí, agus faoi chuimsiú na rialacha céanna a ordaíodh le dlí, díreach roimh an lá bunaithe agus ní bhainfidh ailt 3 agus 4 den Airteagal seo le hachomharc i gcoinne breithe ón gCúirt Achomhairc Choiriúil. 20 25

7 Déanfar an tAirteagal seo a fhágáil ar lár as gach téacs oifigiúil den Bhunreacht seo a fhoilseofar bliain amháin, nó tar éis bliain amháin a bheith caite, i ndiaidh an lae bunaithe. 30

PART 2

ESTABLISHMENT OF COURT OF APPEAL: TRANSITIONAL PROVISIONS

Article 64

1 In this Article “the establishment day” has the same meaning as it has in Article 34A of this Constitution. 35

2 1° Sections 3 and 4 hereof apply to an appeal to the Supreme Court initiated before the establishment day that has not been heard, in full or in part, by the Supreme Court before that day.

2° For the purposes of this Article, an appeal shall not be taken to have been heard in part by reason of the Supreme Court having heard an interlocutory application relating to the appeal or, unless the appeal itself is confined to a procedural matter, the Supreme Court having heard any procedural application or motion in the matter. 40

3 1° On or after the establishment day, the Chief Justice may, if the Chief Justice is satisfied that it is in the interests of the administration of justice and the efficient determination of appeals to do so, and with the concurrence of the other judges of the Supreme Court, give a direction under the seal of the Court providing that each appeal to which this section applies falling within a class of appeals specified in the direction shall be heard 45 50

- gur ar mhaithe le riaradh cirt agus cinneadh éifeachtúil achomharc déanamh amhlaidh, féadfaidh an Chúirt Uachtarach ordú a dhéanamh lena ndéantar socrú go ndéanfaidh an Chúirt Achomhairc an t-achomharc a éisteacht agus a chinneadh, agus i gcás go ndéanfar ordú den sórt sin beidh dlínse ag an gCúirt Achomhairc an t-achomharc a éisteacht agus a chinneadh dá bhíthin sin.
- 2° Féadfaidh socrú a bheith in ordú faoi fho-alt 1° den alt seo maidir le haon ní ar dóigh leis an gCúirt Uachtarach gur cuí socrú a dhéanamh ina leith de dhroim an Chúirt Achomhairc d'éisteacht agus do chinneadh an achomhairc.
- 5 Ach amháin sa mhéid go ndéantar socrú le haon ordachán arna thabhairt nó le haon ordú arna dhéanamh de bhun na gcumhachtaí a thugtar le halt 3 nó 4 den Airteagal seo, ní dhéanfaidh na leasuithe ar an mBunreacht seo arna ndéanamh leis an *Acht um an Tríú Leasú is Tríocha ar an mBunreacht (Cúirt Achomhairc)*, 2013 difear d'fheidhmiú a dlínse ag an gCúirt Uachtarach i ndáil le hachomhairc chun na Cúirte sin a tionscnaíodh roimh an lá bunaithe.
- 6 D'ainneoin aon leasuithe ar an mBunreacht seo arna ndéanamh mar a dúradh, leanfaidh an Chúirt Uachtarach de dhlínse achomhairc a bheith aici ar bhreitheanna ón gCúirt Achomhairc Choiriúil a bhí arna bunú roimh an lá bunaithe a mhéid go ndearnadh socrú le dlí, agus faoi chuimsiú na rialacha céanna a ordaíodh le dlí, díreach roimh an lá bunaithe agus ní bhainfidh ailt 3 agus 4 den Airteagal seo le hachomharc i gcoinne breith ón gCúirt Achomhairc Choiriúil.
- 7 Déanfar an tAirteagal seo a fhágáil ar lár as gach téacs oifigiúil den Bhunreacht seo a fhoilseofar bliain amháin, nó tar éis bliain amháin a bheith caite, i ndiaidh an lae bunaithe.

CUID 2

ESTABLISHMENT OF COURT OF APPEAL: TRANSITIONAL PROVISIONS

Article 64

- 1 In this Article “the establishment day” has the same meaning as it has in Article 34A of this Constitution.
- 2 1° Sections 3 and 4 hereof apply to an appeal to the Supreme Court initiated before the establishment day that has not been heard, in full or in part, by the Supreme Court before that day.
- 2° For the purposes of this Article, an appeal shall not be taken to have been heard in part by reason of the Supreme Court having heard an interlocutory application relating to the appeal or, unless the appeal itself is confined to a procedural matter, the Supreme Court having heard any procedural application or motion in the matter.
- 3 1° On or after the establishment day, the Chief Justice may, if the Chief Justice is satisfied that it is in the interests of the administration of justice and the efficient determination of appeals to do so, and with the concurrence of the other judges of the Supreme Court, give a direction under the seal of the Court providing that each appeal to which this section applies falling within a class of appeals specified in the direction shall be heard

and determined by the Court of Appeal and, where such a direction is given, the Court of Appeal shall, subject to subsection 3° hereof, have jurisdiction to hear and determine each appeal the subject of that direction accordingly.

2° A direction under subsection 1° hereof may contain provision for any matter that the Chief Justice considers it appropriate to provide for in consequence of the appeals concerned being heard and determined by the Court of Appeal and any such provision shall have like effect to a provision contained in an order made by the Supreme Court.

3° The Supreme Court, on application to it that complies with such, if any, regulations as may be prescribed by law and made by any of the parties to an appeal the subject of a direction under subsection 1°, may, if it is satisfied that it is just to do so, make an order—

i cancelling the effect of that direction, or

ii cancelling or varying the effect of any provision, referred to in subsection 2° hereof, of that direction,

so far as it relates to that appeal.

4 1° If, on application to it that complies with such, if any, regulations as may be prescribed by law and made by any of the parties to the appeal, the Supreme Court is satisfied that it is in the interests of the administration of justice and the efficient determination of appeals to do so, the Supreme Court may make an order providing that the appeal shall be heard and determined by the Court of Appeal and, where such an order is made, the Court of Appeal shall have jurisdiction to hear and determine the appeal accordingly.

2° An order under subsection 1° hereof may contain provision for any matter that the Supreme Court considers it appropriate to provide for in consequence of the appeal being heard and determined by the Court of Appeal.

5 Save to the extent provided by any direction given or order made pursuant to the powers conferred by section 3 or 4 hereof, the exercise by the Supreme Court of its jurisdiction in relation to appeals to that Court initiated before the establishment day shall not be affected by the amendments of this Constitution made by the *Thirty-third Amendment of the Constitution (Court of Appeal) Act 2013*.

6 Notwithstanding any amendments of this Constitution made as aforesaid, the Supreme Court shall continue to have appellate jurisdiction from decisions of the Court of Criminal Appeal that stood established before the establishment day to the extent provided, and subject to the same regulations as were prescribed, by law immediately before the establishment day, and sections 3 and 4 hereof shall not apply to an appeal from a decision of the Court of Criminal Appeal.

7 This Article shall be omitted from every official text of this Constitution published on or following the expiry of one year after the establishment day.

- and determined by the Court of Appeal and, where such a direction is given, the Court of Appeal shall, subject to subsection 3° hereof, have jurisdiction to hear and determine each appeal the subject of that direction accordingly.
- 5 2° A direction under subsection 1° hereof may contain provision for any matter that the Chief Justice considers it appropriate to provide for in consequence of the appeals concerned being heard and determined by the Court of Appeal and any such provision shall have like effect to a provision contained in an order made by the Supreme Court.
- 10 3° The Supreme Court, on application to it that complies with such, if any, regulations as may be prescribed by law and made by any of the parties to an appeal the subject of a direction under subsection 1°, may, if it is satisfied that it is just to do so, make an order—
- 15 i cancelling the effect of that direction, or
- ii cancelling or varying the effect of any provision, referred to in subsection 2° hereof, of that direction,
- so far as it relates to that appeal.
- 20 4 1° If, on application to it that complies with such, if any, regulations as may be prescribed by law and made by any of the parties to the appeal, the Supreme Court is satisfied that it is in the interests of the administration of justice and the efficient determination of appeals to do so, the Supreme Court may make an order providing that the appeal shall be heard and determined by the Court of Appeal and, where such an order is made, the Court of Appeal shall have jurisdiction to hear and determine the appeal accordingly.
- 25 2° An order under subsection 1° hereof may contain provision for any matter that the Supreme Court considers it appropriate to provide for in consequence of the appeal being heard and determined by the Court of Appeal.
- 30 5 Save to the extent provided by any order made by the Supreme Court in exercise of its jurisdiction under section 3 or 4 hereof, the exercise by the Supreme Court of its jurisdiction in relation to appeals to that Court initiated before the establishment day shall not be affected by the amendments of this Constitution made by the *Thirty-third Amendment of the Constitution (Court of Appeal) Act 2013*.
- 35 6 Notwithstanding any amendments of this Constitution made as aforesaid, the Supreme Court shall continue to have appellate jurisdiction from decisions of the Court of Criminal Appeal that stood established before the establishment day to the extent provided, and subject to the same regulations as were prescribed, by law immediately before the establishment day, and sections 3 and 4 hereof shall not apply to an appeal from a decision of the Court of Criminal Appeal.
- 40 7 This Article shall be omitted from every official text of this Constitution published on or following the expiry of one year after the establishment day.
- 45 50

SCHEDULE 8

PART 1

“, den Chúirt Achomhairc” a chur isteach i ndiaidh “den Chúirt Uachtarach”.

PART 2

5

The insertion of “, Court of Appeal” after “Supreme Court”.

SCEIDEAL 8

CUID 1

“, den Chúirt Achomhairc” a chur isteach i ndiaidh “den Chúirt Uachtarach”.

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CUID 2

“, Court of Appeal” a chur isteach i ndiaidh “Supreme Court”.