

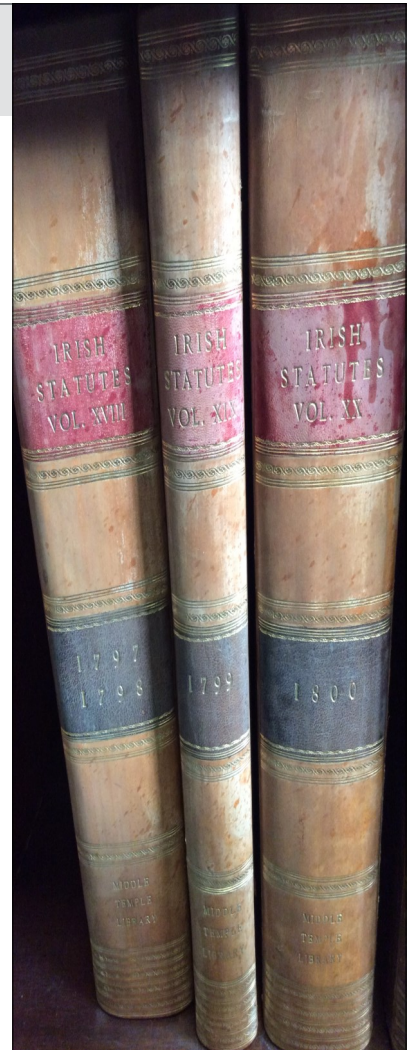
# IRISH COLLECTION

## INTRODUCTION

Ireland has been an independent constitutional democracy since 1922 that has inherited and retained many aspects of the common law of England. Also some pre-1922 Statutes remain in force. At the heart of Irish law is the written Constitution of 1937 and modern influences on Irish law have included the law of the European Union and the European Convention on Human Rights.

## LOCATION

Middle Temple Library specialises in Irish law. Irish law materials can be found on the main floor in the Library. Textbooks on the law of Ireland are located in BAY 90. The books are classified with a class mark starting with IE to indicate the Irish collection. Irish reports, legislation and periodicals can be found in BAYS 70-76. Older Irish materials are shelved on the upper floor in the basement in BAYS B635-B636.



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## IRISH LAW TIMELINE

### **Before 1171:**

*Pre-Norman Ireland  
and the Brehon  
Law*



### **1171–1783:**

*Arrival of English  
law in Ireland and  
growth of the  
common law*



### **1783–1800:**

*Exclusive  
legislative powers  
of the Irish  
Parliament in  
Dublin (Grattan's  
Parliament)*



### **1800–1921:**

*Westminster as the  
principal legislative  
body in the Union  
with Great Britain  
(the United  
Kingdom of Great  
Britain and Ireland)*



### **1921–1937:**

*Irish Free State  
(Saorstát Éireann) -  
1922 Constitution*



### **1937:**

*Irish Republic (Éire)  
- 1937 Constitution*



### **1973:**

*Admission to the  
European  
Economic  
Community*



### **2003:**

*European  
Convention on  
Human Rights  
incorporated in Irish  
law*

## IRISH LEGISLATION - CONSTITUTION

After gaining independence, the Irish Free State adopted a written Constitution in 1922. It can be found as part of the ***Constitution of the Irish Free State (Saorstát Éireann) Act, 1922*** in print [BAY 75] as well as online on the electronic Irish Statute Book (eISB). In 1937 a new Constitution (***Bunreacht Na hÉireann***) was adopted on Ireland declaring itself to be a republic. The text, together with subsequently added amendments, sets out basic laws describing how Ireland should be governed, the main institutions of the State and fundamental principles and guarantees of individual rights.

The Constitution represents the supreme legal authority and takes precedence over other sources of law. Moreover, rules which derive from those sources depend on the Constitution for their validity. Any common law or legislative rule in conflict with a provision of the Constitution is invalid and hence, has no legal effect. The Constitution may be amended only by popular referendum. However, its provisions are open to interpretation by courts.

The text of the most recently printed version of the 1937 Constitution together with its amendments can be found online on the eISB. Texts of Constitutional amendments are also published as Acts of Parliament and are contained in the relevant annual volume of the ***Acts of the Oireachtas (Achtanna an Oireachtais)***

From time to time, the revised text of the Constitution is published and the latest consolidated versions can be found on the website of the Department of Taoiseach ([https://www.taoiseach.gov.ie/DOT/eng/Historical\\_Information/The\\_Constitution/Constitution\\_of\\_Ireland\\_-\\_Bunreacht\\_na\\_h%C3%89ireann.html](https://www.taoiseach.gov.ie/DOT/eng/Historical_Information/The_Constitution/Constitution_of_Ireland_-_Bunreacht_na_h%C3%89ireann.html))

## PRIMARY LEGISLATION

Primary legislation is enacted by the Oireachtas (Irish Parliament), comprised of Dáil Éireann (House of Representatives) and Seanad Éireann (Senate) and the President.

## BILLS

A Bill may be initiated or introduced in either House and is published as initiated, usually with an Explanatory Memorandum. Further revised texts are published as the Bill progresses through both Houses and as it is passed. Bills from 1997 onwards and amendments to the bills from 2004 onwards are available electronically on the Houses of the Oireachtas website (<http://www.oireachtas.ie/parliament/oireachtasbusiness/>)

## PUBLIC GENERAL ACTS

Statutes are published in annual bound volumes as **Acts of the Oireachtas** (**Achtanna an Oireachtais**) from 1922 onwards [BAYS 75-76]. They can also be found on the eISB (<http://www.irishstatutebook.ie/>), BAILII and Justis. Notification of new acts, bills and SIs are provided by the **Iris Oifigiúil** (**Irish State Gazette**), from 2002 online (<https://www.irisoifigiuil.ie/>). However, only the printed versions published by Government Publication are considered to be official.

Before 1922 the statutes of any previous parliament that had jurisdiction in Ireland applies.

For the period 1888–1925: *The public general acts* [BAY 168-169]

For the period 1870–1887: *The public general statutes* [BAY 168]

For the period between 1801–1869: *The statutes of the United Kingdom of Great Britain and Ireland* [BAY 168]

For the period 1310–1800: *The statutes at large passed in the Parliaments held in Ireland* (Irish Statutes) [published between] 1786–1801 [BAYS 75-76]

*The Irish statutes : 3<sup>rd</sup> year in the reign of] Edward II. to the Union, A.D. 1310–1800* (pub. 1885, reprint 1995) [1885 ed. in bay B635]

*Statutes and ordinances, and acts of the Parliament of Ireland : King John to Henry V.*

(pub. 1907) [BAY B635]

A selection of pre-1922 legislation together with modern amendments is also provided on the eISB.

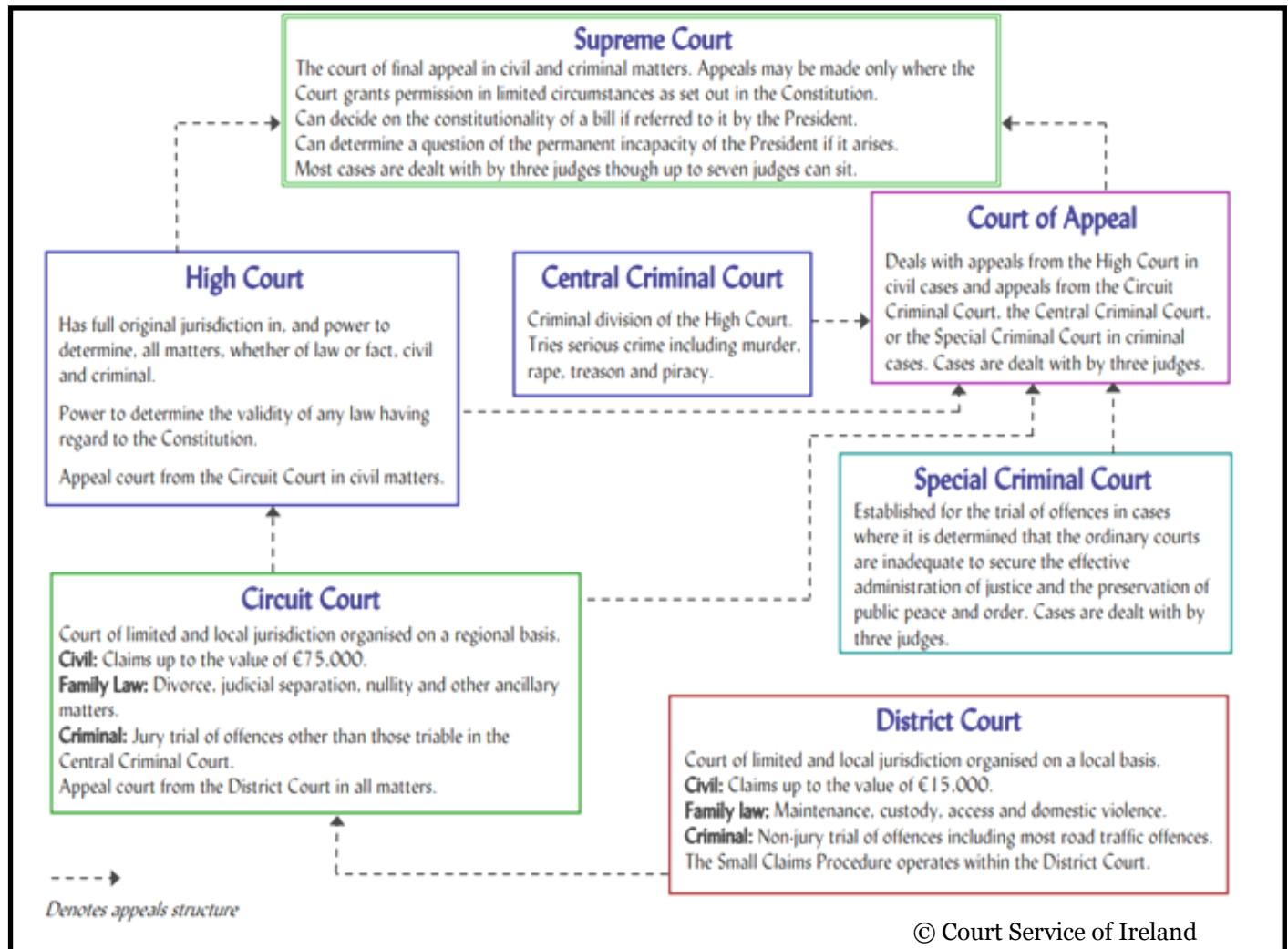
## SECONDARY LEGISLATION

Delegated legislation comprises Orders, Rules and Regulations. Until 1947 subordinate legislation was issued in the form of *Statutory Rules and Orders*. There are three series (1922–1938); (1939–1945); (1946–1947). Since 1947 delegated legislation is represented by *Statutory Instruments*. Middle Temple Library does not hold printed copies. However, the Institute of Advanced Legal Studies keeps some volumes of the *Statutory Rules and Orders*.

SIs and their amendments can be found on the eISB, Bailii or Justis. However, coverage is not always comprehensive.

For amendments made by recent SIs to primary and secondary legislation it is recommended to also search recent issues of **Iris Oifigiúil**: <https://www.irisoifigiuil.ie/>

## IRISH COURTS STRUCTURE



## CASE LAW – LAW REPORTS

### LEGAL DIARY

The diary lists all recent cases for hearing in the Supreme Court, the Court of Appeal, the High Court, the Central Criminal Court and the Circuit Courts.

The Legal Diary is available on the Court service website:

<http://www.courts.ie/legaldiary.nsf/LookupPageLink/index?OpenDocument&l=en>

The main source of law reporting is the *Irish Reports* (1894– ), published under the control of the Incorporated Council of Law Reporting for Ireland. They are the principal preferred case reference in the Courts. They cover the decisions of major importance of the superior courts in Ireland. The series is available in print [BAYS 73-74] and from 1919 online via LexisLibrary.

*Irish Law Reports Monthly* (1976– ) - Another main source of law reports dealing with the decisions of the Superior Courts. The Inner Temple houses this series.

*Irish jurist reports* (1935–1965) - These reports were part of the *Irish Jurist* [BAY B639]

*Irish Law Times reports* (1874–1980) - A special section of the *Irish law times and solicitors' journal* [BAY 70-71]



## OLDER REPORTS

Various reports from 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> centuries are among the Middle Temple Library holdings, located in BAYS 72-73, including the following:

***A report of cases and matters in law resolved and adjudged in the King's courts in Ireland*** (1604–1612)

***Irish reports; or Reports of cases determined in the King's Courts, Dublin*** (1786–1788)

***Reports of cases argued and determined in the High Court of Chancery in Ireland*** (1827–1831)

***Irish equity reports*** (1838–1850)

***Irish common law*** (1849–1866)

***Irish chancery reports*** (1850–1866)

***Select cases argued and adjudged in the High Court of Chancery*** (1858–1859)

***The Irish reports: equity series*** (1867–1877/8)

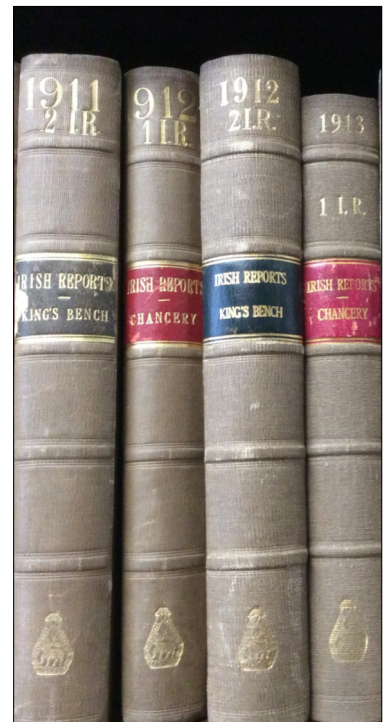
***The Irish reports: common law series*** (1867–1877/8)

## SPECIALIZED REPORT SERIES

***Judgments of the Court of Criminal Appeal*** [BAY 71] - This series consists of two volumes which cover the years 1924–1978 and 1979–1983. It collates the judgments of the Court of Criminal Appeal including previously unreported cases. In 1995 the functions of this court were transferred to the Supreme Court.

***Irish Tax Reports*** (1922–2010) - This is a specialist series which covers tax cases, some of which had not been previously reported. It is available electronically via Lexis Library.

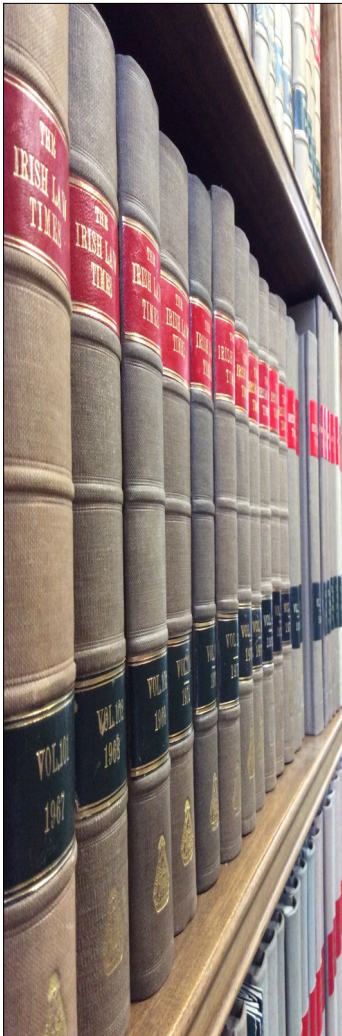
***Irish Tax Cases*** (1923–1975) - The Library holds two volumes covering the years 1923–1975 in print [BAY 75].



## UNREPORTED CASES

Some Irish unreported judgments from 1996/1993 onwards are available on BAILII and from 2001 on the Court Service website.

Older judgments, if published, may only be available in hard copy. A copy of the signed unreported judgment is still the authoritative version which can be taken to Irish courts. Some unreported cases can be also found on subscription databases, such as Lexis (1985 onwards) and Justis (from 1998 onwards).



## LAW REPORTS ONLINE

There are three main providers offering access to Irish case law which are currently available in the Middle Temple Library. However, none of them provides comprehensive coverage.

**BAILLI** - This is a free database which provides access to the Supreme Court of Ireland Decisions (1998–, + some earlier decisions); Irish Court of Criminal Appeal cases (incomplete coverage from 1983 onwards); Irish Court of Appeal cases (2014– ), High Court of Ireland Decisions (1997– , + some earlier decisions). Coverage is not always comprehensive and electronic copies of cases are not authoritative.

**COURT SERVICE** - This website enables free access to the latest judgments by many Irish courts (Supreme Court: 2001 onwards; High Court: 2003 onwards; District Court: 2008 onwards; Court of Criminal Appeal: 2004 onwards; Court of Appeal 2014 onwards; Circuit Court: 2009 onwards; Central Criminal Court: 2008 onwards)

**JUSTIS** - This subscription-based database provides access to Justis Irish Case Law (JICL) and Judgments in the Law Library (JILL). JICL is a series which covers the High Court, Court of Appeal and the Supreme Court cases. JILL is a large set of cases maintained by the Bar of Ireland which was until 2016 only accessible to members of the Bar of Ireland.

## JOURNALS

***The Irish Jurist*** (1848– ) - This is one of the oldest Irish legal periodicals. It contains articles on various aspects of Irish jurisprudence and consists of 5 series:

***Irish Jurist*** (1848–1867) [BAY B637]

***New Irish Jurist Reports*** (1867–1901) - This series is not held by the Library.

***New Irish Jurist and Local Government Review*** (1901–1904) - It is available at Inner Temple Library

***The Irish jurist together with the Irish jurist reports*** (1935–1965) [BAY B639]

***The Irish jurist : new series*** (1966– ) - It is available in the Library in print (1966–1989) [BAY B639] and online (1966–2014 via HeinOnline; 2000 onwards via Westlaw)

***The Irish Law Times*** (1867– ) [BAY 70-71] - It contains articles, digests of cases and recent legislation. It was published under various names:

***The Irish law times and solicitors' journal*** (1867–1980)

***Irish law times and solicitors' journal : (new series)*** (1983–1997)

***Irish law times*** (1998– )

***Law Society of Ireland Gazette*** - Recent issues are available online at the Law Society of Ireland website: <https://www.lawsociety.ie/News/Gazette/#.WvVc3n8h2po>

## DIGESTS

***Irish Digest*** (1867– ) [BAY 71] - A leading digest published by the Incorporated Council of Law Reporting for Ireland. It contains digests and indices of reports which appeared in the *Irish Reports*; the *Law Reports* (Ireland); the *Irish Law Reports Monthly*; the *Irish Law Times Reports*, the *New Irish Jurist Reports* and since 1925 the *Northern Ireland Law Reports*. Cases can be found under each subject heading.

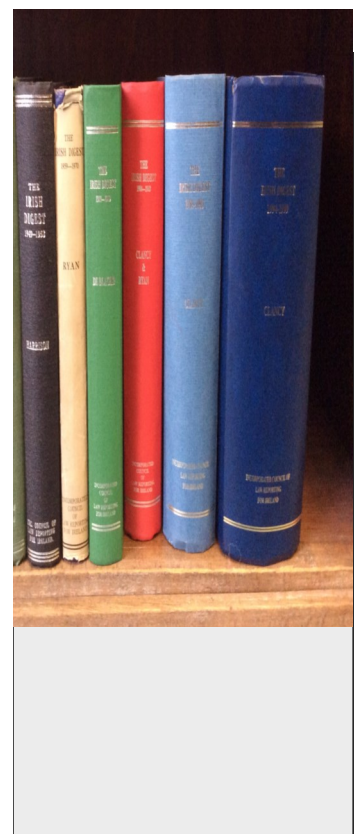
The Digest consists of several volumes with various titles:

***The Irish Reports Digest*** (1867–1893)

***The Digest of Cases Ireland*** (1867–1918)

***The Irish Digest*** (1919–1999)

The Library also holds other digests and indices which are all located in BAY 71.







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## ONLINE RESOURCES

**BAILLI** - Free database providing access to Irish legislation from 1922 onwards, case law, Irish Competition Authority Decisions from 1992, Irish Information Commissioner's Decisions from 1998, Irish Data Protection Commission Case Studies from 2013 as well as Irish Law Reform Commission Papers and Reports from 1976 and the Irish Treaty Series. <http://www.bailii.org/databases.html#ie>

**Court Service of Ireland** - This website offers information about courts in Ireland, including latest judgments by the superior courts, court rules and practice directions. <http://www.courts.ie>

**Electronic Irish Statute Book (eISB)** - This website is produced by the Office of the Attorney General and provides access to Acts of the Oireachtas including amendments, statutory instruments as well as the Constitution and a selection of pre-1922 legislation while links to external legislation resources are also provided. <http://www.irishstatutebook.ie/>

**GlobaLex - Guide to Irish Law** - A guide compiled by Dr. Darius Whelan, a lecturer in law at University College, Cork, Ireland. <http://www.nyulawglobal.org/globalex/Ireland1.html>

**Houses of the Oireachtas** - The official website of the Irish Parliament. It also contains **Bills, their amendments, and Acts** from 1997 onwards as well as **Parliamentary debates**. <https://www.oireachtas.ie/>

**Ireland: IALS Library Guides** - An IALS resource which provides information about Irish legal resources with the focus on the IALS holdings. <http://libguides.ials.sas.ac.uk/ireland?hs=a>

**Iris Oifigiúil** - The official Irish State gazette which is published twice a week (Tuesdays and Fridays). It is the official means used by the Government for announcing appointments to public offices and publishing proclamations, statutory instruments, appointment of receivers to companies. The electronic copies are available from 2002 onwards. [www.irisofigiuil.ie/](http://www.irisofigiuil.ie/)

**Irish Legal Information Initiative (IRLII)** - A free service providing lists of cases, legislation and an **index of Irish Legal Periodicals** from 1997. <https://www.ucc.ie/academic/law/newirlii/index.php>

**Irish Patent Office** - A resource for intellectual property lawyers. It includes free access to recent issues of the **Patents Office Journal**. <https://www.patentoffice.ie/en/>

**Law Reform Commission** - The Commission's role is to keep the law under review and to conduct research with a view to the reform of the law. All Law Reform Commission publications may be downloaded for free from its website. <http://www.lawreform.ie/>

**Oxford LibGuides: Irish Law** - A Bodleian law library resource guide to information about the Irish legal system as well as resources in print and electronic format. <https://libguides.bodleian.ox.ac.uk/c.php?g=423008&p=2888666>

### **Bibliography**

Raymond Byrne et al., *The Irish Legal System*, 6<sup>th</sup> ed. (Bloomsbury Professional 2014)

Sinéad Curtin and Alice Steen, 'Researching Irish Law - A guide to Legislation, Caselaw and Commentary Sources' (2011) 11 *Legal Information Management*, p. 185.

John Furlong, 'Ireland', in *Information resources in law*, 2<sup>nd</sup> ed. (Bowker Saur 1997)