

**General Scheme of the
Courts and Civil Law (Miscellaneous Provisions) Bill 2017**

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Provide that:

(1) Notwithstanding any other enactment, and without prejudice to any powers which were exercisable by the rule-making authorities, respectively, for the Superior Courts, the Circuit Court and the District Court prior to the coming into operation of this section, rules of court may, in relation to civil proceedings, make provision -

- (a) for the lodgement or filing of a document with and making of an application to a court by transmitting the document or application by electronic means to -
- (i) the court office concerned or
 - (ii) where, under Head 3, the business, or a category of business, of a court office may or is required to be transacted in a centralised court office, a centralised court office,

whether in place of or as an alternative to any method by which such document or application could, as the case may be, be filed, lodged or made immediately before the enactment of this section, and on such conditions and subject to such exceptions as may be specified by such rules,

- (b) for -
- (i) the issue of a summons, civil bill, claim notice or other originating document by a court,
 - (ii) the issue of a judgment, decree or other order or determination of a court (including any judgment, decree or other order or determination entered in or issuing from an office of a court),
 - (iii) the issue of any other document or information from or on behalf of a court or court office,

by or on behalf of -

- (i) the court office concerned or
- (ii) where, under Head 3, the business, or a category of business, of a court office may or is required to be transacted in a centralised court office, a centralised court office,

by transmitting the same by electronic means to the person who applied for it or a person acting on his or her behalf, whether in place of or as an alternative to any method by which such issue could be effected immediately before the enactment of this section, and on such conditions and subject to such exceptions as may be specified by such rules,

- (c) for -
- (i) the manner in which any of the documents or other matters, transmitted by electronic means in accordance with rules of court made under this subsection, may be authenticated and
 - (ii) the conditions under which such documents or matters shall be admissible as evidence in any legal proceedings,

(iii) the furnishing by a person lodging or filing a document or making an application to a court by electronic means, in accordance with rules of court made under subsection (1), of information to identify that person.

(2) Notwithstanding section 262 of the Social Welfare (Consolidation) Act 2005, information referred to in subparagraph (iii) of paragraph (c) of subsection (1) may include the Personal Public Service Number (within the meaning of that section), if any, of that person.

(3) References, howsoever expressed, in any enactment to the lodgement of a document or making of an application to a court, or to the issue of any document or other matter referred to in paragraph (b) of subsection (1) in civil proceedings, shall be construed as including reference to the lodgement of the document or making of the application, or issue of the document or matter concerned, by electronic means in accordance with rules of court made under subsection (1).

(4) For the purposes of this section, references to a document or application in subsection (1) shall be construed as including a copy of such document or application.

Head 12 - Statement of Truth

Provide that:

(1) Where -

- (a) in any civil proceedings evidence is to be given or a document or information is to be verified by an affidavit or a statutory declaration, and
- (b) in those proceedings a document may be lodged or filed or is required to be lodged or filed, or an application may be made or is required to be made by electronic means by virtue of rules made under Head 9(1),

subject to subsection (2), and notwithstanding any provision of any enactment or rule of law, rules of court may make provision for a statement (in this section a “statement of truth”) to be made and transmitted by electronic means for the purpose of substituting for the affidavit or statutory declaration concerned, and on such conditions and subject to such exceptions as may be specified by such rules.

(2) A statement of truth –

- (a) may be in electronic form
- (b) shall contain a statement that the person making the statement of truth believes that the facts stated therein are true,
- (c) may be signed by the person making it by that person entering his or her name on an online form and
- (d) shall, subject to subsection (5), comply with any other requirements as to its content or form as may be prescribed by rules of court.

(3) A statement of truth may be made

- (a) by a party in the proceedings concerned or on his or her behalf by a solicitor acting for that party in those proceedings,
- (b) by a solicitor on his or her own behalf where that solicitor is acting for a party in the proceedings concerned,
- (c) by a solicitor on behalf of a person who has served or delivered a document in the proceedings concerned, where that solicitor is acting for a party in those proceedings.

(4) Where a statement of truth is made by a solicitor in circumstances to which paragraph (a) or (c) of subsection (3) refer, that solicitor shall, before making the statement of truth -

- (a) obtain permission to make the statement of truth from the party or person on whose behalf it is being made,
- (b) explain to the party or person concerned that in making the statement of truth the solicitor will be confirming by that statement that the party or person concerned honestly believes that the contents of the statement of truth are true, and
- (c) inform the party or person on whose behalf the statement of truth is being made of the provisions of subsection (7) [and (8)].

(5) A statement of truth made by a solicitor in circumstances to which paragraph (a) or (c) of subsection (3) refer shall contain a statement by that solicitor that he or she has complied with each of the requirements specified in paragraphs (a), (b) and (c) of subsection (4) before making the statement of truth.

(6) Where rules of court have made provision for the purposes referred to in subsection (1), any reference in any enactment to an affidavit or a statutory declaration shall be construed as a reference to a statement of truth substituting for such affidavit or statutory declaration by virtue of that subsection.

(7) It shall be a contempt of court for a person to make or cause to be made a false statement in a statement of truth without an honest belief in its truth.

[(8) A person who makes or causes to be made a statement in a statement of truth without an honest belief in the truth of that statement shall be guilty of an offence.

(9) A person guilty of an offence under this section shall be liable –
(a) on summary conviction, to a Class ...fine or to imprisonment for a term not exceeding twelve months, or to both the fine and imprisonment, or
(b) on conviction on indictment, to a Class ...fine or to imprisonment for a term not exceedingyears, or to both the fine and imprisonment.]