

**New Laws enacted during Fianna Fail – Progressive Democrats – Green Party Partnership Government, 2008**

<b>Name of New Law and Its Number:</b>	<b>What does this Act do?</b>	<b>Contact Department:</b>	<b>Signed by the President on:</b>
<p>Control of Exports Act 2008</p> <p>No 1 of 2008</p>	<p>The Act updates existing legislative provision for export controls, which dates for 1983. It provides for substantially increased penalties of up to €10 million or 5 years imprisonment for breaches of export control, enhanced inspection and audit powers for officers of the Department of Enterprise, Trade and Employment and the introduction of controls on brokering and technical assistance and on intangible transfers of technology. Finally the Act provides for the submission to the Oireachtas of an Annual Report on the export of controlled goods.</p>	<p>Department of Enterprise Trade and Employment</p>	<p>27<sup>th</sup> February 2008</p>
<p>The Social Welfare and Pension Act 2008</p> <p>No 2 of 2008</p>	<p>The Social Welfare and Pensions Act 2008 provides for the implementation of certain social welfare improvements announced in Budget 2008. The Act also sets out the necessary legislative provisions for the payment of Blind Welfare Allowance and Domiciliary Care Allowance by the Department of Social Family Affairs with effect from early 2009. These schemes are currently administered by the Department of Health and Children. Part 3 of the Act provides for the necessary legislative changes to the Pensions Act 1990 to allow for the implementation of the recommendations in the 'Report of the Pensions Board to the Minister for Social and Family Affairs on Trusteeship'. In addition, the Act provides for a number of miscellaneous amendments to the Social Welfare Consolidation Act 2005, the Pensions Act 1990, the Family Law Act 1995 and the Family Law (Divorce) Act 1996.</p>	<p>Department of Social and Family Affairs</p>	<p>7<sup>th</sup> March 2008</p>
<p>Finance Act 2008</p> <p>No 3 of 2008</p>	<p>The main purpose of the Act is to give legislative form to the taxation proposals in the Budget Statement of 5 December 2007. It also contains provisions which are consequential on the Budget measures and other changes in the taxation code. The Act is in 6 parts covering Income Tax, Corporation Tax, Capital Gains Tax, Excise, Value-Added Tax, Stamp Duties, Capital Acquisitions Tax and Miscellaneous tax provisions. This year the Act runs to 144 sections and 8 schedules. In conjunction with the Act, an Explanatory Memorandum is published which provides an explanation of each section.</p>	<p>Department of Finance</p>	<p>13<sup>th</sup> March 2008</p>

Passport Act 2008  No 4 of 2008	The Passport Act 2008 sets out for the first time a comprehensive legislative basis for the regulation and issuing of passports. The Act provides a statutory right for an Irish citizen to apply for a passport addresses the application process and outlines the limited circumstances in which a passport may be refused or cancelled. It also strengthens efforts to combat passport fraud by introducing a range of passport-specific offences.	Department of Foreign Affairs	26th March 2008
Motor Vehicle (Duties and Licences) Act 2008  No 5 of 2008	The purpose of the Act is twofold : Firstly to provide a permanent legislative basis for the motor tax increases which were approved by Dáil Eireann by way of Financial Resolution on Budget day, 5 December 2007, and Secondly to give statutory effect to the new carbon dioxide (CO <sub>2</sub> ) based motor tax system which was announced in the Carbon Budget of 6 December 2007	Department of Environment, Heritage and Local Government	26 <sup>th</sup> March 2008
Voluntary Health Insurance (Amendment) Act 2008  No 6 of 2008	The main purpose of the Act is to provide the Voluntary Health Insurance Board (VHI) with a corporate structure to enable it apply for an authorisation (Licence) by the end of 2008 to carry on insurance business from the Financial Regulation. At present, VHI has a derogation under the EU Non-Life Insurance Directives from the authorisation requirement. The Act will enable the Board establish an incorporated subsidiary to carry on its health insurance business and to transfer its assets to that subsidiary. It also provides for the establishment of the other separate subsidiaries.	Department of Health and Children	15 <sup>th</sup> April 2008
Criminal Justice (Mutual Assistance) Act 2008  No 7 of 2008	This Act gives legislative effect to a number of international instruments on mutual assistance in criminal matters. Mutual legal assistance enables one state to provide, within its own jurisdiction, a service to another state related to the administration of justice in the latter. The type of assistance may concern such matters as the investigation of serious international crime, including the gathering of evidence for use abroad or the service of documents issued by a judicial authority. A number of new forms of assistance are introduced by this Act and include assistance with regard to information on financial transaction, including account information and monitoring orders. Other new provisions in the Act extend the domestic powers for the interception of telecommunication messages to requests received from member states of the European Union; the taking of evidence by television or telephone	Department of Justice, Equality and Law Reform	28 <sup>th</sup> April 2008

	link for use in the another state and provisions dealing with the restitution of stolen property to its rightful owner.		
Criminal Law (Human Trafficking) Act 2008  No 8 of 2008	The Criminal Law (Human Trafficking) Act 2008 creates criminal or trafficking in persons for the purposed of their sexual or labour exploitation or the removal of their organs. In doing so, it complies with the EU Framework Decision on combating trafficking in human beings and the criminal law elements of the Protocol to prevent and punish trafficking in persons, supplementing the UN Convention against transnational organised crime, and the Council of Europe Convention on action against trafficking in human beings. It also gives protection to alleged victims of trafficking during the trial by providing for the exclusion of members of the public from the proceedings, guaranteeing the anonymity of the alleged victim and allowing him or her to give evidence through a live television link, from either within the State or abroad.	Department of Justice, Equality and Law Reform	7 <sup>th</sup> May 2008
Local Government Services (Corporate Bodies) (Confirmation of Orders) Act 2008  No 9 of 2008	Following concerns raised by the Attorney General about the powers conferred on the Minister for Health and Children in the Health (Corporate Bodies) Act 1961 and subsequent advice from Senior Counsel, the Attorney General concluded that there was a serious risk, in event of a constitutional challenge being brought that the provisions of that Act would be held to be invalid having regard to the provisions of Article 15.2 of the Constitution; consequently, the Health (Miscellaneous Provisions) Act 2007 was enacted in December 2007. As the Local Government Services (Corporate Bodies) Act 1971 contains similar provisions as in the Health (Corporate Bodies) Act 1961, the Attorney General has advised that similar primary legislation be enacted to confirm Orders made under the 1971 Act. The purpose of the Bill is to confirm orders made under section 3 of the Local Government Services (Corporate Bodies) Act 1091 in relation to bodies established under that Act. The existing corporate bodies concerned are: <ul style="list-style-type: none"> <li>- Local Government Computer Services Board</li> <li>- Dublin Transportation Office</li> </ul>	Department of Environment, Heritage and Local Government	20 <sup>th</sup> May 2008

	<ul style="list-style-type: none"> <li>- Local Government Management Services Board</li> <li>- Affordable Homes Partnership</li> <li>- Irish Water Safety</li> <li>- Limerick Northside Regeneration Authority</li> <li>- Limerick Southside Regeneration Authority</li> </ul> <p>The Bill Also amends the Establishment Orders for the Limerick Northside and Southside Regeneration Agencies to provide for two extra members to be appointed to each Agency Board and to clarify the areas covered by the Agencies</p>		
<p>Prison Development (Confirmation of Resolutions) Act 2008</p> <p>No 10 of 2008</p>	<p>The Confirmation Bill to confirm the Resolutions passed by both Houses of the Oireachtas is a requirement of Section 26 of the Prisons Act 2007. This Act provides that where the Minister for Justice, Equality and Law Reform decides to proceed with the construction of a prison using the consent development process provided for in the 2007 Act, a resolution of both Houses of the Oireachtas approving that proposal is required. To proceed with the development, an Act of the Oireachtas confirming those resolutions is also required. This Act provides that confirmation and is the final stage in the process.</p>	<p>Department of Justice, Equality and Law Reform</p>	<p>2<sup>nd</sup> July 2008</p>
<p>Electricity Regulation (EirGrid) (Amendment) Act 2008</p> <p>No 11 of 2008</p>	<p>An Act to enable, subject to the grant of an authorisation by virtue of Section 16(1)(b) of the Electricity Regulation Act 1999, the construction by EirGrid of an interconnector, to enable, subject to the grant of a licence under Section 14(1)(i) of the Electricity Regulation Act 1999, the transportation of electricity across and the maintenance of such an interconnector by EirGrid, to enable EirGrid to own and operate such an interconnector, to provide for subsidiaries of EirGrid, to provide for an increase in the amount of money that EirGrid may borrow, to provide for the total capital expenditure that may be incurred by EirGrid and to provide for connected matters.</p>	<p>Department of Communications, Energy and Natural Resources</p>	<p>8<sup>th</sup> July 2008</p>
<p>Legal Practitioners (Irish Language) Act 2008</p> <p>No 12 of 2008</p>	<p>The Main Provisions of the Act</p> <p>The Act promotes the better use of the Irish language by legal practitioners and the provision of legal services through Irish. The Act</p>	<p>Department of Justice, Equality and Law Reform</p>	<p>9<sup>th</sup> July 2008</p>

	provides that the Honourable Society of King's Inns and the Law Society establish courses of study in the Irish language as part of their professional training courses. Both bodies are also required to establish registers, which will be made available to the public, showing details of those practitioners who are competent to provide legal services through the Irish language.		
Chemicals Act 2008 No 13 of 2008	The Chemicals Act 2008 [No. 13 of 2008] puts in place a more streamlined and coherent legal framework for the enforcement of certain pieces of EU chemicals legislation in Ireland [including the EU REACH Regulation]. The Act designates of a number of national authorities [including the Health and Safety Authority, the Environmental Protection Agency, the Minister for Agriculture, Fisheries and Food, the Minister for Health and Children, the Irish National Accreditation Board and the Revenue Commissioners] to be responsible for specific areas of enforcement. The Act also provides for cooperation and information sharing between the national authorities and with authorities in other Member States. The Act also puts in place a range of enforcement powers aimed at encouraging compliance and discouraging non-compliance, as well as providing for penalties for offences - up to €5,000 and/or 6 months' imprisonment for summary offences and €3,000,000 and/or 2 years' imprisonment for indictable offences.	Department of Enterprise Trade and Employment	9 <sup>th</sup> July 2008
Civil Law (Miscellaneous) Act 2008 No 14 of 2008	This Act makes changes across a wide range of legislation in the non-criminal sphere, covering courts and court officers, solicitors, landlord and tenant, statutory declarations, juries, bankruptcy, succession, video recordings, censorship of films, parental leave, Civil Service regulation, family law, equal status, civil legal aid and employment equality. Among the principal provisions of note are the following: Courts: provision for using videoconferencing in civil proceedings; increasing the number of District Court judges; providing anonymity in civil proceedings for parties and witnesses with certain medical conditions; permitting the presence in civil proceedings of an assistant for a blind witness or lawyer. Solicitors: requiring committees of the Law Society dealing with disciplinary matters to have a majority of lay members;	Department of Justice, Equality and Law Reform	14 <sup>th</sup> July 2008

	<p>permitting solicitors to limit their civil liability by contract. Landlord and tenant: provisions, similar to those applying to office tenancies, enabling any business tenant to contract, on legal advice, out of an option to extend a tenancy for a guaranteed 20 years after completion of a five-year term. Statutory declarations: enabling those who wish to make statutory declarations to identify themselves by passport or other types of identity document; new procedures offering a range of ways of making a statutory declaration abroad for Irish law purposes. Juries: removing the upper age limit of 70 for eligibility to sit on a jury. Succession: dealing with the situation where the joint tenants of a property die or are deemed to have died simultaneously. Video recordings: setting out new age classifications; making it an offence to supply a video to a person not in the appropriate classification. Censorship of Films: Film Censor's office now to be known as the Irish Film Classification Office and the Censor as the Director of Film Classification; providing an additional criterion of "likely to cause harm to children" for classifying films.</p>		
<p>Dublin Transport Authority Act 2008 No 15 of 2008</p>	<p>The Act provides for establishing a Dublin Transport Authority (DTA) for the Greater Dublin Area. It sets out the basis for ensuring close co-ordination between land use planning and the DTA's transport planning activities. The DTA will be responsible for providing, and funding, an integrated public transport system with integrated fares and an integrated information system. Strategic traffic management and demand management will also come within the DTA's remit and will include measures to increase travel by public transport, cycling and walking.</p>	<p>Department of Transport</p>	<p>16<sup>th</sup> July 2008</p>
<p>Nuclear Test Ban Act 2008 No 16 of 2008</p>	<p>The Nuclear Test Ban Act 2008 will provide the legislation needed to enable Ireland to implement its obligations under the Comprehensive Nuclear Test Ban Treaty. The Comprehensive Nuclear Test Ban Treaty was signed by Ireland in September 1996, and ratified by Ireland in 1999. The Treaty requires each Contracting Party to take the necessary measures to prohibit the carrying out by any person anywhere on its territory or any other place under its jurisdiction of a nuclear weapons test explosion or any other nuclear explosion. The Treaty also recognises that constraints on the development and improvement of nuclear weapons constitutes an effective means of nuclear disarmament and non-proliferation.</p>	<p>Department of Environment, Heritage and Local Government</p>	<p>16<sup>th</sup> July 2008</p>

<p>Intoxicating Liquor Act 2008</p> <p>No 17 of 2008</p>	<p>The Act amends the Licensing Acts 1833 to 2004 and the Criminal Justice (Public Order) Act 1994 in order to give effect to reforms recommended by the Government Alcohol Advisory Group. It contains provisions which restrict on the sale of alcohol in premises with off-licences and imposes additional conditions on the grant of exemptions for extended opening hours for premises with on-licences. The Act provides the Gardai with powers to seize bottles and containers of alcohol in certain circumstances in places other than private dwellings. It also increases certain fines and penalties under the Licensing Acts and the Criminal Justice (Public Order) Act 1994.</p>	<p>Department of Justice, Equality and Law Reform</p>	<p>21<sup>st</sup> July 2008</p>
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