

Law Society
of Ireland

An Investment, Not a Cost: *The Economic Case for Funding Justice*

A submission from the Law Society of Ireland for Budget 2027



The Law Society of Ireland represents more than 12,000 solicitors and is the voice of the profession on law and justice.

We work to shape a fair and just legal system that serves the needs of all. We deliver world-class solicitor training and legal education. Through effective regulation, we ensure the highest professional standards - protecting the public interest and sustaining trust in the profession. We provide extensive services that support solicitors in all areas of practice. Our work enables solicitors to deliver trusted legal services for communities across Ireland.



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Introduction

The justice system is seriously underfunded. This has knock-on effects for courts, social services and vulnerable communities.

As highlighted by the Justice Indicators research paper, published earlier this year by the Centre for Justice and Law Reform at the Law Society, court users have experienced the consequences of this underinvestment firsthand for many years. Court cases take more than three times longer than the European average to resolve, a reflection of both inadequate staffing levels and outdated processes. Underinvestment in our justice system has resulted in avoidable delays and inefficiencies that ultimately restrict access to justice for individuals and increase the cost of doing business in Ireland.

This submission focuses on the need for sustainable investment in the justice system to improve its accessibility and the experience for individuals and businesses. Increased funding in the justice system prevents cost-shifting to other State services (housing, health, prisons).

A justice system that works well also promotes Ireland's reputation around the world, making Ireland more attractive for investment and international cooperation.

Economic activity and the employment and income it generates is dependent on the existence of the legal protection of those engaging in it. There is a large body of empirical literature that confirms the economic impact and importance of having a well-functioning judicial system that effectively serves to protect property rights and enforce contracts. International evidence also shows the important role played by the legal services sector in a country's foreign direct investment attractiveness.

In addition, there are several areas where the Irish tax system does not function as effectively as it should, or where it fails to operate as originally intended. This impacts individuals and businesses. A fair tax system builds public trust, which, in turn, plays a crucial role in encouraging tax compliance.

Our Budget 2027 recommendations are set out under the following headings:

A. Funding Justice for Society

B. Funding Justice for the Economy

C. Improving the Tax System

D. Broadening Access to the Profession

Key Recommendations

A. Funding Justice for Society

- Invest in improved courts infrastructure and greater numbers of judges and courts staff to meet the expectations and needs of modern society, in line with the recommendations from the Kelly Report and the Implementation Plan for the Family Courts Act 2024.
- Urgently resource the Legal Aid Board to address unmet legal needs, broaden access to civil legal aid, raise financial eligibility thresholds, and provide sufficient funding for the experts and legal practitioners required to deliver high-quality services through both the Legal Aid Board and the Private Practitioner Panel.
- Immediately address two critical shortcomings of the criminal legal aid scheme, firstly, the treatment of separate and distinct criminal cases as a single matter where they happen to come before the court on the same day; and secondly, the absence of a practical mechanism to deal with exceptional cases that often concern children and those with mental health issues, which can involve unusually high numbers of court appearances over an extended period.
- Conduct a full review of the operation of the District Court Criminal Legal Aid scheme introduced on 1st July 2026, to ensure that it recognises the important role of solicitors in safeguarding the constitutional fundamental rights to legal representation and a fair trial and ensures that justice in Ireland is available to everyone, and not only to those who can afford it.
- Immediately progress the roll out of the solicitors' portal to allow legal practitioners to assist those who need help establishing Enduring Powers of Attorney (EPA) and simplify the process for preparing and registering an EPA.
- Implement reforms to ensure Pension Adjustment Orders operate as intended.
- Implement reforms to speed up the conveyancing process in Ireland.

B. Funding Justice for the Economy

- Strengthen the Transparency Code for Motor Insurance and provide additional investment to the Injuries Resolution Board (IRB) and grant it expanded powers to award legal costs in a broader range of circumstances.
- Provide a cut to the VAT and court duty rates applicable to legal fees to deliver direct reductions in legal costs for the Irish public.
- Develop a means of assessing the total administrative cost of regulation on business.
- Prioritise the timely transposition of EU measures into Irish law. Transposition should take into consideration the impact on individuals and businesses and should avoid 'gold-plating'.
- Introduce a mechanism to establish a central "Early Warning System" for incoming EU legislation and a monitoring mechanism to assess the implementation of EU laws at departmental level and improve the quality of transposition of EU laws by engaging with stakeholders before implementation and introduce post implementation review for significant Acts and Regulations.
- Dedicate appropriate funding for the implementation of the Law Reform Commission's recommendation to improve public access to legislation that is accurate and up-to-date.
- Provide additional investment to support enhanced data collection, analytical capability, targeted research, and improved reporting infrastructure across the justice sector.

Key Recommendations

C. Improving the Tax System

- The Law Society has identified key areas where the Irish tax system does not function as effectively as it should, or where it can be improved. These shortcomings can contribute to a perception of unfairness within the system and adversely impact on Ireland's economy.
- A fair tax system builds public trust, which, in turn, plays a crucial role in encouraging voluntary tax compliance. Clarity in Ireland's tax regime provides certainty to individuals and businesses.
- Accordingly, we firmly believe that the recommendations outlined in our *Technical Taxation Submission*, which is Appended to this Submission, are directed at safeguarding Ireland's economic stability and prosperity in both the short and long term, particularly amid ongoing geopolitical and resulting economic uncertainty.
- The changes proposed under the *Technical Taxation Submission* are organised under 4 key areas:
 1. Enhancing Ireland's business competitiveness,
 2. Tax compliance improvements,
 3. Property focussed recommendations, and
 4. Capital Acquisitions Tax related improvements.

D. Broadening Access to the Profession

- Extend the SUSI grant to trainee solicitors on part-time professional training programmes and increase income thresholds for SUSI grant eligibility to recognise Law Society financial supports.
- Establish a dedicated non-EEA visa scheme to allow more people to complete their training as solicitors in Ireland.

A. Funding Justice for Society



Improve courts infrastructure, increase capacity, modernise the system, and improve data collection

Decades of Chronic Under-Investment

Ireland's justice system has for many years faced prolonged and systemic underinvestment, resulting in mounting delays, strained infrastructure, and growing obstacles to accessing justice. The Law Society has consistently warned that the system is underfunded, overstretched, and in need of reform. The extent of the under investment in our justice system was put in stark, yet plain terms by Chief Justice O'Donnell, where he said:

"The scale of investment in the system, and therefore the scale by which we still fall short, can be illustrated by a quick rule of thumb calculation by which I estimate that that the budget for the Courts Service and the salaries and pensions of judges from the central fund, would keep the health service funded for less than a week and the education system for approximately a week or so."

Justice Indicators

As highlighted by the Justice Indicators research paper, published earlier this year by the Centre for Justice and Law Reform at the Law Society, court users have experienced the consequences of this underinvestment firsthand for many years. Court cases take more than three times longer than the European average to resolve, a reflection of both inadequate staffing levels and outdated processes.

Underinvestment in our justice system has resulted in avoidable delays and inefficiencies that ultimately restrict access to justice for individuals and increase the cost of doing business in Ireland. These challenges are further compounded by a growing backlog of cases, which makes it more difficult for individuals and businesses to predict when their cases will be heard and resolved. This uncertainty can make it challenging to plan effectively, whether interpersonal matters, commercial disputes, or the enforcement of legal rights. That is why the Law Society has called for sustained and targeted investment in our justice system, particularly in digitisation, enhanced court infrastructure, family law services, and the expansion of civil and criminal legal aid. A properly funded justice system is not only essential for fair access to justice but also plays a foundational role in supporting the wider economy.

Progressing Recent Reforms

Significant reforms of the justice system have been proposed under the Review of the Administration of Civil Justice (Kelly Report) and are advancing at the present time through the Civil Reform Bill. Specific reforms which should positively impact efficiency in the courts include the creation of case conduct principles, the introduction of a deemed discontinuance procedure, the extension of pre-action protocols in areas other than clinical negligence and a new presumption against granting adjournments.

In April, the Minister for Justice, Home Affairs and Migration, Jim O'Callaghan, announced the much-awaited Implementation Plan for the Family Courts Act 2024. This Act introduces vital changes to the delivery of family justice in Ireland. Changes include full-time specialist judges assigned to deal with family law within new family court divisions. The plan encompasses three phases from January 2027 to January 2029.

An increase in the number of judges is bringing about improvements in the efficiency of our courts. 24 new judges were appointed in 2023; in 2024 the Government approved a second phase of judicial expansion, with 20 additional judges to be appointed on a phased basis. The legislation to enable this was enacted in December 2025 and it is hoped the 20 additional judges will be recruited later this year.

The Courts Service Modernisation Programme (2020–2030) is transforming Ireland’s courts by digitising services, replacing more than 150 legacy systems with a Unified Case Management System and a new online Courts Portal that supports e-filing, e-payments, digital orders, and remote access to cases. The programme has also expanded technology-enabled courtrooms and introduced more user-friendly digital processes, particularly in family law. These reforms will help improve efficiency, reduce delays, and will help to reduce costs within the system.

Despite the above progress the court system is still lagging behind ambition, primarily due to continued underinvestment in certain parts of the system. This submission sets out specific requests for adequate funding of civil and criminal legal aid in the following sections but in tandem with this the Government must invest in the courts infrastructure, which includes investment in the Court Service Modernisation Programme, hiring more judges to administer justice, introducing legislation that reforms the practice and procedure of the conduct of litigation in Ireland and increasing the use of digital court data to bridge the data gaps. Improving data collection will inform policy and future targeted spending.

Non- Court Adjudicative Bodies

The Law Society recently participated (in June) in the public consultation run by the Law Reform Commission on its draft paper on reform of non-court adjudicative bodies and appeals to courts. The Law Reform Commission is recommending large scale reform of administrative law in Ireland to create efficiencies through the promotion of better first instance decision making, more streamlined appeal pathways, and better and more transparent administration by adjudicative bodies. Such reforms, it argues, will reduce bottlenecks in the system and reduce legal costs for individuals.

The Law Society is in favour of reforms in this area and calls on the Government to focus on smarter regulations for practical reforms to strengthen existing frameworks, rather than introducing additional institutional layers or new complex statutory schemes.

Planning and Environment Lists

In respect of the Planning and Environmental List in the High Court, while efforts have been made to ensure that nationally significant infrastructure projects are not being delayed, due to judicial resourcing and capacity, it is now taking approximately twelve months for some judicial review proceedings to be heard. Lack of judges is impacting hearing dates which are currently been pushed out as far as May 2027. Dealing with complex environmental and climate issues requires specialist resourcing for this list to function. The Law Society stresses the need for judicial training regarding the science of climate change and the nature of the climate emergency. This training should be offered at all levels of the courts system.

Facilities and Security in Family Courts

The Family Courts Act 2024 represents a significant advancement in Ireland’s family law legal framework. However successful implementation of the Family Law Act depends on ensuring that court infrastructure is upgraded, for example, by providing dedicated private consultation rooms including child friendly facilities and a dedicated security presence in the family courts.

Conclusion

Ireland is in a strong fiscal position, recording a budget surplus of €12.4 billion (or 3.7% of modified gross national income) in 2025, and has the capacity to invest in institutional reform from a position of strength.

WE RECOMMEND THAT GOVERNMENT:

1. Increase the pace of legislative reform specifically in respect of the implementation of the recommendations from the Kelly Report.
2. Ensure the Implementation Plan for the Family Courts Act 2024 progresses without any delays given the urgency of these reforms for family justice.
3. Increase the funding for court infrastructure and digital reform through the Court Service Modernisation Programme 2020 - 2030.
4. Provide additional funding for the appointment of additional judges and courts staff in line with the recommendations of the OECD and the Report of the Judicial Planning Working Group.
5. Provide specialist training on environmental and climate issues for the Court Service.

Level of additional investment sought for Courts Service:
€24m (an increase of 10% on 2026 allocation)

Reform Civil Legal Aid

Civil Legal Aid is in crisis. We need a civil legal aid system which is efficient and well-resourced to protect the most vulnerable in our society.

There is a need for immediate funding, long-term continued investment, and radical reform. Many of the shortcomings of civil legal aid in Ireland have been highlighted by the Majority and Minority Reports of the Civil Legal Aid Review Group and both of these reports provided a variety of recommendations that would improve the functioning of the civil legal aid system. The Joint Committee on Justice, Home Affairs and Migration published its report on Civil Legal Aid last July. This report supports the pre-existing recommendations and reiterates the “serious and growing crisis in relation to civil legal aid”.

The demand for civil legal aid has doubled in the last four years. Waiting times at Law Centres around the country continue to increase. In County Sligo the wait time for a first consultation is 64 weeks, in Ballymun its 51 weeks (a 364% increase from 2024). The effects of the Migration Pact will add even more stress on the system.

Financial eligibility thresholds, unchanged since 2006, have not kept pace with inflation and notably the minimum wage has doubled in this period. Legal aid also does not cover proceedings across a wide variety of quasi-judicial bodies, nor does it cover certain expert reports required in family law proceedings.

The Legal Aid Board is the principal way that civil legal aid is delivered in this country, and it has outdated or non-existent IT infrastructure, its staff are not paid the same rates as other comparable civil servants, and it is experiencing service availability issues in certain regions due to lack of resources.

The Legal Aid Board must be restructured and resourced. The Majority Report proposes the creation of two new bodies – a Legal Aid Oversight Body and an Implementation Group. The Law Society believes that these bodies are unnecessary and will detract resources from the Legal Aid Board while taking away from the Legal Aid Board’s ability to lead the necessary reforms and restructuring of civil legal aid. Any powers intended for such new bodies should be allocated to the existing statutory bodies such as the Legal Aid Board and Citizens Information Board.

When Law Centres are overstretched or have long waiting lists, the Legal Aid Board may refer cases to private solicitors through what is known as the Private Practitioner Scheme. The current system of civil legal aid is heavily reliant on private practitioners. According to the Legal Aid Board’s Annual Report 2024, out of the 16,779 Family Law cases handled in the Law Centres, 7,423 were referred to the Private Practitioner Scheme. This means that 44% of District Court family law civil legal aid cases were handled by private practitioners that year.

The standard rate payable to solicitors who undertake a case under the Private Practitioner Scheme is a flat fee of €339 which is for the entirety of one case, from start to finish.

The Private Practitioner Scheme has been held together by the efforts and dedication of an ever-decreasing number of solicitors who are still willing to take on this work. Less and less early career solicitors are choosing to participate in the Private Practitioner Scheme, because it is simply not economically sustainable for them.

There has been a very steady flight of solicitors from the Private Practitioners panel and inability of

litigants to access legal aid from Private Practitioners panel. The Law Society understands that the Private Practitioners panel in Dublin has reduced by over 60 % in 10 years.

This flight of solicitors is likely to significantly accelerate due to an unwillingness of solicitors currently on the Private Practitioners panel to continue to operate a system which is uneconomic and makes no financial sense.

There is a widespread sense of disillusionment among practitioners with the lack of any meaningful progress in this area over many years.

In the absence of significant reforms, the outlook for the Private Practitioner Scheme is bleak and is already fuelling the emergence of legal aid deserts in many Irish counties. The fees payable to counsel and private practitioners are currently less than the rates that were payable in 2006. The fee rates were reduced twice in the period between 2008 and 2011. While public sector pay restoration to pre-2008 levels was nearly entirely completed by 2019, no restoration of private practitioner and counsel fees ever took place.

An entirely predictable consequence of the decline in the number of solicitors participating in the Private Practitioner Scheme is that the waiting lists around the country for a first consultation are unacceptably high – in some cases people are waiting for over one year for a first consultation. This is a denial of access to justice. The emergence of legal deserts has already come to pass and unless action is taken, this situation will deteriorate further.

In relation to reform, the Law Society agrees with placing a focus on user-centredness, early intervention (including non-court supports) and public information and education on legal rights. We agree with a new co-ordinated Civil Legal Aid Support System including merging functions currently undertaken by different bodies.

The financial eligibility thresholds for civil legal aid applicants need to be increased. This is currently set at €18,000. Any increase in the threshold will be ineffectual unless adequate resources are put in place in the Legal Aid Board to deal with the inevitable additional cases that arise as a result of any increase.

Funding is also required for expert reports (particularly “Voice of the Child” reports) in family law proceedings. Legal aid should cover proceedings in front of quasi-judicial bodies.

In short, civil legal aid is an integral part of the Irish justice system and is in dire need of reform. The Legal Aid Board may, in a best case scenario, only be able to staff 50% of what is needed to match expected caseloads this year, and the Private Practitioner Scheme is struggling to retain solicitors. This will all lead to an unacceptable rise in legal deserts in Ireland. The Law Society urges Government to:

- Keep the reform simple,
- Ensure that it is resourced,
- Allow the Legal Aid Board to lead the reforms and support and resource it properly with the support of other stakeholders,
- Ensure value for money by avoiding the mistake of creating unnecessary new bodies.

The current funding for civil legal aid does not reflect the fundamental importance of the system to the Irish public in accessing justice.

WE RECOMMEND THAT GOVERNMENT:

6. Immediately provide needed resources to an improved, modernised Legal Aid Board to allow it to meet the needs of the Irish public and implement a new Civil Legal Aid Support System.
7. Following an expansion of the resources available to the Legal Aid Board, revise the financial eligibility thresholds for civil legal aid to reflect the current minimum wage.
8. Immediately raise the rates payable to private practitioners on the Private Practitioner Scheme to avoid the proliferation of legal aid desserts. Ensure that outlays and travel costs are reimbursed under the scheme. Restructure the Private Practitioner Scheme to better resemble the closed Mental Health Legal Aid Scheme 2005.
9. Provide adequate funding for expert reports, particularly 'Voice of the Child' reports.
10. Ensure that solicitors employed by the Legal Aid Board are paid at a level that is equal to that payable by other public bodies.
11. Give the Legal Aid Board the powers to deliver meaningful reforms rather than create two new bodies.
12. Expand the remit of civil legal aid to cover proceedings in front of quasi-judicial bodies.

Level of additional investment sought for Legal Aid Board:

€14.6m (an increase of 20% on 2026 allocation)

Reform Criminal Legal Aid

The criminal legal aid system is one of the main pillars safeguarding the constitutional rights of Irish citizens to legal representation and a fair trial. While the Government recognises the crucial role played by the legal profession in the effective administration of criminal justice, years of underinvestment have weakened the perennity of the system.

Following the 2008 economic crisis, criminal legal aid fees were severely reduced by over 25%. The Government committed to a full restoration of fees and a reform of the system in its Programme for Government in 2025. Budget 2026 included these two commitments.

Despite significant concerns on the impact of access to justice by the Law Society and defence solicitors, the new model implemented on 1st July 2026 is based on a single payment per case, equivalent to five appearances under the current system plus an 8% increase in lieu of a full restoration of the Financial Emergency Measures in the Public Interest (FEMPI) cut.

The concept of a flat-fee payment for legal aid fees is not new. It was introduced in civil legal aid for family law matters more than a decade ago. As mentioned above, the experience of the flat-fee system in family law has failed, with solicitors unable to continue to support the Private Practitioner Scheme and the emergence of legal aid deserts in many parts of the country. Introducing this flat fee system into criminal legal aid will lead to a catastrophic reduction in the number of solicitors willing to provide criminal legal aid services. Access to justice and legal representation will be reserved for defendants and victims of crime who can afford it.

The Law Society supports a reform of the District Court criminal legal aid system but insist that any new model is practical, evidence-based, capable of protecting the constitutional rights of an accused person, while remaining sustainable for those who provide publicly funded legal representation.

While the Law Society welcomes the Government's commitments to make some changes to the criminal legal aid scheme, we call for two critical matters to be addressed, those being:

1. the treatment of separate and distinct criminal cases as a single matter where they happen to come before the court on the same day; and
2. the absence of a practical mechanism to deal with exceptional cases that often concern children and those with mental health issues, which can involve unusually high numbers of court appearances over an extended period.

We also wish to highlight that, as forensic evidence advances and criminal cases grow more complex, the use of expert witnesses has become increasingly common. There is an acute shortage of experts, including medical and technical experts, willing to provide their services at the flat rate offered under the current scheme. Difficulties in securing experts is particularly acute in certain medical areas such as psychiatry. It is understood that, as a result of these difficulties, the Director of Public Prosecutions (DPP) has managed to secure with the Department of Justice, Home Affairs and Migration an increase of the fees paid to experts acting in cases for the DPP.

Expert fees payable under the criminal legal aid scheme should be increased to reflect both the growing demand for expert input, the true cost of delivering these services and should match the fees paid to the State's experts to guarantee equality of arms.

It is imperative for Budget 2027 to fully restore criminal legal aid fees and not introduce cuts dressed up as reforms.

There should be a clear commitment to ensuring that the rates payable are indexed on the rate of inflation to maintain real value of funding over time.

WE RECOMMEND THAT GOVERNMENT:

13. Immediately address two critical shortcomings of the criminal legal aid scheme, firstly, the treatment of separate and distinct criminal cases as a single matter where they happen to come before the court on the same day; and secondly, the absence of a practical mechanism to deal with exceptional cases that often concern children and those with mental health issues, which can involve unusually high numbers of court appearances over an extended period.
14. Conduct a full review of the operation of the District Court criminal legal aid scheme introduced on 1st July 2026 and introduce reforms that (a) recognise the important role of solicitors in safeguarding the constitutional fundamental rights to legal representation and a fair trial, and (b) ensure that justice in Ireland is available to everyone, and not only to those who can afford it.
15. Ensure that the rates payable are indexed on the rate of inflation, and commit to regular fee reviews to ensure they accurately reflect the costs associated with criminal law practice.
16. Increase the fee rate for expert reports in the criminal legal aid scheme and ensure parity of fees between experts for the defence and the prosecution.

Level of additional investment sought for Criminal Legal Aid:
€6.1m (an increase of 5% on 2026 allocation)

Remove barriers to the Creation of an Enduring Power of Attorney

The Law Society has engaged extensively with Government over the past year on the challenges with the creation of an Enduring Power of Attorney (EPA) under the Assisted Decision-Making (Capacity) Act 2015. Despite this engagement, significant barriers continue to frustrate the public and the profession.

The current system, which is operated by the Decision Support Service (DSS), remains overly complex, inaccessible, and unfit for purpose. The digital-only approach has created serious usability issues for members of the public, particularly older people, those with fluctuating capacity, and individuals with limited digital literacy.

The Programme for Government 2025 committed to establish a dedicated solicitors' portal, to enhance the ability of solicitors to support their clients to create an EPA. We are still waiting on this portal.

We call for the acceleration of the review of the Assisted Decision-Making (Capacity) Act 2015 and the timely implementation of the necessary legislative and procedural changes so that any person who wishes to make an EPA can do so.

In addition to procedural issues, there are several problematic legislative requirements within the Assisted Decision-Making (Capacity) Act 2015 which should be reformed. These include the in-person requirement for Attorneys during the creation of an EPA. This restriction disproportionately affects individuals whose chosen Attorneys reside outside Ireland. The six-month change restriction post registration of an EPA and the limitation on revisions to once per year should also be removed. These constraints prevent individuals from updating their EPAs in response to changing circumstances, undermining the principle of respecting their evolving will and preference.

WE RECOMMEND THAT GOVERNMENT:

17. Immediately progress the roll out of the solicitors' portal.
18. Simplify the current process for preparing and registering an EPA.
19. Publish web-based application forms to enable individuals to consider the key elements of an EPA and engage legal advice if necessary.
20. Amend the 2015 Act to remove (a) the in-person presence requirement for Attorneys during EPA creation, and (b) the six-month change restriction post-registration, and (c) the limitation on revisions to once per year.

The above proposals would come at no additional cost to the Exchequer (the budget already made provision for the solicitor portal in 2025).

Family Justice – Beneficiaries of Contingent Benefit Pension Adjustment Orders

Pension Adjustment Orders (PAOs) are often put in place in the context of divorce to protect dependent spouses and children. The Law Society has identified an unintended gap in the operation of PAOs, specifically in relation to contingent death-in-service benefits where a scheme member transfers into a Master Trust arrangement.

In such cases, existing PAOs may cease to have effect, as they do not bind the trustees of the receiving Master Trust.

This creates a risk that the intended beneficiaries, typically financially vulnerable dependants, may be deprived of substantial benefits following the member's death.

The potential financial loss to a dependent spouse can be significant. This outcome is manifestly unfair, undermines the purpose of the PAO, and might only become apparent once irreversible harm has occurred.

In this context, we submit that targeted intervention is required to ensure that PAOs continue to operate as intended.

WE RECOMMEND THAT GOVERNMENT:

21. Implement reforms to ensure Pension Adjustment Orders operate as intended.

The above proposal can be implemented at no additional cost to the Exchequer.

Stop Creating Additional Taxes as Charges on Property which further slows down Conveyancing Transactions

The Law Society continues to advocate for reform measures to speed up the conveyancing process in Ireland. These reform proposals include our repeated requests that Government:

- reform planning legislation to recognise established non-conforming developments;
- standardise local authority requests;
- allow the use of statements of truth in place of statutory declarations in property transactions; and
- prioritise legislative amendments to facilitate eConveyancing.

Creating new taxes as charges on property is also slowing down conveyancing in Ireland. The Law Society submits that there is a need to identify ways to minimise the complexity of taxation policies that result in a charge on a property.

The existing Derelict Sites Levy (DSL) is transitioning to a new national Derelict Property Tax (DPT) under the Government's *Delivering Homes, Building Communities* Plan.

It is envisaged that like DSL, unpaid DPT will be a charge on property. This tax will apply at a rate of 7% of the property's market value. The legislation is expected in 2026 with a national register to be published in 2027. Until DPT is fully implemented, the local authorities will continue to levy the DSL for the properties on their register. The tax will potentially cover an estimated 19,000 properties.

There are similarities between the reasons for the DPT and the Residential Zoned Land Tax (RZLT) in that both taxes are concerned with changing behaviours and ensuring properties are not left idle for years.

Whilst the Law Society supports the government objective to encourage consumers to bring derelict properties back into use it also fully supports the Government's objective to achieve an 8-week conveyancing process, by reducing unnecessary delays and enhancing efficiency, transparency and public confidence in the conveyancing system.

The collection of new and existing tax measures by way of a charge on a property significantly impacts the conveyancing process and can be the cause of lengthy delays. Solicitors are required to ensure that property-based taxes have been discharged prior to a sale completing, as unpaid property taxes can become statutory charges. These must be investigated to ensure that the purchaser (and their lender if applicable) can be confident they are acquiring the property free of any outstanding tax liabilities.

The Law Society asks Government to reconsider making unpaid DPT a charge on property.

In the alternative, if the Government persists in making the unpaid tax a charge on property, (despite the government initiative to achieve an 8-week conveyance) then at the very least the charge *should be registered against the property* before it can impact a sale. If at the date the sale closed, the charge was not registered or pending registration, the purchaser, being a purchaser for value without notice, would take free of it i.e. it would not affect their title. The ability of Revenue to pursue the defaulting taxpayer would not be affected.

Such registration is a simple procedure and could be by way of e-Charge (i.e. completed online). This would resolve the conveyancing issue, and avoid the attendant costs and delays, because the

normal searches carried out by the purchaser's solicitor would identify the charge and the matter would be dealt with prior to the sale completing.

Revenue already has a range of options available to them to pursue defaulting taxpayers, including attachment of earnings. As this legislation has not yet been enacted the Government has the opportunity not to repeat the mistakes and unintended consequences that resulted with Residential Zoned Land Tax.

WE RECOMMEND THAT GOVERNMENT:

- 22. Implement reforms to speed up the conveyancing process in Ireland.
- 23. Reconsider making unpaid DPT a charge on property, which will further slowdown the conveyancing process.

The above proposals can be implemented at no additional cost to the Exchequer.

B. Funding Justice for the Economy



Reducing the cost of Insurance

In recent years the Irish public have seen substantial increases in the cost of insurance premia, particularly in the case of motor insurance.

In 2024 for example, the average motor insurance premium rose by 9%, which was far above the general rate of inflation (according to information collated by the Central Bank's National Claims Information Database). Insurance premia in Employers' Liability, Public Liability and Commercial Property Insurance have also seen year-on-year increases.

Despite claims by the insurance industry that legal costs (and particularly the cost of litigation) paid by parties and insurers are a major driver of rises in insurance premia, there is no evidential basis that legal costs are a major component of the average insurance premium.

Insurers have been slow to pass on savings to consumers and are remarkably quick to shift fault elsewhere, presenting themselves as blameless observers in the debate on rising premiums.

In March, the Government launched a Motor Insurance Transparency Code as a priority action under the Action Plan for Insurance Reform 2025-2029. Insurers can choose to opt in, if they wish, but they are not obliged to do so.

One crucial element consistently missing from the industry's narrative is its own costs and profits. Data from the Central Bank's National Claims Information Database (NCID) shows that insurers' operating costs and profits exceed the total paid out on claims and are several times higher than legal or other associated costs.

The current public debate has been shaped by a long running and effective effort by the insurance industry to deflect scrutiny from its own role in driving up premiums. Successive NCID reports highlight the same stark fact: the single largest cost in Irish insurance premiums is the portion retained by insurers themselves — the industry's "price cost mark up."

The Law Society believes that a sustainable insurance industry is essential to a healthy economy and to ensuring that policyholders can fully exercise their right to make claims when they need to.

We also support the timely and efficient resolution of claims, and we recognise that, in many cases, the Injuries Resolution Board provides the most appropriate forum for resolving such matters.

The Law Society agrees with the Injuries Resolution Board's recent call for the law to be changed to empower it to award legal costs in a much broader range of circumstances than is presently permissible and believes this will assist in resolving more claims at an earlier stage.

From the Central Bank data, it is clear that legal costs could not have had any significant impact on rising insurance premiums and have in fact reduced as a portion of the gross premiums written during that time.

Based upon data over the past 10 years, legal costs represent, on average, 7.9% of a typical motor premium charged by an insurer, or 9% in the case of a typical premium for Employers Liability, Public Liability and Commercial Property premium.

While a profitable and sustainable insurance market is essential for a healthy economy, consumers have a right to understand what they are paying for and why premiums continue to rise. They

deserve full transparency around insurers' own costs and the factors that drive profit. Only with this level of openness can we cut through deflection and create a fairer, more accountable system.

Greater scrutiny of insurer profitability, alongside accurate reporting of fraud rates and claims data, is essential to ensure informed debate and to dispel the recurring misconception that legal costs are a primary driver of high premiums. Government must establish oversight of insurers to provide clarity on their profit margins and ensure they provide an adequate explanation as to why savings have not been provided to consumers.

The new Transparency Code should be enforceable by a third-party regulator. Government assumed that insurers will simply self-regulate via the Code and provide transparency to consumers: this is not enough and Government should, in the public interest, actively fund enforcement of the Code via a body or bodies that investigates insurer compliance with the Transparency Code.

Although legal costs are not a major contributor to the cost of insurance, the Law Society suggests that Government could immediately reduce legal fees by (1) reducing court duties (8.8% of total costs) and (2) reducing VAT (23% on solicitor and barrister fees). This would deliver direct savings in legal costs for the Irish public.

WE RECOMMEND THAT GOVERNMENT:

24. Strengthen the Transparency Code for Motor Insurance to ensure that insurance companies are held accountable for continued rises in insurance premia despite record profits year on year. A strengthening of the Code must come hand-in-hand with clear enforcement duties for an existing regulator to supervise the insurance industry's compulsory compliance with the Code.
25. Empower the Injuries Resolution Board to award legal costs in a broader range of circumstances.
26. Examine the feasibility of making a reduction in the VAT and court duty rates applicable to legal fees, to deliver direct reductions in legal costs for the Irish public.

The above proposals can be implemented at no additional cost to the Exchequer.

Simplification of Regulation and Transposition of EU Laws

The Law Society submits that across many aspects of the economy, regulation in Ireland needs to be reduced and simplified.

Cost of Regulation

It is the case that a significant proportion of Ireland's regulatory burden derives from EU Directives and regulations that Ireland cannot simplify or adopt in a piecemeal way. However, the EU itself has adopted a 25% administrative burden reduction target (35% for SMEs) and a one-in/one-out rule under the European Commission's Better Regulation Agenda adopted in 2022.

Ireland has no publicly available, independently verified measure of the total administrative cost of regulation on business. Establishing a baseline measurement should be a priority.

The mandate of the economic regulators (e.g. ComReg, Commission for Regulation of Utilities and the Central Bank of Ireland) should incorporate an obligation on each of them to consider economic growth and competitiveness alongside their enforcement mandate.

'Gold-plating' Transposition Measures

The scope for reform in how Ireland transposes EU law is significant because even though the terms of the Regulation or Directive are EU-mandated, the resulting compliance burden, inspection regime and so on are domestically determined.

Ireland has consistently chosen to 'gold-plate' EU regulation, transposing Directives with additional requirements, stricter thresholds or heavier enforcement mechanisms than the EU minimum demands. This is a policy choice, not an EU obligation.

Late and Inadequate Transposition

Ireland is at times slow and cumbersome at transposing EU laws, regularly missing deadlines, and then rushing to catch up which often results in unclear, conflicting or overreaching national laws that must be challenged in the courts.

The non-transposition or late transposition of EU Directives incurs costs for the State that can be significant. For example, in 2025, the EU imposed a fine of €1.54m on Ireland for the State's failure to transpose a Directive. In 2024, fines amounting to approximately €9.6m were imposed on the State for the same reason.

As of September 2026, the European Commission has 54 infringement cases open against Ireland for the State's failing to transpose EU Directives into law in time, or in an appropriate manner.

As a committed EU Member State, Ireland should be leading implementation, not lagging behind its EU peers.

Engaging with Stakeholders in Preparation for Transposition

The Law Society recommends that Government introduce an "Early Warning System" or some alternative agreed national approach for incoming EU legislation. Regulatory bodies should actively involve stakeholders in this system and facilitate early engagement well ahead of transposition, to develop a comprehensive implementation plan.

Scrutiny of Transposition Measures

Each year a large number of statutory instruments are used to transpose EU law in Ireland. Taking 2025 as an example – 24% of all statutory instruments made that year were implementing EU measures in Irish law. It is concerning that those statutory instruments are signed into law without any degree of parliamentary scrutiny. In respect of all EU measures that require implementing legislation in Ireland, drafts of those measures should be provided, in a timely way, by each Department of State to the Seanad Select Committee on EU Scrutiny and Transparency.

WE RECOMMEND THAT GOVERNMENT:

27. Develop a means of assessing the total administrative cost of regulation on business.
28. Prioritise the timely transposition of EU measures into Irish law. Transposition should take into consideration the impact on individuals and businesses and should avoid 'gold-plating'.
29. Introduce a central "Early Warning System" for incoming EU legislation and engage with stakeholders when developing transposition measures.
30. Drafts of statutory instruments transposing EU law in Ireland should be provided, in a timely way, by each Department of State to the Seanad Select Committee on EU Scrutiny and Transparency.
31. The mandate of economic regulators (e.g. ComReg, Commission for Regulation of Utilities, and the Central Bank of Ireland) should incorporate an obligation on each of them to consider economic growth and competitiveness alongside their enforcement mandate.

Level of additional investment required to deliver these reforms: €1.5m

Accessibility of Legislation, Revised Acts, and Statute Law Revision

The Law Society recommends continued investment in the accessibility and modernisation of Ireland's statute book. The Law Reform Commission's 2020 *Report on Accessibility of Legislation in the Digital Age* emphasised that legislation should be comprehensive, current, and readily available to the public, and recommended planned programmes of legislative consolidation and revised legislation, supported by appropriate digital infrastructure.

Ready access to accurate and up-to-date legislation supports the efficient administration of justice, reduces legal uncertainty, lowers the cost of doing business, enhances access to justice, and strengthens transparency and public confidence in the legal system.

The Law Society recommends dedicated annual funding to support the implementation of the Law Reform Commission's recommendations on accessibility of legislation, including the expansion of Revised Acts, legislative consolidation, statute law revision programmes, enhancements to the electronic Irish Statute Book (eISB) and related digital infrastructure.

The introduction of Revised Acts has had the single greatest positive impact on the accessibility of legislation in Ireland. Beginning from a standing start of zero in 2007, the Law Reform Commission has developed and maintains a collection of more than 550 Revised Acts. Revised Acts are the full text of Acts in their as-amended up-to-date condition. This has been achieved at a very low level of cost to the Exchequer.

All significant Acts and Regulations should be reviewed within 3 years of coming into force. The OECD has specifically recommended this for Ireland. The Government should establish a central regulatory quality unit to drive a greater level of regulatory reform across all Departments of State.

WE RECOMMEND THAT GOVERNMENT:

32. Significantly increase the level of funding allocated to the Revised Acts initiative that is being led by the Law Reform Commission.
33. Designate the online version of legislation as being the official version.
34. Establish an Accessibility and Consolidation of Legislation Group, as recommended by the Law Reform Commission, to oversee planned programmes of consolidated legislation.
35. Establish a central regulatory quality unit to drive a greater level of regulatory reform across all Departments of State and ensure that all significant Acts and Regulations are reviewed within 3 years of coming into force.

Level of additional investment required to deliver these reforms: €2.5m

Commence the Collection and Publication of Statistics and Performance Metrics of the legal and courts system

A justice system must demonstrate effectiveness, fairness, and accessibility, in order to earn public confidence. Assessing whether these principles are being met in practice requires objective, reliable data.

To address this need, the Centre for Justice and Law Reform at the Law Society analysed more than 100 sources of data across 15 justice indicators, benchmarking Ireland against EU or Council of Europe averages.

The resulting *Justice Indicators* research paper (February 2026) created a data-driven evidence base to assess the performance of core justice institutions. The research examined areas including public trust, policing, courts, and prisons, using empirical data and a traffic-light assessment model to identify where Ireland differs from international benchmarks. Indicators included policing expenditure, court case clearance rates, and prison occupancy levels.

A key finding was the existence of significant data gaps that limit meaningful assessment of justice system performance.

In several areas, Irish data is unavailable or lacks sufficient detail for international comparison. For example, the Courts Service does not separate administrative matters from civil and commercial cases when reporting to the Council of Europe, reducing the accuracy of comparisons relating to case disposition times and clearance rates.

Similarly, since 2021 the Courts Service has not reported civil case disposition times for the District and Circuit Courts. As a result, Ireland's average civil case duration cannot be accurately calculated or compared internationally. Other gaps include the absence of data on civil settlements, which impedes the reliable calculation of case clearance rates. The reporting of rape detection rates also presents challenges. Current figures combine historical and contemporary cases, despite distinct investigative conditions and evidential challenges between the two.

Addressing these shortcomings would strengthen analysis of the justice system's performance and support evidence-based reform. The *Justice Indicators* paper recommends improving data collection, reporting, and publication across the justice sector.

Key recommendations include publishing annual information on court backlogs (both the number and age of cases), annual court sitting days, and assignments of judges per court. This data would assist in calculating judicial caseloads, identifying resource pressures, and assessing the impact of investments over time.

The paper also recommends ensuring Ireland reports the full range of information required for international datasets, such as including judicial salaries when reporting court budgets.

Most recommendations involve changes to data administration and publication practices rather than legislative reform. In many cases, the relevant data may already be collected but not currently published.

Although legislative change is largely unnecessary, implementing the recommendations will require additional investment in data collection, analysis, and administrative capacity. Some gaps will require new data-collection mechanisms, while others will require research to better understand existing findings.

WE RECOMMEND THAT GOVERNMENT:

36. Provide additional investment to support enhanced data collection, analytical capability, targeted research, and improved reporting infrastructure across the justice sector.
37. Where data in specific areas are not currently available, address these gaps and design and implement expanded data-collection mechanisms.

Level of additional investment required to deliver these reforms: €2m

C. Improving the Tax System



Improving the Tax System

The Law Society has identified key areas where the Irish tax system does not function as effectively as it should, or where it can be improved. These shortcomings can contribute to a perception of unfairness within the system and adversely impact on Ireland's economy.

A fair tax system builds public trust, which, in turn, plays a crucial role in encouraging voluntary tax compliance. Clarity in Ireland's tax regime provides certainty to individuals and businesses.

Accordingly, we firmly believe that the recommendations outlined in our Technical Taxation Submission, which is Appended to this Submission, are directed at safeguarding Ireland's economic stability and prosperity in both the short and long term, particularly amid ongoing geopolitical and resulting economic uncertainty.

The technical submission is organised under four key areas:

- Enhancing Ireland's business competitiveness,
- Tax compliance improvements,
- Property focussed recommendations, and
- Capital Acquisitions Tax related improvements.

ENHANCING IRELAND'S BUSINESS COMPETITIVENESS

The Government should:

38. Make further improvements to the participation exemption.
39. Amend the outbound payments rules, so as to support and improve the Investment Limited Partnership vehicle as a vehicle for fund establishment in Ireland.
40. Introduce a branch exemption.
41. Remove the residual charge to stamp duty in section 88 of the Stamp Duties Consolidation Act 1999 (SDCA).
42. Amend sections 118 and 112B of the Taxes Consolidation Act 1997 (TCA) to provide clarity on the tax treatment of the provision of food and drink to employees and directors.
43. Remove restrictions on section 291A TCA capital allowances.
44. Provide additional investment to support enhanced data collection, analytical capability, targeted research, and improved reporting infrastructure across the justice sector.
45. Where data in specific areas are not currently available, address these gaps and design and implement expanded data-collection mechanisms.

TAX COMPLIANCE IMPROVEMENTS

The Government should improve provisions that promote tax compliance, to include:

- 46. Amending certain provisions relating to the making of enquiries and raising assessments.
- 47. Improving the ability to amend tax returns.
- 48. Improving the expression of doubt provision.
- 49. Payment of interest on amounts agreed as overpaid under mutual agreement procedures.

PROPERTY FOCUSSED RECOMMENDATIONS

The Government should improve provisions that promote tax compliance, to include:

- 50. Ensure that the (re)development of existing buildings and structures is encouraged and facilitated by providing that all profits from a trade of dealing in or developing land are taxed at a corporation tax rate of 12.5% (rather than 25%).
- 51. Remove the requirement to obtain a tax clearance certificate (Form CG50A) where there is a transfer of a loan (or debt security) which is secured over Irish real estate, where the debtor is not in default of any of the terms of the loan (or debt security).
- 52. Address previously identified issues in the context of RZLT.

CAPITAL ACQUISITIONS TAX RELATED IMPROVEMENTS

The Government should improve provisions that promote tax compliance, to include:

53. Replace the existing Class A, B and C thresholds with a lifetime threshold per beneficiary of €600,000 irrespective of who the disponent is.
54. Simplify dwellinghouse relief and allow situations where co-habitants in committed relationships can benefit from the relief in the same way that married couples can.
55. Remove the necessity to disclose standard form Discretionary Trust Wills.
56. Increase the small gift exemption to €10,000 to take some account of inflation and price increases.
57. Amend the aggregation date for benefits to 1 January 2017 (beginning 1 January 2027) and this date should move forward each year.

D. Broadening Access to the Profession



The legal profession needs to reflect the diversity of the people and communities we serve. Widening access and pathways to legal training and funding for training are therefore priorities for the Law Society.

Support part-time legal education with the SUSI Grant Scheme

The Law Society asked Government last year to extend the SUSI grant to trainees on part-time professional training courses. We also asked the Government to increase income thresholds for SUSI grant eligibility to recognise Law Society financial support.

As part of its commitment to broadening access to the solicitor profession, the Law Society continues to innovate and diversify pathways to qualification. Our Professional Practice Course Hybrid (PPC Hybrid) blends online and in-person learning to accommodate trainees who cannot attend full-time courses. The student profile of PPC Hybrid reflects a more diverse trainee cohort in terms of age, geographic location, and life experience to that of the traditional PPC programme.

However, the current eligibility framework for grants awarded by SUSI excludes those in part-time professional training, effectively preventing many capable and motivated individuals from pursuing a legal career. This gap must be addressed to ensure equitable access to the profession and to align with the evolving needs of those seeking to become solicitors.

The Law Society has significantly invested in bursaries and financial supports to help students and small legal practices access training contracts, aligning with Government policy to improve diversity in the legal profession. However, trainee solicitors who receive Law Society support are excluded from receiving SUSI grants. By excluding trainee solicitors who receive modest support from the Law Society from also accessing SUSI grants, the system unintentionally penalises those from socio-economically disadvantaged backgrounds. If the goal is to open access and attract more diverse talent, then financial support systems need to work together, not against each other.

WE RECOMMEND THAT GOVERNMENT:

58. Allow trainees on part-time professional training programmes to apply for SUSI grant funding.
59. Increase income thresholds for SUSI grant eligibility to recognise Law Society financial supports.

Level of additional investment required to enhance SUSI supports: €2m

Support Non-EEA trainee solicitors by introducing a Stamp 1A Immigration Permission Scheme

The Law Society asked the Government last year to support non-EEA trainee solicitors with a dedicated student visa scheme. We must repeat this request again this year as there is still no pathway for these non-EEA students to train in Ireland as solicitors on graduation. Ireland lacks an immigration permission that fits the unique structure of solicitor training. The current pathways for non-EEA graduates, such as the Critical Skills Employment Permits (CSEP), General Employment Permits (GEP), and students visa schemes are either unsuitable or unavailable to trainee solicitors.

To resolve this gap, the Law Society proposes the creation of Stamp 1A Legal Trainee Scheme, modelled on the successful Stamp 1A Trainee Account Scheme, which allows non-EEA trainee accountants to undertake professional training without an employment permit.

Ireland's national policy, *Global Citizens 2030 Talent and Innovation Strategy* aims to attract, develop, and retain international students as skilled workers. A key recommendation of the Legal Services Regulatory Authority (LSRA) *Breaking Down Barriers Report* is to review the "training arrangements for non-EEA students in order to remove barriers to entry" in collaboration with key stakeholders. The introduction of a Stamp 1A Legal Trainee Scheme would directly support this policy objective to reduce barriers to enter the legal profession.

Core features of the Stamp 1A Legal Trainee Scheme would include:

- **Eligibility:** Non-EEA nationals who have secured a training contract with a law firm in Ireland.
- **Duration and renewal:** Permission granted for up to 12 months, renewable annually for a maximum of four years.
- **Conditions:** Full-time engagement in solicitor professional training.
- **Transition on qualification:** On admission as a solicitor and receipt of practising certificate, the trainees may transition to (subject to eligibility conditions) (i) General Employment Permit (GEP) or (ii) Critical Skills Employment Permit (CSEP).
- **Safeguards:** Permission lapses if a training contract is terminated or progression requirements are not met.

Currently, the absence of such a scheme places many international students and non-EEA graduates of Irish higher education institutions at a significant disadvantage, as they struggle to secure sponsored training roles within the legal profession. The comparable scheme available to trainee accountants through the Stamp 1A visa provides a clear precedent. Extending a similar arrangement to trainee solicitors would be an important step towards creating a more inclusive and diverse legal profession, while also enhancing Ireland's reputation as a destination for international talent.

WE RECOMMEND THAT GOVERNMENT:

60. Draft updated immigration guidelines to create a Stamp 1A Legal Trainee Scheme modelled on the comparable Stamp 1A Trainee Accountant Scheme.

This proposal can be implemented at no additional cost to the Exchequer.

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