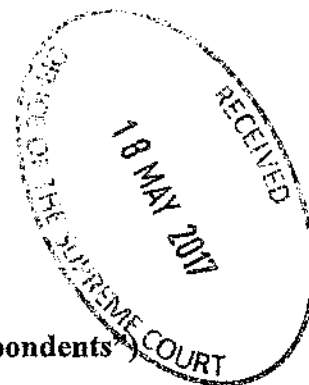


SUPREME COURT

Respondents' Notice of the

First to Fifteenth Named Respondents ("the Oireachtas Respondents")



Supreme Court record number	S.AP:IE:2017/000071
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[Title and record number as per the High Court proceedings]

ANGELA KERINS Appellant/Applicant	V	Record No: 2014/431JR DEPUTY JOHN MCGUINNESS, DEPUTY MARY LOU MCDONALD, DEPUTY SHANE ROSS, DEPUTY ÁINE COLLINS, DEPUTY PAUL J CONNAUGHTON, DEPUTY JOHN DEASY, DEPUTY ROBERT DOWDS, DEPUTY SEÁN FLEMING, DEPUTY SIMON HARRIS, DEPUTY EOGHAN MURPHY, DEPUTY GERALD NASH, DEPUTY DEREK NOLAN, DEPUTY KIERAN O'DONNELL, THE CLERK OF DÁIL ÉIREANN, THE CLERK OF THE PUBLIC ACCOUNTS COMMITTEE AND IRELAND AND THE ATTORNEY GENERAL Respondents
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Date of filing	18 th May 2017
Name of respondent	The Oireachtas Respondents are: (1) John McGuinness; (2) Mary Lou McDonald;

	<p>(3) Shane Ross;</p> <p>(4) Áine Collins;</p> <p>(5) Paul J Connaughton;</p> <p>(6) John Deasy;</p> <p>(7) Robert Dowds;</p> <p>(8) Seán Fleming;</p> <p>(9) Simon Harris;</p> <p>(10) Eoghan Murphy;</p> <p>(11) Gerald Nash;</p> <p>(12) Derek Nolan;</p> <p>(13) Kieran O'Donnell;</p> <p>(14) The Clerk of Dáil Éireann; and</p> <p>(15) The Clerk of the Public Accounts Committee.</p>
Respondent's solicitors	Office of the Parliamentary Legal Adviser, Houses of the Oireachtas, Leinster House, Dublin 2.
Name of appellant	Angela Kerins
Appellant's solicitors	Eames Solicitors, 2 Malt House Square, Smithfield, Bow Street, Dublin 7.

1. Respondent Details

Where there are two or more respondents by or on whose behalf this notice is being filed please also provide relevant details for those respondent(s)

Respondent's full name	See above
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The respondent was served with the application for leave to appeal and notice of appeal on date
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4th May 2017

The respondent intends :

☐ to oppose the application for an extension of time to apply for leave to appeal

☐ not to oppose the application for an extension of time to apply for leave to appeal

☐ to oppose the application for leave to appeal

☒ not to oppose the application for leave to appeal (*subject to qualification of certain claims made by the Appellant in support of her appeal to this Court*)

☒ to ask the Supreme Court to dismiss the appeal

☒ to ask the Supreme Court to affirm the decision of the Court of Appeal or the High Court on grounds other than those set out in the decision of the Court of Appeal or the High Court (*If necessary, although its primary submission will be to ask the Supreme Court to affirm the High Court's decision on the grounds set out therein*)

☐ Other (please specify)

If the details of the respondent's representation are correct and complete on the notice of appeal, tick the following box and leave the remainder of this section blank; otherwise complete the remainder of this section if the details are not included in, or are different from those included in, the notice of appeal.

Details of respondent's representation are correct and complete on notice of appeal: ☐

Respondent's Representation

Solicitor: Ms Ramona Quinn			
Name of firm	Office of the Parliamentary Legal Advisor		
Email	ramona.quinn@oireachtas.ie		
Address	Houses of the Oireachtas Leinster House	Telephone no.	01 618 3112
		Document	na
		Exchange no.	
Postcode	Dublin 2	Ref.	OPLA 2296.2017

How would you prefer us to communicate with you?

☐

Document

☒

X

E-mail

	Exchange		
	Post		Other (please specify)

Counsel			
Name	Mr Paul Gallagher		
Email	psa@paulgallagher.ie		
Address	4A Wellington Road, Ballsbridge	Telephone no.	01 660 6195
		Document Exchange no.	
Postcode	Dublin 4		

Counsel			
Name	Mr Brian Kennedy		
Email	brian@bkennedy.ie		
Address	2 Arran Square, Arran Quay	Telephone no.	01 872 9488
		Document Exchange no.	812143
Postcode	Dublin 7		

Counsel			
Name	Ms Catherine Donnelly BL		
Email	cdonnelly@lawlibrary.ie		
Address	Distillery Building, 145-151 Church Street	Telephone no.	087 329 5044
		Document Exchange no.	818348
Postcode	Dublin 7		

If the Respondent is not legally represented please complete the following

Current postal address

Telephone no.
e-mail address

How would you prefer us to communicate with you?

<input type="checkbox"/> Document Exchange	<input type="checkbox"/> E-mail
<input type="checkbox"/> Post	<input type="checkbox"/> Other (please specify)

2. Respondent's reasons for opposing extension of time

If applicable, set out concisely here the respondent's reasons why an extension of time to the applicant/appellant to apply for leave to appeal to the Supreme Court should be refused

N/A

3. Information about the decision that it is sought to appeal

Set out concisely whether the respondent disputes anything set out in the information provided by the applicant/appellant about the decision that it is sought to appeal (Section 4 of the notice of appeal) and specify the matters in dispute:

1. While the Oireachtas Respondents do not take issue with the information furnished in Section 4 of the Notice of Appeal insofar as same purports to record the findings of the Divisional Court in its judgment delivered on 31 January 2017 ("**the Judgment**"), the Oireachtas Respondents do take issue with the comment and implied criticism of the Judgment included therein (e.g., at §§8, 10, 11 and 17).
2. The account of the Judgment (§4.4) is inaccurate. It is not correct that the Divisional Court "found, referring to the determination of the Committee on Procedures and Privileges" ("**the CPP**"), that the examination into the internal affairs of Rehab is *ultra vires* the Public Accounts Committee ("**the PAC**"). Rather, the Judgment recorded the finding of the CPP to this effect (§33). The Divisional Court made no findings as to whether the PAC had acted *ultra vires*.

3. For this reason also, the Oireachtas Respondents dispute the Appellant's characterisation of the actions of the PAC in April 2014 as "*ultra vires*" (§4.10); no such finding was made by the Divisional Court.
4. The Oireachtas Respondents also dispute the assertion (§4.16) that the Divisional Court found that the Appellant had been damaged by unfair treatment by the PAC on occasions of *ultra vires* exercise of powers; the Divisional Court made no such findings.

4. Respondent's reasons for opposing leave to appeal

If leave to appeal is being contested, set out concisely here the respondent's reasons why:

In the case of an application for leave to appeal to which Article 34.5.3° of the Constitution applies (i.e. where it is sought to appeal from the Court of Appeal)-

- * the decision in respect of which leave to appeal is sought does not involve a matter of general public importance
- * it is not, in the interests of justice, necessary that there be an appeal to the Supreme Court

In the case of an application for leave to appeal to which Article 34.5.4° of the Constitution applies (i.e. where it is sought to appeal to the Supreme Court from the High Court)-

- * the decision in respect of which leave to appeal is sought does not involve a matter of general public importance
- * it is not, in the interests of justice, necessary that there be an appeal to the Supreme Court
there are no exceptional circumstances warranting a direct appeal to the Supreme Court.

**delete where inapplicable*

The Oireachtas Respondents do not oppose the Appellant's application for leave to appeal to this Honourable Court. They also submit that this Honourable Court should allow the Oireachtas Respondents' application for leave to appeal the related decision of the Divisional Court of 5 April, 2017 on the issue of costs, so that the two appeals can be heard and determined simultaneously by the same Court.

However:

1. It is denied that the Divisional Court reversed the decisions of this Court in *In Re Haughey* [1971] IR 217 and *Maguire v Ardagh* [2002] 1 IR 385 ("*Abbeylara*") and/or that it departed from the doctrine of precedent normally considered binding on the Courts.

2. It has never been doubted in any of the decided to date cases that Article 15.13 extends to utterances in Committee as well as in Parliamentary Chambers. Further this is specifically provided for in Section 92 of the Houses of the Oireachtas (Inquiries, Privileges and Procedures Act) 2013 (“the 2013 Act”).

5. Respondent’s reasons for opposing appeal if leave to appeal is granted

Please list (as 1, 2, 3 etc in sequence) concisely the Respondent’s grounds of opposition to the ground(s) of appeal set out in the Appellant’s notice of appeal (Section 6 of the notice of appeal):

1. The Appellant has raised a number of overlapping and repetitive Grounds of Appeal in respect of the Judgment.
2. The Grounds of Appeal make various assertions of disputed facts, which were not determined by the Divisional Court, and which cannot therefore be advanced now to premise this Appeal. In addition, the Appellant includes in Section 6 of her Notice of Appeal a significant number of points in the nature of legal submission, comment and argument, including new argument not raised before the Divisional Court.
3. The Oireachtas Respondents do not propose to respond to each individual Ground in turn. However, the Oireachtas Respondents take issue with each and every Ground of Appeal, and save as expressly not opposed herein, each of the Appellant’s Grounds of Appeal is hereby opposed by the Oireachtas Respondents as if set out herein and traversed seriatim.
4. Further, while the Appellant’s Grounds of Appeal are disperse and wide-ranging, the Oireachtas Respondents submit that, if this Honourable Court decides to accept the Appeal, the question arising for consideration is narrowly-focussed and can be articulated as follows:

“Are expressions of opinion uttered by Members of the Oireachtas in Committees, in circumstances in which a person who is not a

member of the Oireachtas has attended before that Committee voluntarily, protected by Article 15 of the Constitution?"

5. This question identifies the only issue on which the Divisional Court ruled and it is accordingly the only issue that can properly arise for determination in the Appeal. Moreover, the Divisional Court found as facts that the Appellant attended before the PAC voluntarily (Judgment, §§58, 59) and that the utterances made were "*clearly expressions of opinion by the relevant members devoid of any legal force*" (Judgment, §107). As such, the contours and premises of the suggested question are properly framed.
6. Furthermore, if this question is determined against the Oireachtas Respondents, it will be necessary to have the matter remitted to the Divisional Court for consideration of the remaining issues in dispute in the underlying proceedings, and in particular, as to whether the Oireachtas Respondents acted within jurisdiction during the proceedings which took place on 27 February 2014 and 10 April 2014.
7. Strictly without prejudice to the foregoing, the Oireachtas Respondents will oppose the Appeal, in particular (and without limitation), on the following Grounds of Opposition:
 - (1) Article 15 of the Constitution recognises the importance of freedom of debate in the Oireachtas, creating an area of non-justiciability in respect of such debate.
 - (2) This area of non-justiciability exists not to protect Members of the Oireachtas, but rather "*the democratic process itself*" (Judgment, §111), and is internationally recognised.
 - (3) The constitutional imperative created by Article 15 has never been doubted, even in cases where the Court has found it appropriate to engage in judicial review of parliamentary activity. As the Divisional Court put it: "*[f]or upwards of four centuries it has been recognised in*

common law jurisdictions throughout the world that the courts exercise no function in relation to speech in parliament” (Judgment, §111).

- (4) There has been no case in this jurisdiction in which the Courts have found that Articles 15(12) and 15(13) were engaged, yet nonetheless permitted judicial review because of other countervailing considerations.
- (5) The Divisional Court was therefore correct—having engaged in a thorough review of the applicable authorities (Judgment, §§84—103)—to conclude that “[t]he fact that utterances in themselves trench upon the good name of a citizen who is not a member of the Oireachtas cannot of itself render that issue justiciable in the face of the clear constitutional prohibition” (Judgment, §103).
- (6) The constitutional imperative created by Article 15 has also been held to extend to utterances made in Committees: *Attorney General v Hamilton (No 2)* [1993] 3 IR 227, 254 (Geoghegan J) and *Callely v Moylan* [2014] 4 IR 112 (O’Donnell and Clarke JJ, noting (at §52) that “[i]t appears to be generally accepted that the Report of the Committee of the House is entitled to the same status and privilege as the report of the House itself”). The Divisional Court was therefore also correct to refer to the position that applied under Article 15.13 as being “that the privilege applies to committees of either House in the same way as it applies to the Houses themselves” (Judgment, §106).
- (7) Equally unimpeachable is the conclusion of the Divisional Court that the question of jurisdiction “*simply [did] not arise because none was being exercised*” (Judgment, §61); here “*the PAC had no adjudicative function nor did it purport to make any findings of fact in relation to*” the Appellant (Judgment, §80).
- (8) In this regard, the Appellant’s reliance on cases such as *Haughey* and *Abbeylara*—as the Divisional Court found (Judgment, §§68—69)—is

misplaced. To use the Divisional Court's formulation, there is "*no true analogy*" between the Appellant and Mr Haughey; Mr Haughey's attendance before the PAC was under legal compulsion (Judgment, §68). By contrast, no compellability powers were exercised against the Appellant (and when such powers were sought, they were refused).

(9) The evidence supported the Court's finding of fact that the Appellant attended voluntarily (Judgment, §§58—59).

(10) The Divisional Court was also correct to dismiss the Appellant's suggestion of a "*Hobson's Choice*" (Judgment, §§58—59); the proposal that compulsion could arise *de facto* rather than *de jure* to transform speech into acts is both legally incorrect and practically unworkable.

(11) It follows that the non-justiciability conferred by Article 15 applies here; this is a case that is about parliamentary speech, not parliamentary acts.

(12) That this is so is further underscored by the fact that the Appellant's case turns on a parsing of the transcripts of the proceedings that took place before the PAC of 27 February 2014 and 10 April 2014 (see e.g., Transcript, Day 1, p 47 (Counsel for the Appellant observing that "*the essence of the case turns on the transcripts and the events that ensued on 27th February and 10th April*"); see also Transcript, Day 1, p 47—Day 3, p 12 (parsing of the transcripts); Day 5, p 3 (viewing segment of the PAC proceedings)).

(13) The Appellant has also constructed her case on the basis of the contrived proposition that statements made—and in particular, opinions expressed—during the proceedings were "*findings of fact*" or "*conclusions*", with, as just noted, large portions of the trial before the Divisional Court comprising of the Appellant's counsel analysing the transcripts of the proceedings, commenting on the utterances made, making imputations against Members of the Oireachtas with regard to

their motivations, and asking the Divisional Court to draw conclusions from the words used.

(14) The Divisional Court correctly rejected this contrivance, finding that the statements made were “*clearly expressions of opinion*” (Judgment, §107). It is of course obvious that expressions of opinions by individuals at a particular point in time are not findings in the Abbeylara sense (not least due to the number of members of the PAC).

(15) Further in this regard, the uncontradicted evidence established that there was no process akin to an Abbeylara process underway in respect of the Appellant (Affidavit of John McGuinness sworn on 29 October 2014, §§14—18). The PAC never intended publishing a report concerning adverse findings against the Appellant; its focus is on overarching or systemic issues and any reports it produces are reviewed to ensure that they do not raise any Abbeylara type issues. In short, no finding of fact would ever have been made against the Appellant. Indeed, there would not necessarily even have been any report of the PAC following the Appellant’s participation in its proceedings (Affidavit of John McGuinness sworn on 29 October 2014, §17).

(16) In any event, the decision in Abbeylara is not as extensive as the Appellant contends. In particular, in Abbeylara, Geoghegan J found (at 741—742) that a report of an Oireachtas committee might in certain circumstances result in implied blame being attached to an individual.

(17) The Appellant also fails to recognise that the consequence of the ruling of the Divisional Court is not that there is any surrendering of her constitutional rights or that her constitutional rights are unprotected. Rather, the consequence is that, as the Divisional Court observed, “*the custodian of those rights is not the court but the Oireachtas itself*” (Judgment, §110).

(18) Thus, insofar as any utterances made by the Oireachtas Respondents were defamatory and/or outside the scope envisaged by Standing Order 163 (which is denied), same is subject to regulation by the Oireachtas itself. There is therefore no lacuna in the legal protection which the Appellant is afforded.

(19) It must also be recalled that the Appellant's case involves an unprecedented challenge to parliamentary speech, with its ultimate goal being to render Members of the Oireachtas accountable in damages for utterances made during the course of their participation in the democratic process. The Divisional Court was correct to conclude that this "*cannot be done*" (Judgment, §107).

8. Further, and strictly without prejudice to the foregoing, the Appeal is premised on misunderstandings of the legal position. In particular (and without limitation):

(1) The Notice of Appeal mischaracterises Article 15 as a provision conferring "*rights*" which arise to be balanced in a "*hierarchy of rights*" against Article 40.3 rights (Notice of Appeal, §6.2.iv). Article 15 does not confer rights but rather an inviolable area of non-justiciability to protect the democratic process.

(2) The Appellant is erroneous in her assertion that the Judgment is unsupported by precedent in that no other Court has ever found that Article 15.13 applied to Committees (Notice of Appeal, §6.1.ii; see also §6.6.ii); the Oireachtas Respondents will rely in this regard on the Hamilton (No 2) and Callely rulings noted above.

(3) It is denied that the effect of the Judgment is to overturn the rulings in Haughey and Abbeylara (Notice of Appeal, §6.1.iii); these cases are simply not engaged in the circumstances arising here.

(4) It is also noted that while the Appellant suggests in her Notice of

Appeal that she is not asking this Honourable Court to overturn its previous precedent (Notice of Appeal, p 20), it is clear that, in fact, she is seeking to overturn legal principles that have been settled “[f]or upwards of four centuries” (Judgment, §111).

9. The Appeal is premised on incorrect characterisations of the Judgment. In particular (and without limitation), it is not correct to assert that the “*Divisional Court found that the Appellant had been damaged by the unfair treatment by the PAC on occasions of ultra vires exercise of powers (as found by CPP)*” (Notice of Appeal, §6.7.i). The Divisional Court did not find that the treatment of the Appellant was “*unfair*”. No decision was made in this regard, as the Divisional Court held (Judgment, §61) that “*the issue of jurisdiction, when properly analysed, simply does not arise because none was being exercised*” (see also, Judgment, §107).
10. The Appeal relies on disputed assertions, which were not resolved by the Divisional Court and which cannot now be advanced as uncontroverted findings. In particular (and without limitation):
 - (1) The Appellant repeatedly asserts in the Notice of Appeal that the Committee “*was not engaged in Committee business*” (Notice of Appeal, §§6.2.vi, 6.3.ii, 6.6, 6.6.vi). Aside from the fact that this allegation is completely denied, this is an issue that is in dispute and that was not resolved by the Divisional Court; it cannot therefore form part of the basis upon which this Honourable Court approaches the Appeal.
 - (2) Repeated assertions are made as to “*ultra vires*” exercise of powers by the Oireachtas Respondents (e.g., Notice of Appeal, §§6.6.i and 6.7.i). Again, while the Appellant contends that the PAC exercised *ultra vires* powers, this is disputed and was not determined by the Divisional Court. Accordingly, the Appellant is not entitled to premise her Appeal on an assertion that the conduct of the Oireachtas Respondents

was *ultra vires*.

- (3) There was no finding of the Divisional Court that the Oireachtas Respondents had clear disregard for either the Appellant's constitutional rights protected under Article 40.3 or their jurisdictional limits (Notice of Appeal, §6.3.iv).
- (4) No finding was made by the Divisional Court that, by failing to seek a direction from the CPP pursuant to Section 77 of the 2013 Act, "*the PAC ensured that the Appellant was deprived of procedural safeguards*" (Notice of Appeal, §6.6.iv). In any event, the PAC did seek such a direction.
- (5) It is not accepted and has not been determined that the PAC conducted its examination outside its remit, or that it asserted a particular remit that was not then observed (Notice of Appeal, §6.6.v).
- (6) It is not accepted and has not been determined that there was uncontroverted evidence that established that members of the PAC continued to lobby through the media for an expanded remit to permit the pursuit of the Appellant following the decision of the CPP (Notice of Appeal, §6.7.ii). No such finding can be located in the Judgment. In this regard, see also, in particular, Affidavits sworn by Mary Lou McDonald, John McGuinness and Shane Ross on 10 February 2015.

11. Linked to this, the Appeal attempts to overturn findings of fact made by the Divisional Court. In particular (and without limitation):

- (1) The Appellant seeks to reopen the finding of the Divisional Court that the Appellant attended voluntarily (see, e.g., Notice of Appeal, §6.3.i).
- (2) The Appellant seeks to reopen the finding of the Divisional Court that the utterances made were "*expressions of opinion*". In particular, in

this regard, the fact that the utterances made are permanently available in transcripts and recordings which remain available on-line on the Houses of the Oireachtas website as part of the official record of the PAC does not change the character of the utterances from expressions of opinion into findings of fact (Notice of Appeal, §6.5.iv).

12. It is denied that the Appellant has advanced any basis upon which to reopen these findings of fact.
13. Further and strictly without prejudice to the foregoing, the Notice of Appeal raises new arguments not made before the Divisional Court. In particular (and without limitation):

- (1) It was not argued before the Divisional Court that a residual jurisdiction exists in the Court, even in areas otherwise privileged or protected under Article 15, to provide a remedy or to enter what would otherwise be a zone of non-justiciability in exceptional cases (Notice of Appeal, §6.3.iv). In any event, this proposition is denied, and would involve a departure from the well-established jurisprudence to which the Divisional Court had regard and to which reference has already been made above.

- (2) It was not argued before the Divisional Court that the text of Article 15.13 properly construed with due regard to the Irish text and the word "*inchuisithe*" cannot have the effect of precluding the making of an order expunging the record or any other order which (Notice of Appeal, §6.3.v). In any event, this proposition is denied, and would involve a novel departure from the well-established jurisprudence to which the Divisional Court had regard and to which reference has already been made above

- (3) It is denied that any distinction can be drawn between the February 2014 and April 2014 proceedings for the purpose of the issues arising

here.

(4) It was not argued before the Divisional Court that the Appellant had been directed by her employer to attend before the PAC or that she would be exposed to potential sanction under her contract of employment for non-attendance (Notice of Appeal, §6.4.3). Indeed, this suggestion, made for the first time in the Notice of Appeal, contradicts the Appellant's evidence before the Divisional Court (see Appellant's Affidavit, sworn on 21 July 2014, §15; Appellant's Affidavit, sworn on 9 March 2016, §39; Affidavit of Adrian Eames, sworn on 15 March 2016, §97).

(5) In any event, it is denied that an invitation to an individual to attend voluntarily before a Committee of the Oireachtas can thereby be converted into a compulsory requirement to attend, by virtue of the position adopted by that individual's employer; Members of the Oireachtas cannot bear responsibility (and be held accountable in damages) for the views of employers over which they have absolutely no control.

14. Further, and strictly without prejudice to the foregoing, the Notice of Appeal abounds with rhetorical and political commentary, which is inaccurate and inappropriate.

15. While the Appellant relies on the fact that there was an error in the reference to the 2013 Act in the witness pack furnished to the Appellant prior to her appearance and criticises the Divisional Court for failing to refer to same (Notice of Appeal, §6.7.i), it must be recalled that it was not in dispute that the Appellant was in receipt of legal advice prior to her appearance. The Divisional Court also found as primary fact that the Appellant had such legal advice (Judgment, §18).

16. While the issue does not arise for determination in the Appeal, for completeness, to the extent necessary, the Oireachtas Respondents deny that

the PAC acted *ultra vires* in the proceedings of 27 February 2014 and 10 April 2014 and will contend, in particular (and without limitation), that:

- (1) The PAC enjoyed inherent, express and/or implied powers to conduct the proceedings of 27 February 2014 and 10 April 2014 as they were conducted;
- (2) The powers of the PAC do not derive from either the Comptroller and Auditor General Act 1993 or Standing Order 163 (contrary, in particular, to Notice of Appeal, §§6.3.i and 6.4.ii). There is no legislation regulating the circumstances in which the PAC will embark on an examination;
- (3) The Oireachtas and its Committees enjoy inherent power;
- (4) In particular, the Oireachtas and its Committees enjoy an inherent power to inform themselves;
- (5) The power of scrutiny of expenditure of public monies is also a power that is normally necessarily exercised by a legislature in a democratic state;
- (6) The PAC, in particular, enjoys an inherent power which derives from its unique position in the parliamentary structure;
- (7) Alternatively, the PAC's power of scrutiny of expenditure is expressly conferred on the Dáil by the Constitution;
- (8) Even if it were to be concluded that the PAC did not enjoy express power to engage in the proceedings which took place on 27 February 2014 and 10 April 2014, the PAC enjoyed implied powers to do so, and

(9) For any Court to conclude that a committee of the Oireachtas cannot invite somebody to attend and assist with its inquiries in respect of any matter, particularly a matter self-evidently within its jurisdiction, would be to impose a novel and very significant restraint on the entitlement of the Oireachtas to inform itself.

(10) Insofar as the PAC engaged in *ultra vires* conduct (which is denied), the Appellant acquiesced in same and is now precluded from complaining about lack of jurisdiction.

(11) The principles developed in the case of Anisminic Ltd v Foreign Compensation Commission [1969] 2 AC 147 are not applicable, given in particular (and without limitation) that, they do not apply to the PAC and/or do not apply in Ireland.

(12) The PAC was not bound by the principles of constitutional justice and/or the PAC complied with all its obligations in this regard.

17. The Oireachtas Respondents fully reserve their entitlement to oppose the Appellant's Grounds of Appeal on Grounds other than those identified herein. In particular (and without limitation), the Oireachtas Respondents rely on all of the submissions made before the Divisional Court, including in their Outline Legal Submissions dated 8 July 2017 and 4 October 2017.

Name of counsel or solicitor who settled the grounds of opposition (if the respondent is legally represented), or name of respondent in person:

CATHERINE DONNELLY BL

BRIAN KENNEDY SC

PAUL GALLAGHER SC

6. Additional grounds on which decision should be affirmed

Set out here any grounds other than those set out in the decision of the Court of Appeal or the High Court on which the Respondent claims the Supreme Court should affirm the decision of the Court of Appeal or the High Court:

The Oireachtas Respondents will contend that the Judgment ought also to be affirmed on the basis of the general principles of non-justiciability which arise by virtue of the well-established respect owed by one arm of the State.

Are you asking the Supreme Court to:

depart from (or distinguish) one of its own decisions?

☐

Yes

☒

No

If Yes, please give details below:

make a reference to the Court of Justice of the European Union?

☐

Yes

☒

No

If Yes, please give details below:

Will you request a priority hearing?

☐

Yes

☒

No

If Yes, please give reasons below:

Signed: Ramona Quinn

(Solicitor for) the Oireachtas Respondents (1-15)

Ramona Quinn,

Solicitor,

Office of the Parliamentary Legal Adviser,

Leinster House,

Dublin 2.

Please submit your completed form to:

The Office of the Registrar to the Supreme Court

The Four Courts

Inns Quay

Dublin

This notice is to be lodged and served on the appellant and each other respondent within 14 days after service of the notice of appeal.