

Class Actions

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What is a class action?

A class action is a proceeding taken by an individual or a small group on behalf of a defined ‘class’ of people. Class members will be a larger group of similarly aggrieved individuals.

Why are class actions useful?

Class actions facilitate a broader access to justice as they are an effective way for marginalised groups to vindicate their rights. Those who cannot afford to engage in litigation by themselves have the opportunity to have their grievances heard.

Class actions promote efficiency and stop a lot of time and money being wasted as, instead of many similar cases, the court only has to deal with one. Another advantage is that this creates greater consistency in the law.

Are class actions possible in Ireland?

There is a representative action procedure in Ireland, which allows one action to be brought to resolve issues on behalf of different parties with the same interest. However this procedure is extremely limited and is rarely used. It is not the same as class action procedures in other countries and does not promote access to justice.

What are the issues with the Irish System?

- The Irish courts apply the rule that the parties must have a similar claim very strictly, so that the claims must be almost identical.
- The court must be satisfied that each individual in the class has authorised the person taking the case to do so. This prevents the use of the system to help people who may not have proper access to legal advice.
- Order 6 rule 10 of the Circuit Court Rules 2001 states that the Circuit Court will not hear any representative actions in tort law.
- Civil Legal Aid is not granted for representative actions. Section 28(9) (a) (ix) of the Civil Legal Aid Act 1995 excludes from the remit of civil legal aid any application “made by or on behalf of a person who

is a member, and acting on behalf of a person who is a member, and acting on behalf, of a group persons having the same interest in the proceedings concerned”.

Are class actions used in other countries?

Yes. Class actions are used in jurisdictions such as Canada, Australia and the USA and have been introduced in certain areas of law in many European countries.

At EU level, the European Commission published a [Recommendation](#) in 2013 on collective redress. The Recommendation invites Member States to adopt collective redress mechanisms for both injunctive and compensatory relief for breaches of EU law rights (such as competition, consumer and environmental law rights) which follow a set of basic principles set out in the Recommendation.

The Recommendation is non-binding, but states that Member States should implement the principles within two years (i.e. by mid-2015). Whilst there has been no flood of new collective action regimes as a result, in a number of jurisdictions (in addition to the UK) collective redress has been very much on the agenda. For example, Italy has introduced a class action procedure for consumer law cases under article 140 of the Consumer Code. In France, class actions can be taken in the areas of consumer law, financial services and environmental law.

See [the International Comparative Legal Guide to Class and Group Actions](#) for more information.

PILA (Public Interest Law Alliance)

PILA is a public interest law network that seeks to engage the legal community and civil society in using the law to advance social change.

PILA was established in 2009 as a project of FLAC (Free Legal Advice Centres), an independent human rights organisation that promotes equal access to justice for all.

PILA aims to:

1. Driving and growing a diverse alliance of people and organisations who are committed to the development of public interest law in Ireland.
2. Promoting and facilitating pro bono in order to build the capacity of organisations to engage in public interest law work.
3. Mobilising emerging lawyers through clinical legal education programmes with a focus on public interest law.
4. Conducting research on barriers to public interest litigation in Ireland, raising awareness and working to remove these barriers.

What is public interest law?

Public interest law is the law that goes to the very core of our society – affecting the rights, well-being, health, or finances of our people as a whole – but, most commonly, the law that advocates for those who are disadvantaged or marginalised.

It involves using law reform, litigation and legal education as tools of change. We approach public interest law work in its broadest sense; not specifically having to involve the courts, but also assisting vulnerable groups to participate in processes that affect them.

PILA Pro Bono Referral Scheme

Central to PILA's work is the Pro Bono Referral Scheme, which supports social justice non-governmental organisations (NGOs), independent law centres and community organisations in obtaining legal assistance where they do not have the resources or in-house expertise.

PILA receives and assesses requests for assistance from over 110 NGOs, filtering matters that meet our criteria and referring them on to a pro bono barrister, solicitor or law firm with suitable skills.

The Pro Bono Referral Scheme gives NGOs access to:

- Legal advice – on organisational issues or in line with policy and campaign work;
- Law reform working groups – where lawyers and NGOs come together to work to implement social change;
- Litigation support – including pre-litigation advices and casework; and
- Legal education sessions – to better equip NGO staff in navigating the law.