



DETERMINATION

(full form)

Case No: GS/1/7/20/002

Sponsored by: C1-03

In the matter of the question as to: “Are Irish judges subject to the law and the Constitution?”

This matter having been brought to Council for consideration and assessment according to; (i) the Rule of Law; (ii) to existing positive (written) law in order of primacy; (iii) as per the procedures and protocols in the current version of the PTI Operations Manual; (iv) upon the lawful and constitutional authority and jurisdiction as laid out therein and in the PTI’s other listed foundation documents; and (v) with due reference to the original research document in this matter which is publically available on the PTI website; the PTI Council hereby finds and determines as follows:

The Law States:

1. Article 35.2 of the Irish Constitution states: *“All judges shall be independent in the exercise of their judicial functions and subject only to this Constitution and the law.”*
2. Article 34. 6(i) states: *“6 1° Every person appointed a judge under this Constitution shall make and subscribe the following declaration: "In the presence of Almighty God I do solemnly and sincerely promise and declare that I will duly and faithfully and to the best of my knowledge and power execute the office of Chief Justice (or as the case may be) without fear or favour, affection or ill-will towards any man, and that I will uphold the Constitution and the laws. May God direct and sustain me.”*
3. Article 40.1 states: *“All citizens shall, as human persons, be held equal before the law.”*

Finding / Determination:

1. Irish judges are subject to the law and to the Constitution.

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Reg No/Pages/Para	GS/002/1/1	PTI Executive
D-Approval Date	08/11/2020	PC/WF/SM

