**The Supreme Court of Ireland**

The Supreme Court is the highest court in the land, the ultimate arbiter of the law. Prior to Independence, this function was reserved for the House of Lords in Westminster, and the courts in Ireland largely mirrored those in England. Thus the structure of the courts was itself a reminder of Britain’s subjugation of Ireland. With the creation of the Irish Free State in December 1922, one of the first tasks was to establish a new court system: W.T. Cosgrave, President of the Free State’s Executive Council, wrote in January 1922 that “there is nothing more prized among our newly won liberties than the liberty to construct a system of judiciary and an administration of law and justice according to the dictates of our needs and after a pattern of our own designing.” Legislation enacted in 1924 – the Courts of Justice Act – created this new court system, including a Supreme Court as the final court of appeal in Ireland, subject to an exceptional right of appeal to the Privy Council in London. By 1935, this final right of appeal had been abolished, and the Supreme Court – the predecessor of the current Court – became the ultimate court of appeal in Ireland. In 1937, our current Constitution took effect, Article 34 of which sketched a new court system. Legislation to establish these new courts was enacted in 1961, and it is from 1961 that the current Supreme Court dates.

The Court is comprised of a Chief Justice and nine ordinary justices; the presidents of the Court of Appeal and the High Court are *ex officio* members of the Supreme Court as well. The Constitution guarantees the independence of all members of the judiciary: Judges are forbidden to be members of the Oireachtas or to hold any other office or paid position, and their remuneration may not be reduced while in office. The Supreme Court’s primary function is to act as the final court of appeal for this country. Since the 33rd Amendment of the Constitution in 2014, which created the Court of Appeal, the Supreme Court will hear appeals only in exceptional cases involving matters of public importance. The Court also acts as a court of first instance on two occasions: to determine incapacity on the part of the President, and more commonly, to decide the constitutionality of bills referred to it by the President under Article 26. Legislation that survives an Article 26 reference is immune from further constitutional challenge.

Using its constitutional power, the Supreme Court has developed a distinctly Irish jurisprudence that has helped to guide the development of our country. In *Ryan v. Attorney General* (1965), the Court laid the foundation for a doctrine of unspecified constitutional rights. Upon this foundation the Court has identified, among others, a right to marital privacy and a general right of privacy, a right to earn a living, a right to travel, and to marry and found a family. *In Crotty v. An Taoiseach* (1987), the Court ruled that elements of the Single European Act could not be ratified by the State without the consent of the People. As a result, Irish people have a greater say in the development of the European Union than the people of any other country. And in *McKenna v. Ireland* (No.2) (1995), the Court ruled that the government may not use public monies to advocate for a particular result in a constitutional referendum.

By tradition, the Supreme Court – like its predecessor court – has a permanent seat in the Four Courts in Dublin. With the exception of the post-Civil War period, when the Court sat at Dublin Castle while the Four Courts was repaired, the Court has always sat in a formal, purpose-built courtroom, as it did when sitting in Cork and Limerick. By sitting in the Aula Maxima at the National University of Ireland, the Supreme Court has for the first time chosen to conduct its judicial business in a non-court setting.