

## Houthoff Class Action Survey: Ireland

**The Houthoff Class Action Survey 2024 provides an eye-opening journey into the future of class actions. It includes around 40 interviews with thought leaders from 12 different countries, preceded by an overview of the current class action regime in each jurisdiction. This is the overview for Ireland.**

Ireland did not have a general class action mechanism in place before the transposition of the Representative Actions Directive (RAD). A form of class action is the 'representative action' under Order 15, rule 9 of the Rules of the Superior Courts 1986, according to which one or more persons can conduct litigation on behalf of other persons with the same interest in a matter on an opt-in basis. However, this mechanism is limited and rarely used. It does not apply to tort claims, damages cannot be claimed, the similarity requirement is interpreted very strictly and civil legal aid is not available. Alternatives are test cases, collective actions under specific EU law such as the GDPR, and joinder and consolidation of cases.

The Representative Actions for the Protection of the Collective Interests of Consumers Act 2023 (Implementation Act) of 11 July 2023 came into operation on 30 April 2024. The Implementation Act applies to representative actions brought on or after 25 June 2023. Domestic actions and cross-border actions can be brought by qualified entities designated by the Minister for Enterprise, Trade and Employment if they fulfil the RAD's requirements for cross-border actions. These entities can seek injunctive relief and/or redress measures for consumer law infringements as listed in the RAD. Beneficiaries must opt in unless the action is only for injunctive relief. Qualified entities may charge a modest fee. The maximum fee is prescribed by the Minister for Enterprise, Trade and Employment and is currently EUR 25 per consumer per action.

Collective settlements regarding redress are subject to court approval. After approval, they bind the parties and the consumers represented in the representative action.

The Implementation Act permits third party litigation funding (TPLF) "insofar as permitted in accordance with law", but Irish law currently prohibits funding by third parties that do not have a legitimate and independent interest in the dispute (rules against maintenance and champerty). However, the Irish Law Reform Commission is conducting a review of the law on TPLF, which might lead to changes in the approach to TPLF in Ireland.

## Class actions | Representative actions | Representative actions (RAD)

Scope	Representative actions: no tort claims; Representative actions RAD: infringement of consumer law as set out in Annex I of the RAD.
Access granted to	Representative actions: one or more persons acting as representative(s); Representative actions RAD: qualified entities designated by the Minister for Enterprise, Trade and Employment.
Opt-in or opt-out	Both: opt-in.
Declaratory relief or damages	Representative actions: no damages; Representative actions RAD: damages.
Frequently used	No.
Regulatory framework	Representative actions under Order 15, rule 9 of the Rules of the Superior Courts 1986; Representative Actions for the Protection of the Collective Interests of Consumers Act 2023 (Implementation Act).
Alternatives used in practice	Test cases, collective actions under specific EU law, joinder, consolidation of cases.

## Class settlements

Binding class members after court approval	Yes, in representative actions under the RAD.
Opt-in or opt-out	Binding on beneficiaries who opted in during representative action.

## Third party funding

Regulated by law	Currently prohibited under Irish law, but a reform is being discussed. The Implementation Act permits TPLF insofar as permitted in accordance with law.
Frequently used	No.

## Good to know

All representative actions are published in the [Register of Representative Actions](#).

In October we organise an interactive seminar where the main results of this research will be presented.

[Read more](#) on our website about this event and [pre-order the Houthoff Class Action Survey 2024](#).

## CONTACT

If you have any questions about class actions or the survey, please feel free to contact Albert Knigge or Isabella Wijnberg.



**ALBERT KNIGGE**  
ADVOCAT | PARTNER  
T +31 20 605 65 62  
M +31 6 5184 5323  
[a.knigge@houthoff.com](mailto:a.knigge@houthoff.com)



**ISABELLA WIJNBERG**  
ADVOCAT | ADVISER  
T +31 20 605 65 09  
M +31 6 5316 8462  
[i.wijnberg@houthoff.com](mailto:i.wijnberg@houthoff.com)