

No. 1

SUPREME COURT

Application for Leave and Notice of Appeal



For Office use

Supreme Court record number of this appeal	S:AP.1E2017:000074
Subject matter for indexing	

Leave is sought to appeal from	<input checked="" type="checkbox"/> The Court of Appeal	<input type="checkbox"/> The High Court
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Court of Appeal Record No. :

FAILLIE CURTSEL LUNCA
 CAMP OFFICE
 REGISTRAR GENERAL
 1155 250
 11/02/17
 11/02/17

COURT OF APPEAL

BANKRUPTCY

IN THE MATTER OF SECTION 85 OF THE BANKRUPTCY ACT 1988 AS AMENDED

IN THE MATTER OF THOMAS MCFEELY, AN UNDISCHARGED BANKRUPT- 2431

Official Assignee in Bankruptcy	V	Thomas McFeely
High Court Record Nr	2012 No. 4321 (HC)	Court of Appeal Record Nr [2017] IECA 21
Date of filing		
Name(s) of Applicant(s)/Appellant(s)	THOMAS MCFEELY	
Solicitors for Applicant(s)/Appellant(s)	Cahir O'Higgins and Co. - RESIGNED	
Name of Respondent(s)	The Official Assignee in Bankruptcy	
Respondent's solicitors	O'Grady's Solicitors	
Has any appeal (or application for leave to appeal) previously been lodged in the Supreme Court in respect of the proceedings?		
		No (NO)
If yes, give [Supreme Court] record number(s)		

Are you applying for an extension of time to apply for leave to appeal?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> No
If Yes, please explain why	N/A YES TO CORRECT APPEAL DOCS AS REQUIRED BY COURT ALTHOUGH APPEAL LODGED ON TIME	

1. Decision that it is sought to appeal

Name(s) of Judge(s)	Mr. Justice Hogan, Mr. Justice Peart (presiding Judge) and Mr. Justice Hedigan
Date of order/ Judgment	9 th February 2017 (AGENT CONFIRM)

2. Applicant/Appellant Details

Where there are two or more applicants/appellants by or on whose behalf this notice is being filed please provide relevant details for each of the applicants/appellants

Appellant's full name	THOMAS MCFEELY
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Original status	<input type="checkbox"/> Plaintiff	<input checked="" type="checkbox"/> Defendant
	<input type="checkbox"/> Applicant	<input type="checkbox"/> Respondent
	<input type="checkbox"/> Prosecutor	<input type="checkbox"/> Notice Party
	<input type="checkbox"/> Petitioner	

Solicitor			
Name of firm	I am at present a 'litigant-in-person' but I am in the process of trying to arrange to hire a legal team (which is difficult considering that I am currently an undischarged bankrupt).		
Email			
Address	(AGENT INSERT)	Telephone no.	(AGENT INSERT)
		Document Exchange no.	
Postcode		Ref.	

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)

Counsel N/A			
Name			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode			

Counsel			
Name			
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode			

If the Applicant / Appellant is not legally represented please complete the following

Current postal address	(AGENT INSERT) 258 FOREGLEN RD CLAUDY
e-mail address	Co DERRY BT47 1SEE
Telephone no.	

How would you prefer us to communicate with you?

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

3. Respondent Details

Where there are two or more respondents affected by this application for leave to appeal, please provide relevant details, where known, for each of those respondents

Respondent's full name **OFFICIAL ASSIGNEE IN BANKRUPTCY**

Original status	<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Defendant	Is this party being served with this Notice of Application for leave? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
	<input type="checkbox"/> Applicant	<input checked="" type="checkbox"/> Respondent		
	<input type="checkbox"/> Prosecutor	<input type="checkbox"/> Notice Party		
	<input type="checkbox"/> Petitioner	<input type="checkbox"/>		

Solicitor			
Name of firm	O'GRADYS SOLICITORS		
Email	fay@ogradysolicitors.ie		
Address	4 th Floor	Telephone no.	353 1 6613960
	8-34 Percy Place	Document Exchange no.	
	Dublin 4	Ref.	JF/SB/OFFA01/0082
Postcode	DO4 P5KE		

Has this party agreed to service of documents or communication in these proceedings by any of the following means?

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

Counsel			
Name	Bernard Dunleavy SC		
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode			

Counsel			
Name	Edward Farrelly BL		
Email			
Address		Telephone no.	
		Document Exchange no.	
Postcode			

If the Respondent is not legally represented please complete the following

Current postal address	258 Foreglen Road, Claudy, Co.Derry BT47 15EE
e-mail address	
Telephone no.	

Has this party agreed to service of documents or communication in these proceedings by any

of the following means?

	Document Exchange
X	Post

	E-mail
	Other (please specify)

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

The Appellant wishes to appeal the entire decision of the Court of Appeal delivered on the 2nd February 2017 and the costs order made by the Court of Appeal on the 9th February 2017.

Please set out below:

(a) A concise statement of the facts found by the trial court (in chronological sequence) relevant to the issue(s) identified in Section 5 below and on which you rely (include where relevant if certain facts are contested)

The relevant orders and findings made in the High Court and/or in the Court of Appeal

5. Reasons why the Supreme Court should grant leave to appeal

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)

Please list (as 1, 2, 3, etc) concisely the reasons in law why the decision sought to be appealed involves a matter of general public importance and / or why in the interests of justice it is necessary that there be an appeal to the Supreme Court

1. In the circumstances where the Courts recognize and accept that bankruptcy is both necessarily penal in nature and also that the integrity of the system is of essential importance, the statutory bankruptcy code must be strictly and rigidly adhered to. It is submitted that the Court of Appeal erred in law in exercising its discretion by admitting evidence (which the Court accepted was obtained unlawfully) in the given circumstances of this case wherein the Court was not adjudicating upon the legality and/or validity of a defective warrant but where there was no search warrant. It is submitted that the Court should have made a distinction between the two different positions and in respect of the latter, not exercise its discretion at all as otherwise the rule of law and the operation of a lawful bankruptcy regime is fundamentally affected. The Court of Appeal erred in law by failing to recognise and

sanction the criminal conduct of the Official Assignee. His conduct amounted to wilful and deliberate burglary which is a criminal offence.

2. (a) The Court of Appeal erred in law and/or failed to uphold and vindicate the Appellant's property rights derived from both the Irish Constitution and the European Convention on Human Rights in admitting such materials into evidence without having regard appropriate regard for the Appellant's said constitutional rights by placing inappropriate and disproportionate reliance on the statutory rules the ownership of the said property had already vested in the Official Assignee by virtue of the Appellant's adjudication as a bankrupt and/or the Appellant's statutory obligation to furnish such documents to the Official Assignee.

2(b) The Court of Appeal erred in law and/or failed to uphold and vindicate the Appellant's privacy rights derived from both the Irish Constitution and the European Convention on Human Rights in admitting such materials into evidence without having appropriate regard for the Appellant said constitutional right by placing inappropriate and disproportionate reliance on the statutory the ownership of the said property had already vested in the Official Assignee by virtue of the Appellant's adjudication as a bankrupt and/or the Appellant's statutory obligation to furnish such documents to the Official Assignee in Bankruptcy.

3. The Court of Appeal erred in law in failing to recognise a violation of the Appellant's rights under the European Convention on Human Rights.

4. The sanction imposed (extending the Appellant's term of bankruptcy to the near maximum five year period applicable at the material time) disproportionately, impinged the Appellant's constitutional right to earn a livelihood, right to good name and an unfettered right of freedom of movement. Moreover, Article 6 of the European Convention sets out that all European Union Citizens have a right to be treated with proportionality in regard to their personal circumstances.

5. The Court of Appeal erred in law by accepting disputed evidence of fact on a summary basis without affording the Appellant the right of testing such disputed evidence by cross examination at trial.

[Empty box]

6. Ground(s) of appeal which will be relied on if leave to appeal is granted

Please list (as 1, 2, 3, etc) concisely:

1. the specific ground(s) of appeal and the error(s) of law related to each numbered ground
2. the legal principles related to each numbered ground and confirmation as to how that/those legal principle(s) apply to the facts or to the relevant inference(s) drawn therefrom
3. The specific provisions of the Constitution, Act(s) of the Oireachtas, Statutory Instrument(s) and any other legal instruments on which you rely
4. The issue(s) of law before the Court appealed from to the extent that they are relevant to the issue(s) on appeal
5. I have been unable to process my appeal because it has been rejected by the Supreme Court Office on the basis it is deficient, but the Office will not tell me why it is deficient and what has to be corrected. As a litigant in person I submit ignorance of the law is a good defence.

1. Statutory requirements must be complied with strictly and it is submitted that bankruptcy matters which are necessarily penal in nature and which adversely affect and curtail the bankrupt's enjoyment of a range of constitutional rights, the exercise of the court's discretion as established in mainstream civil cases should not apply

In *Killally (a bankrupt) v The Official Assignee* [2014] 4 IR 365, Clarke J held that

1 [2003] 2 I.R. 217

2 At pp. 237-238

3 [1988] I.R. 31

4 [1980] AC 952

5 [1994] 2 I.R. 523

6 At p. 533.

7 Unreported, High Court, Lardner J, 22 February 1988.

8 [1987] I.R. 173 at 181.

9 Admittedly in the different context of arrest without warrant, but the principle, it is submitted, remains and applies in the present context.

10 [2000] 2 I.R. 243.

11 (1765) 2 Wils. 275 at 291.

12 (1993) 16 EHRR 97

13 per para.37 of the Court's judgment.

14 *Vinci Construction v. France* (63629/10, 2nd April, 2015)

the making an order to extend a bankruptcy term is "necessarily penal in character". Moreover it is settled law that due to the penal nature of bankruptcy, the procedures in bankruptcy proceedings must be complied with strictly. It is submitted that a leading Irish authority on the requirement of strict compliance with procedures is *O' Maoileoin v Official Assignee* 1989 1 IR 647. In that case Hamilton P, in referring to the authorities opened to him, stated that those cases clearly establish that the bankruptcy code, having regard to the consequences which flow from an adjudication of bankruptcy, is penal in nature and that the requirements of the statutes must be complied with strictly. The Appellant submits that the Respondent exceeded his statutory powers: 'The OA' has in the past exercised his statutory right to seek and obtain from the Court the said Section 28 warrant but did not do so in this case. Statutory officers it is submitted are strictly confined to their statutory powers.

It is submitted that statutory officers must be strictly confined to the functions and powers conferred upon them by statute. In *Director of Consumer Affairs v Bank of Ireland*¹ the High Court considered the powers of the Director of Consumer Affairs pursuant to section 149 of the Consumer Credit Act, 1995. Kelly J. (as he then was) stated²:

"The purpose of statutory interpretation is to ascertain the intention of the legislature as expressed in the statute, considering it as a whole and in its context. The intention, and therefore the meaning of the statute, is primarily to be sought in the words used in it. The plaintiff is a statutory officer and is therefore strictly confined to the functions and powers conferred upon her under the Act. She has no inherent power. But she may have powers which, although not expressly conferred, may be regarded as incidental to or consequential upon those which the legislature has expressly authorised."

Statutory provisions permitting infringement and/or encroachment on individuals' rights to be narrowly and strictly construed: It is submitted that statutory provisions permitting encroachment upon the rights of individuals are to be interpreted narrowly, and in a manner that is least restrictive as regards the curtailment or impairment of the rights of persons so affected by the exercise of the statutory powers in question. In *Byrne v Grey*³ Hamilton P. adopted the remarks of Lord Diplock in *R v IRC ex parte Rossminter Ltd*⁴ to the effect that statutory provisions authorising the entry into and search of houses or office premises should be construed in a manner that is least restrictive of the individual's common law and

constitutional rights.

In ***Minister for Social Welfare v Bracken***⁵ Mr. Justice Lavan observed that a social welfare inspector seeking to enter premises for the purposes of examining books and records could "...do so only in strict compliance with the statutory powers...".⁶ In ***O'Mahoney v Shields***⁷ Lardner J. commented to the effect that the limits of such a statutory power must be respected and strictly adhered to. It is firmly accepted that bankruptcy is penal in nature (see Para. 4(i) above). In ***DPP v Gaffney***⁸, Mr. Justice Henchy stated that⁹:

"as was pointed out by Lord Scarman in Morris v. Beardmore [1981] A.C. 46 at p. 463:

'When for the detection, prevention or prosecution of crime Parliament confers upon a constable a power or right which curtails the rights of others, it is to be expected that Parliament intended the curtailment to extend no further than its express authorisation'".

2 (a) and (b) The Appellant respectfully submits that Court of Appeal erred in law in holding that 'no constitutional right of the bankrupt was in any way breached. The Appellant submits that protection against unjustified searches and seizures as occurred in this case is not, however, confined to the dwelling of the citizen and that it extends to every person's private property. It is submitted that the said seizure of the documents and materials constitutes a serious encroachment upon the constitutional rights of the Appellant. The Court of Appeal failed to give appropriate consideration to the Appellant's constitutional rights, inter alia, in particular Article 40.3.1 of the Constitution which provides that the State guarantees in its laws to respect and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen. In ***Simple Imports Limited v Revenue Commissioners***¹⁰, Mr. Justice Keane stated at p.250, inter alia, that:

"Search warrants, such as those issued in the present case, entitle police and other officers to enter the dwelling house or other property of a citizen, carry out searches and (in the present case) remove material which they find on the premises and, in the course of so doing, use such force as is necessary to gain admission and carry out the search and seizure authorised by the warrant. These are powers which the police and other authorities must enjoy in defined circumstances for the protection of society, but since they authorise the forcible invasion of a person's property, the courts must always be

concerned to ensure that the conditions imposed by the legislature before such powers can be validly exercised are strictly met."

Keane J in **Simple Imports** emphasised that the Courts must ensure that search warrants comply with legislative requirements. Keane J observed that this was a common law principle, which dated back to the celebrated case of **Entick v Carrington**¹¹ where it was stated by Lord Camden C.J. that:

"...our law holds the property of every man so sacred, that no man can set his foot upon his neighbour's close without his leave; if he does he is a trespasser, though he does no damage at all; if he will tread upon his neighbour's ground, he must justify it by law..."

Keane J stated further that:

"Under the Constitution, this principle is expressly recognised in Article 40.5, in the case of the dwelling of every citizen. Protection against unjustified searches and seizures is not, however, confined to the dwelling of the citizen; it extends to every person's private property".

It is respectfully submitted the grounds put forward by for justifying the seizure, namely, that the Official Assignee "*had a right to those documents by virtue of the vesting of all of the estate of the bankrupt in him upon the date of the adjudication*" and that the "*bankrupt had an obligation pursuant to s.19 to deliver up possession of those documents to the Official Assignee*", does not cure the wrong, does not make the evidence obtained admissible, nor does it legally justify 'the seizure' which it was accepted to be unlawful by both the High Court and the Court of Appeal. Moreover the Official Assignee in bankruptcy has a statutory duty to compile an inventory of the goods taken. The Appellant was not furnished with a copy of this inventory. The said Section 19 does not strip away and/or circumvent the Appellant's privacy and property rights derived from both the Irish Constitution and the European Convention on Human Rights...

3. Violation of the Appellant's rights under the European Convention on Human Rights: It is submitted that the said 'seizure' of the material and documentation has infringed the Appellant's rights under the European Convention on Human Rights including, *inter alia*, Article 8 thereof. When interpreting and applying any statutory provision or rule of law this Honourable Court is under an obligation, pursuant to s.2 of the European Convention on Human Rights Act 2003, to undertake such interpretation/application, insofar as possible and subject to the

rules of law relating to such interpretation/application, in a manner compatible with the State's obligations under the European Convention. In addition, pursuant to section 3(1) of the Act of 2003, every organ of the State (this includes the office of the Official Assignee in Bankruptcy) is under an obligation to perform its functions in a manner compatible with the Convention.

The European Court of Human Rights in *Niemetz v. Germany*¹² considered a claim that Article 8 of the Convention had been offended by the execution of a search warrant. The search was carried out at a lawyers' office. The Court held that interference as occurred there was unjustified, notwithstanding that the authorities in that case were granted a warrant pursuant to a prior judicial authorisation. This was because¹³:

"The warrant was drawn in broad terms, in that it ordered a search for and seizure of 'documents', without any limitation....The search impinged on professional secrecy to an extent that appears disproportionate in the circumstances."

In the given case the Appellant submits that 'the OA' did not even bother to seek to obtain a search warrant. The Applicants will further rely on the more recent judgment of the European Court of Human Rights in *Vinci Construction v France*.¹⁴ That case concerned the question of whether dawn raids conducted by the French competition authority had breached ECHR Articles 6(1) and 8 on the grounds that insufficient efforts had been taken to restrict the searches to documents relevant to the investigation and those not protected by legal professional privilege. The Court found that there had been a violation of the Convention, with inspections and seizures at the premises of two companies violating inter alia, Article 8 of the Convention.

4. Without prejudice to the Appellant's submission, the sanction imposed (which extended the Appellant's term of bankruptcy to the near maximum five year period applicable at the material time), was disproportionate. Considering the relevant circumstances of the case and the fact that the Appellant is aged 67 years old, it is submitted that the said sanction imposed has disproportionately and unfairly infringed and encroached on the Appellant's constitutional right to earn a livelihood, right to good name and an unfettered right of freedom of movement. Moreover, Article 6 of the European Convention sets out that all European Union Citizens have a right to be treated with

proportionality in regard to their personal circumstances:

Chief Justice Dickson in R v Oakes 1986 S.C.R. 103 is regarded as the authoritative test:

“This involves a proportionality test. First the measures adopted must be carefully designed to meet the objective in question. They must not be arbitrary, unfair or based on irrational consideration. In short they must be rationally connected to the objective in the first sense, should impair ‘as little as possible’ the rights or freedoms in question. Third, there must be a proportionality between the effects of the measures which are responsible for limiting the Charter’s right or freedom and the objective which has been identified as of ‘sufficient importance’”.

It is submitted that the principle of proportionality governs the extent by which the State may infringe upon an individual’s constitutional rights. The permissible extent of any infringement is dependent upon the importance and urgency behind the proposed infringement. The modern formulation of the proportionality test can be found in Costello P’s judgment in Heaney v Ireland [1994] 3 IR 593 Costello P set out the test as follows:

“the objective of the impugned provision must be of sufficient importance to warrant overriding a Constitutionally protected right. It must relate to concerns pressing and substantial in a free and democratic society. The means chosen must pass a proportionality test. They must:

- (a) be rationally connected to the objective and not be arbitrary, unfair or based on irrational considerations;*
- (b) impair the right as little as possible, and*
- (c) be such that their effects on rights are proportional to the objectivity”*

In EU law, the principle of proportionality regulates the exercise of powers by the European Union (EU) and Member States (when implementing EU law). It seeks to set actions taken by EU institutions and Member States within specified bounds. Under this rule, the action of the EU or Member State must be limited to what is necessary to achieve the objectives of the Treaties. It is submitted that the content and form of the action must be in keeping with the aim pursued. The principle of proportionality is laid down in Article 5 of the Treaty on European Union. The criteria for applying it are set out in the Protocol (No 2) on the application of the principles of subsidiarity and proportionality annexed to the Treaties. On a different point, Article 6 of the European Convention sets out that all European Union Citizens have a right to be treated with proportionality in regard to their personal circumstances.

Specific provisions of the Constitution, Act(s) of the Oireachtas, Statutory Instruments, and other legal instruments on which the Appellant relies upon:

- i. Article 40.1 of the Constitution of Ireland: the right of equality before the law;
- ii. Article 40.3.1 of the Constitution of Ireland: "*The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen*";
- iii. Article 40.3.2 of the Constitution of Ireland: "The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen";

- iv. Article 40.4.1 of the Constitution of Ireland: "no citizen shall be deprived of his personal liberty save in accordance with the law";
- v. The European Convention on Human Rights as incorporated into Irish law pursuant to the provisions of the European Convention on Human Rights Act, 2003 - Article 6: The right to a fair trial; Article 2 the right to life; Article 3 the right against being subjected to inhuman or degrading treatment or punishment; Article 5: the right to liberty and security; Article 6: the right to a fair trial; Article 8: the right to respect for private, family life and correspondence; Article 14: the right to freedom from discrimination; Article 17: the prohibition of abuse of rights protected under the Convention.
 - i. Charter of Fundamental Rights of the European Union – including, inter alia, Article 47 therein regarding the 'Right to an effective remedy and to a fair trial'.

5. The Court of Appeal wrongly reached its decision by accepting the evidence of the official assignee despite the fact that such evidence was disputed by the Appellant. The evidence before the Court of Appeal on behalf of the Appellant demonstrated that the alleged non-co-operation was denied and the Court of Appeal should not have accepted the evidence against the Appellant and ignored the evidence of the Appellant without affording the Appellant the right to test the disputed evidence against him by cross examination at trial. In consequence the Appellant has been deprived of his right to a fair trial. In particular the finding that the Appellant had failed to cooperate by failing to provide his address was perverse. The Appellant did

Provide his correct address which is acknowledged by the authorities in all its communications with him. In Particular the president of Ireland and the Attorney General of this State have communicated with me on numerous occasions at this address and have accepted that this is indeed my address. Mr Lehane wrote to me at this address and also served the papers to extend my bankruptcy on me, at this address. The court offices, of this State, have also communicated with me at this address. Despite all of this the Courts refuse to accept that this is my address. How much more perverse can this charade become before I get even a semblance of justice in this State. It has been accepted by the Official Assignee and the Courts that Mr Lehane acted unlawfully in breaking into the offices of Coalport (Burglary ?) and removing computers and files which to this very day he has not returned. Surely that could not be the law, or is it the law because he is a state employee. Surely we are all entitled to the same standards of justice, whether we work for the state or not. The Court of Appeal were wrong as a matter of fact to hold that the official assignee had any right whatsoever to refuse to communicate with the Appellant at this address in circumstances where the address is accepted and acknowledged for communication purposes as his home address.

6. The Appellant is a litigant in person which means ignorance of the law is an excuse. He has been unable despite his best efforts to get this appeal accepted and issued within the deadline. He has been told by the Supreme Court office that the appeal cannot be accepted because it is deficient. He has asked for an explanation but the Supreme Court Office will not tell him why it is deficient. They have also refused to accept the appeal unless he makes an application to come on record as a litigant in person. He has been informed by his previous solicitors Cahir O'Higgins & Co that they are no longer prepared to act and that he has to deal with the appeal personally which he has attempted to do to the best of his ability. He is unfamiliar with the procedural requirements and does not know how to deal with what needs to be done and he has not been offered an explanation.

I attach a self-explanatory email written by Mr O'Higgins to the solicitor who is helping me in England which shows I have to deal with this case myself and I respectfully ask to be allowed to do so.

Name of solicitor or (if counsel retained) counsel or applicant/appellant in person:

7. Other relevant information

Neutral citation of the judgment appealed against *e.g.* Court of Appeal [2015] IECA 1 or High Court [2009] IEHC 608

[2017] IECA 21

References to Law Report in which any relevant judgment is reported

8. Order(s) sought

Set out the precise form of order(s) that will be sought from the Supreme Court if leave is granted and the appeal is successful:

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What order are you seeking if successful?

Order being appealed: set aside vary/substitute

Original order: set aside restore vary/substitute

If a declaration of unconstitutionality is being sought please identify the specific provision(s) of the Act of the Oireachtas which it is claimed is/are repugnant to the Constitution

If a declaration of incompatibility with the European Convention on Human Rights is being sought please identify the specific statutory provision(s) or rule(s) of law which it is claimed is/are incompatible with the Convention

Are you asking the Supreme Court to:

depart from (or distinguish) one of its own decisions?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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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: Thomas M. Feely
(Solicitor for) the applicant/appellant

Please submit your completed form to:

The Office of the Registrar of the Supreme Court
The Four Courts
Inns Quay
Dublin

together with a certified copy of the Order and the Judgment in respect of which it is sought to appeal.

This notice is to be served within seven days after it has been lodged on all parties directly affected by the application for leave to appeal or appeal.