**Category: Obligation to Provide Access to Legal Remedies**

**Sub-Category: Improving Access to Courts**

**Name of Good Practice: Cost Rules for Access to Justice in Environmental Matters**

Key Words: Access to Justice, Aarhus Convention, Participation, Accountability

Implementing Actors: Court: Irish Judiciary

Location: Ireland

Description: Ireland’s Environment (Miscellaneous Provisions) Act 2011 seeks to minimize costs associated with qualifying environmental cases by requiring parties, with some exceptions noted below, to bear their own costs in litigation. According to the Act, the cost provisions apply to a “civil proceeding for the purpose of ensuring compliance with, or the enforcement of, a statutory requirement or condition or other requirement attached to a licence, permit, permission, lease or consent specified” where the action or failure to act “has caused, is causing, or is likely to cause, damage to the environment.” The cost provisions apply to a number of administrative bodies pursuant to environmental and land use planning laws, such as the Environmental Protection Act, the Water Services Act, the Minerals Development Act and the Forestry Act.

The cost rule is a departure from the usual rule in Ireland, according to which the successful party is generally entitled to costs. However, plaintiffs or applicants seeking judicial review in environmental cases may still be entitled to their costs from the respondent or defendant if they win. Applicants may also be awarded costs in cases of exceptional importance and where it is in the interests of justice to do so. An order of costs may be awarded against a party to proceedings in certain circumstances, however, including where a case is deemed to be vexatious or frivolous, by reason of the manner in which a party has conducted the proceedings, or where a party is in contempt of court.

Further Information**:** The rules can be found at <http://www.irishstatutebook.ie/pdf/2011/en.act.2011.0020.pdf>; more information is available at: <http://www.citizensinformation.ie/en/environment/environmental_law/judicial_review_in_planning_and_environmental_matters.html>.