

## STATEMENT & DECLARATION

(‘QTC 3’ – March 2020)

1. Natural law (or moral law) is unwritten law that defines what is fundamentally ‘right and wrong’.
2. Positive law is written law which defines what is ‘legal or illegal’ at any given time, in any place.
3. Four primary sources of *positive* (vs. natural) law apply in Ireland. In order of supremacy these are: (i) European Union Law. (ii) The Irish Constitution. (iii) Irish Legislation. (iv) Common Law & Case Law.
4. Secondary sources of positive law are known as ‘statutory instruments’ including; (a) ministerial orders, (b) governmental regulations, (c) operational rules, and (d) bye-laws (for example). These are delegated to regulatory bodies and local authorities. But they **must** be consistent with, and based on, the legislation adopted by the Oireachtas; otherwise they can be challenged in the Courts.
5. To contravene the law by any act or omission is to commit an unlawful, illicit and/or criminal act. “Lawbreaking” is also variously defined as; ‘*crime, breach, malefaction, misbehaviour, misconduct, misdeed, misfeasance, malfeasance, nonfeasance, transgression, trespass, violation & wrongdoing.*’
6. Accordingly, any person who, with full knowledge, awareness and understanding of the same, deliberately and knowingly: (i) disregards, (ii) ignores, (iii) defies; (iv) disobeys; (v) contravenes, (vi) breaches, (vii) flouts, or (viii) violates any such primary or secondary source of law is—by virtue of the said illicit act or omission—committing a *prima facie* offence against the said law and is subject to the criminal penalties and/or legal consequences, if any, that apply in those circumstances.
7. Any such offending person including any Irish officials or office holders who engage in lawbreaking either; (a) in their private capacity as residents or citizens; and/or (b) in context of their public role or position, are subject to the respective legal consequences by way of: (i) criminal complaints to An Garda Síochána, and/or (ii) prosecution by the DPP; (iii) by way of private, criminal prosecution under *S.10 of the Petty Sessions (Ireland) Act 1851*, and (iv) are also subject to legitimate citizen’s arrest as per the terms of *S.4 of the Criminal Law Act 1997 & S.12 of the Criminal Damage Act 1991*.
8. In particular, any Irish judge who, with full knowledge, awareness and understanding of the same, deliberately and knowingly: (i) disregards, (ii) ignores, (iii) defies; (iv) disobeys; (v) contravenes, (vi) breaches, (vii) flouts, or (viii) violates any such *primary* source of law whilst engaged in their role as judge is—by virtue of the said illicit act or omission—in added violation of: (a) *the Universal Declaration of Human Rights*; (b) *The International Covenant on Civil and Political Rights*; (c) *The United Nations Basic Principles on the Independence of the Judiciary*; (d) *The Council of Europe’s European Charter on the Statute for Judges*; (e) *The European Convention on Human Rights (ECHR)*; and (f) *The (UN Drafted) Bangalore Principles of Judicial Conduct*—and any such offending judge is therefore committing a *prima facie* criminal offence as against the administration of justice, which in turn would constitute literal ‘judicial misbehaviour’ as per the terms of *Article 35.4(i) of the Irish Constitution*, which said ‘misbehaviour’ is grounds for impeachment and removal from office.
9. “Incapacity” is the second criteria under which a judge may be removed from office. Accordingly, should it be demonstrated that any given judge is physically, mentally or psychologically ‘incapable’ – or indeed has been rendered incapable of lawfully conducting his office through personal, moral, ethical, political or financial compromises, that any such judge should be removed from office.
10. Where proofs or supported allegations of judicial misbehaviour or incapacity are formally made known to any Member of Dáil Éireann or Seanad Éireann, the Constitution requires that the said person(s) refer the matter to the Government as per the terms of *Article 35.4(i) of the Constitution*.

**This document acquired force of law ‘*qui tacet consentit videtur*’ (silence implies consent) March 9<sup>th</sup> 2020**