

IRELAND

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CLASS ACTIONS

Law Over Borders Comparative Guide 2026

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1. Development of class actions regimes

1.1 History of class actions regimes, including international law sources and policy drivers

There has historically been no universal legislative framework in Ireland allowing class actions which was similar to those found in other jurisdictions. Instead, claimants were restricted to litigating their claims individually or relying on limited procedural mechanisms to litigate claims involving multiple parties.

These mechanisms include:

- **Representative actions.** Order 15, rule 9 of the Rules of the Superior Courts (RSC) allows claimants to seek injunctive and/or declaratory relief, in which one or more persons with “the same interest in one cause of action or matter” can bring or defend an action as a representative on behalf of interested persons. The main limitations of this procedure are that claimants cannot use it to seek damages, it does not apply to tort claims and the requirement that claimants have the “same interest” has been interpreted narrowly by the courts.
- **Test or pathfinder cases.** Test or pathfinder cases involve a specific case being selected as representative of other potential claims. Individual claimants may agree to be bound by the outcome of the test case or, following its determination, the test case can be used as a precedent for the resolution of multiple claims. The test case is assessed on its own merits, which can potentially lead to inconsistency where damages are sought by claimants.
- **Joinder of parties.** The RSC allow related actions to be combined. Order 15 of the RSC contains rules providing that all persons with a proper interest in the relevant dispute can participate in the process and will be bound by any resulting judgment. The right of action must derive from “the same transaction or series of transactions”, which can limit the scope of joinder of claimants. Joinder of parties can also be cumbersome if there are large groups of parties with different issues and claims to be determined.
- **Consolidation or coordination of hearings.** Order 49, rule 6 of the RSC allows the Irish courts to consolidate proceedings on the application of any party and even if not all parties consent to the order. In doing so, the court will consider whether: (i) there is a common question of law or fact of sufficient importance; (ii) consolidation would result in a substantial saving of cost or inconvenience; and (iii) there is a likelihood of confusion or a miscarriage of justice. Unlike joinder, consolidation does not make every claimant a party to the same proceedings. Instead, one claimant represents the class, and the judgment binds class members. The court also has an inherent jurisdiction to direct that cases be heard simultaneously.

None of these procedural mechanisms were designed to provide an overarching legislative framework for class actions and, as a result, mass claims have been pursued typically as individual proceedings.

1.2 Number of class actions, topical areas and background of area

Class actions have been relatively uncommon in Ireland. The reasons for this include:

- the lack of a universal legislative framework;
- the prohibition on third-party litigation funding; and
- the “loser pays” costs principle.

There have nonetheless been significant mass claims pursued individually in the financial services, tech, consumer and medical product sectors.

2. Current legal framework and applicable mechanisms

2.1 Current class action regime

Ireland does not yet have a general class action regime.

There has, however, been a significant development with the enactment of the Representative Actions for the Protection of the Collective Interests of Consumers Act 2023 (the Representative Actions Act) transposing the EU's Representative Actions Directive 2020/1828 (the Representative Actions Directive), which allows representative actions for breaches of consumer law. The Representative Actions Act was commenced on 30 April 2024. This legislation significantly streamlines the collective redress procedures in Ireland for consumer claims.

In addition, section 120 of the Data Protection Act 2018 (the Data Protection Act), giving effect to Article 80(1) of the General Data Protection Regulation (GDPR), allows claims brought by a representative body on behalf of data subjects for data protection breaches. Given the availability of representative actions for GDPR breaches under the Representative Actions Act, the standalone route under the Data Protection Act 2018 may become less utilised in practice.

Other claims rely on the procedural mechanisms described above in Section 1.1.

2.2 Areas of law within the scope of the regime

The Representative Actions Act is wide-ranging, applying to actions taken under a broad list of 66 different pieces of EU consumer protection legislation. Relevant sectors include financial services, data protection, technology, consumer goods, energy, environmental, hospitality, travel, retail, telecommunications and ecommerce.

Data protection actions can also be brought under the Data Protection Act 2018.

Claims outside of this scope will generally need to rely on the more limited procedural mechanisms outlined above in Section 1.1.

2.3 Legal definition of class actions within the regime

There is no general legal definition of class actions in Ireland.

Under the Representative Actions Act, a "representative action" is an action for the protection of the collective interests of consumers that is brought by a qualified entity as a plaintiff on behalf of consumers to seek an injunction and/or a redress measure.

The Representative Actions Act applies only to infringements occurring on or after 25 June 2023 that harm or may harm the collective interests of consumers.

3. Procedure for bringing a class action

3.1 Overview

Qualified entities may bring a representative action on behalf of consumers against a "trader", which is broadly defined under the Representative Actions Act.

The Irish High Court is the relevant court for hearing representative actions. For permission to bring a claim, a qualified entity must provide the court with the following information:

- the sources of funding for the action;
- the nature of the claim; and
- the class or classes of consumers affected by the alleged infringement.

The court may dismiss a representative action that appears to be “manifestly unfounded”.

The Representative Actions Act permits actions to be brought domestically or cross-border. Qualified entities designated by other EU Member States may therefore bring actions in Ireland.

If an alleged infringement affects or is likely to affect consumers in more than one EU Member State, multiple qualified entities may bring a representative action. The qualified entities must nominate one entity to lead the conduct of the action.

All other claims rely on the procedural mechanisms described above in Section 1.1.

3.2 Funding and costs

Funding

Third-party litigation funding in Ireland is prohibited by the torts and offences of champerty and maintenance. Limited exceptions to these prohibitions exist, for example, where a third-party funder has a direct or legitimate interest in the outcome of the action (such as a shareholder or creditor of a company involved in the proceedings).

In addition, in 2023, third-party funding of international commercial arbitration was recognised as a limited statutory exception to the general prohibition and enacted in the Courts and Civil Law (Miscellaneous Provisions) Act 2023. At the time of writing, this provision has not yet been commenced.

The Representative Actions Act requires qualified entities to disclose information about their sources of funding for their actions. The Representative Actions Act does not expressly provide for qualified entities to access third-party funding. It does, however, state that a representative action for redress may be funded by a third-party “insofar as permitted in accordance with law”.

The qualified entity bears the costs of pursuing a claim but can charge a “modest fee” to consumers who wish to be represented (currently capped at EUR 25). Civil legal aid is generally unavailable for representative actions in Ireland.

In other areas, solicitors commonly act on a “no win, no fee” basis, but are not allowed to charge costs as a proportion of any award of compensation (save for debt recovery actions).

Costs

The general “costs follow the event” principle applies in Ireland – the unsuccessful party generally pays the legal costs of the successful party.

Section 31(3) of the Representative Actions Act upholds this principle by providing that the successful party may seek to recover costs related to providing information to consumers throughout the proceedings.

Individual consumers will not generally be subject to costs orders. Instead, qualified entities will be liable for costs. However, partial costs orders against individual consumers are possible where their intentional or negligent conduct results in costs implications.

3.3 Length and timetable for proceedings

As the first representative action under the Representative Actions Act was only commenced in May 2025, the length of such proceedings remains to be seen.

In that action, the Irish Council for Civil Liberties (ICCL) is seeking injunctive relief against Microsoft Ireland for alleged GDPR and privacy breaches arising from data processing. It will be heard by the Commercial Court, which is a specialist division of the High Court with strict case management procedures.

3.4 Standing

Only qualified entities can bring a representative action on behalf of consumers under the Representative Actions Act.

Organisations may apply to be designated as a qualified entity by the Minister for Enterprise, Trade and Employment. This designation can be revoked and is reviewed at least every five years. This status can also be challenged by traders in proceedings.

A qualified entity must meet the following criteria:

- it is a legal person with 12 months of public consumer protection activity;
- it can demonstrate, as its main purpose, a legitimate interest in protecting consumer interests under the relevant legislation listed in the Representative Actions Act;
- it is non-profitmaking and solvent;
- it is independent and not influenced by persons other than consumers; and
- it makes publicly available certain information, including confirmation of compliance with each of the above matters, together with its source of funding, its organisational, management and membership structure, its statutory purpose (if any) and its activities.

Entry on the public register of qualified entities is proof of standing as a claimant to bring actions.

At the time of writing, there are three Irish-designated qualified entities:

- ICCL;
- noyb – European Centre for Digital Rights; and
- Digital Rights Ireland.

These entities are also recognised as cross-border qualified entities.

3.5 Class members, size and mechanism, opting in or out

Classes

The Representative Actions Act does not prescribe any criteria or threshold that consumers must meet to qualify as a particular class to bring a representative action.

Qualified entities must provide the court with information about the class or classes of consumers affected by the alleged infringement.

When ordering redress, the court must be provided with information about the class or classes of consumers entitled to benefit from those remedies. This information must also be included in the relevant court order (unless the order specifies the individual consumers who will benefit).

Opting in or out

Under the Representative Actions Act, where redress measures are sought, consumers must expressly opt in to the proceedings. This can be done until the representative action is deemed admissible by the court.

To opt in, consumers must:

- notify the qualified entity that they wish to be represented; and
- sign a declaration confirming that they:
 - have not previously received compensation from the same trader for the same cause of action; and
 - have been informed that receiving compensation as part of the representative action will preclude them from receiving any other future compensation from the same trader for the same cause of action.

By opting in, consumers are bound by the outcome of the action.

Where injunctive relief is sought, the action is taken by the qualified entity on an opt-out basis. Consumers are not required to do anything to be represented in such an action.

Under the Irish Data Protection Act, data subjects must “mandate” the representative body to seek redress on their behalf.

For all other claims, the limited procedural mechanisms provided for in the RSC for pursuing multiple claims are best described as opt-in.

3.6 Case management powers of courts

The proceedings brought by ICCL in May 2025 were admitted to the Commercial Court, which operates with strict case management rules and timeframes. Given the likely value and complexity of claims under the Representative Actions Act, we expect the Irish courts to endeavour to determine these actions as expeditiously as possible (and predominantly in the Commercial Court).

3.7 Disclosure and privilege

Disclosure

The general rules on disclosure of evidence in Ireland apply to actions brought under the Representative Actions Act, as do legal professional privilege and litigation privilege.

Once the representative action has been deemed admissible, the court may, on application by the qualified entity, order the disclosure of evidence that is submitted to be in the possession of the trader or a third party. Likewise, on application by the trader, the court may order disclosure of certain evidence that is submitted to be in the qualified entity’s possession.

3.8 Remedies

Under the Representative Actions Act, qualified entities may seek either or both injunctive relief and redress measures, and consumers are entitled to benefit from the outcome of such relief.

Injunctions

Under the Representative Actions Act, the court may grant an injunction requiring the prohibition or cessation of a certain practice. These injunctions may be interim or interlocutory in nature.

Before seeking an injunction, qualified entities must consult with the trader. When making an injunction application, qualified entities are not required to prove:

- actual loss or damage on the part of the affected consumer; or
- intent or negligence on the part of the trader.

Limitation periods are suspended while an injunction application is being determined to preserve the consumers' right to proceed to seek redress measures.

Redress measures

The court may order a trader to provide compensation, repair, replacement, price reduction, contract termination or reimbursement. The court will set a period within which consumers are entitled to benefit from such measures.

Consumers cannot receive compensation more than once for the same cause of action against the same trader. These redress measures are without prejudice to any additional remedies available to consumers under any enactment or EU acts that were not the subject of that representative action.

Limitation periods are suspended during pending representative actions for redress from the date the action is deemed admissible until 60 days after whichever of the following occurs first:

- the representative action is dismissed;
- the representative action is withdrawn by the qualified entity;
- the court makes an order for an injunction;
- the court makes an order for a redress measure; or
- the court approves a settlement of the action.

Under the Data Protection Act 2018, the Circuit Court or High Court may determine representative data protection actions. Both courts may hear such actions, grant injunctive and declaratory relief, and award material and non-material damages.

The Order 15, rule 9 RSC procedure only allows injunctive or declaratory relief.

The joinder and consolidation procedures in the RSC do not limit the reliefs which can be obtained. These are simply means of allowing several parties to pursue similar claims in a single set of proceedings, rather than formal representative actions.

3.9 Settlement and Alternative Dispute Resolution (ADR) mechanisms

Settlement

Under the Representative Actions Act, qualified entities and traders may:

- jointly propose a settlement to the court; or
- be invited by the court to reach a settlement.

Settlement is subject to court approval. If refused, the court will hear the representative action.

The court will refuse to approve a settlement if it:

- is contrary to any other enactment or EU act;
- includes conditions which cannot be enforced; or
- contains terms which appear to the court to be unfair.

Traders must inform relevant consumers of any approved settlement. Redress measures provided in an approved settlement do not limit additional remedies available to consumers under any enactment or EU acts that were not the subject of that settlement.

ADR mechanisms

The Representative Actions Act requires qualified entities to engage in pre-litigation consultation with traders when seeking an injunction. Separately, solicitors must, under the Mediation Act 2017, advise their clients to consider mediation prior to issuing proceedings.

The court will only authorise a representative action to proceed when agreement is not reached where, following consultation and reasonable efforts to consult or the trader's refusal to consult, the qualified entity remains of the opinion that the trader is continuing the infringement and at least two weeks have passed since the trader received the request to enter into consultations.

Separately, the Arbitration Act 2010 permits, on consent of the parties, the consolidation of multiple arbitration proceedings.

3.10 Payout mechanisms

Under the Representative Actions Act, at the conclusion of a representative action, the qualified entity must provide the trader with a list of consumers eligible for redress.

Consumers who did not notify the qualified entity of their desire to be represented are not entitled to benefit from the redress granted.

3.11 Judgments and enforcement of judgments

Under the Recast Brussels Regulation, judgments obtained in any EU Member State are ordinarily recognisable and enforceable in Ireland. The enforceability of non-EU judgments in Ireland depends on whether the country is a contracting state under the Lugano Convention, the Hague Convention on Choice of Court Agreements, or the Hague Judgments Convention. If none of these international instruments apply, the Irish courts will apply common law rules to determine whether a foreign judgment is recognisable and enforceable in Ireland.

4. Legislative reform

4.1 Future reform and policy development

Proposed reform

In 2020, a committee chaired by former President of the High Court, Mr Peter Kelly, published the Review of the Administration of Civil Justice Report, which recommended introducing a comprehensive multi-party action procedure in the High Court and the Circuit Court.

In 2022, the Irish government published the Implementation Plan on Civil Justice Efficiencies and Reform Measures. One of its aims was to enact a comprehensive and effective multi-party action procedure in Ireland, similar to the Group Litigation Orders in the United Kingdom. The resulting Civil Reform Bill is currently being progressed by the Minister for Justice, but it is unclear to what extent this legislation will reform the law on multi-party action procedure.

Third-party litigation funding

The main practical impediment to class actions in Ireland is the prohibition on third-party litigation funding.

The Irish Law Reform Commission is expected to publish its report on the outcomes of its consultation on third-party litigation funding in spring 2026, which will inform any policy reform.

In addition, in 2023, third-party funding of international commercial arbitration was recognised as a limited statutory exception to the general prohibition (which is yet to be commenced and may await the Irish Law Reform Commission's report).

Notably, in November 2025, the European Commission retracted plans for EU-wide regulation of litigation funding, after stakeholder feedback indicated that it was unnecessary. Mandated EU-wide regulation of litigation funding therefore seems unlikely at this juncture.

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