

Criminal Law News

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Criminal and regulatory offences in using social networking evidence in litigation

Sally Ramage

It is widely known that the fraudulent, or ‘imaginative’, claimant is often careless and the growth of privately owned social networking sites with free-access, acting as a social address book to connect and interact with “friends (such as Myspace, Faceparty, Friendster, Bebo, Badoo, Habbo, Nexopia, Tagged and many more) has provided a rich source of ‘private’ or ‘personal’ information on claimants available to the world or the more ‘limited’ circle of their network ‘friends’ e.g. a depressed and socially withdrawn claimant who posts photographs on Facebook indicating otherwise. For professional ‘fact-gatherers’ such as lawyers, insurance adjusters, claims handlers and private investigators, the vast wealth of information that people volunteer on Facebook and similar social networking sites, can be a goldmine, notwithstanding the fact that many lawyers are Facebook users themselves.

However, in their keenness to obtain evidence of such inconsistencies, insurers and prosecutors could find themselves enmeshed by a very complex web, since they will be limited in the law of contract and tort, by privacy rights and by the UK Data Protection Act, notwithstanding intellectual property law, besides which, the facts in each case will affect the extent of permissible use of social network evidence. In completing a typical Facebook profile, a person will have created a comprehensive database of information about both who they are and who they know. This is information that our laws treat as highly private.

Inadmissible evidence

Admissibility is the contentious issue in any insurance litigation. Social Network information may not always be admissible but may be the door to lead to other, non-contentious evidence, although in fact, even illegally obtained evidence may sometimes be admissible evidence, though this is not absolute.

Disclosure

Where the material is obtained principally to obtain leads to admissible evidence, this will have to be disclosed to the other party. Material obtained in breach of the Data Protection Act will not be protected by the privilege from disclosure which might otherwise protect case preparation material. Failure to disclose will lead to serious sanctions in terms of costs and professional conduct and/or regulatory sanction.

Data Protection Act

If the Data Protection Act has been breached, a criminal offence might have been committed and section 55 creates a criminal offence. Section 55 states:

'A person ... knowingly or recklessly, without the consent of the data controller obtains or discloses personal data or the information contained in personal data or procures the disclosure to another person or the information contained in personal data.'

Most of the information available on social networking sites will be 'personal data'. The data controller is the network operator, without whose consent, collecting such information could be an offence, unless it was necessary for the purpose of preventing or detecting crime. Recently in the UK, a known sex offender was convicted of murdering a teenager he groomed on Facebook, pretending to be a teenager himself. (See Andrew Norfolk, "Facebook 'boyfriend' raped and killed girl", Times, 9 March 2010. Peter Chapman received a 35 year prison sentence on 8 March 2010 at Teesside Crown Court).

Social networking is also used by criminals for terrorism, contrary to the Terrorism Act 2006, as follows:

' Application of ss.1 and 2 to internet activity etc.

(1) This section applies for the purposes of sections 1 and 2 in relation to cases where - (a) a statement is published or caused to be published in the course of, or in connection with, the provision or use of a service provided electronically; or (b) conduct falling within section 2 (2) was in the course of, or in connection with, the provision or use of such a service.

(2) The cases in which the statement, or the article or record to which the conduct relates, is to be regarded as having the endorsement of a person ("the relevant person") at any time include a case in which - (a) a constable has given him a notice under subsection (3); (b) that time falls more than 2 working days after the day on which the notice was given; and (c) the relevant person has failed, without reasonable excuse, to comply with the notice.'

Oftentimes, a solicitor has been surprised to learn that his or her own client maintained a Facebook page, and this fact was not brought to the solicitor's attention until very late in the litigation. Solicitors' rules of professional conduct strictly prohibit them from making direct contact with parties who are represented by counsel, and this includes contact by way of Facebook. It would be a breach of a lawyer's duties of honesty to create a false profile in an attempt to elicit information from another party's private Facebook profile. It is possible that this will assist where the civil action concerns some criminal activity by the other party. The data controller's consent is imperative and it is common to prohibit non-personal use and the use of multiple or false identities when accessing a social networking website. Indeed, part of the Facebook's terms and conditions (for Facebook's 200 million or more users) reinforce this:

'Proprietary Rights in Site Content; Limited Licence

All content on the Site and available through the Service, including designs, text, graphics, pictures, video, information, applications, software, music, sound and other files, and their selection and arrangement (the "Site Content"), are the proprietary property of the Company, its users or its licensors with all rights reserved. No Site Content may be modified, copied, distributed, framed, reproduced, republished, downloaded, scraped, displayed, posted, transmitted or sold in any form or by any means, in whole or in part, without the Company's prior written permission, except that

the foregoing does not apply to your own User Content (as defined below) that you legally post on the Site. Provided that you are eligible for use of the Site, you are granted a limited licence to access and use the Site and the Site Content and to download or print a copy of any portion of the Site Content to which you have properly gained access solely for your personal, non-commercial use, provided that you keep all copyright or other proprietary notices intact. Except for your own User Content, you may not upload or republish Site Content on any Internet, Intranet or Extranet site or incorporate the information in any other database or compilation, and any other use of the Site Content is strictly prohibited. Such licence is subject to these Terms of Use and does not permit use of any data mining, robots, scraping or similar data gathering or extraction methods...'

Privacy

Insurers ought to include a clause in insurance policies to the effect the insured must be aware that a social networking profile is a document that may be produced in court and that any relevant content that is posted on a Facebook or other similar profile will need to be disclosed, and preserved.

If the material is open for all to see, it is difficult for a claim of actionable wrong done to the networker and useful information is unlikely to be available without some pretence and the commitment of a tort against the person snooped on. Any party who seeks to use social networking material as evidence in court against another party should be aware that this might constitute a breach of contract with the network provider; a breach of the Data Protection Act; a breach of confidence or misuse of private information; a breach of copyright or other intellectual property rights; and possible professional misconduct or regulatory breaches arising from using such material in litigation, if it were allowed, as evidenced by Facebook's Terms and Conditions:

'... You understand that except for advertising programs offered by us on the Site (e.g., Facebook Flyers, Facebook Marketplace), the Service and the Site are available for your personal, non-commercial use only... Online Content Provider agrees not to post a Share Link on any web site that contains, and represents and warrants that such web site does not and will not contain, any content that is infringing, harmful, threatening, unlawful,

defamatory, abusive, inflammatory, harassing, vulgar, obscene, lewd, fraudulent, or invasive of privacy or publicity rights or that may expose Company or its users to any harm or liability of any type...’.

All Facebook users will be aware that there are several ways that they can tailor Facebook’s privacy controls to their personal and professional needs and this means that what is public was decided by the user, who cannot then complain of breach of privacy, unless this reveals otherwise unknown protected information (race, religion, political affiliation) about job applicants or employees, at which point, lawyers who are users of Facebook must not take adverse action based on that information. Facebook, in turn, is being sued in the United States by five users. Five users of Facebook, who, in August 2009, lodged their case against Facebook for violating Californian privacy laws over the way it handled personal information. In the complaint, the users noted that Facebook’s license agreement meant that users effectively owned all data uploaded up to the website, even if a user terminated the service, yet Facebook failed to comply with their requests to stop posting their private information, including photographs and images. As a consequence of Facebook allowing users to access, use and upload private and personal information on Facebook, users are effectively assigning valuable property and privacy rights to Facebook without consent, knowledge, understanding or consideration. Most caselaw relates to the United States.

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Eye-witnesses and police line-ups

Sally Ramage

The eye-witness' recollection

A witness may not have information about all elements of an incident. Thus, some recollections may be correct while others may be incorrect. Note any inconsistencies for future reference.

Also, note that the inconsistency of one element with another does not imply that the entire statement is inaccurate.

These inconsistencies can be useful in assessing the accuracy of elements of witness statements as well as in directing the investigation. During post-interview, follow-up contact with the witness, the investigator should re-establish rapport with the witness. The investigator should ask the witness about something personal that follows up on his/her previous contact with the witness (e.g. 'has your arm healed?'). Witnesses will continue to provide information to investigators with whom they have a continuous positive relationship.

Witnesses may ask the investigator about information that has developed since the initial interview. Providing the witness with specific information obtained from other witnesses or from physical evidence may influence the witness's perception of the incident. Should other information arise following the initial interview that differs from, contradicts, or corroborates information the witness provided, this information can be clarified with the witness at this time. However, the investigator can present that information to the witness in a non-leading manner. The investigator can provide the witness with neutral information, such as asking if any vehicle was present at the time of the incident, NOT "Are you sure there was not a blue Ford at the scene?" This choice may be based on the equipment, training, and experience available in each department or jurisdiction. Showing photos to the witness immediately prior to the procedure could influence the description he/she provides. This will enable the witness to concentrate and provide a more detailed and complete description. Witnesses must be separated so they are not influenced by descriptions others provide. Allowing the witness to view the completed composite gives the witness an opportunity to suggest changes and may thereby produce a

better likeness of the perpetrator. It also allows the witness to state whether the image is a reasonable likeness of the perpetrator. For example, the witness can be asked to rate the image as to its accuracy and/or its potential usefulness.

Identification of Suspects

Do not provide any instructions to the students prior to viewing the clip other than to watch the screen. The idea is to catch the students by surprise the way that most eyewitnesses are caught. Once they have viewed the clip, move on to the procedural instruction below.

Composing Line-ups

Fair composition of a line-up enables the witness to provide a more accurate identification or non-identification. The investigator should compose the line-up in such a manner that the suspect does not unduly stand out. Complete uniformity of features is not required. Avoid using fillers that so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.

In their efforts to ensure that the suspect's photo does not unduly stand out, police often go to great lengths to ensure that all members of a line-up look as similar to one another as possible, including the suspect. However, making the fillers closely resemble the suspect is not advised because a line-up in which all the people look very similar to one another actually reduces the chances of an accurate identification by a witness. Line-up fillers must merely match the description of the offender as given by the witness viewing that line-up, as long as the policy is upheld that the suspect does not unduly stand out.

Consider creating a consistent appearance between the suspect and fillers with respect to any unique or unusual feature used to describe the perpetrator by artificially adding or concealing that feature. If there is a unique feature/characteristic described by the witness, such as a scar, the preferred procedure is to leave the unique feature visible and select fillers with a similar feature/characteristic. Sometimes police choose to enhance the fillers with a similar feature (still ensuring that the suspect does not unduly stand out). If the suspect has a unique feature not described by the witness, you should not alter the suspect's photo. Select fillers that have a similar, but not identical, feature or enhance the fillers with a similar feature. Consider placing

suspects in different positions in each line-up, both across cases and with multiple witnesses in the same case. Position the suspect randomly in the line-up. If specific investigators consistently choose the same line-up location for the suspect, this can become common knowledge among both law enforcement officers and the general public. This could lead a witness to pick the person in that position for reasons other than recognizing the suspect. Some witnesses can be reserved for alternative identification procedures, such as a live line-up or a different photo line-up. For example, your original identification procedure may be found to be inadmissible in court, whereas an alternative procedure (e.g., a live line-up) or a second photo line-up may be admissible. Using the same fillers with a new suspect can make the suspect stand out as the only one not appearing in a previous photo line-up. The witness might recognize one of the fillers (from seeing him/her in a previous line-up) and misidentify the filler as the perpetrator. Some witnesses might try to extract meaning from any arrest dates or other markings on the photos. Such information could lead some witnesses to make faulty inferences. Booking plates, for instance, can be covered with tape. Also ensure that no writings indicating previous witnesses' identifications are visible to the witness.

Line-ups

Consider showing the photo line-up to people unfamiliar with the case and ask them if they can identify the suspect. In general, if the photo line-up is properly constructed, a person who is given the verbal description of the perpetrator (as described by the witness) should not be able to tell which person is the suspect in the case. Preserve the presentation order of the photo line-up. In addition, the photos themselves should be preserved in their original condition. In order to defend legal challenges to the line-up procedures, it is critical to reproduce the original line-up for presentation in future proceedings. It is advisable to retain the original photos as evidence or, alternatively, photocopy (in colour if possible) the original line-up to produce a copy in the event that one or more of the original photographs cannot be reproduced and to preserve an accurate representation of the order of the photos. Note how the criteria for selecting fillers for a photo line-up are the same as the criteria for selecting fillers for a live line-up.

Multiple line-ups

In multiple-suspect line-ups, the probability of a possible mistaken identification rises as the number of suspects in a line-up increases. If more than one suspect must be presented in any one line-up, the witness might recognise one of the fillers and misidentify the filler as the perpetrator. In their efforts to ensure that the suspect does not unduly stand out, police have often gone to great lengths to ensure that all members of a line-up look as similar to one another as possible, including the suspect. Selecting fillers that closely resemble the suspect is not advised because a line-up in which all the people look very similar to one another actually reduces the chances of an accurate identification by a witness. According to procedures line-up fillers must merely match the description of the offender as given by the witness viewing that line-up, as long as the policy is upheld that the suspect does not unduly stand out.

If there is a unique feature/characteristic described by the witness, such as a scar, police sometimes choose to leave the unique feature visible and select fillers with a similar feature/characteristic or enhance the fillers with a similar feature. If the suspect has a unique feature not described by the witness, you should not alter the suspect's appearance. Rather you should select fillers that have a similar, but not identical, feature or enhance the fillers with a similar feature.

An identification obtained through a line-up may have stronger evidentiary value.

Show the video clips of the live line-ups. Although this strategy works well if the perpetrator is in the line-up, there are times when the actual perpetrator is not in the line-up. To help prevent the witness from making 'relative judgments' eyewitnesses tend to select the person who looks most like the perpetrator relative to the other line-up members. The fact that police are showing a line-up to a witness can lead some witnesses to presume that the actual perpetrator will be in the line-up. These instructions are designed to help reduce the tendency for witnesses to make this assumption. Because the suspect in the case might not be the actual offender, the identification procedure can in fact help clear innocent persons from suspicion. This instruction helps emphasize that failure to identify the suspect might be, in some cases, the appropriate

outcome. Clearing an innocent suspect from suspicion can help refocus the investigation on developing other suspects. Many physical characteristics are changeable. Hair, for instance, can be restyled, coloured, cut, or grown longer; facial hair can be grown or cut; and so forth. Witnesses need to keep in mind that the suspect's appearance on these changeable features might have been different at the time of the photo than it was at the time of the crime.

It can be helpful to have some indication of how certain the witness is at the time of the identification. This can be useful in assessing the likelihood of whether or not the identification is accurate. Later, the witness's certainty might be influenced by other factors. It is not necessary for the witness to give a number to express his/her certainty. Some witnesses will spontaneously include information about certainty (e.g., 'that's him'). It is important to emphasize that the person who committed the crime may not be present. It does not weaken the investigation if the actual perpetrator is not in the line-up and the witness does not make a selection.

It may benefit the investigation by strengthening the witness's credibility and helping to refocus the investigation. This instruction lessens the pressure on the witness to make identification and reassures the witness that the progress of the investigation does not hinge solely on his/her identification. Even if the witness does not make identification, the investigation should continue. him,' or: 'It could be number three.'). If the witness does not volunteer information about certainty, then the witness can be asked to state certainty in his/her own words. A question such as: 'How do you know this individual?' will often lead the witness to express his/her certainty. If a statement of certainty is not obtained, then the investigator can follow up with the question: 'How certain are you?' Because the suspect in the case might not be the actual offender, the identification procedure can in fact help clear innocent persons from suspicion. This advice helps emphasize that failure to identify the suspect might be, in some cases, the appropriate outcome. Clearing an innocent suspect from suspicion can help refocus the investigation on developing other suspects. Many physical characteristics are changeable. Hair, for instance, can be restyled, coloured, cut, grown longer; facial hair can be grown or cut; and so forth. Witnesses need to keep in mind that the suspect's appearance on these changeable features might be different at the time of the line-up than it was at the time of the crime.

It is important to emphasize that the person who committed the crime may not be present. It does not weaken the investigation if the actual perpetrator is not in the line-up and the witness does not make a selection. In fact, it may benefit the investigation by strengthening the witness's credibility and helping to refocus the investigation. This lessens the pressure on the witness to make identification and reassures the witness that the progress of the investigation does not hinge solely on his/her identification. Even if the witness does not make identification, the investigation will continue. It can be helpful to have some indication of how certain the witness is at the time of the identification. It can be useful in assessing the likelihood of whether or not the identification is accurate. Later, the witness's certainty might be influenced by other factors.

It is not necessary for the witness to give a number to express his/her certainty. Some witnesses will spontaneously include information about certainty. If the witness does not volunteer information about certainty, then the witness should be asked to state certainty in his/her own words. A question such as, 'How do you know this individual?' will often lead the witness to express his/her certainty. If a statement of certainty is not obtained, then the investigator should follow up with the question, 'How certain are you?'

A major difference between the simultaneous and sequential procedure is that the sequential procedure tends to prevent the eyewitness from making relative judgments. Recall that relative judgments can be problematic because they involve comparing one line-up member to another and picking the person who most looks like the perpetrator. The sequential procedure leads witnesses to compare each line-up member with their memory of the perpetrator rather than comparing one line-up member with another line-up member. Relative judgments can also be reduced even with a simultaneous procedure by using suggestions on composing, instructing witnesses on, and conducting simultaneous line-ups.

Some jurisdictions may want to consider using 'blind' identification procedures. In a typical blind identification procedure, the person who conducts the line-up does not know which person in the line-up is the suspect. Using this type of procedure, the case investigator simply has someone conduct the line-up who is not familiar with the case, not familiar with the identity of the line-up members, and does not know the line-up position of the suspect. Such a procedure helps ensure not only that the case investigator does not unintentionally influence the

witness but also that there can be no arguments later (e.g., at trial) that the witness's selection or statements at the line-up were influenced by the case investigator.

Although an awareness on the part of the investigator that he/she should do nothing to influence the witness's choice or certainty can be sufficient to ensure that such influence does not occur, some jurisdictions might nevertheless prefer to use blind testing techniques.

Investigators should make sure that the witness understands everything at this point. For example, witnesses can be asked: 'Do you understand?' or: 'Do you have any questions?' Ideally, nothing should be said to the witness because it might indicate which person the investigator believes is the perpetrator. Remind the witness that discussing the results of the procedure could harm the investigation. Such discussion by the witness may influence other witnesses' identification decisions or their certainty. Witnesses can be warned at this time that the positioning of the line-up members might be changed for other witnesses and that it is important not to try to influence another witness. It is important that witnesses reach decisions independently, not only for investigative purposes but also for later proceedings. The sequential procedure is quite different from the simultaneous procedure. The sequential decision procedure is meant to reduce the tendency of the witness to compare one photo with another photo (i.e., make relative judgments). The idea is for the witness to make a final decision on each photo before moving on to the next photo by comparing each photo with his/her memory of the perpetrator.

Follow the technique

The investigator should follow a fixed technique as to whether the procedure will stop when the witness makes a selection of a photo or whether the procedure will continue until all photos are presented. If the investigator sometimes continues to show photos and sometimes does not, it could appear that the decision to continue is being based on whether the witness is making the 'right' pick. Remind the witness that discussing the results of the procedure could harm the investigation. Such discussion by the witness may influence any other witnesses' identification decisions or their certainty.

Witnesses can be advised at this time that the positioning of the line-up members might be changed for other witnesses and that it is important not to try to influence another witness.

Witnesses should reach decisions independently in order to aid the investigation and later proceedings. The procedure must not convey any information about the identity of the suspect (not ‘I noticed you pointed at number two,’ but rather: ‘Would it help for me to explain the instructions again?’).

If the investigator wants to question the witness about certainty, the witness should not be told anything about the status of the person identified at this point (e.g., do not say, ‘That’s the person we have as a suspect,’ or: ‘That is the same person that another witness picked’; do not say: ‘That person is not a suspect’).

Non-verbal reactions

This includes nonverbal reactions, such as facial expressions of approval or disapproval. Such reactions could influence the certainty that the witness expresses in his/her choice. A witness may identify a suspect from a line-up. Inadvertently reinforcing the witness’s selection (e.g., ‘that was our suspect’) will make it difficult to show that witness another line-up with a new suspect. It can be acceptable to share the results of the identification at a later time, but not before the witness’s level of certainty has been ascertained. The witness must determine when to view the next individual. There should never be more than one individual displayed at once. If the witness asks to view a particular line-up member again following the procedure, he must be allowed to do so and this fact must be documented. Even if the witness asks for only one person to walk or speak, all line-up members should be asked to perform the same action. Each line-up member must perform the action when they are presented. Ideally, nothing should be said to the witness because it might indicate which person the investigator believes is the perpetrator or that the investigator believes the perpetrator is definitely in the line-up. Anything said to the witness might interfere with his/her ability to concentrate on the task.

Do not convey the suspect’s identity

If something needs to be said to facilitate the procedure, it must not convey any information about the identity of the suspect (e.g., not: ‘I noticed you pointed at number two,’ but rather ‘would it help for me to explain the instructions again?’). Following this procedure is especially

important with the sequential line-up because only one individual is being viewed at any given time. If the investigator wants to question the witness about certainty, the witness should not be told anything about the status of the person identified at this point (e.g., do not say: ‘That’s the person we have as a suspect,’ or ‘That is the same person that another witness picked’. Do not say, ‘That person is not a suspect’). This includes nonverbal reactions, such as facial expressions of approval or disapproval. Such reactions could influence the certainty (confidence level) that the witness expresses in his/her choice. Consider the fact that a witness may identify a suspect from a line-up and the investigators later uncover evidence clearing that suspect. Inadvertently reinforcing the witness’s selection (e.g., “That was our suspect”) will make it difficult to show that witness another line-up with a new suspect. It can be acceptable to share the results of the identification at a later time, but not before the witness’s level of certainty has been ascertained.

Witness must not discuss the results of the line-up

Remind the witness that discussing the results of the procedure could harm the investigation. Such discussion by the witness may influence any other witnesses’ identification decisions or their certainty. Witnesses can be advised at this time that the positioning of the line-up members might be changed for other witnesses and that it is important to not try to influence another witness. It is important that eyewitnesses reach their decisions independently, not only for investigative purposes but also for later proceedings.

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Ireland’s laws

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Researchers of Irish law are regularly faced with obstacles to effective research that are peculiar to the Irish legal system. Ireland has a common law system. As a result there are three core elements of our legal system – a hierarchy of courts on a constitutional basis. The Irish hierarchal court structure was outlined in Articles 64-73 of the Constitution of Saorstát Éireann 1922 and elaborated upon in the Courts of Justice Act 1924. Articles 34-38 of Bunreacht na hÉireann generally reproduce the structure of the 1922 court system (though with a number of amendments), and the new courts system under the 1937 Constitution was formally established

by the Courts (Supplemental Provisions) Act 1961.

Accurate and reliable recording of judicial decisions. It is vital that cases are reported in an accurate and accessible manner. This has largely been achieved since the establishment of the Incorporated Council of Law Reporting for Ireland in 1866, which has produced a great volume of reported judgments.

Binding force of precedent

These three elements ensure the workability of the principle of *stare decisis* (or precedent) in our legal system. *Stare decisis* is a maxim of universal application. The peculiar feature of the common law doctrine is its strongly coercive nature and judges are sometimes obliged to follow a previous case although there would be good reasons for not doing so.

Closed court family cases

There is a serious problem of under-reporting of family law cases. Law reports, according to Nathaniel Lindley, must include: cases which introduce, or appear to introduce, a new principle or a new rule; cases which materially modify an existing principle or rule; cases which settle a question upon which the law is doubtful, and cases which are peculiarly instructive.

Article 34(1) of the Constitution relates the general principle that if justice is to be administered in public, there are certain situations where the administration of justice in closed proceedings is acceptable, i.e. matrimonial matters and cases relating to minors.

In Camera Rule

The *in camera* rule in family law has led to problems for practitioners and researchers. As a consequence of the 'in camera' rule, information about how judges make decisions and what criteria they apply to different cases has been said to be haphazard. There is a Family Law Reporting Project which is gathering information about family law cases, and providing that information about family law to the public, accompanied with statistics relating to the family courts.

District and Circuit Courts

There is no stenographer present at District and Circuit Court hearings of family law cases. The *in camera* rule is too absolutist and no longer necessary.

Irish statute law

Legislation can be separated into two broad categories – primary and secondary legislation.

Due to the country's turbulent legal history, there are six different categories of statute in force in Ireland. These are Acts of the Irish Parliaments pre-1880; Acts of the English Parliaments pre-1707; Acts of the British Parliament 1707-1800; Acts of the Parliament of Great Britain and Ireland 1801-1922; Acts of the Oireachtas of the Free State-1937; and Acts of the Oireachtas 1937 to the present.

In relation to the statutory position on particular issues, research can therefore be a laborious and often overwhelming process. Statutes are published yearly in the Statute books, and on the official websites and on a number of legal databases. Older statutes were collected in publications such as *The Irish Statutes*. The various indices to the statutes comprise a useful research tool. There is also the statute citatory in the *Irish Current Law Statutes Annotated* and the various digests.

Interpretation of law of Ireland

There are a great number of aids to the interpretation of statute law, being, annotated legislation, explanatory memoranda, Dáil debates, and academic commentary but these are not admissible as evidence on the meaning of pieces of legislation.

Secondary legislation

Secondary legislation relies on primary legislation and is made up of statutory instruments, published in annual collections every year since 1948. Statutory Instruments are available online via the usual electronic legal databases. The Rules of Court are also statutory instruments, and are published in a number of volumes.

Quasi-legislation sources

This consists of the range of regulatory instrument promulgated by Government departments. In many cases these rules are created in order to establish standards within a particular department or agency and carry with them a heavy expectation of compliance and, disciplinary procedures for non-compliance. In all, it is not so different from the law of England, Wales and Northern Ireland.

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