

“Qui Tacet Consentire Videtur” = “Silence Implies Consent”

(A two-page qualifier – with historical examples – to establish legal validity)

This is an important legal maxim of long standing dating back to ancient times and which principle has been quoted in tracts by ancient Greek lawmakers and by early Christian scholars such as St. Augustine of Hippo (d.430 AD). In the 13th Century ‘*Qui Tacet Consentire Videtur*’ was formalised in the fundamental principles and legal maxims (‘*Regulae Juris*’) of Cannon Law including in the “*Corpus Juris Cannonici*” and in the “*Fifth Book of Decretals*” of Pope Gregory IX (d.1241 AD). Pope Boniface VIII (d.1303 AD) also refers to this maxim in the final title of, “*Liber Sextus Decretalium*”. The ‘QTC’ principle has since been cited and applied in numerous Court cases, organisations, and jurisdictions worldwide in various differing circumstances, and has been quoted in thousands of legal publications, including the ‘QTC’ Notices of 2016 and 2019 served on the Irish authorities by the *Integrity Ireland Association*.

Long Form: “*Qui tacet consentire videtur, ubi loqui debuit ac potuit*” (He who is silent, when he ought to have spoken and was able to, is taken to agree).

German: “*Schweigen impliziert Zustimmung*”

Spanish: “*Quien calla, otorga*”

French: “*Procédure d’approbation tacite*”

Polish: “*Cisza oznacza zgodę*”

Italian: “*Chi tace acconsente*”

English: “*Silence implies consent*”

NOTABLE EXAMPLES OF ‘QTC’ USE IN THE MODERN ERA

In the EU / NATO / OSCE: A silence procedure or tacit acceptance procedure is a way of formally adopting texts, often, but not exclusively in international political context. Silence procedure is employed by NATO, the OSCE, in the framework of the Common Foreign and Security Policy of the European Union (EU) and in numerous other international bodies. A proposal with strong support is deemed to have been agreed unless any member raises an objection to it before a precise deadline: silence signifies assent – or, at least, acquiescence.

Council of the European Union (2009): Article 12(2) of the Rules of Procedure of the Council of the European Union states: “On the initiative of the Presidency, the Council may act by means of a simplified written procedure called ‘silence procedure’.”

Organization for Security and Co-operation in Europe (OSCE) (2006): An expression of the silence procedure is contained in Annex 1(A) “Application of a silence procedure in the Permanent Council and the Forum for Security Co-operation” of the Rules of Procedure of the OSCE:

1. The Chairperson may suggest the adoption of a decision through a silence procedure. Such a suggestion shall be made during a meeting, with an indication of the exact time for the expiration of the period of silence. If there is no objection expressed by a Representative at that meeting, the decision shall be regarded as placed under a silence procedure.

A Few Other Notable Examples of the Historical use of 'QTC':

England: July 6, 1535: Execution of Sir Thomas Moore.

1848. Quoted in 'The law lexicon, or dictionary of jurisprudence' By Barrister John Jane Smith Wharton P.565

India: June 6th 2011: B. Shanmugam vs Thulasirama Reddy HIGH COURT OF JUDICATURE AT MADRAS: the Madras High Court referring to the maxim 'Qui Tacet Consentire Videtur,' held that the silence of counsel implied their assent to the course adopted by the judge, and a man who does not speak when he ought shall not be heard when he desires to speak.

USA: January 25th 1937: Lawrence v Houghton 296 Massachusetts. 407 October 7, 1936 - January 25, 1937 Court Below: Superior Court, Barnstable County.

Benton v. Hatch, 122 N.Y. 322 (N.Y. 1890)

Beebe v Bank of New York 1. J.R. 529 (as quoted in *An Analytical and Practical Synopsis of All the Cases Argued and Reversed in Law & Equity... 1799 – 1849*)

Also specifically referenced in cases of adverse possession in Massachusetts:

- *Pollard v. Barnes*, 2 Cush. 191.
- *Bodfish v. Bodfish*, 105 Mass. 317.
- *Curtis v. Brown*, 219 Mass. 157,
- *McDonough v. Everett*, 237 Mass. 378,
- *Dow v. Dow*, 243 Mass. 587.

Ireland: 2016 - Murdoch & Hunt's Dictionary of Irish Law, Sixth Ed p.1389.

05 February, 2014, The Irish News article about Unionism in the North
<http://www.irishnews.com/opinion/2014/02/05/news/unionists-still-under-1904-ethnic-umbrella-82852/>

June 20th 1997, Irish Times article about murders in Lurgan
<https://www.irishtimes.com/opinion/letters/murders-in-lurgan-1.83747>

April 12th 2010, "Time to Give Good Priests a Break" article in the Irish Times
<https://www.irishtimes.com/opinion/letters/time-to-give-good-priests-a-break-1.651186>

The 'QTC' Notices of 2016, 2019 & 2020 as served on all senior legal and statutory Irish authorities, unchallenged, by the *Integrity Ireland Association* and subsequently published and quoted in articles, legal Notices, affidavits and Superior Court cases.

Thousands of examples.. where this 'QTC' legal principle is quoted, dating back to Ancient Greek Texts, can be found here:

<https://archive.org/search.php?query=qui+tacet+consentire+videture&sin=TXT&page=2>