



An tSeirbhís Chúirteanna  
Courts Service

# TUARASCÁIL BHLIANTÚIL ANNUAL REPORT 2019







## MISSION STATEMENT

To manage the courts, support the judiciary and provide a high quality and professional service to all users of the courts





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*Letterkenny Courthouse*

# AT A GLANCE



COURT FUNDS  
**€1.971b**  
MANAGED

**120,000**  
JURY SUMMONS



**3,300**  
TRAINING  
DAYS



**1,080**  
STAFF



**3,168,179**  
VISITS TO WEBSITE

**6,000**



SECOND LEVEL STUDENTS  
FROM 247 SCHOOLS VISITED  
CRIMINAL COURTS  
OF JUSTICE IN DUBLIN

**STRATEGIC VISION  
2030** SUPPORTING  
ACCESS TO JUSTICE  
IN A MODERN  
DIGITAL IRELAND



**€140.9m**

COURTS  
SERVICE  
BUDGET



**€1.5m**

FUNDING WAS  
PROVIDED FOR  
INTERPRETATION  
SERVICES IN THE COURTS



## GLOSSARY OF TERMS

**Appeal** – a proceeding, taken by a party to a case who is dissatisfied with a decision made, to a court having authority to review or set aside that decision.

**Barring order** – an order preventing the person against whom the order is made (the respondent) from entering the family home or using or threatening violence against the person who applied for the order (the applicant) or other family members.

**Care order** – an order placing a child in the care of TUSLA (the Child and Family Agency) until he or she reaches the age of eighteen or a shorter period as determined by the court.

**Certified list** – a list of cases certified by counsel as being ready for hearing.

**Civil bill** – a document used to commence a civil case in the Circuit Court, it gives details of the parties to the case and details of the claim being made.

**Claim notice** – a document used to commence a civil case in the District Court, it gives details of the parties to the case and details of the claim being made.

**Debt relief notice** – one of three debt resolution mechanisms introduced by the Personal Insolvency Act 2012 to help mortgage-holders and others with unsustainable debt to reach agreements with their creditors. It allows for the write-off of qualifying debt up to €20,000, subject to a three-year supervision period.

**Debt settlement arrangement** – one of three debt resolution mechanisms introduced by the Personal Insolvency Act 2012 to help mortgage-holders and others with unsustainable debt to reach agreements with their creditors. It applies to the agreed settlement of unsecured debts, usually over a period of five years.

**Defence** – a document delivered by the defendant to the plaintiff in response to a civil bill in the Circuit Court or a plenary summons in the High Court.

**Defendant** – a person against whom an action is brought; a person charged with a criminal offence.

**Emergency care order** – an order placing a child under the care of TUSLA for a maximum period of eight days if the court considers that there is a serious risk to the health or welfare of a child.

**Indictment** – (a) a formal document setting out certain kinds of charges against an accused person or (b) the process by which those charges are presented against the accused.

**Indictable offence** – an offence which, if committed by an adult, is triable on indictment.

**Injunction** – an order of the court directing a party to an action to do, or to refrain from doing, something.

**Interim barring order** – an immediate order, requiring the person against whom the order is made (the respondent) to leave the family home, pending the hearing of an application for a barring order.

**Interim care order** – an order, granted when an application for a care order has been or is about to be made, requiring that the child named in the order be placed in the care of TUSLA.

**Intestate** – dying without making a valid will.

**Judicial review** – a legal remedy available in situations where a body or tribunal is alleged to have acted in excess of legal authority or contrary to its duty.

**Judicial separation** – a decree granted by the court relieving spouses to a marriage of the obligation to cohabit.

**Jurisdiction** – (a) the power of a court or judge to hear an action, petition or other proceeding, or (b) the geographical area within which such power may be exercised.

**Liquidated debt** – a claim for a specified amount of money.

**Mortgage suit** – a form of proceeding to recover a debt owed to the holder of security on property – by forcing the sale of the property (usually on foot of a judgment mortgage or an equitable mortgage).

**National Development Finance Agency** – The NDFA is an integrated finance, procurement and project delivery model established within the National Treasury Management Agency to bring a unified commercial approach to the procurement and project management of new public sector projects, including Public Private Partnerships.



**Nolle prosequi** – the entering by the prosecution of a stay on criminal proceedings (not to be confused with an acquittal).

**Personal insolvency arrangement** – one of three debt resolution mechanisms introduced by the Personal Insolvency Act 2012 to help mortgage-holders and others with unsustainable debt to reach agreements with their creditors. It applies to the agreed settlement and/or restructuring of secured debts up to a total of €3 million (as well as unsecured debts) over a period of six years.

**Petition** – document used to commence certain civil proceedings in the High Court (for example application to wind up a company, have a person adjudicated bankrupt).

**Plaintiff** – a person who brings a legal action against another.

**Plenary summons** – document used to commence certain civil proceedings (for example, claims for non-specific damages, libel, nuisance) in the High Court where pleadings and oral evidence are required.

**Protection order** – an interim order, granted when an application for a safety/barring order has been made, prohibiting the person against whom the order is made (the respondent) from committing further acts of violence or threatening violence.

**Safety order** – an order prohibiting the person against whom the order is made (the respondent) from committing further acts of violence or threatening to do so. It does not prevent the respondent from entering the family home.

**Special exemption order** – an order allowing a licensee to sell alcohol outside the normal licensing hours, subject to certain conditions.

**Special summons** – document used to begin certain civil proceedings (for example, equity claims, mortgage enforcement, administration of trusts) in the High Court to be heard on affidavit (- not oral evidence).

**Specific performance** – an order of a court which requires a party to perform a specific act, usually what is stated in a contract for example, contracts for the sale, purchase or lease of land. It is an alternative to awarding damages and is a discretionary equitable remedy.

**Summary judgment** – judgment for a claim in respect of a debt or specific monetary demand. The judgment is given to the plaintiff against the defendant in a court office without the need to bring the claim to court.

**Summary summons** – document used to commence certain civil proceedings (for example, claims for a specific amount of money, recovery of possession by a landlord) in the High Court, to be heard on affidavit.

**Supervision order** – an order allowing TUSLA to monitor a child considered to be at risk. The child is not removed from his or her home environment. A supervision order is for a fixed period of time not longer than 12 months initially.

## FOREWORD BY THE CHIEF JUSTICE AND CHAIRPERSON OF THE BOARD



Like every other year 2019 posed its own challenges and opportunities for the Courts and the Courts Service. In ways in which we planned and in ways driven by circumstances, we had to change and adapt - as we do continually - in providing both the level of access to justice demanded by the law and the public together with the efficiency of public service expected in today's world. This report offers many insights into the administrative response, forward planning and reactive capabilities of the Service. It also provides an overview of the types of issues which arise in life but require court resolution.

The business conducted every year in our courts can give a picture of society and of the response of the justice sector to it. For example, last year there was a slight decrease in personal injuries claims, yet a 76% increase in the value of medical negligence awards. This almost certainly reflects the number of major catastrophic injury cases being dealt with in the year – where a lifetime of needed care results in a large award and where lower returns on investment require greater sums to provide that care.

Meanwhile a 37% decrease in possession orders made and 24% decrease in new possession cases lodged, tell a story of a recovering economy, of less personal debt, and a greater engagement over years with personal insolvency mechanisms.

Not all cases in our courts involve big business, important constitutional examination or high profile crime. In the area of employment cases (other than dismissal claims), we saw a doubling of new cases lodged last year. There was a one third increase in new small claims and a one quarter increase in protection sought against domestic violence.

There was a 30% decrease in new asylum cases lodged and the High Court more than doubled the asylum cases it decided or resolved in court. This is almost a reverse of the previous year where more cases were resolved outside court hearings.

There was a decrease of 22% in the number of applications for protection or supervision orders in the childcare area. There was an increase of 35% in applications for Enduring Power of Attorney – which are needed in circumstances where people are no longer capable of decision-making in relation to their own care.

In catering for and responding to these people centred cases, the Courts Service shows itself to be very adaptable and proactive. For example, in the area of victims of crime, or vulnerable witnesses, we work with many groups including Victim Support At Court (V-SAC), who we

accommodate in many of our courthouses. This allowed for 1,500 people be supported and accompanied to court in 629 trials / hearings throughout the year.

Likewise, we engage via many groups with those seeking protection or solutions in the area of family law. One study has shown that, where we provide information on family mediation in courthouses, there can be a four-fold increase in mediation and agreement.

Throughout this report you will see this flexibility of organisation in how the Courts Service responds to the yearly and longer term changes it encounters. Modernisation came centre stage in 2019, which has seen the Courts Service begin a decade of strategic change of processes and procedure, from paper to digital, bricks and mortar to virtual, from physical presentation to online. These developments will, of course, always be considered against the measure that they must improve and not impair the fair, timely and cost-effective administration of justice.

Our CEO's introduction and the following chapters outline much of the thinking, planning and execution of these and many other plans. One area where we have seen immediate results in going online with services is in Licensing – where our eLicensing project was piloted and rolled out across the year. Despite it being piloted in only some areas by year end, 30% of licensing applications were already taking place online.

So in a year where we saw 445,000 criminal and 233,000 civil matters be presented to the courts, I can say with confidence that the courts and the Courts Service have evolved and responded to the changes in volume and in case types so as to meet the needs of court users. In doing so it has had the cooperation of a great body of staff, a dedicated management team and an active board.

I would like to thank all in the Service for their work in 2019: and thank the judiciary, and all in the justice community for their sterling efforts throughout the year. Our thanks also go to the Minister for Justice and Equality and his department for their assistance and cooperation in 2019. I recommend this report as a great insight into the activity of our courts and as a cross-sectional look at the activity of society in a busy and changing year.

**Frank Clarke**  
Chief Justice  
Chair of the Board of the Courts Service



# CHAPTER 1 ABOUT THE COURTS SERVICE



## ABOUT THE COURTS SERVICE

The Courts Service is responsible for the administration and management of the courts in Ireland. Its primary functions are to manage the courts, support the judges, provide information on the courts system to the public, and provide court buildings and facilities for court users.

Ancillary powers of the Service include the power to acquire, hold and dispose of land, enter into contracts, make proposals to the Minister for Justice and Equality in relation to matters (including reform and development, and distribution of jurisdiction and business among the courts), and designate court venues.

The Service is responsible for the management of all aspects of court activities (with the exception of judicial functions which are a matter exclusively for the judiciary). This is achieved through offices supporting the Supreme Court, Court of Appeal, High Court, Circuit Court, and District Court, and support Directorates established as part of the management structure for the Service.

The Service is governed by a Board consisting of a chairperson and 17 other members. The Courts Service Act, 1998 provides that the chairperson of the Board will be the Chief Justice and that the Board should contain judicial representatives from each court, a staff representative, a representative of the Minister for Justice and representatives from the legal professions, trade unions and business world.

The Board considers and determines policy in relation to the Service and oversees the implementation of that policy by the Chief Executive Officer. The Courts Service Act provides that the Board in the performance of its functions must have regard to:

- the need to secure the most beneficial, effective and efficient use of the resources of the Service and
- any policy or objective of the Government or a Minister of the Government insofar as it may affect or relate to the functions of the Service.

The Act also provides that the Board may establish committees to advise it in relation to the performance of its functions and may appoint committee members who are not members of the Board but have a specialist knowledge and experience related to the purposes of the committee. The acts of any committee established by the Board are subject to confirmation by the Board unless the Board dispenses with the necessity for such confirmation.

The committees of the Board as at 31 December 2019 were:

### STANDING COMMITTEES

- Finance Committee
- Audit and Risk Committee
- Family Law Court Development Committee
- Building Committee
- Modernisation Committee

# BOARD OF THE COURTS SERVICE



**Mr. Justice Frank Clarke**  
*Chairperson, Chief Justice*



**Mr. Justice George Birmingham**  
*President of the Court of Appeal*



**Mr. Justice Peter Kelly**  
*President of the High Court*



**Ms. Justice Elizabeth Dunne**  
*elected by the judges of the Supreme Court*



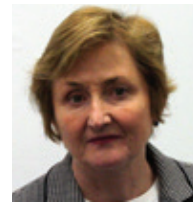
**Mr. Justice Patrick McCarthy**  
*elected by the judges of the Court of Appeal*



**Mr. Justice Tony O'Connor**  
*elected by the judges of the High Court*



**Ms. Justice Patricia Ryan**  
*President of the Circuit Court*



**Judge Alice Doyle**  
*elected by the judges of the Circuit Court*



**Judge Colin Daly**  
*President of the District Court*



**Judge Conal Gibbons**  
*elected by the judges of the District Court*



**Ms. Angela Denning**  
*Chief Executive Officer, Courts Service*



**Mr. Micheál P. O'Higgins**  
*nominated by the Bar of Ireland*



**Mr. Michael Quinlan, Solicitor**  
*nominated by the President of the Law Society of Ireland*



**Mr. Damien Downey**  
*elected by the staff of the Courts Service*



**Mr. Doncha O'Sullivan**  
*an officer of the Minister, nominated by the Minister*



**Ms. Karen Kiernan**  
*nominated by the Minister representing consumers of the services provided*



**Ms. Patricia King**  
*nominated by the Irish Congress of Trade Unions*



**Ms. Deirdre Kiely**  
*nominated by the Minister representing commercial and financial interests*

Mr. Justice Patrick McCarthy replaced Mr. Justice Michael Peart in December 2019  
 Mr. Justice Tony O'Connor replaced Mr. Justice Seamus Noonan in December 2019  
 Ms. Justice Patricia Ryan replaced Mr. Justice Raymond Groarke in October 2019  
 Judge Alice Doyle replaced Judge Doirbhile Flanagan in April 2019  
 Judge Colin Daly replaced Judge Rosemary Horgan  
 Judge Conal Gibbons replaced Judge Gerard Haughton in February 2019  
 Ms. Angela Denning replaced Mr. Brendan Ryan in October 2019  
 Mr. Doncha O'Sullivan replaced Ms. Carol Baxter

## STANDING COMMITTEES OF THE BOARD

### Finance Committee

The Hon. Mr. Justice Frank Clarke, Chief Justice – Chairperson  
 The Hon. Mr. Justice George Birmingham, President of the Court of Appeal  
 The Hon. Mr. Justice Peter Kelly, President of the High Court  
 The Hon. Ms. Justice Patricia Ryan, President of the Circuit Court  
 His Honour Judge Colin Daly, President of the District Court  
 Ms Angela Denning, Chief Executive of the Courts Service  
 Mr Doncha O’Sullivan – Board member and Officer of the Department of Justice and Equality  
 Ms Deirdre Kiely – Board member nominated by the Minister

### Audit and Risk Committee

Ms Deirdre Kiely, Board member nominated by the Minister – Chairperson  
 The Hon Mr Justice Seamus Noonan, Judge of the Court Of Appeal  
 Her Honour Judge Elma Sheahan – Judge of the Circuit Court  
 Judge Michael Coghlan – Judge of the District Court  
 Prof. Patricia Barker – External Committee member  
 Mr. Doncha O’Sullivan – Board member and Officer of the Department of Justice and Equality

### Building Committee

The Hon. Mr. Justice Patrick McCarthy, Judge of the Court of Appeal – Chairperson  
 The Hon. Mr. Justice Seamus Noonan, Judge of the Court of Appeal  
 His Honour Judge Martin Nolan, Judge of the Circuit Court  
 Judge Paula Murphy, Judge of the District Court  
 Ms. Angela Denning, Chief Executive Officer  
 Ms. Patricia King, Board Member representing the Irish Congress of Trade Unions  
 Mr. Michael Quinlan, Board Member nominated by the Law Society  
 Mr. Brian Kennedy, Nominee of the Chairman of the Bar Council  
 Mr. Peter Mullan, Head of Circuit and District Court Operations  
 Vacancy, Head of Corporate Services Directorate  
 Mr. Ciaran O’ Connor – representative of the Office of Public Works  
 \*Mr. Jack Nicholas BL to act as alternate to Mr Brian Kennedy

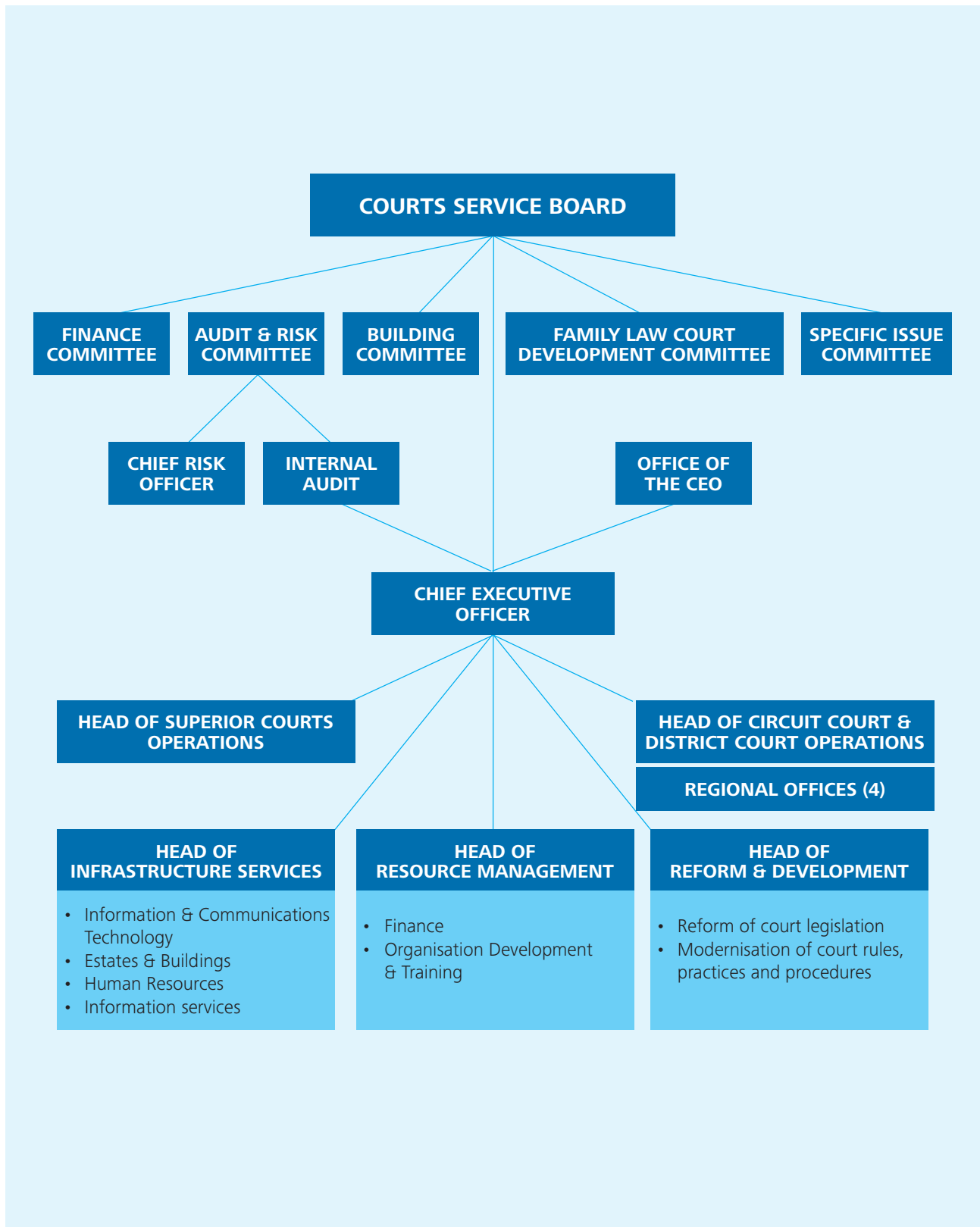
### Family Law Court Development Committee

The Hon. Mr. Justice Michael White, Judge of the High Court – Chairperson  
 Judge Petria McDonnell, Judge of the Circuit Court  
 Judge Sarah Berkeley, Judge of the Circuit Court  
 Judge Gerard Furlong, Judge of the District Court  
 Judge Marie Quirke, Judge of the District Court  
 Mr. Damien Downey, Board Member representing staff of the Courts Service  
 Ms. Karen Kiernan, Board Member nominated by the Minister  
 Mr. Sean O’hUallachain SC, nominee of the Bar Council  
 Mr. Keith Walsh, Nominee of the President of the Law Society  
 Ms. Geraldine Hurley, Head of Superior Courts Operations  
 Mr. Peter Mullan, Head of Circuit and District Court Operations  
 Ms. Emer Darcy, Chief Clerk of the Dublin Circuit and District Courts  
 Mr. John McDaid, Chief Executive of the Legal Aid Board  
 Ms. Rita Considine, nominee of the County Registrar’s Association  
 \*Ms Catherine Forde to act as alternate to Mr Sean O’hUallachain

### Modernisation Committee of the Courts Service Board

The Hon. Mr. Justice Frank Clarke, Chief Justice  
 His Honour Judge Colin Daly, President of the District Court  
 Mr. Michael Quinlan, Board Member nominated by the Law Society  
 Ms. Catherine Treacy  
 Ms. Angela Denning, Chief Executive Officer

# ORGANISATIONAL STRUCTURE



# CHIEF EXECUTIVE OFFICER AND SENIOR MANAGEMENT TEAM

The Chief Executive Officer is responsible for the implementation of policies approved by the Board, the day-to-day management of the staff, administration and business of the Service and is also the Accounting Officer for the Service.

The Chief Executive Officer is supported by the Senior Management Team comprising the Head of Superior Courts Operations, the Head of Circuit Court and District Court Operations, the Head of Reform and Development, the Head of Infrastructure Services and the Head of Resource Management.



**Mr. Brendan Ryan\***  
*Chief Executive Officer*



**Mr. Noel Rubotham\***  
*Head of Reform and Development*



**Mr. Sean Quigley\***  
*Head of Resource Management*



**Ms. Angela Denning**  
*was appointed CEO of the Courts Service on 19th September following the retirement of Mr Brendan Ryan. She returns to the Courts Service, where she had many years' experience as a High Court Registrar, from the Department of Public Expenditure and Reform.*



**Ms. Audrey Leonard**  
*was appointed to the Senior Management Team as Head of Reform and Development (subsequently renamed 'Strategy and Development') following the retirement of Mr Noel Rubotham.*



**Ms. Geraldine Hurley**  
*Head of Superior Courts Operations*



**Mr. Paul Burns\***  
*Head of Infrastructure Services*



**Mr. Peter Mullan**  
*Head of Circuit and District Courts Operations*

\* Retired 2019

The Service is a largely decentralised organisation with administrative responsibility for courthouses and court venues throughout Ireland.

In Dublin, court offices support the work of the Supreme Court, Court of Appeal, High Court, Dublin Circuit Court and Dublin Metropolitan District Court in the Four Courts, Criminal Courts of Justice, Dolphin House, Swords, Dun Laoghaire and Cloverhill. Outside of Dublin, 25 court offices support the work of the both the Circuit Court and the District Court, and eight offices support the work of the District Court only.

There are regional administrative support offices in Naas, Dundalk, Cork and Castlebar.

## Regional Managers



**Mr. Eamonn Kiely**  
*Manager, Southern Regional Office*  
**Administrative area:**  
*Counties Cork, Limerick, Tipperary and Kerry.*



**Ms. Marianne Cassidy**  
*Manager, Eastern Regional Office*  
**Administrative area:**  
*Counties Kildare, Wicklow, Carlow, Kilkenny, Wexford, Laois and Waterford.*



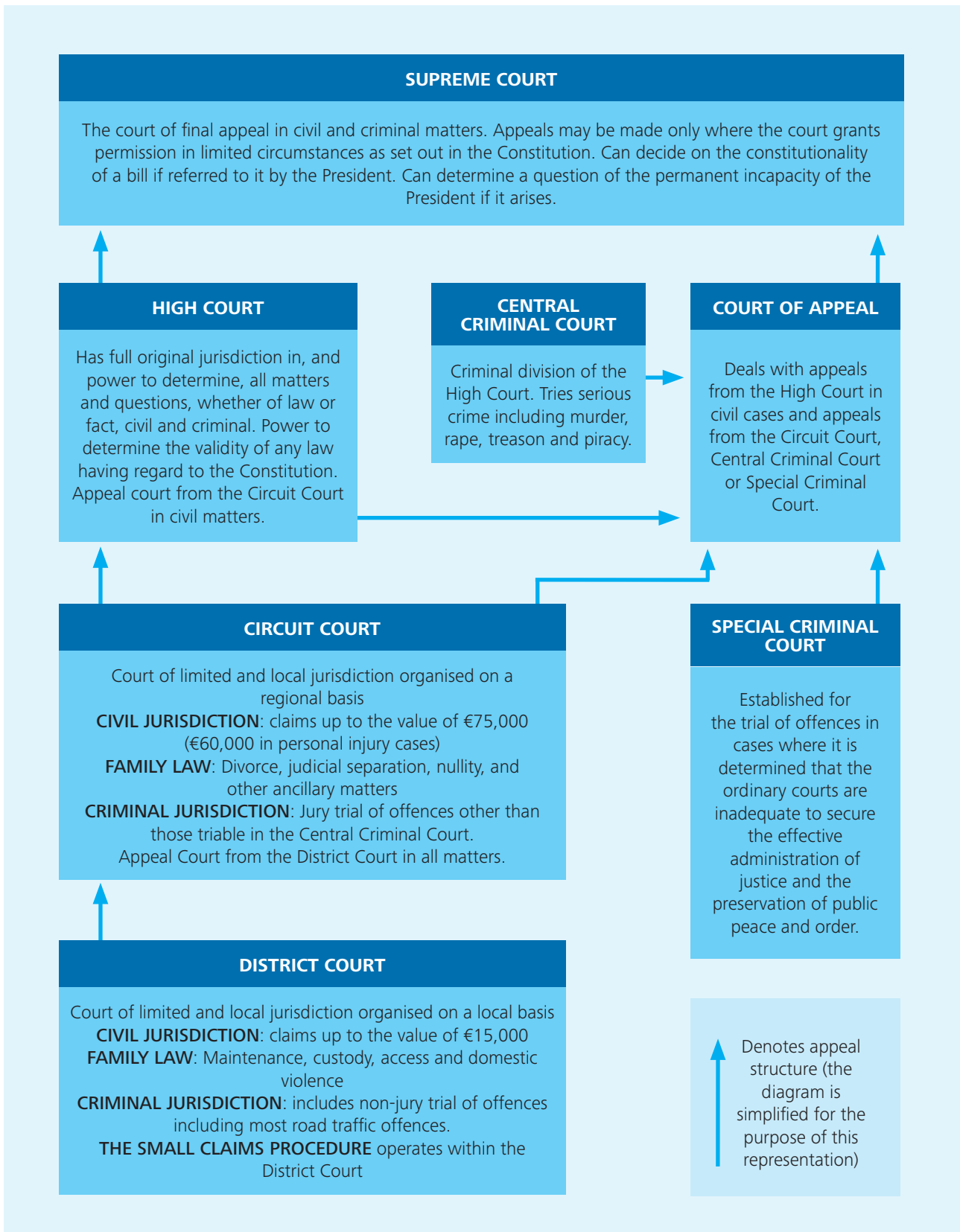
**Mr. Brendan McDonald**  
*Manager, Western Regional Office*  
**Administrative area:**  
*Counties Mayo, Galway, Clare, Sligo, Roscommon, Donegal and Leitrim.*



**Mr. Shay Keary**  
*Manager, North Midlands Regional Office*  
**Administrative area:**  
*Counties Louth, Meath, Monaghan, Westmeath, Offaly, Longford and Cavan.*



# STRUCTURE OF THE COURTS





*Limerick Courthouse*



## CHAPTER 2 THE YEAR IN REVIEW

## INTRODUCTION BY THE CHIEF EXECUTIVE OFFICER

I am very pleased to introduce this Report which summarises the progress of the Courts Service in the penultimate year of the period covered by our Strategic Plan (2017-2020) and marks twenty years since the establishment of the service. The year was hallmarked by a real emphasis on developing our strategic priorities for the future. Significant developments in 2019 included:

- The development and adoption of the Courts Service's Long Term Strategy – "Enabling access to justice in a modern digital Ireland", which takes a citizen-centred approach to service delivery, with the goal of making access to justice easier, quicker and more cost effective.
- The publication of the report on foot of the Organisational Capability Review conducted by the Department of Public Expenditure and Reform and the development of the action plan to implement its recommendations.
- The conduct of a review of ICT capacity and capability and the development of a new operating model for the unit so as to meet future demand for delivering digital services.

2019 was a year where both the Courts system and the Courts Service underwent significant organisational change:

- The passing of the Courts (Establishment and Constitution) (Amendment) Act 2019 had the effect of increasing the number of Judges assigned to the Court of Appeal from 10 to 16 thereby significantly enhancing capacity to meet demand.
- The Legal Cost Adjudicators Office was established (effective from 7th October 2019) when Part 10 and Schedule 1 of the Legal Services Regulation Act, 2015 were commenced following the enactment of the Legal Services Regulation Act 2015 (Commencement of Certain Provisions) (No.2) Order 2019 (S.I. No. 502 of 2019) bringing profound changes, more transparency and greater visibility to legal costs.
- Responsibilities within the Courts Service Senior Management Team were reassigned to better align and face the challenges ahead of the service in coming years. Audrey Leonard was appointed as Assistant Secretary with responsibility for Strategy and Reform with a view to delivering our modernisation programme, and sanction was received for a Chief Information Officer at Assistant Secretary level reflecting the transition to digital delivery of services.
- The organisation continued to implement recommendations of the review of the combined court office structure and 2019 saw the opening of centralised services for the administration of jury summonses and the service of EU documents at Castlebar together with the rollout of a new management structure to build management capacity in the organisation and ensure greater consistency in customer service delivery across offices.

Our efforts to lay the foundations for the future were supported by an improved budgetary allocation. Total gross funding for the service in 2019 was €140.905m with payroll increases provided to meet the costs of additional staff for our change programme office, to support our modernisation agenda and a number of



legislative reform initiatives including the expansion of the Court of Appeal.

In 2019 the Courts Service established a dedicated sustainability office with a view to developing and delivering a strategic energy management programme initially focussing on enabling the organisation meet its energy efficiency targets and ensuring that energy efficiency and sustainable energy management is embedded within the service. Active estate management was again a strong feature of the work conducted in 2019.

The service continued to work with the Department of Justice and Equality, local authorities and the Office of Public Works to make progress in respect of the provision and development of court accommodation and facilities at Hammond Lane and at several county town venues. Work commenced on a nationwide condition survey of courthouses so as to assess the scale and cost of work required to undertake proactive structural maintenance over the coming twenty years. This work will inform an Estate Management Strategy which will be developed during 2020.

The efficient operation and gradual modernisation of the courts system requires the support and co-operation of a wide community of organisations, agencies and departments. I would like to thank the Judiciary, An Garda Síochána, the Legal Aid Board, Victim Support, the Prison Service, the Mediation Service, the Probation Service, the Law Society, the Director of Public Prosecutions, the Chief State Solicitor and the Bar of Ireland, for their interest in our modernisation programme and for their continued support and assistance.

I thank the Chief Justice and members of the Board of the Courts Service for their support and acknowledge the continued assistance we receive from the Minister for Justice & Equality and the staff of his Department.

Most of all, I wish to express my continuing gratitude to the staff in all of our offices for the commitment, dedication and professionalism they demonstrate daily.

Our twentieth anniversary saw significant changes in personnel, with the retirement of my predecessor, Mr. Brendan Ryan, alongside three senior colleagues, Mr. Paul Burns, Mr. Noel Rubotham and Mr. Sean Quigley who also retired last year. On behalf of the staff I would like to take this opportunity to thank them for their valuable contribution and acknowledge their dedication to public service over many years. We welcomed significant numbers of new staff to replace retired colleagues and supported all of our staff with training and development opportunities so as to minimise the effects of the loss of valued experience on our operations. New colleagues have brought new energy and new ideas to the organisation.

In 2019, I signed the Irish Public Service Leadership Board's 'Declaration on Innovation' on behalf of the Courts Service. We are taking significant steps to foster a culture of innovation in the service, as our people are key to bringing creativity and developing solutions to improve services for users. I especially thank our colleagues in the Information Office for their efforts in compiling and publishing this Report.



**Angela Denning**

Chief Executive

# LONG TERM STRATEGY AND CHANGE MANAGEMENT

To further our seven goals – as laid out below - we undertook many initiatives and actions throughout the year, many of which are described throughout this chapter. In doing so we ensured we supported the Judiciary, Courts, and office operations on a day-to-day basis, as we focussed our efforts for the next decade. A very significant development during 2019 was the finalisation of an ambitious long term strategy for the Service. This allows us continue our day-to-day public service as we engage, plan and ready ourselves for ten years of change: Change with the single ambition of enhancing access to justice in a modern, efficient manner.

## Long -Term Strategic Vision 2030

Following an external Organisational Capability Review (OCR) of the Courts Service, completed in 2018, several key areas were identified to facilitate a more modern, transparent and accessible courts system, which is quicker, easier to access, and more efficient.

2019 saw us use this valuable external insight to develop a long term strategy, by communicating with people across the justice sector, court users and outside agencies. The development of the Strategy was driven by broader public sector and justice reforms, and a changing set of user expectations. The strategy aims to build on the international reputation of the Irish courts and judiciary and seeks to transform service delivery and operational processes to support access to justice in a modern, digital Ireland.

The **Long-Term Strategic Vision 2030** was formally adopted in June 2019. The establishment of a Modernisation Programme followed, incorporating lessons from similar programmes both nationally and internationally.

This new model which was built on the existing Change Programme structure introduced a number of new functions including a dedicated Modernisation Committee of the Courts Service Board, chaired by Chief Justice Frank Clarke.

## Collaboration

The strategy outlines a collaborative approach to reforming how we deliver our services and recognises the importance of meaningful engagement with internal and

external stakeholders to ensure that the Modernisation Programme is successful for all. This is reflected in the governance structure and early engagement with a range of stakeholders including but not limited to the Judiciary, Department of Justice and Equality, Department of Public Expenditure and Reform, our Justice Sector Partners and the Legal Profession amongst other service users, which will be maintained throughout the Programme.

The next phase, what we call the '*Mobilise Phase*', of the Modernisation Programme will include the development of a Strategic Business Case to support the Service's request for the necessary resources. Crucial to this is the development of a high-level Target Operating Model, which will focus on organisational design, people, service users and channels. It will provide a blueprint for the future organisation.

Considerable work was undertaken to design and establish a governance structure to provide oversight and support the Modernisation Programme in the delivery of the Strategy.

## The Role of the Change Programme Office

We have enhanced the numbers and levels of skills and expertise in our Change Programme Office to support the development of an organisational change capability, effective coordination and control across change projects, and ensuring appropriate assurance to all key stakeholders. This is pivotal to the successful delivery of reform. The office had a major transition which, though extremely fast paced, proved smooth and successful.

## Changes Supported in 2019:

Throughout the year the Change Programme Office worked in providing expert support on several significant projects and change initiatives. These included eLicensing, Centralisation of Jury Summonses, Office of the Legal Costs Adjudicator and Redevelopment of the Courts Service Website – all of which are reported on in this report.

# STRATEGIC PRIORITY 1

## SUPPORTING THE JUDICIARY

JUDICIARY: 2015 – 2019 AT 31ST DECEMBER (WITH MAXIMUM NUMBERS ALLOWED)					
	2015	2016	2017	2018	2019
Supreme Court	10(10)	9 (10)	8 (10)	8 (10)	9 (10)
Court of Appeal	9(10)	10 (10)	10 (10)	10 (10)	15 (16)
High Court	36 (40)	40 (40)	38 (40)	38 (40)	40 (40)
Circuit Court	43 (46)	44 (46)	40 (46)	41 (46)	40 (46)
District Court	63 (64)	62 (64)	64 (64)	64 (64)	63 (64)
<b>Total</b>	<b>161 (170)</b>	<b>165 (170)</b>	<b>160 (170)</b>	<b>160 (170)</b>	<b>167 (176)</b>

A central part of the work of the Service is the provision of support for court sittings, and the necessary resources and assistance which allow the judiciary to administer justice. Support for the judiciary is provided across many different areas including court sittings, research, library facilities, general support, provision of courtroom technology and provision of accommodation.

During 2019 the Service provided support for the judges of all court jurisdictions.

### Judicial Support Unit

The Judicial Support Unit continued to provide a one stop shop for issues of interest to all Judges. Areas managed by the Unit include judicial travel arrangements, validation of travel and subsistence claims, payment processing for judicial attire, protocol arrangements and liaison as appropriate between the Judiciary and other sections of the Service, and between the Judiciary and other Government Departments.

The Unit continued to accommodate judicial and administrative visitors from Ireland and abroad and organised tailored visits which included opportunities to meet and discuss matters of mutual interest with Judges and staff of the Service. Visitors from abroad came from the Netherlands, Germany, China, the US, the UK, Malta, Malawi and Norway.

Events co-ordinated by the Unit during the year included conferences for Judges of the District Court, Circuit Court, and the Superior Courts, together with the National Conference for all jurisdictions, a two day seminar of the Association of Councils of State and Supreme Administrative Jurisdictions of the European Union, and a project meeting of the European Network of Judicial Councils.

### Court hearings

The Service continued to work with the Presidents of the various courts to support initiatives aimed at ensuring the effective and expeditious disposal of cases – as can be seen in the Statistics Chapter.

### Supreme Court

Adjusted procedural rules in 2019 meant that the timeframe within which applications for leave to appeal are considered by the Court was reduced. In addition, the Supreme Court has effectively disposed of all of its “legacy appeals”, which remained within its jurisdiction following the establishment of the Court of Appeal.

The Supreme Court has also assisted in the clearing of the backlog of legacy appeals which were originally transferred from the Supreme Court to the Court of Appeal when that court was established, under the transitory provisions of Article 64 of the Constitution. A number of these cases were subsequently returned to the Supreme Court in order to alleviate the backlog which had developed in the Court of Appeal. These “Article 64 returns” were cleared by the Supreme Court during 2019.

### Court of Appeal

All necessary arrangements were put in place for the appointment of six additional judges to the Court of Appeal in November 2019.

This work included:

- Construction of four new chambers in Áras Uí Dhálaigh.
- The assignment of additional staff to the Court of Appeal Office, with an additional AP registrar and executive officer assigned to support the additional court sittings and associated additional administrative work.

- The assignment of additional judicial support staff with the assignment of an additional secretary and additional judicial assistants

This meant that that the President was in a position before the end of the year to set up two courts for the hearing of civil appeals for 2020. This had an immediate impact on waiting times.

### High Court

The President of the High Court issued a number of practice directions during the year to facilitate the efficient management of the courts. In particular, Practice Direction HC81 in relation to the Asylum Immigration and Citizenship list came into effect, allowing the backlog for hearing dates for asylum matters to be eliminated. A callover of future cases has allowed hearing dates to be reallocated to cases that are ready to proceed, making good use of Court time.

Practice Directions (HC82 and HC83) providing for more streamlined procedures were introduced to deal with Circuit Appeals in relation to personal insolvency and corporate examinership. Additionally a Practice Direction (HC84) created a new list on alternate Mondays to efficiently manage summary judgment matters. The Commercial list also introduced further changes through HC 85 to ensure that cases are heard without delay.

Also in 2019 a new practice in the High Court Civil Jury List provided that where a jury case has been listed for hearing and an issue has arisen between the parties, a motion to deal with the issue can be heard before the Civil Jury List Judge prior to the hearing date. This practice has resulted in a reduction in the number of jury cases being delayed or postponed.

A number of 'paperless' Courts were piloted in the Commercial Court using different technologies. The Personal Insolvency list is largely paperless. The first paperless case through Irish was also piloted.

There were significant staff changes in the High Court and an unprecedented number of new High Court Registrars were appointed. With effect from October an officer was appointed with specific responsibility to undertake structured induction of new staff. Significant training and development was invested in these staff in line with the Courts Service learning and development strategy, including improved training materials weekly

seminars and cross training on High Court lists to counter the loss of corporate knowledge.

### Circuit Court and District Court

Sittings of the Circuit Court and District Court continued to be held as scheduled during the year. Waiting times were kept under ongoing review with the Presidents of the Circuit Court and District Court. In the Circuit Court, criminal business continued to be given priority to ensure the earliest trial date for those in custody, with separate sittings for crime in the majority of circuits.

The Service continued to liaise with the Presidents in relation to the holding of additional sittings. Support for these sittings was prioritised in the allocation of staff.

The District Court was busy during 2019 with the volume of cases heard, namely 144,485 Civil (including 12,582 Guardianship, 8,383 Maintenance, 20,501 Domestic Violence, 10,224 Child Care) and 406,480 Criminal. New legislation, such as the Domestic Violence Act 2018, continually increases the workload of the District Court.

The President of the District Court continued the ongoing Quarterly Judicial Education Seminars with the co-operation of the Law Society Education Centre, Blackhall place. In order to enable Assigned Judges throughout the country, these seminars were available interactively in real time as webinars. In March 2019, the Court attended a Cross Border Judicial conference with their District Court colleagues in Northern Ireland. Its theme was "Working Together in a post Brexit context"

In July 2019, His Honour Judge Colin Daly was appointed President of the District Court succeeding Her Honour Judge Rosemary Horgan who retired as President and was appointed a member of the Circuit Court.

### Judicial Research & Assistance

#### Judicial assistants and researchers

At the end of the year, 77 judicial assistants, 2 executive legal officers and 5 staff at management level were employed by the Service to provide research, library and other support services to the judiciary. 46 of the judicial assistants were new to the Courts Service in 2019. Judicial assistants, generally recent law graduates, are assigned to the Judicial Research Office (JRO), or to work directly with judges of the Supreme Court, Court of Appeal, High Court and Circuit Court.



Judicial assistants are employed on three year fixed term contracts. Judicial assistants carry out a range of functions including research, summarising evidence and submissions offered in court, proof-reading judgments and assisting the judge with other work including preparation of conference papers.

The JRO, with the support of other judicial assistants, also undertakes research, preparation of material for publication on the judges' intranet and preparation and updating of handbooks for judges across all jurisdictions.

A new senior management position of Head of Research and Library Services was filled by way of open competition during the year. This new post will integrate the judicial research/assistant functions with the services provided by the judges' library. Two legal researcher positions at Assistant Principal level were also filled.

This will expand the capacity of the legal research service, to manage the judicial researchers/assistants in terms of standards, quality of output, knowledge management, prioritisation of projects, and in further developing the judges' information portal. Structured and comprehensive induction and training programmes were delivered to groups of JAs as they took up duty. Members of the judiciary provided input and delivered some of the content of these training programmes.

### **Library and research facilities**

The Judges' Library continued to provide a service to judges, judicial assistants and researchers, and to the staff of the Service. Library resources include subscriptions to a range of online databases, core journals, law reports and legislation in addition to legal text books. An online catalogue of loan stock is also available to judges and staff, and work continued on the further development of the Library's e-library system.

The Library significantly extended its existing online resources in 2019 and continued to maintain and expand the library hardcopy collection appropriately, as well as managing chambers materials.

The Library continued to provide guidance and assistance in the use of various information resources for readers, both hardcopy and electronic, including library induction tours and meetings with newly appointed judges. The Librarian and Assistant Librarian also availed of continuing professional development and training to keep abreast

of trends and best practices, and contributed to the profession by involvement in professional bodies.

### **Ushers / Criers**

The Service continues to employ 44 ushers/criers who are generally working with judges appointed up to 2011.

### **Judicial use of technology**

Staff of the ICT Unit attended judicial conferences in 2019 to provide information and support to the judiciary regarding the provision and use of equipment and to respond to particular technical issues. Other supports include an ICT helpdesk and deskside support service for judicial requests. Newly appointed judges availed of training on the use of ICT equipment with additional training made available to all judges on request.

As part of the *Application for Leave to Appeal to the Supreme Court* project, the Judges' Portal has been further developed to display details of cases listed where the Judge has been assigned to the Court case. The Portal is an internal website only accessible to Judges and Judicial researchers that provides a repository for research documents, access to relevant websites and a Judge's Library.

Also in 2019, a new *Judicial Digital Workplace* delivered a completely revamped direct access to the Courts network, which received positive reviews from the members of the Judiciary.

## STRATEGIC PRIORITY 2

### PROVIDING HIGH QUALITY SERVICE TO COURT USERS

As part of its core mission the offices of the Courts Service are involved either directly or indirectly in providing services to a wide range of court users, including the legal profession, other public bodies, non-governmental agencies and members of the public.

#### Customer Services

##### Centralisation of services

Widescale organisational reviews, training and efficiencies created opportunities for the easier deployment of staff to support more specific functions as required, leading to improved customer service.

##### Service of foreign documents

A new centralised unit was created in Castlebar to handle the service of foreign documents under EU regulations from April 2019. The centralised unit has already delivered significant improvement in customer service, with documents being processed three times faster than previously. This was made possible by the development of a dedicated and specialised team to deal with these tasks, in a more visible and focussed manner.

The new Castlebar office delivered on the commitment given to staff to centralise out of Dublin while contributing to the national agenda of balanced regional development and job opportunities outside the capital.

##### Jury Summons Unit

In May, the new Castlebar Centralised Office expanded to welcome the Jury Summons Unit (JSU). The administration of jury summons process was traditionally a very manual and expensive process carried out in each of the 26 Court offices around the Country. The JSU was created to handle the administration of the 120,000 summons issued by the Courts Service yearly. An innovative partnership was developed with the Revenue Data Centre, who print and envelope the summons at no cost under a shared service agreement.

The centralisation freed up nearly 10 staff nationally to deal with other customer needs, such as a reduction in probate waiting times. Economies of scale through bulk posting saved almost €100,000

The office - through consultation with people called for Jury Service and the National Adult Literacy Agency (NALA), has produced a clear guide about jury service which is enclosed with all Jury summons issued nationally and is available on the courts website. This has resulted

in a reduction of queries to court offices.

The new centralised office in Castlebar was officially opened by the CEO, Angela Denning, on the 11th December 2019.



*The CORI Service of EU documents project team with CEO Angela Denning*

##### Customer Service Charter

The Courts Service customer service charter was reviewed following consultations with users and stakeholders (including an online questionnaire). A standard provincial court office charter setting out what services users can specifically expect from any court office, was developed and adopted in October 2019. As some of the proposed changes require a change in Court rules, it will be brought to the attention of the relevant rules committee in 2020 and the agreed version rolled out then.

A policy for offices to deal with unacceptable actions was also devised to equip our staff to deliver an essential justice service and provide access to justice - while also protecting them from unacceptable behaviours by sometimes distressed customers. This has been supported by our in house Learning and Development team.

#### Support and other groups

##### Family Mediation and Support Services

Work to improve the provision of information about mediation services to those seeking help with family law matters was progressed in 2019. Building on learning from the "Take the First Steps" project which commenced in 2018 in the Dublin District Court Family Law Office (Dolphin House), the Courts Service continued to actively work with the Legal Aid Board. Parents and NGOs contributed to the development of the process.

Initial indications in Dublin show that approximately 30 families per month (60 applicants) chose to resolve their

issues by way of mediation rather than through the court system.

A new co-located mediation service opened in Carlow Court Office during 2019, implementing the *“Take the First Steps”* model. Initial research conducted by the Edward M Kennedy Institute at Maynooth University indicated that engagement with the mediation service was four times higher in Carlow than in a comparable location where co-location was not in place.

Court-based mediation services are now available in Dolphin House, Naas, Limerick, Letterkenny, Nenagh, Clonmel, Cork, Carlow, Ennis, Tralee, Waterford and Mullingar.

A joint Courts Service/Legal Aid Board peer-to-peer training initiative related to *“Take the First Steps”*, commenced in 2019.

### Victim support

Major building projects completed since the establishment of the Service include dedicated facilities for victims. The facilities in the Criminal Courts of Justice include a specific area for the use of witnesses and victims attending trials. The Service works in co-operation with Victim Support at Court (V-SAC) and An Garda Síochána to ensure the ongoing effectiveness of this area. Facilities are also available for underage vulnerable victims of crime to give evidence to court via video link.

Similar facilities are available in Drogheda, Letterkenny and Wexford, Waterford, Limerick, Cork, and Mullingar. Other court buildings including Castlebar, Cork, Ennis, Galway, Kilkenny, Monaghan, Naas, Sligo, Tralee and Tullamore, have facilities on a smaller scale. There are dedicated rooms for victims in over 50 courthouses around the country.

In 2019, these facilities enabled V-SAC to provide free and confidential support to 1,482 victims of crime, prosecution witnesses and their family/friends, an increase of 8% compared to 2018. This was mainly due to its recent expansion into the Eastern and South Eastern Circuit Courts. Countrywide support was provided for 629 trials/hearings, including pre-trial visits, sentencing, retrials and appeals, involving offences such as murder, manslaughter, death by dangerous driving, rape, sexual assault, domestic violence and assault, among others. V-SAC’s 50+ trained volunteers gave 1,418 days of their own time to support victims of all

types of crime. V-SAC staff and volunteers had 5,435 individual contacts with the victims, their friends and families and prosecution witnesses.

A pilot scheme has commenced whereby the Courts Service is allowing persons attending Department of Justice International Protection Office hearings to do so via courthouse vulnerable witness facilities.

### Collaboration with other groups and services

Throughout 2019 consultations and collaboration with a wide range of stakeholders took place. User group meetings comprising key State organisations such as An Garda Síochána, Probation Service, Prison Service, Office of the Director of Public Prosecutions and the Office of the Chief State Solicitor in addition to representatives of the Bar of Ireland, the Law Society and local practitioners continued to take place.

The Service also continued to support cross government initiatives such as Abhaile (Government scheme to support those in mortgage arrears) and the Interagency Group for a Fairer and Safer Ireland.

Local offices link closely with Citizen’s Information Bureau, MABS and many support services, some of which are listed below. Where possible and appropriate, space is provided in court houses to some domestic abuse and victim support services to enable them engage with people attending court offices.

ADAPT	TREOIR
MOVE Ireland	TLC KIDZ
Saoirse Women’s Refuge	Carlow Traveller Programme
Ballymun Community Law Centre	CARI
COPE Galway	Clare Haven Refuge and Support Services
Community Law and Mediation	TUSLA (social workers)
One Family	Women’s Aid
VSAC	AMEN (now Men’s Aid)
Amber Refuge (Kilkenny)	Mediation Bureau
Rape Crisis Centre	Roscommon Safe Link
Northside Family Resource Centre (Limerick)	Forward Steps Resource Centre (Tullow)
Living Links (Tipperary)	

## Drug Treatment Court

The Drug Treatment Court (DTC) continued to provide a restorative justice alternative to a custodial sentence for persons with drug addiction who have pleaded guilty before, or have been convicted by, the District Court for minor, non-violent criminal charges connected to their addiction.

There were 99 participants referred to the DTC programme in 2019. The programme comprises of three stages – bronze, silver and gold. 10 participants graduated at the gold level during the year. This indicates that they have completed all stages of the programme, are not using any non-prescribed drugs and are either working or enrolled on a course. At year end, there were 33 participants in the bronze phase, 9 in the silver phase and 4 in the gold phase.

This year saw the finalisation and production of an information booklet and leaflet with a dedicated section of the courts website also introduced.

## Delivery of court business through the Irish language

The Service continued to enhance services available in Irish in line with the schemes prepared since the commencement of the Official Languages Act 2003.

Irish services have been developed in information, translation, public tours, ICT systems, email, phone reception, speaking competence and in training programmes. The Service continues to bear translation and interpretation costs to enable Irish-speaking court users conduct cases in Irish, in appropriate cases.

## Interpretation services

Funding of €1.5m was provided for interpretation services in the courts in 2019.

FUNDING FOR INTERPRETATION SERVICES	
2019	€1,499,021
2018	€1,322,820
2017	€996,559
2016	€1,038,000

## MOST COMMON LANGUAGES INTERPRETED IN COURT

	2019	2018	2017
Polish	2241	2587	2155
Romanian	1623	1541	1306
Lithuanian	1163	1182	1079
Russian	858	905	819
Portuguesse	396	430	357
Latvian	312	312	284
Arabic	277	276	167
Manadarin Chinese	233	205	149
Czech	160	176	164
Hungarian	150	126	
Other	1433	1330	1317
<b>Total</b>	<b>8846</b>	<b>9070</b>	<b>7797</b>

The Service continues to provide sign language interpreters for defendants and witnesses who are deaf or hard of hearing in trials and hearings of cases as required.

## Customer complaints

The Customer Complaints Co-ordination Office continued to manage complaints received in respect of service by staff where the service was believed to have fallen short of the expected standard. Conduct or decisions in relation to court business are matters for the judiciary and are therefore not dealt with under the complaints procedure.

There were 76 valid customer complaints received during 2019 all of which were processed and completed in accordance with the complaints procedure.

*"We are committed to providing a high-quality service to all customers who require our services. We look forward to further progress being made on the delivery of quality customer service under our Strategic Plan 2017-2020. We are confident that a cooperative effort with key stakeholders will greatly facilitate in delivering the standards of service our customers deserve."*

Angela Denning, Chief Executive Officer.

## Innovation Network

In 2019, the OECD developed a *Declaration to Public Sector Innovation* to encourage governments to find new ways to solve complex challenges to better serve citizens. In a show of solidarity, the Irish Public Service Leadership

Board introduced its own declaration on Public Service Innovation to focus attention on innovation to improve public services nationally. The Courts Service signed up to this declaration and established an 'Innovation Network' to champion the development of an innovation culture and capability. The Service hosted its 1st Innovation Week in December, in parallel with the Public Service Innovation Week. The week was used to highlight innovations taking place around our organisation, lunch-and-learn style innovation talks and the CEO launched a 'Call for Ideas'.

### **Child Distraction Areas**

Innovation in action was seen in Dolphin House. Staff had observed that many parents had no option but to bring their children when attending the Family Law Office, Court, Legal Aid Board and Mediation Office. They introduced child distraction spaces, using wall decals and sensory boards, where children could safely play and in turn allow parents to focus on matters at hand.

The project was awarded €10,000 funding from the inaugural Public Service Innovation Awards.

# STRATEGIC PRIORITY 3

## DEVELOP AND SUPPORT OUR PEOPLE

The Service relies on a professional workforce of well-trained, dedicated and innovative employees to support the operational and strategic objectives of managing the courts, supporting the judiciary, and serving the evolving needs of court users.

At year end the Service had full time equivalent staff of 1,080. There were 162 new entrants and 50 retirements, with a total of 127 staff leaving during the year. The Service ran open competitions for appointments to specialised posts in a number of areas including legal research, court funds, ICT and judicial assistants.

STAFF 2019	
Staff (FTE) (at 31st December)	1,080
New staff recruited	162
Staff promoted and retained in Courts Service	76
Staff transferred to other Departments on promotion	17
Staff retired	50
Resignations	60

### Human Resources

There are many challenges facing Human Resources as we review the last year of the second decade of the 21st century. These challenges are a complex mix of external and internal factors and between HR and L&D, many programmes were put in place in 2019 to develop sustainable solutions to these.

*“The Courts Service aspires to be a high-class organisation that has as its primary objective, meeting the needs of court users.”*

The achievement of this requires leadership, commitment and an openness to think differently. The Courts Service faces contemporary people challenges in traditional structures and ways of operating.

External factors such as full employment and cost of housing presented considerable challenges in 2019. In addition, the changing expectations of today’s workers in terms of purpose and self-fulfillment need to be accommodated in new ways.

The nature of much of the work performed by the Courts Service tends to be transactional and rules-based. Our hierarchy was traditionally reliant on command and control. Our long-term challenge is to bring about the

mindset change from managing transactions to being the coach of a team of individuals.

High-performance cultures use everyday interactions as opportunities for growth and for building trusting and developmental relationships. Coaching is the key to developing this type of culture. The continued focus on coaching was at the heart of our newly introduced grade programmes in 2019 thus all those newly promoted or newly recruited to a grade participate on a “new to grade programme”.

Our management development academy which is a FETAC level 7 programme aims to develop those who are longer in their role and is based on coaching methodology.

Those entering the workforce today expect a sense of purpose and wellbeing that goes beyond routinely performing a task. Our Clerical Officer Academy introduced in 2019 is designed to address these challenges. In 2019, there were 70 participants in a six-month long programme and a recent survey attests to it delivering on these issues.

The external environment in which the Courts Service operates present particular people challenges. The “war for talent” as the State approached full employment; cost of housing particularly in Dublin; expectation by staff for automated administrative processes; a job for life in the Civil Service no longer viewed as attractive as it was previously.

This has resulted in a higher turnover than in previous years. Our overall turnover is 14% per annum driven by the lower grades. Our CO Academy is designed to address this as well as conducting targeted recruitment campaigns for specialist posts. To that end, the Service developed the reach of its employer brand to market itself as an employer of choice in order to compete in the “war for talent”. The use of LinkedIn, Facebook and job boards as well as on campus and school visits are now mainstream activities.

Developing and implementing a workforce plan relies on creating ‘bench strength’ of talent. Hence, we ran three successful internal promotion competitions where all those who could be promoted were promoted. It is intended to hold internal promotion competitions annually to always have a pipeline of home-grown talent. To that end, in 2019 over 250 staff participated in career development workshops and career coaching.

Our work in creating a safe and healthy environment through our well-being policy continued in 2019. Health checks and a bespoke Courts Service resilience programme was introduced to assist those subjected to harrowing evidence, difficult family law matters and so forth as well as lunch time walks, meditation and Pilates.

### **Developing and Supporting staff**

Over 3,300 training days were delivered to staff during the year, an increase of 68% on 2018. This represented 3.4 training days per employee.

As an organisation we are responsible for supporting an engaged and motivated workforce and providing them with the necessary skills and knowledge to provide high-quality frontline services that meet the needs of the judiciary and court users.

The Service continues on the journey towards fully embedding a learning culture that is dynamic and flexible, integrating formal and informal learning. It also supports the use of a blended learning approach combining traditional classroom and more accessible eLearning methods. Work on a new learning strategy commenced during the year.

#### **Technical training**

The two day Circuit and District Court Registrar Induction Programme continued which informs participants of the basic rules, etiquette and procedures required to carry out their role. The programme includes both interactive and practical elements in a courtroom environment.

Criminal Case Tracking System (CCTS) Data Quality Training was well received by the 216 staff members who completed it. The programme was designed to ensure that the data entered on CCTS is accurate.

Other technical training delivered throughout the year was Court Accounting System (CAS) Familiarisation sessions and eLicensing training, which provided participants with a working knowledge of both District and Circuit Court Licensing business and a working knowledge of the eLicensing IT system.

#### **Development programmes**

The Service provided a number of programmes to develop leadership and management skills, including development programmes for Clerical and Executive Officers and a Management Development Academy.

The move towards a coaching culture remained a strong priority in 2019 and a number of Coaching programmes were relaunched. Mentoring continued with more experienced staff assigned to engage with less experienced or less senior staff to encourage and develop areas of their work.

The New to Grade programme included coaching, mentoring, a leadership development programme and Community of Practice - Peer Support network to support the effectiveness of the staff in their new roles.

Other training initiatives included health and safety, train the trainer, and procurement. Staff attended various external workshops and seminars in areas such as human resources, data protection, project management, internal audit, and ICT.

#### **eLearning opportunities**

The Service continued to promote online learning opportunities as a means of expanding the choices available for staff to attend courses. Training in the use of the Circuit Court Legal Diary was provided via the online learning management system, L&D Connect. A suite of Microsoft Office programmes were also available to staff. A huge number of staff, over 1,060, completed the General Data Protection Regulation (GDPR) online.

#### **Staff conferences**

The Service continued to organise conferences to enable staff and management consider matters relevant to the work of the organisation and to plan for future needs. A conference for managers of Circuit Court and District Court offices was held in October.

#### **Wellbeing policy**

Ongoing support for initiatives already in place continued. These include flexible working arrangements, family-friendly policies, the Cycle to Work Scheme, the Employee Assistance Service and health and safety training.

Other examples of staff supports in the area of education include; Refund of fees for outside related courses and degrees, In-house Training Delivery and Evaluation courses, Irish language training, and supporting staff attending the 'Young Ireland' programme.

### **New Circuit and District Combined Office Management Structure**

During 2019, clarified role profiles and new management structure (NMS), were rolled out in most county court offices. We provided management and coaching training for executive officers to support them in their new staff management responsibilities, as well as training for clerical officers to assist them in their responsibilities under new role profiles. Skill matrices mapping the technical skills in each offices were developed and updated. The change has brought consistency in what is expected in relation to each grade. It has enhanced the management capability of the organisation through:

- ensuring that staff are managed and developed by people who know them and their work best;
- enhancing the management skills at all level of the organisation; and
- freeing senior managers to drive more strategic and long-term tasks necessary to the modernisation of the Court.



## STRATEGIC PRIORITY 4

### IMPROVE PROCESSES AND CASE MANAGEMENT

#### Reform and review initiatives

Progress was made in respect of a number of areas which are the subject of reform and review including the new Legal Costs Adjudicator regime, the operation of probate services, and an online system for applying for leave to appeal to the Supreme Court.

#### Office of the Legal Costs Adjudicators

2019 saw the establishment of a new regime for the adjudication of legal costs, with the abolition of the Office of the Taxing Master and the work of that Office being transferred to the newly established Office of the Legal Costs Adjudicators.

Considerable preparatory work was undertaken by the Courts Service in partnership with the Department of Justice to ensure that the necessary arrangements were in place to transition to the new statutory regime. These included:

- Assignment of additional staff to support the expanded remit of the Office of the Legal Cost Adjudicator;
- Completion of renovation work and fit out of the office accommodation to provide for additional sittings of Legal Costs Adjudicators
- Development of an online eFiling system that went live in September 2019 that provides for online filing, online payment of stamp duty and a case management system with an online register of determinations.
- Development and signing of new Rules of the Superior Courts to underpin the operation of the new regime in December 2019

Mr Paul M. Behan was appointed as Chief Legal Costs Adjudicator and Mr Niall O'Hanlon BL as Legal Costs Adjudicator, with the appointment of a third Legal Costs Adjudicator pending in 2020.

The Office of the Legal Costs Adjudicators, in addition to having the previous powers of the Taxing Masters, deals with disputes on legal costs, usually but not always, as between parties involved in litigation in the Superior Courts. There are other matters dealt with such as disputes between a legal practitioner and their client.

There will be additional transparency and governance arrangements that will come into effect in 2020; with the preparation of the first Strategic Plan, annual Business

Plan and Annual Report in accordance with Part 10 of the Legal Services Regulation Act.

#### Review of probate services

The Service is collaborating with the Revenue Commissioners in relation to their project to digitalise the associated Revenue Commissioners probate tax return (CA24). On completion of this project, responsibility for the CA24 will revert to the Revenue Commissioners and these returns will no longer be submitted via the Probate Office or District Probate Registries. This will create efficiencies for these offices, while improving this key public service. The target date for the transfer of this work is September 2020.

#### eLicensing system

The online aspect of the eLicensing system had been piloted by a number of legal firms since September 2018 to facilitate the online lodgement of licensing applications, payment of fees, tracking licensing cases and downloading their Court Orders online. This yielded in excess of 530 online applications, with seven application types were used. The Phase 2 Project Board was set up in March 2019 with a view to extend the online pilot system to all solicitors (up to circa. 150) within the three Districts (No.s 1, 2 and 6) for all licensing applications.

Along with the extended pilot of the online applications, Phase 2 also incorporated a launch by the Chief Justice in July 2019, of the online public electronic licensing register (eRegister).

Phase 3 of the project commenced in Q4 2019. The objective of this phase is provide online facilities for all solicitors in every District. A Project Board has been formed with members representing many stakeholders present, namely, Law Society, Fire Officers, An Garda Síochána, National Excise Licensing Office and Courts Service staff.

Plans are currently being developed to provide this online facility to the remaining 22 counties by June 2020. It will be 2021 before the full benefits of eLicensing will be gained by all stakeholders and the success of this flagship project will be groundbreaking for other online initiatives in our work. The outcome of this pilot project has shown that on average, almost 30% of licensing applications were received online in 2019. We would expect that this figure will increase over time.

### Application for leave to appeal in the Supreme Court

Adjusted procedural rules and a reformulated practice direction were introduced in 2019 with a view to improving the processes of the Supreme Court. Central to this initiative is the facility for the online filing of applications for leave to appeal to the Supreme Court. Solicitors can now lodge applications electronically in cases where parties are legally represented. This project represents a first step in the wider use of e-filing in the Supreme Court. An information seminar for legal professionals and other professional court users in relation to the e-filing process was held in the Four Courts in February. The take-up and use of this system in 2019 was disappointing. By year-end there were ongoing discussions with practitioners on how take-up could be encouraged.

### Cross agency initiatives

#### Electronic cooperation

- The Service is participating in a project to develop a hub for electronic sharing of information across the Justice sector to improve the quality and timeliness of information available and reduce duplicate data entry, through enhanced data sharing and search functions.
- A priority project for the Courts Service is the electronic lodgement of charge sheets with courts.
- Another priority project is the electronic sharing of court lists from the Criminal Case Tracking System (CCTS) and the Integrated Case Management System (ICMS) with the Prison Service. ICMS data has been replicated with a proof of concept to take place in early 2020.
- Also the electronic notification of District Court disqualifications orders to the Road Safety Authority (RSA), who manage the driver licence database was ready for testing in 2020 and will facilitate the electronic exchange of details of Disqualification Orders and further support road traffic enforcement.

#### Civil Justice Review Group

The Service also continues to be represented on the Civil Justice Review Group, established by the Department of Justice and Equality to review and reform the administration of civil justice in the State. The group, chaired by the President of the High Court, includes judicial representatives of all jurisdictions and

representatives of the Department of Justice and Equality, Department of An Taoiseach, Department of Public Expenditure and Reform, Office of the Attorney General, Chief State Solicitor's Office, Bar of Ireland, and Law Society of Ireland.

#### The European Commission for the Evaluation of the Efficiency of Justice (CEPEJ)

This committee of the Council of Europe is charged with promoting improvements in the administration of justice in Member States of the Council. The Service continues to liaise with the Department of Justice and Equality on the provision of annual caseload and other court-related statistics to CEPEJ. The statistics are included in CEPEJ's biennial report 'European Judicial Systems' and in the EU Commission's 'EU Justice Scoreboard'. The Scoreboard is an annually published comparative information tool which provides data on the quality, independence and efficiency of justice systems in all EU Member States

#### Assisted Decision Making (Capacity) Act 2015

The Service continued to work with the Department of Health and the Department of Justice and Equality in relation to the establishment of the Assisted Decision Making Support Service and the transition to the new regime.

A working group continues to meet to prepare for the implementation of the Act in the Circuit Court and High Court. Draft rules of court to facilitate the operation of the new capacity regime have been prepared and the Service is continuing to consult with the Director of the Decision Support Service and relevant court offices on the matter. Preparatory work is also being undertaken by the Wards of Court Office. The Strategy and Reform Directorate continued to participate on the Technical Expert Group for advising the National Disability Authority on developing non-health codes of practice under the legislation

#### Domestic Violence Act 2018

The Service worked in collaboration with Cosc (the National Office for the Prevention of Domestic, Sexual and Gender-based Violence) and An Garda Síochána to plan for the commencement of the Domestic Violence Act 2018 on the 1st January 2019.

The Act put the Service's role in providing information on support services to people experiencing domestic abuse on a statutory footing for the first time.

The Service responded to this by working in collaboration with Cosc and domestic violence support services to finalise standardised information which, in addition to providing information on support services, includes clear guidance types of applications/orders available to people experiencing domestic abuse. This document is available in court offices and on the Courts Service website.

## STRATEGIC PRIORITY 5

### IMPROVE COURT ACCOMMODATION AND FACILITIES

The development and maintenance of quality buildings with appropriate facilities for all court users is an important part of the work of the Service. State investment in recent years has greatly improved courthouse facilities around the country. Many locations can boast of world-class court facilities. Yet further investment is required to improve and replace courthouse infrastructure in a number of areas.

#### National Development Plan 2018-2027

A number of proposed courthouse developments were included in the Government's National Development Plan 2018-2027 published in February 2018. These include the following:

- further new or refurbished courthouses in regional cities and county towns where facilities remain substandard (including Galway city, Wicklow town, Portlaoise, Tralee and Roscommon) and further provincial locations such as An Clochán Liath (Dungloe) to serve as the Gaeltacht court for the region, and Tuam
- Family Law and Children Court Complex in Dublin followed by the redevelopment of the Four Courts as a campus for civil courts
- Construction of standard county town type court facilities at a number of locations in county Dublin and also in north Kildare, Bray and Navan
- Regional family law centres
- A nationwide condition survey of all court buildings in our estate is to be undertaken to determine their condition and identify works in relation to any issues identified and to meet ongoing maintenance requirements.

The precise allocation and timing of additional funding over the ten-year period of the National Development Plan remains to be fully determined. The outcome of further detailed planning and analysis of costs will determine the prioritisation of projects.

#### Regional Projects

The position at the end of 2019 for a number of the projects is as follows:

##### Portlaoise

The Courts Service signed a contract in November 2019 to purchase a greenfield site identified by Laois County

Council at Kylekippoe for the development of a new courthouse in Portlaoise.

##### Roscommon

In 2018, the Courts Service took possession of Roscommon Courthouse from Roscommon County Council with a view to refurbishing and extending the courthouse to provide upgraded court facilities for the people of Roscommon. OPW have been conducting various surveys of the building since the Service took possession of it and in common with many old buildings, the main areas of focus were the electrical works and the roof.

##### Tralee

A number of options for the provision of improved courthouse accommodation for Tralee remain under consideration.

##### Other Locations

The Courts Service is continuing to look for sites at Galway City, Naas and Navan.

#### Dublin projects

##### Family Law and Children Court complex

The development of a modern, purpose-built Children and Family Law court complex on the Hammond Lane site adjacent to the Four Courts remained a priority for the Courts Service during 2019. Discussions with the Department of Justice and the OPW regarding how best to progress the project continued throughout the year.

The proposed Hammond Lane court complex would allow family law cases and cases involving children to be held in a dignified, secure, non-threatening environment with all required support services to hand and would allow for the replacement of the existing sub standard child and family law facilities at Dolphin House, Phoenix House, Áras Uí Dhálaigh, and the Children Court.

##### Four Courts

Work on the refurbishment of the iconic Four Courts dome is continuing. This major undertaking, which is being managed by the OPW has been ongoing for several years and will take a further two years to complete. There are 24 Capitols and several need to be replaced. Throughout 2019 the OPW carried out a series of opening-up works and investigations and prepared tender documentation for two major projects for the

replacement of degraded Capitols and entablature repairs to the stonework. Work on these major restoration projects will commence in 2020.

### Other

Other projects to enhance the Dublin estate undertaken during 2019 included the conversion of a half basement in the Four Courts complex, into much needed office accommodation for almost 40 judicial assistants, the construction and fit out of four additional chambers for newly appointed Court of Appeal Judges, and the upgrade of the custody facilities at Tallaght Courthouse. During 2019 measures were taken to improve the security of buildings in Dublin; these measures included the establishment of security screening areas at the Phoenix House Family Law Courts and at Chancery Street Courthouse, as well as the upgrade and replacement of existing baggage X-ray equipment.

## Maintenance of court buildings

### Condition Survey of Court buildings

The Service is working to create a preventative maintenance programme in respect of court buildings (other than those under PPP arrangements). As a first step it is necessary to undertake a nationwide survey of court buildings to establish their condition. The undertaking of such a survey is included amongst the Courts Service projects in the National Development Plan.

We have engaged an outside company to conduct a survey of approximately 65 court buildings. In respect of each building the survey will determine the condition of the building fabric, the condition of its services and the works required and associated cost to address both backlog and ongoing maintenance requirements over a 20 year period.

Work on the project began in January. Pilot surveys were carried out at 4 representative buildings in our estate during quarter 2. The main survey stage began in August and a further 26 building surveys were completed in 2019. A picture is beginning to emerge of the scale of investment required to properly maintain our building stock.

### Chancery Street Courthouse

Extensive repairs were required to the roof of the historic Chancery Street Courthouse. The courts and staff were relocated to Chancery Place for the duration of the

works. Although this phase took longer than expected, it was successfully completed and the building reopened for business the first week in October 2019. A further phase of repairs will be required in 2020 to complete this work.

### Disposal of Surplus Courthouses

During 2019, the Service approved the transfer of the former Youghal Courthouse to Cork County Council and Birr Courthouse to Offaly County Council, with no charge. Both are listed buildings that have been vacant for several years and are surplus to our requirements.

### Energy Management

The Service reports all energy usage to the Sustainable Energy Authority of Ireland (SEAI) on an annual basis, as required by regulation. Work continues towards the goal of a 33% reduction in energy consumption (per square meter) by the Service by 2020, in accordance with Ireland's National Energy Efficiency Plan.

To this end, the Service established a Sustainability Office within the Estates Management Unit (EMU) in 2019. The office will drive the Courts Service's commitments to reduce energy use and waste. The focus in the short term will be on enabling the Courts Service meet its 2020 energy reduction targets and in the longer term, future energy and carbon reductions set by Government.

### Awards & Recognition

Anglesea Street Courthouse Cork (Courts PPP Bundle) won Public Building Project of the Year at the Irish Building & Design Awards 2019.

Anglesea Street Courthouse, Cork (Courts PPP Bundle) won the Innovation Award at the RIAI 2019 Irish Architecture Awards. It also finished in 2nd place in the Public Choice category.

The Courts PPP Bundle was a finalist for Best Operational Project in the International Partnership Awards 2019 in London.

## STRATEGIC PRIORITY 6

### OPTIMISE USE OF TECHNOLOGY

The increased use of technology is key to meeting the challenge of maintaining services to the judiciary, staff, the legal profession and the public, and to meet legislative requirements and the demand for additional eGovernment and online services.

#### External Review of the governance, organisation structure, skills and resources of the ICT Office

An external review of the ICT function was carried out to assess the organisational structure, current governance arrangements, skills, working methodologies and resources of the ICT Office, to meet the demands of the planned new Courts Service strategic vision. An implementation plan arising from the review continues to be developed. This progress will include the appointment of a Chief Information Officer at Assistant Secretary level in 2020.

#### Infrastructure

Maintenance and development of ICT infrastructure is critical to the efficient operation of the work of the Service, with approximately 70 projects completed in 2019. Improved funding for ICT development enabled the Service to continue to develop the infrastructure necessary to support several major projects. A comprehensive programme of work to improve ICT infrastructure was ongoing with the following projects concluded or ongoing during 2019:

- Implemented Citrix upgrade project to improve desktop performance
- Rollout of the Government Cloud Network to all major sites
- Projects to improve security and disaster recovery to be implemented during the year.
- New Firewall technology put in place
- Programme to improve Judicial ICT services implemented during the year.

#### System upgrade and development

As well as upgrading systems supporting the interagency co-operation as mentioned already, we have upgraded systems to support Courts Service Online (CSOL) which provides the platform for civil case management and provision of online services. It currently hosts Supreme Court, Court of Appeal, Insolvency Service of Ireland,

Small Claims, and eLicensing cases as well as online Bankruptcy and eLicensing Registers.

The design phase for modernising the underlying framework in preparation for developing new case types on CSOL progressed in 2019. This includes upgrading some of the software and infrastructure supporting CSOL to allow it better cater for the diverse range of processes across the courts and continue to provide a platform for the expansion of online services.

Work to improve CSOL security was undertaken in 2019, which included introducing advanced password encryption and implementing strong customer authentication for online payments.

#### Courts Accounting System Software and Database upgrade

The upgrade of the Courts Accounting System (CAS) was completed in Q3 and the software has been successfully deployed to all offices after comprehensive planning and user acceptance testing phases. Users have reported noticeable improvements in performance and functionality. Workshops also took place regarding disaster recovery activities and plans to decommission old servers and applications are in progress.

#### Statistical Reporting System

The Service deployed a new platform for reporting on certain civil cases with familiarisation workshops and training delivered to key staff users. The platform was rolled out for use in respect of District Court criminal cases in early 2019.

The ICT Unit has been working on expanding the statistical capability of the service. Following requests from Directorates and offices, progress was made to provide additional reports for civil and criminal jurisdictions. Additional changes were requested and delivered in relation to Finance and operational reports.

#### Courtroom technology

The Service continues to work with the judiciary, stakeholders including other public sector bodies in the justice field, and the legal profession to ensure the maximum use of and benefits from courtroom technology. This includes promoting the increased use of the electronic display of evidence in civil and criminal cases, and video conferencing for court appearances by

witnesses. It also includes maximising the potential of digital audio recording.

### **Evidence display**

Evidence display facilities, available in 84 courtrooms, allow for viewing of evidence including recordings of interviews in garda stations, CCTV security footage and other forms of evidence held electronically including scanned documentary evidence. In addition, mobile evidence display units continued to enable video viewing in courtrooms without built-in viewing facilities in the Criminal Courts of Justice and around the country. These units are also used by juries to review CCTV footage and associated video evidence during deliberations in the jury room.

### **Video conferencing facilities**

The use of video conferencing facilities eliminates the necessity for witnesses and accused in custody to attend in person, and is of particular benefit where witnesses are abroad and for vulnerable underage witnesses. Their use leads to considerable cost savings especially in relation to expert witnesses in civil cases.

The Service continued to chair a joint working group between the Courts Service and the Irish Prison Service to examine the potential for the extension of the use of video link between courts and prisons for pre-trial matters.

The group also produced a Standard Operating Procedures manual for use in the Irish Prisons Service. Briefings have also been held in provincial locations for practitioners on how the technology works and how it can facilitate more efficient use of their time.

The Video Conferencing Project Team completed the installation of a full video conferencing and evidence display solution in the Family Law Courts at Dolphin House, Dublin. The installation was approved arising from the requirements of the Domestic Violence Act 2018 and represent the first video conferencing installation in a dedicated Family Law Courtroom.

This was supplemented by a programme of work to update all video conferencing locations to facilitate the requirements of the Victims of Crime legislation with additionally functionality added to restrict face-to-face contact between the victim and the accused.

The total refresh of the video conferencing solutions in Dundalk Courthouse was also completed.

The technology facilitated 8,254 video conferencing calls in the Irish courts in 2019.

### **Video conferencing - between courts and prisons**

The Prisons Act 2007 provides that an accused in custody may give evidence to the court by video link from the prison rather than give evidence by attending in court.

In 2019, video conferencing to prisons operated to 13 courthouses and 3 jurisdictions - Cloverhill District Court, Cork District Court, Criminal Courts of Justice (Dublin Circuit and District Criminal Courts and the Court of Appeal), Donegal Circuit Court, Dundalk District Court, Ennis District Court, Galway District Court, Letterkenny District Court, Limerick Circuit and District Courts, Meath Circuit Court, Offaly Circuit Court, Portlaoise District Court, Trim District Court, Waterford District Court and Wexford Circuit and District Courts during the year.

There were 3,798 video link sessions between courts and prisons, which was a 13% increase on 2018.

### **Virtual Meeting Room**

The Video Conferencing Project Team commenced a project for the introduction of a Virtual Meeting Room platform. Successful introduction of this technology will enhance the interoperability and functionality of the solution and allow for the appearance in Court of remote witnesses via cost-effective and readily available solutions such as Skype, Smartphones, Tablets etc.

Initial build and testing were completed successfully with the project team conducting successful courtroom tests throughout the year. Work then commenced on a proof of concept to further expand the use of the platform.

### **Website**

A new website was developed to provide a platform to help transform the Courts Service's digital presence. The website was developed based on modern technology, is mobile friendly and responsive on all the latest devices. This new platform facilitates the Information Office to have an improved social media presence and also allows the webmaster to have more flexibility in designing web pages and uploading content. The technology now allows firms we engage, to update court rules directly for

us to approve. The website was deployed in beta format in late Q3 2019.

### **Judgements and Determination Tool**

A new tool was developed to allow us more easily publish/unpublish Judgments and Determinations and associated attachments to the new courts.ie beta website. This facility was rolled out in Q4 2019.

### **Case Management Applications**

A number of important changes were implemented in 2019 in various case management applications; these included changes to Probate online and Wards of Court systems. In 2019, releases were implemented to accommodate changes arising from The Family Law Bill and the CC Euro Service project.



## STRATEGIC PRIORITY 7

### PROVIDING INFORMATION FOR THE PUBLIC

One of the mandates of the Service is the provision of information on the courts system for the public. Staff throughout the country continued to engage with court users to explain the practice and procedure of the courts on a daily basis. They also supported visits and talks, and a variety of outreach events organised by the Service and by outside agencies.

The website of the Service received over 3.1 million visits in 2019 with visits via mobile/tablet device comprising 39% of total visits. The most visited sections were the Legal Diary, Judgments and Determinations, Court Rules and High Court Search.

WEBSITE: VISITS	
2019	3,168,179
2018	3,164,285
2017	2,913,473
2016	2,709,351
2015	2,766,751
2014	2,619,641

#### Social Media & Publications

News of initiatives, events and court sittings continued to be posted on Facebook with information in video format available on the Service's YouTube channel. The Service also launched a Twitter account @CourtsServiceIE in 2019.

The Information Unit continues to publish *Courts Service News*, a quarterly publication that has a readership of over 5,000 people inside and out of the legal community, judiciary, current and retired staff. It provides coverage of interest to the community, including newsworthy events and publications and keeping up to date with appointments and retirements. The magazine celebrated its 20th year of publication in 2019.

#### Outreach

Interest in visiting the courts continued during the year with students visiting court buildings all over the country, including Castlebar, Monaghan, Tullamore, Sligo, Nenagh, Letterkenny, Cork and others.

Some 247 schools with over 6,000 students availed of the opportunity to visit the Criminal Courts of Justice in Dublin to witness the courts in operation and participate in mock trials in real courtrooms.

Castlebar Courthouse hosted a talk by historian Diarmaid

Ferriter as part of the Wild Atlantic Words literary festival.

The Carlow Domestic Violence Action Network also held a ceremony of light on the steps of Carlow Courthouse on 10th December 2020 to remember those who have died through domestic abuse in Ireland.

Sligo Courthouse has continued to be a venue of interest for events and student visits, throughout the year, often having to limit numbers such is the interest. eLicensing demonstrations took place for Solicitors and Sligo hosted several training events for the region. TUSLA used the Courthouse to run training for staff on giving evidence and cross examination.

Courthouses continued to open for Culture Night events. Letterkenny provided guided tours of the building with about 200 attendees as well as a poetry reading by Donegal's Annemarie Ní Churreáin, poet and 2019-20 Writer In Residence at Maynooth University.

#### Comhrá

In October, the Chief Justice, Mr. Justice Frank Clarke and Ms. Justice Mary Irvine took part in the inaugural session of the Comhrá initiative, participating in a video conference call with pupils from Carndonagh Community School in County Donegal. The secondary school students had the opportunity to ask questions in relation to the work of the Supreme Court and the role of a judge.



Chief Justice Frank Clarke and Ms Justice Mary Irvine pictured during the video conference call

#### Internship Programmes

The Chief Justice welcomed twenty three law students for a one-month internship programme in the Superior Courts that began in June. 2019 marked the seventh year since the Programme was initiated. The Law Schools of

NUI Galway, Dublin City University, Maynooth University, University College Dublin, University College Cork, Trinity College Dublin and the University of Limerick each nominated two students to participate in the programme.

As in previous years, students from Fordham University, New York, Bangor University, Wales and the University of Missouri Kansas City brought an added international dimension to the programme. Each intern was assigned to a judge of the Superior Courts.

The programme provided interns with a unique opportunity to gain practical experience of the law and to allow them gain an insight into the respective roles of officers of the court.

The President of the District Court hosted an intern from the University of Tulsa College of Law, Oklahoma.

### Supreme Court Annual Report and Regional Engagement

2019 saw the launch of the inaugural Supreme Court Annual Report. The report detailed the work of the Supreme Court during 2018 and sought to provide the public with a deeper understanding of the role of the Supreme Court in upholding the Constitution and the law and an insight into the extra-judicial work of the Court that takes place nationally and internationally.

The launch took place during the historic sitting of the Supreme Court in NUI Galway in March. This represented the first sitting of the Court in Galway and the first occasion that the Supreme Court held sittings outside of a courthouse since 1932. The members of the Court also took part in a number of seminars with the students of the NUI Galway School of Law. The sitting of the Supreme Court outside Dublin is one aspect of the Court's efforts to increase its engagement with members of the public and to improve the accessibility of Supreme Court proceedings.

In November a new text of the Constitution was enrolled in the Office of the Supreme Court. This was the 6th enrolment, the last one having occurred some twenty years ago in 1999. Pursuant to Article 25 5 3° of the Constitution this text authenticated by the signatures of the Taoiseach and of the Chief Justice and signed by the President is conclusive evidence of the Constitution and is the definitive text. The Chief Justice is grateful for the significant work undertaken by the Department of the Taoiseach, the Attorney General's Office and the Office of the President leading to this enrolment. The Registrar and

the staff of the Office are proud to be responsible for its safe custody.



*Pictured (L to R) Mr. John Mahon, Registrar of the Supreme Court; An Taoiseach, Leo Varadkar; President Michael D. Higgins; The Hon. Mr. Justice Frank Clarke; Attorney General, Séamus Woulfe SC*

### Requests for information

The Service continued to respond to requests for information from the public, government departments and parliamentary representatives during the year.

Material for responses to 214 parliamentary questions tabled by members of the Oireachtas was provided and the Office of the Chief Executive dealt with 408 letters/representations from other government departments, TDs, senators and members of the public.

### Freedom of Information

The Service received 215 written access requests under the Freedom of Information Act 2014. Many of these requests related to information contained in court records which are not covered by Freedom of Information legislation. The Freedom of Information Officer continued to participate in the Public Service Users Network, a group of freedom of information officers in public service bodies.

#### REQUESTS: FREEDOM OF INFORMATION ACT 2014

On hand 01/01/19	8
Received	215
Dealt with	211
On hand 31/12/19	4
<b>Outcome of requests dealt with</b>	
Access granted/part granted	37
Refused*	152
Transferred/withdrawn/handled outside of FOI	35

*\* includes access requests for court records which are exempt under Freedom of Information legislation (section 42(a)(i) of the 2014 Act). The Freedom of Information Unit receives a large number of access requests for court records*

## **Data Protection**

The Service continued a programme of measures to enhance data protection arrangements and ensure compliance with legislative requirements. These included efforts to increase levels of compliance, the rolling-out of an eLearning module, an awareness campaign involving e-mails, presentations at key management conferences and induction training. Presentations on data protection were provided to staff in offices based in several regional locations and in Dublin.

In addition, the Service continues to support the established judicial supervisory authority.

The Data Protection Unit dealt with 55 data subject access requests under the Data Protection legislation during the year. The Data Protection Officer continued to participate in the Civil Service DPO Network, a group of data protection officers in civil service departments and agencies.

## **Media Relations Service**

The Service continues to proactively engage with the public via the media to report on the activities and initiatives of the Courts Service and to help them accurately report on the courts. The Media Relations Service (MRS) works daily to ensure a smooth flow of information to the media.

The MRS deals with approximately 10,000 queries each year - with over 95% responded to on the day of receipt. Areas where information is requested cover matters of policy, information on court cases, research for background and documentary pieces, statistics, and the context of practice and rules. The MRS also liaises with other agencies and bodies to provide information about various areas of the legal and justice system.

The work of the MRS also includes organising workshops, seminars and news days for trainee and student journalists in colleges, schools and other venues. It acts as a support, resource, and source of information for court offices. It also researches for, and advises the judiciary on, matters relating to the media. It also continues to be a resource for matters not strictly media related - such as outreach work, an increased online presence, and meeting with visitors from other agencies and from abroad.



# CHAPTER 3 STATISTICS



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## OVERVIEW

Civil business by jurisdiction	Incoming		Resolved	
	2019	2018	2019	2018
District Court	144,485	137,493	111,518	106,698
Circuit Court	50,723	49,253	35,590	39,606
High Court	36,701	39,219	28,117	30,982
Court of Appeal	685	499	491	475
Supreme Court	364	308	392	285
<b>Total</b>	<b>232,958</b>	<b>226,772</b>	<b>176,108</b>	<b>178,046</b>

Civil business by type	Incoming		Resolved	
	2019	2018	2019	2018
Civil and commercial litigious cases	135,208	131,159	85,193	82,744
Civil and commercial non-litigious cases	86,209	82,020	79,717	82,736
Non-litigious enforcement cases	7,531	9,635	7,400	9,341
Appeals	2,685	2,827	2,498	2,119
Cases Stated	33	39	8	14
Other	1,292	1,092	1,292	1,092
<b>Total</b>	<b>232,958</b>	<b>226,772</b>	<b>176,108</b>	<b>178,046</b>

Criminal offences and appeals by jurisdiction	Incoming*		Resolved*	
	2019	2018	2019	2018
District Court	406,480	391,296	301,506	296,971
Circuit Court	34,616	33,096	68,069	60,556
Special Criminal Court	70	51	90	74
Central Criminal Court	1,982	1,202	1,125	1,941
Court of Appeal	1,440	1,266	1,003	1,472
Supreme Court	10	8	12	17
<b>Total</b>	<b>444,598</b>	<b>426,919</b>	<b>371,805</b>	<b>361,031</b>

\* by offence

Criminal offences and appeals total	Incoming*		Resolved*	
	2019	2018	2019	2018
Offences	425,019	407,571	320,444	315,033*
Appeals	19,610	19,348	51,398	45,998
<b>Total</b>	<b>444,629</b>	<b>426,919</b>	<b>371,842</b>	<b>361,031</b>

\* orders made in respect of offences

# CIVIL BUSINESS

## CIVIL BUSINESS IS CATEGORISED BY CASE TYPE:

### 1. CIVIL AND COMMERCIAL LITIGIOUS CASES

COMPRISE CASES WHERE ONE PARTY IS SUING ANOTHER; EUROPEAN PAYMENT ORDER APPLICATIONS; CORPORATE INSOLVENCY CASES; PERSONAL INSOLVENCY CASES (CONCERNING APPLICATIONS BY CREDITORS); APPEALS TO THE DISTRICT COURT AND LITIGIOUS ENFORCEMENT MATTERS.

### 2. CIVIL AND COMMERCIAL NON-LITIGIOUS CASES

COMPRISE PROCEEDINGS ISSUED IN IRELAND THAT ARE NOT INTER-PARTES (INCLUDING PROBATE, WARDS OF COURT AND PERSONAL INSOLVENCY CASES CONCERNING APPLICATIONS BY DEBTORS IN PERSON); AND CERTAIN FOREIGN PROCEEDINGS.

### 3. NON-LITIGIOUS ENFORCEMENT CASES

COMPRISE PROCEEDINGS BY CREDITORS FOLLOWING JUDGMENT TO PROCURE PAYMENT OF DEBTS DUE.

### 4. APPEALS

COMPRISE CIVIL AND FAMILY LAW APPEALS FROM THE DISTRICT COURT TO THE CIRCUIT COURT; FROM THE CIRCUIT COURT TO THE HIGH COURT; AND FROM THE HIGH COURT TO THE COURT OF APPEAL. THEY ALSO INCLUDE APPLICATIONS FOR LEAVE TO APPEAL AND APPEALS TO THE SUPREME COURT.

### 5. CASES STATED

ARE INSTANCES WHERE A COURT ASKS FOR AN OPINION ON A POINT OF LAW FROM A HIGHER COURT.

Civil statistics are presented by reference to cases/matters received and cases/matters resolved during the year. The majority of civil cases initiated in Ireland do not proceed to trial. Typically, they are either settled between the parties (with or without a court approving a settlement), are formally discontinued (involving notification to the defendant and the court), or are not pursued further by the plaintiff (without the plaintiff notifying the court). It is therefore not possible to provide figures for pending caseloads in most courts. Cases referred to as 'resolved' may include cases commenced in years other than 2018 or 2019.

# CIVIL BUSINESS

## 1. CIVIL AND COMMERCIAL LITIGIOUS CASES

### DISTRICT COURT, CIRCUIT COURT, HIGH COURT

CIVIL AND COMMERCIAL LITIGIOUS CASES		INCOMING		RESOLVED	
		2019	2018	2019	2018
(a)	Cases where one party is suing another	135,208	128,222	85,193	80,095
(b)	European Payment Order applications	96	209	35	60
(c)	Corporate insolvency	129	169	136	135
(d)	Personal insolvency (creditors)	183	160	120	121
(e)	Appeals to District Court	103	163	61	97
(f)	Litigious enforcement	1,954	2,236	1,954	2,236
	<b>Total</b>	<b>137,673</b>	<b>131,159</b>	<b>87,499</b>	<b>82,744</b>

#### A. Cases where one party is suing another: General

##### 1. Personal injury (including medical negligence)

A person may pursue a claim for damages for personal injuries through the courts upon receipt of an authorisation from the Personal Injuries Assessment Board (PIAB). This is a legal document issued in the absence of consent from the person responsible for the injury (the respondent) to the assessment of the claim by the PIAB or the rejection by either party of a PIAB assessment. PIAB does not deal with medical negligence claims.

Settlements in personal injury cases involving persons under 18 years (infant rulings) must be brought before the relevant court for approval prior to being accepted.

There were 21,981 personal injury suits filed in 2019, a slight decrease on the 22,049 personal injury suits filed in 2018 – 7,987 (including 1,169 medical negligence) in the High Court, a slight decrease on the 8,889 in 2018, and 12,878 in the Circuit Court, a slight increase on the 12,193 in 2018. There were 1,116 filed in the District Court, an increase on the 967 in 2018.

PERSONAL INJURY	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court*	Out of court	By court*	Out of court
High Court	7,987	8,889	4,596	0	3,967	526**
Circuit Court	12,878	12,193	7,429	526	6,522	493
District Court	1,116	967	613	0	454	0
<b>Total</b>	<b>21,981</b>	<b>22,049</b>	<b>12,638</b>	<b>526</b>	<b>10,943</b>	<b>1,019</b>

\* Cases dealt with by the court include all cases assigned to a judge. The majority of these cases are dealt with without a substantive court hearing..

The District Court has power to award up to €15,000 in damages in personal injuries cases and the Circuit Court has power to award up to €60,000, though both courts can make higher awards with the consent of the parties. The High Court has unlimited power to award damages.



PERSONAL INJURY AWARDS:		DISTRICT COURT	
Amount	Cases		
	2019	2018	
€0 to €7,500	200	258	
€7,500 to €15,000	191	306	
€15,000+	4	4	
<b>Total</b>	<b>395</b>	<b>568</b>	

PERSONAL INJURY AWARDS:		CIRCUIT COURT	
Amount	Cases		
	2019	2018	
€0 to €15,000	474	449	
€15,000 to €60,000	909	783	
€60,000+	7	9	
<b>Total</b>	<b>1,390</b>	<b>1,241</b>	

PERSONAL INJURY AWARDS:		HIGH COURT	
Amount	Cases		
	2019	2018	
€0 to €60,000	149	145	
€60,000 to €199,999	141	174	
€200,000 to €499,999	33	55	
€500,000+	51	50	
<b>Total</b>	<b>374</b>	<b>424</b>	

\* includes medical negligence awards

	HIGH COURT		CIRCUIT COURT		DISTRICT COURT	
	2019*	2018*	2019	2018	2019	2018
Lowest amount	€5,000	€1,400	€830	€850	425	€750
Highest amount	€25,000,000	€15,500,000	€75,000	€211,523	€17,950	€20,000
<b>Total amount</b>	<b>€230,978,876</b>	<b>€148,935,686</b>	<b>€25,920,902</b>	<b>€23,596,553</b>	<b>€3,126,296</b>	<b>€4,536,733</b>

\* includes medical negligence awards

MEDICAL NEGLIGENCE AWARDS:		HIGH COURT	
Amount	Cases		
	2019	2018	
€0 to €60,000	25	25	
€60,000 to €199,999	10	17	
€200,000 to €499,999	12	18	
€500,000+	31	28	
<b>Total</b>	<b>78</b>	<b>88</b>	

MEDICAL NEGLIGENCE AWARDS:	HIGH COURT	
	2019	2018
Lowest amount awarded	€17,500	€5,000
Highest amount awarded	€25,000,000	€15,500,000
<b>Total amount awarded</b>	<b>€161,226,407</b>	<b>€91,411,853</b>

## 2. Negligence (excluding medical negligence causing personal injury)

Negligence claims are claims for damages against a person or persons against whom it is alleged breached a duty of care owed to the claimant resulting in pecuniary loss

NEGLIGENCE	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court	Out of court	By court	Out of court
High Court	234	274	34	51	31	124

## 3. Commercial

Commercial proceedings are defined in Rule 1 of Order 63A of the Rules of the Superior Courts. In short, they include claims in contract or tort arising out of business transactions where the value of the claim is not less than €1 million, intellectual property cases (including passing off), certain types of arbitration claims and appeals from, or judicial review applications in respect of, any statutory body where the judge in charge of the list considers that, having regard to the commercial or any other aspect of such an application it is one appropriate for entry into the commercial list.

Entry into the commercial list is not mandatory for any case types. Cases are only admitted to the list if one of the parties makes an application and the judge admits the case. They are not automatically admitted to the commercial list because of the relief sought and can be prosecuted in the chancery or in the non-jury lists if the parties so wish.

COMMERCIAL	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court	Out of court	By court	Out of court
High Court	172	161	64	31	79	37

ANALYSIS OF CASELOAD	2019	2018	2017	2016
On hands 01/01	360	315	245	203
Incoming	172	161	193	157
Resolved	95	116	123	115
On hands 31/12	437	360	315	245

ANALYSIS OF CASES RESOLVED	2019	2018	2017	2016
Motion to dismiss	4	2	6	5
Settled after entry	10	7	9	7
Settled after directions hearing	10	18	10	21
Settled after hearing date set	11	12	15	12
Settled at hearing	14	19	11	12
Full hearing	44	58	72	58
Other	2	0	0	0
<b>Total</b>	<b>95</b>	<b>116</b>	<b>123</b>	<b>115</b>

#### 4. Chancery

Chancery matters are dealt with in the High Court. They include injunction applications, company law motions, specific performance/rescission of contracts, administration of estates of deceased persons and trust actions.

CHANCERY	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court	Out of court	By court	Out of court
High Court	1,624	1,906	155	216	297	287

ANALYSIS OF INCOMING CASES	2019	2018	2017	2016
Specific performance	145	144	133	168
Injunction	247	314	405	337
Declaration	633	792	1,066	898
European Communities (Cross Border mergers) Regulations, 2008*	3	10	0	3
Other	596	646	665	696
<b>Total</b>	<b>1,624</b>	<b>1,906</b>	<b>2,269</b>	<b>2,102</b>

\* S.I. No. 157 of 2008

#### 5. Property

Property (possession) cases are cases in which the plaintiff is seeking possession of lands and/or premises including family homes.

Other property cases include 'mortgage suits' (cases where the creditor has a mortgage on the property in which the defendant has an interest but does not have power to sell that property unless the court declares the mortgage well-charged on the debtor's interest), applications for ejectment, applications under Landlord & Tenant legislation, applications involving the Private Residential Tenancies Board and ground rent matters.

There were 1,217 cases for the recovery of possession of lands and/or premises in the High Court and Circuit Court – a 24% decrease on the 1,607 cases in 2018. The Circuit Court made 443 orders for possession, a 37% decrease on the 700 orders made in 2018.

PROPERTY (POSSESSION)	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court	Out of court	By court	Out of court
High Court	105	174	95	11	169	12
Circuit Court	1,112	1,433	1,345	0	1,813	0
<b>Total</b>	<b>1,217</b>	<b>1,607</b>	<b>1,440</b>	<b>11</b>	<b>1,982</b>	<b>10</b>

PROPERTY (POSSESSION)	ORDERS GRANTED		ORDER NOT GRANTED	
	2019	2018	2019	2018
Circuit Court	443	700	902	1,113

PROPERTY (OTHER)	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court	Out of court	By court	Out of court
High Court	63	43	29	1	35	6
Circuit Court	231	288	640	144	760	150
District Court	87	80	106	0	118	0
<b>Total</b>	<b>381</b>	<b>411</b>	<b>775</b>	<b>145</b>	<b>913</b>	<b>156</b>

## 6. Breach of contract

Where a party refuses or fails to fulfil an obligation imposed by a contract, the injured party can bring an action for damages. In this context, breach of contract cases do not include claims for liquidated damages (see section 7 below)

HIGH COURT					
INCOMING		RESOLVED			
2019	2018	2019		2018	
		By court	Out of court	By court	Out of court
285	318	31	69	40	81

## 7. Recovery of debt (liquidated claims)

Actions to recover debt are generally taken by financial institutions seeking to recover specified amounts of money, often in respect of loans.

	INCOMING		RESOLVED					
	2019	2018	2019			2018		
			By court	Out of court 1	Out of court 2	By court	Out of court 1	Out of court 2
High Court	1,744	1,982	522	307	552	494	310	742
Circuit Court	3,130	2,623	250	203	1,632	277	207	1,615
District Court	23,759	21,526*	1,322	0	10,008	1,478	0	8,909
<b>Total</b>	<b>28,633</b>	<b>26,131</b>	<b>2,094</b>	<b>510</b>	<b>12,192</b>	<b>2,249</b>	<b>517</b>	<b>11,266</b>

1 Discontinuance

2 Judgments marked in the office – these figures are also on page 31 as part of the civil and commercial non-litigious statistics.

\* figure understated in 2018 Annual Report

## 8. Defamation

Defamation is defined by the Defamation Act 2009 as the “publication, by any means, of a defamatory statement concerning a person to one or more than one person (other than the first-mentioned person)”.

	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court	By court	By court	Out of court
High Court	157	186	12	34	7	14
Circuit Court	151	112	37	3	8	12
<b>Total</b>	<b>308</b>	<b>298</b>	<b>49</b>	<b>37</b>	<b>15</b>	<b>26</b>

## 9. Assault

Assault claims are claims for damages against a person or persons against whom it is alleged intentionally attempted or threatened to inflict injury that placed the claimant in fear of imminent bodily harm or brought about an unconsented harmful or offensive contact with the claimant.

	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court	By court	By court	Out of court
High Court	89	113	18	11	21	14

## 10. Employment

Employment cases include those relating to the enforcement of and appeals relating to decisions of the employment tribunals brought under legislative provisions relating to matters such as unfair dismissal, payment of wages, adoption leave, parental leave and organisation of working time.

EMPLOYMENT (DISMISSAL)	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court	Out of court	By court	Out of court
High Court	7	4	1	0	2	0
Circuit Court	6	14	20	1	26	3
<b>Total</b>	<b>13</b>	<b>18</b>	<b>21</b>	<b>1</b>	<b>28</b>	<b>3</b>

EMPLOYMENT (OTHER)	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court	Out of court	By court	Out of court
High Court	5	11	5	2	4	4
Circuit Court	108	39	20	1	41	5
<b>Total</b>	<b>113</b>	<b>50</b>	<b>25</b>	<b>3</b>	<b>45</b>	<b>2</b>

## 11.Small claims

The Small Claims procedure provides an inexpensive way for consumers to resolve consumer complaints and business to make claims against other businesses, without the need to employ a solicitor. To make a claim under the Irish Small Claims procedure both the claimant and the respondent must be living or based within the State and the claim cannot exceed €2,000. Claims can be made on-line or lodged in person in the court office.

The European Small Claims Procedure, provided for in Regulation (EC) No. 861/2007 and the District Court Rules 1997-2014, is an alternative method of commencing and dealing with civil and commercial matters in respect of a small claim in cross-border cases. These are cases where at least one of the parties lives in a Member State of the European Union (excluding Denmark) other than the Member State of the court dealing with the claim. The claim cannot exceed €2,000. Claims cannot be made online.

SMALL CLAIMS: IRELAND* AND EU: DISTRICT COURT					
INCOMING		RESOLVED			
2019	2018	2019		2018	
		By court	Out of court	By court	Out of court
4,627	3,476	666	3,069**	403	2,528**
<p>* claims include those made online  ** includes applications deemed to fall outside the scope of the rules for small claims.</p>					

ANALYSIS OF CASES DEALT WITH	2019		2018	
	IRELAND	EU	IRELAND	EU
Not proceeded with	178	93	120	35
Decrees by default	188	33	233	31
Settled by registrar	630	75	593	54
Referred to court	985	573	775	173
<b>Total</b>	<b>1,981</b>	<b>774</b>	<b>1,721</b>	<b>293</b>

ADJUDICATED BY THE COURT	2019		2018	
	IRELAND	EU	IRELAND*	EU
Decrees granted	238	31	174	18
Cases dismissed	67	141	64	11
Withdrawn/struck out	181	8	129	7
<b>Total</b>	<b>486</b>	<b>180</b>	<b>367</b>	<b>36</b>

## 12. Proceeds of crime

The Proceeds of Crime Act 1996 provides for the civil forfeiture of property which is the proceeds of crime. Applications to the High Court under the Act are usually made by the Chief Bureau Officer of the Criminal Assets Bureau. If the court is satisfied, on the balance of probabilities, that a person is in possession or control of property which is or represents the proceeds of crime, it may order the freezing of the property and, after seven years, its disposal for the benefit of the Exchequer.

HIGH COURT:					
INCOMING		RESOLVED			
2019	2018	2019		2018	
		By court	Out of court	By court	Out of court
36	35	16	0	15	0

## 13. Judicial review

Judicial review applications are made when a person seeks an order in respect of the actions or decisions of certain courts, tribunal or regulatory bodies. Applications in asylum related cases generally seek an order quashing the decision of a body such as the Refugee Appeals Tribunal, or an injunction restraining the Minister for Justice and Equality from deporting them.

JUDICIAL REVIEW (ASYLUM RELATED) : HIGH COURT					
INCOMING		RESOLVED			
2019	2018	2019		2018	
		By court	Out of court	By court	Out of court
368	530	262	135	130	332

<b>JUDICIAL REVIEW (OTHER) : HIGH COURT</b>					
INCOMING		RESOLVED			
2019	2018	2019		2018	
		By court	Out of court	By court	Out of court
485	546	220	88	337	157

<b>JUDICIAL REVIEW: HIGH COURT</b>	<b>ASYLUM RELATED</b>		<b>OTHER</b>	
	2019	2018	2019	2018
<b>Incoming</b>	368	530	485	546
<b>Orders made</b>				
Liberty to apply for judicial review granted	325	556	143	379
Liberty to apply for judicial review refused	1	73	6	3
Interim orders	43	287	121	56
Final orders – relief granted	44	174	45	25
Final orders – relief refused	97	85	39	102
Final orders – miscellaneous	107	0	83	107
Final orders – struck out (no order)	135	64	88	332
<b>Total</b>	<b>752</b>	<b>1,239</b>	<b>525</b>	<b>1,004</b>

#### 14.Regulation of professions

The High Court deals with cases relating to the confirmation of, and appeals relating to, sanctions imposed by bodies regulated by statute affecting the ability of a registered professional to practice.

<b>HIGH COURT:</b>					
INCOMING		RESOLVED			
2019	2018	2019		2018	
		By court	Out of court	By court	Out of court
173	188	163	0	159	0

#### 15.Garda compensation

Members of An Garda Síochána who sustain injuries maliciously inflicted upon them in the performance of their duties or acting in their general capacity as a member of the force are entitled to apply to the High Court for compensation. Off duty members assaulted by virtue of them being a member of the force may also apply for compensation.

<b>HIGH COURT:</b>					
INCOMING		RESOLVED			
2019	2018	2019		2018	
		By court	Out of court	By court	Out of court
151	139	86	0	134	0



## 16. Habeas corpus

Persons who believe they are being detained or held unlawfully, may apply to the High Court for an order of habeas corpus under the Habeas Corpus Act 1782. This requires the person or institution detaining them to either produce the body of the person detained before the court or release that person from such detention. The expression 'order of habeas corpus' does not include an order made pursuant to Article 40.4 of the Constitution.

In some instances, applications are issued and do not proceed. In others, the matter is resolved without recourse to the court following the making of an interim order.

<b>HABEAS CORPUS: HIGH COURT</b>					
<b>INCOMING</b>		<b>RESOLVED</b>			
<b>2019</b>	<b>2018</b>	<b>2019</b>		<b>2018</b>	
		<b>By court</b>	<b>Out of court</b>	<b>By court</b>	<b>Out of court</b>
73	97	46	1	41	1

## 17. European Arrest Warrants

The High Court is responsible for the execution of European Arrest Warrants received by Ireland. A European Arrest Warrant, valid throughout the EU, may be issued by a national judicial authority if the person whose return is sought is accused of an offence for which the maximum penalty is at least a year in prison or if he or she has been sentenced to a prison term of at least four months. Likewise, the Director of Public Prosecutions may apply to the High Court for the issue of a European Arrest Warrant where a person in another member state is facing charges or is required to serve a sentence in Ireland.

<b>EUROPEAN ARREST WARRANTS: HIGH COURT</b>					
<b>INCOMING</b>		<b>RESOLVED</b>			
<b>2019</b>	<b>2018</b>	<b>2019</b>		<b>2018</b>	
		<b>By court</b>	<b>Out of court</b>	<b>By court</b>	<b>Out of court</b>
399	400	148	0	132	0

## 18. Bail

Most bail applications are made, in the first instance, to the District Court. An exception relates to a person charged with murder – he/she can only apply to the High Court for bail. A person refused bail in the District Court may apply to the High Court for bail and a person granted bail in the District Court may apply to the High Court to vary the conditions of the bail.

<b>BAIL: HIGH COURT</b>					
<b>INCOMING</b>		<b>RESOLVED</b>			
<b>2019</b>	<b>2018</b>	<b>2019</b>		<b>2018</b>	
		<b>By court</b>	<b>Out of court</b>	<b>By court</b>	<b>Out of court</b>
1,390	1,509	1,270	0	1,439	0

## 19. Other

	Incoming	Resolved	
		By court	Out of court
High Court	1,238	739	65
Circuit Court*	3,516	1,916	329
District Court**	4,365	3,168	0
<b>Total</b>	<b>9,119</b>	<b>5,823</b>	<b>394</b>

\* includes equity, testamentary, succession law, Data Protection Act  
\*\* includes control of dogs, food safety, breach of contract, breach of duty, Environmental Protection Act applications relating to noise and negligence

## A. Cases where one party is suing another: Family Law

The High Court and the Circuit Court have concurrent jurisdiction in family law matters. However, the majority of judicial separation, divorce and nullity applications are made to the Circuit Court. There is a right of appeal from the Circuit Court to the High Court.

## 1. Divorce

A decree of divorce dissolves a marriage and allows each party to remarry. Before a court can grant a divorce, the parties must have been married and living apart for a period amounting to four out of the previous five years before the application is made; there must be no reasonable prospect of reconciliation; and proper arrangements must have been made or will be made for the spouse and any dependent members of the family.

There was a 5% increase in the number of applications for divorce in 2019 – 4,073 as compared to 3,888 in 2018 and 3,995 in 2017. There were 23 applications in the High Court and 4,050 in the Circuit Court - the majority were by wives in the High Court (65%) and wives in the Circuit Court (56%). There were 3,545 divorce orders made – 11 in the High Court and 3,534 in the Circuit Court with eight applications refused.

DIVORCE						
	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court	Out of court	By court	Out of court
High Court	23	24	39	0	27	0
Circuit Court	4,050	3,864	3,534	0	3,225	0
<b>Total</b>	<b>4,073</b>	<b>3,888</b>	<b>3,573</b>	<b>0</b>	<b>3,252</b>	<b>0</b>

DIVORCE:	2019			2018		
	Granted	Refused	Other	Granted	Refused	Other
High Court	11	0	28	18	0	26
Circuit Court	3,534	0	0	3,217	8	0
<b>Total</b>	<b>3,545</b>	<b>0</b>	<b>28</b>	<b>3,235</b>	<b>8</b>	<b>26</b>

TRENDS: DIVORCE: APPLICANTS				
Year	Wife		Husband	
	High Court	Circuit Court	High Court	Circuit Court
<b>2019</b>	<b>15</b>	<b>2,252</b>	<b>8</b>	<b>1,798</b>
2018	8	2,155	16	1,709
2017	14	2,219	17	1,745
2016	10	2,374	7	1,788
2015	14	2,333	10	1,957

## 2. Judicial separation

A decree of judicial separation removes the obligation on spouses to co-habit. The most common ground on which a decree is granted is where the court considers that a normal marital relationship has not existed between the spouses for at least one year before the date of the application for the decree.

There were 1,229 applications for judicial separation in 2019 – 23 in the High Court and 1,206 in the Circuit Court – a slight decrease on the 1,269 applications in 2018. The majority of applications in both jurisdictions (78% in High Court, 70% in Circuit Court) were by wives. There were 715 orders made granting judicial separations – 11 in the High Court and 704 in the Circuit Court with two applications refused.

JUDICIAL SEPARATION						
	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court	Out of court	By court	Out of court
High Court	23	31	34	2	47	0
Circuit Court	1,206	1,238	706	0	827	0
<b>Total</b>	<b>1,229</b>	<b>1,269</b>	<b>740</b>	<b>2</b>	<b>874</b>	<b>0</b>

JUDICIAL SEPARATION						
	2019			2018		
	Granted	Refused	Other	Granted	Refused	Other
High Court	11	0	25	21	0	26
Circuit Court	704	2	0	823	4	0
<b>Total</b>	<b>715</b>	<b>2</b>	<b>25</b>	<b>844</b>	<b>4</b>	<b>26</b>

TRENDS: JUDICIAL SEPARATION: APPLICANTS				
Year	Wife		Husband	
	High Court	Circuit Court	High Court	Circuit Court
<b>2019</b>	<b>18</b>	<b>848</b>	<b>5</b>	<b>358</b>
2018	25	861	6	377
2017	18	889	5	382
2016	24	971	5	353
2015	32	977	3	407

### 3. Dissolution of partnership

The courts can dissolve civil partnerships in a similar way to the granting of divorce. A decree of dissolution allows both parties to a civil partnership to marry.

There were 66 applications to dissolve partnerships in the Circuit Court in 2019 – a 33% decrease on the 99 applications in 2018. The majority of applications (60%) were by females. There were 36 orders made dissolving partnerships with two applications refused.

DISSOLUTION OF PARTNERSHIP						
	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court	Out of court	By court	Out of court
High Court	0	0	0	0	0	0
Circuit Court	66	99	38	0	22	0
<b>Total</b>	<b>66</b>	<b>99</b>	<b>38</b>	<b>0</b>	<b>22</b>	<b>0</b>

DISSOLUTION OF PARTNERSHIP						
	2019			2018		
	Granted	Refused	Other	Granted	Refused	Other
High Court	0	0	0	0	0	1
Circuit Court	36	2	0	20	2	0
<b>Total</b>	<b>36</b>	<b>2</b>	<b>0</b>	<b>20</b>	<b>2</b>	<b>1</b>

DISSOLUTION OF PARTNERSHIP: APPLICANTS		FEMALE		MALE	
		2019	2018	2019	2018
High Court		0	0	0	0
Circuit Court		40	65	26	34

### 4. Cohabitation

These are claims made under the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 in respect of claimants who are living together in an intimate and committed relationship, not married to each other, not in a registered civil partnership and not related to each other.

COHABITATION: HIGH COURT					
Incoming		Resolved			
2019	2018	2019		2018	
		By court	Out of court	By court	Out of court
8	11	5	0	3	0

## 5. Nullity

*Nullity of marriage* (civil nullity or civil annulment) is a legal declaration by the court which states that although two people went through a marriage ceremony, their marriage never actually existed in the eyes of the law or the State. There are two types of marriages that may be annulled or cancelled - void marriages and voidable marriages. A void marriage is considered to have never taken place. A voidable marriage is considered to be a valid marriage until a decree of annulment is made.

*Nullity of civil partnership* is a declaration by a court that a supposed civil partnership is null and void and that no valid civil partnership exists between the partners. In nullity of civil partnership law, there are only void civil partnerships.

NULLITY (OF MARRIAGE)						
	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court	Out of court	By court	Out of court
High Court	2	0	1	0	0	0
Circuit Court	27	20	10	0	17	0
<b>Total</b>	<b>29</b>	<b>20</b>	<b>11</b>	<b>0</b>	<b>17</b>	<b>0</b>

NULLITY (OF MARRIAGE)						
	2019			2018		
	Granted	Refused	Other	Granted	Refused	Other
High Court	1	0	0	0	0	0
Circuit Court	10	0	0	15	2	0
<b>Total</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>15</b>	<b>2</b>	<b>0</b>

TRENDS: NULLITY: APPLICANTS				
Year	Wife		Husband	
	High Court	Circuit Court	High Court	Circuit Court
<b>2019</b>	<b>0</b>	<b>13</b>	<b>2</b>	<b>14</b>
2018	0	14	0	6
2017	0	13	1	10
2016	1	17	0	15
2015	1	12	1	21

## 6. Guardianship, custody, access

*Guardianship* means the rights and duties of parents in respect of the upbringing of their children. *Custody* is the right of a parent to exercise physical care and control in respect of the upbringing of his or her child on a day-to-day basis. *Access* is contact between a child and its parent or other relative with whom the child does not live. The majority of applications in all three areas are made to the District Court.

GUARDIANSHIP, CUSTODY, ACCESS: DISTRICT COURT					
INCOMING		RESOLVED			
2019	2018	2019		2018	
		By court	Out of court	By court	Out of court
12,582	12,611	10,822	0	10,321	0

CUSTODY AND ACCESS: CIRCUIT COURT - OUTCOMES												
	JUDICIAL SEPARATION				DISSOLUTION				DIVORCE			
	2019	2018	2017	2016	2019	2018	2017	2016	2019	2018	2017	2106
Orders made	412	447	447	348	6	14	4	4	1,058	869	976	757

## 7. Maintenance

Maintenance is financial support (money) paid by a person for the benefit of a dependent spouse/civil partner and/or dependent children. Spouses/civil partners are required to maintain each other according to their means and needs. Parents, whether married or not, are responsible for the maintenance of their dependent children. If the parties cannot reach an agreement about maintenance an application can be made to the court for a maintenance order. The majority of applications for maintenance are made to the District Court.

Applications for maintenance in the Circuit Court as usually made as part of applications for judicial separation and/or divorce.

MAINTENANCE						
	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court	Out of court	By court	Out of court
High Court	1	3	0	0	2	0
District Court *	8,383**	8,935**	6,520	0	6,541	0

\* excludes foreign maintenance – see page 78  
 \*\* includes applications subsequent to initial application including applications to vary and applications to recover arrears

## 8. Domestic violence

Domestic violence legislation protects spouses/civil partners and children and offers legal remedies to dependent persons and persons in other domestic relationships where their safety or welfare is at risk because of the conduct of the other person in the relationship. It also gives An Garda Síochána powers to arrest without warrant where there is a breach of a court order.

- [Safety order](#)

A safety order prohibits the person against whom the order is made (the respondent) from engaging in violence or threats of violence. It does not oblige that person to leave the family home. If the person does not normally live in the family home, it prohibits them from watching or being in the vicinity of where the person applying for the order (the applicant) and dependent children lives. A safety order can be made for up to five years.

- **Barring order**

A barring order requires the respondent to leave the family home and stay away from the family home of the applicant and/or dependent children. It may also include terms prohibiting the respondent from using or threatening to use violence. A barring order can be made for up to three years.

Once a summons has been issued for a safety order or a barring order the applicant can apply for a protection order or an interim barring order while waiting for the application to be heard in court.

- **Protection order**

This is a temporary safety order. It gives protection to the applicant until the court decides on a safety or barring order application. It is intended to last until the case is heard and a decision made. It does not oblige the respondent to leave the family home.

- **Interim barring order**

This is a temporary barring order. It is intended to last until the barring order application is heard in court and a decision made. Under the Domestic Violence Act, 2002 a full court hearing must take place within eight working days of the granting of an interim barring order. The Court must be of the opinion that there are reasonable grounds for believing there is an immediate risk of significant harm to the applicant or any dependent person if the order is not made immediately and the granting of a protection order would not be sufficient to protect the applicant or any dependent person.

Applications to the District Court under the domestic violence legislation increased by 10% to 20,501 from 18,572 in 2018. There was an 11% increase in applications for safety orders (8,061 as compared to 7,280 in 2018) and a 10% increase in applications for protection orders (7,049 as compared to 6,390 in 2018). Applications for interim barring orders increased by 29% (1,643 as compared to 1,270 in 2018) while applications for barring orders decreased by 1% (3,323 as compared to 3,343 in 2018).

<b>DOMESTIC VIOLENCE: DISTRICT COURT</b>					
<b>INCOMING</b>		<b>RESOLVED</b>			
<b>2019</b>	<b>2018</b>	<b>2019</b>		<b>2018</b>	
		<b>By court</b>	<b>Out of court</b>	<b>By court</b>	<b>Out of court</b>
20,501	18,572	16,841	0	14,671	0

<b>DOMESTIC VIOLENCE: CIRCUIT COURT - OUTCOMES</b>				
	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>
Orders made	<b>38</b>	59	51	40

DOMESTIC VIOLENCE: DISTRICT COURT – TRENDS*							
	2019	2018	2017	2016	2015	2014	2013
Barring order applications	3,323	3,343	2,613	2,658	2,638	2,671	2,738
Barring orders granted	1,137	946	822	1,329	859	877	1,167
Protection order applications	7,049	6,390	5,869	5,365	5,108	4,406	4,529
Protection orders granted**	5,864	5,515	5,006	4,627	4,225	4,024	4,142
Safety order applications	8,061	7,280	6,368	6,069	5,626	5,499	5,334
Safety orders granted	2,688	2,327	2,255	3,316	1,917	2,029	2,381
Interim barring order applications	1,643	1,270	917	880	731	699	674
Interim barring orders granted	1,209	982	693	676	563	569	522
Other applications	418	289	195	255	271	12	-
Orders granted	184	147	151	107	263	0	-

\* Figures do not include applications struck out or withdrawn  
\*\* Some interim barring orders were granted on foot of applications for protection orders. Likewise some protection orders were granted on foot of interim orders

## 9. Adoption

These are applications made under the Adoption Act 2010 for the making of adoption orders and challenges thereto.

ADOPTION: HIGH COURT					
INCOMING		RESOLVED			
2019	2018	2019		2018	
		By court	Out of court	By court	Out of court
24	19	23	0	22	0

## 10. Child abduction: Hague Luxembourg Convention

*The Hague Convention on the Civil Aspects of International Child Abduction (1980)* is the main convention covering child abduction. The Convention seeks to protect children from the harmful effects of abduction and retention across international boundaries by providing a procedure to bring about their prompt return. It is based on the principle that the court of the child's habitual residence is best placed to decide any custody disputes.

Ireland is a signatory to *The Hague and Luxembourg Conventions*. These conventions have been incorporated into Irish domestic law by the Child Abduction and Enforcement of Custody Orders Act 1991.

CHILD ABDUCTION: HIGH COURT					
INCOMING		RESOLVED			
2019	2018	2019		2018	
		By court	Out of court	By court	Out of court
34	37	41	0	22	0



<b>CHILD ABDUCTION: HIGH COURT - ANALYSIS</b>				
	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>
Incoming	34	37	36	47
<b>Orders made</b>				
Assess child	11	8	14	9
Interim order*	81	102	126	130
Child returned (on consent)	6	11	8	8
Child returned (court order)	7	9	10	10
Child remain (on consent)	7	5	10	14
Child remain (court order)	1	3	6	8
Other	20	2	0	12
<b>Total</b>	<b>133</b>	<b>140</b>	<b>174</b>	<b>191</b>
<i>* there may be a number of interim orders made in individual cases</i>				

## 11. Child care - Supervision and care orders

The courts deal with applications for orders in respect of the care or supervision of minors, or on behalf of minors concerning the arrangements made by TUSLA - the Child and Family Agency for their care. TUSLA can apply to the courts for a number of different orders when dealing with children who are at risk or who are in need of care. These orders give the courts a range of powers about the type of care necessary and about access to the children for parents and other relatives. The vast majority of applications are made to the District Court.

- [Emergency care orders](#)

TUSLA can apply for an emergency care order for a child who is still at home or for one who has been removed by An Garda Síochána. In exceptional cases this type of order can be sought 'ex parte' without notice to the parent (e.g. a child may be found in a very vulnerable position unaccompanied with no adult carer). While exceptional applications may be made without notice being given to the parents or guardians of the child, generally, when An Garda Síochána remove a child, TUSLA notify the parent and the parent is in Court when the matter is heard. The order will be made if the judge considers that there is an immediate and serious risk to the health or welfare of the child requiring him/her to be placed, or to remain, in the care of TUSLA.

- [Care orders and interim care orders](#)

TUSLA must apply for a care order or a supervision order (see below) if a child needs care and protection which he/she is unlikely to receive without an order. The District Court judge may make an interim care order while the decision on a full care order is pending. This means that the child is placed in the care of TUSLA for 29 days. It may be extended if TUSLA and the parents agree or if the court finds that the threshold criteria for the making of the order continue to exist. Parents/guardians must be given notice of an interim care order application or the extension of the order unless exceptional circumstances exist making this impossible.

- [Supervision orders](#)

A supervision order is an alternative to children being taken into the care of TUSLA. It may be applied for by the TUSLA instead of a Care Order. TUSLA may consider that a care order is not necessary or appropriate in the circumstances, but that the child should be visited regularly by

a social worker under a court supervision order.

The court can make a supervision order as an alternative, more proportionate remedy at the care order stage – but not at the interim care order stage. During the application for a care order the court may decide that a supervision order will address the risk of harm identified by TUSLA. A supervision order may also be made when the court has heard most of the evidence but needs more time to conclude the care proceedings.

The number of applications does not necessarily reflect the number of children in respect of whom orders are made, as several orders may be made in respect of an individual child. There may also be applications for a variety of orders in the same case.

SUPERVISION AND CARE ORDERS						
	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court	Out of court	By court	Out of court
High Court	67*	30	17	0	20	0
District Court	10,224	13,168	9,570	0	9,226	0
<b>Total</b>	<b>10,291</b>	<b>13,198</b>	<b>9,587</b>	<b>0</b>	<b>9,246</b>	<b>0</b>

\* Includes 10 Guardianship of Infant cases)

CHILD CARE: HIGH COURT - ANALYSIS				
	2019	2018	2017	2016
Received	67	30	32	27
Orders made	125	234	313	323

CHILD CARE: DISTRICT COURT - OVERALL ANALYSIS								
	INCOMING				RESOLVED			
	2019	2018	2017	2016	2019	2018	2017	2016
Supervision order	450	385	548	626	370	362	538	569
Care order	812	961	934	1,142	746	833	903	886
Extension of care order	665	499	434	483	670	480	453	449
Interim care order	815	1,166	1,100	1,257	811	806	969	1,004
Extension of interim care order	4,250	4,386	3,590	3,841	4,169	4,319	4,621	2,255
Emergency care order	327	344	309	325	256	271	289	758
Review of care order	539	1,648	1,056	1,371	437	442	484	402
Re-entry of case	301	467	574	391	268	232	303	157
Other*	2,065	3,312	3,386	528	1,843	1,481	2,075	463
<b>Total</b>	<b>10,224</b>	<b>13,168</b>	<b>11,931</b>	<b>9,964</b>	<b>9,570</b>	<b>9,226</b>	<b>10,635</b>	<b>6,943</b>

\* includes applications for adjournments, costs, production orders and vacation of hearing dates; and applications under:  
s.23 Children Act, 1997 (to allow admission of hearsay evidence)  
s.37 Child Care Act 1991 (access to children in care)  
s.47 Child Care Act 1991 (applications for directions) which may include applications by parents or interested relatives where children are in voluntary care.

<b>CHILD CARE: DISTRICT COURT - ANALYSIS OF APPLICATIONS RESOLVED</b>				
	<b>Application granted</b>		<b>Application not granted</b>	
	<b>2019</b>	<b>2018</b>	<b>2019</b>	<b>2018</b>
Supervision order	314	330	56	32
Care order	627	689	119	144
Extension of care order	661	457	9	23
Interim care order	731	706	80	100
Extension of interim care order	4,059	4,217	110	102
Emergency care order	236	246	20	25
Review of care order	395	385	42	57
Re-entry of case	247	199	21	33
Other	1,708	1,336	135	145
<b>Total</b>	<b>8,978</b>	<b>8,565</b>	<b>592</b>	<b>661</b>

## 12. Family - other

<b>FAMILY LAW: OTHER</b>						
	<b>INCOMING</b>		<b>RESOLVED</b>			
	<b>2019</b>	<b>2018</b>	<b>2019</b>		<b>2018</b>	
			<b>By court</b>	<b>Out of court</b>	<b>By court</b>	<b>Out of court</b>
High Court	71	83	44	0	44	0
Circuit Court	173	184	32	0	22	0
District Court	3,369	3,342	3,228	0	3,253	0
<b>Total</b>	<b>3,613</b>	<b>3,609</b>	<b>3,304</b>	<b>0</b>	<b>3,319</b>	<b>0</b>

## B. European Payment Order applications

The European Order for Payment procedure is for cross-border uncontested claims for money due and owing to the claimant (including interest and other costs). It can only be used where the creditor is in one EU Member State and the defendant is in another EU Member State.

<b>EUROPEAN PAYMENT ORDER: HIGH COURT</b>			
<b>INCOMING</b>		<b>RESOLVED</b>	
<b>2019</b>	<b>2018</b>	<b>2019</b>	<b>2018</b>
96	209*	35	60

*\* includes 105 applications refused as there was an alternative European Regulation under which the application should have been made*

EUROPEAN PAYMENT ORDER: HIGH COURT		
Resolved: outcome	2019	2018
Declared enforceable	27	33
Terminated by claimant	5	22
Remitted for hearing	3	5
Other	53	105

## C. Corporate insolvency

### 1. Examinership

Examinership is a process in Irish law whereby the protection of the court is obtained to assist the survival of a company. It allows a company to restructure with the approval of the court.

EXAMINERSHIP: HIGH COURT															
INCOMING		RESOLVED													
		Out of court				By court									
		Petition withdrawn		Appoint interim examiner*		Appoint examiner*		Extend time		Order reports		Wind up company		Misc.	
2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018
8	10	1	1	6	5	8	7	12	6	3	4	1	0	17	19

\* Figures for appointment of interim examiner and examiner may not be mutually exclusive as appointment of interim examiner often precedes appointment of examiner.

EXAMINERSHIP: CIRCUIT COURT					
INCOMING		RESOLVED			
2019	2018	2019		2018	
		By court	Out of court	By court	Out of court
11	65	9	0	14	0

### 2. Liquidation

The Examiner's Office of the High Court continues to assist the Court in the supervision of pre-Companies Act 2014 liquidations, with particular regard towards bringing any outstanding liquidations to a timely conclusion. At the end of 2018 the Examiner had approximately 126 such cases on hand, together with a number of legacy cases.

Since the commencement of the Companies Act 2014 (on 1st June 2015), the High Court may direct, following the making of an order to wind up a company and the appointment of a liquidator, that the liquidation continue using the rules relating to a creditor's voluntary winding up.

<b>WIND UP COMPANY ORDERS: HIGH COURT</b>					
<b>INCOMING</b>		<b>RESOLVED</b>			
<b>2019</b>	<b>2018</b>	<b>2019</b>		<b>2018</b>	
		<b>Settled/ struck out/ withdrawn</b>	<b>Orders made</b>	<b>Settled/ struck out/ withdrawn</b>	<b>Orders made</b>
87	82	22	44	21	44

### 3. Restrict Directors

In certain circumstances an application can be made to the High Court to have a company director restricted from acting as a director or secretary of a company or be concerned or take part in the formation or promotion of a company. Restriction orders remain in force for a period of five years and confine a person to being a director in certain types of companies that have been adequately capitalised by their shareholders.

<b>RESTRICT DIRECTORS: HIGH COURT</b>					
<b>INCOMING</b>		<b>RESOLVED</b>			
<b>2019</b>	<b>2018</b>	<b>2019</b>		<b>2018</b>	
		<b>By court</b>		<b>By court</b>	
		<b>Order made</b>	<b>Order refused</b>	<b>Order made</b>	<b>Order refused</b>
18	10	12	0	12	1

### 4. Disqualify Directors

In certain circumstances the High Court may disqualify a person from being appointed or acting as a director or other officer, statutory auditor, receiver, liquidator or examiner or being in any way, whether directly or indirectly, concerned or taking part in the promotion, formation or management of certain corporate bodies. These circumstances include where the court is satisfied that the person is guilty of fraud or is in breach of his/her duty under Company Law or that the conduct of the person makes him/her unfit to be concerned in the management of a company.

<b>DISQUALIFY DIRECTORS: HIGH COURT</b>					
<b>INCOMING</b>		<b>RESOLVED</b>			
<b>2019</b>	<b>2018</b>	<b>2019</b>		<b>2018</b>	
		<b>By court</b>		<b>By court</b>	
		<b>Order made</b>	<b>Order refused</b>	<b>Order made</b>	<b>Order refused</b>
5	2	1	0	1	0

## D. Personal insolvency

### Personal insolvency (creditors' applications) (see also page 75)

Applications to have a person adjudicated bankrupt are filed in the Office of the Examiner of the High Court. Following the making of an adjudication order, ownership of the bankrupt's property is transferred to the Official Assignee in Bankruptcy (who manages the Bankruptcy Division within the Insolvency Service of Ireland). He/she is an independent statutory officer who administers the estate of the bankrupt person and is answerable to the High Court.

Bankruptcy applications may be made by creditors or by debtors in person. See below for details of pre-bankruptcy applications by creditors ('bankruptcy summonses') and applications by creditors to have debtors adjudicated bankrupt. Details of applications by debtors to be adjudicated bankrupt ('self-adjudications') and information about debt settlement procedures introduced under the Personal Insolvency Act, 2012 are on page 75.

Under the provisions of the Bankruptcy (Amendment) Act 2015 a person is automatically discharged from bankruptcy one year after the order of adjudication unless the period is extended by the High Court upon application by the Official Assignee in Bankruptcy

PERSONAL INSOLVENCY: HIGH COURT				
	INCOMING		RESOLVED	
	2019	2018	2019	2018
			Issued/adjudicated / granted/ approved	Issued/adjudicated / granted/ approved
Bankruptcy summonses	108	105	88	97
Bankruptcy petitions (creditors)	75	55	32	24

## E. Appeals to District Court

There are a number of statutory entitlements to appeal decisions of regulatory bodies to the District Court. They include decisions regarding the award of taxi licences and gun licences.

APPEALS TO THE DISTRICT COURT					
INCOMING		RESOLVED			
2019	2018	By court		Out of court	
		2019	2018	2019	2018
103	163	61	97	0	0

## F. Litigious enforcement

Following judgment, the creditor in a case can apply to the District Court for an Instalment Order against the debtor requiring him/her to pay the debt in instalments. The District Court can subsequently vary the amount ordered to be paid (variation order). If the debtor fails to make the instalments as ordered by the District Court, the creditor can apply for an Order committing the debtor to prison (committal order).

There were 1,954 summonses for the attendance of debtors before the District Court for non-payment of debts, a 17% decrease on the 2,236 in 2018 and a 27% decrease on the

2,692 in 2017. There were 1,750 instalment orders made, a 12 % decrease on the 1,995 made in 2018 and a 23% decrease on the 2,254 made in 2017 Proceedings for committal resulted in the issue of five orders. There were 214 orders made varying previous orders.

<b>SUMMONS FOR ATTENDANCE OF DEBTOR: DISTRICT COURT</b>			
<b>INCOMING</b>			
<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>
1,954	2,236	2,692	3,695

<b>LITIGIOUS ENFORCEMENT</b>		
	<b>OUTCOME</b>	
	<b>2019</b>	<b>2018</b>
Instalment orders issued	1,750	1,995
Variation orders issued	214	311
Committal orders issued	5	4

## CIVIL BUSINESS

### 2. CIVIL AND COMMERCIAL NON-LITIGIOUS CASES

CIVIL AND COMMERCIAL NON-LITIGIOUS CASES			
		INCOMING	RESOLVED
A	Proceedings in Ireland	81,682	79,827
B	Foreign proceedings	5,378	5,366
	<b>Total</b>	<b>87,060</b>	<b>85,193</b>

#### A. Proceedings in Ireland

##### 1. Judgment marked in the office

Where a defendant does not respond to a summary summons in the High Court, a civil bill in the Circuit Court, or a claim notice in the District Court; or where the Master of the High Court gives liberty to enter 'final' judgment, the plaintiff can apply to have judgment 'marked' (awarded) against the defendant in the court office.

JUDGMENT MARKED IN THE OFFICE				
	Incoming		Resolved	
	2019	2018	2019	2018
High Court	552	742	552	742
Circuit Court	1,789	1,907	1,632	1,615
District Court	9,841	9,040	10,008	8,909
<b>Total</b>	<b>12,182</b>	<b>11,689</b>	<b>12,192</b>	<b>11,266</b>

##### 2. Deed poll

Persons requiring documentary confirmation of a change of name, other than on marriage, may need to execute a document called a 'deed poll'. The deed poll can be lodged in the Central Office of the High Court.

DEED POLL: HIGH COURT			
INCOMING		RESOLVED	
2019	2018	2019	2018
820	895	820	895

##### 3. Probate

A legal document called a *Grant of Representation* is required for authority to administer the estate of a deceased person. If there is a will, the executor needs to take out probate. If there is no will, or, if no executor has been appointed or the appointed person cannot act, an administrator may be appointed and he/she takes out a *Letter of Administration* (or a *Letter of Administration with Will Annexed* if there is a will).



PROBATE				
	Incoming		Resolved	
	2019	2018	2019	2018
Principal Registry	10,195	9,150	9,679	10,589
Local registries	7,521	9,004	8,207	8,862
<b>Total</b>	<b>17,716</b>	<b>18,154</b>	<b>17,886</b>	<b>19,451</b>

INTESTACIES: NO VALID WILLS: RESOLVED		
	2019	2018
Principal Registry	1,925	1,949
Local registries	1,599	1,742
<b>Total</b>	<b>3,524</b>	<b>3,691</b>

PROBATE (AND ADMINISTRATIONS WITH WILLS ANNEXED): RESOLVED		
	2019	2018
Principal Registry	7,754	8,640
Local registries	6,608	7,120
<b>Total</b>	<b>14,362</b>	<b>15,760</b>

#### 4. Wards of court

When a person becomes unable to manage his or her assets because of mental incapacity, an application can be made to the courts for the person to become a ward of court. The court must decide as to whether the person is capable of managing his or her own property for his or her own benefit and the benefit of his or her dependants. If it is decided that the person cannot manage his or her own property because of mental incapacity, a committee is appointed to control the assets on the ward's behalf. A person under 18 years of age may also be taken into wardship as a minor.

WARDS OF COURT: HIGH COURT			
INCOMING		RESOLVED	
2019	2018	2019	2018
449	431	396**	358**

\* 346 Declaration Orders and 12 applications dealt with by way of undertaking  
 \*\* 385 Declaration Orders and 11 applications dealt with by way of undertaking

WARDS OF COURT: HIGH COURT		
	2019	2018
Wardship cases	2,758	2,720
Applications awaiting hearing**	145	144
Adults and minors taken into wardship (declaratory orders)	385	346
Dismissed/discharged	266	246
Orders signed	2,001	1,635

\* number of adult and minor cases with a status of declared or deceased at 31st December  
 \*\* cases pending with inquiry order signed at 31st December

<b>WARDS OF COURT: ACTIVE CASES:</b>		
<b>Reason admitted to wardship</b>	<b>2019</b>	<b>2018</b>
Brain injury	45	32
Dementia and age related illness	218	221
Learning/intellectual disability	53	38
Minors (under 18 years of age)	21	23
Psychiatric illness	48	21
Other	0*	11
<b>Total</b>	<b>385</b>	<b>346</b>

\* Other was not used as a category in 2019

## 5. General Solicitor for Minors and Wards of Court

The General Solicitor for Minors and Wards of Court is a solicitor in the service of the State appointed by the President of the High Court to act in certain wardship matters. He/she is accountable to the High Court for all monies and assets under his/her control relating to the affairs of a minor or ward. The General Solicitor can only act as solicitor in those matters assigned to them by the registrar of the wards of court. He/she cannot take on private clients like a solicitor in private practice.

<b>GENERAL SOLICITOR FOR MINORS AND WARDS OF COURT</b>		
	<b>2019</b>	<b>2018</b>
Active (yearly average)	570	509
Pending	7	6
Dismissal	274	249
<b>Total cases</b>	<b>851</b>	<b>764</b>

<b>GENERAL SOLICITOR FOR MINORS AND WARDS OF COURT: ACTIVE CASES</b>		
<b>Reason admitted to wardship</b>	<b>2019</b>	<b>2018</b>
Brain injury	79	77
Dementia and age related illness	156	146
Learning/intellectual disability	195	174
Minors (under 18 years of age)	18	14
Psychiatric illness	151	125
Other	1	2
<b>Total</b>	<b>600</b>	<b>538</b>

## 6. Enduring Powers of Attorney (registered)

An enduring power of attorney (EPA) allows another specially appointed person ('the attorney') to make 'personal care decisions' on the donor's behalf once he/she is no longer fully mentally capable of taking decisions him/herself. Personal care decisions may include deciding where and with whom the donor will live, who he/she should see or not see and what training or rehabilitation he/she should get.

ENDURING POWERS OF ATTORNEY (REGISTERED) : HIGH COURT			
INCOMING		RESOLVED	
2019	2018	2019	2018
1,317	974	1,031	985

## 7. Care representatives

Where a person has reduced capacity to make certain decisions (that is, diminished mental capacity) and wishes to apply for a Nursing Home Loan, the Circuit Court can appoint a Care Representative to act on behalf of the person in respect of the Nursing Homes Support Scheme and especially in respect of the Nursing Home Loan. The Care Representative can also act on behalf of the person in relation to making an application for a Care Needs Assessment, State support, or any other matter relating to the scheme.

CARE REPRESENTATIVES : CIRCUIT COURT			
INCOMING		RESOLVED	
2019	2018	2019	2018
621	625	555	554

## 8. Mental Health Act applications

A person can appeal the making of an admission order or a renewal order by a mental health tribunal to the Circuit Court under the Mental Health Act 2001.

MENTAL HEALTH ACT APPLICATIONS: CIRCUIT COURT			
INCOMING		RESOLVED	
2019	2018	2019	2018
126	132	97	96

## 9. Personal insolvency (self) (see also page 70)

The Insolvency Service of Ireland administers the debt settlement procedures introduced under the Personal Insolvency Act 2012. The Act introduced three debt resolution mechanisms for people who cannot afford to pay their personal debts. Applications may be made to the Circuit Court or to the High Court.

A *Debt Relief Notice* allows for the write-off of qualifying debt up to €35,000, subject to a 3-year supervision period. The Circuit Court has exclusive jurisdiction to hear applications.

A *Protective Certificate (PIA & DSA)* offers a debtor and their assets protection from legal proceedings by creditors in respect of debts for a limited time while they are applying for a DSA or PIA. A Protective Certificate remains in force for a period of 70 days but may be extended in limited circumstances.

A *Debt Settlement Arrangement* applies to the agreed settlement of unsecured debts, usually over a period of 5 years. The Circuit Court has exclusive jurisdiction to hear applications where the total value of unsecured debts does not exceed €2.5m. Where qualifying debts exceed €2.5m but do not exceed €3m, jurisdiction is vested in the High Court. For debts above

€3m, the Act does not apply and people are expected in the main to consider applying for bankruptcy.

An *Objection of Creditor to a Proposal for Debt Settlement Arrangement* is an objection made by a Creditor to the proposal for a Debt Settlement Arrangement

A *Personal Insolvency Arrangement* applies to the agreed settlement and/or restructuring of secured debts up to a total of €3 million (as well as unsecured debts) over a period of 6 years. The Circuit Court has exclusive jurisdiction to hear applications where the total value of qualifying debts does not exceed €2.5m. Where qualifying debts exceed €2.5m but do not exceed €3m, jurisdiction is vested in the High Court.

An *Objection of Creditor to a Proposal for Personal Insolvency Arrangement* is an objection made by a Creditor to the proposal for a Personal Insolvency Arrangement.

An *Application Pursuant to Section 115A(9) of the Personal Insolvency Act 2012-2015* affords a debtor an opportunity to have Personal Insolvency Arrangements ("PIA"s), which has been rejected by creditors, reviewed by the Court under certain circumstances.

An *Objection of Creditor to a Proposal for Application Pursuant to Section 115A(9) of the Personal Insolvency Act 2012-2015* is an objection made by a Creditor to the proposal for an Application pursuant to Section 115A(9) of the Personal Insolvency Act 2012-2015

Bankruptcy applications may be made to the High Court by creditors or by debtors in person ('self-adjudications'). See below for details of applications by debtors to be adjudicated bankrupt. Details of pre-bankruptcy applications by creditors ('bankruptcy summonses') and details of applications by creditors to have debtors adjudicated bankrupt are on page 70.

PERSONAL INSOLVENCY: HIGH COURT										
	INCOMING		RESOLVED - BY COURT							
			Approve request		Refused		Struck out		Withdrawn	
	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018
Debt relief notices	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Debt settlement arrangements	10	11	1	3	0	0	1	0	0	0
Personal insolvency arrangements	63	64	9	18	0	0	0	0	3	3
<b>Total</b>	<b>73</b>	<b>75</b>	<b>10</b>	<b>21</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>3</b>

<b>PERSONAL INSOLVENCY: CIRCUIT COURT</b>										
	<b>INCOMING</b>		<b>RESOLVED - BY COURT</b>							
	<b>2019</b>	<b>2018*</b>	<b>Approve request</b>		<b>Refused</b>		<b>Struck out</b>		<b>Withdrawn</b>	
			<b>2019</b>	<b>2018*</b>	<b>2019</b>	<b>2018*</b>	<b>2019</b>	<b>2018*</b>	<b>2019</b>	<b>2018*</b>
Debt relief notices	271	193	261	185	0	0	0	0	5	2
Protective Certificates (PIA & DSA)	1,987	1,890	1,352	1,344	2	0	1	1	3	3
Debt settlement arrangements	132	232	129	136	0	0	0	0	1	1
Objection of Creditor to a Proposal for Debt Settlement Arrangement	1	2	0	1	0	0	0	0	0	1
Personal insolvency arrangements	881	777	761	710	20	3	0	1	2	2
Objection of Creditor to a Proposal for Personal Insolvency Arrangement	12	24	15	35	3	12	0	1	7	7
Application Pursuant to Section 115A(9) of the Personal Insolvency Act 2012-2015	443	478	27	60	4	29	2	4	1	2
Objection of Creditor to a Proposal for Application Pursuant to Section 115A(9) of the Personal Insolvency Act 2012-2015	347	422	4	11	2	3	1	2	4	4
<b>Total</b>	<b>4,074</b>	<b>4,018</b>	<b>2,549</b>	<b>2,482</b>	<b>31</b>	<b>47</b>	<b>4</b>	<b>9</b>	<b>23</b>	<b>22</b>

*\* figure understated in Annual Report 2018*

<b>BANKRUPTCY PETITIONS (SELF): HIGH COURT</b>				
<b>INCOMING</b>		<b>RESOLVED</b>		
<b>2019</b>	<b>2018</b>	<b>2019</b>		<b>2018</b>
		<b>Adjudicated / granted/ approved</b>		<b>Adjudicated / granted/ approved</b>
230	382	231		373

## 10. Licensing

The majority of applications for licences are made to the District Court. They include pub, restaurant, dance and lottery licences with applications for special exemption orders comprising over 80% of applications in any year. Special exemption orders exempt the holder of an on-licence from the provisions of the Intoxicating Liquor Act relating to prohibited hours in respect of licensed premises.

LICENSING				
	INCOMING		RESOLVED	
	2019	2018	2019	2018
Circuit Court	215	259	215	259
District Court	42,587	41,701	42,587	41,701
<b>Total</b>	<b>42,802</b>	<b>41,960</b>	<b>42,802</b>	<b>41,960</b>

### 11. Marriage exemption

The Circuit Court can exempt persons wishing to marry from the requirement to give three months notice to the Registrar of Marriages. It can also exempt persons from the age requirements for marriage.

MARRIAGE EXEMPTION: SHORT NOTICE: CIRCUIT COURT				
INCOMING		RESOLVED		
2019	2018	2019	2018	
421	483	359	441	

## B. Foreign proceedings

### 1. Service of documents

SERVICE OF DOCUMENTS				
	INCOMING REQUESTS		OUTGOING REQUESTS	
	2019	2018	2019	2018
High Court*	128	81	No requests	No requests
Circuit Court	5,027	5,010	392	441

\* Hague Convention (proceedings initiated in non-EU countries)

### 2. Maintenance (foreign)

MAINTENANCE (FOREIGN)				
	INCOMING		OUTGOING	
	2019	2018	2019	2018
High Court*	30	35	22	13
District Court	97	115	93	92

\* applications under Regulation (EC) 4/2009

### 3. Other

MARRIAGE EXEMPTION: SHORT NOTICE: CIRCUIT COURT				
INCOMING		RESOLVED		
2019	2018	2019	2018	
96	70	96	70	

## CIVIL BUSINESS

### 3. NON-LITIGIOUS ENFORCEMENT CASES

Following judgment, a creditor can choose a number of routes to obtain payment of money adjudged to be owed by a debtor, or the return of property the subject of possession proceedings ('enforce the judgment'). In general, once the creditor has a judgment order, the judgment can be enforced. Enforcement orders can be issued by court offices – the creditor does not have to go back to court for the order. Creditors have 12 years from the date of the judgment to look for enforcement orders.

- [Execution orders](#)

The courts issued 3,137 execution orders in 2019, a 21% decrease on the 3,983 in 2018. In the High Court there were 825 execution orders for the recovery of money, a 18% decrease on the 1,002 in 2018. There were 43 execution orders for possession of property, a 43% increase on the 28 issued in 2018. In the Circuit Court there were 2,099 execution orders to recover money, a 17% decrease on the 2,541 in 2018. There were 213 execution orders for possession, a 52% decrease on the 440 in 2018.

- [Registration of judgments](#)

Judgments obtained in the District Court, Circuit Court and High Court can be registered in the High Court. There were 1,953 judgments registered in 2019, an 27% decrease on the 2,673 in 2018. Judgments registers are open for public inspection in the Central Office of the High Court.

- [Judgment mortgage certificates](#)

There were 675 judgment mortgage certificates signed in the High Court, an 32% decrease on the 992 certificates signed in 2018. There were 796 certificates signed in the Circuit Court, a 12% decrease on the 904 certificates signed in 2018, and 709 certificates signed in the District Court, an 18% decrease on the 866 signed in 2018.

#### 1. Execution orders issued – following judgments marked in the office in debt cases

	INCOMING		RESOLVED	
	2019	2018	2019	2018
High Court*	825	1,002	825	1,002
Circuit Court	1,789	1,907	1,632	1,615
<b>Total</b>	<b>2,614</b>	<b>2,909</b>	<b>2,457</b>	<b>2,617</b>

\* includes execution orders issued on foot of court orders

#### 2. Execution orders issued – on foot of court orders

	INCOMING		RESOLVED	
	2019	2018	2019	2018
Circuit Court	310	634	329	634

## 3. Execution orders issued – possession cases

	INCOMING		RESOLVED	
	2019	2018	2019	2018
High Court	43	28	43	28
Circuit Court	170	412	177	410
<b>Total</b>	<b>213</b>	<b>440</b>	<b>220</b>	<b>438</b>

## 4. Judgments registered

JUDGMENTS REGISTERED *				
	INCOMING		RESOLVED	
	2019	2018	2019	2018
High Court; Circuit Court; District Court	1,953	2,673	1,953	2,673

*\* judgments of High Court, Circuit Court and District Court are registered in High Court Central Office*

## 5. Judgment mortgage certificates issued

JUDGMENT MORTGAGE CERTIFICATES ISSUED				
	INCOMING		RESOLVED	
	2019	2018	2019	2018
High Court	675	992	675	992
Circuit Court	796	904	796	904
District Court	709	866	709	866
<b>Total</b>	<b>2,180</b>	<b>2,762</b>	<b>2,180</b>	<b>2,762</b>

## 6. Satisfaction piece issued

SATISFACTION PIECE ISSUED				
	INCOMING		RESOLVED	
	2019	2018	2019	2018
High Court	106	85	106	85
Circuit Court	70	81	70	81
District Court	85	51	85	51
<b>Total</b>	<b>261</b>	<b>217</b>	<b>261</b>	<b>217</b>



## CIVIL BUSINESS

### 4. APPEALS

APPEALS				
CIVIL AND FAMILY LAW	INCOMING		RESOLVED	
	2019	2018	2019	2018
Circuit Court to High Court	545	860	322	418
District Court to Circuit Court	1091	1,160	1293	941
<b>Total</b>	<b>1,636</b>	<b>2,020</b>	<b>1,615</b>	<b>1,359</b>

## CIVIL BUSINESS

### 5. CASES STATED

Case stated is a procedure by which a court or tribunal can ask another court for its opinion on a point of law. There are two kinds: consultative case stated and appeal by way of case stated.

	2019		2018	
	Received	Orders made	Received	Orders made
District Court to High Court	25	7	30	11
Revenue (District Court) to High Court	8	1	9	3

# CIVIL BUSINESS

## 6. MISCELLANEOUS

### 1. Written judgments

The High Court may decide following the hearing of a matter to 'reserve' its decision to another date. The decision may subsequently be delivered in the form of a written judgment. Many High Court judgments are available on the website of the Service: [www.courts.ie](http://www.courts.ie).

WRITTEN JUDGMENTS DELIVERED: HIGH COURT		
	2019	2018
Reserved at 1 January	117	89
Delivered	947	818
Reserved at 31 December	111	117

### 2. Taxation of costs

When a person or a company, otherwise known as a party, incurs costs as a result of legal action they may have those costs taxed. The taxation of costs is the independent and impartial assessment and measurement of legal costs by an officer known as a Taxing Master.

TAXATION OF COSTS		
High Court	2019	2018
Summonses issued	1,292	1,092

### 3. Notices of motion

A Notice of Motion is a formal notice to participants in litigation of an intention on the part of another party to seek particular relief from the court. There may be numerous notices of motion issued in the course of an action and notices of motion may be adjourned a number of times before they are dealt with.

NOTICES OF MOTION		
	ISSUED/DEALT WITH	
	2019	2018
High Court	14,698	15,411
Circuit Court	32,069*	35,816*
<i>* includes adjournments</i>		

### 4. Case progression (family law)

Case progression is the term given to the management of a case before it comes to trial. Its purpose is to ensure that proceedings are prepared in a manner which is fair, efficient and likely to keep the costs as low as possible. It also ensures that time and other resources of the court are put to best use.

CASE PROGRESSION: FAMILY LAW		
	NUMBER OF HEARINGS	
	2019	2018
Circuit Court	5,369	5,064

## CRIMINAL BUSINESS

CRIMINAL BUSINESS: BY OFFENCE				
	INCOMING		RESOLVED (ORDERS MADE)*	
	2019	2018	2019	2018
Serious criminal offences: Central Criminal Court; Special Criminal Court; Circuit Criminal Court	18,539	16,275	18,938	18,062
Misdemeanour and/or minor criminal offences: District Court	406,480	391,296	301,506	296,971
Appeals: Supreme Court; Court of Appeal; Circuit Court	19,579	19,348	51,361	45,998
<b>Total</b>	<b>444,598</b>	<b>426,919</b>	<b>371,805</b>	<b>361,031</b>

\* orders made in respect of offences. Note that there may be more than one order made in respect of an individual offence.

## DISTRICT COURT

The District Court exercising its criminal jurisdiction deals with four particular types of offences: summary offences, indictable offences which are triable summarily (these include 'minor offences'), indictable offences that may be dealt with summarily and indictable offences which are not triable summarily. When the District Court hears a criminal case, the judge sits without a jury. The District Judge decides the issues of fact and whether to convict. He or she also determines the sentence. In the case of most indictable offences which have to be tried by a judge sitting with a jury, the District Court may impose sentence where the accused pleads guilty provided that the Director of Public Prosecutions consents and the judge accepts the guilty plea. Otherwise, the accused is sent forward to the Circuit Court on his signed plea of guilty for sentencing. The District Court has a limit on the sentence it may impose in respect of a single criminal charge of 12 months imprisonment.

The District Court received 406,480 new offences in 2019. Not all offences were proceeded with by the prosecutor. The Court made 301,506 orders in respect of the offences that did proceed. It is important to note that there can be more than one order made in respect of an offence. For example, in respect of a road traffic offence a person may receive a fine, an imprisonment and a disqualification.

CRIMINAL BUSINESS: DISTRICT COURT					
Categories	INCOMING		RESOLVED: OFFENCES: ORDERS MADE		
	Offences	Defendants	Summary	Indictable dealt with summarily	Sent forward for trial*
Road traffic	226,692	139,080	171,749	848	2,401
Drugs	33,242	20,354	767	18,386	4,686
Sexual	3,549	530	46	136	2,037
Larceny/fraud/robbery	37,686	15,261	5	25,038	185
Public order/assault	46,144	26,033	32,370	2,213	2,966
Other	59,167	40,262	42,691	7,257	6,321
<b>Total</b>	<b>406,480</b>	<b>241,520</b>	<b>247,628</b>	<b>53,878</b>	<b>18,596</b>

\* Note: There is usually only one order made when an offence is being sent forward for trial

**SUMMARY OFFENCES: OUTCOMES: ORDERS MADE : DISTRICT COURT**

	Dis	S/O	TIC	Fine	Bond	Disq	C/S	Prob	Imp	Susp	Other	Fixed	Total
Road traffic	3,257	57,924	21,413	34,591	38	11,811	733	814	1,715	1,346	20,847	17,260	<b>171,749</b>
Drugs	51	188	109	93	3	25	15	80	52	35	116	0	<b>767</b>
Sexual	4	5	4	11	2	0	0	2	8	7	3	0	<b>46</b>
Larceny/fraud/ robbery	0	2	0	1	0	0	0	1	0	0	1	0	<b>5</b>
Public order/ assault	1,113	7,927	6,546	5,994	497	3	482	2,885	1,360	900	4,663	0	<b>32,370</b>
Other	1,253	12,533	4,857	14,963	191	355	116	2,058	1,060	569	4,736	0	<b>42,691</b>
<b>Total</b>	<b>5,678</b>	<b>78,579</b>	<b>32,929</b>	<b>55,653</b>	<b>731</b>	<b>12,194</b>	<b>1,346</b>	<b>5,840</b>	<b>4,195</b>	<b>2,857</b>	<b>30,366</b>	<b>17,260</b>	<b>247,628</b>

Note: There is usually only one order made when an offence is dismissed, struck out or taken into consideration. There may be more than one order made when the penalty imposed in respect of an offence is a fine, bond, disqualification, community service, probation, imprisonment/detention, or sentence suspended.

Key: Dis = dismiss. S/O = strike out TIC = taken into consideration Disq = disqualified C/S = community service

Prob = probation Imp = imprisonment or detention\* Susp = suspended sentence Fixed = fixed penalty

\* refers to detention of a person under 18 in a detention centre

**INDICTABLE OFFENCES DEALT WITH SUMMARILY: OUTCOMES: ORDERS MADE: DISTRICT COURT**

	Dis	S/O	TIC	Fine	Bond	Disq	C/O	Prob	Imp	Susp	Other	Total
Road traffic	40	223	84	34	2	107	27	59	146	33	93	<b>848</b>
Drugs	446	4,238	1,857	3,034	85	2	317	2,208	563	585	5,051	<b>18,386</b>
Sexual	15	33	3	5	3	0	4	9	5	18	41	<b>136</b>
Larceny/fraud/ robbery	799	6,007	5,489	1,907	201	38	435	2,574	3,608	1,574	2,406	<b>25,038</b>
Public order/ assault	161	644	74	146	56	1	66	251	144	220	450	<b>2,213</b>
Other	359	2,148	1,066	588	103	10	120	789	708	347	1,019	<b>7,257</b>
<b>Total</b>	<b>1,820</b>	<b>13,293</b>	<b>8,577</b>	<b>5,713</b>	<b>450</b>	<b>158</b>	<b>969</b>	<b>5,890</b>	<b>5,181</b>	<b>2,778</b>	<b>9,060</b>	<b>53,878</b>

Note: There is usually only one order made when an offence is dismissed, struck out or taken into consideration. There may be more than one order made when the penalty imposed in respect of an offence is a fine, bond, disqualification, community service, probation, imprisonment/detention, or sentence suspended.

Key: Dis = dismiss. S/O = strike out TIC = taken into consideration Disq = disqualified C/S = community service

Prob = probation Imp = imprisonment or detention\* Susp = suspended sentence

\* refers to detention of a person under 18 in a detention centre

**SPECIFIC ROAD TRAFFIC OFFENCES: ORDERS MADE : DISTRICT COURT**

	Dis	S/O	TIC	Fine	Bond	Disq	C/S	Prob	Imp	Susp	Other	Fixed	Total
Dangerous driving	185	1,295	639	453	1	947	43	35	305	102	1,246	0	<b>5,251</b>
Drink driving	590	835	63	2,846	2	3,224	55	20	138	124	423	0	<b>8,320</b>
Offences attacking penalty points	1,202	14,984	2,502	17,992	23	6,865	472	286	956	932	5,567	10,753	<b>62,534</b>
<b>Total</b>	<b>1,977</b>	<b>17,114</b>	<b>3,204</b>	<b>21,291</b>	<b>26</b>	<b>11,036</b>	<b>570</b>	<b>341</b>	<b>1,399</b>	<b>1,158</b>	<b>7,236</b>	<b>10,753</b>	<b>76,105</b>

Note: There is usually only one order made when an offence is dismissed, struck out or taken into consideration. There may be more than one order made when the penalty imposed in respect of an offence is a fine, bond, disqualification, community service, probation, imprisonment/detention, or sentence suspended.

Key: Dis = dismiss. S/O = strike out TIC = taken into consideration Disq = disqualified C/S = community service

Prob = probation Imp = imprisonment or detention\* Susp = suspended sentence Fixed = fixed penalty

\* refers to detention of a person under 18 in a detention centre

## Juvenile crime

The age of criminal responsibility in Ireland is 12 years (section 52 Children Act 2001, as amended by section 129 Criminal Justice Act 2006). Children who have not reached the age of 12 years cannot be charged with an offence. There is an exception for children aged 10 or 11 who can be charged with murder, manslaughter, rape, rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990 or aggravated sexual assault. In addition, where a child under 14 years of age is charged with an offence, no further proceedings can be taken without the consent of the Director of Public Prosecutions. The majority of children who come before the courts are aged between 15 and 17 years.

JUVENILE CRIME: ORDERS MADE: DISTRICT COURT												
	Dis	S/O	TIC	Fine	Bond	Disq	C/S	Prob	Imp	Susp	Other	Total
Drugs	31	269	232	85	2	113	6	100	32	14	85	<b>969</b>
Sexual	23	87	61	19	1	0	4	96	3	6	33	<b>333</b>
Larceny/fraud/ robbery	3	0	3	0	0	0	2	0	0	2	2	<b>12</b>
Public order/ assault	45	314	306	26	5	1	8	404	83	6	119	<b>1,317</b>
Other	32	263	210	24	4	0	2	246	48	8	131	<b>968</b>
Total	19	112	124	6	1	0	3	120	30	9	54	<b>478</b>
<b>Total</b>	<b>153</b>	<b>1,045</b>	<b>936</b>	<b>160</b>	<b>13</b>	<b>114</b>	<b>25</b>	<b>966</b>	<b>196</b>	<b>45</b>	<b>424</b>	<b>4,077</b>

*Note: : There is usually only one order made when an offence is dismissed, struck out, or taken into consideration. There may be more than one order made when the penalty imposed in respect of an offence is a fine, bond, disqualification, community service, probation, imprisonment/detention, or sentence suspended*

## CRIMINAL BUSINESS

### CIRCUIT COURT

The Circuit Court has the same jurisdiction as the Central Criminal Court in all indictable offences except murder, rape, aggravated sexual assault, treason, piracy and related offences. This jurisdiction is exercisable in the area where the offence has been committed or where the accused person has been arrested or resides. In Circuit Courts outside Dublin, the trial judge may transfer a trial to the Dublin Circuit Criminal Court on application by the prosecution or the defence and if satisfied that it would be unjust not to do so. Criminal cases dealt with by the Circuit Criminal Court begin in the District Court and are sent forward to the Circuit Court for trial or sentencing. Where a person is sent forward to the Circuit Criminal Court for trial the case is heard by judge and jury although a person can change their plea to guilty and dispense with a trial. Indictable offences of a minor nature are heard in the District Court where the accused person consents.

OFFENCES: CIRCUIT COURT									
	INCOMING		RESOLVED: OFFENCES						
	Offences	Defendants*	Guilty	Trials		N/P	TIC	Quash	Dec
				Convicted	Acquitted				
Road traffic	184	152	666	68	30	150	208	0	4
Drugs	2,400	668	1,831	29	22	833	274	0	8
Sexual	1,410	266	805	322	148	360	115	16	0
Firearms	779	586	437	43	47	204	140	2	3
Larceny/fraud/robbery	6,312	1,212	3,563	194	55	1,073	1,249	3	9
Assault	1,609	1,129	1,254	97	129	229	72	0	2
Child abuse	0	0	18	6	1	7	4	0	0
Manslaughter	3	3	4	1	1	1	0	0	0
Other	3,790	1,154	1,717	150	128	666	319	0	6
<b>Total</b>	<b>16,487</b>	<b>5,170</b>	<b>10,295</b>	<b>910</b>	<b>561</b>	<b>3,523</b>	<b>2,381</b>	<b>21</b>	<b>32</b>

Key: Guilty = guilty pleas N/P = nolle prosequi TIC = taken into consideration Quash = quash return for trial Dec = accused deceased  
\* There may be more than one offence brought against a defendant

OFFENCES: OUTCOMES FOLLOWING CONVICTIONS : CIRCUIT COURT										
	TIC	Fine	Bond	Disq	C/S	Prob	Imp	Susp	Other	Total
Road traffic	90	17	73	204	7	30	203	64	70	<b>758</b>
Drugs	208	8	412	1	35	58	318	320	543	<b>1,903</b>
Sexual	148	1	246	0	1	51	536	95	233	<b>1,311</b>
Firearms	54	4	125	0	5	24	138	65	77	<b>492</b>
Larceny/fraud/robbery	406	2	1,083	4	40	164	1,315	547	239	<b>3,800</b>
Assault	45	3	430	7	43	74	379	300	65	<b>1,346</b>
Child abuse	5	0	6	0	0	1	5	3	8	<b>28</b>
Manslaughter	0	0	1	0	0	0	4	0	0	<b>5</b>
Other	286	32	447	6	22	89	591	292	166	<b>1,931</b>
<b>Total</b>	<b>1,242</b>	<b>67</b>	<b>2,823</b>	<b>222</b>	<b>153</b>	<b>491</b>	<b>3,489</b>	<b>1,686</b>	<b>1,401</b>	<b>11,574</b>

Key: TIC = taken into consideration Disq = disqualified C/S = community service Prob = probation  
Imp = imprisonment or detention\* Susp = suspended sentence  
\* refers to detention of a person under 18 in a detention centre

APPEALS FROM DISTRICT COURT: CIRCUIT COURT							
CATEGORIES	INCOMING		RESOLVED: OFFENCES				
	Off	Def	Aff	Var	Rev	S/O	S/O N/A
Road traffic	11,131	6,779	4,996	10,031	5,736	3,040	<b>4,017</b>
Drugs	669	363	385	1,017	195	217	<b>302</b>
Sexual	17	10	5	57	0	15	<b>0</b>
Larceny/fraud/robbery	2,466	899	1,748	2,957	380	1,265	<b>1,435</b>
Public order/assault	1,678	864	1,168	2,168	657	705	<b>735</b>
Other	2,168	1,300	1,104	2,887	844	1,188	<b>1,092</b>
<b>Total</b>	<b>18,129</b>	<b>10,215</b>	<b>9,406</b>	<b>19,117</b>	<b>7,812</b>	<b>6,430</b>	<b>7,581</b>

Key: Off = offences Def = defendants Aff = affirmed Var = varied Rev = reversed S/O = struck out  
S/O N/A = struck out no appearance

## CRIMINAL BUSINESS

### SPECIAL CRIMINAL COURT

The Offences Against the State Act 1939 provides for the establishment of Special Criminal Courts. The Special Criminal Court sits with three judges and no jury. The rules of evidence that apply in proceedings before the Court are the same as those applicable to trials in the Central Criminal Court. The Court is authorised by the 1939 Act to make rules governing its own practice and procedure. There were eight trials in the Special Criminal Court involving 10 defendants in 2019.

SPECIAL CRIMINAL COURT						
Categories	INCOMING		RESOLVED: OFFENCES			Noelle prosequi
	Offences*	Defendants	Guilty pleas	Trials		
				Convicted	Acquitted	
Membership of illegal organisation	2	2	0	4	4	4
Possession of firearms/ammunition/explosive substance	16	8	18	4	2	18
Murder	3	3	0	1	0	1
Threaten to kill	0	0	0	0	0	0
Other	49	11	13	1	7	13
<b>Total</b>	<b>70</b>	<b>24</b>	<b>31</b>	<b>10</b>	<b>13</b>	<b>36</b>

\* there may be more than one offence brought against a defendant



## CRIMINAL BUSINESS

### HIGH COURT: CENTRAL CRIMINAL COURT

The High Court exercising its criminal jurisdiction is known as the Central Criminal Court. It consists of a judge or judges of the High Court. The court sits at such time and in such places as the President of the High Court may direct and tries criminal cases which are outside the jurisdiction of the Circuit Court. The court mainly hears murder and rape trials and criminal trials under the Competition Act 2002. An appeal against conviction or sentence by the Central Criminal Court may be taken to the Court of Appeal.

The trend in recent years has been for trials to take longer to hear due to a number of factors including the increased use of video viewing. To assist with the management of waiting times, in cases where a scheduled hearing is not proceeding in the Special Criminal Court, the High Court judge assigned to that court will sit as a judge of the Central Criminal Court to deal with any available trials.

In 2019, there were 86 trials in the Central Criminal Court involving many counts and classes of offences as set out in the tables beneath and involving 88 defendants. 40 defendants pleaded guilty resulting in no trial.

OFFENCES: TRIALS AND DEFENDANTS: CENTRAL CRIMINAL COURT		
	TRIALS	DEFENDANTS
Murder (including attempted murder)	21	20
Manslaughter	7	6
Rape (including attempted rape)	265	61
Indecent/sexual assault	156	27
Assault	5	5
Other	19	11
<b>Total</b>	<b>473</b>	<b>130</b>

CENTRAL CRIMINAL COURT								
OFFENCE TYPE	INCOMING		RESOLVED					
	Off	Def	G/P	Trials	N/P	TIC *	Quash	Dec
Murder (including attempted murder)	41	40	3	21	2	0	1	0
Manslaughter	0	0	2	7	0	0	0	0
Rape (including attempted rape)	769	109	64	265	92	60	4	0
Indecent/ sexual assault	842	72	39	156	85	157	4	0
Assault	70	17	1	5	3	3	0	0
Other **	260	46	48	19	8	76	0	0
<b>Total</b>	<b>1982</b>	<b>284</b>	<b>157</b>	<b>473</b>	<b>190</b>	<b>296</b>	<b>9</b>	<b>0</b>

\* TIC – 'taken into consideration' - offences may be taken into consideration where an offender is sentenced on other multiple offences.

\*\* includes impeding a prosecution, accessory to manslaughter, false imprisonment, criminal damage, possession of a knife, burglary

Key: Off = offences Def = defendants G/P = guilty pleas N/P = nolle prosequi Dec = accused deceased

OFFENCES: RESOLVED: OUTCOME OF TRIALS: CENTRAL CRIMINAL COURT						
Offence Type	Convicted	Acquitted	Disagreed	Committal: not guilty by reason of insanity	Prohibited	Total
Murder (including attempted murder)	10	5	1	5	0	21
Manslaughter	7	0	0	0	0	7
Rape (including attempted rape)	91	88	86	0	0	265
Indecent/ sexual assault	39	76	41	0	0	156
Assault	1	2	0	2	0	5
Other	9	8	0	2	0	19
<b>Total</b>	<b>157</b>	<b>179</b>	<b>128</b>	<b>9</b>	<b>0</b>	<b>473</b>

OFFENCES: RESOLVED: PENALTIES IMPOSED ON CONVICTION: CENTRAL CRIMINAL COURT						
	Fines	Det (minors)	Imp F/S	Imp P/S	Imp	Total
Murder*	0	3	0	2	8	13
Manslaughter	0	0	0	5	4	9
Rape**	0	5	0	75	74	154
Indecent/sexual assault	0	1	1	13	64	79
Assault	1	0	0	0	1	2
Other	0	1	3	20	33	57
<b>Total</b>	<b>1</b>	<b>10</b>	<b>4</b>	<b>115</b>	<b>184</b>	<b>314</b>

Key: Det (minors) = detention of a person under 18 years in a detention centre Imp F/S = imprisonment fully suspended

Imp P/S = imprisonment/detention\* part suspended

\* includes attempted murder

\*\* includes attempted rape

OFFENCES: RESOLVED: LENGTH OF SENTENCES IMPOSED ON CONVICTION*: CENTRAL CRIMINAL COURT					
	Up to 2 years	Over 2 years to 5 years	Over 5 years to 10 years	Over 10 years	Life
MURDER**	0	0	0	4	9
Manslaughter	0	1	8	0	0
Rape***	0	2	55	97	0
Indecent/sexual assault	2	41	34	2	0
Assault	1	0	0	0	0
Other	3	26	24	4	0

\* includes suspended sentences

\*\* includes attempted murder

\*\*\* includes attempted rape

**Criminal Justice (Victims of Crime) Act 2017**

The Criminal Justice (Victims of Crime) Act 2017 gives effect to provisions of Directive 2012/29/EU of the European Parliament and of the Council of 25th October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

<b>CENTRAL CRIMINAL COURT: VICTIMS</b>		
<b>Evidence given by video link</b>	<b>Evidence given behind a screen</b>	<b>Intermediaries used</b>
5	2	1

## COURT OF APPEAL

### COURT OF APPEAL - CIVIL

The Court of Appeal hears appeals in civil proceedings from the High Court except for those cases in which the Supreme Court has permitted an appeal to it on being satisfied that the appeal meets the threshold set out in Article 34.5.4° of the Constitution. The court also determines questions of law referred to it by the Circuit Court and the High Court military judge hearing a Court-Martial (cases stated). The court also continues to deal with appeals transferred from the Supreme Court which had been initiated before the establishment of the court on 28th October 2014 and had not been fully or partly heard by the Supreme Court by that date (Article 64 appeals).

The Court operates a weekly directions list for new appeals which allows the court to case-manage every new appeal lodged. Following the detailed review in 2018 the remaining Article 64 legacy appeals (242) which had not been resolved were again actively managed in 2019.

Of the 1,360 appeals which had been transferred from the Supreme Court to the Court of Appeal in 2014 the number of such appeals still pending was reduced to 59. The arrangement between the Chief Justice and the President of the Court of Appeal (to transfer Article 64 legacy appeals back to the Supreme Court for hearing due to pressure on the Court of Appeal list) continued in 2019 and 72 appeals were transferred to the Supreme Court for hearing.

The 8% increase in the number of new appeals received in 2019 (539 compared to 499 in 2018) may be a reflection of the anticipated improvement in the waiting time of 22 months. This admittedly small increase in new appeals contrasts sharply with the 22% decrease in new appeals lodged in 2018 when the waiting time was 20 months.

## 1. New appeals

NEW APPEALS : COURT OF APPEAL			
PENDING AT 01/01	INCOMING	RESOLVED	PENDING AT 31/12
685	539	491	733

NEW APPEALS : COURT OF APPEAL						
CASE TYPE	PENDING AT 01/01	INCOMING	RESOLVED			PENDING AT 31/12
			In Court		Out of Court	
			Determined	Withdrawn	Withdrawn	
Article 40/Habeas Corpus	7	9	7	1	0	8
Bail	4	13	7	4	0	6
Chancery	142	131	62	23	2	186
Commercial	48	25	25	8	4	36
Company	14	11	7	3	0	15
Contract	17	11	5	1	1	21
Criminal	33	21	31	1	0	22
Extradition	4	8	7	1	0	4
Family	6	8	7	1	0	6
Insolvency (Corporate)	2	1	1	0	0	2
Insolvency (Personal)	16	12	8	2	0	18
Judicial Review (asylum related)	35	42	14	2	2	59
Judicial review (other)	86	57	62	6	3	72
Personal injury	66	59	31	24	3	67
Plenary	41	18	16	3	0	40
Proceeds of Crime Act	3	3	4	0	0	2
Security for costs	3	0	1	0	0	2
Summary judgment	102	61	42	14	2	105
Other	56	49	32	11	0	62
<b>Total</b>	<b>685</b>	<b>539</b>	<b>369</b>	<b>105</b>	<b>17</b>	<b>733</b>

## 2. Article 64 appeals

ARTICLE 64 APPEALS (APPEALS TRANSFERRED FROM SUPREME COURT)			
PENDING AT 01/01	RESOLVED	TRANSFERRED*	PENDING AT 31/12
242	111	*72	59

\* 72 civil appeals transferred to Supreme Court in 2019

ARTICLE 64 APPEALS: COURT OF APPEAL							
CASE TYPE	PENDING AT 01/01	INCOMING	RESOLVED			TRANSFERRED*	PENDING AT 31/12
			In Court		Out of Court		
			Determined	Withdrawn	Withdrawn		
Article 40/Habeas Corpus	2	-	1	0	0	0	1
Bail	1	-	0	0	0	0	1
Chancery	47	-	11	4	0	21	11
Commercial	16	-	4	5	0	4	3
Company	4	-	0	1	0	2	1
Contract	0	-	0	0	0	0	0
Criminal	2	-	2	0	0	0	0
Extradition	0	-	0	0	0	0	0
Family	2	-	1	0	0	0	1
Insolvency (Corporate)	1	-	1	0	0	0	0
Insolvency (Personal)	4	-	4	0	0	0	0
Judicial Review (asylum related)	8	-	3	2	0	1	2
Judicial review (other)	28	-	14	2	1	5	6
Personal injury	11	-	5	2	0	2	2
Plenary	32	-	11	1	3	10	7
Proceeds of Crime Act	3	-	1	0	0	0	2
Security for costs	0	-	0	0	0	0	0
Summary judgment	33	-	9	5	2	11	6
Other	48	-	13	1	2	16	16
<b>Total</b>	<b>242</b>		<b>80</b>	<b>23</b>	<b>8</b>	<b>72</b>	<b>59</b>

\*Total transferred to the Supreme Court to end of 2019. There were 72 appeals transferred in 2019.

### 3. Cases stated

CASES STATED : COURT OF APPEAL		
	RECEIVED	ORDERS MADE
Circuit Court to Court of Appeal	3	3
High Court to Court of Appeal	0	0
Military Judge to Court of Appeal	0	0
<b>Total</b>	<b>3</b>	<b>3</b>

#### 4. Additional matters

ADDITIONAL MATTERS : COURT OF APPEAL		
	2019	2018
Motions listed before the Court	199	201
Appeals from appellants in person	156 (29%)	156 (31%)
Applications for directions in Article 64 appeals	0	6
Written judgments delivered	154	176
<b>Length of appeal hearing:</b>		
One day or less	572	831*
Greater than one day but less than two days	2	0
Two days or more	3	4

\*includes appeals withdrawn or struck out in court as part of call over initiative.

## COURT OF APPEAL - CRIMINAL

The Court of Appeal deals with appeals from the Circuit Court, Central Criminal Court and Special Criminal Court. Hearing dates are allocated during the subsequent legal term to the majority of cases included in the List to Fix Dates held once a term. Appeals are actively managed on a weekly basis by the judge assigned to management of criminal lists to ensure that cases are dealt with as efficiently as possible and delays in cases progressing to the List to Fix Dates due to procedural issues arising are kept to a minimum. Applications for priority may be made at the weekly management list.

Civil appeals with a custody/criminal element (bail, Article 40/habeas corpus, judicial review and extradition) were accommodated as required without impacting on the waiting time for criminal appeals. Having regard to the ongoing pressure on the civil list some civil appeals with no custody element but which required a priority hearing and could not be accommodated in the civil list within the necessary timeframe were also transferred to the criminal list for hearing.

There were 282 appeals in respect of 1440 offences lodged in the Court of Appeal (Criminal) in 2019. Comparable figures in 2018 were 323 appeals in respect of 1272 offences. The Court disposed of 344 appeals in respect of 1003 offences and while lower than the disposal rate in 2018 (374 appeals in respect of 1472 offences) the 2018 figures reflect the outcome of a detailed review of dormant appeals.

APPEALS: CRIMINAL					
PENDING AT 01/01	INCOMING	RESOLVED			PENDING AT 31/12
		In Court		Out of Court	
		Determined	Withdrawn	Withdrawn	
480	282	285	29	29	419

COURT OF ORIGIN	APPEALS		PERCENTAGE OF APPEALS	
	2019	2018	2019	2018
Central Criminal Court	45	53	16%	16%
Circuit Criminal Court	221	251	78%	78%
Special Criminal Court	16	19	6%	6%
<b>Total</b>	<b>282</b>	<b>323</b>	<b>100%</b>	<b>100%</b>

APPEALS: OUTCOMES : COURT OF APPEAL					
	CONVICTION	SENTENCE (SEVERITY)	SENTENCE (LENIENCY)	OTHER	TOTAL
Central Criminal Court	36	16	5	0	<b>57</b>
Circuit Criminal Court	52	183	40	8	<b>283</b>
Special Criminal Court	2	1	1	0	<b>4</b>
<b>Total</b>	<b>90</b>	<b>200</b>	<b>46</b>	<b>8</b>	<b>344</b>

APPEALS - INCOMING (BY COURT OF ORIGIN) : COURT OF APPEAL				
CATEGORIES (BY OFFENCE)	INCOMING			TOTAL
	Central Criminal Court	Circuit Criminal Court	Special Criminal Court	
Assault	2	104	1	<b>107</b>
Drugs/Misuse of Drugs	0	58	1	<b>59</b>
Firearms/weapon/possession of explosives/ammunition	0	32	6	<b>38</b>
Manslaughter	2	0	0	<b>2</b>
Murder	6	0	2	<b>8</b>
Public Order	0	10	0	<b>10</b>
Rape	140	0	0	<b>140</b>
Road Traffic	0	72	0	<b>72</b>
Sexual Offences	78	446	0	<b>524</b>
Theft/Fraud/Robbery	1	388	0	<b>389</b>
Other	3	80	8	<b>91</b>
<b>Total</b>	<b>232</b>	<b>1,190</b>	<b>18</b>	<b>1,440</b>



APPEALS - RESOLVED (BY COURT OF ORIGIN): COURT OF APPEAL				
CATEGORIES (BY OFFENCE)	RESOLVED			TOTAL
	Central Criminal Court	Circuit Criminal Court	Special Criminal Court	
Assault	6	62	1	<b>69</b>
Drugs/Misuse of Drugs	0	65	0	<b>65</b>
Firearms/weapon/possession of explosives/ammunition	4	22	2	<b>28</b>
Manslaughter	4	1	0	<b>5</b>
Murder	17	0	1	<b>18</b>
Public Order	0	19	0	<b>19</b>
Rape	77	0	0	<b>77</b>
Road Traffic	0	21	0	<b>21</b>
Sexual Offences	112	313	0	<b>425</b>
Theft/Fraud/Robbery	2	183	0	<b>185</b>
Other	5	84	2	<b>91</b>
<b>Total</b>	<b>227</b>	<b>770</b>	<b>6</b>	<b>1,003</b>

APPEALS - RESOLVED (BY OFFENCE) : COURT OF APPEAL								
CATEGORIES (BY OFFENCE)	RESOLVED							
	CONVICTION	SENTENCE (SEVERITY)	CONVICTION & SENTENCE	SENTENCE (LIENIENCY)	DPP (DISMISSAL)	MC*	OTHER	TOTAL
Assault	5	40	9	15	0	0	0	<b>69</b>
Drugs/Misuse of Drugs	3	48	6	5	0	0	3	<b>65</b>
Firearms/weapon/possession of explosives/ ammunition	2	15	3	8	0	0	0	<b>28</b>
Manslaughter	1	3	0	1	0	0	0	<b>5</b>
Murder	17	0	0	1	0	0	0	<b>18</b>
Public Order	0	12	5	1	0	0	1	<b>19</b>
Rape	18	24	32	3	0	0	0	<b>77</b>
Road Traffic	0	14	3	2	0	0	2	<b>21</b>
Sexual Offences	43	122	244	16	0	0	0	<b>425</b>
Theft/Fraud/Robbery	16	106	7	55	0	0	1	<b>185</b>
Other	18	31	19	18	0	0	5	<b>91</b>
<b>Total</b>	<b>123</b>	<b>415</b>	<b>328</b>	<b>125</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>1,003</b>
<i>*miscarriage of justice</i>								

## SUPREME COURT

The Supreme Court is the court of final appeal in civil and criminal matters. Appeals may be made only where the court grants permission in limited circumstances as set out in the Constitution. The court therefore concentrates on cases raising important constitutional and legal questions that have far reaching consequences for individuals and have systemic implications for the administration of justice as a whole.

The legacy appeal issue which subsisted in recent years has been resolved in the Supreme Court and substantively resolved in the Court of Appeal. In parallel in 2019, there has been a 19% increase in the number of applications for leave to appeal filed when compared to the previous year and, in addition, there has been a 56% increase in the number of such applications determined by the Court.

There were also significant increases in the number of appeals disposed of and in the number of written judgments delivered by the Court.

<b>INCOMING: ORIGIN OF APPLICATIONS FOR LEAVE TO APPEAL</b>		
	<b>2019</b>	<b>2018</b>
High Court to Supreme Court	98	63
Court of Appeal to Supreme Court	131	130
<b>Total</b>	<b>229</b>	<b>193</b>

OVERVIEW : SUPREME COURT											
PENDING 01/01			INCOMING			RESOLVED			PENDING 31/12		
Applications for leave			Applications for leave			Applications for leave			Applications for leave		
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
18	75	93	31	198	229	37	211	248	12	62	74
PENDING 01/01			INCOMING			RESOLVED			PENDING 31/12		
Appeals (legacy)			Appeals (legacy)*			Appeals (legacy)			Appeals (legacy)		
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
6	42	48	0	71	71	2	82	84	4	31	35
PENDING 01/01			INCOMING			RESOLVED			PENDING 31/12		
Appeals(current)			Appeals (current)			Appeals (current)			Appeals (current)		
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
9	64	73	10	54	64	10	50	60	9	68	77
PENDING 01/01			INCOMING			RESOLVED			PENDING 31/12		
Total Cases			Total Cases			Total Cases			Total Cases		
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
33	181	214	41	323	364	49	343	392	25	161	186

*\*transferred back from Court of Appeal*

OTHER MATTERS : SUPREME COURT		
	2019	2018
Motions listed before the court	9	14
Reserved judgments delivered	131	91
Applications for leave to appeal from appellants in person	66	56 (29%)
• One day or less	126	93
• Two days or more	14	12
Commissioners for Oaths appointed	27	12
Notaries Public appointed	33	26

## CASE ANALYSIS

### 1. Cases appealed (from first instance courts)

CIVIL: CASES APPEALED (FROM FIRST INSTANCE COURTS)							
HIGH COURT TO SUPREME COURT		HIGH COURT TO COURT OF APPEAL		CIRCUIT COURT TO HIGH COURT		DISTRICT COURT TO CIRCUIT COURT	
2019	2018	2019	2018	2019	2018	2019	2018
0.38%	0.23%	2.07%	1.8%	3.2%	5.5%	1.7%	2.8%

CRIMINAL: APPEALS (FROM FIRST INSTANCE COURTS) (BY OFFENCE)		
	2019	2018
Special Criminal Court, Central Criminal Court and Circuit Court to Court of Appeal	8%	7%
District Court to Circuit Court	6%	6%

### 2. Applications for leave to appeal/appeals (from second instance courts)

CIVIL: COURT OF APPEAL TO SUPREME COURT		
	2019	2018
Applications for leave to appeal	44%	18%
Appeals after leave granted	12%	8%

CRIMINAL: COURT OF APPEAL TO SUPREME COURT		
	2019	2018
Applications for leave to appeal	11%	10%
Appeals after leave granted	3.5%	2%

### 3. Average length of proceedings - first instance courts

CIVIL : IN DAYS - FROM ISSUE TO DISPOSAL						
	HIGH COURT		CIRCUIT COURT		DISTRICT COURT	
	2019	2018	2019	2018	2019	2018**
All	785	749	725 *	749	144	163
Employment (dismissal)	108	98	874	448	N/A	N/A
Divorce	1,064	615	388	380	N/A	N/A
Commercial	539	321	N/A	N/A	N/A	N/A
Personal Injury	974	983	-	-	-	-
Judicial review	392	312	N/A	N/A	N/A	N/A

\* excludes licensing  
N/A = not applicable

<b>CRIMINAL: IN DAYS - FROM ISSUE TO DISPOSAL - BY OFFENCE : DISTRICT COURT</b>					
<b>SUMMARY</b>		<b>INDICTABLE DEALT WITH SUMMARILY</b>		<b>RETURN FOR TRIAL</b>	
<b>2019</b>	<b>2018</b>	<b>2019</b>	<b>2018</b>	<b>2019</b>	<b>2018</b>
277	278	375	356	95	92
Summary: time from issue of summons to disposal of offence in the District Court Indictable dealt with summarily: time from lodgment of charge sheet to disposal of offence in the District Court Return for trial: time from lodgment of charge sheet to transfer of offence to higher court for trial.					

<b>CRIMINAL: CIRCUIT COURT - AVERAGE LENGTH IN DAYS *</b>		
	<b>2019</b>	<b>2018</b>
All	672	547
* time from receipt of return for trial in Circuit Court to final order		

<b>CRIMINAL: CENTRAL CRIMINAL COURT - AVERAGE LENGTH IN DAYS *</b>		
	<b>2019</b>	<b>2018</b>
All	487	382
* time from receipt of return for trial to final order		

<b>CRIMINAL: SPECIAL CRIMINAL COURT - AVERAGE LENGTH IN DAYS *</b>		
	<b>2019</b>	<b>2018</b>
All	506	557
* time from receipt of charge sheet to final order		

#### 4. Average length of proceedings (in days) (from issue to disposal) (second instance courts)

<b>CIVIL: COURT OF APPEAL –APPEALS*</b>		
	<b>2019</b>	<b>2018</b>
All (new appeals and Article 64 appeals)	1,220*	1,101**
* time from issue of notice of appeal to final order **increase due to number of Article 64 appeals resolved		

<b>CRIMINAL : COURT OF APPEAL - APPEALS*</b>		
	<b>2019</b>	<b>2018</b>
All	705	705
* time from issue of notice of appeal to final order		

#### 5. Average length of proceedings (in days) (from issue to disposal) (highest instance courts)

<b>SUPREME COURT</b>			
		<b>2019</b>	<b>2018</b>
Legacy	All (issue to disposal)	2936	2,201
	Certified (from certification date to disposal)	2177	2,146
	Priority (from priority date to disposal)	n/a	1,524
Application for Leave Determined (issue to determination date)		153	148
Application for Leave Determined (from papers being ready to determination)		30	37

# WAITING TIMES

## DISTRICT COURT - CRIMINAL, CIVIL AND FAMILY

### CRIMINAL: WAITING TIME

- **Summons:**

The time from receipt of summons application to scheduled date for hearing. There is an agreement with An Garda Síochána as part of Criminal Justice Interoperability Project that a period of 12-14 weeks will be allowed between the issuing of a summons and the first court date to allow time for service of the summons. The waiting times for criminal summonses generally reflect this agreement. Summonses may not be disposed on the first scheduled hearing date.

- **Charge sheets:**

The time from receipt of a charge sheet to the first court date. Charge sheet cases are initially listed before the court usually within a day of the person being charged by An Garda Síochána. The first listing may not be the date of the hearing of the matter as the court may adjourn/postpone the hearing for a variety of reasons. The time between the first appearance before the court and the final disposal of the case is outside the control of the Courts Service.

### CIVIL: WAITING TIME

- **Applications:**

The time from receipt of application to date when application is listed for hearing. This may not be the date that the matter is disposed of. A waiting time of up to 12 weeks is maintained in most offices with no waiting times of more than six months in recent years.

### FAMILY : WAITING TIME

- **Applications:**

The time from receipt of application to date when application is listed for hearing. This may not be the date that the matter is disposed of. Emergency domestic violence applications are dealt with on the date of first application to the court. In the majority of District Court Districts, waiting time for the hearing of these applications have not increased despite an ongoing increase in the volume and complexity of cases. Cases are listed for hearing in most instances within four to eight weeks of the date of the initial application.

DISTRICT COURT: WAITING TIMES SHOWN IN WEEKS (UNLESS OTHERWISE STATED) AS AT 31 DECEMBER					
OFFICE	CRIMINAL		CIVIL Applications	FAMILY LAW	
	Summonses	Charge sheets		Domestic violence applications *	Maintenance /guardianship applications
Athlone	15	NS	8	NS	NS
Ballina	15-20	NS	6-8	NS	NS
Bray	20	NS	8	NS	3-6
Carlow	20-28	NS	14	12	12
Carrick-on-Shannon	12-15	NS	8-12 (4-8)	NS	4-8 (NS)
Castlebar	16 (12)	NS	12	NS	8 (6)
Cavan	20	NS	8	NS	16
Clonakilty	16-19 (20-24)	NS	4-6 (2-4)	2-4	4-6 (2-4)
Clonmel	14	NS	8-10	4-6	4-8
Cork	15	NS	6	14	14
Donegal	12-15	NS	4-6	NS	NS
Dublin	Sn. 49:16 (15)** Other: 16-24 (10)	NS	4-5 (8)	13 (14)	13 (14)
Dundalk	14-18	NS	8-12	4-8 (NS)	4-6
Ennis	12-15	NS	8-12	NS	6-8
Galway	16	NS	16	4	4-8
Kilkenny	14-18	NS	4-6	2-4	4-8
Letterkenny	24	NS	12-16	NS	13
Limerick	24	NS	NS	8	12
Longford	12-15	NS	8	NS	4
Loughrea	15	NS	12	NS	8
Mallow	16	NS	8	NS	NS
Monaghan	18-20 (16)	NS	8-10	NS	NS
Mullingar	12-16	NS	8	NS	8
Naas	34	NS	4-12 (8-10)	NS	12-24
Nenagh	24	NS	8-12 (12-16)	2-4	8 (16)
Portlaoise	12-16	NS	12-16	NS	12-16
Roscommon	12-15	NS	4	NS	12
Sligo	16-18 (14-18)	NS	9-12 (12-16)	NS	NS
Tralee	8 -12	NS	8	4	4
Trim	20-24	NS	3-6 (8-10)	3-6 (10-12)	3-6 (12)
Tullamore	16-18	NS	8	NS	12
Waterford	10 (12)	NS	4	6	6
Wexford	16	NS	8-12 (6-10)	NS	10-12
Youghal	12-14	NS	8	NS	NS

\* urgent interim applications are dealt with immediately (that is on next sitting day in every district)  
\*\* drink driving prosecutions  
NS = Next sitting of the court  
Note: details of the sittings of the District Court are available on the website of the Service (www.courts.ie)

## WAITING TIMES

### CIRCUIT COURT - CRIMINAL, CIVIL AND FAMILY

#### CRIMINAL

Waiting times for criminal cases vary, depending on whether the accused is on bail or in custody; on whether the plea is 'guilty' or 'not guilty'; on whether the trial is scheduled to last two days or two weeks. In most Circuit Courts outside Dublin, the majority of guilty pleas will be dealt with at the next criminal session – making the waiting time approximately three months. Defendants who are in custody take precedence so their trials are dealt with first, followed by trials of those who are on bail.

Waiting times in Dublin Circuit Court have been impacted in recent years by the number of so-called 'white collar' cases taken by the State in the wake of the financial collapse that followed the global recession in 2008. The complicated nature of the evidence in these cases together with the number of witnesses called and the additional legal argument required has lengthened the trials with a resulting impact on the number of trial courts available for other cases.

Measures introduced to address this situation include the allocation of the additional judges (subject to the availability of courtrooms) and the listing of only one long trial at any one time.

NATURE OF MATTER	WAITING TIME
<b>Trials</b>	The time from receipt of return for trial to hearing date of trial
<b>Sentences</b>	The time from receipt of return for trial to sentence hearing (where plea of guilty entered)
<b>Appeals</b>	The time from receipt of District Court appeal to date of appeal hearing

#### CIVIL

Waiting times for civil cases vary with precedence given to criminal and family law cases where resources are limited. The nature of civil business has changed in recent years with fewer short cases and an increase in longer contested cases. Waiting times for longer cases tend to be longer than for so-called 'ordinary' cases and can distort waiting times. Some longer cases are dealt with by the allocation of additional sittings to the circuit.

NATURE OF MATTER	WAITING TIME
<b>Trials</b>	The time from receipt of notice of trial to hearing date
<b>Appeals</b>	The time from receipt of District Court appeal to date of appeal hearing

#### FAMILY

Waiting times are generally less than those for civil cases due to the priority afforded to family law cases. In most circuits, consent matters are heard in the 'next session' (a waiting time of three months or less). Additional sittings are arranged for long cases.

NATURE OF MATTER	WAITING TIME
<b>Cases</b>	The time from receipt of notice of trial/notice of motion to hearing date
<b>Appeals</b>	The time from receipt of District Court appeal to date of appeal hearing



CIRCUIT COURT: WAITING TIMES SHOWN IN MONTHS (UNLESS OTHERWISE STATED) AS AT 31 DECEMBER								
OFFICE	CRIMINAL			CIVIL		FAMILY LAW		
	Trials	Sentences	Appeals	Trials	Appeals	Contested cases	Non-contested cases	Appeals
Carlow	NS	6	NS	NS	NS	NS	NS	NS
Carrick on Shannon	12 (6)	NS	NS	3-6	3-6	6	NS	NS
Castlebar	3-6	NS	9	6	NS	NS	NS	NS
Cavan	9-12	NS	18	18	NS	9	NS	NS
Clonmel	3-6	NS	3-6	3-6	NS (3-6)	3-6 (NS )	NS	NS
Cork	NS	NS	3	3-6	3-6	6-9	NS	NS
Dublin	16.5	2	1 (1.5)	02-Mar	1-2 (4)	0.5 - 4 (0.5 -3)*	1 (1-2)	1
Dundalk	12-18	6 (NS)	6-12	12-18	NS	6-12	NS	6-12
Ennis	6	3	3	5	3	6	NS	6
Galway	9-12	3-6	3-4 (2)	NS	NS	NS	NS	NS
Kilkenny	9-12	NS	NS	NS	NS	6-9	NS	NS
Letterkenny	6-9	3-6	NS	9-12 (12-18)	6 (12)	6-9	NS	6-9
Limerick	27	3-6	NS	NS (24)	3-6	NS	NS	3-6
Longford	6-9	NS	NS	9-12	NS	6-9	NS	NS
Monaghan	18-24	NS	NS	NS	NS	NS	NS	NS
Mullingar	9-12	NS	NS	3-6	3-6	3-6	NS	3-6
Naas	9	NS	NS	12-18	NS	6	NS	NS
Portlaoise	3-6	NS	NS	NS	NS	NS	NS	NS
Roscommon	3-6 (NS)	NS	NS	3-6 (NS)	NS	NS	NS	NS
Sligo	6-9 (9-12)	6 (NS)	6-9 (9-12)	NS	NS	9-12 (6-12)	NS	NS
Tralee	NS	NS	NS	NS	NS	NS	NS	NS
Trim	9-12	NS	6-9	6-9	6-9	6-9	NS	6-9
Tullamore	9-12 (3-6)	NS	NS	6	NS	6	NS	NS
Waterford	6	9 (6)	NS	3-6	NS	3-6	NS	NS
Wexford	12	3-6 (NS )	NS	12	6-9 (NS )	6-10	NS	3-6
Wicklow	12	NS	12-18	6	3-6	6-9	3-6	3-6

\* 3 months for a guaranteed priority hearing; 2 weeks for a possible hearing (if priority case settles or does not proceed)

NS = Next Sitting of the Court

Details of the sittings of the Circuit Court are available on the website of the Service ([www.courts.ie](http://www.courts.ie)).

# WAITING TIMES

## HIGH COURT - CIVIL AND FAMILY

### HIGH COURT: PERSONAL INJURY

- **Waiting time: Dublin**

The High Court tries personal injury cases in Dublin every week during court sittings. Cases that are ready for hearing can obtain a date within four weeks.

- **Waiting time in other venues**

The High Court tries personal injury cases for a limited number of weeks in each of the venues below. The time from when a case is set down for trial to the date on which it is listed in the selected venue is shown below in months for each venue

Venue	2019	2018
Cork	17 months	17 months
Dundalk	7 months	5 months
Galway	2 months	2 months
Kilkenny/Waterford	7 months	5 months
Limerick	25 months	13 months
Sligo	5 months	5 months

### HIGH COURT: INSOLVENCY (CORPORATE)

NATURE OF APPLICATION	WAITING TIME	2019	2018
Applications to appoint examiner	The time from the issue of a petition to the allocation of the first return date before the High Court	Date immediately available	Date immediately available
Applications to wind up company	The time from the issue of a petition to the allocation of the first return date before the high court	3 weeks	3 weeks

### HIGH COURT: OTHER CORPORATE APPLICATIONS

NATURE OF APPLICATION	WAITING TIME	2019	2018
Restrict directors	The time from the issue of a notice of motion to the first return date before the High Court	4 weeks	4 weeks

### HIGH COURT: INSOLVENCY (PERSONAL)

NATURE OF APPLICATION	WAITING TIME	2019	2018
Applications to issue summons	The time from the issue of a summons/petition to the first return date before the High Court	Date immediately available	Date immediately available
Applications for adjudication	The time from the issue of a summons/petition to the first return date before the High Court	Date immediately available	Date immediately available

### HIGH COURT: COMMERCIAL LIST (PROCEEDINGS DEFINED IN ORDER 63A RULE 1 RULES OF THE SUPERIOR COURTS)

NATURE OF APPLICATION	WAITING TIME	2019	2018
Liberty to enter list (motion)	The time from the issue of a summons to the first return date before the High Court	Date immediately available	Date immediately available
Full hearing	The time from the first return date to the date of the full hearing	1 week to 6 months depending on time required for a hearing	1 week to 6 months depending on time required for a hearing

### HIGH COURT: COMPETITION LIST

NATURE OF APPLICATION	WAITING TIME	2019	2018
Monday motion list	The time from the issue of a notice of motion to the first return date before the High Court	3 weeks	3 weeks

### HIGH COURT: CHANCERY MATTERS COMMENCED BY PLENARY SUMMONS OR SPECIAL SUMMONS (INCLUDING INJUNCTION APPLICATIONS, COMPANY LAW MATTERS, SPECIFIC PERFORMANCE / RESCISSION OF CONTRACTS, ADMINISTRATION OF ESTATES OF DECEASED PERSONS, TRUST ACTIONS)

NATURE OF APPLICATION	WAITING TIME	2019	2018
Monday motion list	The time from the issue of a notice of motion to the first return date before the High Court	3 weeks	3 weeks
Hearing of certified cases	The time from when a case is certified ready for hearing to the allocation of the first date for hearing before the High Court	4 months	4 months
Special summonses (Master's Court)	The time from the issue of a summons to the first return date before the Master of the High Court	4 weeks	4 weeks
Special summonses (High Court)	The time from the date of transfer from the Master's Court to the first return date before the High Court	4 weeks	4 weeks

### HIGH COURT: POSSESSION

NATURE OF APPLICATION	WAITING TIME	2019	2018
Special summons for possession	The time from the issue of a summons to the first return date before the Master of the High Court	4 weeks	4 weeks
Full hearing	The time from the date of transfer from the Master's Court to the first return date before the High Court	3 weeks	3 weeks

<b>HIGH COURT: MORTGAGE SUITS</b>			
<b>NATURE OF APPLICATION</b>	<b>WAITING TIME</b>	<b>2019</b>	<b>2018</b>
Special summons for well charging order	The time from the issue of a summons to the first return date before the Master of the High Court	4 weeks	4 weeks
Full hearing	The time from the date of transfer from the Master's Court to the first return date before the High Court	3 weeks	3 weeks

<b>HIGH COURT: NON-JURY (BREACH OF CONTRACT, PROFESSIONAL NEGLIGENCE, DEBT COLLECTION)</b>			
<b>NATURE OF APPLICATION</b>	<b>WAITING TIME</b>	<b>2019</b>	<b>2018</b>
Miscellaneous (motions that require more time than they can be given in the Monday list)	The time between listing in the common law list and hearing in the non-jury List	9 weeks	9 weeks
Full hearing – cases less than one week in duration	The time from when a case is certified ready for hearing to the allocation of the first date for hearing before the High Court	5 months	5 months
Full hearing – cases more than one week in duration	As above	5 months	5 months

<b>HIGH COURT: APPEALS FROM THE CIRCUIT COURT</b>			
<b>NATURE OF APPLICATION</b>	<b>WAITING TIME</b>		
	<b>2019</b>	<b>2018</b>	
Full hearing - cases less than one week in duration	The time from the lodgment of the books of appeal to the allocation of the first date for hearing before the High Court	The time from the lodgment of the books of appeal to the allocation of the first date for hearing before the High Court	
Full hearing - cases more than one week in duration	As above	As above	

<b>HIGH COURT: JUDICIAL REVIEW: ASYLUM RELATED</b>		
<b>NATURE OF APPLICATION</b>	<b>WAITING TIME</b>	
	<b>2019</b>	<b>2018</b>
Pre-leave	Date immediately available	Date immediately available
Post leave	2 months	2 months

<b>HIGH COURT: JUDICIAL REVIEW: OTHER</b>		
<b>NATURE OF APPLICATION</b>	<b>WAITING TIME</b>	
	<b>2019</b>	<b>2018</b>
Pre-leave	Application made ex parte on any Monday	Application made ex parte on any Monday
Post leave	2 months	2 months

<b>HIGH COURT: JURY (DEFAMATION; FALSE IMPRISONMENT; ASSAULT)</b>		
<b>WAITING TIME</b>	<b>2019</b>	<b>2018</b>
The time from when a case is certified ready for hearing to the allocation of the first date for hearing before the High Court	12 months	10 months

<b>HIGH COURT: GARDA COMPENSATION ACT</b>			
<b>NATURE OF APPLICATION</b>	<b>WAITING TIME</b>	<b>2019</b>	<b>2018</b>
Special summons	The time from the issue of a summons to the first return date before the Master of the High Court	4 weeks	4 weeks
Full hearing	The time from the date of transfer from the Master's Court to the first return date before the High Court	5 weeks	5 weeks

<b>HIGH COURT: PROCEEDS OF CRIME ACT</b>		
<b>WAITING TIME</b>	<b>2019</b>	<b>2018</b>
The time from receipt of application to hearing	Date immediately available	Date immediately available

<b>HIGH COURT: MASTER'S COURT</b>			
<b>NATURE OF APPLICATION</b>	<b>WAITING TIME</b>	<b>2019</b>	<b>2018</b>
Motions	The time from the issue of a notice of motion to the first return date before the Master	4 weeks	4 weeks

<b>HIGH COURT: COMMON LAW MOTIONS</b>		
<b>WAITING TIME</b>	<b>2019</b>	<b>2018</b>
The time from the issue of a notice of motion to the first return date before the High Court	5 weeks	5 weeks

<b>HIGH COURT: FAMILY</b>		
<b>NATURE OF APPLICATION</b>	<b>WAITING TIME</b>	
	<b>2019</b>	<b>2018</b>
Urgent applications	Within 2 weeks	Within 2 weeks
Non-contested cases	Within 2 weeks	Within 2 weeks
Contested cases	Within 2 months	Within 2 months
Applications under Hague Luxembourg Convention	Case must be dealt with within 6 weeks	Case must be dealt with within 6 weeks
Appeals from Circuit Court	Within 2 months	Within 2 months

## WAITING TIMES

### HIGH COURT - CRIMINAL

HIGH COURT – CENTRAL CRIMINAL COURT		
Murder and rape trials (Central Criminal Court)	The time from the first listing of a case before the Central Criminal Court on return for trial from the District Court, to the trial date	
Bail applications	The date from the issue of a notice of motion to the date the matter is first listed before the High Court	
	2019	2018
Murder and rape trials	14 months *	11 months*
Bail	Date immediately available	Date immediately available

\* earlier dates are made available for trials involving child and other vulnerable witnesses

### SPECIAL CRIMINAL COURT

WAITING TIME	2019	2018
The time from when a charge sheet is received to the trial date	12 months	12 months

### COURT OF APPEAL - CIVIL

WAITING TIME	2019	2018
The time from when an appeal is entered into the court list to the date of hearing		
	2019	2018
Appeals*	20 months	20 months
Fast tracked short appeals**	9 months	9 months

\* appeals requiring more than two hours \*\*depends on time available

### COURT OF APPEAL - CRIMINAL

WAITING TIME	2019	2018
The time from when an appeal is entered into the court list to the date of hearing		
	2019	2018
Appeals	20 weeks	20 weeks
Article 40/habeas corpus appeals	4 weeks (or less)	4 weeks (or less)
European Arrest Warrant / Judicial Review appeals	During the subsequent legal term (if no time available within the current legal term)	During the subsequent legal term (if no time available within the current legal term)

### SUPREME COURT

NATURE OF APPLICATION	WAITING TIME	2019	2018
Applications for leave to appeal	The time from the filing of complete documentation to the determination of the application	4 weeks	6 weeks
Appeals	The time from the determination of the leave application to the hearing of the appeal	55 weeks	68 weeks



*Cork Courthouse*



## CHAPTER 4 GOVERNANCE AND ACCOUNTABILITY





# GOVERNANCE AND ACCOUNTABILITY

Governance can be described as the set of responsibilities and practices, policies and procedures used by an organisation to provide strategic direction, ensure objectives are achieved, risks are managed and resources used responsibly and with accountability. The function of Governance is to ensure that an organisation fulfils its overall purpose, achieves its intended outcomes for citizens and service users and operates in an effective, efficient and ethical manner.

Following the economic crash in the early part of this century, interest in corporate governance has been heightened in all sectors, including the public sector. The Code of Practice for Governance of State Bodies, which was published in 2016, sets the governance parameters within which the Courts Service operates and the Service continues to adhere to the provisions of the Code. Robust systems of internal control are in place and the Board and senior management team continue to lead the process of developing an appropriate control environment as well as adhering to the control procedures promulgated in the Code.

2019 also saw significant structural changes in the Department of Justice and Equality that saw the introduction of new interface arrangements between the Service and the Department. These new arrangements are working well and have led to a greater clarity of understanding of the respective operating environments for the Service and the Department.

*“Good governance is one of the key drivers for organisational performance. As we embark on our modernisation programme, having effective systems of governance will be crucial to our success”.*

Angela Denning, Chief Executive Officer

The governance arrangements have regard to the legislative framework set out in the Courts Service Act 1998, the Corporate Governance Standard for the Civil Service, the Code of Practice for the Governance of State Bodies (CPGSB), and developments in the Civil Service Renewal Plan and the Civil Service Code of Standards of Behaviour. They are benchmarked against the principles developed by the Department of Public Expenditure and Reform (DPER) to ensure that governance arrangements across the Public Service are effective and robust.

## Corporate Governance Standard for the Civil Service

The Corporate Governance Standard for the Civil Service, published in December 2018 by DPER, sets

out a summary of good governance principles and an adaptable governance framework to be used in documenting each organisation’s arrangements. The standard requires each organisation to publish a framework document which sets out the statutory framework including the governance arrangements in place, its role, function and organisational structure, information on strategic and business planning processes and the accountability, audit and assurance arrangements.

The Service’s Governance Framework document reflects the responsibilities, structure and governance of the organisation in line with the Corporate Governance Standard. It sets out the statutory framework for the Service as laid down in the Courts Service Act 1998 and other primary legislation as well as providing information on the structure of the organisation, the roles of the Board and its Committees, the roles and responsibilities of the Chief Executive and Senior Management Team and the governance and accountability/assurance arrangements in place.

## Code of Practice for the Governance of State Bodies (CPGSB)

The CPGSB provides a framework for the application of best practice in corporate governance by both commercial and non-commercial State bodies. It concerns both the internal practices of the State bodies and their external relations with Government, the relevant Minister under whose aegis they fall, the Minister for Public Expenditure and Reform and their respective parent Departments.

A new code, introduced in September 2016, introduced a range of additional obligations for State bodies. It placed significant emphasis on the responsibility and accountability of Board members, the role of management and the importance of the Audit & Risk Committee in the governance of State bodies. The Service has put in place appropriate governance

arrangements in relation to the Board and its Committees to enhance the governance of the organisation.

The Chief Executive provides an annual report on behalf of the Board for the Minister for Justice and Equality providing assurance on compliance with the code. The report for 2019 was finalised in June.

### Agency Framework Agreement between the Service and the Department of Justice and Equality

In accordance with best corporate governance practice and the requirements of the CPGSB, an agency framework agreement for 2019 was signed with the Department of Justice and Equality in August. The purpose of the Agreement, which encompasses an oversight agreement as well as a performance development agreement, is to enhance the working relationship between the Service and the Department and support the Service in carrying out its functions. The Agreement reflects and respects the status of the Service as an independent State agency governed by the Board. It encompasses all of the legal and other obligations facing the Service as well as providing the necessary accountability and oversight for the Minister.

## ORGANISATION OVERVIEW

### Courts Service Board

The Service is governed by a Board consisting of a Chairperson and 17 other members. The Board is responsible for determining policies for the Service and for overseeing their implementation. It performs these functions directly and through the committees of the Board. In accordance with the Courts Service Act, 1998 the term of office of the Board is three years. The current Board was established on 9th November 2017.

The Board reviews and monitors the implementation of the Courts Service Strategic Plan and provides strategic direction to the executive. It also approves an annual corporate business plan which it reviews twice yearly with performance assessed by reference to the Strategic Plan. The Board approves the annual budget for the Service and considers reports on budget and expenditure at each meeting. The Board also considers reviews of expenditure carried out throughout the year.

The Board approved the following annual corporate documents in 2019:

### Documents

Annual Budget 2019

Corporate Business Plan 2019

Annual Report 2018

Corporate Risk Register 2019

Annual Report of the Audit & Risk Committee 2018

Annual return to Minister for Justice and Equality under the CPGSB

Corporate Risk Register 2018

Annual return to Minister for Justice and Equality under the CPGSB

In the development of the policies of the Service and oversight of the implementation of those policies, the Board also considered, approved or noted reports including;

- The Courts Bundle PPP project
- Development of a Long Term Strategy for the Service
- Appointment of a Chief Executive Officer

The Board also received twice yearly updates on the management of court funds and a copy of the financial Statements for the Office of the Accountant of the Courts of Justice for the year ended 2018 which received an unqualified audit report.

The Board was supported in its work by the following committees to advise it in relation to the performance of its functions: Finance Committee, Audit and Risk Committee, Building Committee, and Family Law Court Development Committee. (see *Chapter 1: About the Courts Service* for membership details).

In addition, it was agreed at the Board Meeting in December 2019 to establish a new Modernisation Committee to oversee the implementation of the proposed modernisation programme.

The Board is responsible for the engagement of legal advisors, investment advisors, and fund managers. It approves proposals for contracts and arrangements including the acquisition or disposal of any interest in land or property with a value in excess of €5m, proposals for leases for periods in excess of four years and nine months irrespective of value, and proposals for contracts for consultancy in excess of €500,000.

The Board considered and approved the extension of contracts for:

- Extensions to terms for contracts for the provision of ICT services for Videolink and evidence display as well as the provision of managed services
- Extension of the contract for the provision of Investment Advisory Services
- Extension of the contract for the provision of interpretation services

### Disclosures of Conflict of Interest & Declaration of Interest

Prior to the consideration of any procurement proposals by the Board or committees of the Board, the Chairperson, as a matter of good governance, requests that any member who considers that they have an interest which might represent a conflict in their consideration of the proposal, absent themselves from discussion on the matter. The minutes record any such declarations or abstentions. In accordance with the requirements of the CPGSB the Board also makes periodic disclosure of interests which they, or a family member, may hold which could represent a conflict of interest for them in their role as members of the Board.

Standing items on the agenda for Board meetings include minutes of meetings and reports considered by committees of the Board, financial reports, reports from the Chief Executive, reports from the Chief Risk Officer and Head of Resource Management, and details of all new contracts entered into by the Service and recorded on the contract register.

The Board receives regular reports from the Chief Executive Officer on the operation of the Service, the implementation of Board policy, the implementation of the annual Corporate Business Plan, expenditure and budgetary matters and other relevant issues and/or developments. At every meeting, the Board also receives reports in relation to the implementation of risk management systems.

In addition, during 2019, the board considered the development of a Long Term Strategy, to cover the next 10 years; the development of a courts complex at Hammond Lane; courthouse conditions; the redevelopment of the Courts Service website; transition to the new Assisted Decision Making regime; the establishment of the Legal Cost Adjudicators Office and

implementation of the Combined Office Review.

The Board held meetings on 14th January, 4th February, 8th April, 27th May, 26th June, 14th October and 9th December with an overall attendance rate of 87%. Information on individual attendance at Board meetings is in the schedule at the end of this chapter. The meetings of 14th January and 27th May were special meetings of the Board to consider the Long Term Strategy for the Service.

Meetings of Committees of the Board continue to be held in advance of, and close to, the date of Board meetings where possible, to allow any issues which require Board consideration to be brought to the attention of the Board without any undue delay.

#### Meetings of Committees of the Board

Finance Committee	28th January, 1st April, 24th June, 8th October, 2nd December
Audit and Risk Committee	28th January, 25th March, 24th June, 8th October, 2nd December
Building Committee	19th March, 29th May, 23rd July, 9th October
Family Law Court Development Committee	21st January, 4th March, 8th April, 13th May, 24th June, 22nd July, 14th October, 25th November

An annual fee is payable to non judicial members of the Board (with the exception of the Chief Executive Officer) in the sum of €11,970 together with travel and subsistence expenses at rates sanctioned by the Department of Finance. In accordance with Department of Finance regulations, fees are not paid to Board members who are public servants.

Minutes of meetings of the Board, appropriately redacted, are published on the website of the Service and on its intranet to provide information on matters considered by the Board and decisions made.

### ROLES AND RESPONSIBILITIES

#### Chief Executive Officer

The Chief Executive Officer is responsible for the implementation of policies approved by the Board, and the day-to-day management of the staff, administration and business of the Service. She prepares an annual

budget for approval by both the Finance Committee and the Board with support from the Senior Management Team. She provides regular updates to the Board, the Finance Committee, and other Committees of the Board, in regard to the management of the Service, implementation of policy, progress on the strategic plan and the modernisation agenda of the Service.

The Chief Executive provides an annual report on behalf of the Board to the Minister for Justice and Equality providing assurance on compliance with the CPGSB. The report outlines the organisation's system of internal controls and confirms compliance across a range of headings. In particular, the report affirms compliance with:

- appropriate procedures for financial reporting, internal audit, travel, procurement and asset disposals
- inclusion of a statement on the system of internal financial control
- adherence to Codes of Business Conduct for Directors and Employees
- compliance with Government guidelines on the payment of Directors' fees and
- provision of a draft strategic plan to the relevant Minister prior to the plan being finalised and adopted by the Board.

As Accounting Officer, the Chief Executive Officer is also responsible for the signing of the Annual Appropriation Account of the Service together with a Statement of Internal Financial Controls providing assurance on the internal financial control environment operating within the Service.

### Appropriation Account

The Appropriation Account is the annual financial account of the Service and is furnished to the Comptroller and Auditor General on or before 31st March each year. It is compiled on foot of approved estimates by the Oireachtas and is prepared by the Chief Executive. An extract from the Appropriation Account 2019 submitted to the Comptroller and Auditor General can be found in *Chapter 5: Annual Financial Statements*.

### Internal Financial Control

The Board has overall responsibility for the internal financial control of the Service. It delegates responsibility for monitoring the effectiveness of risk management and

the internal control environment to the Audit and Risk Committee. The Committee receives regular reports from management, the Chief Risk Officer, Internal Audit, and external auditors. Such arrangements are designed to manage rather than eliminate the risks facing the Service.

The Statement of Internal Financial Control (SIFC) signed by the Chief Executive Officer for the purpose of the Appropriation Account addresses the internal control environment within the Service with particular regard to the financial control environment, the framework of administration, management reporting and internal control. It includes a statement of compliance with procurement guidelines and confirmation that the Service has an Audit and Risk Committee and internal audit function.

The National Shared Services Office (NSSO) continues to perform a number of administrative functions of the Service, including payroll, travel and subsistence and human resources services. Furthermore, the Service is a client of the Financial Management Shared Service Centre (FMSSC), Killarney. The FMSSC provides financial and accounting services and other ancillary activities for the Service. As part of the Appropriation Account process and for the signing of the SIFC by the Chief Executive, the accounting officers for both the NSSO and the FMSSC provide letters of assurance as to the adequacy of controls systems in place within the NSSO for the provision of shared services to the Service.

In the case of internal controls, systems can provide only reasonable and not absolute assurance against material misstatement or loss. Breaches of controls, in particular instances of fraud or irregularity, must be brought to the attention of the Comptroller and Auditor General in accordance with public financial procedures. The Service made a nil return in respect of such incidences in 2019. The Service has a policy statement on the prevention and detection of fraud with all cases irrespective of value being reported to the Resource Management Directorate, the Senior Management Team, and the Audit and Risk Committee.

### Financial Management

The Service is represented on the Financial Management Committee as part of the governance arrangement for budget management within the Justice Sector. The Committee is comprised of representatives from the main Justice group of votes including, amongst others,

the Department of Justice, An Garda Síochána, Prison Service and the Courts Service. It provides for a further level of assurance to the Department regarding vote management, adherence to Government financial guidelines and ensuring that value for money is achieved in the expenditure of public funds.

### **Budget Management**

The Chief Executive Officer and the Senior Management Team prepare an annual budget based on the funding allocation contained in the annual estimates approved by the Oireachtas. The annual budget is recommended for approval by the Finance Committee to the Board. Day-to-day responsibility for managing expenditure within budgetary limits is assigned to Heads of Directorate. Budgets are monitored closely with monthly reports furnished to the Senior Management Team. Quarterly financial reports are submitted to the Finance Committee and the Board.

### **Performance budgeting**

Performance Budgeting forms part of the Published Estimates and attempts to link funding provided to measurable results. The Service complies with the performance budgeting format which identifies key outputs, context and impact indicators for the Service. The performance budgeting targets for the Service for 2019 were set out in the Revised Estimates Volume.

## **AUDIT AND ASSURANCE ARRANGEMENTS**

### **Audit and Risk Committee**

The Audit and Risk Committee is chaired by a member of the Board and includes a judicial representative from the Court of Appeal, Circuit Court and District Court, and members with significant business expertise and experience within the public and private sectors. The Committee plays a fundamental role in ensuring that the Service functions according to good governance, accounting and auditing standards and adopts appropriate management and risk arrangements. The Committee held five meetings in 2019 at which it reviewed and considered a wide range of reports including the Annual Report of the Audit and Risk Committee 2018 and the Annual Report of the Internal Audit Unit for 2018.

### **Internal Audit Function**

Internal Audit is an independent appraisal function

whose role is to provide assurance to the Board, Audit and Risk Committee, Chief Executive Officer and all levels of management as to the adequacy and effectiveness of the systems on governance, risk and internal controls operating within the Service.

The Internal Audit Unit operates in accordance with an audit charter approved by the Board and an annual audit plan approved by the Chief Executive Officer and the Audit and Risk Committee. In carrying out audits, the Unit complies with the Institute of Internal Audit Standards, as adapted by the Department of Public Expenditure and Reform for use in Government Departments.

All audit reports are submitted directly to the Chief Executive Officer and to the Audit and Risk Committee who also receive periodic reports showing progress against the plan. The Unit completed 13 audits during the year.

### **External Quality Assessment of the Courts Service Internal Audit Function**

In accordance with the requirement of the International Standards of the Professional Practise of Internal Auditing, an external quality assessment of the Courts Service Internal Audit function was carried out in 2019 by Crowe. Representatives from Crowe presented their findings at the March meeting of the Committee and advised that the analysis indicated that the Internal Audit Unit demonstrated sound levels of performance and generally conforms with the IIA Code of Ethics and Attribute and Performance Standards. Overall, the Internal Audit function would rank in the upper quartile of public bodies assessed by Crowe.

### **External audit**

The Comptroller and Auditor General (C&AG) performs the external audit of voted funds. The C&AG's authority extends to the audit of public funds and therefore does not include court funds managed by the Service on behalf of Minors and Wards of Court. The audit of court funds managed by the Accountant's Office to financial year end 30 September 2019 was carried out by external auditors, Mazars. Following a competitive process during 2019 the Auditors of the Financial Statement changed from Grant Thornton to Mazars.

### **Risk Management**

The Board has overall responsibility for overseeing

the management of risk within the Service. As part of the overall operation of good governance, a risk management framework continues to be applied on the basis of clearly defined roles and responsibilities at Board, Audit and Risk Committee, and at all levels of management.

The Board recognises that the effective management of risk is the responsibility of all staff of the Service and seeks to encourage and promote a culture of risk management through the operation of the formal risk management process.

The key principles of the CPGSB and the Risk Management Guidance for Government Departments and Offices have been adopted by the Service. A risk management policy approved by the Board defines the risk appetite of the Service. This in turn is supported by risk management aligned to the policy.

The risk management framework and policy provides for a planned and systematic approach to identifying and managing a range of risk categories: financial, service delivery, infrastructure (buildings and ICT), people, compliance and governance, and projects. The Chief Risk Officer is a member of the Senior Management Team and reports directly to the Audit and Risk Committee and the Board. Risks are identified at corporate and business unit level and managed accordingly by assigning responsibility to the relevant directorate and office manager.

The Service maintains a corporate risk register which is reviewed regularly by the Chief Executive Officer, Senior Management Team, Audit and Risk Committee and the Board, most recently at its December 2019 Board meeting.

The Corporate Risk Register is refreshed at the start of each year. Strategic Risks are rated based on their impact and likelihood of occurrence, with new and emerging risks being added as they arise.

The Register is linked to the annual business planning process and is a key document in enabling the Service deal with the challenges it faces. It sets out the major risks facing the Service together with existing controls and actions to mitigate them, and identifies owners and target dates for completion. It also provides the context through which Heads of Directorates prepare risk registers for their respective directorates.

### **Protected Disclosures Act 2014**

The Board maintains a role in relation to oversight of the

operation of the policy of the Service under the Protected Disclosures Act 2014.

### **Provision of information to members of the Oireachtas**

The Service continues to comply with the standards and principles set out in the Protocol for the Provision of Information to Members of the Oireachtas by State Bodies under the aegis of Government Departments/ Offices. During 2019 the Service complied with target deadlines and standards in terms of acknowledgements and substantives responses to queries.

### **Procurement**

The Service complies with the principle of competitive tendering in respect of its expenditure for works, supplies and service contracts. The Public Procurement Guidelines provide the direction for all procurement policy activity of the Service. They ensure that the objectives and key principles of competition, equality of treatment and transparency which underpin national and EU rules are complied with and observed. Procurement within the Service is informed by the Office of Government Procurement public procurement guidelines and services.

The Service avails of centralised managed contracts put in place by the Office of Government Procurement and continues to engage with the Office for advice on current and future procurement requirements.

Responsibility for procurement is devolved to each Head of Directorate with the Resource Management Directorate taking a lead co-ordination role in promoting awareness of obligations at both national and EU level. The Directorate provides training for staff, maintains a contract register and a procurement plan, and monitors the expenditure subject to the procurement process. The annual procurement plan is approved by the Senior Management Team.

During 2019 the Service entered into 13 new contracts across all Directorates for services including: VOIP Telephone Hardware and Software Support, Cash Collection Services, Training Services, Change Management Support, Tier 2 Storage Area Networks (SAN), ICT Support Services and Building Condition Surveying.

## Schedule before referred to

### Board member attendance at meetings in 2019

NAME	ATTENDANCE
Mr. Justice Frank Clarke, Chief Justice and Chairperson	7 out of 7
Mr. Justice George Birmingham	7 out of 7
Mr. Justice Peter Kelly	7 out of 7
Ms. Justice Elizabeth Dunne	7 out of 7
Mr. Justice Patrick McCarthy (Appointed December) <sup>1</sup>	1 out of 1
Mr. Justice Tony O'Connor (Appointed December) <sup>2</sup>	1 out of 1
Ms. Justice Patricia Ryan (Appointed October) <sup>3</sup>	2 out of 2
Judge Alice Doyle (Appointed April) <sup>4</sup>	4 out of 5
Judge Colin Daly <sup>5</sup>	2 out of 2
Judge Conal Gibbons (Appointed February) <sup>6</sup>	6 out of 6
Ms. Angela Denning (Appointed October) <sup>7</sup>	2 out of 2
Mr. Micheál P. O'Higgins	2 out of 7
Mr. Michael Quinlan	7 out of 7
Mr. Damien Downey	7 out of 7
Mr. Doncha O'Sullivan <sup>8</sup>	2 out of 2
Ms. Karen Kiernan	6 out of 7
Ms. Patricia King	7 out of 7
Ms. Deirdre Kiely	7 out of 7
<sup>1</sup> replaced Mr. Justice Michael Peart who retired in November	5 out of 6
<sup>2</sup> replaced Mr. Justice Seamus Noonan (who was appointed to the Court of Appeal in December)	6 out of 6
<sup>3</sup> replaced Mr. Justice Raymond Groarke	3 out of 5
<sup>4</sup> replaced Judge Doirbhile Flanagan	0 out of 1
<sup>5</sup> replaced Judge Rosemary Horgan	5 out of 5
<sup>6</sup> replaced Judge Gerard Haughton	5 out of 5
<sup>7</sup> replaced Mr Brendan Ryan	5 out of 5
<sup>8</sup> replaced Ms. Carol Baxter	5 out of 5



*The Four Courts*





# CHAPTER 5 FINANCIAL STATEMENTS 2019

## FINANCIAL HIGHLIGHTS

EXPENDITURE & INCOME	2019 €'000	2018 €'000
<b>Current expenditure:</b>		
Pay	54,543	52,524
Non-Pay	30,819	30,292
<b>Total Current</b>	<b>85,362</b>	<b>82,816</b>
Capital expenditure	54,054	52,187
<b>Total gross expenditure</b>	<b>139,416</b>	<b>135,003</b>
<b>Total Income</b>	<b>47,084</b>	<b>49,508</b>
<b>Expenditure net of income</b>	<b>92,332</b>	<b>85,495</b>

COURT FUNDS	2019	2018
Funds managed on behalf of court, minors and other beneficiaries at 30th September	€1.971 billion	€1,929 billion

FINANCIAL OPERATIONS	2019 €'000	2018 €'000
Fines collected	10,348	9,203
Family law receipts	16,808	17,232
Bail receipts	3,123	3,097
Court fees collected (and retained)*	43,972	46,222
Poor box receipts	1,740	1,639
Civil court and small claims receipts	680	1,147
<b>Total</b>	<b>76,671</b>	<b>78,540</b>

\* excludes miscellaneous income and the pension levy

## FINANCIAL OVERVIEW

For 2019 total funding net of receipts was €93.124m. This reflects a gross allocation of €140.905m, combined with total receipts of €47.781m. Operating within the funding parameters and the achievement of a balanced budget is a requirement under Government accounting guidelines.

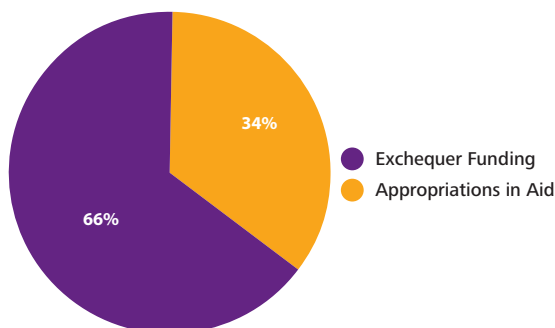
The composition of funding reflects that 40% is attributable to pay, with 21% relating to the day-to-day operation of the Service, 27% to the Unitary Charges for the CCJ and Regional PPP's and the balance of 12% for both ICT and Courthouse Capital.

The outturn for 2019 saw the achievement of a balanced budget, with total gross expenditure for the running of the Service of €139.416m. This compares with €135.003m in 2018. Expenditure for 2019 compared with that of 2018 can be broken down between total current expenditure, totalling €85.362m (€82.816m for 2018), and total capital expenditure, including PPP of €54.054m (€52.187m in 2018).

The funding of the Service is supplemented by Appropriations-in-Aid, of which Court Fee Income represents the main source of receipts. Court Fee Income relates to the administrative charge for the processing of civil cases. In 2019 this amounted to €43.972m (€46.222m in 2018). In addition to Court Fee income, Appropriations-in-Aid include Miscellaneous Income and a Pension Levy.

Appropriations-in-Aid represents 34% of the total cost of running the Service in 2019. This is illustrated in Diagram 1 below.

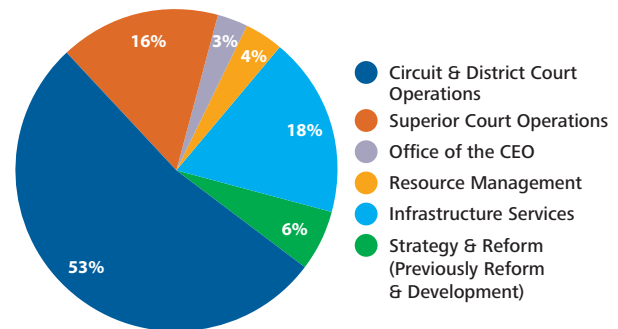
**Diagram 1: Sources of funding 2019**  
Total Gross Funding €140.905m



The Service is funded from two primary sources – direct Exchequer funding and via Appropriations-in-Aid (income) generated by the Service, primarily through court fees.

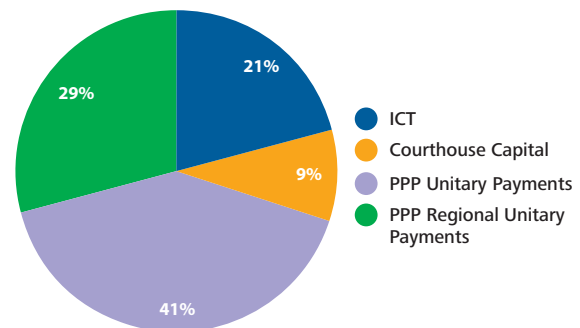
The Courts Service is broken up into 6 Directorates, each with a distinct function. Diagram 2 below represents the spend across each directorate in the Courts Service.

**Diagram 2: Current expenditure by directorate**  
2019 Total Spend €85.4m

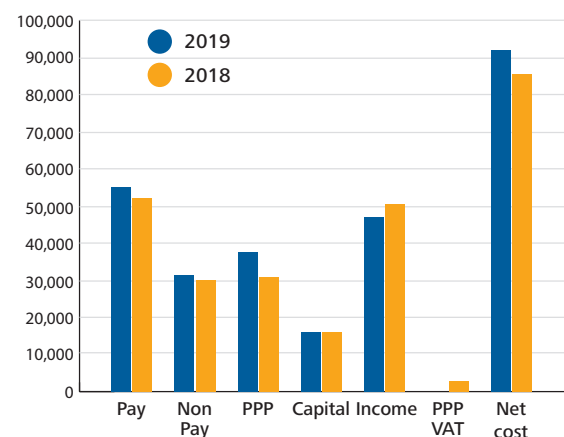


Capital expenditure represents 39% of overall expenditure in the Courts Service. Diagram 3 below sets out how capital expenditure was spent in the Courts Service.

**Diagram 3: Capital expenditure 2019**  
Total Spend €54.1m



**Diagram 4: Expenditure and income 2018 -v- 2019**



## COURT FEES

Court fees are charged in respect of legal documents lodged and services provided in court offices.

The Service also collects fees on behalf of the Revenue Commissioners and the Property Registration Authority. The fees collected on behalf of the Revenue Commissioners include excise duties on certain licensing applications.

COURT FEES	2019 €'000	2018 €'000
Retained by the Courts Service	43,972	46,222
Revenue Commissioners	3,347	4,884
Property Registration Authority	0	1
<b>Total</b>	<b>47,319</b>	<b>51,107</b>

## Extract from Appropriation Account

EXPENDITURE AND INCOME	2019 €'000	20178 €'000
<b>Current expenditure:</b>		
Salaries and wages	54,543	52,524
Travel and subsistence	3,388	3,354
Staff and judicial training	787	700
Digital audio recording and other fees	2,834	2,656
Legal services	1,285	1,358
Postal services	1,632	1,520
Telecommunications	1,398	1,343
Office equipment and materials	625	980
Courthouse maintenance	7,207	7,594
Heat, light and fuel costs	2,728	2,916
Furniture and fittings	207	179
Leases	4,856	4,820
Consultancy ( non I.T related)	522	88
Incidental/ miscellaneous costs	3,350	2,784
<b>Total Current Expenditure</b>	<b>85,362</b>	<b>82,816</b>
<b>Capital expenditure:</b>		
Computer and telecommunications systems	11,412	11,347
Courthouses and other buildings	4,876	5,041
PPP – Unitary payment	22,137	21,056
PPP – VAT payment	-	3,799
PPP - Regional Unitary Payments	15,629	10,944
<b>Total Capital Expenditure</b>	<b>54,054</b>	<b>52,187</b>
<b>Total Gross Expenditure</b>	<b>139,416</b>	<b>135,003</b>
<b>Income (Appropriations - in - Aid)</b>		
Fees	43,972	46,222
Miscellaneous	1,448	1,382
Pension levy	1,664	1,904
<b>Total Income</b>	<b>47,084</b>	<b>49,508</b>
<b>Total Net Expenditure</b>	<b>92,332</b>	<b>85,495</b>
<i>Note: The figures are provisional and subject to audit by the Comptroller and Auditor General.</i>		

## PROMPT PAYMENT OF ACCOUNTS ACT, 1997

### Payment practices

Prompt payment interest provides for the payment of interest to suppliers for invoices not paid within 30 days. The Service has procedures in place to ensure that all invoices are paid within the time limits identified on the invoices or, if no time limit is specified, within the statutory time limit. While the procedures have been designed to ensure compliance with the Act, they only provide reasonable and not absolute assurance against material non-compliance with the Act.

### Prompt payment interest

Prompt payment interest and compensation is paid to suppliers in respect of invoices not paid within 30 days of receipt. In 2019, the total amount paid out in respect of late payments was €6,555.

LATE PAYMENTS			
Year	Interest amount	Compensation amount	Total
2019	€635.00	€5,920.00	<b>€6,555.00</b>
2018	€4,285.00	€11,730.00	<b>€16,015.00</b>

### 15-day payment requirement

The Service makes every effort, consistent with proper financial procedures, to ensure that all suppliers are paid within 15 days.

PROMPT PAYMENTS WITH 15 DAYS				
Year	% of overall total value paid within 15 days	Value of payments within 15 days	% No. of payments within 15 days	No. of payments within 15 days
<b>2019</b>	<b>65%</b>	<b>€48,701,198</b>	<b>64%</b>	<b>6,064</b>
2018	64%	€38,583,296	63%	5,948

## COURT FUNDS OFFICE – COURT FUNDS

The Courts Service, in accordance with the Courts Service Act 1998, is responsible for the management and administration of the courts and the provision of support services for judges. In this capacity the Service has a role in the management and investment of court funds, which are held in trust by the courts. These funds are invested in line with the provisions of the Trustee (Authorised Investments) Act, 1958 and subsequent orders.

At the 30th September 2019 the Accountant's Office managed €1.971 billion in a fiduciary capacity (€1.929 billion at 30th September 2018) on behalf of more than 22,736 beneficiaries. Of which 2,911 of these beneficiaries are persons who have been declared wards of court (2018: 2,864) with funds valued at €1.42 billion as at 30th September 2019 (2018: €1.38 billion). A further 18,030 (2018: 17,180) are minors with funds valued at €336 million (2018: €329 million). The remainder mostly consist of cases pending further court orders, Residential Redress Board cases and lodgements with defence case types.

This is further analysed between the three court jurisdictions in Table 1. The increase in the total value of funds by €42 million (2.2%) is attributable to a net increase from investment performance of €8.7 million for the year (€29 million in 2018) and an increase in net capital transactions of €33.3 million (€58 million in 2018) (i.e. net excess receipts over disbursements).

## INVESTMENT PERFORMANCE

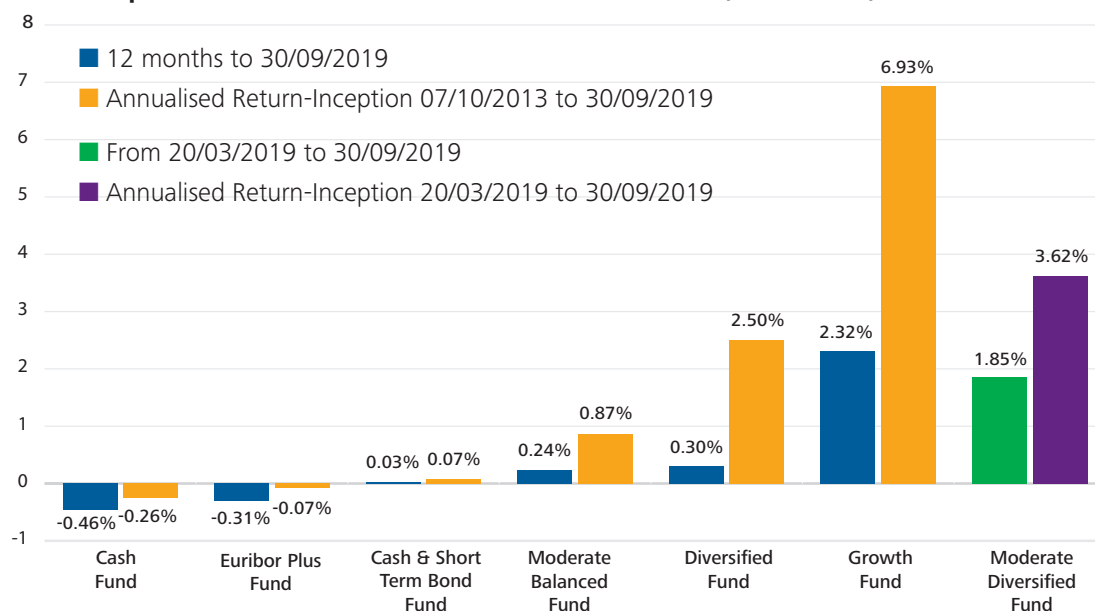
Table 2 shows the investment performance, net of fees, for all existing strategies for the financial year from 1st October 2018 to 30th September 2019. It also shows the annualised performance since inception. The net returns, after management fees and custodian and administration fees, were as follows: Cash Fund (-0.46%), Euribor Fund (-0.31%), Cash & Short Bond Fund (+0.03%), Moderate Balanced Fund (+0.24%), Diversified Fund (+0.30%), Growth Fund (+2.32%); and Moderate Diversified Fund (+1.85%).

Note: Full details are contained in the annual report of the Financial Statements of the Accountant of the Courts of Justice for the year ending 30th September 2019 available on [www.courts.ie](http://www.courts.ie).

**Table 1: Total net assets under management - by jurisdiction**

	Net assets € at 30/09/2019	%	Net assets € at 30/09/2018	%	% INCREASE IN NET ASSETS
High Court	1,761,556,213	89.4%	1,737,472,524	90%	1.4%
Circuit Court	182,975,481	9.3%	169,351,495	8.8%	8%
District Court	26,365,042	1.3%	22,496,450	1.2%	17.2%
<b>Total</b>	<b>€1,970,896,736</b>	<b>100%</b>	<b>€1,929,320,469</b>	<b>100%</b>	<b>2.2%</b>

**Table 2: Spectrum Funds Annual Investment Performance (Net of Fees)**



## The Office of the Accountant of the Courts of Justice

Extract from the audited financial statements as at 30th September 2019

### STATEMENT OF FINANCIAL POSITION AT 30 SEPTEMBER 2019

	30/9/2019	30/9/2018
	€	€
Financial assets at fair value through profit or loss	1,908,397,304	1,862,642,100
<b>CURRENT ASSETS</b>		
Debtors	34,837,734	39,028,915
Cash and cash equivalents	29,277,536	29,214,739
<b>TOTAL CURRENT ASSETS</b>	64,115,270	68,243,654
<b>CURRENT LIABILITIES</b>		
Creditors	(1,615,838)	(1,565,285)
<b>TOTAL CURRENT LIABILITIES</b>	(1,615,838)	(1,565,285)
<b>NET CURRENT ASSETS</b>	62,499,432	66,678,369
<b>TOTAL NET ASSETS</b>	1,970,896,736	1,929,320,469
<b>Represented by:</b>		
Funds held for beneficiaries	1,970,896,736	1,929,320,469

The financial statements were approved by the Accountant on 23rd March 2020.

## The Office of the Accountant of the Courts of Justice

Extract from the audited financial statements as at 30th September 2019

### STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 SEPTEMBER 2019

	30/9/2019	30/9/2018
	€	€
<b>NET REALISED AND UNREALISED GAINS</b>		
Net realised gains on financial assets at fair value through profit or loss	9,798,200	11,905,340
Net change in unrealised gains on financial assets at fair value through profit or loss	1,173,465	19,862,663
Net gains/(losses) realised on transfers of assets	18,345	(6,504)
<b>NET REALISED AND CHANGE IN UNREALISED GAINS</b>	10,990,010	31,761,499
Investment income	78,578	75,629
	11,068,588	31,837,128
Expenses	(2,320,439)	(2,563,079)
<b>INCREASE IN NET ASSETS FROM OPERATIONS</b>	8,748,149	29,274,049

The financial statements were approved by the Accountant on 23rd March 2020.



## The Office of the Accountant of the Courts of Justice

Extract from the audited financial statements as at 30th September 2019

### STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED 30 SEPTEMBER 2019

	30/9/2019	30/9/2018
	€	€
<b>INCREASE IN NET ASSETS RESULTING FROM OPERATIONS</b>		
Investment income less expenses	(2,241,861)	(2,487,450)
Net realised gains on financial assets at fair value through profit or loss	9,798,200	11,905,340
Net change in unrealised gains on financial assets at fair value through profit or loss	1,173,465	19,862,663
Net Gains/(losses) realised on transfers out during year	18,345	(6,504)
	<hr/>	<hr/>
<b>INCREASE IN NET ASSETS FROM OPERATIONS</b>	8,748,149	29,274,049
<b>CAPITAL TRANSACTIONS</b>		
Receipts	293,997,083	361,268,549
Disbursements	(261,168,965)	(303,122,135)
	<hr/>	<hr/>
<b>INCREASE IN NET ASSETS FROM CAPITAL TRANSACTIONS</b>	32,828,118	58,146,414
Total Increase in net assets for the year	41,576,267	87,420,463
Net assets at beginning of year	1,929,320,469	1,841,900,006
	<hr/>	<hr/>
<b>NET ASSETS AT END OF YEAR</b>	1,970,876,736	1,929,320,469

The financial statements were approved by the Accountant on 23rd March 2020.

## Courts Funds Office – Courts Accounts Section

The Courts Accounts Section of the Courts Funds Office operates as a shared service centre for the processing of all financial transactions for the Combined Offices of the Courts Service. The total volume of transactions both receipts and payments for 2019 was €557,541 (2018 = €547,644) with a monetary value of €124.4m (2018 = €135.7m).

### Fines

The Service manages and receipts fines imposed by the courts. Court fines received are transferred to the Exchequer and a number of other government departments and agencies.

COURT FINES COLLECTED AND TRANSFERRED	2019 €'000	2018 €'000
Exchequer (motor fines)	5,343	5,007
Exchequer (general) *	2,831	1,843
Revenue Commissioners	826	848
Department of Communications, Energy and Natural Resources	27	12
Department of Agriculture, Fisheries and Food	268	30
<b>Total</b>	<b>9,295</b>	<b>7,740</b>

\* Includes monies transferred to the Exchequer in relation to unclaimed bail monies over 3 years old of €295,858.78 for 2019

### Fines (Payments and Recovery) Act 2014

The Fines (Payments and Recovery) Act 2014 allows for the payment of fines by instalment over a twelve-month period, subject to certain conditions. Where a person defaults in making payment the matter will be brought back to court. This may result in the making of an attachment of earnings order or a community service order. Where the unpaid fine is in excess of €500, the court may appoint a receiver.

POOR BOX	BALANCE AT 01/01/2019	RECEIPTS	PAYMENTS	BALANCE AT 31/12//2019
District Court	€940,026.40	€1,740,587.44	€2,064,859.43	€615,754.41

FINES	2019	2018
Fines imposed (CCTS)	66,239	68,119
Transactions in respect of fines*	78,609	83,109
Value of transactions	€25,403	€25,757

\* includes estreatments, fines appealed transactions and forthwith fines (i.e. fines not paid by instalment)

### Family law

The Service processes family law payments for both maintenance debtors and creditors.

FAMILY LAW: RECEIPTS AND PAYMENTS				
	2019		2018	
	€'000	Volume	€'000	Volume
Receipts	€16,808	203,902	€17,232	210,988
Payments	€16,799	218,341	€17,229	207,182

The Service continues to encourage users to avail of electronic funds transfer (EFT) as the preferred method of payment with 92% of family law maintenance creditors paid by EFT in 2019, and 79% of debtors making payment by standing order.

### Poor Box

The court may direct that money be paid into the Court Poor Box in lieu of, or in conjunction with, another penalty. Payments can be made via the Service for onward payment to a charity as directed by the court.

The primary responsibility of the Service in relation to the Poor Box is to ensure that:

- all monies paid into and payments made from the Poor Box are carried out in accordance with the direction of the judge and
- there are adequate and effective systems and procedures in place for recording court orders and accounting for poor box receipts and payments.



## CHAPTER 6 REPORTS OF THE RULES COMMITTEES

## SUPERIOR COURTS RULES COMMITTEE

### REPORT FOR YEAR ENDING 31ST DECEMBER 2019

The Superior Courts Rules Committee was established by section 67 of the Courts of Justice Act 1936. Under section 68 of the 1936 Act the power to make, annul or alter rules of court is exercisable by the Committee with the concurrence of the Minister for Justice and Equality.

#### Membership of the Committee at year ending 31st December 2019:

- The Chief Justice, the Hon. Mr Justice Frank Clarke (Chairperson)
- The President of the Court of Appeal, the Hon. Mr Justice George Birmingham (Vice Chairperson)
- The President of the High Court, the Hon. Mr Justice Peter Kelly
- The Hon. Mr Justice William McKechnie, Judge of the Supreme Court
- The Hon. Ms Justice Elizabeth Dunne, Judge of the Supreme Court
- The Hon. Mr Justice John A. Edwards, Judge of the Court of Appeal
- The Hon. Mr Justice Brian Murray, Judge of the Court of Appeal
- The Hon. Ms Justice Deirdre Murphy, Judge of the High Court
- The Hon. Ms Justice Teresa Pilkington, Judge of the High Court
- The Master of the High Court, Mr Edmund W. Honohan S.C.
- Mr. Conor Dignam S.C., nominated by the Council of the Bar of Ireland
- Ms. Grainne Larkin B.L., nominated by the Council of the Bar of Ireland
- Mr. Stuart Gilhooly, Solicitor, nominated by the Council of the Law Society of Ireland
- Mr. Liam Kennedy, Solicitor, nominated by the Council of the Law Society of Ireland
- Mr. James Finn, Strategy and Reform Directorate, Courts Service, to whom membership has been delegated by the Chief Executive Officer of the Courts Service under section 30(2) of the Courts Service Act 1998
- Ms. Mary Cummins, Office of the Chief State Solicitor – appointed to act in place of the Attorney General under section 36(4) of the Courts and Court Officers Act 2002
- Mr. John Mahon, Registrar of the Supreme Court

Secretary - Liz Hughes, Directorate of Reform and Development, Courts Service

Drafting Services - Mr Sean Barton of McCann Fitzgerald Solicitors

The Committee met on 3 occasions during 2019. The following rules of the Superior Courts were concurred in by the Minister for Justice and Equality between the 1st January 2019 and the 31st December 2019:

S.I. NUMBER	TITLE	DATE SIGNED BY COMMITTEE	OPERATIVE DATE
66 of 2019	RSC (Order 61A) 2019	15th November 2018	15th March 2019
139 of 2019	RSC (Order 39) 2019	16th February 2019	24th April 2019
146 of 2019	RSC (Service) (No. 2) 2019	13th December 2018	15th April 2019
161 of 2019	RSC (Appendix W) 2019	14th March 2019	29th April 2019
216 of 2019	RSC (Personal Injuries: Section 8 Notices) 2019	14th March 2019	19th June 2019
223 of 2019	RSC (Data Protection Actions) 2019	13th December 2018	19th June 2019
224 of 2019	RSC (Renewal of Summonses) 2019	14th March 2019	19th June 2019
422 of 2019	RSC (Special Care of Children) 2019	14th March 2019	2nd September 2019
584 of 2019	RSC (Costs) 2019	9th October 2019	3rd December 2019

At year end the following Rules signed by the Committee are awaiting the concurrence of the Minister:

TITLE	DATE APPROVED BY COMMITTEE
RSC (Coroners) 2019	11th December 2019
RSC (Order 105 and 106) 2019	11th December 2019
RSC (Probate and Administration Oaths and Bonds) 2019	11th December 2019

Rules relating to the following were under consideration by the Committee at year end:

- Draft Rules of the Superior Courts (Order 28) 2019
- Draft Rules of the Superior Courts (Regulation of Legal Services) 2019
- Draft Rules of the Superior Courts (Affidavits) 2019

Liz Hughes  
Secretary

## CIRCUIT COURT RULES COMMITTEE

### REPORT FOR YEAR ENDING 31ST DECEMBER 2019

The rule-making authority for the Circuit Court is the Circuit Court Rules Committee established under section 69 of the Courts of Justice Act 1936. The remit of the Committee is fixed partly by section 66 of The Courts of Justice Act 1924 which empowers it to annul or alter rules and make new rules with the concurrence of the Minister for Justice and Equality, including rules for regulating the sessions, vacations and circuits of the Circuit Judges and the practice, pleading and procedure generally (including liability of parties as to costs and also the entering-up of judgement and granting of summary judgement in appropriate cases) of the Circuit Court and the use of the national language therein amongst other things.

#### **The members of the Committee at 31st December, 2019 were:**

- The Hon. Ms. Justice Patricia Ryan, President of the Circuit Court (Chairperson)
- Her Honour Judge Jacqueline Linnane, Judge of the Circuit Court
- Her Honour Judge Sarah Berkeley, Judge of the Circuit Court
- Ms. Roisin Lacey S.C., nominated by the Council of the Bar of Ireland
- Mr. Tomás Keys B.L., nominated by the Council of the Bar of Ireland
- Ms. Fiona Duffy, Solicitor, nominated by the Law Society of Ireland
- Mr. Keith Walsh, Solicitor, nominated by the Law Society of Ireland
- Ms. Sabina Purcell, Principal Solicitor, Office of the Chief State Solicitor – appointed to act in place of the Attorney General under section 36(4) of the Courts and Court Officers Act 2002
- Mr. James Finn, Principal Officer, Courts Service, to whom membership has been delegated by the Chief Executive Officer of the Courts Service under section 30(2) of the Courts Service Act 1998
- Ms. Rita Considine, County Registrar, Dublin
- Ms. Mairead Ahern, County Registrar, Louth, nominated by the Chief Executive Officer of the Courts Service under section 69(4)(d) of the Courts of Justice Act 1936, as amended.

Secretary: Liz Hughes, Directorate of Reform and Development, Courts Service

Drafting Services: Mr Sean Barton of McCann Fitzgerald Solicitors

The Committee met during 2019. The following Rules of the Circuit Court were signed by the Minister for Justice and Equality between the 1st January 2019 and the 31st December 2019:

S.I. NUMBER	TITLE	DATE SIGNED BY COMMITTEE	DATE EFFECTIVE FROM
S.I. 221 of 2019	Circuit Court Rules (Renewal of Civil Bill) 2019	20th March 2019	19th June 2019
S.I. 215 of 2019	Circuit Court Rules (Personal Injuries: Section 8 Notices) 2019	20th March 2019	19th June 2019
S.I. 328 of 2019	Circuit Court Rules (Proof of Foreign Documents and Translations) 2019	20th March 2019	1st August 2019

At year end the following Rules signed by the Committee were awaiting the concurrence of the Minister:

TITLE	DATE SIGNED BY
Circuit Court Rules (Family Law) (No. 2) 2018	27th November 2018

Liz Hughes  
Secretary

## DISTRICT COURT RULES COMMITTEE

### REPORT FOR YEAR ENDING 31ST DECEMBER 2019

The rule making authority for the District Court is the District Court Rules Committee established under section 71 of the Courts of Justice Act, 1936. The Committee may annul or alter rules and make new rules with the concurrence of the Minister for Justice and Equality.

#### Members of the Committee at 31st December, 2019:

- The President of the District Court, His Honour Judge Colin Daly (Chairperson)
- Judge Brian Sheridan, Judge of the District Court
- Judge Conal Gibbons, Judge of the District Court
- Judge Anne Watkin, Judge of the District Court
- Judge Patrick Durcan, Judge of the District Court
- Mr. Shane McCarthy, Solicitor, nominated by the Law Society of Ireland
- Mr. Riobard Peirse, Solicitor, nominated by the Law Society of Ireland
- Mr. Dean Kelly, B.L., nominated by the Council of the Bar of Ireland
- Ms. Edel Haughton, Chief State Solicitor's Office, appointed to act in place of the Attorney General under section 71(9) of the Courts of Justice Act 1936, as amended
- Mr. James Finn, Strategy and Reform Directorate, Courts Service, to whom membership has been delegated by the Chief Executive Officer under section 30(2) of the Courts Service Act, 1998
- Ms. Michelle Johnston, Deputy Chief Clerk, Dublin Metropolitan District Court, nominated by the Chief Executive Officer of the Courts Service under section 71(3)(d) of the Courts of Justice act 1936, as amended

Secretary: Liz Hughes, Strategy and Reform Directorate, Courts Service

Drafting Services: Mr Sean Barton of McCann Fitzgerald Solicitors



The Committee met during 2019. The following Rules of the District Court were signed by the Minister for Justice and Equality between the 1st January 2019 and the 31st December 2019:

S.I. NUMBER	TITLE	DATE SIGNED BY COMMITTEE	DATE EFFECTIVE FROM
79 of 2019	District Court (Domestic Violence) Rules 2019	2nd January 2019	15th March 2019
145 of 2019	District Court (Service) (No. 2) Rules 2019	3rd December 2018	15th April 2019
225 of 2019	District Court (Estreatment) Rules 2019	29th May 2017	19th June 2019
226 of 2019	District Court (Order 24) Rules 2019	3rd December 2018	19th June 2019
327 of 2019	District Court (Personal Injuries: Section 8 Notices) Rules 2019	29th April 2019	1st August 2019
421 of 2019	District Court (Proof of Foreign Public Documents and Translations) Rules 2019	29th April 2019	2nd September 2019
423 of 2019	District Court (Extension of Validity of Claim Notice) Rules 2019	29th April 2019	2nd September 2019

At year end the following Rules signed by the Committee were awaiting the concurrence of the Minister:

- District Court (Case Stated) Rules 2019
- District Court (Criminal Justice (Forensic Evidence and DNA Database System) Act 2014) Rules 2018
- District Court (Suspended Sentences of Imprisonment) Rules 2018
- District Court (Order 15) Rules 2017
- District Court (European Arrest Warrant) Rules 2017

Liz Hughes  
Secretary



*Cork Courthouse*



## CHAPTER 7 LEGISLATIVE PROVISIONS

The implementation of new legislation impacting on criminal proceedings and civil actions can place significant demands on the resources of the Service. The Service continues to review the content of, and provide input into, proposed legislation to ascertain whether provisions affect court operations or impact or require new court procedures. Legislation in this context includes schemes of bills, bills, draft statutory instruments and draft EU legal instruments.

It is important that the Service is afforded the opportunity to assess the impact of proposed legislative initiatives at an early stage. This is particularly relevant in the context of the development of strategies across a range of areas including ICT, buildings and human resources. The following are examples of legislation, or proposed legislation, which impacted on the work of the courts or the Service or into which the Service provided input in 2019:

#### **LEGAL SERVICES REGULATION ACT 2015**

Sections of this Act had been commenced on 19th July 2016, 5th December 2016, 29th June 2018 and 29th December 2018. Part 10 of the Act was commenced on 7th October 2019. This resulted in the replacement of the system of taxation of costs and the functions of the Taxing Master with a new regime for legal costs adjudication operated by Legal Costs Adjudicators, whose functions include establishing and maintaining a register of determinations in adjudication of legal costs.

#### **JUDICIAL COUNCIL ACT 2019**

The Judicial Council Bill was enacted on 23rd July 2019. Sections of the Act were commenced on 10th September 2019 and 16th December 2019. All holders of judicial office are members of the Judicial Council. Its main functions are to ensure excellence in the performance of judicial functions, high standards of conduct among judges, an independent judiciary and public confidence in the judiciary and in the administration of justice. The Act provides for the establishment by the Judicial Council of a number of statutory committees, the Judicial Studies Committee, the Personal Injuries Guidelines Committee, the Sentencing Guidelines Committee and the Judicial Conduct Committee

#### **DOMESTIC VIOLENCE ACT 2018**

This Act was commenced on 1st January 2019 and repealed the Domestic Violence Act 1996 and the Domestic Violence (Amendment) Act 2002. The Act provides a non-exhaustive list of factors for courts to

consider in Domestic Violence applications. Safety and Protection Orders are now available to persons who are in intimate relationships but who are not cohabiting. For Barring Order applications, there is now no minimum period of cohabitation required. The Act also introduces the Emergency Barring Order which is a time-limited order available to an applicant who is not a spouse or civil partner but is in an intimate relationship with the respondent and who has no legal rights to the property or their rights are less than the respondent.

The Act creates the offences of forced marriage and of coercive control. It also has restrictions on reporting on, and attendance by the public at, criminal proceedings for breaches of domestic violence orders. The Act also provides for special sittings of the District Court for out of hours applications for Interim Barring Orders, Protection Orders and Emergency Barring Orders. It requires the Courts Service to provide information on support services to applicants for Domestic Violence Orders.

#### **COURTS ACT 2019**

This Act, which was commenced on 20th September 2019, increases the number of ordinary judges of the Court of Appeal to 15 (from 9) and increases the retirement age for District Court Judges to 70 years.

#### **FAMILY LAW ACT 2019**

This Act was commenced on 1st December 2019, following the divorce referendum on 24th May 2019 to amend articles 41.3.2 and 41.3.3 of the Constitution. The Act reduces the minimum living apart

period in divorce applications to two years during the previous three years, provides statutory certainty to the interpretation of “living apart” for the purposes of divorce and judicial separation applications and reduces the minimum living apart period to one year in non-consent judicial separation applications

### **COPYRIGHT AND OTHER INTELLECTUAL PROPERTY LAW PROVISIONS ACT 2019**

This Act, most of which was commenced on 2nd December 2019, extends the jurisdiction of the Circuit Court and the District Court to allow right-holders to bring intellectual property claims in civil proceedings within the monetary jurisdictions of the courts. Intellectual property claim means proceedings, application or appeal made under a range of sections under the Patents Act 1992, Trade Marks Act 1996, Copyright and Related Rights Act 2000 and the Industrial Designs Act 2001. The 2019 Act also gives the Circuit and District Courts to direct the erasure, removal or forfeiture of offending goods, material, recordings or articles.

### **RESIDENTIAL TENANCIES (AMENDMENT) ACT 2019**

This Act amends the Residential Tenancies Act 2004. Sections of this Act were commenced on 31st May 2019, 4th June 2019, 1st July 2019 and 15th July 2019. This Act introduces a new Part 7A to the 2004 Act, providing for investigations and oral hearings by the Residential Tenancies Board into alleged improper conduct by landlords. Where landlords and others do not cooperate with investigations or hearings, the District Court may direct such persons to comply.

### **CORONERS (AMENDMENT) ACT 2019**

This Act amends the Coroners Act 1962. Sections of this Act were commenced on 16th September 2019, 16th January 2020 and 21st February 2020.

The 2019 Act provides that where a coroner has directed that a post-mortem be undertaken, the coroner may apply to the High Court for an order directing persons, including health professionals to comply with the coroner’s direction. A coroner may apply to the High Court for enforcement orders where witnesses fail to comply with the coroner’s directions. The Act also allows coroners to apply to the High Court for directions on a point of law.

### **CIVIL LAW (PRESUMPTION OF DEATH) ACT 2019**

This Act was commenced on the 1st November 2019. A Presumption of Death Order may be made by the Circuit Court or High Court where the court is satisfied that the circumstances of a person having gone missing indicate that death is either virtually certain or highly probable. The High Court has jurisdiction to make a Variation Order, dissolving or varying a Presumption of Death Order.

### **LAND AND CONVEYANCING LAW REFORM (AMENDMENT) ACT 2019**

This Act was commenced on 1st August 2019. This Act puts on a statutory footing the requirement for the Court to take into account a number of factors when considering whether or not to grant an order for possession in respect of a borrower’s principal private residence.

### **ASSISTED DECISION MAKING (CAPACITY) ACT, 2015**

The Service continues to make preparations for the commencement of the main provisions of this Act. Some sections were commenced on 17th October 2016. Additional sections were commenced on 17th December 2018. This Act will make significant changes to the law relating to capacity and decision-making arrangements. It provides for the repeal of the legislation regulating wardship and the replacement of wardship with a new regime of decision-making assistance, support and representation. Jurisdiction under the Act will be exercised primarily by the Circuit Court, with certain jurisdiction being reserved to the High Court.

### **COURTS AND CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL**

This Bill contains a number of provisions which are aimed at improving efficiency in how we carry out our functions in commercial and civil matters. The principal objectives of the Bill are (a) to enable the Courts Service to designate any court or Courts Service office as a “centralised court office” so that business transacted in court offices could be transferred to that centralised court office and (b) to enable rules of court that will provide for the electronic lodgement of documents and issuance of proceedings and court orders.

## ADDITIONAL INFORMATION

### CONTACTING OFFICES OF THE SERVICE

Contact details for the main offices of the Service are on the website [www.courts.ie](http://www.courts.ie).

### OTHER INFORMATION

The Legal Diary with details of cases listed in the Supreme Court, the Court of Appeal, the High Court (including the Central Criminal Court) and the Circuit Court is on the website. Annual reports of the Service together with strategic plans and other publications are on the website.

### WEBSITE

The website can be accessed at [www.courts.ie](http://www.courts.ie).

### SOLICITORS

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Dublin 2.

**McCann FitzGerald, solicitors**  
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Sir John Rogerson's Quay  
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### AUDITORS

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(Financial Statements of the Office of the Accountant of the Courts of Justice).



