



# Courts Service

## Annual Report 2020



An tSeirbhís Chúirteanna  
Courts Service





## Mission Statement

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*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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An tSeirbhís Chúirteanna  
Courts Service

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## 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 the Child and Family Agency (Tusla) 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 the Child and Family Agency (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 the Child and Family Agency (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.

**Noelle 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 (e.g. 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 (e.g. 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 (e.g. equity claims, mortgage enforcement, administration of trusts) in the High Court to be heard on affidavit (i.e. 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 e.g. 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 (e.g. 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 the Child and Family Agency (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.



*Our primary functions are to manage the courts, support the Judiciary, provide information on the courts system to the public, and provide court buildings and facilities for court users.*



An tSeirbhís Chúirteanna  
Courts Service

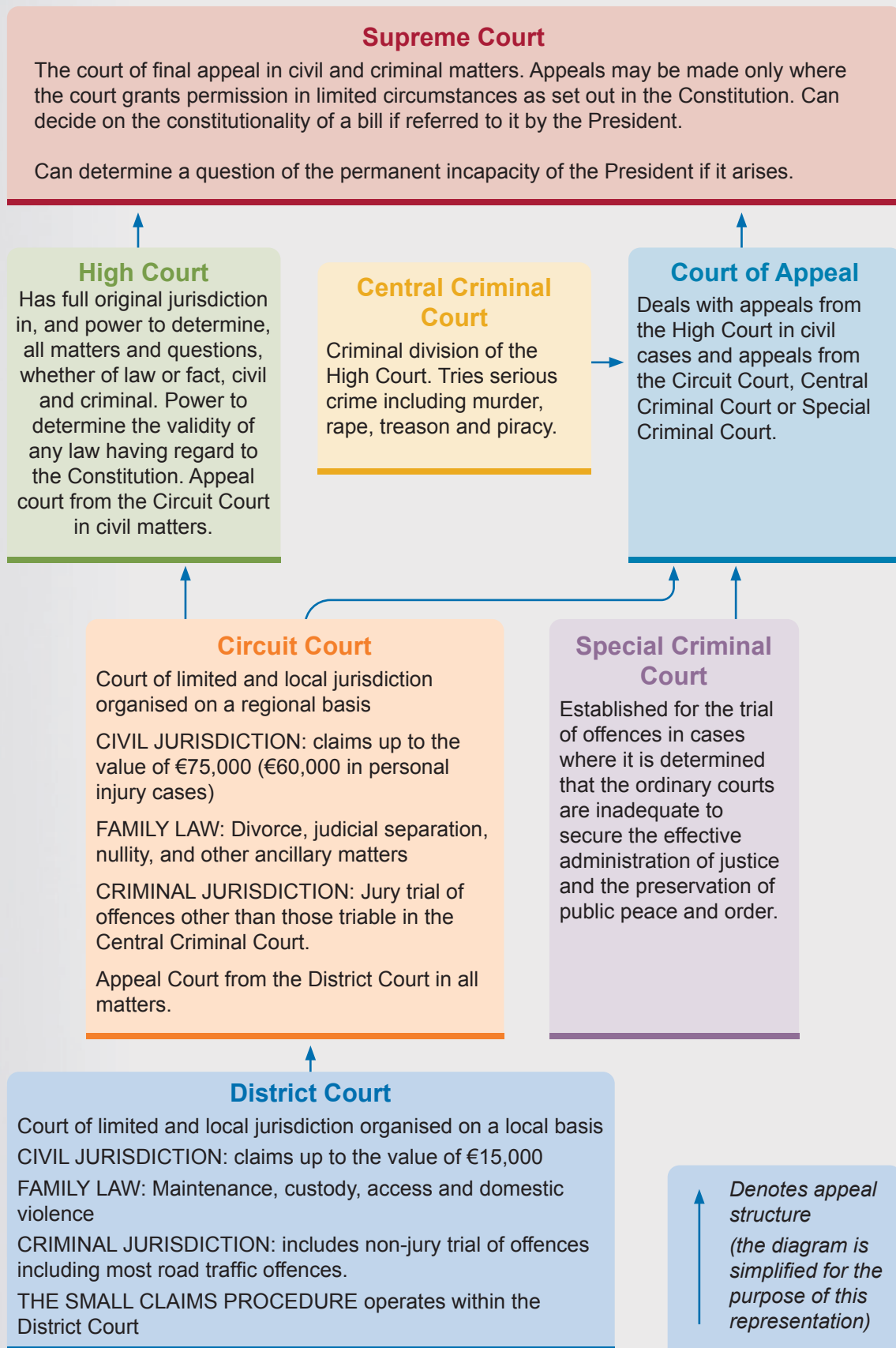
2020

Delivering excellent services to court users; working in partnership with the Judiciary and others to enable a world-class Courts system

2030



# Structure of the Courts



## Foreword by The Hon. Mr. Justice Frank Clarke, Chief Justice



There is no doubt that 2020 was a truly unprecedented year for all of us. The Courts Service, no less than all other sectors of society, had to adapt quickly and in radical ways. Many of the innovations which occurred would not have been thought of 10 years ago by even the most radical innovators. While some of the measures adopted might have been under consideration, their adoption was expedited in a very significant way.

The whole country, and indeed the world, has had to adapt to working remotely and digitally in significant parts of our work and lives. The core function of the courts and the Courts Service is, of course, to enable disputes to be resolved through the court process and appropriate orders made in accordance with justice and law. That core function could not have been carried out in the traditional way because of the restrictions imposed by the pandemic. However, there was no option but to endeavour to keep as much of that core function operational as could be achieved within the parameters of public regulation and guidance. Some types of proceedings could only be conducted with physical hearings and new measures were introduced to enable that to happen in those situations where there was no alternative to the physical courtroom but to do so in a way that was as safe as possible.

However, immediately after the announcement of the initial restrictions in March, 2020, the Court Presidents, in conjunction with the Courts Service, began to explore the possibility of remote hearings. Within a short number of weeks, many courts were conducting much of their business through remote hearings where that form of hearing was considered to

provide an acceptable means of dealing with the proceedings.

Other similar measures were introduced such as a much expanded use of video link to prisons ensuring that 13,000 prisoners were able to access hearings into their bail status without having to be moved, in significant numbers, to courtrooms throughout the country. It is reasonable to assume that this simple measure played an important role in the particular success of greatly minimising the incidence of Covid-19 in our prisons.

We must, of course, recognise the many imperfections in our response. When speaking remotely to members of staff at the beginning of the crisis, I suggested that, when it was all over, we would undoubtedly have to recognise that not every decision made was the right one. Decisions had to be made in days and weeks which would normally take months or even years of careful planning. As I mentioned on that occasion, the virus does not wait for the report of the committee or the working group. However, not making decisions, even if imperfect, would have resulted in a significantly greater reduction in the throughput of our courts than actually occurred. That being said, we must acknowledge that build-ups have developed in certain areas, not least those which were not considered suitable for remote hearings. We must also recognise that there are potentially significant numbers of cases out there which have not been commenced because of the pandemic but which may well come into court offices throughout the country in the relatively near future. Planning is well under way to try and address these problems but they will provide significant challenges.



*I think it can fairly be said that, at each level, the staff of the Courts Service more than rose to the occasion.*

We have also learned a great deal about what works and what does not work in light of what might be described as a “forced experiment” brought on us by the pandemic. That learning will greatly inform not just how we manage our attempts to meet the challenges of build-ups but also how we plan to put in place modern procedures which are fit for purpose in a digital age.

I must, of course, recognise that none of this would have happened without the dedicated work of many. I think it can fairly be said that, at each level, the staff of the Courts Service more than rose to the occasion. Staff went much more than the extra mile whether it was in complex organisation at a senior level or devising practical ways on the ground of keeping as much of the show on the road as could be done safely. The fact that many areas do not have a build-up at all is a testament to those efforts and also provides comfort in the context of meeting the challenges ahead. My colleague judges were required to innovate in ways which many would not have considered possible even five years ago. Many working groups and consultation processes were put in place with other stakeholders including legal professionals. Without their support, and importantly their preparedness to innovate, much of what was achieved would just not have happened.

The pandemic which led to the year, to which this report relates, being a truly extraordinary one for the Courts Service has, of course, continued well into the next year. The report for 2021 will, doubtless, reflect on how we handled the continuing ups and downs of the pandemic and the restrictions which it forced. It may also be possible to sketch in more detail a picture of where we hope to stand as we emerge from

the clutches of Covid-19. The Courts Service Modernisation Programme has, despite all the demands on resources created by the pandemic, been proceeding as planned and, indeed, much of the learning which we have achieved, by implementing the extraordinary measures necessitated by the pandemic will feed into the precise implementation of that programme. On civil justice, it will be necessary to implement the recommendations of the Kelly Report. A major restructuring of family law courts is contemplated by new legislation. Those matters are progressing and will define the landscape of the courts in years to come. However, the overriding message from 2020 was, in my view, the speed with which all involved showed that we could radically adapt to unprecedentedly challenging circumstances. That is the message from 2020 but it also provides hope for the message that will emerge from 2021 and subsequent years.

I am grateful to all concerned for their efforts and partnership through this past momentous year. I also extend that gratitude to the Minister for Justice and her department for their accessibility to our requirements and requests through these difficult times. I also very much welcome the commitment to our Modernisation Programme shown by the significant financial allocation to that programme in the last budget. Meeting the challenges ahead will require us all to pull together. The experience of 2020 suggests that this can be done.

**Frank Clarke**  
**Chief Justice**  
**Chairman 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. Our primary functions are to manage the courts, support the Judiciary, provide information on the courts system to the public, and provide court buildings and facilities for court users.**

Our ancillary powers include acquiring, holding and disposing of land, entering into contracts, designating court venues and making proposals to the Minister for Justice regarding, for example; reform and development matters, the distribution of jurisdiction and business among the Courts.

The Courts 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). In fulfilling our functions over 1,100 staff, across a nationwide network of offices and court venues, provide services in Civil, Criminal and Family Law to court users daily. These offices, supported by directorates established as part of our management structure, working with the Judiciary, facilitate the work of the Supreme Court, Court of Appeal, High Court, Circuit Court and District Court.

The Courts 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 should 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 Courts Service and oversees the implementation of that policy by the Chief Executive Officer. The Courts Service Act provides that the Board consider

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

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. Committees and their actions are subject to confirmation by the Board as deemed necessary.

The committees of the Board as at 31 December 2020 were:

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



## Courts Service Board



**Mr. Justice Frank Clarke**, Chief Justice and Chairperson of the Board



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



**Ms. Justice Mary Irvine** (Appointed June 2020)\*, President of the High Court



**Ms. Justice Elizabeth Dunne**, Elected by the ordinary judges of the Supreme Court



**Mr. Justice Patrick McCarthy**, Elected by the ordinary judges of the Court of Appeal



**Mr. Justice Tony O'Connor**, Elected by the ordinary Judges of the High Court



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



**Her Honour Judge Alice Doyle**, Elected by the ordinary judges of the Circuit Court



**His Honour Judge Colin Daly**, President of the District Court



**Judge Conal Gibbons**,  
Elected by the judges of the  
District Court



**Ms. Angela Denning**, Chief  
Executive of the Courts  
Service



**Ms. Maura McNally SC**  
(Appointed November)\*\*,  
Chair and Nominee of the  
Bar Council



**Ms. Michele O'Boyle**  
(Appointed November)\*\*\*,  
Nominee of the Law Society.



**Ms. Hilary McSweeney**  
(Appointed November)\*\*\*\*,  
Elected by the staff of the  
Courts Service



**Mr. Doncha O'Sullivan**,  
Official of the Department  
of Justice nominated by the  
Minister



**Ms. Karen Kiernan**,  
Nominated by the Minister  
to represent consumers of  
the services provided by the  
Courts



**Ms. Patricia King**, General  
Secretary and nominee of  
Irish Congress of Trade  
Unions



**Ms. Deirdre Kiely**,  
Nominated by the Minister  
because of her relevant  
knowledge and experience  
in commerce, finance or  
administration.

\*Replaced Mr. Justice Peter Kelly  
\*\*Replaced Mr. Micheál P. O'Higgins

\*\*\*Replaced Mr. Michael Quinlan  
\*\*\*\*Replaced Mr. Damien Downey

## Courts Service Board Committees

### 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. Ms. Justice Mary Irvine, 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, Courts Service Board member representing the Department of Justice  
Ms. Deirdre Kiely, Courts Service Board member representing commercial and financial interests.

### Audit and Risk Committee

Ms. Deirdre Kiely, (Chairperson)  
The Hon Mr. Justice Seamus Noonan, Judge of the Court Of Appeal  
His Honour Judge James McCourt, Judge of the Circuit Court  
Judge John Hughes, Judge of the District Court (October- replaced Judge Michael Coghlan)  
Ms. Patricia Barker, External Committee member  
Mr. Doncha O'Sullivan, Courts Service Board Member representing the Department of Justice.

### 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  
The Hon. Mr. Justice John Jordan, Judge of the High Court  
Her Honour Judge Kathryn Hutton, Judge of the Circuit Court  
Judge Paula Murphy, Judge of the District Court  
Ms. Angela Denning, Chief Executive and Courts Service Board Member  
Ms. Patricia King, Courts Service Board Member  
Mr. Michael Quinlan, Nominee of the Law Society  
Mr Brian Kennedy, Nominee of the Chairman of the Bar Council\*  
Mr. Peter Mullan, Assistant Secretary of Circuit and District Court Directorate  
Mr. John Cleere, Assistant Secretary of Corporate Services Directorate  
Mr. Ciaran O'Connor, representative of the Office of Public Works  
\*Mr. Jack Nicholas BL to act as alternate to Brian Kennedy.

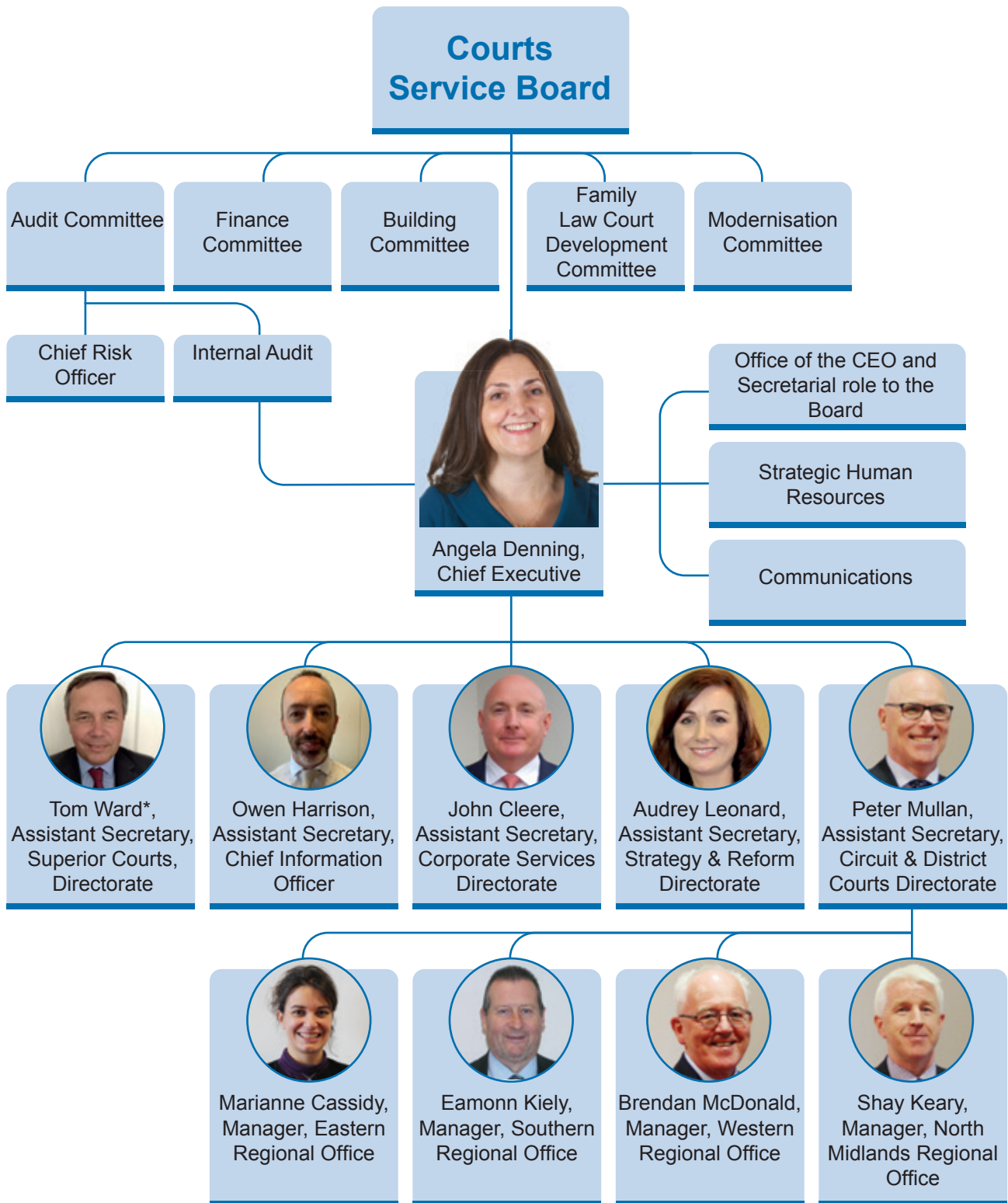
### Family Law Court Development Committee

This Committee has been repurposed and is due to reconvene in 2021.

### Modernisation Committee of the Courts Service Board

The Hon. Mr. Justice Frank Clarke, Chief Justice, (Chairperson)  
His Honour Judge Colin Daly, President of the District Court  
Mr. Michael Quinlan, Courts Service Board Member nominated by the Law Society  
Ms. Catherine Treacy, Former CEO of the Property Registration Authority  
Ms. Angela Denning, Chief Executive Officer.

# Organisational Structure



\*Tom Ward was appointed in January 2021 after Ms. Geraldine Hurley left the Courts Service in July 2020

## 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 Courts Service and is also the Accounting Officer for the Courts Service.

The Chief Executive Officer is supported by the Senior Management Team comprising Assistant Secretaries with responsibility for Superior Courts, Circuit and District Courts, Strategy and Reform, Corporate Services, the Chief Information Officer, the Head of Strategic Human Resources, a representative of the Principal Officers and the Principal Officer in the Office of the CEO.

## Organisational structure

The Courts 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 both the Circuit Court and the District Court, and eight offices support the work of the District Court only.

The Southern Regional Office includes the administrative area of counties: Cork, Limerick, Tipperary and Kerry.

The Eastern Regional Office includes the administrative area of counties: Kildare, Wicklow, Carlow, Kilkenny, Wexford, Laois and Waterford.

The Western Regional Office includes the administrative area of counties: Mayo, Galway, Clare, Sligo, Roscommon, Donegal and Leitrim.

North Midlands Regional Office includes the administrative area of counties: Louth, Meath, Monaghan, Westmeath, Offaly, Longford and Cavan.



Chapter

# 2



The year  
in review

# Angela Denning

## Chief Executive Officer



It is normal to end introductions to reports such as this with thanks to those we have worked with in the past year. This year, the Covid-19 pandemic impacted our operating environment significantly and so I wish to start this report by extending the most heartfelt thank you to every individual and organisation who helped keep the Courts and our services open and safe, in what was an unprecedented year.

Our agility in handling the challenges we faced throughout the year was made possible by our staff who demonstrated extraordinary resilience and dedication to the delivery of vital public services to ensure access to justice throughout the pandemic. That they adapted quickly and repeatedly to constantly changing circumstances in such a committed and professional manner is testimony to their public service values. I am extremely proud of how our teams nationwide responded to the many challenges presented thereby ensuring that Courts remained open in very difficult circumstances. Thank you to each and every one of you for your agility, resourcefulness and dedication during 2020.

Our partnership with the Judiciary has always been an asset to the efforts of the Courts Service. The past year has seen our collaborative efforts deliver extraordinary changes to the way we work. As every effort was made to prioritise services to the most vulnerable in our society and support

the work of the Courts our collegiality strengthened. I am very grateful for the support, appreciation and understanding from the judges of Ireland as we did our all together to maintain access to justice.

In 2020 our partnerships extended to the professions, their representative bodies, all justice sector agencies, the Department of Justice, the Department of Public Expenditure and Reform and representatives of court users. Together we achieved so much this past year. I thank them all for their co-operation, support and understanding. I look forward to continuing to work together as, like court administrations worldwide, we attempt to embed the many positive changes achieved through necessity over the past year.

The following chapter of this report outlines how we met the challenges the pandemic posed across all our areas of activity in 2020 while maintaining a strategic approach to change. Communications featured strongly in our response to the pandemic, opening up regular contact with the Judiciary, our partners and more prolific engagement on courts.ie and our social media channels. Continuing to focus on communicating with the right people at the right time and getting feedback will be important as we seek to bring all those involved in the Courts and justice system with us on our modernisation journey.



*The work of the courts often reflects what is happening in society at a given point in time.*

Our 10-year Modernisation Programme is based on the following principles: it should be just, user-centric, simplified, provide for timely access to justice, provide integrated services, be collaborative and efficient and effective. We sought to underpin everything we did over the past year with these principles.

The work of the Courts often reflects what is happening in society at a given point in time. The statistics section of this report shows just how the Courts performed in 2020 and the effects of the pandemic on case types, hearings and length of waiting times. Throughout this Annual Report we also aim to provide a narrative of the activities undertaken by the Courts Service and the expenditure of public funds in infrastructure, ICT, services and people to support our vital work.

As we continue into the next phase of our planned decade of change and modernisation, this report provides evidence of how much we have achieved in a short period of upheaval and challenge. It is an example of what can be achieved by being agile, innovative and efficient in a rapidly changing environment. The challenge that lies ahead is to build on the positive experiences from the pandemic, through feedback, to better inform our recovery plans and to progress our modernisation ambitions.

At the end of 2020 we published our Strategic Plan 2021-2023 which outlines six overarching strategic goals for the Courts Service for the next three years. It is the first major part of our 10-year Modernisation Programme which aims to bring new digital technology and modern ways of working to the administration of justice, making access to justice easier and quicker to navigate, better responding to the needs of court users.

**Angela Denning**  
**Chief Executive Officer**  
**The Courts Service**

# The Courts Service 2020 Story

## – a unique year in review

The Annual Report 2020 tells the Courts Service story of an extraordinary year. This chapter outlines how, with limited time to prepare, we continued to provide access to justice in very challenging circumstances.

At the start of 2020, we had just commenced our Modernisation Programme, a 10-year programme to improve access to justice in a modern, digital Ireland. We were working to our seven key priorities from the Corporate Strategic Plan 2018 -2020. However, when the pandemic hit those priorities reduced to two: firstly, keeping Courts and services open and safe for staff, the Judiciary and all users, and secondly prioritising modernisation projects and innovation to meet the challenges of the new working environment.

Our 2020 story demonstrates how the work and operations of the Courts continued and, in some cases, improved.

### Immediate Response to Covid-19

In early 2020 significant preparations were made by Courts Service staff as Covid-19 spread towards Europe. Overnight our court operations, traditionally involving high volumes of people in court offices and courtrooms, had to change to take account of the public health emergency and to comply with public health guidelines.

To keep the Courts operational and court users informed:

- The Courts Service Senior Management Team met the Chief Justice and Presidents of all jurisdictions regularly to ensure that we maximised case throughput while always adhering to public health guidelines.
- The Presidents of all jurisdictions issued regular Practice Directions and Orders setting out how Courts would operate

during restrictions. Practice Directions and Orders changed to reflect updated public health guidelines.

- We applied a crisis communications approach and ensured daily updates and notices were published on our website, courts.ie and we significantly increased our use of social media – reaching thousands of practitioners and court users.
- During the most restrictive lockdowns, only essential proceedings could be dealt with, but as guidance allowed, case volume increased.
- Urgent and essential cases continued to be heard throughout. This included domestic violence and criminal proceedings.
- All written judgments were delivered electronically and published on the Courts Service website, courts.ie.
- Attendance at Court offices was by appointment only to ensure that footfall could be safely managed.

This approach broadly applied to all jurisdictions; however, the pandemic also exposed the diverse nature of operations across each of the jurisdictions and across various offices. This report therefore demonstrates how each of the jurisdictions responded.

### The Supreme Court and Court of Appeal

The story of the pandemic for the Supreme Court and Court of Appeal is one of early adoption of technology to overcome the specific challenges social distancing requirements presented for collegiate courts.

The commencement of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 was particularly important in all jurisdictions to support the use of



technology in Courts. Both the Supreme Court and Court of Appeal quickly adopted the use of the video technology platform 'Pexip' and made greater use of electronic documentation to facilitate their continued work. Procedures were introduced to ensure that justice was administered in public. Both jurisdictions delivered their judgments electronically.

The Supreme Court introduced a new procedure whereby they would issue a statement of their understanding of the case and a request for clarification, to support an improved understanding of the precise matters on which the parties truly differ and on which the Court would need to decide in advance of a hearing.

Waiting times for a hearing in both Courts were improved, to a certain extent, by a net reduction in the numbers of new cases coming into their lists from other jurisdictions. 2020 was the first full year in which the Court of Appeal benefitted from an additional division on foot of its expansion in autumn of 2019. By year end in both Courts, there was a net improvement in the numbers of cases waiting to be dealt with compared to 2019.

## High Court

Prior to March 2020, proceedings in the High Court involved the attendance of litigants and their representatives and in some cases, jurors and expert witnesses. The restrictions on travel as well as the limitations on holding in-person Courts because of social distancing rules meant that by comparison to appellate courts, the impact of the pandemic on the High Court and the Offices of the High Court, was significant.

Like the other jurisdictions, at the outset, the High Court prioritised those matters related to people's liberty or which were particularly urgent. An additional Court to hear Bail applications was established to meet an increase in demand in this area and to facilitate social distancing for in-person applications. Applications for Bail,

Extradition, Habeas Corpus, Wardship, Injunctions and their enforcement and urgent applications for Judicial Review were all prioritised in 2020.

The High Court remained available to rule settlements reached and worked very hard to encourage the use of alternative dispute resolution. The High Court was also an early adopter of remote courtroom technology and essential business such as Wardship applications which continued thanks to this new technology. However, lists where matters in normal times proceeded to full hearing (e.g. Strategic Infrastructure Development, Personal Injury, Defamation) saw significant reductions in numbers of cases resolved as a result of the inability to hold hearings.

Pandemic restrictions only allowed for access to court offices by appointment for the most urgent matters or not at all, when Government Guidelines necessitated the curtailing of all non-essential travel. For the Probate Office and the District Probate Registries, the restrictions resulted in the temporary closure of the service to personal applicants and a move to a postal/ drop box arrangement for all applications. The move away from personal service saw a significant increase in the volume of post, e-mails, telephone calls and correspondence across all offices.

A simple but very helpful innovation introduced by the President of the High Court to assist practitioners by reducing the volume of papers required to be prepared in advance of a hearing, was the introduction of practice direction HC 97. A list of the authorities for the most common interlocutory applications is now contained in the Court's own Book of Authorities which is available on the Courts Service website, courts.ie and is kept updated. Books of Authorities in such applications should only include authorities not identified in the Court's own book and then only if such authorities are of particular relevance to the application.



### **New ways of working and modernisation**

Working groups involving members of the Judiciary, legal professionals and Courts Service staff were particularly productive in working out how cases could be heard and how the resolution of cases could be otherwise encouraged. The Courts Service is particularly grateful to those members of the legal profession who took part in moot Courts using the new technology, which were crucial in shaping the organisational approach to supporting such Courts.

The pandemic also strengthened the case to press ahead with modernisation plans to facilitate electronic case management. While users may have been able to avail of a remote platform for hearings, original documents for Court still had to be filed physically in the High Court Central Office. The imposition of travel and other restrictions necessitated the adoption of an appointments system for personal callers which were strictly limited to business of an urgent nature. We acknowledge that this situation was less than satisfactory for both court users and staff.

The additional administrative burden associated with remote courts and new ways of working was substantial, in the absence of systems to facilitate easy communication with court users. Work is progressing to lighten this administrative load in 2021.

### **Examples of modernisation already improving access to the High Court:**

- In September 2020 the Courts Service and the Office of the Revenue Commissioners (Revenue) introduced a new online process designed to reduce the common errors previously encountered when completing the paper Inland Revenue Affidavit. This new online first stage to filing and processing an application for probate or administration, also aims at allowing applicants file efficiently from their office or home. The Probate Office then confirms to Revenue on ROS the date of issue of the grant in each application and summary information is available to the Probate

Office online – linking up both stages. This has been to the overall benefit of applicants, with less office visits involved and an improvement in the time taken to receive a grant.

- The pandemic period also saw participants attend remote Courts who previously would have been excluded. The Courts hearing applications for people to be made Wards of Court allowed members of families observe the proceedings and as appropriate, participate in them, who previously may not have attended.
- The technology also reduced the amount of time medical and other experts take to attend Court because travelling to and from Court and, in some instances, waiting to be called, was not needed.
- Applications for adjournments and orders by consent were accepted by email.
- The Examiners Office was also able to conduct its business and involve a greater number of participants over the remote technology who previously would not have been inclined to attend because of the time and consequential cost involved.
- The High Court bail list continued with those in custody participating over video link, thereby supporting the efforts of the Irish Prison Service to keep the prisons largely Covid-19 free.
- The use of the technology for positive call overs of cases also allowed the Courts clarify exactly how many cases remained in their lists and to progress cases that were due to be heard. This was also of ease to legal representatives who did not need to leave their offices to attend Court for short administrative matters.

### **High Court Data**

Overall the data mapping, regarding matters before the High Court, shows a significant year-on-year reduction of new cases initiated in matters involving finance (revenue, possession, liquidated debt) with a corresponding increase in cases where the State covered the costs of both sides of the litigation (Bail, Asylum).



*Supreme Court Judges visited Waterford Institute of Technology as part of the Court sitting in the South East early in 2020.*

The net reduction in numbers of cases disposed of in the High Court in 2020 are likely due to a combination of factors including; the inability to hold in-person hearings; the need to separate cases in the lists; and the temporary closure of some other Courts to comply with national health guidelines.

Addressing the waiting times built up in some areas during the pandemic, while at the same time meeting the goals set out in our Modernisation Programme, represent very significant challenges for all those working in the Courts in the short to medium terms.

### Statistical Highlights from the Superior Courts include:

- 84% increase in Assault (Civil)
- 37% increase in High Court Bail
- 70% increase in Adoption in the High Court
- Personal Injury – new cases reduced in number by 16%

- 32% decrease in Regulation of Professions
- 23% decrease in Garda Compensation cases
- 29% decrease in Habeas Corpus
- 77% decrease in Bankruptcy Summonses and 65% decrease in Bankruptcy Petitions
- 89% decrease in Judgments marked in the office
- 43% decrease in Deed Poll

### Circuit and District Courts

At all times during the pandemic, the Circuit and District Courts continued to deal with urgent matters in the areas of Family Law and crime (especially cases involving persons in custody). Operations in the Circuit and District Court during the pandemic experienced the most significant change in how the Courts operate, primarily because our buildings across the country determined the throughput of people attending Court.

### Transformation of Operations

To maximise the safety of all court users our standard operating models had to be radically changed. Every courtroom nationwide was surveyed and a maximum capacity determined.

- Court lists were restructured with staggered listing of cases across the day-replacing the normal listing of business for the start of court sessions.
- Cases had to be ready for their allocated time otherwise valuable court time would be wasted.
- New procedures were introduced across the country in consultation with stakeholders.
- Consent orders could be made by applying directly to Court offices. Notice of such requests could be put before a Judge to make an order with no need for parties to attend Court.
- In circumstances where Judges and County Registrars thought it appropriate and the technical infrastructure supported

it, virtual Courts were held across many parts of the country.

- Just as was the case for the Superior Courts, the Circuit and District Courts engaged in widespread use of video conferencing technology. This also increased significantly as new legislation (Civil Law and Criminal Law (Miscellaneous Provisions) Act, 2020) expanded the types of proceedings that could be heard remotely.
- This was particularly significant for the Irish Prison Service as more and more appearances by prisoners in criminal proceedings were dealt with remotely. This greatly reduced the need to transfer prisoners to courthouses and minimised the risk of infection being brought back into prisons.
- Although criminal trials before a jury stopped when the initial lockdown started and could not restart until the autumn, the normal court summer vacation was truncated in many areas and Circuit Criminal and Central Criminal Court trials



The Courts Service celebrated its 21st Anniversary in 2020. This photo is of then Minister for Justice and Chief Justice signing the Courts Service establishment order in 1999.



began in September to help ease the build-up of cases.

- Importantly, as well as keeping all the urgent and time sensitive matters open for business, the Courts Service worked closely with the Department of Justice on the “Still Here” campaign. This was to highlight and reassure court users that domestic violence services were still available and had not been curtailed during lockdown.

### Operational Challenges and Responses

It was unavoidable that court lists changed with altered restrictions, frequently on very short notice. As with all jurisdictions, offices adapted to the situation by increasing communication with parties to try to minimise the impact that this disruption caused to court users. Parties to proceedings were updated by either email, written notice, phone (if contact details were available) and by updating the Courts Service website, courts.ie.

To avoid congregations of people waiting to be dealt with, court offices moved from a first-come-first-served model to an appointment-based system.

Drop boxes were installed in court houses to allow correspondence to be delivered directly to the building while also reducing face-to-face engagement.

New public health guidelines and capacity numbers for courtrooms to allow for social distancing restrictions meant that not all courthouses which had previously held jury trials were suitable to do so. Trials were moved within the Circuit areas to maximise the limited number of venues available and to clear build-ups. For example, Trim courthouse normally only deals with Meath cases, but Wicklow cases were moved to Trim to ensure that the larger capacity at Trim Courthouse was used to its maximum.

### Notable Changes in case types at Circuit and District Courts

Each year, changes in society are reflected in the types of cases coming before the

Courts. In 2020, Circuit and District Court data reflects how the pandemic impacted people and their businesses. Highlighted below are the standout changes in new case types received by these Courts in 2020. A full set of statistics for all Courts follows in a separate chapter.

- 76% decrease in Property (Possession) cases
- 42% decrease in Recovery of Debt (liquidated claims) cases
- 28% decrease in Personal Insolvency in the Circuit Court
- 23% decrease in Small Claims
- 29% increase in Divorce - 32% increase in wives seeking divorce in the Circuit Court
- 48% decrease in Judicial Separation
- 30% decrease in guardianship custody access in the District Court
- 28% increase in Childcare orders
- 40% decrease in Maintenance applications.
- 12% increase in Domestic Violence.
- 70% decrease in Licensing
- 47% decrease in District Court Appeals.

### Covid-19 Strategic Response

Following the initial impact and first two months of the pandemic, the Government’s *Return to Work Safely Protocol*, issued in May 2020. The Chief Executive Officer of the Courts Service immediately established a Covid-19 Response Management Team (CRMT) assigned responsibility for developing a Covid-19 Safety Management System, which encompassed the following core elements:

- 1. Plan:** The CRMT took a risk-based assessment approach to create a Covid-19 Business Response Plan, which detailed specific actions required and the resources needed to develop and implement safe arrangements for Our Properties, Our People and Our Processes.

**2. Policy and Procedures:** Integral to that plan was our policy and procedures document, the 'Covid-19 Safety Management Programme'. Our Covid-19 Safety Management Programme outlines the specific responsibilities of all persons in the organisation in the management of Covid-19. The programme also documents the procedural arrangements to ensure the safety of Our Properties, Our People and Our Processes. The programme also outlines the specific arrangements for the risk assessment and daily inspection of public areas, courtrooms and offices. Supporting guidance documentation is also included in the programme to assist local offices, for example, guidance on signage requirements, how to deal with a confirmed and/or suspected case; and jury check-in protocol.

**3. Implementation:** The Covid-19 Safety Management Programme was implemented in late June 2020 with continuous support available to all office managers. Covid-19 Safety Induction Training was delivered to all staff across the Courts Service to inform each person of our safe working arrangements and make them aware of the Covid-19 safety management system. This training was adapted so that it could be shared with other court users, contractors and relevant third parties. A public information video to create awareness for all court attendees of the safe working environments in our court buildings was developed, placed on our website and circulated via social media channels. Weekly updates by email have issued to all staff since May 2020, providing information, responding to queries arising or reminding staff of key public health measures and personal responsibilities.

**4. Monitoring:** Every office in the Courts Service nominated a Worker Representative to liaise with the CRMT and to assist in the implementation of the C-19 Safety Programme. Our Worker Representatives conducted



*Social distancing badge designed by a Courts Service staff member.*

regular compliance checks on Covid-19 measures required in court buildings, court offices and courtrooms. Initially these checklists were completed manually and returned by email. In October the introduction of the digital tool iAuditor improved the process, allowing actions required to be assigned for resolution in real-time. The Worker Representatives also communicated with the CRMT, when necessary, to report any Covid-19 safety issues or to follow up on Covid-19 incidents, which can also be submitted via iAuditor.

**5. Review:** The Covid-19 Safety Management Programme is reviewed regularly. To support the Government's Resilience and Recovery plan we developed an operational framework. Where necessary revisions to the document are made and communicated, for example, the Government's issue of the *Work Safely Protocol* in late November 2020. Strong links were established with all business areas and the Communications and Media team to keep the justice community and the public informed of Courts further opening up and any change. This has been especially important as we constantly



review and adapt guidance to ensure continued compliance and learning. Regular updates have and continue to be provided to the Senior Management Team with key issues requiring resolution being highlighted. A Judicial Liaison Committee was established and continues to meet fortnightly with representative members of the Judiciary on health and safety measures required to respond to Covid-19.

### Information Technology 2020 Update

In 2020, technology was at the centre of the Courts Service strategy to keep Courts and services open and safe while progressing the modernisation agenda. An array of digital enablers were introduced to support the ongoing operation of court business providing for fully remote hearings, hybrid remote hearings, flexible court venues and other digital processes in lieu of typically in-person interactions. These enablers included:

- The introduction and expansion of a remote hearing platform, supporting all parties in attending court sessions remotely.
- The introduction of seven new video enabled courtrooms, giving greater capacity for physical hearings to remotely dial in parties, and keeping footfall to a minimum within courtrooms for hearings that required a physical setting.
- The investment and commencement of a €2.2 million project to further expand video-enabled courtrooms by almost 50%.
- The creation and deployment of mobile technology courtrooms – supporting video link, digital evidence display, and digital audio recording facilities in non-purpose-built courtrooms ('pop-up Courts'). This allowed for the expansion of courtroom venues in new locations, increasing capacity to hold trials while maintaining social distancing.
- The design of new digitally enabled jury empanelment solutions, where those called for jury duty could go through empanelling in nearby but remote settings, providing for social distancing measures.
- The introduction of digitally enabled overflow facilities to cater for legal teams, members of the media and the public to monitor court proceedings in nearby but remote settings.



*Remote Courts became a reality in 2020.*

- The introduction of a new digital file sharing facility to support legal practitioners in the sharing of case-related documents through digital means, instead of manual paper-based distribution.
- The rollout of WIFI in the Four Courts campus including judges' chambers to facilitate greater flexibility in accessing remote Courts and courtroom technology.

To support the organisation in adapting to the rapid introduction of new ways of working, an elevated level of technical and operational support across many areas of court business was introduced. This included an increase in support for digitally enabled courtrooms, both on and offsite, and also the rapid rollout of mobile devices giving the flexibility of working remotely where possible.

### Collaborative working to achieve outcomes

There was significant engagement and collaborative work with the Irish Prison Service across the year, as referenced previously by operations. This work led to an increase in the use of video link, allowing those on remand to be dialled in remotely to courtroom settings. The figures, which show the increased use of the remote attendance facility, demonstrate the value of the solution provided during the year.

Additionally, working groups with the Judiciary and legal practitioners were established and met regularly over the year to input into the design of, and to provide ongoing feedback on, new digitally enabled processes.

### Additional significant changes and improvements

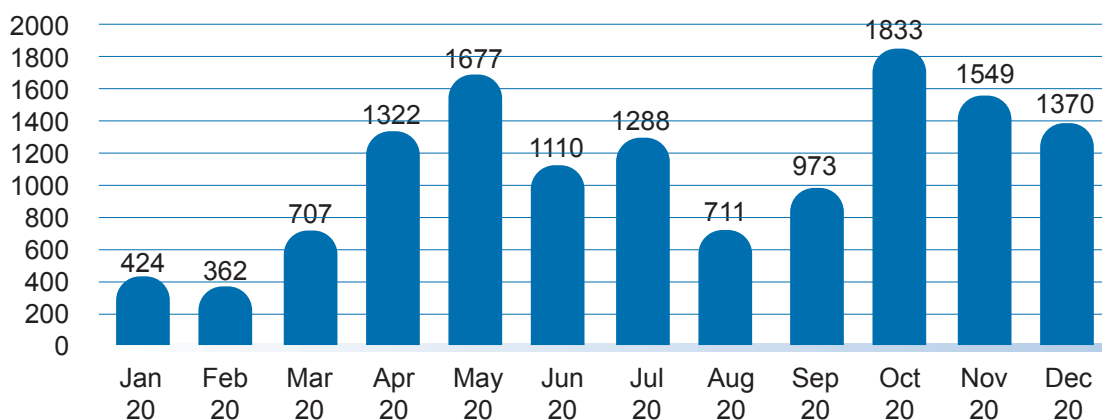
The Courts Service introduced a new and improved website supporting greater access to information to court users and the public.

The expansion of the capacity and capability of the ICT function, in line with a 2019 report recommendation, commenced this year with the hiring of a Chief Information Officer in September. This increase in capacity is planned to continue throughout 2021 in order to better meet the ongoing demands of the Courts Service and to align with the needs of the Modernisation Programme.

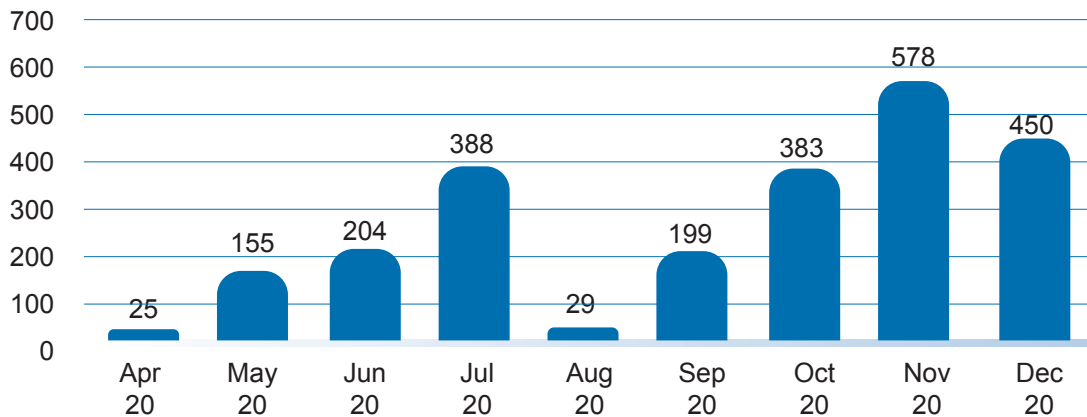
### Numbers in Action

- Laptops and home workers – the Courts Service issued 654 new laptops to Judiciary and staff in 2020 to facilitate flexibility with independent working locations to support social distancing measures.
- There were 2,411 remote court sessions supported in 2020.
- Prisons and prisoners availed of 13,326 remote appearances from prison locations linked to Courts in 2020.

IPS Video Appearances 2020



### Remote Court Sessions 2020



#### 2020 knowledge and experience shaping our future.

2020 showed us clearly that there is a need for a coherent, end-to-end, digitally-enabled case management platform. This was apparent during the rapid introduction of new isolated digital solutions in response to the pandemic. The introduction of new remote hearings saw an increase in administrative work related to scheduling, communications and management of case parties in remote settings. The lack of integration of remote hearing solutions with a modern case management system resulted in an increased workload for Courts Service staff. This highlights the need for a more strategic approach to digital process reform, if it is to be sustainable.

The rapid introduction of new digitally enabled processes and solutions has provided a significant opportunity for staff, Judiciary and legal practitioners to use new technologies and provide feedback. This experience must be built on, through the continued use and development of the judicial and practitioner engagement forums established during the year, thus providing a quality sounding board for the advancement of the Modernisation Programme.

The need for ongoing, quick access to quality data was apparent throughout the year. The lack of a coherent case

management platform, and in particular a unified data model for case tracking, posed challenges in this area. It also highlighted the importance of data as both an operational and strategic asset to the organisation, and the challenges in this area will be used to inform the upcoming data strategy due to be published in 2021.

In what is likely to be a persistent digital and mobile user base, there is now an expected ongoing demand for modern tools to support new location independent ways of working. Modern collaboration and communications tools are an ongoing requirement of the Judiciary and staff, along with the necessary supports. A strategic review of the desktop and core IT services, using the lessons learned in this area during 2020, is planned for 2021.

#### Managing our courtrooms, buildings and offices in 2020

As well as the operational changes to court listings, procedures, and use of technology, outlined above, the Courts Service adopted an equally innovative approach to the significant physical changes needed to court offices and courtrooms to keep our staff, Judiciary and court users safe. This was a combined effort by operational staff on the ground and the Estates Management Unit, supported by the Covid-19 Response Management Team. Perhaps our greatest

“  
*Not a single record  
of a workplace  
or courtroom  
acquired case of  
Covid-19*”

achievement in 2020 was that so many cases went ahead and so much work was completed, without any record of Covid-19 being acquired or transmitted in any workplace or courtroom during the year.

#### **Responding to Covid-19 and the use of our buildings:**

We ensured the Courts Service strategic goal of keeping Courts open and safe for all staff, Judiciary and court users, by applying the National Public Health Emergency Team guidelines as a priority throughout 2020. Our response necessitated a reprioritisation of work activities and disrupted previously planned initiatives to further develop the courts estate.

Our courthouses were adapted to make them compliant with Covid-19 guidelines. This involved working closely with staff in the various offices and courthouses across the country to ensure:

- The supply of Personal Protective Equipment in the form of face masks, gloves, antibacterial wipes, and hand sanitiser bottles to all court buildings for distribution as required to individual offices, courtrooms and judges' chambers.
- Where possible, rooms where individuals displaying symptoms of Covid-19 could temporarily self-isolate were identified in court buildings.
- Installation of hand sanitiser units across all courthouses.
- Installation of protective screens in every operational courtroom in the country.

- Covid-19 public health information and signage was displayed in all courthouses and offices to ensure compliance by all attendees with government guidelines
- Public spaces were modified by the introduction of one-way systems whenever possible and floor markings to encourage court users to maintain social distancing and lessen congregation.
- Every room in every courthouse was reviewed and a maximum people capacity was calculated for each area. A notice was displayed to ensure court users knew the maximum capacity to be accommodated safely.
- People-management staff were deployed to ensure that courthouses could operate safely by encouraging all court users to socially distance and manage the flow of people in and out of buildings.
- In some smaller courthouses, social distancing guidelines made their continued operation non-viable and led to temporary closure, with court business transferring to larger and safer courthouses.
- Cleaning protocols were increased with extra resources being directed to increased cleaning of courtrooms, public areas and office spaces to minimise the risk of transfer of Covid-19 via surfaces and ensure the highest hygiene standards were maintained.
- New arrangements were put in place to carry out deep cleans of areas that infected or possibly infected people may have used. On any given day, a courthouse is used by a wide range of court users and organisations (prisoners and prison officers, Gardaí, legal practitioners, reporters, witnesses etc.) It was important that any possible chance of infection spreading in courthouses be eliminated once a risk was identified.

#### **Responding to Covid-19 and Trial Venues**

To accommodate a trial, a courtroom must be able to hold a minimum of 25 people. This figure includes a Judge, court staff, the legal professionals, witnesses, 12 jurors, prison officers, Gardaí and a member of



the press. Trials would normally be run in every county of the country, but social distancing requirements and capacity limits cut back to twelve the number of venues that could accommodate trials safely. In Dublin, the Criminal Courts of Justice could only accommodate four trials simultaneously as compared to a possible 10-12 before Covid-19.

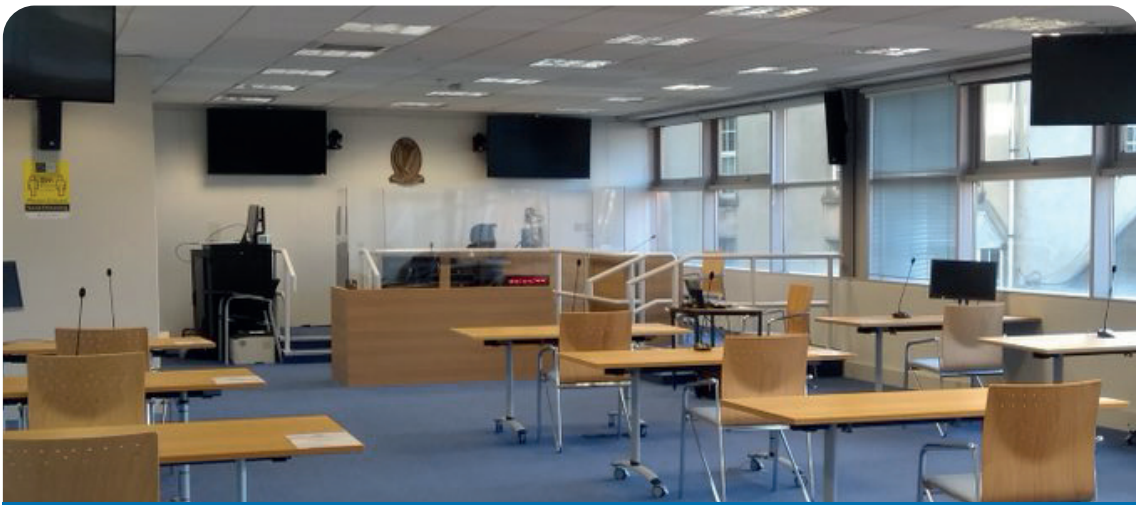
Jury empanelling was more complicated. The normal procedure, to call a large group of potential jurors, empanelling them in the courtroom or from jury assembly areas, could no longer be done safely. Instead, potential jurors were spread out across multiple areas in small groups (12-13 people socially distanced). Technology was then used to connect the trial courtrooms to the juror's locations via video conferencing equipment. In larger courthouses, it was possible to continue jury empanelling by using spare courtroom capacity to accommodate jurors, but this was not possible in every trial location. For the first time, outside venues were hired across the country to empanel juries and ensure that as many trials could proceed as possible. To expand capacity in Dublin, an agreement was made with the Honourable Society of the King's Inn to use their facilities to hold trials.

In anticipation of the ongoing courtroom capacity problem running into 2021, work was carried out in the autumn and winter to expand capacity by modifying more courtrooms to accommodate trials. Another four courthouses were upgraded in provincial towns and jury empanelling venues identified. In Dublin, an agreement was entered into with Croke Park to hire space to accommodate an additional three courtrooms in 2021.

### Strategic Priority 2020: Progressing the Modernisation Programme

In mid-2019, the Board of the Courts Service approved our ambitious Strategic Vision 2030 for the future of the Courts Service – a vision of a modern, transparent and accessible court system that is quicker, easier to access and more efficient. To deliver this vision, the Courts Service established the Modernisation Programme to oversee the transformation.

The programme sets out our plan to focus on re-designing services around court users, leveraging digital technology to streamline services and processes and ultimately deliver an internationally recognised modern court system.



*A large room in Courts Service Headquarters was repurposed as a courtroom that could support safe social distancing.*



To progress the Modernisation Programme, we developed a business case to support our request for funding for the Programme and we successfully secured an additional €9 million as part of Budget 2021. This will fund the commencement of six programmes of work under the Modernisation Programme which support the strategic objectives of digital first, user-centric service and new ways of working.

We also commenced work on a 'Target Operating Model'. This involved understanding how we currently work, how our offices operate and how we interact with our customers. Based on this understanding, we have identified the elements which need to be re-designed to deliver improved services under the Modernisation Programme.

In 2020 we established a robust governance programme led by a new Courts Service Board Modernisation Committee, and an internal Modernisation Programme Board. The Civil and Family Law reform programmes will commence in quarter 1, 2021. These key reform areas will be cross-jurisdictional and seek to simplify processes, deliver improved end-to-end customer experience, progress enabling legislation and rule changes, as well as strengthening our key partner relationships.

To ensure that all elements required for successful reform implementation are comprehensively addressed, the Courts Service recognised the need for a Transformation Partner to provide expertise, resource augmentation, advice and support. Following procurement in 2020, Deloitte Ireland LLP were formally awarded this contract and commenced work as partners to the Courts Service in quarter 1, 2021.

Covid-19 has had a modernising effect on the Courts Service and during 2020, as described already, our operations have shown how we have effectively piloted new and more digital ways of working. All were envisaged as part of Modernisation Programme, but Covid-19 has effectively fast-tracked many initiatives.

A key challenge for the Courts Service is to sustain and embed those changes and improvements that are working well, into our future. We have not made these changes in isolation. We have benefitted from working closely with our partners across the justice system and we understand that collaborative working is key to achieving the court reform and digitisation that we envisage, and we look forward to continuing to evolve this approach. The Modernisation Programme's road map will be reviewed and revised to reflect and build on the changes and impact of the pandemic.

### Innovation

In February 2020 the Courts Service was invited to be one of three pilot organisations, to help develop an Innovation Strategy for the Irish Public Service. Working with the Department of Public Expenditure and Reform and partners Ernst & Young, we, along with the other organisations helped design a strategy for adoption by Public Sector organisations. This strategy aligns and complements the overall national innovation vision whilst providing autonomy, so that organisations can set priorities and goals that are realistic and reflective of their needs. To support public service organisations to design their own strategy, we developed support tools such as a strategy framework and canvas and guidance document.

### During 2020 the Change Programme Office supported the following projects:

- The Probate Office worked with Revenue on a new online version of the Inland Revenue Affidavit (Form CA.24), called the "Statement of Affairs (Probate)" (Form SA.2).
- High Court Orders search functionality for staff and registrars was improved substantially, through a system upgrade, which went live in December 2020.
- Family Law Search on Courts Service OnLine (CSOL) was also improved in 2020.
- eLicensing (E-filing of Licensing Applications Phase III) nationwide roll out was completed during the summer of 2020. It allowed licensing applications to be made

online, and so further reduced unnecessary travel to courthouses.

- Criminal Justice Hub - Work commenced on the electronic dissemination of Court Lists to the Irish Prison Service (IPS). Pilot to start in 2021.
- Criminal Justice Hub -Work commenced on the electronic exchange of data between An Garda Síochána and the Court Service. Pilot due to start in 2021.

## Communications and Media Relations

The Courts Service is mandated to provide information on the courts system to the public. During the pandemic information provision and engagement with the Judiciary, our justice sector partners, practitioners and court users increased significantly.

As communications formed an important part of the Courts Service Covid-19 response, weekly meetings of the Senior Management Team were quickly established to enable timely decision making. We set-up regular meetings with our justice sector partners to ensure a consistent flow of information and messaging. The Communications and Media Relations team worked closely with the Covid-19 Response Management Team in taking a proactive and strategic approach to our crisis communications. Government announcements changing restrictive Covid-19 levels were followed, within 24 hours, by joint Courts Service and Judicial updates, confirming any impact on the Courts.

Our website, courts.ie, which was redeveloped in August 2020 to facilitate our annual three-million-plus site visits responsively on all devices, became our main channel for the 500 Covid-19 related notices issued in 2020. We recognised the power of social media in disseminating information quickly, and increased our use of Twitter, Facebook and LinkedIn, posting regular updates, court sitting information and notices for court users. In 2020, we issued 515 tweets, which had almost 1.66 million

impressions. YouTube became an equally important platform hosting Courts Service developed Covid-19 videos, to advise court users on attending Court safely during the pandemic.

### Media Relations Service

With Government restrictions it was not always possible to allow as many members of the public as may have liked to attend at courtrooms during the year. The Media Relations Service provided a constant flow of information to the media throughout the pandemic and also co-ordinated journalist attendance at remote and virtual Courts, guaranteeing the public continued access to Court reporting throughout 2020.

## Legal Research and Library Services

The Legal Research and Library Services (LRLS) provides legal research and library services to support members of the Judiciary. This support is provided by approximately 90 members of staff.

### Operations during the Covid-19 Pandemic

The LRLS team has contributed significantly to the Courts Service's priority of keeping the Courts open and safe since the onset of the pandemic. Judicial Assistants and Research Support Associates supported their judges by adapting to the virtual environment for court hearings and working closely with the registrars to ensure the smooth running of each court hearing. The Courts Service has provided uninterrupted research assistance support, as well as working closely with court offices to support contingency plans to maintain service delivery and safe handling of hardcopy papers.

### Modernising in 2020

The LRLS has contributed to the progression of the Modernisation Programme through its work on several projects which have been initiated during the Covid-19 pandemic. Some of our key milestones include:

- A new Bench Book policy was developed in 2020 setting out the Courts Service's strategy for compiling Bench Books.

- Preparations were made for the creation and launch of a new Research Support Office, consisting of five Research Support Associates who work for all members of the Judiciary.
- A new and innovative project developing a search engine called the Knowledge Hub was commenced in 2020. This platform consists of a federated search engine and will allow users to access both internal and external knowledge simultaneously.
- The Legal Research and Library Services Committee was established in December 2020 and encompasses all areas within the LRLS. The Committee provides judicial input and guidance regarding the provision of legal research and library services.
- The provision of support for the Judiciary in relation to international and EU projects and networks.

### Estate Strategy and Review

Future ways of working are a key outcome of the recently developed Courts Service Strategic Vision 2030. While disrupted by the need to respond to Covid-19, work on the development of a long-term estate strategy to complement and support the Modernisation Programme began in 2020 and will be completed in 2021. This work will include a comprehensive review of all court venues nationally.

The development and maintenance of quality buildings with appropriate facilities for all court users is an important part of the work of the Courts Service. Investment in recent years has greatly enhanced courthouse facilities around the country, yet further investment is required to improve and replace courthouse infrastructure.

#### Review of National Development Plan

In late 2020, the Government announced a review of the National Development Plan. The review will consider the impact of Covid-19, Brexit and strengthen alignment with the National Planning Framework, the latest Climate Action Plan and sectoral policies. The Courts Service finalised its

submission at year end for presentation in January 2021 and looks forward to participating constructively in the review during 2021.

#### Regional Projects

**Portlaoise:** In July 2020, the Courts Service completed the purchase of a site at Kylekiproe, Portlaoise which will be used for the provision of a new courthouse in the town.

**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 suitable sites at Galway, Naas and Navan as a prerequisite first step in progressing regional city and county town projects in the National Development Plan. In this regard the Courts Service has already acquired sites at Wicklow and Roscommon and a move to temporary premises is planned to provide a safe venue to enable works commence on Roscommon Courthouse on the availability of capital funding.

#### Condition Survey of Court buildings

The Courts Service has been working to create a preventative maintenance programme for court buildings (other than those under Public Private Partnership arrangements). As a first step, we sought to undertake a nationwide survey of court buildings to establish their condition. A specialist third party was engaged to conduct a condition survey of 60 court buildings.

Following a pilot phase of four representative buildings undertaken in early 2019, the main survey stage began in August 2019 and was due to complete during Q2 2020. Covid-19 resulted in the temporary suspension of surveys between March and July 2020 and has delayed project completion. At year end, 56 surveys were completed. The four remaining surveys will be completed as soon as possible in 2021.

### Dublin Projects

Implementing measures to ensure the safe use of our buildings in response to Covid-19 required reprioritisation of planned activities for most of the year. However, with an eye to the future and modernisation, the following Dublin projects were progressed in 2020:

#### Hammond Lane

The development of a modern, purpose-built Children and Family Law complex on the Hammond Lane site adjacent to the Four Courts is the key Courts Service project under the National Development Plan and remained a priority for the Courts Service during 2020, with funding for the project agreed. The proposed development will provide state of the art facilities for Family Law matters and will allow for the replacement of the existing sub-standard Family Law facilities at Dolphin House, Phoenix House and at Chancery Street Courthouse. Initial work commenced in 2020 on this project. The Hammond Lane project is being planned as part of a Justice Sector Public Private Partnership initiative.

#### Substantial repairs

- The final phase of repairs to the roof of the historic Chancery Street courthouse began in August 2020 and are expected to complete in early 2021.
- Repairs to the roof and chimneys of the historic Green Street courthouse began in late 2020 and were expected to complete in early 2021.
- The OPW also began assessing works required to the former Traffic Court building in Smithfield Square which has been derelict for many years. Extensive repairs to the roof and fabric of the building are envisaged for 2021.

#### Management of Public Private Partnership (PPP) Projects

The Courts Service currently has two public private partnership projects which are in the operational phase. These are the Criminal Courts of Justice (CCJ) building and the

Courts PPP Bundle, which comprises of courthouses in Cork, Limerick, Waterford, Wexford, Letterkenny, Mullingar and Drogheda. Services in both projects were delivered to a high standard during 2020 and in compliance with Covid-19 public health guidelines. All eight buildings remained operational throughout the year and facilitating court business even during times of heightened Covid-19 restrictions.

### Sustainability & Energy Management

In late 2019, acknowledging the significant challenges to reach public sector energy efficiency targets for 2020 and beyond, the Courts Service established a dedicated Sustainability Unit. The following workstreams were prioritised in 2020.

- Introduction of a structured energy management program with the key short-term goal of improving performance to 2020.
- Creation of a detailed energy-focused database for our large, geographically dispersed and disparate estate, ranging in size from the 23,000m<sup>2</sup> Criminal Courts of Justice in Dublin to single court venues of 200m<sup>2</sup> and ranging in age from the Four Courts constructed in 1785 to our newest venue completed in 2018. By baselining our estate, we can better understand energy use, detail energy performance indicators and highlight opportunities.
- Compliance with public sector monitoring and reporting requirements.
- Detailed energy efficiency focused engagement with our external stakeholders including the OPW, our Optimising Power at Work (OP@W) advisor at 25 venues and the facility managers at our eight public private partnership locations (representing 34% of our total primary energy requirement).
- Energy Audits were carried out at all significant and medium energy use venues, resulting in improvement works initiated for action or further investigation.



### Energy Data

In 2019 the Courts Service reported the following:

- Total energy expenditure €2,723,744.
- Total energy consumption of 37,594,586 kWh.
- Carbon emissions of 6,965,674 kgCO<sub>2</sub>.
- Contribution from renewables < 0.1% (biomass boilers).
- The Sustainable Energy Authority of Ireland public sector annual report indicated the Courts Service was 18.8% more energy efficient in 2019 than in 2009, a significant improvement on 2018 but with a large gap to close to reach 2020 targets.

2020 provisional results indicate a significant energy efficiency improvement over 2019.

### Covid-19 and the use of energy

The initial onset of Covid-19 and the restrictions and lockdowns of spring and summer 2020 resulted in a reduction in electricity use overall across the estate, attributed to more staff and court users working remotely, the closure of several smaller venues and the move to the virtual space. However, the situation changed considerably throughout the winter heating season of 2020 into 2021. In line with Health and Safety recommendations to limit the spread of Covid-19 indoors, ventilation has been increased in courtrooms and offices - either naturally, via open windows and doors, or mechanically, with increased reliance on Air Handling Units. Additional spaces or courtrooms are also in use to facilitate social distancing, further adding heating and ventilation load. These changes have resulted in a substantial increase in the thermal energy (gas, oil, LPG) consumed in most venues.

This is already reflected in our energy outturn for 2020. The impact on 2021 thermal energy is expected to be even more notable as ventilation and resulting thermal energy are likely to be impacted in the winter months at both ends of the year.

The Sustainability Unit received €500,000 funding as part of the July Stimulus package. This was assigned to three large capital projects (replacement of the boiler in Green Street, replacement of the chiller in Castlebar and an upgrade to the electric heaters in Galway) and to various systems and controls improvements across the estate. While several projects reached completion before the Covid-19 restrictions of autumn 2020, many were on hold when further restrictions were enforced in late 2020 and early 2021.

### Sustainability - Towards 2030

The overriding goal for the Sustainability Unit for the coming decade will be to progress towards the public sector energy targets for 2030. The increase in ambition and public sector targets beyond that set out in the Climate Action Plan 2019 will be confirmed with the upcoming publication of the Climate Action Plan 2021 (currently under consultation). Targets appear set to require public bodies to become twice as energy efficient as they were in 2009, to generate half as much carbon as they did in 2018 and to upgrade all buildings to a Building Energy Rating (BER) of B by 2030.

These targets represent a significant challenge for our estate, largely comprised of historic buildings, rich in architectural heritage and with specific conservation requirements and fabric restrictions. Work in the coming years will focus on a full estate gap to target analysis to identify building upgrade and system decarbonisation options and inform a multiyear energy action.

### People and the Organisation: Human Resources

Similar to operational and support offices across the organisation, our approach to Human Resources (HR) needed to take on a compelling new role in 2020 to support the dual goals of keeping Courts and services open and safe, as well as progressing modernisation. This involved a rethink of how we oversee our processes and systems, which support us in fostering

and attracting talent, and how we coordinate communication and collaboration across the organisation. Our priorities as a service-orientated organisation in 2020 were to respond and adapt to new business and staff needs, to learn from the response efforts with a focus on recovery to emerge stronger as an organisation. We continue to review the lessons we have learned in the area of HR as we push forward with the modernisation agenda of the Courts Service.

### Responding to Covid-19 and modernising for the future

Social distancing necessitated new work practices and extra coordination with other operational areas, as office spaces could not accommodate all staff safely without running the risk of potential virus transmission. At no point was a court office out of service because of a Covid-19 outbreak. New structures were put in place to ensure that services could be guaranteed, including:

- Splitting staff into two or more teams.
- Teams working in different areas of courthouses if possible.
- Home working when possible.
- At all times, offices retained the necessary staffing in courthouses to ensure that Courts would run and essential services were provided to court users.

*HR plays a vital role in creating a healthier, engaged, resilient and productive workforce.*

In response to the pandemic, we provided weekly forums for managers across the country to discuss the challenges and issues they were facing as a result of lockdowns, remote working, people management, and concerns around health and safety. We facilitated 40 of these 'clinics', which enabled managers to share experiences encouraging reinvention and the re-prioritizing of business goals.

With the Courts Service Corporate Strategic Plan 2021- 2023 in mind, we continued to invest in our staff so that we have the right people in the right jobs. We started building towards our people and organisation strategy which will create a diverse and skilled organisation to help us play our part in delivering on the modernisation agenda. We envisage a skilled, motivated and sustainable workforce that will help us deliver on our mission to support the Judiciary and provide excellent services to all users of the Courts. In 2020, we held external competitions to hire a new Health & Safety Manager, a Head of Communications, a Head of Court Funds and a Head of Finance. Internally, we promoted staff to Higher Executive Officer, Assistant Principal and Principal Officer level.

In 2020 we introduced our Health & Wellbeing Plan 2021 - 2023 and our post pandemic recovery plan which builds on existing Health and Safety and Positive Working Environment programmes. Our focus on wellbeing includes supporting staff and managers as they work under new restrictions, either in the office or independently.

We continue to push for better connection, work/ life balance, opportunities to network online, and created many different career development opportunities. We know that HR plays a vital role in creating a healthier, engaged, resilient and productive workforce.

Reflecting on 2020 and the lessons we have learned in the pandemic we are focused on nurturing a culture which supports the new ways of working and the physical and

mental wellbeing of our staff. We continue to engage with employees who are navigating a new blended approach to learning and to apply our data and knowledge to prepare us for the future.

### People and the Organisation: Learning and Development

Our Learning and Development unit worked to support staff throughout the crisis in 2020 as well as aiming to support our Modernisation Programme. We renewed our commitment to invest in our people, to ensure that they have the skills and capabilities to perform at the high level required to deliver modernisation and to carry out new and different ways of doing things. In order to deliver on that commitment, a new Learning and Development strategy was developed and completed in 2020.

The objectives of the Learning and Development strategy are to;

1. Develop a comprehensive learning and development programme that identifies a blend of approaches to developing staff capabilities needed for the Modernisation Programme.
2. Support staff to acquire the technical and legal skills and knowledge to deliver current 'business-as-usual' services. Whilst we are preparing the foundations for delivery of the Modernisation Programme, we need to continue to deliver our current services and must ensure that we are continuing to support staff in doing so.
3. Deliver a modular development curriculum, which supports staff in carrying out their current roles and in taking the next step in career progression.

These objectives have and will guide our approach to delivery of Learning and Development to colleagues across the organisation.

### Responding to Covid-19 and modernising

The uncertain environment of 2020 made it challenging to provide access to vital learning and development activities. We responded in a flexible and agile way with targeted support to colleagues charged with maintaining delivery of frontline services and access to justice.

This was achieved by accelerating the design and delivery of E-learning training modules and the move to 'virtual classrooms' for training delivery. Colleagues in the Learning and Development Unit upskilled in the areas of E-learning design and development, to collaborate with subject matter experts in the organisation to produce priority programmes.

Support for the delivery of frontline services was provided by the provision of online programmes in a number of areas, such as;

- Circuit and District Court Registrar induction
- Family Law – Domestic Violence orders modules
- Training for registrars on the technology which facilitated the delivery of 'remote' Courts
- Covid-19 safety induction (which was mandatory for all staff in the organisation before coming to our workplaces, with 918 staff completing same)

Many of the programmes in the areas of management, leadership and career development continued in 2020, with the delivery of:

- Our Quality Qualifications Ireland accredited Management Development Academy (Level 6 qualifications),
- New to Grade programmes,
- Coaching skills training for managers,
- Online induction modules for new entrants, and
- A 'managing in the current environment programme', aimed at equipping managers to support staff who may be partially or fully working remotely, due to the public health guidelines.

A comprehensive suite of targeted programmes was also provided to our Change Programme Office, to support their ability to deliver many of the new projects under our Modernisation Programme. Additionally, to support the programme we developed:

- A multi- modular ‘developing your career pathway’ programme which will support participants to develop their career development plan.
- A ‘trauma informed’ programme pilot, aimed at raising staff awareness of the needs of some court users, and increasing the quality of our interactions with those users.

Access to the Civil Service ‘Refund of Fees’ scheme was maintained in 2020, with staff supported to obtain qualifications in a range of areas, including, legal, public management, leadership, strategy,



innovation, coaching, organisation behaviour, ICT, and human resources, increasing our level of expertise in these fields.

The delivery of 1,300 training days in 2020, despite the challenges of the global pandemic, demonstrates our commitment to support the development of our people, and their commitment to engage in development, during possibly the most challenging time many of us have faced in our work lives.

### Learning and Development in Numbers:

- There was a 200% increase in courses available to staff online in 2020 up to 24, from eight the previous year.
- Online courses virtually eliminated the costs of Travel and Subsistence to attend courses. It dropped from €97,000 in 2019 to €2,500 in 2020.
- Our Virtual Classroom delivered courses to over 140 learners.
- A significant investment of € 128,844 in third level qualification courses was made via the Refund of Fees Scheme in 2020, a 47% increase from €87,274 in 2019.



Chapter

# 3



The year  
in numbers

## Overview

Civil Business By Jurisdiction	Incoming		Resolved	
	2020	2019	2020	2019
District Court	93,719	144,485	67,784	111,518
Circuit Court	38,535	50,723	17,121	35,590
High Court	29,811	36,701	12,784	28,117
Court of Appeal	733	685	476	491
Supreme Court	182	364	223	392
<b>Total</b>	<b>162,980</b>	<b>232,958</b>	<b>98,388</b>	<b>176,108</b>

Civil Business By Type	Incoming		Resolved	
	2020	2019	2020	2019
Civil and commercial litigious cases	132,705	135,208	68,301	85,193
Civil and commercial non-litigious cases	43,055	86,209	28,198	79,717
Non-litigious enforcement cases	3,459	7,531	3,503	7,400
Appeals	1,403	2,685	1,468	2,498
Cases Stated	60	33	15	8
Other*	n/a	1,292	n/a	1,292
<b>Total</b>	<b>180,682</b>	<b>232,958</b>	<b>101,485</b>	<b>176,108</b>

\*in previous years "other" consisted of Taxation of Costs which has now been replaced by the Office of the Legal Cost Adjudicators who produce their own Annual Report

Criminal Offences And Appeals By Jurisdiction	Incoming*		Resolved*	
	2020	2019	2020	2019
District Court	382,455	406,480	194,796	301,506
Circuit Court	29,074	34,616	27,788	68,069
Special Criminal Court	136	70	31	90
Central Criminal Court	2,911	1,982	1,433	1,125
Court of Appeal	1,405	1,440	1,719	1,003
Supreme Court	11	10	9	12
<b>Total</b>	<b>415,992</b>	<b>444,598</b>	<b>225,776</b>	<b>371,805</b>

\*by offence

Criminal offences and appeals total	Incoming*		Resolved*	
	2020	2019	2020	2019
Offences	403,777	425,019	211,612	320,444
Appeals	12,248	19,610	13,327	51,398
<b>Total</b>	<b>416,025</b>	<b>444,629</b>	<b>227,939</b>	<b>371,842</b>

\*orders made in respect of offences

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## 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 2019 or 2020.

## 1. Civil And Commercial Litigious Cases

Civil Business By Jurisdiction	Incoming		Resolved	
	2020	2019	2020	2019
(a) Cases where one party is suing another	109,280	135,208	68,301	85,193
(b) European Payment Order applications	51	96	23	35
(c) Corporate insolvency	110	129	149	136
(d) Personal insolvency (creditors)	51	183	36	120
(e) Appeals to District Court	55	103	38	61
(f) Litigious enforcement	1,240	1,954	1,240	1,954
<b>Total</b>	<b>110,787</b>	<b>137,673</b>	<b>69,787</b>	<b>87,499</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.

Because of Covid-19 related restrictions, in person hearings could not be scheduled which had a detrimental effect on the numbers of matters which could be resolved.

There were 17,810 personal injury suits filed in 2020 a decrease of 19% on the 21,981 in 2019- 6,682 in the High Court, a 16% decrease on the 7,987 in 2019, 10,083 in the Circuit Court a 22% decrease on the 12,878 in 2019 and 1,045 in the District Court a 6% decrease on the 1,116 in 2019.

Personal Injury	Incoming		Resolved			
	2020	2019	2020		2019	
			By Court*	Out of court	By Court*	Out of court
High Court	6,682	7,987	2,556	0	4,596	0
Circuit Court	10,083	12,878	5,052	535	7,429	526
District Court	1,045	1,116	491	0	613	0
<b>Total</b>	<b>17,810</b>	<b>21,981</b>	<b>8,109</b>	<b>535</b>	<b>12,638</b>	<b>526</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.

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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: Amount	District Court	
	Cases	
	2020	2019
€0 to €7,500	267	200
€7,500 to €15,000	230	191
€15,000+	5	4
<b>Total</b>	<b>502</b>	<b>395</b>

Personal Injury Awards: Amount	Circuit Court	
	Cases	
	2020	2019
€0 to €15,000	458	474
€15,000 to €60,000	650	909
€60,000+	34	7
<b>Total</b>	<b>1,142</b>	<b>1,390</b>

Personal Injury Awards: Amount	High Court	
	Cases*	
	2020	2019
€0 to €60,000	102	149
€60,000 to €199,999	130	141
€200,000 to €499,999	44	33
€500,000+	52	51
<b>Total</b>	<b>328</b>	<b>374</b>

\* includes medical negligence awards

Amounts awarded*	High Court		Circuit Court		District Court	
	2020	2019	2020	2019	2020	2019
Lowest amount	€7,500	€5,000	€1,405.00	€830.00	€500	€425
Highest amount	€22,500,000	€25,000,000	€75,000.00	€75,000.00	€20,000	€17,950
<b>Total amount</b>	<b>€222,130,172</b>	<b>€230,978,876</b>	<b>€20,162,907</b>	<b>€25,920,902</b>	<b>€3,809,294</b>	<b>€3,126,296</b>

\* includes medical negligence awards

Medical Negligence Awards: Amount	High Court Cases	
	2020	2019
€0 to €60,000	26	25
€60,000 to €199,999	22	10
€200,000 to €499,999	20	12
€500,000+	38	31
<b>Total</b>	<b>106</b>	<b>78</b>

Medical Negligence Awards: Amount	High Court Cases	
	2020	2019
Lowest amount awarded	€24,008	€17,500
Highest amount awarded	€22,500,000	€25,000,000
Total amount awarded	<b>€183,128,023</b>	<b>€161,226,407</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.

In 2020, there was a 10% decrease in Incoming Matters and a 61% decrease in matters resolved by court/out of court. This may be linked to the curtailment of in-person hearings as a result of the pandemic restrictions.

Negligence	Incoming		Resolved			
	2020	2019	2020		2019	
			By court	Out of court	By court	Out of court
High Court	210	234	10	23	34	51

### 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.

It was interesting to note that 2020 saw a 7% increase in Incoming Commercial Court Matters and a 40% increase in matters resolved by court/out of court.

Commercial	Incoming		Resolved			
	2020	2019	2020		2019	
			By court	Out of court	By court	Out of court
High Court	185	172	63	70	64	31

Analysis of Caseload	2020	2019	2018	2017	2016
On hand 01/01	437	360	315	245	203
Incoming	185	172	161	193	157
Resolved	133	95	116	123	115
On hand 31/12	489	437	360	315	245

Analysis Of Cases Resolved	2020	2019	2018	2017	2016
Motion to dismiss	0	4	2	6	5
Settled after entry	32	10	7	9	7
Settled after directions hearing	13	10	18	10	21
Settled after hearing date set	15	11	12	15	12
Settled at hearing	10	14	19	11	12
Full hearing	51	44	58	72	58
Other	12	2	0	0	0
<b>Total</b>	<b>133</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.

2020 saw a 4.6% decrease in Incoming Chancery Matters and a 12% decrease in matters resolved by court/out of court.

Chancery	Incoming		Resolved			
	2020	2019	2020		2019	
			By court	Out of court	By court	Out of court
High Court	1,552	1,624	152	173	155	216

Analysis Of Incoming Cases	2020	2019	2018	2017	2016
Specific performance	125	145	144	133	168
Injunction	212	247	314	405	337
Declaration	663	633	792	1,066	898
European Communities (Cross Border mergers) Regulations, 2008*	2	3	10	0	3
Other	550	596	646	665	696
<b>Total</b>	<b>1,552</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.

In the High Court in 2020 there was a 48% decrease in Incoming Matters and an 80% decrease in matters resolved by court/out of court linked to the temporary ban on evictions and rent increases introduced for the duration of the Coronavirus crisis.

In the Circuit Court there was a 76% decrease in incoming cases.

Property (Possession)	Incoming		Resolved			
	2020	2019	2020		2019	
			By court	Out of court	By court	Out of court
High Court	55	105	19	3	95	11
Circuit Court	272	1,112	480	0	1,345	0
<b>Total</b>	<b>327</b>	<b>1,217</b>	<b>499</b>	<b>3</b>	<b>1,440</b>	<b>11</b>

Property (Possession)	Orders Granted		Orders Not Granted	
	2020	2019	2020	2019
Circuit Court	125	443	335	902

Property (Other)	Incoming		Resolved			
	2020	2019	2020		2019	
			By court	Out of court	By court	Out of court
High Court	33	63	4	0	29	1
Circuit Court	152	231	454	193	640	144
District Court	71	87	115	0	106	0
<b>Total</b>	<b>256</b>	<b>381</b>	<b>573</b>	<b>193</b>	<b>804</b>	<b>145</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)

In 2020, there was a 48% decrease in Incoming matters and a 80% decrease in matters resolved by court/out of court which may be linked to the temporary ban on evictions and rent increases introduced for the duration of the Covid-19 pandemic.

High Court					
Incoming		Resolved			
2020	2019	2020		2019	
		By court	Out of court	By court	Out of court
231	285	13	17	31	69

## 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.

High Court: In 2020, there was a 67% decrease in Incoming Matters and a 52% decrease in matters resolved by court/out of court are primarily due to the effects of temporary payment breaks by financial institutions.

	Incoming		Resolved					
	2020	2019	2020			2019		
			By court	Out of court 1	Out of court 2	By court	Out of court 1	Out of court 2
High Court	585	1,744	585	23	58	522	307	552
Circuit Court	1,638	3,130	177	192	751	250	203	1,632
District Court	13,890	23,759	857	0	4,237	1,322	0	10,008
<b>Total</b>	<b>16,113</b>	<b>28,633</b>	<b>1,619</b>	<b>215</b>	<b>5,046</b>	<b>2,094</b>	<b>510</b>	<b>12,192</b>

### 1 Discontinuance

2 Judgments marked in the office – these figures are also on page 73 as part of the civil and commercial non-litigious statistics.

## 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)”.

High Court: 2020 saw a 10% decrease in Incoming Defamation Matters and a 46% decrease in matters resolved by court/out of court.

Circuit Court: There was a 6% increase in Defamation cases in the Circuit Court.

	Incoming		Resolved			
	2020	2019	2020		2019	
			By court	Out of court	By court	Out of court
High Court	156	157	16	9	12	34
Circuit Court	161	151	2	8	37	3
<b>Total</b>	<b>317</b>	<b>308</b>	<b>18</b>	<b>17</b>	<b>49</b>	<b>37</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.

2020 saw an 84% increase in Incoming Assault Matters and a 48% decrease in matters resolved by court/out of court, possibly as a result of the pandemic restrictions.

	Incoming		Resolved			
	2020	2019	2020		2019	
			By court	Out of court	By court	Out of court
High Court	164	89	10	5	18	11

## 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			
	2020	2019	2020		2019	
			By court	Out of court	By court	Out of court
High Court	3	7	2	4	1	0
Circuit Court	2	6	7	0	20	1
<b>Total</b>	<b>5</b>	<b>13</b>	<b>9</b>	<b>4</b>	<b>21</b>	<b>1</b>

Employment (Other)	Incoming		Resolved			
	2020	2019	2020		2019	
			By court	Out of court	By court	Out of court
High Court	1	5	4	0	5	2
Circuit Court	15	108	9	1	20	1
<b>Total</b>	<b>16</b>	<b>113</b>	<b>13</b>	<b>1</b>	<b>25</b>	<b>3</b>



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## 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.

There was a 23% decrease in 2020 in Small Claims.

### Small Claims: Ireland\* And EU: District Court

Incoming		Resolved			
2020	2019	2020		2019	
		By court	Out of court	By court	Out of court
3,557	4,627	385	2,322**	666	3,069

\* claims include those made online

\*\* includes applications deemed to fall outside the scope of the rules for small claims.

Analysis Of Cases Dealt With	2020		2019	
	Ireland	EU	Ireland	EU
Not proceeded with	202	43	178	93
Decrees by default	205	28	188	33
Settled by registrar	626	39	630	75
Referred to court	1,029	206	985	573
<b>Total</b>	<b>2,062</b>	<b>316</b>	<b>1,981</b>	<b>774</b>

Adjudicated By The Court	2020		2019	
	Ireland	EU	Ireland	EU
Decrees granted	145	17	238	31
Cases dismissed	46	49	67	141
Withdrawn/struck out	123	5	181	8
<b>Total</b>	<b>314</b>	<b>71</b>	<b>486</b>	<b>180</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.

There was a 100% increase in matters resolved by the Court under Section 7 final orders with Incoming matters remaining almost the same in 2020.

High Court:					
Incoming		Resolved			
2020	2019	2020		2019	
		By court	Out of court	By court	Out of court
35	36	32	0	16	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 from deporting them.

In 2020, there was a 4% decrease in Incoming Judicial Review Matters and a 6.5% increase in matters resolved by court/out of court.

#### Judicial Review (Asylum Related): High Court

Incoming		Resolved			
2020	2019	2020		2019	
		By court	Out of court	By court	Out of court
355	368	179	244	262	135

#### Judicial Review (Other): High Court

Incoming		Resolved			
2020	2019	2020		2019	
		By court	Out of court	By court	Out of court
558	485	180	33	220	88

Judicial Review: High Court	(Asylum Related)		(Other)	
	2020	2019	2020	2019
<b>Incoming</b>	355	368	558	485
<b>Orders made:</b>				
Liberty to apply for judicial review granted	378	325	251	143
Liberty to apply for judicial review refused	1	1	16	6
Interim orders	38	43	243	121
Final orders – relief granted	31	44	116	45
Final orders – relief refused	31	97	39	39
Final orders – miscellaneous	117	107	25	83
Final orders – struck out (no order)	244	135	33	88
<b>Total</b>	<b>840</b>	<b>752</b>	<b>723</b>	<b>525</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.

2020 saw a 32% decrease in Incoming Matters and a 31% decrease in matters resolved by the court

High Court:					
Incoming		Resolved			
2020	2019	2020		2019	
		By court	Out of court	By court	Out of court
117	173	112	0	163	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.

2020 saw a 22% decrease in Incoming Garda Compensation Matters and a 49% decrease in matters resolved by court/out of court.

High Court:					
Incoming		Resolved			
2020	2019	2020		2019	
		By court	Out of court	By court	Out of court
117	151	44	0	86	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.

In 2020, there was a 29% decrease in incoming Habeas Corpus Matters and a 36% decrease in matters resolved by the Court. In both instances, this may be as a result of less enforcement activities across society.

Habeas Corpus: High Court					
Incoming		Resolved			
2020	2019	2020		2019	
		By court	Out of court	By court	Out of court
52	73	29	1	46	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.

There was a 4% increase in Incoming Matters and a 43% decrease in matters resolved by court/out of court as European countries had closed borders and there was reduced public movement.

High Court					
Incoming		Resolved			
2020	2019	2020		2019	
		By court	Out of court	By court	Out of court
416	399	85	0	148	0

## 13. 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.

This was an area where there was a very significant increase in activity, with a 37% increase in applications for High Court Bail and a 44% increase in matters resolved by court/out of court. An additional Court sat for some months in 2020 with the Court sitting five days a week as opposed to three days a week. There was a greater number of applicants re-applying for bail as their trials were not getting on.

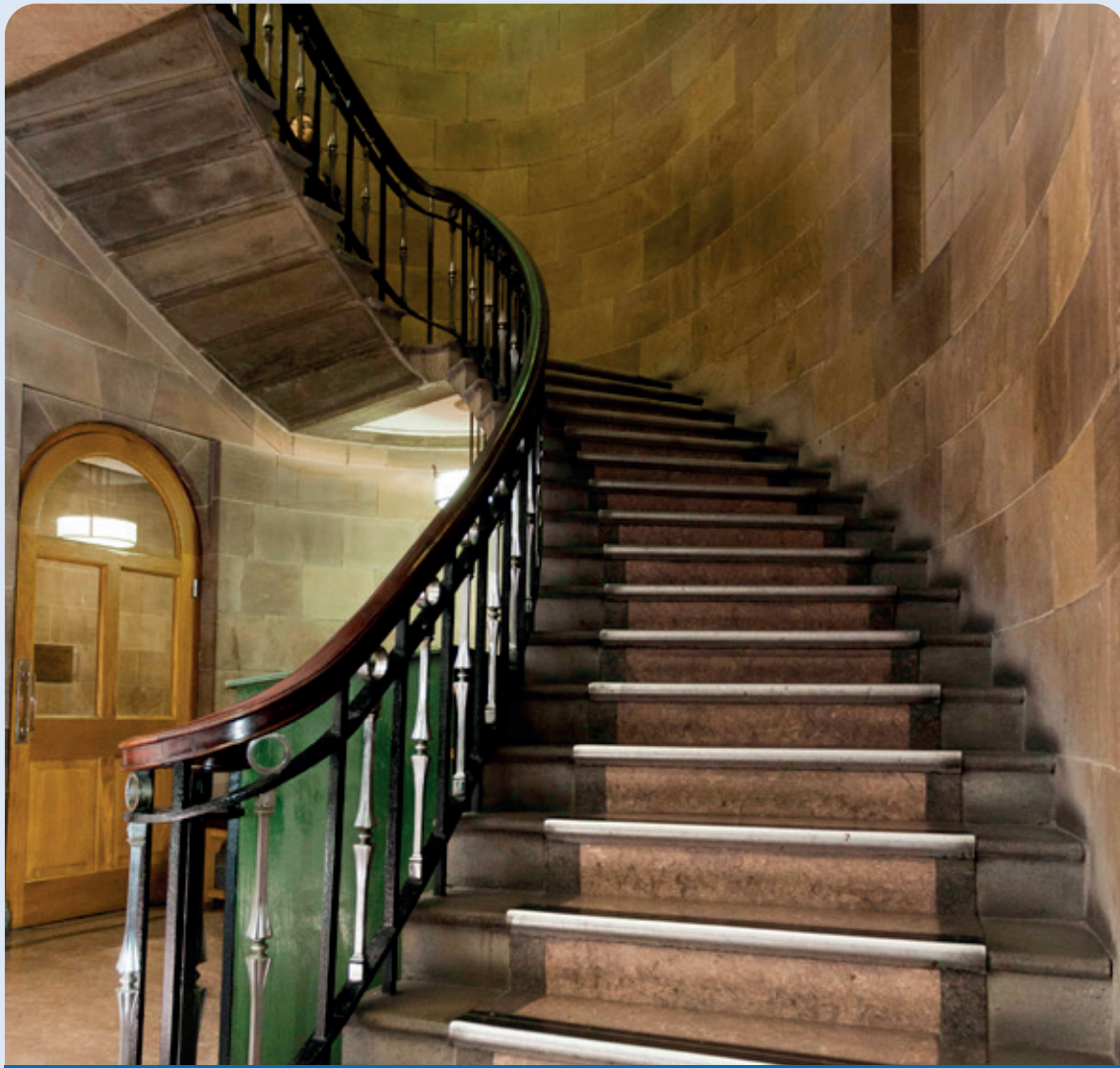
High Court					
Incoming		Resolved			
2020	2019	2020		2019	
		By court	Out of court	By court	Out of court
1,898	1,390	1,829	5	1,270	0

## 19. Other

	Incoming	Resolved	
		By court	Out of court
High Court	816	421	75
Circuit Court*	3,095	1,150	418
District Court**	2,538	1,604	0
<b>Total</b>	<b>6,449</b>	<b>3,175</b>	<b>493</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



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## 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 29% increase in the number of applications for divorce in 2020 – 5,266 as compared to 4,073 in 2019 and 3,888 in 2018. There were 46 applications in the High Court, a 100% increase on the 23 in 2019 and 5,220 in the Circuit Court a 29% increase on the 4,050 in 2019 - the majority were by wives in the High Court (84%) and wives in the Circuit Court (75%). There were 3,164 divorce orders made – 23 in the High Court and 3,141 in the Circuit Court.

Divorce	Incoming		Resolved			
	2020	2019	2020		2019	
			By court	Out of Court	By court	Out of Court
High Court	46	23	26	16	39	0
Circuit Court	5,220	4,050	3,141	0	3,534	0
<b>Total</b>	<b>5,266</b>	<b>4,073</b>	<b>3,167</b>	<b>16</b>	<b>3,573</b>	<b>0</b>

Trends: Divorce: Applicants				
Year	Wife		Husband	
	High Court	Circuit Court	High Court	Circuit Court
2020	21	2,980	25	2,240
2019	15	2,252	8	1,798
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

Divorce:	2020			2019		
	Granted	Refused	Other	Granted	Refused	Other
High Court	23	0	19	11	0	28
Circuit Court	3,141	0	0	3,534	0	0
<b>Total</b>	<b>3,164</b>	<b>0</b>	<b>19</b>	<b>3,545</b>	<b>0</b>	<b>28</b>

## 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 636 applications for judicial separation in 2020 – a 48% decrease on the 1,229 in 2019. There was 19 in the High Court and 617 in the Circuit Court – a 49% decrease on the 1,229 applications in 2019. The majority of applications in both jurisdictions (53% in High Court, 70% in Circuit Court) were by wives. There were 271 orders made granting judicial separations – 3 in the High Court and 268 in the Circuit Court with two applications refused.

Judicial Separation	Incoming		Resolved			
	2020	2019	2020		2019	
			By court	Out of court	By court	Out of court
High Court	19	23	15	7	34	2
Circuit Court	617	1,206	273	0	706	0
<b>Total</b>	<b>636</b>	<b>1,229</b>	<b>288</b>	<b>7</b>	<b>740</b>	<b>2</b>

Judicial Separation	2020			2019		
	Granted	Refused	Other	Granted	Refused	Other
High Court	3	0	19	11	0	25
Circuit Court	268	5	0	704	2	0
<b>Total</b>	<b>271</b>	<b>5</b>	<b>19</b>	<b>715</b>	<b>2</b>	<b>25</b>

### Trends: Judicial Separation: Applicants

Year	High Court	Circuit Court	High Court	Circuit Court
2020	10	429	9	188
2019	18	848	5	358
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 60 applications to dissolve partnerships in the Circuit Court in 2020 – a 9% decrease on the 66 applications in 2019. The majority of applications (55%) were by females. There were 12 orders made dissolving partnerships with zero applications refused.

Dissolution Of Partnership	Incoming		Resolved			
	2020	2019	2020		2019	
High Court	0	0	0	0	0	0
Circuit Court	60	66	12	0	38	0
<b>Total</b>	<b>60</b>	<b>66</b>	<b>12</b>	<b>0</b>	<b>38</b>	<b>0</b>

Dissolution Of Partnership	2020			2019		
	Granted	Refused	Other	Granted	Refused	Other
High Court	0	0	0	0	0	0
Circuit Court	12	0	0	36	2	0
<b>Total</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>36</b>	<b>2</b>	<b>0</b>

Dissolution Of Partnership: Applicants					
	Female		Male		
	2020	2019	2020	2019	
High Court	0	0	0	0	
Circuit Court	33	40	27	26	
<b>Total</b>	<b>33</b>	<b>40</b>	<b>27</b>	<b>26</b>	

### 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.

High Court					
Incoming		Resolved			
2020	2019	2020		2019	
		By court	Out of court	By court	Out of court
9	8	5	0	5	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.

There were ten applications for Nullity (of Marriage) in the Circuit Court a 63% decrease on the 27 in 2019.

Nullity (Of Marriage)	Incoming		Resolved			
	2020	2019	2020		2019	
			By court	Out of Court	By court	Out of Court
High Court	0	2	1	0	1	0
Circuit Court	10	27	5	0	10	0
<b>Total</b>	<b>10</b>	<b>29</b>	<b>6</b>	<b>0</b>	<b>11</b>	<b>0</b>

Nullity (Of Marriage)	2020			2019		
	Granted	Refused	Other	Granted	Refused	Other
High Court	1	0	0	1	0	0
Circuit Court	3	2	0	10	0	0
<b>Total</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>11</b>	<b>0</b>	<b>0</b>

Trends: Nullity: Applicants				
Year	Wife		Husband	
	High Court	Circuit Court	High Court	Circuit Court
2020	0	8	0	2
2019	0	13	2	14
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.

There were 8,747 applications in 2020, a 30% decrease on the 12,582 in 2019.

Guardianship, Custody, Access: District Court					
Incoming		Resolved			
2020	2019	2020		2019	
		By court	Out of court	By court	Out of court
8,747	12,582	7,336	0	10,822	0

Dissolution Of Partnership: Applicants				
	Female		Male	
	2020	2019	2020	2019
High Court	0	0	0	0
Circuit Court	33	40	27	26

Custody And Access: Circuit Court – Outcomes															
	Maintenance					Dissolution					Divorce				
	2020	2019	2018	2017	2016	2020	2019	2018	2017	2016	2020	2019	2018	2017	2016
Orders made	162	412	447	447	348	5	6	14	4	4	920	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.

There were 5,055 applications in the District Court, a 40% decrease on the 8,383 in 2019.

Judicial Separation	Incoming		Resolved			
	2020	2019	2020		2019	
			By court	Out of court	By court	Out of court
High Court	1	1	1	0	0	0
District Court *	5,055**	8,383	3,926	0	6,520	0

\* excludes foreign maintenance – see Page 81

\*\* 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 12% to 22,970 from 20,501 in 2019. There was an 10% increase in applications for safety orders (8,887 as compared to 8,061 in 2019) and a 8% increase in applications for protection orders (7,649 as compared to 7,049 in 2019). Applications for interim barring orders increased by 17% (1,918 as compared to 1,643 in 2019) while applications for barring orders increased by 8% (3,577 as compared to 3,323 in 2019).

Domestic Violence: District Court					
Incoming		Resolved			
2020	2019	2020		2019	
		By court	Out of court	By court	Out of court
22,970	20,501	19,383	0	16,841	0

**Domestic Violence: Circuit Court - Outcomes**

	2020	2019	2018	2017	2016
Orders Made	38	38	59	51	40

**District Court: Domestic Violence - Trends\***

	2020	2019	2018	2017	2016	2015	2014	2013
Barring order applications	3,577	3,323	3,343	2,613	2,658	2,638	2,671	2,738
Barring orders granted	1,159	1,137	946	822	1,329	859	877	1,167
Protection order applications	7,649	7,049	6,390	5,869	5,365	5,108	4,406	4,529
Protection orders granted**	6,592	5,864	5,515	5,006	4,627	4,225	4,024	4,142
Safety order applications	8,887	8,061	7,280	6,368	6,069	5,626	5,499	5,334
Safety orders granted	2,467	2,688	2,327	2,255	3,316	1,917	2,029	2,381
Interim barring order applications	1,918	1,643	1,270	917	880	731	699	674
Interim barring orders granted	1,251	1,209	982	693	676	563	569	522
Other applications	915	418	289	195	255	271	12	-
Orders granted	376	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.

There were 41 applications in 2020 a 70% increase on the 24 in 2019.

Adoption: High Court					
Incoming		Resolved			
2020	2019	2020		2019	
		By court	Out of court	By court	Out of court
41	24	35	0	23	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.

The year on year decrease in such applications can be attributed to the curtailment of travel throughout the world and that general population movement had reduced.

Child Abduction: High Court - Analysis					
Incoming		Resolved			
2020	2019	2020		2019	
		By court	Out of court	By court	Out of court
21	34	21	0	41	0

Child Abduction: High Court - Analysis					
	2020	2019	2018	2017	2016
Incoming	21	34	37	36	47
<b>Orders made</b>					
Assess child	7	11	8	14	9
Interim order*	44	81	102	126	130
Child returned (on consent)	6	6	11	8	8
Child returned (court order)	4	7	9	10	10
Child remain (on consent)	5	7	5	10	14
Child remain (court order)	1	1	3	6	8
Other	5	20	2	0	12
<b>Total</b>	<b>72</b>	<b>133</b>	<b>140</b>	<b>174</b>	<b>191</b>

\* there may be a number of interim orders made in individual cases

## 11. Childcare - 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.

There was a 28% increase overall with 13,203 cases.



Supervision and Care Orders	Incoming		Resolved			
	2020	2019	2020		2019	
			By court	Out of court	By court	Out of court
High Court	112*	67	45	0	17	0
District Court	13,091	10,224	10,326	0	9,570	0
<b>Total</b>	<b>13,203</b>	<b>10,291</b>	<b>10,371</b>	<b>0</b>	<b>9,587</b>	<b>0</b>

\*Includes 39 Guardianship of Infant cases

Child Care: High Court – Analysis					
	2020	2019	2018	2017	2016
Received	112	67	30	32	27
Orders made	205	125	234	313	323

Child Care: District Court - Overall Analysis										
	Incoming					Resolved				
	2020	2019	2018	2017	2016	2020	2019	2018	2017	2016
Supervision order	397	450	385	548	626	356	370	362	538	569
Care order	1,563	812	961	934	1,142	1,463	746	833	903	886
Extension of care order	692	665	499	434	483	610	670	480	453	449
Interim care order	1,194	815	1,166	1,100	1,257	860	811	806	969	1,004
Extension of interim care order	5,015	4,250	4,386	3,590	3,841	4,889	4,169	4,319	4,621	2,255
Emergency care order	480	327	344	309	325	392	256	271	289	758
Review of care order	1,158	539	1,648	1,056	1,371	505	437	442	484	402
Re-entry of case	477	301	467	574	391	249	268	232	303	157
Other*	2,115	2,065	3,312	3,386	528**	1,002	1,843	1,481	2,075	463
<b>Total</b>	<b>13,091</b>	<b>10,224</b>	<b>13,168</b>	<b>11,931</b>	<b>9,964</b>	<b>10,326</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.

Child Abduction: High Court				
	Application granted		Application not granted	
	2020	2019	2020	2019
Supervision order	307	314	49	56
Care order	1,068	627	395	119
Extension of care order	592	661	18	9
Interim care order	766	731	94	80
Extension of interim care order	4,778	4,059	111	110
Emergency care order	351	236	41	20
Review of care order	387	395	118	42
Re-entry of case	216	247	33	21
Other	888	1,708	114	135
<b>Total</b>	<b>9,353</b>	<b>8,978</b>	<b>973</b>	<b>592</b>

## 12. Family - other

Family Law: Other	Incoming		Resolved			
	2020	2019	2020		2019	
High Court	54	71	33	0	44	0
Circuit Court	242	173	31	0	32	0
District Court	2,225	3,369	2,172	0	3,228	0
<b>Total</b>	<b>2,521</b>	<b>3,613</b>	<b>2,236</b>	<b>0</b>	<b>3,304</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.

There were 51 cases in 2020 a 47% decrease on the 96 in 2019.

European Payment Order: High Court				
Incoming		Resolved		
2020	2019	2020	2019	
51	96	23	35	

European Payment Order: High Court		
Resolved: outcome	2020	2019
Declared enforceable	21	27
Terminated by claimant	2	5
Remitted for hearing	0	3
Other	28	53

## 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.	
2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019
11	8	0	1	12	6	10	8	14	12	3	3	0	1	17	17

\* 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			
2020	2019	2020		2019	
		By court	Out of court	By court	Out of court
3	11	4	0	9	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.

Wind Up Company Orders: High Court					
Incoming		Resolved			
2020	2019	2020		2019	
		Settled/ struck out/ withdrawn	Order made	Settled/ struck out/ withdrawn	Order made
75	87	20	49	22	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.

Restrict Directors: High Court					
Incoming	Resolved				
2020	2019	2020		2019	
		Order made	Order refused	Order made	Order refused
14	18	16	2	12	0

### 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.

Disqualified Directors: High Court					
Incoming	Resolved				
2020	2019	2020		2019	
		Order made	Order refused	Order made	Order refused
7	5	2	0	1	0

## D. Personal insolvency

### Personal insolvency (creditors' applications) (see also page 78)

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 78.

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

High Court: Creditors applications fell by 77% in 2020. This fall can be attributed to the effect of Covid-19 restrictions which impacted on Court Sittings. As the Bankruptcy Court List is now heard remotely, early indications so far in 2021 are that applications are returning to normal levels.

Personal Insolvency: High Court	Incoming		Resolved	
	2020	2019	2020	2019
			<b>Adjudicated / granted/ approved</b>	<b>Adjudicated / granted/ approved</b>
Bankruptcy summonses	25	108	25	88
Bankruptcy petitions (creditors)	26	75	11	32



## 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.

There were 55 appeals incoming a 47% decrease on 2019.

Appeals To The District Court		Resolved		Resolved	
		By court		Out of court	
2020	2019	2020	2019	2020	2019
55	103	38	61	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 1,240 summonses for the attendance of debtors before the District Court for non-payment of debts, a 37% decrease on the 1,954 in 2019. There were 1,023 instalment orders made, a 42 % decrease on the 1,750 made in 2019.

Summons For Attendance Of Debtor: District Court				
Incoming				
2020	2019	2018	2017	2016
1,240	1,954	2,236	2,692	3,695

Litigious Enforcement	Outcome	
	2020	2019
Instalment orders issued	1,023	1,750
Variation orders issued	79	214
Committal orders issued	15	5
Variation orders issued	79	214
Committal orders issued	15	5

## 2. Civil and Commercial Non-Litigious Cases

Civil and Commercial Non-Litigious Cases		Incoming	Resolved
A	Proceedings in Ireland	42,629	25,074
B	Foreign proceedings	4,065	4,061
<b>Total</b>		<b>46,694</b>	<b>29,135</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.

There was a 45% decrease overall with 6,617 judgments marked in the office compared to 12,182 in 2019.

High Court : An 89% decrease from 2019 primarily due to the effects of temporary payment breaks by financial institutions.

Circuit Court: a 60% cent decrease on 2019

District Court: a 90% decrease on 2019

Judgement Marked in the office	Incoming		Resolved	
	2020	2019	2020	2019
High Court	58	552	58	552
Circuit Court	720	1,789	751	1,632
District Court	5,839	9,841	4,237	10,008
<b>Total</b>	<b>6,617</b>	<b>12,182</b>	<b>5,046</b>	<b>12,192</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.

The imposition of restrictions on travel for non-essential purposes meant that the numbers of applications received for deed poll in 2020 showed a 43% decrease.

Deed Poll: High Court			
Incoming		Resolved	
2020	2019	2020	2019
471	820	471	820

### 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).

High Court: The figures set out below do not take account of the error rates on papers submitted to both the Dublin Probate Office (DPO) and the District Probate Registries (DPR). In 2020 the error rate was over 70% on first time applications and runs at 25% on applications submitted for a second time. In practice that means that the DPO and DPRs had to check almost twice the number of applications set out above in order to issue the number of grants which issued in 2020. In reality, the DPO and DPRs had to check almost thirty thousand applications in 2020.

Probate		
	Incoming	
	2020	2019
Principal Registry	9,362	10,195
Local registries	6,325	7,521
<b>Total</b>	<b>15,687</b>	<b>17,716</b>

Intestacies: Grants Issued		
	2020	2019
Principal Registry	1,591	1,925
Local registries	1,277	1,599
<b>Total</b>	<b>2,868</b>	<b>3,524</b>

Probate (And Administrations With Wills Annexed): Grants Issued		
	2020	2019
Principal Registry	6,749	7,754
Local registries	5,392	6,608
<b>Total</b>	<b>12,141</b>	<b>14,362</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.

The wardship list continued to sit throughout the year notwithstanding the varying levels of restrictions arising from Covid-19. A decrease in the number of people admitted to wardship is as a result of the restrictions imposed throughout the year.

Wards Of Court: High Court			
Incoming		Resolved	
2020	2019	2020	2019
382	449	319*	396

\* 308 Declaration Orders and 11 applications dealt with by way of undertaking

Wards Of Court: High Court		
	2020	2019
Wardship cases	2,744	2,758
Applications awaiting hearing*	127	145
Adults and minors taken into wardship (declaratory orders)	309	385
Dismissed/discharged	266	266
Orders signed	2,312	2,001

\* cases pending with inquiry order signed at 31st December

Wards Of Court: Active Cases:		
Reason admitted to wardship	2020	2019
Brain injury	31	45
Dementia and age-related illness	173	218
Learning/intellectual disability	62	53
Minors (under 18 years of age)	19	21
Psychiatric illness	24	48
<b>Total</b>	<b>309</b>	<b>385</b>

## 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.

Due to the increase in number of wardship cases that now encompass the previous inherent jurisdiction applications to protect and vindicate the rights of vulnerable adults lacking capacity and minors, the number of cases where the General Solicitor is appointed as independent Committee has increased in both volume and complexity since 2015/2016. This has resulted in an increased level of expertise and work by the Case Officers to ensure their rights are vindicated and maintain the level of standard expected in accordance with legislation and court directions.

In 2020, the caseload of the office increased by 15% from 2019.

### General Solicitor For Minors And Wards Of Court

	2020	2019
Active (yearly average)	656	570
Pending	8	7
Dismissal	315	274
<b>Total cases</b>	<b>979</b>	<b>851</b>

### General Solicitor For Minors And Wards Of Court: Active Cases

Reason admitted to wardship	2020	2019
Brain injury	89	79
Dementia and age-related illness	162	156
Learning/intellectual disability	226	195
Minors (under 18 years of age)	13	18
Psychiatric illness	169	151
Other	5	1
<b>Total</b>	<b>664</b>	<b>600</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.

The number of Enduring Powers of Attorney registered in the Wards of Court Office continues to increase year on year, this area of work remained steady despite the restrictions in place throughout the year arising from Covid-19.

### Enduring Powers Of Attorney (Registered): High Court

Incoming		Resolved	
2020	2019	2020	2019
1,338	1,317	1,156	1,031

## 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. 2020 saw a 9% decrease on the 621 in 2019.

### Care Representatives: Circuit Court

Incoming		Resolved	
2020	2019	2020	2019
564	621	422	555

## 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	
2020	2019	2020	2019
125	126	136	97

## 9. Personal insolvency (self) (see also page 71)

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 71.

There were 119 applications to the High Court by debtors to be adjudicated bankrupt ('self adjudications') in 2020, a 48% decrease on the 230 in 2019. This can be attributed to the restrictions on Court sittings due to Covid-19. Early indications in 2021 are that applications are returning to pre Covid-19 levels, due to the availability of Remote Court hearings. There was a 200% increase in Approved Arrangements with the Circuit Court thresholds exceeded by Applicants.

Personal Insolvency: High Court										
	Incoming		Resolved – by court							
			Approve request		Refused		Struck out		Withdrawn	
	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019
Debt settlement arrangements	1	10	1	1	0	0	0	1	0	0
Personal insolvency arrangements	34	63	29	9	1	0	0	0	4	3
<b>Total</b>	<b>35</b>	<b>73</b>	<b>30</b>	<b>10</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>1</b>

Personal Insolvency: Circuit Court										
	Incoming		Resolved – by court							
			Approve request		Refused		Struck out		Withdrawn	
	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019
Debt relief notices	118	271	120	261	0	0	0	0	0	5
Protective Certificate (PIA & DSA)	1,298	1,987	1,367	1,352	0	2	0	1	0	3
Debt settlement arrangements	98	132	98	129	1	0	0	0	0	1
Personal Insolvency Arrangements	702	881	768	761	10	20	0	0	0	2
Objection of Creditor to a Proposal for Personal Insolvency Arrangement	4	12	13	15	1	3	0	0	0	7
Application Pursuant to Section 115A(9) of the Personal Insolvency Act 2012-2015	393	443	207	27	212	4	24	2	0	1
Objection of Creditor to a Proposal for Application Pursuant to Section 115A(9) of the Personal Insolvency Act 2012-2015	303	347	231	4	19	2	11	1	0	4
<b>Total</b>	<b>2,916</b>	<b>4,074</b>	<b>2,804</b>	<b>2,549</b>	<b>243</b>	<b>31</b>	<b>35</b>	<b>4</b>	<b>0</b>	<b>23</b>

Bankruptcy Petitions (Self): High Court			
Incoming		Resolved	
2020	2019	2020	2019
		Adjudicated / granted / approved	Adjudicated / granted / approved
119	230	118	231

### 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.

2020 saw a 70% decrease on the 42,802 in 2019 as a result of the pandemic.

Licensing	Incoming		Resolved	
	2020	2019	2020	2019
Circuit Court	109	215	109	215
District Court	12,949	42,587	12,949	42,587
<b>Total</b>	<b>13,058</b>	<b>42,802</b>	<b>13,058</b>	<b>42,802</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.

There was a 9% increase in Marriage Exemption applications in the Circuit Court.

Marriage Exemption: Short Notice: Circuit Court			
Incoming		Resolved	
2020	2019	2020	2019
457	421	370	359

## B. Foreign proceedings

### 1. Service of documents

Service Of Documents	Incoming requests		Outgoing requests	
	2020	2019	2020	2019
High Court*	101	128	No requests	No requests
Circuit Court	3,758	5,027	233	392

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

The reduction in levels of service of documents may be attributed to the reduction in business internationally as well as international travel.

### 2. Maintenance (foreign)

Maintenance (Foreign)	Incoming		Resolved	
	2020	2019	2020	2019
High Court*	13	30	13	22
District Court	97	97	93	93

\* applications under Regulation (EC) 4/2009

The reduction in foreign maintenance applications may also be attributable to restrictions on international travel

### 3. Other

Taking Of Evidence: District Court			
Incoming		Resolved	
2020	2019	2020	2019
96	96	96	96



### 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 1,058 execution orders in 2020, a 66% decrease on the 3,137 in 2019.

In the High Court there were 142 execution orders for recovery of money, a 83% decrease on the 825 in 2019.

There were eight execution orders for possession of property an 81% decrease on the 43 in 2019. There were 850 execution orders for the recovery of money in the Circuit Court, a 60% decrease on the 2,099 in 2019.

#### • Registration of judgments

Judgments obtained in the District Court, Circuit Court and High Court can be registered in the High Court. There were 1,408 judgments registered in 2020, an 27% decrease on the 1,953 in 2019. Judgments registers are open for public inspection in the Central Office of the High Court.

#### • Judgment mortgage certificates

There were 340 judgment mortgage certificates signed in the High Court, an 50% decrease on the 675 certificates signed in 2019.

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

	Incoming		Resolved	
	2020	2019	2020	2019
High Court*	142	825	142	825
Circuit Court	720	1,789	751	1,632
<b>Total</b>	<b>862</b>	<b>2,614</b>	<b>893</b>	<b>2,457</b>

\* includes execution orders issued on foot of court orders

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

	Incoming		Resolved	
	2020	2019	2020	2019
Circuit Court	130	310	139	329

### 3. Execution orders issued – possession cases

	Incoming		Resolved	
	2020	2019	2020	2019
High Court	8	43	8	43
Circuit Court	58	170	62	177
<b>Total</b>	<b>66</b>	<b>213</b>	<b>70</b>	<b>220</b>

*High Court: There was an 82% decrease in Execution Orders issued in possession cases. This is primarily due to Covid-19 stalling such applications by a moving party.*

### 4. Judgments registered

Judgments Registered *	Incoming		Resolved	
	2020	2019	2020	2019
High Court; Circuit Court; District Court	1,408	1,953	1,408	1,953

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

*High Court: There was a 18% decrease in Judgments registered in the Central Office. The Government's moratorium on debt enforcement actions appears to be the main reason for the reduction.*

### 5. Judgment mortgage certificates issued

Judgment Mortgage Certificates Issued	Incoming		Resolved	
	2020	2019	2020	2019
High Court	340	675	340	675
Circuit Court	247	796	247	796
District Court	288	709	288	709
<b>Total</b>	<b>875</b>	<b>2,180</b>	<b>875</b>	<b>2,180</b>

### 6. Satisfaction piece issued

Satisfaction Piece Issued	Incoming		Resolved	
	2020	2019	2020	2019
High Court	32	106	32	106
Circuit Court	49	70	49	70
District Court	37	85	37	85
<b>Total</b>	<b>118</b>	<b>261</b>	<b>118</b>	<b>261</b>

## 4. Appeals

### Appeals

	Incoming		Resolved	
	2020	2019	2020	2019
Civil and Family Law				
Circuit Court to High Court	230	545	150	322
District Court to Circuit Court	787	1,091	688	1,293
<b>Total</b>	<b>1,017</b>	<b>1,636</b>	<b>838</b>	<b>1,615</b>

## 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.

	2020		2019	
	Received	Orders made	Received	Orders made
District Court to High Court	17	12	25	7
Revenue (District Court) to High Court	43	3	8	1

## 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).

There was a 24% increase in Judgments delivered in 2020. The decrease in judgments delivered is attributable to the reduction in the numbers of sitting days for civil business during the year.

Written Judgements Delivered: High Court	2020	2019
Reserved at 1 January	111	117
Delivered	434	349*
Reserved at 31 December	130	111

\*figure overstated in 2019

2020

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## 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.

Please note the Courts Service has provided this data in previous reports. However, for 2020 this now comes under the Office of the Legal Cost Adjudicators who are now required to produce their own Annual Report.

## 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	
	2020	2019
High Court	12,109	14,698
Circuit Court	22,507*	32,069

\* includes adjournments

## 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.

There was a 29% reduction in the number of hearings in 2020.

Case Progression: Family Law	Number of hearings	
	2020	2019
Circuit Court	3,833	5,369

## Criminal Business

Criminal Business: By Offence	Incoming		Resolved (orders made)*	
	2020	2019	2020	2019
Serious criminal offences: Central Criminal Court; Special Criminal Court; Circuit Criminal Court	21,322	18,539	17,535	18,938
Misdemeanour and/or minor criminal offences: District Court	382,455	406,480	194,796	301,506
Appeals: Supreme Court; Court of Appeal; Circuit Court	12,215	19,579	13,293	51,361
<b>Total</b>	<b>415,992</b>	<b>444,598</b>	<b>225,624</b>	<b>371,805</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 382,455 new offences in 2020. Not all offences were proceeded with by the prosecutor. The Court made 194,796 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 defendant numbers.

Criminal Business: District Court	Incoming		Resolved: offences: orders made		
	Offences	Defendants	Summary	Indictable dealt with summarily	Sent forward for trial*
Road traffic	214,056	134,350	107,838	573	221
Drugs	38,635	22,750	1,313	15,143	2,750
Sexual	3,411	618	29	111	3,470
Larceny/fraud/robbery	35,354	14,553	4	17,555	6,013
Public order/assault	48,823	26,084	24,185	1,981	2,585
Other	42,176	27,726	20,595	5,469	6,499
<b>Total</b>	<b>382,455</b>	<b>226,081</b>	<b>153,964</b>	<b>40,832</b>	<b>21,538</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	2,384	39,145	11,984	21,308	34	7,405	245	508	1,025	1,037	13,706	9,057	107,838
Drugs	46	204	107	367	3	330	5	48	38	29	136	0	1,313
Sexual	1	2	1	8	1			2	8	4	2	0	29
Larceny/ fraud/ robbery	0	2	0	0	0	0	0	1		0	1	0	4
Public order/ assault	701	6,056	5,023	4,286	290	2	194	2,042	1,131	710	3,750	0	24,185
Other	724	7,051	2,797	5,034	85	232	73	1,075	747	527	2,250	0	20,595
<b>Total</b>	<b>3,856</b>	<b>52,460</b>	<b>19,912</b>	<b>31,003</b>	<b>413</b>	<b>7,969</b>	<b>517</b>	<b>3,676</b>	<b>2,949</b>	<b>2,307</b>	<b>19,845</b>	<b>9,057</b>	<b>153,964</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	15	153	66	36	1	44	11	27	103	20	97	573
Drugs	270	3,412	1,669	2,458	64	4	139	1,915	403	504	4,305	15,143
Sexual	9	39	1	3	1	0	0	13	7	12	26	111
Larceny/ fraud/ robbery	357	4,035	3,881	1,403	111	41	193	1,720	2,554	1,111	2,149	17,555
Public order/ assault	125	639	102	92	64	2	38	172	160	174	413	1,981
Other	187	1,500	825	397	48	6	58	486	595	309	1,058	5,469
<b>Total</b>	<b>963</b>	<b>9,778</b>	<b>6,544</b>	<b>4,389</b>	<b>289</b>	<b>97</b>	<b>439</b>	<b>4,333</b>	<b>3,822</b>	<b>2,130</b>	<b>8,048</b>	<b>40,832</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	81	892	408	339	1	570	18	17	147	72	1,086	0	3,631
Drink driving	367	593	54	1,845	1	2,137	25	11	82	115	329	0	5,559
Offences attracting penalty points	931	11,588	1,525	9,883	21	4,175	150	120	584	688	3,656	5,911	39,232
<b>Total</b>	<b>1,379</b>	<b>13,073</b>	<b>1,987</b>	<b>12,067</b>	<b>23</b>	<b>6,882</b>	<b>193</b>	<b>148</b>	<b>813</b>	<b>875</b>	<b>5,071</b>	<b>5,911</b>	<b>48,422</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
Road traffic	9	149	166	32	2	63		46	19	2	152	640
Drugs	13	46	87	11	2	3	1	38	2	4	17	224
Sexual	3	3	0	0	0	0	0	1	0	0	0	7
Larceny/ fraud/ robbery	46	187	318	27	4	0	3	240	87	22	161	1,095
Public order/ assault	27	169	278	17	5	0	4	188	45	6	85	824
Other	18	81	125	10	3	0	2	85	29	4	89	446
<b>Total</b>	<b>116</b>	<b>635</b>	<b>974</b>	<b>97</b>	<b>16</b>	<b>66</b>	<b>10</b>	<b>598</b>	<b>182</b>	<b>38</b>	<b>504</b>	<b>3,236</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*

## Circuit Court

The Circuit Court deals with 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. Certain Indictable offences of a minor nature can be heard in the District Court where the DPP and or the accused consents .

Offences: Circuit Court	Incoming		Resolved: offences							
	Offences	Defendants*	Guilty	Trials		N/P	TIC	Quash	Dec	
				Convicted	Acquitted					
Road traffic	794	229	566	29	9	116	174	0	0	
Drugs	3,261	673	1,758	15	9	713	277	0	2	
Sexual	1,668	227	387	97	130	266	164	0	114	
Firearms	979	657	483	15	24	147	113	0	3	
Larceny/ fraud/robbery	6,277	1,249	3,822	57	18	939	1,111	0	7	
Assault	1,881	1,082	1,111	32	65	175	81	0	5	
Child abuse	48	24	25	17	1	6	0	0	0	
Manslaughter	9	1	0	0	1	0	0	0	0	
Other	3,358	1,513	1,932	48	68	690	398	0	3	
<b>Total</b>	<b>18,275</b>	<b>5,655</b>	<b>10,084</b>	<b>310</b>	<b>325</b>	<b>3,052</b>	<b>2,318</b>	<b>0</b>	<b>134</b>	

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

Offences: Outcomes Following Convictions : Circuit Court										
	TIC	Fine	Bond	Disq	C/S	Prob	Imp*	Susp	Other	Total
Road traffic	99	13	78	146	12	15	162	51	22	598
Drugs	146	5	431	3	19	61	257	331	526	1,779
Sexual	30	1	100	0	1	17	244	74	41	508
Firearms	84	3	118	0	4	19	146	52	85	511
Larceny/fraud/robbery	469	1	1,143	4	109	104	1,200	669	216	3,915
Assault	55	6	320	11	41	44	384	220	49	1,130
Child abuse	1	0	13	0	0	3	17	6	62	102
Manslaughter	0	0	0	0	0	0	0	0	0	0
Other	266	23	590	14	12	68	587	298	141	1,999
<b>Total</b>	<b>1,150</b>	<b>52</b>	<b>2,793</b>	<b>178</b>	<b>198</b>	<b>331</b>	<b>2,997</b>	<b>1,701</b>	<b>1,142</b>	<b>10,542</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	5,925	3,570	1,276	2,150	1,593	884	719
Drugs	764	387	86	295	96	114	65
Sexual	17	15	2	8	1	1	0
Larceny/fraud/robbery	1,432	537	306	521	56	380	294
Public order/assault	1,291	692	288	481	91	311	150
Other	1,370	820	209	518	156	284	230
<b>Total</b>	<b>10,799</b>	<b>6,021</b>	<b>2,167</b>	<b>3,973</b>	<b>1,993</b>	<b>1,974</b>	<b>1,458</b>

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

## 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 four trials in the Special Criminal Court involving 4 defendants in 2020.

Special Criminal Court							
Categories	Incoming		Guilty Pleas	Resolved: offences			Nolle prosequi
	Offences	Defendants		Convicted	Acquitted		
Membership of illegal organisation	1	1	0	1	0	0	0
Possession of firearms/ammunition/explosive substance	14	8	9	0	2	0	0
Murder	1	1	0	1	0	0	0
Theft	4	4	0	0	0	0	0
Threaten to kill	0	0	0	0	0	0	0
Other	116	31	19	1	0	0	0
<b>Total</b>	<b>136</b>	<b>45</b>	<b>28</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

Offences : Outcomes (Guilty pleas + Trials)					
	Imprisonment	Nolle prosequi	Acquittal	Taken into consideration Non conviction	Total
Membership of illegal organisation	1	0	0	0	1
Possession of firearms/ammunition/explosive substances	9	7	2	4	22
Murder	1	0	0	0	1
Theft	0	1	0	0	1
Threaten to kill	0	0	0	0	0
Other	20	76	0	1	97
<b>Total</b>	<b>31</b>	<b>84</b>	<b>2</b>	<b>5</b>	<b>122</b>

## 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 2020, there were 65 trials in the Central Criminal Court against 71 defendants involving many counts as set out beneath. Of those trials, 18 included at least one count of Murder and 44 included at least one count of Rape.

No trial proceeded in 43 cases, as 32 defendants pleaded guilty, 3 defendants died and 8 cases were withdrawn by the State prior to trial.

Offences: Trials And Defendants: Central Criminal Court	Trials	Defendants
Murder (including attempted murder)	20	18
Rape (including attempted rape)	265	48
Sexual Offences	253	24
Assault	9	7
Other	15	12
<b>Total</b>	<b>562</b>	<b>109</b>



Central Criminal Court Offence type	Incoming		Resolved					
	Off	Defendants	Guilty Pleas	Trials	Nolle Prosequi	TIC **	Quash	Dec
Murder (including attempted murder)*	42	40	5	20	3	0	0	1
Rape (including attempted rape)	1,130	176	48	265	169	11	0	34
Sexual Offences***	1,574	110	84	253	253	47	0	33
Assault	73	20	8	9	5	2	0	0
Other ****	92	40	9	15	3	2	0	0
<b>Total</b>	<b>2,911</b>	<b>386</b>	<b>154</b>	<b>562</b>	<b>433</b>	<b>62</b>	<b>0</b>	<b>68</b>

\* includes two pleas of guilty to the lesser charge of manslaughter accepted by DPP previously reported under 'manslaughter' and now reported under 'murder' as per the indictments in each case

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

\*\*\* includes serious offences such as sexual assault and sexual offences against children, previously reported under 'other'

\*\*\*\* 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)*	14	0	6	0	0	20
Rape (including attempted rape)	118	93	54	0	0	265
Sexual Offences	65	56	132	0	0	253
Assault	2	7	0	0	0	9
Other	10	3	2	0	0	15
<b>Total</b>	<b>209</b>	<b>159</b>	<b>194</b>	<b>0</b>	<b>0</b>	<b>562</b>

\*includes two convictions by jury to the lesser charge of manslaughter

Offences: Resolved: Penalties Imposed On Conviction : Central Criminal Court						
	Fines	Det (minors)	Imp F/S	Imp P/S	Imp	Total
Murder*	0	2	N/A	N/A	10	12
Manslaughter	0	1	0	5	1	7
Rape**	0	2	0	50	114	166
Sexual Offences	0	1	8	28	112	149
Assault	0	0	3	3	4	10
Other	0	0	0	5	14	19
<b>Total</b>	<b>0</b>	<b>6</b>	<b>11</b>	<b>91</b>	<b>255</b>	<b>363</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	0	12
Manslaughter	0	1	6	0	0
Rape***	0	22	30	114	0
Sexual Offences	13	89	35	12	0
Assault	0	8	2	0	0
Other	2	8	7	2	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. The Courts Service commenced the collection of statistical information in compliance with section 30 of the Act during 2018.

### Central Criminal Court: Victims

Evidence given by video link	Evidence given behind a screen	Intermediaries used
4	2	3

## 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 remaining Article 64 legacy appeals which had not been resolved were again actively managed in 2020. 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 39. Despite the restrictions required as a result of the Covid-19 Pandemic and through the use of technology The Court of Appeal managed to continue to hear cases throughout the year and determined almost as many New Appeals as it did in 2019 (476 for 2020). The Court operates a weekly directions list for new appeals which allows the court to case manage every new appeal lodged and through the use of Virtual Courts this process was able to continue during 2020. The 51% decrease in the number of new appeals received in 2020 (277 compared to 539 in 2020) can be attributable to the reduction in cases determined in the Courts below as a result of the Covid-19 Pandemic and as a result of this and the ability of the Court of Appeal to continue to sit the average waiting time was still only 25 weeks by the end of 2020.

#### 1. New appeals

### New Appeals : Court Of Appeal

Pending at 01/01	Incoming	Resolved	Pending at 31/12
733	277	476	534

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	8	2	1	0	0	9
Bail	6	19	9	12	0	4
Chancery	186	47	72	32	13	116
Commercial	36	22	14	6	2	36
Company	15	6	11	1	0	9
Contract	21	7	8	5	0	15
Criminal	22	10	15	3	0	14
Extradition	4	11	4	2	0	9
Family	6	7	5	1	0	7
Insolvency (Corporate)	2	1	1	1	0	1
Insolvency (Personal)	18	10	17	1	2	8
Judicial Review (asylum related)	59	3	29	7	4	22
Judicial review (other)	72	38	28	10	1	71
Personal injury	67	36	18	19	5	61
Plenary	40	8	14	4	2	28
Proceeds of Crime Act	2	5	3	0	0	4
Security for costs	2	0	0	0	0	2
Summary judgment	105	16	34	16	5	66
Other	62	29	32	4	3	52
<b>Total</b>	<b>733</b>	<b>277</b>	<b>315</b>	<b>124</b>	<b>37</b>	<b>534</b>

## 2. Article 64 appeals

Article 64 Appeals (Appeals Transferred From Supreme Court)			
Pending at 01/01	Resolved	Transferred	Pending at 31/12
59	22	0	37

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	1	~	0	0	0	0	1
Bail	1	~	0	0	0	0	1
Chancery	11	~	1	1	0	0	9
Commercial	3	~	2	0	0	0	1
Company	1	~	0	0	0	0	1
Contract	0	~	0	0	0	0	0
Criminal	0	~	0	0	0	0	0
Extradition	0	~	0	0	0	0	0
Family	1	~	0	0	0	0	1
Insolvency (Corporate)	0	~	0	0	0	0	0
Insolvency (Personal)	0	~	0	0	0	0	0
Judicial Review (asylum related)	2	~	1	1	0	0	0
Judicial review (other)	6	~	2	0	0	0	4
Personal injury	2	~	1	0	0	0	1
Plenary	7	~	2	0	0	0	5
Proceeds of Crime Act	2	~	2	0	0	0	0
Security for costs	0	~	0	0	0	0	0
Summary judgment	6	~	3	0	1	0	2
Other	16	~	3	2	0	0	11
<b>Total</b>	<b>59</b>	<b>~</b>	<b>17</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>37</b>

### 3. Cases stated

Cases Stated : Court Of Appeal		
	Received	Orders made
Circuit Court to Court of Appeal	2	1
High Court to Court of Appeal	0	0
Military Judge to Court of Appeal	0	0
<b>Total</b>	<b>2</b>	<b>1</b>

### 4. Additional matters

Additional Matters : Court Of Appeal		
	2020	2019
Motions listed before the Court	148	199
Appeals from appellants in person	66 (24%)	156 (29%)
Applications for directions in Article 64 appeals	0	0
Written judgments delivered	374	154
<b>Length of appeal hearing:</b>		
• One day or less	434	572
• Greater than one day but less than two days	5	2
• Two days or more	21	3



## 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. The Covid-19 Pandemic and the restrictions imposed as a result made 2020 a challenging year for the Court of Appeal both Civil and Criminal and through the use of technology and dedication of staff this challenge was met and Appeals continued to be determined throughout the year. There were 260 appeals in respect of 1,405 offences lodged in the Court of Appeal (Criminal) in 2020. Comparable figures in 2019 were 282 appeals in respect of 1,440 offences. The Court disposed of 367 appeals in respect of 1,719 offences (344 appeals in respect of 1,003 offences in 2019).

Appeals: Criminal					
Pending at 01/01	Incoming	Resolved			Pending at 31/12
		In court		Out of court	
		Determined	Withdrawn	Withdrawn	
505	260	367*	150	55	398

\*including withdrawn

Court of origin	Appeals		Percentage of appeals	
	2020	2019	2020	2019
Central Criminal Court	39	45	15%	16%
Circuit Criminal Court	215	221	83%	78%
Special Criminal Court	6	16	2%	6%
<b>Total</b>	<b>260</b>	<b>282</b>	<b>100%</b>	<b>100%</b>

Appeals: Criminal					
Court of origin	Conviction	Sentence (severity)	Sentence (leniency)	Other	Total
Central Criminal Court	34	16	8	2	59
Circuit Criminal Court	44	199	38	9	290
Special Criminal Court	12	1	4	0	17
<b>Total</b>	<b>90</b>	<b>216</b>	<b>50</b>	<b>11</b>	<b>367</b>

<b>Appeals - Incoming (By Court Of Origin) : Court Of Appeal</b>				
Categories (by offence)	Incoming			Total
	Central Criminal Court	Circuit Criminal Court	Special Criminal Court	
Assault	2	72	0	<b>74</b>
Drugs/Misuse of Drugs	0	36	0	<b>36</b>
Firearms/weapon/possession of explosives/ ammunition	0	19	7	<b>26</b>
Manslaughter	0	1	0	<b>1</b>
Murder	12	0	1	<b>13</b>
Public Order	0	9	0	<b>9</b>
Rape	131	0	0	<b>131</b>
Road Traffic	0	30	0	<b>30</b>
Sexual Offences	142	299	0	<b>441</b>
Theft/Fraud/Robbery	2	514	0	<b>516</b>
Other	12	114	2	128
<b>Total</b>	<b>301</b>	<b>1,094</b>	<b>10</b>	<b>1,405</b>

<b>Appeals : Outcomes : Court Of Appeal</b>				
Categories (by offence)	Resolved			Total
	Central Criminal Court	Circuit Criminal Court	Special Criminal Court	
Assault	2	86	0	<b>88</b>
Drugs/Misuse of Drugs	0	66	1	<b>67</b>
Firearms/weapon/possession of explosives/ammunition	1	30	5	<b>36</b>
Manslaughter	2	0	0	<b>2</b>
Murder	9	0	2	<b>11</b>
Public Order	0	6	0	<b>6</b>
Rape	268	0	0	<b>268</b>
Road Traffic	0	46	0	<b>46</b>
Sexual Offences	298	298	0	<b>596</b>
Theft/Fraud/Robbery	4	352	0	<b>356</b>
Other	5	222	16	<b>243</b>
<b>Total</b>	<b>589</b>	<b>1,106</b>	<b>24</b>	<b>1,719</b>

Appeals - Resolved (By Offence) : Court Of Appeal								
Categories (by offence)	Resolved							Total
	Conviction	Sentence (severity)	Conviction and Sentence	Sentence (leniency)	DPP (dismissal)	MC*	Other	
Assault	2	53	7	25	0	0	1	<b>88</b>
Drugs/Misuse of Drugs	3	50	6	6	0	0	2	<b>67</b>
Firearms/ weapon/ possession of explosives/ ammunition	6	22	5	3	0	0	0	<b>36</b>
Manslaughter	1	1	0	0	0	0	0	<b>2</b>
Murder	8	0	1	1	0	0	1	<b>11</b>
Public Order	0	6	0	0	0	0	0	<b>6</b>
Rape	15	118	60	74	0	0	1	<b>268</b>
Road Traffic	0	36	1	9	0	0	0	<b>46</b>
Sexual Offences	90	157	162	155	0	0	32	<b>596</b>
Theft/Fraud/ Robbery	6	315	13	16	0	0	6	<b>356</b>
Other	16	97	82	21	0	0	27	<b>243</b>
<b>Total</b>	<b>147</b>	<b>855</b>	<b>337</b>	<b>310</b>	<b>0</b>	<b>0</b>	<b>70</b>	<b>1,719</b>

\* miscarriage of justice

## 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.

Since the new jurisdiction of the Supreme Court came into force in 2014, the Court has resolved 927 applications for leave to appeal. Figures compiled by the Supreme Court Office indicate that, in 2020, the Court determined 158 applications for leave to appeal. The Court granted leave in respect of 40 applications (25%) and refused leave in relation to 111 applications (70%). While this figure is a 14% overall increase in applications for leave to appeal since 2015, 2020 is the first year in which there has been a decrease in such applications, with 36% fewer determined in 2020 compared to 2019. This may be explained by the effect of the restrictions associated with COVID-19 in all of the courts, and in particular the knock on effect of the disposal of fewer cases in the High Court and the Court of Appeal on the number of applications for leave to appeal brought to the Supreme Court. There was also a sharp decrease in the number of incoming applications for leave to appeal from the High Court. This may be explained by the greater impact of COVID-19 restrictions on the High Court as a trial court.

The Supreme Court disposed of 65 'full' appeals in 2020. Fifty five of those were 'new' appeals which were brought under the jurisdiction of the Court which came into force with the establishment of the Court of Appeal in 2014. Despite the decrease in the number of applications for leave to appeal this year, the Court dealt with only five fewer new jurisdiction appeals.

Eight of the full appeals were 'legacy appeals' under the previous jurisdiction of the court, which were still in the system due to procedural issues. Only two full appeals were so-called 'Article 64' appeals which were transferred to the Supreme Court from the Court of Appeal.

Incoming: Origin Of Applications For Leave To Appeal	2020	2019
High Court to Supreme Court	37	98
Court of Appeal to Supreme Court	105	131
<b>Total</b>	<b>142</b>	<b>229</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
12	62	<b>74</b>	33	109	<b>142</b>	34	124	<b>158</b>	11	47	<b>58</b>
Appeals (legacy)			Appeals (legacy)*			Appeals (legacy)			Appeals (legacy)		
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
4	31	<b>35</b>	0	0	<b>0</b>	0	8	<b>8</b>	4	23	<b>27</b>

Overview : Supreme Court (Continued)											
Appeals (current)			Appeals (current)			Appeals (current)			Appeals (current)		
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
9	68	77	11	29	40	9	48	57	11	49	60
Total cases			Total cases			Total cases			Total cases		
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
25	161	186	44	138	182	43	180	223	26	119	145

\*transferred back from Court of Appeal

Other Matters : Supreme Court	2020	2019
Motions listed before the court	9	9
Reserved judgments delivered	89	131
Applications for leave to appeal from appellants in person	52	66
• One day or less	53	126
• Two days or more	15	14
Commissioners for Oaths appointed	26	27
Notaries Public appointed	11	33

## 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	
2020	2019	2020	2019	2020	2019	2020	2019
0.21%	0.38%	1.6%	2.07%	1.97%	3.2%	1.5%	1.7%

Criminal: Appeals (From First Instance Courts) (By Offence)	2020	2019
Special Criminal Court, Central Criminal Court and Circuit Court to Court of Appeal	16%	8%
District Court to Circuit Court	5.5%	6%

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

Civil: Court Of Appeal To Supreme Court	2020	2019
Applications for leave to appeal	21%	44%
Appeals after leave granted	7%	12%

Criminal : Court Of Appeal To Supreme Court	2020	2019
Applications for leave to appeal	9%	11%
Appeals after leave granted	3%	3.5%

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

Civil : In Days - From Issue To Disposal						
	High Court		Circuit Court		District Court	
	2020	2019	2020	2019	2020	2019
All	660	785	740*	725 *	150	144
Employment (dismissal)	398	108	1,169	874	n/a	n/a
Divorce	912	1,064	379	388	n/a	n/a
Commercial	427	539	n/a	n/a	n/a	n/a
Personal Injury	1,183	974	-	-	-	-
Judicial review	315	392	n/a	n/a	n/a	n/a

\*excludes licensing

n/a = not applicable

Criminal: In Days - From Issue To Disposal - By Offence : District Court					
Summary		Indictable dealt with summarily		Return for trial	
2020	2019	2020	2019	2020	2019
310	277	359	375	107	95

Summary: time from issue of summons to disposal of offence in the District Court

Indictable dealt with summarily: time from lodgement of charge sheet to disposal of offence in the District Court

Return for trial: time from lodgement of charge sheet to transfer of offence to higher court for trial.

Criminal: Circuit Court - Average Length In Days *		
	2020	2019
All	499	672

\* time from receipt of return for trial in Circuit Court to final order

Criminal: Central Criminal Court - Average Length In Days *		
	2020	2019
All	506	487

\* time from receipt of return for trial to final order

Criminal: Special Criminal Court - Average Length In Days *		
	2020	2019
All	295	506

\* time from receipt of charge sheet to final order



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

Civil: Court Of Appeal –Appeals*		
	2020	2019
All (new appeals and Article 64 appeals)	579 days	1,220 days*

\* time from issue of notice of appeal to final order

Criminal : Court Of Appeal - Appeals*		
	2020	2019
All	371 days	705 days

\* time from issue of notice of appeal to final order

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

Supreme Court		2020	2019
Legacy	All (issue to disposal)	2,513	2936
	Certified (from certification date to disposal)	1,109	2,177
	Priority (from priority date to disposal)	n/a	n/a
Application for Leave Determined (issue to determination date)		159	153
Application for Leave Determined (from papers being ready to determination)		36	30

## 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	Family Law	
	Summonses	Charge sheets	Applications	Domestic violence applications *	Maintenance /guardianship applications
	1	2	3	4	5
Athlone	20 -22	Next Sitting	4	Next Sitting	20 -22
Ballina	20 -22	Next Sitting	24	4	20 -22
Bray	20 -22	Next Sitting	6	10	20 -22
Carlow	20 -22	Next Sitting	6	10	20 -22
Carrick-on-Shannon	20 -22	Next Sitting	4-8	Next sitting	20 -22
Castlebar	20 -22	Next Sitting	24	3	20 -22
Cavan	20 -22	Next Sitting	Next Sitting	12	20 -22
Clonakilty	20 -22	Next Sitting	4	1	20 -22
Clonmel	20 -22	Next Sitting	10	6-8	20 -22
Cork	20 -22	Next Sitting	20	20	20 -22
Donegal	20 -22	Next Sitting	12	1	20 -22
Dublin	20 -22	Next Sitting	20	26	20 -22
Dundalk	20 -22	Next Sitting	4-6	4-8 (next sittings)	20 -22
Ennis	20 -22	Next Sitting	8 to 52	6	20 -22
Galway	20 -22	Next Sitting	16	8	20 -22
Kilkenny	20 -22	Next Sitting	12 to 16	1	20 -22
Letterkenny	20 -22	Next Sitting	8	Next Sitting	20 -22
Limerick	20 -22	Next Sitting	20	4	20 -22
Longford	20 -22	Next Sitting	4-8	Next sitting	20 -22
Loughrea	20 -22	Next Sitting	26	Next sitting	20 -22
Mallow	20 -22	Next Sitting	6-8	Next sitting	20 -22
Monaghan	20 -22	Next Sitting	16	0	20 -22
Mullingar	20 -22	Next Sitting	4	Next Sitting	20 -22
Naas	20 -22	Next Sitting	16	4	20 -22
Nenagh	20 -22	Next Sitting	16	8	20 -22
Portlaoise	20 -22	Next Sitting	16	12	20 -22
Roscommon	20 -22	Next Sitting	Next Sitting	Next Sitting	20 -22
Sligo	20 -22	Next Sitting	8	1	20 -22
Tralee	20 -22	Next Sitting	24	5	20 -22
Trim	20 -22	Next Sitting	8-10	8-10	20 -22
Tullamore	20 -22	Next Sitting	20	32	20 -22
Waterford	20 -22	Next Sitting	24	4	20 -22
Wexford	20 -22	Next Sitting	34	Next Sitting	20 -22
Youghal	20 -22	Next Sitting	6	Next sitting	20 -22

\* Urgent interim applications are dealt with immediately i.e. on next sitting day in every District

- (1) Time from scheduling of summons application to scheduled date for hearing. Covid-19 restrictions require controlled summons scheduling to ensure social distancing can be managed in Courtrooms
- (2) Time from receipt of charge sheet to first court date
- (3) Time from receipt of application to date when it is actually heard - not just listed for adjourning or fixing a date
- (4) Time from receipt of application to listing for hearing in domestic violence matters
- (5) As (4) but for other family law applications

### 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
	1	2	3	4	5	6	7	8
Carlow	9	3	12	9	6	6	3	6
Carrick on Shannon	9-12	Next sitting	Next sitting	3-6	3-6	6	Next sitting	Next sitting
Castlebar	4	4	4	3	3	3	3	3
Cavan	12	6	18	24	18-24	24	3	12-18
Clonmel	18-24	3-9	6-12	6-12	3-6	6-12	0-3	3-6
Cork	6	next sitting	6	12-15	12-15	6-9	3-6	6-9
Dublin	20	1	3	10-12	10-12	5-6	1	2-3
Dundalk	18-24	6	6-12	12-18	6-12	9-12	3-6	6-12
Ennis	18	6	6	6-9	9	6	6	6-7
Galway	24	3	3	3	3	3	3	3
Kilkenny	12-18	6	6	6	6	9	next sitting	06-09
Letterkenny	12-18	6	12	12-18	12-18	9	next sitting	9
Limerick	20	15	6	18	6	6	next sitting	6
Longford	18-24	3-6	3-6	18-24	0-4 Next sitting	6-9	0-4 Next sitting	0-4 Next sitting
Monaghan	36	9	12	24	6	12	6	6
Mullingar	11	7	3	11	11	9	9	9
Naas	18	3	6	18	Next Sitting	18	Next F/ Law sitting	Next sitting
Portlaoise	18	6	6	12	3	12	3	3
Roscommon	6	3	3	6	6	6	3	3
Sligo	17 -24	9	6	12	6	12	6	6
Tralee	24	9	12	9	6	9	4	6
Trim	24	1-3	4	18-24	6	18-24	3-6	6-9
Tullamore	18-24	Next sitting	Next sitting	9-12	6	9-12	6	6
Waterford	9-12	6-9	3	9	9	9	3	9
Wexford	24	Next Sitting	Next Sitting	16	Next Sitting	12	Next Sitting	Next Sitting
Wicklow	12	6	12	6	12	12	3	12



- (1) Time from receipt of return for trial to hearing date of trial
- (2) Time from receipt of return for trial to sentence hearing where plea of guilty entered
- (3), (5), (8) Time from receipt of District Court Appeal to date of appeal hearing
- (4) Time from receipt of notice of trial to hearing date
- (6) Time from receipt of notice of trial/notice of motion to listing for hearing in contested matter
- (7) As (6) but for uncontested matters Details of the sittings of the Circuit Court are available on the website of the Service ([www.courts.ie](http://www.courts.ie)).

### 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	2020	2019
Cork	24 months	17 months
Galway	2 months	2 months
Kilkenny/Waterford	7 months	7 months
Limerick	36 months	25 months
Sligo	12 months	5 months

#### High Court: Insolvency (Corporate)

Nature of application	Waiting time	2020	2019
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	2020	2019
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	2020	2019
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	2020	2019
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	2 week to 9 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	2020	2019
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: Possession			
Nature of application	Waiting time	2020	2019
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 up to the time the court was suspended in March 2020.	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 up to the time the court was suspended in March 2020.	3 weeks

High Court: Mortgage Suits			
Nature of application	Waiting time	2020	2019
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 up to the time the court was suspended in March 2020.	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 up to the time the court was suspended in March 2020.	3 weeks

High Court: Non-Jury (Breach Of Contract, Professional Negligence, Debt Collection)			
Nature of application	Waiting time	2020	2019
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	13 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	7 months	5 months
Full hearing – cases more than one week in duration	As above	7 months	5 months

High Court: Appeals From The Circuit Court			
Nature of application	Waiting time		
	2020	2019	
Full hearing - cases less than one week in duration	The time from the lodgement of the books of appeal to the allocation of the first date for hearing before the High Court	The time from the lodgement 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	

**High Court: Judicial Review: Asylum Related**

Nature of application	Waiting time	
	2020	2019
Pre-leave	Date immediately available	Date immediately available
Post leave	4 months	2 months

**High Court: Judicial Review: Other**

Nature of application	Waiting time	
	2020	2019
Pre-leave	2 months	Application made ex parte on any Monday
Post leave	2 months	2 months

**High Court: Jury (Defamation; False Imprisonment; Assault)**

Waiting time	2020	2019
The time from when a case is certified ready for hearing to the allocation of the first date for hearing before the High Court	14 months	12 months

**High Court: Garda Compensation Act**

Nature of application	Waiting time	2020	2019
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	4 weeks	5 weeks

**High Court: Proceeds Of Crime Act**

Waiting time	2020	2019
The time from receipt of application to hearing	Date immediately available	Date immediately available

**High Court: Master's Court**

Nature of application	Waiting time	2020	2019
Motions	The time from the issue of a notice of motion to the first return date before the Master	Date immediately available	4 weeks

**High Court: Common Law Motions**

Waiting time	2020	2019
The time from the issue of a notice of motion to the first return date before the High Court	7 weeks	5 weeks

High Court: Family		
Nature of application	Waiting time	
	2020	2019
Urgent applications	Within 2 weeks	Within 2 weeks
Non-contested cases	Within 2 weeks	Within 2 weeks
Contested cases	Within 4 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

### 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	
	2020*	2019
Murder and rape trials	10 Months	14 months
Bail	Date immediately available	Date immediately available

\* Time from receipt of return for trial to the date fixed for trial (earlier dates for trial are made available for trials involving child and other vulnerable witnesses)

Waiting time:	2020	2019
The time from when a charge sheet is received to the trial date	10 Months	12 months

### Court Of Appeal - Civil

Waiting time:		
The time from when an appeal is entered into the court list to the date of hearing		
	2020	2019
Appeals*	25 weeks	60 weeks
Fast tracked short appeals**	3 weeks	4 weeks

\* appeals requiring more than two hours

\*\*depends on time available

**Court Of Appeal - Criminal**

Waiting time:		
The time from when an appeal is entered into the court list to the date of hearing		
	2020	2019
Appeals	20 weeks	20 weeks
Article 40/habeas corpus appeals	3 weeks	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**

There has been a significant reduction in applications for leave to appeal filed during 2020 (38% approx.) due to the effects of the pandemic including the impact on the level business transacted in the High Court and in the Court of Appeal. Application for leave may be filed from both jurisdictions. Growth in excess of 10% in applications filed year on year had been experienced prior to the pandemic. One of the additional challenges for the Office in 2021 will likely be responding as business returns to expected levels later in the year. At year end all scheduled hearings have taken place and no backlog has been allowed to develop. Applications where leave is granted in the current term can expect an appeal hearing date in the following term.

Nature of application	Waiting time	2020	2019
Applications for leave to appeal	The time from the filing of complete documentation to the determination of the application	5 weeks	4 weeks
Appeals	The time from the determination of the leave application to the disposal of the appeal	21 weeks	55 weeks



Chapter

# 4



**Governance  
and Transparency**

# Governance and Transparency

**Governance can be described as the set of responsibilities, practices, policies and procedures that provide strategic direction to an organisation and help it realise the intended outcomes for members of the public, manage risks and use its resources in an effective, efficient and ethical manner.**

The Courts Service continues to have strong governance arrangements at organisational and Board level. The arrangements have regard to the legislative framework set out in the Courts Service Act 1998, 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. The governance arrangements in the Courts Service are benchmarked against the principles developed by the Department of Public Expenditure and Reform (DPER) to ensure they are effective and robust.

## Corporate Governance Standard for the Civil Service

Published in December 2018 by DPER, the Corporate Governance Standard for the Civil Service is to be used by each department and office to guide the development of their individual governance frameworks. These individual frameworks are to set out the relevant statutory framework; the organisational structure; the governance systems in place; the accountability, audit and assurance arrangements; and information on strategic and business planning processes.

The Courts Service's framework document is in line with the Corporate Governance Standard. It sets out the statutory basis for the organisation, as well as providing information on its structure, 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.

The revised and updated code, introduced in 2016, placed additional obligations on 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 Courts Service duly put additional governance arrangements in place, both in relation to the Board and the Audit and Risk Committee, to enhance the governance of the organisation.

The Chief Executive provides an annual report on behalf of the Board to the Minister for Justice providing assurance on compliance with the code. The report for 2020 was finalised in June.

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

In accordance with best corporate governance practice and the requirements of the CPGSB, the Courts Service and the Department of Justice signed a three-year oversight agreement in 2020 to cover the period to 2020 -2022. This agreement is supported by annual performance delivery agreements. The agreements aim to enhance the working relationship between the Courts Service and the Department and to support the organisation in carrying out its functions. The agreements reflect and respect the status of the Courts Service as an independent State agency governed by its Board. They encompass all of the legal and other obligations facing the organisation, as well as providing the necessary accountability and oversight for the Minister.

## Organisation Overview

### Courts Service Board

The Courts Service is governed by a Board consisting of a Chairperson and 17 other members. The Board is responsible for determining policies for the Courts 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 9 November 2020.

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 Corporate Services, and details of all new contracts entered into by the Courts Service and recorded on the contract register.

The Board 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 organisation and at each meeting considers reports on budgets and expenditure. Annual corporate documents considered or approved by the Board in 2020 included:

Corporate Strategic Plan 2021 - 2023
Corporate Business Plan 2020
Risk Management Policy for 2020
Annual Report of the Audit & Risk Committee 2020
Annual Budget 2020
Annual return to Minister for Justice under the CPGSB
The Courts Service Covid – 19 Business Response Plan

The Board also considered, approved or noted other reports including the Strategic Business Case for the Modernisation Programme. The Board 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; leases for periods in excess of four years and nine months irrespective of value; and contracts for consultancy in excess of €500,000. In 2020, the Board considered and approved contracts for

- The Procurement of ICT Managed Services
- Investment advisory 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.

### Board Meetings

The Board receives regular reports from the Chief Executive Officer on the operation of the Courts 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.

During 2020 the Board considered the Courts Service Strategic Vision 2030, to cover the next 10 years; the development of a Family Law complex at Hammond Lane; the redevelopment of the Courts Service website; the transition to the new Assisted Decision Making regime and the corporate response to the Covid-19 pandemic.

The Board held meetings on 3 February, 28 April, 22 June, 20 October, 2 November and 7 December with an overall attendance rate of 89%. Information on individual attendance at Board meetings is in the schedule at the end of this chapter.

Four committees supported the Board in its work in 2020: the Finance Committee; the Audit and Risk Committee; the Building Committee; and the Family Law Court Development Committee (see Chapter 1: About the Courts Service for membership details). In addition, in February 2020, the Modernisation Committee was established to lead the Modernisation Programme and to ensure that the executive is held to account for delivery of the programme outcomes. In October 2020 the Board formally ratified the Terms of Reference for a Modernisation Committee. 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

Audit and Risk Committee	27 January, 23 March, 27 April, 5 May, 15 June, 12 October and 30 November
Building Committee	30 January, 11 March, 8 October, 12 November, 10 December
Family Law Court Development Committee	This Committee has been repurposed and is due to reconvene in 2021
Finance Committee	3 February, 2 April, 21 April, 15 June, 12 October and 30 November
Modernisation Committee	10 February, 27 April, 10 June, 30 October, 30 November and 17 December

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 [www.courts.ie](http://www.courts.ie) and on the intranet to provide information on matters considered by the Board and decisions made.

## Board Effectiveness Review

Demonstrating an ongoing commitment to performing its functions in accordance with best practice governance standards, in 2020, the Courts Service engaged the Institute of Public Administration (IPA) to conduct a review of the effectiveness of the Board and its committees. This review was based on interviews and surveys with Board members, committee members and relevant members of the executive. The



recommendations were also informed by the IPA's assessment of meeting packs, background material and the conduct of meetings that it observed.

The IPA review found there was a good mix of skills and experience on each of the different committees and that committees are achieving a fair balance between the need to support and challenge the executive in the performance of its duties. Members expressed a high degree of satisfaction with the timeliness and quality of information that flows from the executive. In general, Committee members were satisfied with how meetings are run and commented favourably on the quality of both the papers produced by the executive in advance of meetings and staff presentations made during the course of their deliberations. The majority of respondents felt the committee meetings featured good quality debate on key matters, with a high level of input from all those around the table. Similarly, respondents felt that good quality information flows from the committee to the Board and vice versa.

The review found that each Committee is contributing to the Board's work in a distinct way. Where Committees overlap, to a small degree, in their areas of work this is often unavoidable, such as when the Courts Service's annual budget is being considered. The Board will examine the possibility of holding joint committee meetings when areas of overlapping interest arise. In the areas of Finance and Audit and Risk, respondents felt the respective committees are focused on the right issues and are effective in seeking, receiving and giving assurance to the Board.

Recommendations included reforming the scheduling of and agenda for Committee meetings. In addition, the report identified an opportunity to develop a Skills, Experience and Diversity Matrix as a way of ensuring each committee possess all the capabilities required for the group to fully and effectively execute its functions. The review identified opportunities to improve induction procedures for new committee

members and to further develop ongoing training opportunities, in relevant areas, for all committee members.

The Courts Service Board met on 2 November 2020 to consider the review and take part in an IPA-led workshop on the recommendations contained in the report. Work on adopting some of the recommendations commenced in 2021, with further progress in this area expected in 2021.

## 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 Courts 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 organisation, implementation of policy, progress on the strategic plan and the modernisation agenda.

The Chief Executive provides an annual report on behalf of the Board to the Minister for Justice 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 Board members and employees
- compliance with Government guidelines on the payment of Board members' 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 Courts Service together with a Statement of Internal Financial Controls providing assurance on the internal financial control environment operating within the organisation.

### Appropriation Account

The Appropriation Account is the annual financial account of the Courts Service and is furnished to the Comptroller and Auditor General (C&AG) on or before 31 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 2020 submitted to the Comptroller and Auditor General can be found in Chapter 6: Financial Statements.

### Internal Financial Control

The Board has overall responsibility for the internal financial control of the Courts 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 organisation.

The onset of Covid-19 gave rise to a number of new challenges in maintaining effective internal controls. In some instances, systems of internal control changed as pandemic-related public health measures lead to necessary and significant adjustments in operational practice. In seeking to understand the impact of any change to the systems of internal control, the Courts Service was cognisant of the C&AG guidance on the potential impacts of Covid-19 on the control environment.

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 Courts 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 Courts 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 Courts Service, including payroll, travel and subsistence and human resources services. Furthermore, the Courts 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 Courts 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 Courts 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 Courts Service made a nil return in respect of such incidences in 2020. The Courts Service has a policy statement on the prevention and detection of fraud with all cases irrespective of value being reported to the Head of Corporate Services, the Senior Management Team, and the Audit and Risk Committee.

### Financial Management

The Courts 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 the Assistant Secretaries responsible for each 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 Courts Service complies with the performance budgeting format which identifies key outputs, context and impact indicators. The expanded performance budgeting targets for 2020 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 Courts Service functions according to good governance, accounting and auditing standards and adopts appropriate management and risk arrangements. The Committee held seven meetings in 2020 at which it reviewed and considered a wide range of reports including the Annual Report of the Audit and Risk Committee 2019 and the Annual Report of the Internal Audit Unit for 2019.

### 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 Courts 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 12 audits during the year.

### 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 Courts 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 2020 was carried out by external auditors, Mazars.

## Risk Management

The Board has overall responsibility for overseeing the management of risk within the Courts 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 Courts Service and seeks to encourage and promote a culture of risk management through the operation of a 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 Courts Service. A risk management policy approved by the Board defines the risk appetite of the organisation. This, in turn, is supported by risk management aligned to the policy.

The risk management framework and policy provide for a planned and systematic approach to identifying and managing a range of risk categories: financial, service delivery, buildings, ICT, people, compliance and governance, and reform. 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 Courts Service maintains a corporate risk register that is reviewed regularly by the Chief Executive Officer, Senior Management Team, Audit and Risk Committee and the Board. 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 organisation

deal with the challenges it faces. It sets out the major risks facing the Courts 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 each Assistant Secretary prepares risk registers for their respective directorates. In particular, the Court Service recognises the importance of cyber security and the impact an adverse ICT event could have on the operation of the courts. The Courts Service continuously reviews its ICT security systems and processes, taking action to further protect the organisation where appropriate.

The onset of the Covid-19 pandemic in early 2020 resulted in changes to the working and control environment with remote and virtual working becoming the norm in the Courts Service. As a front-line service, the primary objective in managing the pandemic was to ensure appropriate measures were in place to ensure a safe environment for staff, the Judiciary and courts users, while complying with guidance and instruction from National Public Health Emergency Team and the HSE.

In addition to the Corporate Risk Register, a Covid-19 Recovery Risk register was also prepared and presented to the Board. This register identified pandemic-related risks in all major operational categories—including Finance, Service Delivery, Buildings and People—and ensured mitigating actions were adopted in response to identified risks. The Covid-19 Recovery Risk register was subject to the same consistent review and update approach taken with the Corporate Risk Register.

## Protected Disclosures Act 2014

The Board maintains a role in relation to oversight of the operation of the policy of the Courts Service under the Protected Disclosures Act 2014.

## Provision of information to members of the Oireachtas

The Courts 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 2020 the Courts Service complied with target deadlines and standards in terms of acknowledgements and substantive responses to queries.

## Procurement

The Courts Service seeks to comply with the principle of competitive tendering in respect of its expenditure for works, supplies and service contracts. The Public Procurement Guidelines provide direction for all procurement policy activity of the organisation. They ensure 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 Courts Service is informed by the Office of Government Procurement public procurement guidelines for goods and services.

The Courts 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 Assistant Secretary responsible for their directorate, with the Corporate Services 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 (SMT).

During 2020, the Courts Service entered into 14 new contracts across all directorates for services including facilities management, record management and ICT.

## The Office of the CEO (OCEO)

In February 2020, a Courts Service wide Contingency Planning Group was formed and coordinated by the OCEO to begin the process of developing contingency plans, in the event of the Covid-19 Virus coming to Ireland. The OCEO sent out communications to all managers regarding information from the HSE and advising them to meet with staff and ensure Business Continuity plans were updated. Links to useful posters that could be downloaded and printed were also circulated.

This was the start of a year-long series of integrated projects across the organisation to keep courts up and running insofar as humanly possible – all the time emphasising safety first.

The Contingency Planning Group continued to meet and information, updates and advice from these meetings were sent to all staff through the OCEO. The Office also fielded numerous questions and queries from a variety of Court users on how prepared the Courts Service was in the event of an outbreak of Covid-19 in any of its buildings. As the pandemic took hold, the OCEO continued to forward updates from The Government, the HSE and other Agencies as well as guidance and support from the CEO. The OCEO and the Judicial Support Unit worked together in the response to Covid-19 and took on the responsibility of ensuring the Covid-19 protocols were in place and adhered to in our own office and in messaging to all other offices.

Together they also took on the task of compiling information on how work in the Courts Service was being organised, where work has increased or decreased, and which staff had capacity to help in other areas as demands increased in court support offices. The information compiled was reported to the SMT who were then in a position of knowing where and when staff were working on any given week, thus enabling the SMT to redeploy staff to offices where most needed.

Early on in the pandemic fortnightly meetings with the Department of Justice, attended by the Principal Officer in OCEO, were established to exchange information and updates in relation to Covid-19 issues. One meeting involved Civil Agencies and the other Criminal Agencies. Fortnightly meetings with the Governance side of the Department of Justice also continued. At these meetings, the Courts Service provided updates on internal governance, operations and information on strategic and business planning processes. This contact ensured and continues to ensure a level of cohesion between the various justice agencies and the department.

### Requests for information

The Courts Service continued to respond to requests for information from the public, government departments and parliamentary representatives during the year. Material for responses to 165 parliamentary questions tabled by members of the Oireachtas was provided and the Office of the Chief Executive dealt with 305 letters/representations from other government departments, TDs, senators and members of the public.

### Freedom of Information

In 2020, the Courts Service received 168 requests under the Freedom of Information Act 2014. Many of these requests related to personal 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.

The Courts Service continues to meet its obligations in relation to responding to Freedom of Information requests. FOI Decisions and Types of Request are outlined below:

Freedom of Information Requests 2020	
On hand 01/01/2020	4
Received	168
Dealt with	166
On hand 31/12/2020	6
Outcome of requests dealt with	
Access granted/part granted	35
Refused*	119
Transferred/withdrawn	9
Handled outside of FOI	3

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

### Data Protection and the General Data Protection Regulation

The Courts Service is committed to fulfilling our data protection obligations and process personal data in accordance with data protection legislation. We protect the integrity of data supplied to us by court users and third parties where required. In 2020, we continued to increase awareness of, and improve compliance with, data protection among our staff. This included measures to be taken to protect data security when working remotely, as well as holding information sessions so that all staff are aware of their obligations. The Courts Service has developed and introduced a Data Protection Policy setting out responsibilities for all managers, employees, contractors and anyone else who can access or use personal data in their work for the Courts Service.

The Data Protection Unit continues to work with operational, change and digital colleagues to achieve full regulatory compliance by ensuring data protection is embedded into business practices from the outset. Data Protection Impact Assessment (DPIA) guidance and templates have been developed to assist staff when undertaking a DPIA. Data sharing agreements are being

discussed with a number of organisations with a view to establishing a number of formal agreements.

The Unit dealt with 63 data subject access requests under the Data Protection legislation during the year and there were 49 reported data incidents throughout 2020. 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.

### Public Sector Equality and Human Rights Duty

Section 42 of the Irish Human Rights and Equality Commission Act 2014 establishes a positive duty on public bodies to have regard to the need to eliminate discrimination, promote equality and protect the human rights of staff and persons to whom services are provided.

In 2020, the Courts Service established a cross-functional working group which was tasked to carry out an assessment on the Courts Service's commitment to meeting its obligations under its legislative duty. It is intended that this group will complete an evidence-based assessment in mid-2021 and will publish its report as soon as possible thereafter.

### Customer complaints and compliments

The Customer Comments Co-ordination Office, supported by Directorate Liaison Officers, manages formal complaints as well as compliments received from members of the public. It is important for the Courts Service to understand services that are valued and appreciated by our customers as well as services or actions that need to be improved. Feedback, both positive and negative, can provide unique insights into the standards of service being provided to court users.

Conduct or decisions in relation to court business are matters for the Judiciary and are therefore not dealt with under the formal complaint procedure. There were 92 valid customer complaints received during 2020 all of which were processed and completed in accordance with the formal complaint procedure.



## Board member attendance at meetings in 2020

Name	Attendance
Mr. Justice Frank Clarke, Chief Justice and Chairperson	6 out of 6
Mr. Justice George Birmingham	4 out of 6
Ms. Justice Mary Irvine (Appointed June) *	4 out of 4
Ms. Justice Elizabeth Dunne	6 out of 6
Mr. Justice Patrick McCarthy	5 out of 6
Mr. Justice Tony O'Connor	6 out of 6
Ms. Justice Patricia Ryan	5 out of 6
Her Honour Judge Alice Doyle	6 out of 6
His Honour Judge Colin Daly	6 out of 6
Judge Conal Gibbons	5 out of 6
Ms. Angela Denning	6 out of 6
Ms. Maura McNally SC (Appointed November)**	1 out of 1
Ms. Michele O'Boyle (Appointed November)***	1 out of 1
Ms. Hilary McSweeney (Appointed November)****	1 out of 1
Mr. Doncha O' Sullivan	5 out of 6
Ms. Karen Kiernan	6 out of 6
Ms. Patricia King	6 out of 6
Ms. Deirdre Kiely	6 out of 6

*Replaced Mr. Justice Peter Kelly	2 out of 2
**Replaced Mr. Micheál P. O'Higgins	1 out of 5
***Replaced Mr Michael Quinlan	5 out of 5
****Replaced Mr Damien Downey	3 out of 5



Chapter

# 5



**Legislative Provisions and  
Reports of the Rules Committees**

**The implementation of new legislation impacting on criminal proceedings and civil actions can place significant demands on the resources of the Courts Service. The Courts 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 Courts 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 Courts Service or into which the Courts Service provided input in 2020:

### **Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020**

This Act was partly commenced on 21 August 2020 and the remainder was commenced on 14 September 2020. The Act provides for remote hearings in civil proceedings and for the increased use of video link in criminal proceedings.

The Act provides that a Court may direct that any category of civil proceedings be dealt with remotely. This power may be exercised on behalf of a Court by the Chief Justice or the Presidents of the Courts. In civil matters, rules of court may provide for electronic filing and electronic issuing of documents and orders. Where provision is made for transmission of documents electronically, rules of court may provide for a statement of truth to be made and transmitted electronically.

The Act also provides for the appearance of the accused via video link in criminal proceedings, European Arrest Warrant cases and extradition cases in a range of applications including applications for bail,

legal aid, sentencing, sending forward for trial or sentence. A Court may direct that all applications of a specified type or class be heard with the accused appearing via live video link.

The Act also provides for appeals before the Court of Appeal and Supreme Court in criminal proceedings, European Arrest Warrant and Extradition Act proceedings to be heard remotely.

### **Criminal Justice (Mutual Recognition of Supervision Measures) Act 2020**

This Act gives effect in Ireland to the Council of the European Union Framework Decision of 23 October 2009 on mutual recognition of decisions on supervision measures in EU member states. The Act was commenced on 5 February 2021 and provides for an Irish resident who is charged with an offence in another EU member state to have their bail monitored in the State rather than be remanded in custody in that other state. Similarly, it will allow a resident of another Member State who is charged with an offence while in the State to be granted bail on condition that their bail is monitored in the Member State in which the person is ordinarily resident.

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

The Courts Service continues to make preparations for the commencement of the main provisions of this Act. The Courts Service is represented on an Inter-Departmental Steering Group to provide for the Act's commencement. The bulk of the Act has yet to be commenced and

commencement is expected in mid-2022. Some sections were commenced on 17 October 2016. Additional sections were commenced on 17 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.

### **District Court (Fees) (Amendment) Order 2020**

This S.I. amended the District Court (Fees) Order 2014 and provided that no fee was payable in 2020 in respect of the renewal of certain pub and other liquor licences, including certificates of transfer, certificates of renewal, general exemption orders, restaurant certificates, club certificates, public dancing licences and music and singing licences. As the Order was signed into law in October 2020, the Courts Service worked hard to ensure the timely refund of these fees in 2020.

### **Courts and Civil Law (Miscellaneous Provisions) Bill**

The Courts Service continues to provide observations on a Courts and Civil Law (Miscellaneous Provisions) Bill, 2021. This Bill will provide for centralised offices, the use of electronic registers and the amendment of the qualification period for certain officers, such as the Master and Deputy Master of the High Court. The Government approved an initial draft of the Bill in January 2020.

# Superior Courts Rules Committee

## Report for year ending 31st December, 2020

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.

### Membership of the Committee at year ending 31st December 2020

- 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. Ms Justice Mary Irvine
- 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. Mr Justice Richard Humphreys, 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 67(9)(d) Courts of Justice Act 1936, as amended
- 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, Strategy and Reform Directorate, Courts Service

Drafting Services - Mr Sean Barton of McCann Fitzgerald Solicitors

The Committee met remotely during 2020. The following rules of the Superior Courts were concurred in by the Minister for Justice between the 1st January 2020 and the 31st December 2020:-

S.I. number	Title	Date signed by Committee	Operative date
43 of 2020	RSC (Coroners) 2020	11th December 2019	17th February 2020
584 of 2020	RSC (Judges' Robes) 2020	23rd September 2020	10th November 2020
590 of 2020	RSC (Probate and Administration Oaths and Bonds) 2020	11th December 2019	1st March 2021

At year end the following Rules signed by the Committee are awaiting the concurrence of the Minister:-

Title	Date approved by Committee
RSC (Order 105 and 106) 2019	11th December 2019
RSC (Affidavits) 2020	23rd September 2020
RSC (Regulation of Legal Services) 2020	23rd September 2020
RSC (Cervical Check Tribunal) 2020	23rd September 2020

Rules relating to the following were under consideration by the Committee at year end:

- Draft Rules of the Superior Courts (Hague Maintenance Convention) 2020
- Draft Rules of the Superior Courts (Intellectual Property Order 63A and Order 94) 2020

**Liz Hughes**  
Secretary  
2021

# Circuit Court Rules Committee

## Report for year ending 31st December, 2020

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, 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 judgment and granting of summary judgment 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, 2020 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

- Ms. Michele O'Boyle, 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 69(9)(c), Courts of Justice Act 1936, as amended
- Mr James Finn, Principal Officer, Courts Service, to whom membership has been delegated by the Chief Executive Officer of the Courts Service under section 69(9)(b), Courts of Justice Act 1936, as amended
- 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 2020. The following Rules of the Circuit Court were signed by the Minister for Justice between the 1st January 2020 and the 31st December 2020

S.I. number	Title	Date signed by Committee	Date Effective From
282 of 2020	Circuit Court Rules (Family Law and Domestic Violence) 2020	3rd March 2020	12th August 2020
291 of 2020	Circuit Court Rules (Data Protection Actions) 2020	3rd March 2020	13th August 2020
292 of 2020	Circuit Court Rules (Case Stated) 2020	3rd March 2020	13th August 2020
396 of 2020	Circuit Court Rules (Witness Summonses) 2020	3rd March 2020	30th September 2020
400 of 2020	Circuit Court Rules (Family Law: Donor-Assisted Human Reproduction) 2020	3rd March 2020	9th October 2020



At year end there were no Rules awaiting the concurrence of the Minister and the following Rules were under consideration by the Committee:-

- Circuit Court Rules (Costs) 2020
- Circuit Court Rules (Intellectual Property) 2020

**Liz Hughes**  
Secretary  
2021

# District Court Rules Committee

## Report for year ending 31st December, 2020

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.

### Members of the Committee at 31st December, 2020:

- 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
- Dr. Shane McCarthy, Solicitor, nominated by the Law Society of Ireland
- Mr. Riobard Piersé, Solicitor, nominated by the Law Society of Ireland
- Mr Dean Kelly, B.L., nominated by the Council of the Bar of Ireland
- Ms. Ciara McMahon, Chief State Solicitor's Office, appointed to act in place

of the Attorney General under section 71(9)(c) 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 71(9)(b), Courts of Justice Act 1936, as amended
- Ms. Lisa Scott, 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 on 4 occasions during 2020, the first meeting was a conventional meeting and the following 3 meetings, due to Covid-19, included attendance remotely. The following Rules of the District Court were signed by the Minister for Justice between the 1st January 2020 and the 31st December 2020:

S.I. number	Title	Date signed by Committee	Operative date
284 of 2020	District Court (Intellectual Property) Rules 2020	7th February 2020	12th August 2020
431 of 2020	District Court (Residential Tenancies) Rules 2020	7th February 2020	22nd October 2020
434 of 2020	District Court (Donor-Assisted Human Reproduction) Rules 2020	28th July 2020	22nd October 2020
496 of 2020	District Court (Order 36) Rules 2020	29th September 2020	10th November 2020
497 of 2020	District Court (Enforcement of Orders) Rules 2020	29th September 2020	10th November 2020
498 of 2020	District Court (Service in licensing matters) Rules 2020	28th July 2020	10th November 2020
499 of 2020	District Court (Criminal Justice (Forensic Evidence & DNA Database Systems Act 2014) Rules 2020	8th October 2018	10th November 2020

At year end the following Rules signed by the Committee were awaiting the concurrence of the Minister:-

District Court (Gaming and Lotteries) Rules 2020

District Court (Affidavits) Rules 2020

District Court (Order 38) Rules 2020

The following matters were under consideration by the Committee at year end:

Draft District Court (Maintenance) Rules 2020

District Court Scale of Costs

Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020

Order 24 -Service of Book of Evidence

**Liz Hughes**

Secretary

29th January 2021

Chapter

# 6

# Financial Statements

## Financial Highlights

Expenditure & Income	2020 €'000	2019 €'000
<b>Current Expenditure</b>		
Pay	57,556	54,543
Non-Pay	31,001	30,819
<b>Total Current</b>	<b>88,557</b>	<b>85,362</b>
Capital expenditure	66,071	54,054
<b>Total Gross Expenditure</b>	<b>154,628</b>	<b>139,416</b>
<b>Total Income</b>	<b>32,634</b>	<b>47,084</b>
<b>Expenditure Net of Income</b>	<b>121,994</b>	<b>92,332</b>

Court funds	2020	2019
Funds managed on behalf of court, minors and other beneficiaries at 30 September	1.981 billion	1.971 billion

Financial Operations	2020 €'000	2019 €'000
Fines collected	6,510	10,348
Family law receipts	15,338	16,808
Bail receipts	2,792	3,123
Court fees collected (and retained)*	24,612	43,972
Poor box receipts	1,377	1,740
Civil court and small claims receipts	1,005	680
<b>Total</b>	<b>51,634</b>	<b>76,671</b>

\*Excludes miscellaneous income and the pension levy

## Financial Overview

The funding of the Courts Service is from two main sources, direct Exchequer funding and Appropriation-in-Aid (income) primarily generated through court fees.

For 2020 total funding for the Courts Service amounted to €161.378m (2019, €140.905m), combined with income of €32.133m (2019, €47.781m), resulting in the net funding of the Courts Service of €129.245m (2019, €93.124m). Operating within the funding parameters and the achievement of a balanced budget is a requirement under Government accounting guidelines.

The funding for 2020 includes Covid-19 related adjustments totalling €23m, of which €18m relates to an adjustment in Court Fee income with the balance of €5m relating to the Government stimulus packaged announced in July 2020.

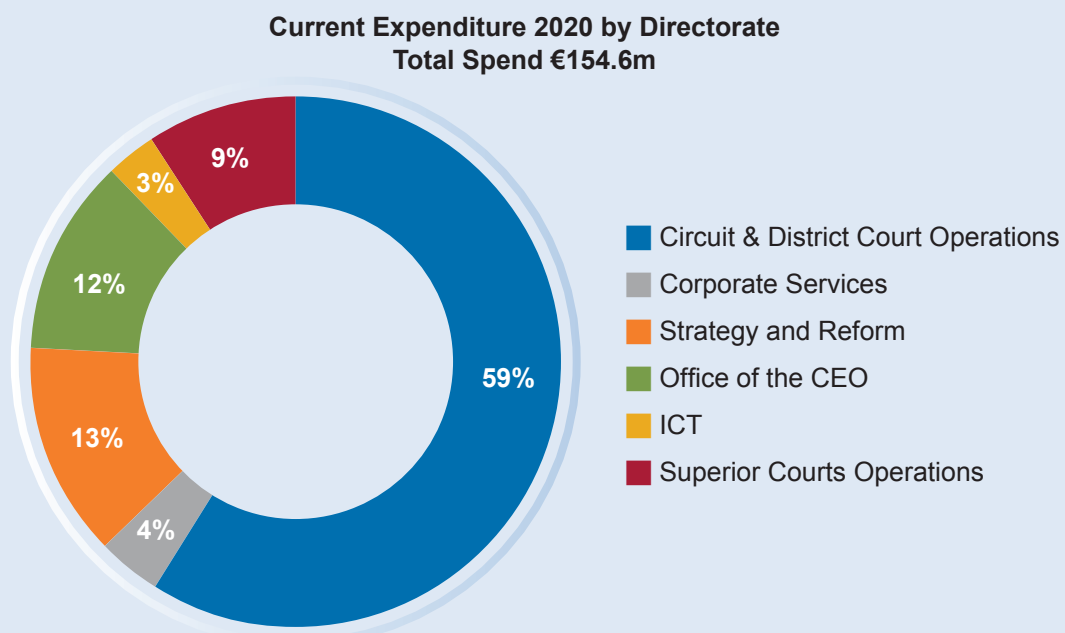
The composition of funding reflects that 37% (2019, 40%) is attributable to pay, with 20% (2019, 21%) relating to the day-to-day operation of the Courts Service, 25% (2019, 27%) to the Unitary Charges for the CCJ and Regional PPP's and the balance of 18% (2019, 12%) for both ICT and Courthouse Capital.

The outturn for 2020 saw the achievement of a balanced budget, with total gross expenditure for the running of the Courts Service of €154.628m. This compares with €139.416m in 2019. Expenditure for 2020 compared with that of 2019 can be broken down between total current expenditure, totalling €88.557m (€85.362m for 2019), and total capital expenditure, including PPP of €66.071m (€54.054m in 2019).

The funding of the Courts 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 2020 this amounted to €24.612m (€43.972m in 2019). In addition to Court Fee income, Appropriations-in-Aid include Miscellaneous Income and a Pension Levy.

The Courts Service is divided into six directorates, each with a distinct function. Diagram 1 below represents the spend across each directorate in the Courts Service.

**Diagram 1:** Current Expenditure by Directorate



2020

Delivering excellent services to court users; working in partnership with the Judiciary and others to enable a world-class Courts system

2030



Capital expenditure represents 43% of overall expenditure in the Courts Service. Diagram 2 below sets out how capital expenditure was spent in the Courts Service.

**Diagram 2: Capital Expenditure 2020**

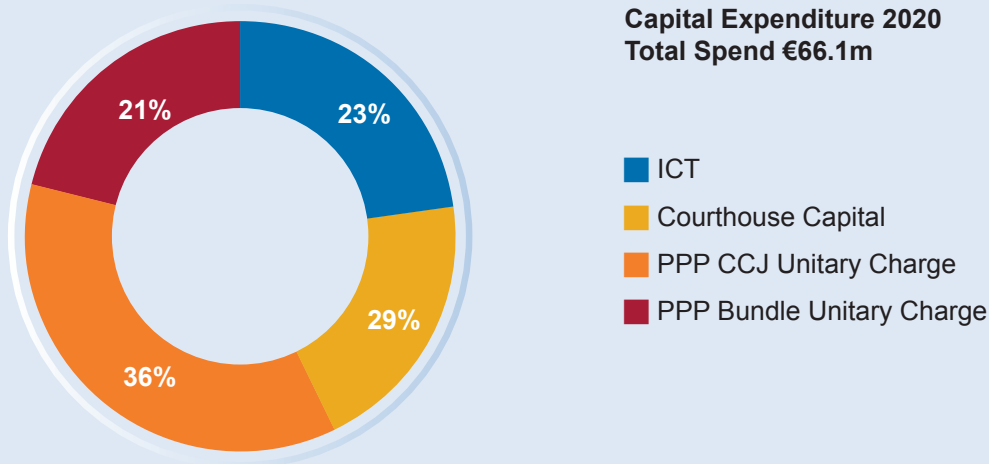
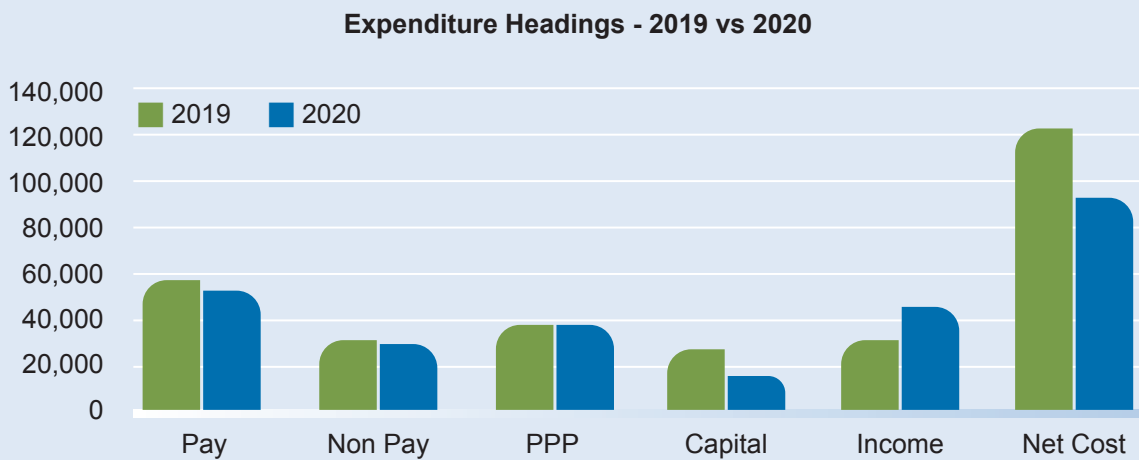


Diagram 3 below compares Courts Service expenditure and income in 2020 against 2019.

**Diagram 3: Expenditure and Income 2019 -v- 2020**



### 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 Office of the Revenue Commissioners (Revenue) and the Property Registration Authority. The fees collected on behalf of the Revenue include excise duties on certain licensing applications.

Court Fees	2020 €'000	2019 €'000
Retained by the Courts Service	24,612	43,972
The Office of the Revenue Commissioners	1,200	3,356
<b>Total</b>	<b>25,812</b>	<b>47,328</b>

## Expenditure and Income

Expenditure & Income	2020 €'000	2019 €'000
<b>Current Expenditure</b>		
Salaries and wages	57,556	54,543
Travel and subsistence	2,291	3,388
Staff and judicial training	798	787
Digital audio recording and other fees	2,374	2,834
Legal services	646	1,285
Incidental/ miscellaneous costs	4,472	3,350
Postal services	1,604	1,632
Telecommunications	1,329	1,398
Office equipment and materials	647	625
Courthouse maintenance	8,335	7,207
Heat, light and fuel costs	2,698	2,728
Furniture and fittings	739	207
Leases	4,851	4,856
Consultancy (non I.T related)	217	522
<b>Total Current Expenditure</b>	<b>88,557</b>	<b>85,362</b>
<b>Capital Expenditure</b>		
Computer and telecommunications systems	15,240	11,412
Courthouses and other buildings	12,895	4,876
PPP CCJ Unitary Charge	23,904	22,137
PPP Bundle Unitary Charge	14,032	15,629
<b>Total Capital Expenditure</b>	<b>66,071</b>	<b>54,054</b>
<b>Total Gross Expenditure</b>	<b>154,628</b>	<b>139,416</b>
Income (Appropriation-in-Aid)		
Fees	24,612	43,972
Miscellaneous	1,024	1,448
Pension levy	1,498	1,664
Dormant Funds	5,500	-
<b>Total Income</b>	<b>32,634</b>	<b>47,084</b>
<b>Total Net Expenditure</b>	<b>121,994</b>	<b>92,332</b>

Note: The 2020 figures are provisional and subject to audit by the Comptroller and Auditor General.

## 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 Courts 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 2020, the total amount paid out in respect of late payments was €9,758 (€6,555 in 2019).

Late payments			
Year	Interest amount	Compensation amount	Total
2020	€1,508	€8,250	€9,758
2019	€635	€5,920	€6,555

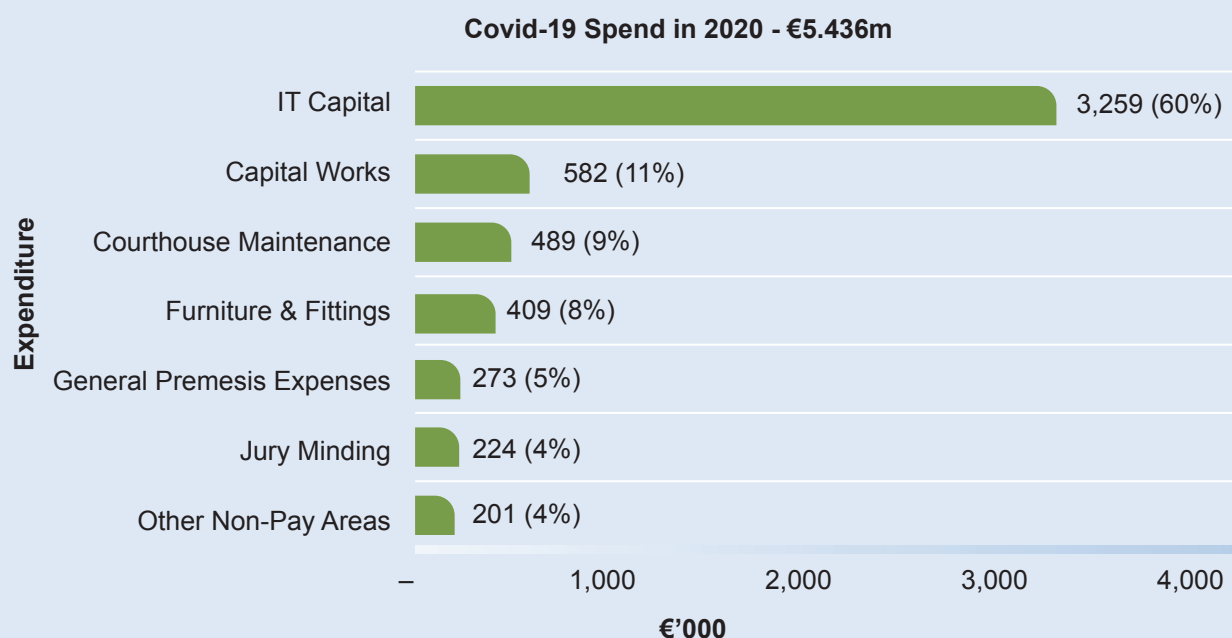
### 15-day payment requirement

The Courts Service makes every effort, consistent with proper financial procedures, to ensure that all suppliers are paid within 15 days.

Prompt Payment Quarterly Returns by Government Departments Agency: Courts Service				
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
2020	74%	€63,804,612	64%	5,391
2019	65%	€48,701,198	64%	6,064
2018	64%	€38,583,296	63%	5,948

### Covid-19 related expenditure

A total of €5.436m was incurred on Covid-19 related expenditure in 2020, primarily in relation to ICT Capital and Courthouse Capital which made up 71% of the total Covid-19 related expenditure.

**Diagram 4:** Diagram 4: Covid-19 related expenditure 2020

### Court Funds Office

In accordance with the Courts Service Act 1998, the Courts Service is responsible for the management and administration of the Courts and the provision of support services for judges. It is in this capacity that the Courts 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 30 September 2020, the Accountants Office was managing €1.981 billion in a fiduciary capacity (€1.971 billion, at 30 September 2019) on behalf of 22,972 beneficiaries. Of these, 2,751 beneficiaries are persons who have been declared wards of court (2019: 2,911) with funds valued at €1.460 billion as at 30 September 2020 (2019: €1.420 billion). A further 17,933 are minors (2019: 18,030) with funds valued at €336 million (2019: €336 million). The remainder mostly consist of cases pending further court orders, residential redress board cases and lodgements with defence case types.

The increase in the total value of funds by €10 million is attributable to a net decrease from investment performance of €31.5 million for the year (2019: €8.7 million of an increase) and an increase in net capital transactions of €41.5 million (i.e. net excess receipts over disbursements).

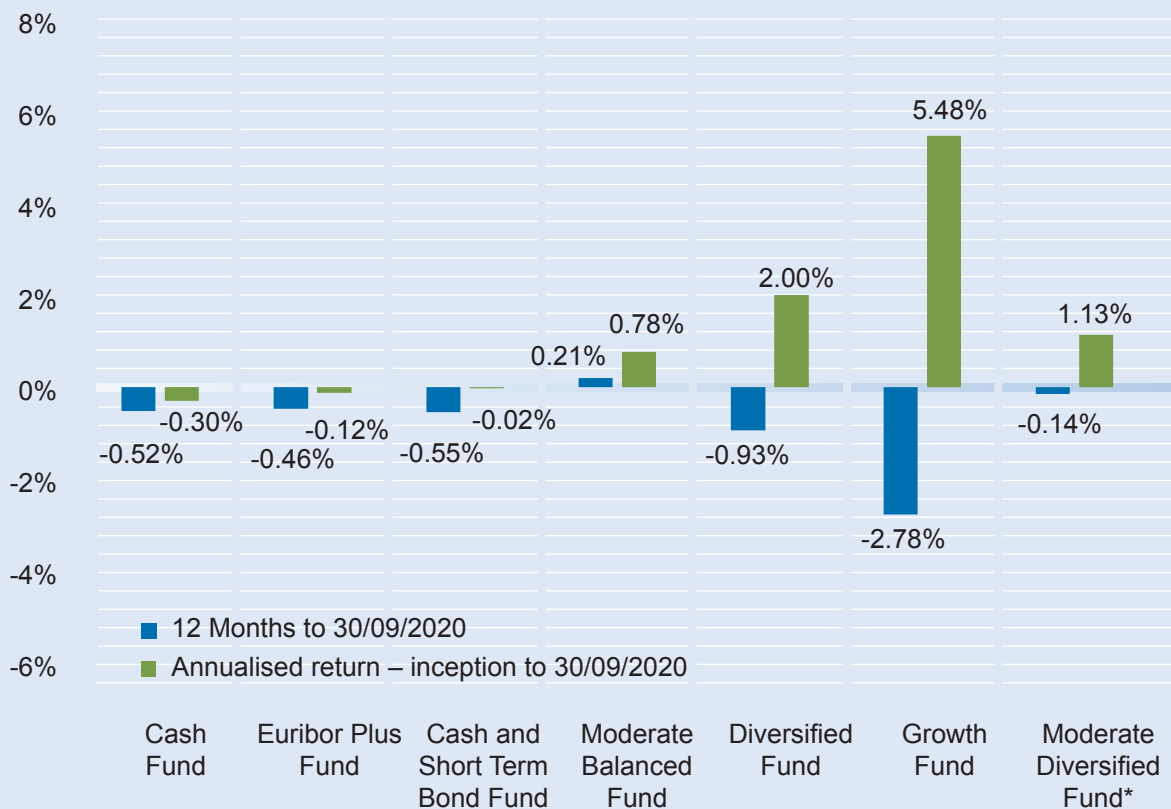
**Table 1: Total Net Assets under Management, by Jurisdiction as at 30 September 2020**

Jurisdiction	Net Assets € at 30/09/2019	%	Net Assets € at 30/09/2020	%	% Increase in Net Assets
High Court	1,761,556,213	89.4%	1,766,514,046	89.2%	0.3%
Circuit Court	182,975,481	9.3%	185,783,908	9.4%	1.5%
District Court	26,365,042	1.3%	28,485,815	1.4%	8%
<b>Total</b>	<b>€ 1,970,896,736</b>	<b>100%</b>	<b>€1,980,783,769</b>	<b>100%</b>	<b>0.5%</b>

Table 2 shows the investment performance net of fees for all strategies for the current financial year, covering the period from 1 October 2019 to 30 September 2020 and the annualised performance since inception of the current range of funds since October 2013 with the exception of the Moderate Diversified Fund which was established on 20 March 2019. The net returns, after management fees and custodian and administration fees, for the year ending 30 September 2020 were as follows: Cash Fund (-0.52%), Euribor Plus Fund (-0.46%), Cash and Short Term Bond Fund (-0.55%), Moderate Balanced Fund (+0.21%), Diversified Fund (-0.93%), Growth Fund (-2.78%) and Moderate Diversified Fund (-0.14%).

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 30 September 2020 available on [www.courts.ie](http://www.courts.ie).

**Table 2: Spectrum Funds Annual Investment Performance (Net of Fees) to 30 September 2020**



\* Moderate Diversified Fund established in March 2019

## Statement Of Financial Position At 30 September 2020

	30/09/2020 €	30/09/2019 €
Financial assets at fair value through profit or loss	1,908,123,198	1,908,397,304
<b>CURRENT ASSETS</b>		
Debtors	59,399,130	34,837,734
Cash and cash equivalents	15,078,956	29,277,536
<b>TOTAL CURRENT ASSETS</b>	74,478,086	64,115,270
<b>CURRENT LIABILITIES</b>		
Creditors	(1,817,515)	(1,615,838)
<b>TOTAL CURRENT LIABILITIES</b>	(1,817,515)	(1,615,838)
<b>NET CURRENT ASSETS</b>	72,660,571	62,499,432
<b>TOTAL NET ASSETS</b>	1,980,783,769	1,970,896,736
<b>Represented by:</b>		
Funds held for beneficiaries	1,980,783,769	1,970,896,736

*The financial statements were approved by the Accountant on 22 March 2021.*



## Statement Of Comprehensive Income For The Year Ended 30 September 2020

	30/09/2020 €	30/09/2019 €
<b>NET REALISED AND UNREALISED (LOSSES) / GAINS</b>		
Net realised gains on financial assets at fair value through profit or loss	12,070,699	9,798,200
Net change in unrealised (losses) / gains on financial assets at fair value through profit or loss	(39,318,187)	1,173,465
Net (losses) / gains realised on transfers of assets	(2,229,272)	18,345
<b>NET REALISED AND CHANGE IN UNREALISED (LOSSES) / GAINS</b>	<b>(29,476,760)</b>	<b>10,990,010</b>
Investment income	72,758	78,578
Expenses	(29,404,002)	11,068,588
	(2,084,586)	(2,320,439)
<b>(DECREASE) / INCREASE IN NET ASSETS FROM OPERATIONS</b>	<b>(31,488,588)</b>	<b>8,748,149</b>

*The financial statements were approved by the Accountant on 22 March 2021.*

## Statement Of Changes In Net Assets For The Year Ended 30 September 2020

	30/09/2020 €	30/09/2019 €
<b>(DECREASE) / INCREASE IN NET ASSETS FROM OPERATIONS</b>		
Investment income less expenses	(2,011,828)	(2,241,861)
Net realised gains on financial assets at fair value through profit or loss	12,070,699	9,798,200
Net change in unrealised gains on financial assets at fair value through profit or loss	(39,318,187)	1,173,465
Net (losses) / gains realised on transfers out during year	(2,229,272)	18,345
<b>(DECREASE) / INCREASE IN NET ASSETS FROM OPERATIONS</b>	<b>(31,488,588)</b>	<b>8,748,149</b>
<b>CAPITAL TRANSACTIONS</b>		
Receipts	267,617,498	293,997,083
Disbursements	(226,241,877)	(261,168,965)
<b>INCREASE IN NET ASSETS FROM CAPITAL TRANSACTIONS</b>	<b>41,375,621</b>	<b>32,828,118</b>
Total increase in net assets for the year	9,887,033	41,576,267
Net assets at beginning of year	1,970,896,736	1,929,320,469
<b>NET ASSETS AT END OF YEAR</b>	<b>1,980,783,769</b>	<b>1,970,896,736</b>

The financial statements were approved by the Accountant on 22 March 2021.

## Court Funds Office – Court 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 Court Offices of the Courts Service.

In 2020, the total volume of transactions (both receipts and payments) was 515,875 (2019, 557,541) with a monetary value of €81.3m (2019, €124.4m).

### Fines

The Courts Service manages receipts and fines imposed by the Courts. Court Fines received are transferred to the Exchequer and a number of other government departments and agencies. Compared to the previous year, reduced social and economic activity in 2020, following the onset of the Covid-19 pandemic, contributed to a decline in court fines collected and transferred to the Exchequer.

**Table 3:** Court Fines collected and transferred

	2020 €'000	2019 €'000
Exchequer (motor fines)	3,588	5,352
Exchequer (general)	1,932	2,831
The Office of the Revenue Commissioners	485	826
Department of the Environment, Climate and Communications	23	27
Department of Agriculture, Food and the Marine	40	268
<b>Total</b>	<b>6,068</b>	<b>9,304</b>

### Fines (Payments and Recovery) Act 2014

The Fines (Payment 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.

**Table 4:** Number and value of fines imposed and recorded on CCTS in 2020 and 2019

	2020	2019
Number of fines imposed	38,353	66,239
Value of fines imposed	€11,884,920	€22,211,776

## Family Law

The Courts Service processes Family Law payments for maintenance debtors and creditors.

**Table 5:** Family Law receipts and payments

	2020		2019	
	€'000	Volume	€'000	Volume
Receipts	€15,338	186,956	€16,808	203,902
Payments	€15,365	224,669	€16,799	218,341

The Courts Service continues to encourage users to avail of electronic funds transfer as the preferred method of payment with 94% of Family Law maintenance creditors paid by EFT in 2020, and 83% of such 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 Courts Service for onward payment to a charity as directed by the court.

The primary responsibility of the Courts 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.

**Table 6:** Poor Box returns 2020

	Balance At 01/01/2020	Receipts	Payments	Balance At 31/12/2020
District Court	€615,754.41	€1,376,738.47	€1,587,389.48	€405,103.40

Chapter

7



**Additional  
Information**

## Contacting Offices of the Courts Service

Contact details for the main offices of the Courts 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 Courts 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.

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