



*An tSeirbhís Chúirteanna*  
Courts Service

## **ANNUAL REPORT 2013**





*An tSeirbhís Chúirteanna*  
*Courts Service*

## **MISSION STATEMENT**

**TO**

**MANAGE THE COURTS,**

**SUPPORT THE JUDICIARY**

**AND**

**PROVIDE A HIGH QUALITY AND PROFESSIONAL SERVICE**

**TO**

**ALL USERS OF THE COURTS.**





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## GLOSSARY OF TERMS

**Affidavit** - a written statement made on oath.

**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.

**Appearance** - a document which indicates that a defendant, after being served with a summons to a Circuit or High Court action, intends to defend the action.

**Barring order** - an order preventing a spouse from entering the family home or using or threatening violence against the other spouse or family members.

**Care order** - an order placing a child in the care of the Health Service Executive 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 case in the Circuit Court, it gives details of the parties to the case and details of the claim being made.

**Commissioner for Oaths** - a person entitled to administer oaths and take affidavits.

**Defence** - a document delivered by the defendant to the plaintiff in response to a civil bill or a plenary summons.

**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 Health Service Executive 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 a violent person 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 Health Service Executive.

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

**Judicial review** - a legal remedy available in situations where a body or tribunal has 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).

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

**Notary public** - a legal practitioner, usually a solicitor, who witnesses the signing of documents or makes copies of them in order to verify their authenticity, especially for use abroad.

**Oath** - a form of words by which a person calls his/her god to witness that what he says is the truth, or that what he/she promises to do he will do.

**Originating motion** - document used to commence certain civil proceedings in the High Court (*e.g.* applications to prohibit unauthorised development or use of land, judicial review, bail).

**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 a person from committing further acts of violence or threatening violence.

**Revenue summons** - a form of summary summons heard on affidavit, used by the Revenue Commissioners to commence civil proceedings in the High Court to recover sums due (*e.g.* unpaid taxes).

**Safety order** - an order prohibiting a person from committing further acts of violence or threatening to do so. It does not prevent the person from entering the family home.

**Setting down for trial** - a request that an action be allocated a date for hearing.

**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).

**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 HSE 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.



## MESSAGE FROM THE CHIEF JUSTICE AND CHAIRPERSON OF THE BOARD



As 2013 ended we were taking steps toward the establishment of the new Court of Appeal, the People of Ireland having decided to amend the Constitution and to create this new court. The Court of Appeal will hear the great majority of appeals, civil and criminal, from the High Court, the Central Criminal Court, the Special Criminal Court and the Circuit Criminal Court. This new court infrastructure will enable appeals to be dealt with in a reasonable time, and support the development of a cohesive jurisprudence. The Court of Appeal is a landmark development in the State. I look forward to working with the President and judges of the new court.

The volume of appeal work continues to grow. In that regard, it is notable from the statistics in this report that the Supreme Court increased the number of appeals disposed of last year by 23%, while the Court of Criminal Appeal figure increased by 41%. The judges of these courts are dedicated to reducing waiting times and the backlogs of appeals which have arisen as a result of a huge increase in new cases over the last two decades.

The changed economic climate continued to impact on the work of the Courts Service in 2013. The continued reductions in funding and staff numbers affected not only the more obvious aspects of the work, such as less staff in court offices and a dearth of building projects, but it also affected back office support areas where the development of ICT systems and staff training have been greatly reduced.

This was the fifth consecutive year of reductions in the budget of the Service, which we acknowledge is an experience we share with all areas of public service. We monitored expenditure very closely to ensure that such funding as was available was prioritised to protect core court operations and front line services, that all possible savings and efficiencies were made to optimise the funds, and that value for money was achieved. To put it starkly, the gross funding for the Service has decreased by 25% since 2008. The net cost to the State for operating the courts has reduced by 42% in the period. Ireland's courts are amongst the least costly in all the countries of the Council of Europe.

We continually review all aspects of our organisational and operational structures, with the specific objective of ensuring that we can maintain the delivery of service to court users. The Chief Executive, management, and staff of the Service are to be congratulated for their tenacity in these adverse circumstances. I give full public credit to them for their efforts, and express the gratitude of the Board, and the judiciary, for their exceptional public service. Not just their commitment, but their ingenuity and adaptability will be remembered when historians come to analyse this challenging time in our nation's history.

There have been many major achievements in 2013, brought about by this approach. They are detailed in the Chief Executive's introduction and throughout this report. Important examples include the bringing to fruition of our Combined Court Office project, which saw Circuit and District offices united across the country, to ensure best use of resources and non duplication of roles and activities. This project, a lynchpin of our modernisation package, helped us survive with little disruption to services, and bodes well for the future management of the Service. This has gone hand in hand with a rationalisation of court venues - which has, in particular, allowed the freeing up of judicial resources and staff time to hear a greater numbers of cases. It allows for reduced waiting times and the increased availability of court days for family and children matters, and has reduced the cost of judges and staff attending at remote courts by up to 40% over the past six years.

All of this has allowed the Service serve the public and support the judiciary in dealing with an ever-changing mix of case types. Some areas of work have increased while other areas have reduced - for reasons not always apparent. Yet it is always true that court business reflects what goes on in every sector of society, that judges see all the imagination, challenges, and frailties of the human condition.

Work in the criminal area decreased in 2013 with the District Court making 13% less orders than in 2012. However, overall the District Court made almost 348,000 orders during the year and sent over 13,000 cases forward to the Circuit and Central Criminal Courts for trial. Our courts continue to deal with significant numbers of road traffic matters. Unlike other jurisdictions, non payment of fines for traffic offences automatically results in a driver being summonsed to court. Last year 58% of all summary matters related

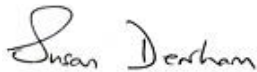
to road traffic offences. This puts a great strain on the courts system. Perhaps we should look at imaginative ways of avoiding this scenario?

On the civil side, over 36,000 new matters were filed in the High Court, over 46,000 in the Circuit Court and over 160,000 in the District Court. These figures are strong indicators of how busy our courts are in determining disputes between people, companies, authorities and the State. In the area of possession, for example, which is fraught with personal difficulty for those involved, there was a 23% increase in new applications in the High Court, yet a 45% reduction in orders made. However, there was a 41% increase in orders made in the Circuit Court over the previous year.

These figures, and the preceding description of our work in 2013, give an insight into the type, levels and intricacy of the work of the courts. They also illustrate how the Service adapts every year to accommodate change in the nature of the work and the numbers of cases. The Service continues to be flexible and imaginative in its approach in doing so much, so often, with less and less funds.

I thank the Board, my judicial colleagues, the Chief Executive Mr. Brendan Ryan, his management team, and the staff of the Service for their support over the year. I am grateful for the continued cooperation of the legal profession and the agencies of the legal community. I thank the Minister for Justice and Equality and the members of her Department for their continued interest in and their support for our work.

I commend this report as an illustration of the work and commitment of the Courts Service in 2013.



Susan Denham

## CHAPTER 1 – THE YEAR IN REVIEW

### FROM THE CHIEF EXECUTIVE OFFICER



Brendan Ryan

Throughout the year the Courts Service concentrated on the ongoing delivery of services to the courts, judiciary and court users, developing these services in areas where there was need and resources were available, and taking into account the challenges and flexibilities brought about by public sector agreements.

The Public Service Stability Agreement 2013-2016 ('Haddington Road Agreement') recognises the significant level of reform that has taken place across the public service under the Public Service Agreement 2010-2014. The Service continues to play its part in this reform initiative as evidenced by our ongoing reports on progress as part of the Integrated Reform Delivery Plan of the Department of Justice and Equality and the outputs of many internal corporate plans.

#### *Efficiencies creating real savings for the State*

The net cost of running the Service was €57.8m in 2013 compared with €59.1m in 2012 and €100m in 2008. Total current expenditure (including payroll and public private partnership unitary payment for the Criminal Courts of Justice) was €96.55m compared with €100.3m in 2012, capital expenditure was €8.1m compared with €7.3m in 2012 and total income (including court fees receipts, miscellaneous income and pension levy) was €46.8m compared with €48.5m in 2012. In this environment we continued to focus on efficiency and cost saving measures and I am pleased to report on our achievements in 2013.

We combined six Circuit Court and District Court offices as part of our Combined Office Project. This brought the number combined at the end of 2013 to 22 leaving just three areas to be completed in 2014. This project maintains current customer service levels within reduced budgets and will realise savings of €2 million when fully operational. A rationalisation of court processes and operations undertaken in tandem with this initiative (LEAN) has ensured best approach practices to administrative tasks, non duplication of functions, and a consistency of approach in each office.

Regional offices were reviewed with the Service scheduled to operate four regional offices from January 2014 and we also undertook a review of the delivery of court services in the greater Dublin area.

Savings delivered in other areas included digital audio recording where staff replaced external providers to 'log' or note information for the production of transcripts. We also streamlined relationships with the providers of interpretation services which, together with reduced demand and better value for money, has contributed to a reduction of 66% in interpretation costs over six years.

These changes have taken place thanks to the input and flexibility of the staff of the Service – with whom I am proud to work as Chief Executive. They have stepped up to the mark with great resolve and pride in their work. I thank them for their outstanding contribution to the operation of the administrative side of the work of the courts at a difficult time.

Support for the judiciary included assisting the Supreme Court to deal with extra cases in the summer recess, assisting extra sittings in the High Court, and increasing the sitting capacity of the Circuit Court and District Court.

The use of video conferencing in 28 courtrooms facilitated expert testimony from around the world, savings for the Prison Service, and an average of 50 court appearances per week by video link. This and the use of pre-trial procedures in criminal trials in the Circuit Court are practical examples of the efficiencies introduced.

We have been working with the Office of Public Works (OPW) and the local councils to reutilise or dispose of surplus elements of the courts' estate. Where local needs can be met we intend to transfer ownership to local councils and otherwise to sell on properties to realise value for the Service. For example, we transferred Kilmainham Courthouse to the OPW to be included in the upgraded visitor attraction in the Gaol as part of a project to commemorate 1916.

People continue to seek information about court activities in a variety of different ways. Our website received over two and a half million visits last year, and we developed a mobile version for the increasing

numbers who access it on hand held devices. We continued to accommodate thousands of school students on visits to the courts and have started a YouTube channel with court information videos.

### *Gratitude*

In addition to the staff, I acknowledge the considerable support of the Chief Justice Mrs. Justice Susan Denham, members of the judiciary, and other members of the Courts Service Board, for the many initiatives we planned and developed during the year. Courts users including An Garda Síochána, the Prison Service, the Probation Service, Victim Support and court accompaniment service, and the legal professions and their representative bodies also played an important role in supporting us. The support of the Minister for Justice and Equality and her department was also very much appreciated.

The input, ideas, and needs of all are greatly valued and very important to our work. I am grateful for their efforts, cooperation and, at times, forbearance.

This report demonstrates that the call for 'more for less' made to the public service five years ago has been answered with a great energy by the Service. In looking to the future, I know that the Service is a lean, modern entity, capable of reacting to and planning for ever changing workloads and with a capacity to deal with whatever the milieu of modern life brings to the courts.





## DEVELOPMENTS DURING 2013

### Public Service agreements and initiatives

The Service continued to support a range of Government initiatives aimed at achieving additional costs savings in 2013. Strategic, corporate and action plans were monitored and revised to take account of Government policy on Public Sector reform without compromising on the primary function of the Service - the provision of core court services and the maintenance of a high level of service.

#### Public Service Agreement

In January 2013 a progress report on the implementation of the revised Action Plan of the Service under the Public Service Agreement was submitted to the National Implementation Body via the Department of Justice and Equality for the nine month period to 31st December 2012. The progress report highlighted the work undertaken by the Service to deliver on items in the Action Plan and identified a series of target dates for the implementation of remaining items.

*The revised Action Plan took account of Government policy on public service numbers and payroll reductions for the period 2012-2015, relevant decisions arising from the Comprehensive Review of Expenditure and Budget 2012, and the Government's Public Service Reform Plan.*

#### Public Service Reform Plan

The Service contributed to the Department of Justice and Equality's Integrated Reform Delivery Plan (IRDP) under the Public Service Reform Plan. The IRDP contains delivery timelines up to end 2016 and is informed by principles reflected in the Strategic Plan of the Service including that service delivery is key, value for money is paramount, the use of ICT is optimised, and shared services and common approaches should be utilised whenever advantageous.

#### Haddington Road Agreement

In its contribution to the IRDP the Service referred to the measures being taken to implement the Public Service Stability Agreement 2013-2016 ('Haddington Road Agreement') which was accepted by the Public Service Unions in July. The Haddington Road Agreement committed the parties to the implementation of a number of pay and productivity measures to achieve costs savings during the years 2013 to 2015. This assisted the Service in its efforts to deliver savings in areas including redeployment, performance management, flexible working arrangements, work-sharing arrangements, and workforce restructuring.

*"The Haddington Road Agreement recognises the significant level of reform that has taken place across the public service under the Public Service Agreement 2010-2014". Brendan Ryan, Chief Executive Officer.*

#### Civil Service renewal

The Service encouraged staff participation in a programme, part of Public Service Reform, to renew and make real the vision for the Civil Service in Ireland. Staff were encouraged to share their views in relation to issues including their experience of the Civil Service and to make suggestions for improvement.

### Courts Service strategic documents

The Service continued to be guided by a number of strategic documents which charted the work during 2013 and mirrored the commitments given to comply with the various public service agreements:

#### Strategic Plan

The Strategic Plan of the Service 2011-2014, provides for the implementation of the modernisation initiatives set out in the Public Service Agreement (and aligned with the Public Service Reform Plan) and the Programme for Government. It contains six goals each supported by a strategy designed to deliver on the mandates set out in the Courts Service Act, 1998. These goals continued to underpin the work of the Service in 2013.

#### Corporate Business Plan

The Board of the Service approves an annual Corporate Business Plan which identifies the specific actions to be taken to deliver on the goals set out in the Strategic Plan. The Corporate Business Plan 2013 sets out the priorities for the Service during 2013 and the outputs required and actions necessary to achieve them. It was approved in December 2012. (*see further page 61*)

*Performance budgeting targets*

Performance budgeting targets set out in the Revised Estimates Volume for 2013 complemented the actions set out in the Corporate Business Plan providing further measure of achievements during the year. (*see further page 21*)

Performance budgeting: Key outputs		
Public Service Activity	2013 targets	2013 outputs
Deliver high quality services by transforming administrative structures and processes	Combine nine remaining offices	Six court offices combined ( <i>see below</i> )
Support the judiciary	Support 19,000 scheduled Circuit & District Court sittings and 4,700 scheduled High Court civil sittings	All scheduled court sittings supported ( <i>see page 12</i> )
Support our people	Provide training for staff	69 training programmes organised; 723 staff attended ( <i>see page 16</i> )
Maximise the use of all accommodation and ICT	Rationalise the number of court venues and offices;	Court offices and venues kept under constant review; Ten court venues approved for closure in 2013; ( <i>see page 18</i> )
	Advance seven court building projects under the Government Infrastructure Stimulus Package;	Design of seven projects brought to an advanced stage ( <i>see page 18</i> )
	Implement Case Management System for insolvency cases;	New system for electronic filing of insolvency cases by the Insolvency Service of Ireland and the electronic exchange of data on court outcomes commenced ( <i>see page 20</i> )
	Debt Claims Online system available subject to legislation	System developed subject to legislation ( <i>see page 20</i> )
Delivery of excellence in governance, accountability and value for money	Achieve reduced expenditure targets; achieve fee income budget; develop improved performance reporting.	Achieved balanced budget for 2013; achieved fee income targets; progressing performance budgeting

#### **GOAL 1: DELIVER HIGH QUALITY SERVICES BY TRANSFORMING ADMINISTRATIVE STRUCTURES AND PROCESSES**

##### **Court of Appeal**

Following the outcome of the Referendum on the proposed Thirty-Third Amendment of the Constitution (Court of Appeal) Bill in October 2013, the Service established a Committee to prepare for the implementation of the new Court of Appeal. The Committee is tasked with examining and making recommendations in relation to all aspects of the administrative support for the new court including organisational structure, staffing, accommodation, information and communications technology (ICT) systems, facilities, and rules of court to regulate court procedures. At year end legislation to implement the establishment of the court was being prepared.

##### **Improving efficiencies in court offices**

The project to provide a multi-jurisdictional court office in each county town, replacing individual Circuit Court and District Court offices, proceeded to near completion in 2013. Offices were combined in Wexford, Letterkenny, Limerick, Sligo, Trim and Longford during the year bringing to 22 the number of offices combined by the end of the year. The final phase of the project, comprising offices in Wicklow, Tralee and Cork, will be completed by mid 2014. An estimated €2 million in savings will accrue when the offices are fully operational across a number of areas including travel and subsistence, maintenance, leases and payroll.

*"Managers and staff of Circuit Court and District Court offices engaged in significant collaborative work as part of the training and knowledge transfer required to achieve the change necessary to deliver combined court offices throughout the country." Brendan Ryan, Chief Executive.*

Efforts continued to improve efficiencies and streamline operations across offices via the LEAN project. This project, which is being rolled out in conjunction with the Combined Office Project, rationalises processes in court offices to ensure consistency in service delivery. A review of the implementation of LEAN was completed with the findings under consideration by the Senior Management Team at the end of the year. (see also page 16)

*LEAN is essentially any good practices of process/operations improvement that have resulted in a reduction of waste, improved the flow, and provided a better concept of customers and process views*

A review of Circuit Court and District Court offices in the greater Dublin area commenced in 2013 with the aim of improving efficiency of the delivery of services and maximising the use of resources including the capacity of the Criminal Courts of Justice building. Options being considered include the rationalisation of venues and the centralisation of services.

### Review of management structures

A working group, established by the Senior Management Team to review existing regional management structures and examine their effectiveness as support functions to frontline operational offices across the court jurisdictions, reported in mid 2013. A revised structure, recommended by the group, will be implemented from 1st January 2014 reducing the number of regional offices to four: Naas, Dundalk, Cork and Castlebar. (see page 25)

### User and support groups

User groups comprising representatives of organisations and others who use the courts or court offices continued to provide a forum for those intimately involved in the courts system to give views and suggestions to assist the Service. Matters dealt with by the groups included facilities, procedure and the operation of policy and initiatives.

Dublin based user groups continued to meet regularly during 2013. They represent users of the civil and family courts generally and, in 2013, users of more specific areas such as personal and personal insolvency, probate and family law.

A group comprising representatives of stakeholders in the Criminal Courts of Justice met three times in 2013. A subgroup dealing specifically with Circuit Court initiatives met a further three times.

Regional managers, combined office managers and other office managers chaired meetings of representative groups in a variety of regional locations including Limerick, Cavan, Trim and Naas. Meetings were held during the year as the needs demanded, some in conjunction with the establishment of combined offices, for example in Sligo, Wexford and Letterkenny.

The Support and Advisory Committee supporting the Drug Treatment Court programme met six times while the Steering Committee for the Circuit Court and District Court Civil Mediation Initiative met quarterly.

### Customer complaints

There were 19 formal complaints during 2013. Fifteen concerned administrative matters which were dealt with through the customer complaints procedure. The remainder related to matters which could not be dealt with by administrative means.

### Interpretation services

To ensure that the quality of the court interpretation service was maintained, the Service introduced a revised system whereby services are provided by a contracted supplier country wide and includes a back up service. This more centralised arrangement has resulted in a higher quality of service to the courts and court users. The cost of the provision of interpretation services has fallen significantly in recent years reflecting the decreased need for interpretation services but also the value for money achieved by the revised arrangements introduced by the Service. Over the past 6 years costs have decreased by 66% from €3.75m to €1.26m.

Interpretation costs	2008	2012	2013
	€3.75m	€1.56m	€1.26m

**GOAL 2: SUPPORT THE JUDICIARY**

The support of the judiciary is a key output for the Service. This has proved a major challenge in recent years following reductions in staffing, increases in the number of judges, and increases in court sittings. At year end the Service was supporting 148 judges compared to 142 in 2009. During the same period the ratio of staff to judges reduced by 18% from 7.6:1 in 2009 to 6.2:1 in 2013.

<b>Judiciary: 2009-2013 at 31st December (with maximum numbers allowed)</b>					
	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Supreme Court	7 (8)	8 (8)	8 (8)	8 (8)	10 (10)
High Court	37 (37)	37 (37)	36 (36)	36 (36)	33 (36)
Circuit Court	36 (38)	38 (38)	34 (38)	38 (38)	44 (46)*
District Court	62 (64)	64 (64)	61 (64)	62 (64)	61 (64)
<b>Total</b>	<b>142 (147)</b>	<b>147 (147)</b>	<b>139 (146)</b>	<b>144 (146)</b>	<b>148 (156)</b>

\*Section 191 of the Personal Insolvency Act 2012 provides for eight specialist judges. Six were appointed in July 2013.

***Specialist judges***

Six county registrars became the first specialist judges of the Circuit Court in June. The role of specialist judge was created under the Personal Insolvency Act, 2012 to allow the Circuit Court deal expeditiously with insolvency applications.

***Support for court sittings***

The Service continued to assist the judiciary during 2013 to ensure that cases were dealt with as effectively and speedily as possible.

*The scheduling of court cases and the allocation of court business is a matter for the Presidents of the courts and the presiding judge who are, under the Constitution, independent in the exercise of their judicial functions.*

***Scheduled sittings***

The Service supported all scheduled sittings of the courts during the year.

***Additional sittings***

To address delays in hearing cases the Supreme Court dealt with ten appeals and four motions during the vacation months of August and September. The court sat in two panels and continued to do so following the appointment of two additional judges in October. The Court of Criminal Appeal held nine additional sittings and allocated hearing dates in over 50 cases during September and early October.

Waiting times for the hearing of cases in many High Court lists, including asylum pre-leave, were reduced from January 2013 with other waiting times maintained as a result of a number of initiatives of the President and judges of the High Court. These included the scheduling of a week of additional common law motion lists in June which reduced the waiting time for these motions from 13 weeks to five weeks. There were 20 additional weeks of High Court sittings in 2013 involving 32 judges with over 1,000 orders made.

In the Dublin High Court personal injury list additional cases were listed during the year, which combined with additional measures, resulted in a reduction in waiting time from three months to five weeks. List management measures were introduced in certain provincial personal injury lists to reduce the number of older cases and improve waiting times.

During the vacation periods sittings of the High Court were held targeting cases which could be tried in three days or fewer and capturing a wide range of cases, involving personal injuries, garda compensation, commercial, asylum, insolvency, non jury, judicial review, family law and child abduction.

The initiative by registrars in the High Court to sit as Deputy Master of the High Court which commenced late in 2012 continued in 2013. These sittings saw in excess of 10,000 matters previously dealt with by High Court judges being given directions or heard by registrars, resulting in significant savings in judicial time.

Sitting capacity in the Circuit Court was increased to 888 weeks during 2013, a 30% increase since 2011. The additional weeks were provided across crime, family law and civil matters. There were over 80 weeks of additional sittings in 2013 of which 30 weeks were held during August and September in the Eastern, Midland and South Western Circuits. This additional capacity resulted in significant reductions in waiting times across several circuits.



The President of the District Court continued to target judicial resources at prioritised areas and those experiencing lengthy waiting times. There were over 500 additional sitting days and over 700 out of hours court sittings held during 2013. Scheduled sittings of the District Court continued during the months of August and September.

*“Available resources and operational and organisational structures continue to be reviewed to ensure that resources are targeted and focussed on keeping waiting times in the provision of services to a minimum”. Brendan Ryan, Chief Executive.*

The Service continued to support the work of the Drug Treatment Court. The court provides a restorative justice alternative to a custodial sentence for persons with drug addiction, who have pleaded guilty before, or have been convicted by, the District Court for minor, non-violent, criminal charges connected to their addiction. There were over 100 new referrals to the court in 2013, many of whom joined the programme following the further extension in 2013 of its catchment area to parts of South County Dublin.

### ***Maximising the efficiency of administrative and research assistance***

The Service continued to provide administrative and research assistance to all the judiciary.

Judges appointed after 1st January 2012 are allocated a judicial assistant in place of the traditional tipstaff. Six judicial assistants were engaged for newly appointed High Court Judges, and seven for judges of the Circuit Court. The President of the District Court also has a research assistant. The judicial assistants provide a range of supports including routine research issues, assisting in the proof-reading and drafting of written judgments, and assisting the judges in court and in their chambers.

A small team of judicial assistants operates the Judicial Research Office (JRO) under the supervision of a judge of the High Court. The JRO provides research support for judges of all jurisdictions, publishes information on the Judges' Intranet (*see page 14*), provides research material for the Irish Sentencing Information System and information sessions for visiting judiciary.

*The Irish Sentencing Information System ([www.irishsentencing.ie](http://www.irishsentencing.ie)) is a project established by the Board of the Service to plan and provide information on sentencing decisions. The project operates a computerised information system on sentences and other penalties imposed for offences in criminal proceedings, which may inform judges when considering the sentence to be imposed in an individual case.*

Five judicial assistants supported the Supreme Court and the Court of Criminal Appeal, and ten supported judges of the High Court in asylum, chancery, commercial, competition, judicial review and non-jury lists.

The Executive Legal Officer (ELO) continued to provide legal and administrative support for the Chief Justice. The Chief Justice also has a judicial assistant in place of a tipstaff to provide her with assistance in court and in her office and assist the ELO with research for the Chief Justice.

### ***Library and research facilities***

The Judges' Library continued to provide a service to judges, judicial researchers and to the staff of the Service. Subscriptions were maintained to the core journals, law reports, legislation, and text books, though a reduced budget required some revisions which were made following consultation with the Judges' Library Committee. The Committee is a user-group which represents the interests of the judiciary in the service provided by the library and is comprised of representatives of all court jurisdictions together with the librarian or other representative of library management.

Staff of the library provided training and assistance in the use of various information resources for readers, including a number of library induction tours, meetings with newly appointed judges, and detailed training on online databases. They also availed of opportunities for continuing professional development and training to keep abreast of trends and best practices, and contributed to the profession by involvement in professional bodies.

### ***Additional support***

The Service continued to provide ongoing support for the judiciary including a general support service, the validation of travel and subsistence claims for judges of the Circuit Court and District Court, a protocol service when judges attend State functions and events, and arrangements for visitors from abroad. During 2013, the Service facilitated visits from Australia, China, Colombia, France, Germany, Norway, Pakistan, Serbia, South Korea, Sweden, Taiwan, The Netherlands, and the United States of America.

The Service also continued to provide secretarial and administrative support to the Committee for Judicial Studies, the Judicial Appointments Advisory Board, and the Interim Judicial Council, all of which are independent of the Service.

### ***Support for the use of computer technology***

The Judicial Information and Communications Technology (ICT) Cross Jurisdictional Committee continued to oversee the provision of computer training for judges, encourage the use of (and propose enhancements to) existing ICT services, and propose new developments in the use of computer technology.

The committee, comprising senior staff of the Service and judges from each jurisdiction, held four meetings in 2013 and reported to the Committee for Judicial Studies.

The Service continued to support the ongoing development of an information database ('The Judges' Intranet') to provide judges with access to an electronic resource for research and other information purposes. Judicial researchers assisted with the maintenance and development of the database during the year.

Following a recommendation of the committee, staff of the ICT Unit of the Service together with external support consultants attended judicial conferences during the year to assist the judiciary with technical computer issues.

### ***Provision of courtroom technology***

#### ***Video viewing facilities***

Video viewing facilities continue to allow for viewing of evidence including recordings of interviews in garda stations, CCTV security footage and other forms of evidence held electronically including scanned documentary evidence. Available in 52 courtrooms they can be used to display video and data evidence from sources including computers, VHS, DVD, digital cameras and camcorders. A mobile viewing facility continued to enable video viewing in courtrooms without built-in viewing facilities in the Criminal Courts of Justice and around the country.

#### ***Video conferencing facilities***

The Service continued to facilitate the taking of evidence by witnesses in locations other than the court via the use of video conferencing facilities. A new system was installed in the Criminal Courts of Justice bringing to 28 the number of courtrooms with video conference facilities across 16 different venues. Such equipment is now frequently used for:

- taking evidence from vulnerable (usually underage) witnesses from a location other than the court, usually from another room in the court building
- taking evidence from a witness other than in Ireland
- taking evidence from a witness located in a court in this jurisdiction for a trial in another jurisdiction, generally but not exclusively, in EU Member States under the relevant EU Mutual Assistance Directives and arrangements. The court where the trial is being held can see and hear the witnesses giving evidence by video link.

During 2013 witnesses gave evidence from the United States, Australia and other EU Member States in trials held in the Central Criminal Court and Dublin Circuit Criminal Court.

*"The use of courtroom technology and auxiliary facilities reduces the cost, time and stress of witnesses attending courts while creating significant efficiencies for the criminal justice system in this and other jurisdictions".*  
*Brendan Ryan, Chief Executive*

#### ***Video link between the Service and the Prison Service***

Video conferencing facilities are also used for video link between courts and prisons in accordance with the provisions of section 33 of the Prisons Act 2007. This allows for certain pre-trial matters and remands to be dealt with where the defendant in custody appears in court via video link from a location within a prison. This has created significant savings across the criminal justice sector as it reduces the need to transport prisoners from prisons to courts for short pre-trial appearances.

By the end of 2013, video links were operating in a number of District Courts including Cork, Limerick, Cloverhill, and the Criminal Courts of Justice. In addition, links were operating in Dublin Circuit Criminal Court and the Special Criminal Court for certain pre-trial court appearances. There were, on average, 50

court appearances per week by video link. The Service will continue to expand this initiative in cooperation with all other stakeholders in the criminal justice sector, in particular the Prison Service, during 2014.

The issue was also examined and supported by the Working Group on Efficiency Measures in the Criminal Justice System on which the Service is represented.

*The Working Group on Efficiency Measures in the Criminal Justice System was established by the Chief Justice and the Minister for Justice and Equality to identify and implement efficiency measures with a specific focus on the Circuit Court and District Court. In its final Report the Group identified a number of measures, including the centralisation of custody cases, the use of alternative courts in the District Court, a pre-trial procedure for criminal cases in the Circuit Court, increased use of video links between courts and prisons, and the provision of same day probation reports. The District Court sub-group has continued the work of the Group following presentation of the Report.*

### Digital Audio Recording

Digital audio recording (DAR) is the standard method of recording criminal cases and producing transcripts of court proceedings and is available in all courtrooms (including those not on the network of the Service). To assist in the production of transcripts, persons known as loggers were engaged to 'log' (note) certain information in court in addition to the recording available from DAR.

During 2013 the Service introduced a pilot project to reduce reliance on these external loggers with court registrars logging the information required. The pilot commenced in Dublin Circuit Criminal Court, the Central Criminal Court and Cork Circuit Criminal Court in March with review of the project later in the year concluding that the quality of transcripts produced was satisfactory. The initiative resulted in savings in the region of €100,000 in 2013. The project will be rolled out to additional criminal courts in Dublin and piloted to provincial courts in 2014.

### GOAL 3: SUPPORT OUR PEOPLE

The Service remains committed to the support of staff and the development of training programmes to improve skills and develop potential. However this commitment continued to be tested during the year in light of the ongoing application of the Employment Control Framework (ECF) by the Department of the Public Expenditure and Reform (DPER). The ECF sets the ceiling on staff numbers for the Service for the years 2010 to 2015. A moratorium on the filling of vacancies without the prior sanction of the DPER is designed to bring about a permanent structural reduction in staff numbers. The impact for the Service has been a reduction of 14.5% in staff numbers between 2009 and 2013 with ongoing consequences for the remaining workforce including increased workloads, lack of promotion opportunities, and gaps in the corporate knowledge base.

While the efficiency measures implemented by the Service bridge some of the gaps left by these ongoing reductions in staff numbers they do not provide adequate compensation in areas where work levels are increasing and in particular lead to the necessary transfer of staff from support areas into court offices with a consequent dilution in the nature and quality of support services. A revised draft Workforce Plan to inform future staffing and recruitment needs and highlight issues facing the Service was submitted to the Department of Public Expenditure and Reform in April.

The approved staff number under the ECF was 924 at 31st December 2013.

Employee Control Framework: Analysis 2009 - 2013					
	2009	2010	2011	2012	2013
Approved staff number	1,081	1,002	972	930	924
Reduction		-79	-109	-151	-157
% Reduction		-7%	-10%	-14%	-14.5%

### Centralisation of human resources services

Planning for the transfer of certain human resource services to the Civil Service Human Resources and Pensions Shared Services Centre (PeoplePoint) commenced during the year. PeoplePoint, which became operational in March 2013, brings together shared HR and Pension processes and systems to ensure a more consistent and efficient HR and Pension Service. It forms part of the Government's overall Public Service Reform agenda to restructure how the Public Service does business by establishing shared service models for a number of areas. The Service engaged in discussions with the Department of Public Expenditure and Reform regarding the services to be transferred to PeoplePoint and those to be retained.

*The Programme for Government recognises shared services as a key enabler to simplify fragmented structures of public administration and to enable rationalisation of processes that are duplicated across the Public Service.*

## Training and development

The continued budgetary reductions resulted in another challenging year in the area of staff training. Notwithstanding the reductions, the Service continued to develop initiatives to assist staff and encouraged and supported personal development by refunding course fees via the 'Refund of Fees' scheme.

The programme to provide technical training in procedures associated with the work of the Circuit Court and District Court continued together with training on the LEAN project which focuses on the roll out of new processes for those courts. General management training continued with management coaching proving to be a key factor in assisting managers introduce change in their areas of responsibilities.

The Service commenced a project to establish an e-learning platform to provide training for staff *via* desktop and participated in a European wide project on the approaches adopted by member states on the training of court staff. The programme to provide training for staff uploading material to the website of the Service continued with over 50 people attending training courses during the year.

A total of 69 training programmes were provided throughout the year with 723 staff attending.

## Insolvency Service

The Official Assignee in Bankruptcy and staff formally transferred from the Service to the Insolvency Service of Ireland in November. This transfer, on a secondment basis for a two year period, followed their relocation to the Insolvency Service headquarters in May.

To prepare staff for the impending transfer, the Service prepared and provided a training seminar in April. This was complemented by a five day training seminar for specialist judges prepared and approved by the Chief Justice and the President of the Circuit Court. In addition, a number of posts at clerical officer and executive officer level were filled in the Service to support the introduction of insolvency functions in the Circuit Court.

## Improving performance management

The Performance Management and Development System (PMDS) continued to provide staff with a planned structure for clarifying their role and reviewing their performance. PMDS includes the completion of a role profile form and two performance reviews (an interim review in June and an annual review in December).

The Service introduced changes to the operation of PMDS, as announced by the Department of Public Expenditure and Reform, with the development of calibration arrangements and a protocol at Principal Officer level.

## Partnership

The Service undertook a review of the operation of partnership during the year following which the Partnership Committee will be reconstituted in early 2014.

## GOAL 4: SUPPORT CASE MANAGEMENT AND LISTING

### Supporting the judiciary to minimise waiting times

The Service continued to support initiatives by the judiciary to improve efficiencies in the management of court hearings. (*see also page 12*)

#### *Pre-trial preparation of criminal proceedings*

A new procedure for pre-trial preparation of criminal proceedings on indictment in the Circuit Court, introduced on a pilot basis following a recommendation of the Working Group on Efficiency Measures in the Criminal Justice System, (*see page 15*), continued in the Dublin, Midlands, and South Eastern Circuits during the year.

#### *New approaches to the management and lists of cases*

The Service continued to co-operate with the judiciary to develop and agree new approaches to the management and listing of cases designed to address waiting times across jurisdictions.

Rules of court for the case management of chancery, non-jury and other designated proceedings in the Superior Courts were being prepared at year end.

The Service continued to support the Working Group on Medical Negligence and Periodic Payments. The Group furnished a report on the third Module of its deliberations to the President of the High Court in April 2013. The report included draft rules concerning case management of clinical negligence proceedings in the High Court. At year end progress in this matter was awaiting legislation for the making of periodic payment orders in medical negligence and catastrophic injury proceedings.

### **Developing the role of the county registrar**

From June county registrars assumed the function of taking evidence at the request of courts of other EU Member States in aid of civil and commercial proceedings originating in those States. The evidence in such cases was previously taken before District Court judges. The conferring on county registrars of the new function was one of the recommendations of the Service's TASC (Transforming Administration and Structures in the Courts) Report published following an efficiency review in 2010.

### **Consolidating the District Court Rules**

Work on the consolidation of the District Court Rules was deferred following a decision to revise the civil procedure rules in light of the proposed increase in the monetary jurisdiction of the District Court (*see page 79*). The Service supported the District Court Rules Committee in redrafting the rules which align the civil procedures more closely with the Circuit Court and recast the language to make the rules more accessible, in particular to litigants not legally represented. Revised civil procedure rules were signed by the Committee in November and it is anticipated that the new rules will come into effect early in 2014 to coincide with the commencement of the changes to the monetary jurisdictions of the Circuit Court and District Court.

### **Cross agency initiatives**

#### *Mediation and Arbitration Initiatives*

The Service continued to work with other agencies in the development of non-judicial alternatives for resolving disputes and settling issues during the year.

- *Civil cases*

Callers to Dublin Circuit and District Court Civil Office continued to use the mediation process when seeking certain court remedies. The project, supported by the Service and the Mediators' Institute of Ireland, is provided by three service agencies, South Dublin Mediation Service, Mediation Ballymun and Mediation Northside. Disputes considered appropriate for mediation include boundary disputes, private prosecutions for breach of the peace, complaints about noise or nuisance pets, and disputes between adult family members on questions of property. During 2013, a staff member was available to the District Court to meet litigants and explain the service every week. Parties in 23 cases met representatives of one of the agencies, following their appearance in court or at the court office. There were 10 final agreements reached.

- *Family cases*

An initiative involving the Service, the Legal Aid Board and the Family Mediation Service (FMS) in the District Court continued in Dublin and Naas during the year with two further projects commenced in Cork and Tipperary. The objective is to offer an alternative to a courts determined outcome and a more appropriate means of resolving certain family disputes through, in the first instance, offering mediation information to persons who have made contact with the Service, with a view to issuing proceedings in relation to access, custody or guardianship matters.

In Dublin, 1,814 parties to family law proceedings attended mediation information sessions in 2013 with 408 agreements finalised by couples with the assistance of the FMS - bringing to 975 the agreements concluded since the project commenced in March 2011. In Naas, 144 parties to family law proceedings attended mediation information sessions with 16 agreements finalised by couples with the assistance of the FMS. The Cork initiative commenced in January 2013 and during the year 237 parties to family law proceedings attended mediation information sessions with 85 agreements finalised by couples with the assistance of the FMS. The Tipperary initiative commenced in September and was supported by Nenagh Law Centre, Limerick FMS, judges of the District Court and staff of the Service in Nenagh and Clonmel. Information sessions on mediation are held twice a month in Nenagh and once a month in Clonmel. During the last quarter of 2013, 52 parties to family law proceedings attended mediation information sessions.



### Debt Management Service

The Service is participating in the Debt Management Service project being led by the Department of Public Expenditure and Reform in so far as the collection of fines process is concerned in the context of the implementation of the Fines (Payment and Recovery) Bill (*see page 79*).

### Unified Patent Court

The Service is participating in an Interdepartmental Committee together with representatives of the Departments of An Taoiseach, Jobs, Enterprise and Innovation, Justice and Equality and the Office of the Attorney General and commenced preparatory work in relation to the establishment of a Unified Patent Court (UPC). This followed the signing by the State of the Agreement on a UPC in February.

### Criminal Justice Interoperability Project

This award winning project electronically transfers the application for summons in the District Court by An Garda Síochána to the Service and all subsequent court documentation including schedules, outcomes, bails and warrants from the Service to An Garda Síochána. In 2013 the Service upgraded part of the system software to improve stability, reliability and performance.

### Other groups

The Service continued to participate in a number of other working groups and bodies concerned with the reform of aspects of the administration of justice. They included the Company Law Review Group, the European Commission for the Efficiency of Justice (CEPEJ), and the Expert Group on Effective Remedies under Article 13 of the European Convention on Human Rights and Fundamental Freedoms.

## GOAL 5: MAXIMISE THE USE OF ACCOMMODATION AND INFORMATION AND COMMUNICATIONS TECHNOLOGY

	As of 31st December 2013
Courthouses meeting modern standards	52
Court venues with videoconferencing facilities	16 (28 courtrooms)
Courtrooms with digital audio recording facilities	213

### Reviewing court venues

The Strategic Plan commits to rationalising court venues to ensure compliance with disability and health and safety requirements and to achieve value for money from the significant capital investment in court venues in county towns. By year end the number of venues outside Dublin had been reduced to 94 from over 250 when the Service was established in 1999.

Court venues remained under review in 2013. Detailed assessments of several venues were carried out in accordance with agreed criteria and a comprehensive consultation process was implemented. The Board subsequently approved the closure of 10 venues - Birr, Edenderry, Clones, Swinford, Ballyhaunis, Baltinglass, Kinsale, Kells, Ballyconnell & Swanlinbar and An Spidéal. The latter two venues closed on 1st September with the other eight due to close with effect from 1st January 2014. The court business dealt with in these venues was or will be transferred to adjacent District Court venues where improved facilities for all court users are or will be available.

*“The closure of court venues generates savings in day to day running costs and ensures that more long-term expenditure on general upkeep, maintenance and refurbishment is concentrated on venues with justifiable caseloads. More importantly, it frees up judicial and staff time to deal with more cases, over full days, in busier locations”. Brendan Ryan, Chief Executive*

### Implementation of the Capital Building Project

Substantial preparatory work was carried out during the year on seven courthouse construction and/or refurbishment projects as part of the Government’s Infrastructure Stimulus Package announced in 2012. The projects, in Cork, Drogheda, Letterkenny, Limerick, Mullingar, Wexford, and Waterford, are to be delivered as Public Private Partnership (PPP) projects with design and planning work being undertaken by the Office of Public Works. Finance for the projects is being arranged through the National Development Finance Agency (NDFA) with payments to be made by the Service over a period of twenty to twenty five years.

At year end the Service was awaiting approval from the Department of Justice and Equality to hand the projects over to the NDFA to allow the procurement process begin.

### ***Criminal Courts of Justice***

The Service continued to closely manage the public private partnership contract for the Criminal Courts of Justice (CCJ) - a twenty five year contract between the Service and a public private partnership company that will last until 2034.

### ***Development of Dublin Family Law Courthouse***

The Service continued to explore the feasibility of providing customised family law facilities on a site adjacent to the Four Courts. A preliminary appraisal for the development of a new Family Law Courthouse was referred to the Minister for Justice and Equality.

### ***Work on the Four Courts complex***

Works commenced to address major structural deficiencies identified by the Office of Public Works on the dome of the Four Courts. The works are expected to take two years to complete. Pedestrian access pods in the Four Courts complex were replaced by turnstiles which are more reliable and enable the Service save on security costs.

### ***Disposing of surplus properties***

The Board approved a policy in October in relation to the disposal of surplus property owned by the Service which would allow a commercial sale where the property was not required for alternative public use by the local authority or the Office of Public Works.

The Service handed Kilmainham Courthouse over to the Office of Public Works (OPW) in July for inclusion in a project linked to Kilmainham Gaol and the OPW's plans to commemorate the centenary of the 1916 Easter Rising.

### ***Accessibility***

The OPW continued to assist the Service during the year to undertake accessibility audits in court buildings including an audit of the Four Courts Campus.

### ***Managing energy usage***

The Service occupies over 100 buildings throughout the country. Some are used infrequently (once or twice per month), others are shared with other organisations (e.g. local authorities) while others are rented on court days. Accordingly it is not feasible to provide precise figures in relation to energy usage in all buildings occupied by the Service.

In 2013 the Service consumed 23,538,710 kWh of energy comprising 11,050,052 kWh of electricity and 12,488,658 kWh of thermal (gas). There were 294,262 litres of kerosene and 6.24 tonnes of wood pellets used.

The Service continued to support 'energy teams' in offices around the country with the continued rationalisation of the courthouse network further concentrating activities in more energy efficient buildings. This work will continue in 2014.

### ***Planning for the future of information and communications technology (ICT)***

#### ***Criminal Case Management System and Courts Accounting System***

The Fines (Payment and Recovery) Bill 2013 (*see page 79*) requires that the District Court Criminal Case Management System and the Courts Accounting System be further developed, in particular, to facilitate enforcement and payment of fines by instalments. The Service worked during the year to implement the changes required which include the design of new work processes, the outsourcing of printing and payments collection and the enforcement of District Court orders.

#### ***Civil case management system***

The Service continued work on the development of a single civil case management system to provide a common platform for the civil processes of all jurisdictions.

- *Insolvency arrangements*

The first manifestation of the new system was in the processing of applications under the Personal Insolvency Act 2012. The Service, in partnership with the Department of Justice & Equality and the Insolvency Service of Ireland (ISI), built an innovative system for the electronic submission of ISI cases directly into a new case management system ('Courts Service Online') ([www.csol.ie](http://www.csol.ie)). Since December 2013 this system allows for various insolvency related motions, including agreements and objections, to be provided electronically.

- *Small Claims*

Additional development work on the new system during the year centred on the transfer of the Small Claims Online system to reduce support costs and facilitate access by the most up to date browser technology. It is expected that the Small Claims Online system will operate from the Courts Service Online (CSO) platform from early 2014.

- *Debt Claims Online*

The new system will also provide streamlined access for the processing of liquidated debt claims across all court jurisdictions. At year end Debt Claims Online, built on the CSO platform, was at an advanced stage of development awaiting legislative change prior to commencement.

*Debt Claims Online will allow applicants issue District, Circuit or High Court proceedings (depending on the amount claimed) for the recovery of a liquidated debt. Defendants will be able to enter an appearance or to lodge a notice of intention to defend online, and where the claim is undefended, plaintiffs will be able to apply online to mark judgment in default of appearance/defence for that liquidated debt.*

Draft Heads of Bill submitted by the Service to the Department of Justice and Equality to facilitate the operation of *Debt Claims Online* included provisions for the establishment of a centralised office for the performance of designated business or part of the business of a court office, the initiation of proceedings by electronic means, and the filing electronically of a statement of truth instead of an affidavit subject to authorisation for such by rules of court.

- *Court of Appeal and Supreme Court*

The CSO platform will be utilised to manage cases in the Court of Appeal and the Supreme Court. Work to develop systems for both courts, in advance of the introduction of the new court, commenced during the year as part of the work of the Court of Appeal Implementation Committee.

### ***Interim criminal case management system***

The roll out of an interim case management system for the Circuit Criminal Court was completed during the year in line with the establishment of combined offices. This system caters for criminal cases in the Circuit Court, Central Criminal Court, Special Criminal Court, and Court of Criminal Appeal.

### ***Communications infrastructure***

#### ***Improved telephony system***

The Service continued the roll out of a Voice Over Internet Protocol (VoIP) telephone system. By year end VoIP had been extended to offices in county towns including Clonmel, Monaghan, Portlaoise, Carlow, Cavan, Dundalk, Kilkenny, Wexford, Tullamore, Waterford, Letterkenny, Trim, Naas, Castlebar, Bray, Longford, Limerick, Ennis, Carrick-on-Shannon and Sligo. The annual savings from the introduction of the new system amounted to €270,000 in 2013.

#### ***Improving hardware and software in offices***

The Service commenced a desktop replacement programme in 2013. By the end of the year, new hardware and software had been procured and a number of 'thin client' devices were being tested. Planning was underway for an office wide roll out during 2014.

## **GOAL 6: DELIVER EXCELLENCE IN GOVERNANCE, ACCOUNTABILITY AND VALUE FOR MONEY**

### ***Risk management***

The risks facing the Service are identified in a Corporate Risk Register which in turn provides the context through which Heads of Directorates prepare individual directorate risk registers. The Corporate Risk



Register is reviewed on a regular basis by the Chief Executive Officer, the Senior Management Team, the Audit Committee and the Board. (*see page 63*)

### **Performance budgeting**

Performance budgeting requires the identification of key outputs for the business units of the Service. These include public sector activity, context and impact indicators. The 2013 performance budgeting targets for the Service were set out in the Revised Estimates Volume for 2013. They complement the actions set out in the Corporate Business Plan 2013 to deliver on the goals in the Strategic Plan. These targets and their corresponding outputs are on page 10.

### **Containing expenditure within funding limits**

In line with reductions in funding allocations the Service reduced spending across a number of headings during the year. Overall expenditure was contained within approved budget limits.

### **Additional fee income generation**

Fees orders for the Supreme Court and High Court, Circuit Court, and District Court came into force on 10th July 2013. A further fees order for the Supreme Court and High Court came into force on 3rd December 2013 to coincide with the commencement of Part 7 of the Courts and Civil Law (Miscellaneous Provisions) Act, 2013 providing for the transfer of the Office of the Official Assignee in Bankruptcy from the Service to the Insolvency Service of Ireland (*see also page 66*).

### **Communicating with the public**

#### **Website**

There were over 2.5 million visits to the website during the year. The most visited sections were Legal Diary, Judgments, Rules and Fees, Offices and Maps, and High Court Search.

Website: Visits	
2013	2,569,418
2012	2,434,487

Website: Visits by mobile device	
2013	457,894
2012	229,627

There was almost a 100% increase in visits to the website via mobile devices in 2013 prompting development of a mobile version of the site (m.courts.ie) to facilitate access, in the first instance, to the Legal Diary section.

Decisions of the District Court in child care cases, following applications by the Health Service Executive, were published in the judgments section of the website during the year. The initiative, promoted by the President of the District Court, highlights the issues before the court in this challenging area.

The Family Law Development Committee continued a project to provide enhanced information for unrepresented litigants appearing in family law cases before the Circuit Court and District Court. The Committee proposes to build on information currently available on the website.

The Service co-operated with the Office of the Ombudsman for Children in the development of two films to assist separating couples and their children involved in the court process. The films are expected to be completed in early 2014.

#### **Social media**

The Service continued to keep pace with the ever changing face of social media. Work commenced on a project to enable users follow court lists *via* a Twitter/RSS feed. In addition, news of initiatives, events and court sittings were posted regularly on Facebook. The Service also established a channel on YouTube to present information in video format on a range of topics.

#### **Outreach**

The Service continued to encourage the public to learn about the courts system. Over 4,500 second level and third level students, and community and other groups availed of the Outreach Programme with visits to court buildings around the country tailored to suit their various interests.

Court buildings, including the Four Courts, the Criminal Courts of Justice and courthouses in Naas, Dundalk, Galway, Loughrea and Castlebar, were made available for mock trial and other competitions with a legal theme. The Criminal Courts of Justice, in particular, hosted over 50 events including competitions, seminars, conferences and lectures.

The Service also participated in several initiatives to encourage the public to visit court buildings and facilitated the use of the buildings for a variety of community and other uses.

### **Media**

During 2013 the Media Relations Service (MR Service) continued to provide a central source of information for national, local and international media including television, radio, online, social and print media. The MR Service continued to act as a support, resource, and source of information for court offices, the judiciary and a wide range of journalists across all platforms.

Contacts and relationships with professional bodies including the National Union of Journalists, the Press Council and the Press Ombudsman were further developed. A seminar organised by the MR Service on defamation and contempt of court was attended by 65 working journalists.

The MR Service dealt with over 10,000 queries during the year covering a range of issues including details of court proceedings, procedures used in the courts, statistics on the work of the courts, and information to assist with historical research and documentaries. Over 95% of all media queries were dealt with on the day they were made with only a small number referred to the Freedom of Information Officer.

The relationship with colleges and students of journalism in third level institutions and other centres of education at undergraduate and postgraduate level continued with visits to the courts, workshops and simulated news days for journalism students organised during the year.

### **Other information**

The Service continued to provide information to the public, government departments and parliamentary representatives following specific requests made during the year.

Material for responses to 209 parliamentary questions tabled by members of the Oireachtas was provided and the Service dealt with 265 letters/representations from other government departments, TDs, senators and members of the public.

There were 27 formal requests under the Freedom of Information Acts and a further 66 written requests dealt with outside of the Acts. Additional queries were dealt with by telephone or email, many relating to information contained in court records not covered by the 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.

<b>Requests: Freedom of Information Acts</b>	
On hand 01/01	-
Received	27
Dealt with	25
On hand 31/12	2
<b>Outcome of requests dealt with</b>	
Access granted/part granted	19
Refused	4
Transferred/withdrawn	2

The Service dealt with 34 requests under the Data Protection legislation during the year.



## CHAPTER 2 – ABOUT THE COURTS SERVICE

The Courts Service, established pursuant to the Courts Service Act 1998, is responsible for the administration and management of the courts in Ireland. Its primary functions are to manage the courts, support the judges, provide information on the courts system to the public, and provide court buildings and facilities for court users.

The Service, through its offices in the Supreme Court, High Court, Circuit Court and District Court, together with the support Directorates established as part of the management structure for the Service, is responsible for the management of all aspects of court activities, with the exception of judicial functions which are a matter entirely for the judiciary.

The Service is governed by a Board consisting of a chairperson and 16 other members. The Board considers and determines policy in relation to the Service and oversees the implementation of that policy by the Chief Executive Officer. The Board members comprise the Chief Justice, judicial representatives from each court, a staff representative, a representative of the Minister for Justice and Equality and representatives from the legal professions, trade unions and business world.

The Courts Service Act provides that the Board may establish committees to advise it in relation to the performance of its functions and may appoint committee members who are not members of the Board but have a specialist knowledge and experience related to the purposes of the committee.

### THE BOARD OF THE COURTS SERVICE



The Hon. Mrs. Justice **Susan Denham**, *Chairperson, Chief Justice*



The Hon. Mr. Justice **Liam McKechnie**, *elected by the judges of the Supreme Court*



The Hon. Mr. Justice **Nicholas Kearns**, *President of the High Court*



The Hon. Mr. Justice **Patrick McCarthy**, *elected by the judges of the High Court*



The Hon. Mr. Justice **Raymond Groarke**, *President of the Circuit Court*



His Hon. Judge **Rory MacCabe**, *elected by the judges of the Circuit Court*



Her Hon. Judge **Rosemary Horgan**, *President of the District Court*



Judge **Gerard Haughton**, *elected by the judges of the District Court*



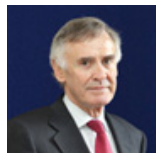
The Hon. Mr. Justice **Paul Gilligan**, *nominated by the Chief Justice*



Mr. **Brendan Ryan**, *Chief Executive Officer, Courts Service*



Mr. **David Nolan, S.C.**, *nominated by the Bar Council of Ireland*



Mr. **Gerard Doherty**, *solicitor, nominated by the President of the Law Society of Ireland*



Mr. **John Glennon**, *elected by the staff of the Service*



Dr. **Deirdre O'Keeffe**, *an officer of the Minister, nominated by the Minister*



Mr. **Pat Doyle**, *nominated by the Minister*



Mr. **Liam Berney**, *nominated by the Irish Congress of Trade Unions*



Mr. **Shane Browne**, *nominated by the Minister*

## **STANDING COMMITTEES OF THE BOARD**

### **Finance Committee**

The Hon. Mrs. Justice Susan Denham – Chairperson  
The Hon. Mr. Justice Nicholas Kearns  
The Hon. Mr. Justice Liam McKechnie  
The Hon. Mr. Justice Raymond Groarke  
Her Hon. Judge Rosemary Horgan  
Mr. Brendan Ryan  
Dr. Deirdre O’Keeffe

### **Audit Committee**

Mr. Jim Farrell, external member – Chairperson  
His Hon. Judge Ray Fullam, nominee of the President of the Circuit Court  
Judge Michael Coghlan, nominee of the President of the District Court  
Dr. Deirdre O’Keeffe  
Mr. Pat Doyle  
Mr. Shane Browne

### **Building Committee**

The Hon. Mr. Justice Patrick McCarthy – Chairperson  
The Hon. Mr. Justice Paul Gilligan  
His Hon. Judge Martin Nolan, nominee of the President of the Circuit Court  
Judge David McHugh, nominee of the President of the District Court  
Mr. Brendan Ryan  
Mr. Liam Berney  
Mr. John Glennon  
Mr. John Coyle, Head of Circuit and District Courts Operations, Courts Service  
Mr. Paul Burns, Head of Infrastructure Services, Courts Service  
Mr. Ciaran O’Connor, Office of Public Works  
Mr. Fergal Foley, the Bar Council of Ireland  
Mr. Gerard Doherty

### **Family Law Court Development Committee**

The Hon. Mr. Justice Michael White, judge of the High Court – Chairperson  
The Hon. Mr. Justice Henry Abbott, judge of the High Court  
Her Hon. Judge Mary Faherty, judge of the Circuit Court  
Judge Gerard Furlong, judge of the District Court  
Mr. Shane Browne  
Ms. Nuala McLoughlin, Director of Supreme and High Courts Operations, Courts Service  
Mr. John Coyle  
Mr. Tom Ward, Chief Clerk of the Dublin Circuit and District Civil Courts, Courts Service  
Ms. Eithne Coughlan, nominee of the County Registrar’s Association  
Ms. Catherine Forde, the Bar Council of Ireland  
Mr. Donagh McGowan, the Law Society of Ireland

## **OTHER COMMITTEES:**

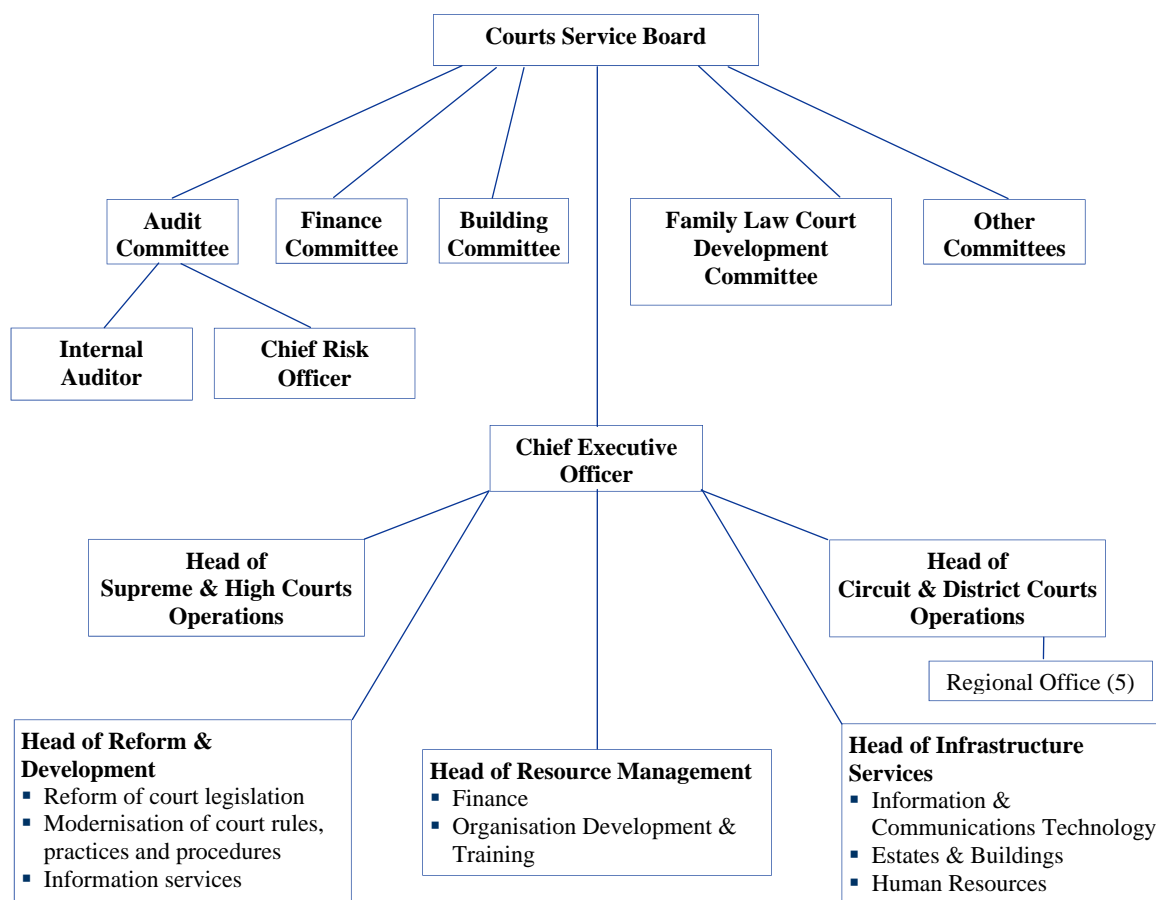
### **Irish Sentencing Information Systems (ISIS) Committee**

The Hon. Mrs. Justice Susan Denham, Chief Justice – Chairperson  
The Hon. Mr. Justice Michael Peart, judge of the High Court  
Her Hon. Judge Mary Ellen Ring, judge of the Circuit Court  
Her Hon. Judge Rosemary Horgan, President of the District Court  
Professor Thomas O’Malley, Faculty of Law NUI, Galway

### **Judicial ICT Cross Jurisdictional Committee**

His Honour Judge Rory McCabe, judge of the Circuit Court – Chairperson  
The Hon. Mr. Justice John MacMenamin, judge of the Supreme Court  
The Hon. Mr. Justice Brian McGovern, judge of the High Court  
Judge Gerard Haughton, judge of the District Court  
Judge Conal Gibbons, judge of the District Court  
Mr. Paul Burns, Head of Infrastructure Services Directorate, Courts Service  
Mr. Darach Green, Head of ICT Unit, Courts Service

## ORGANISATIONAL STRUCTURE



## CHIEF EXECUTIVE OFFICER AND SENIOR MANAGEMENT TEAM

The Chief Executive Officer is responsible for the implementation of policies approved by the Board, the day-to-day management of the staff, administration and business of the Service and is also the Accounting Officer for the Service. (see also page 62)

The Chief Executive Officer is supported by the Senior Management Team comprising a Head of Supreme and High Courts Operations, a Head of Circuit and District Courts Operations and three support Heads: Reform and Development, Resource Management and Infrastructure Services.



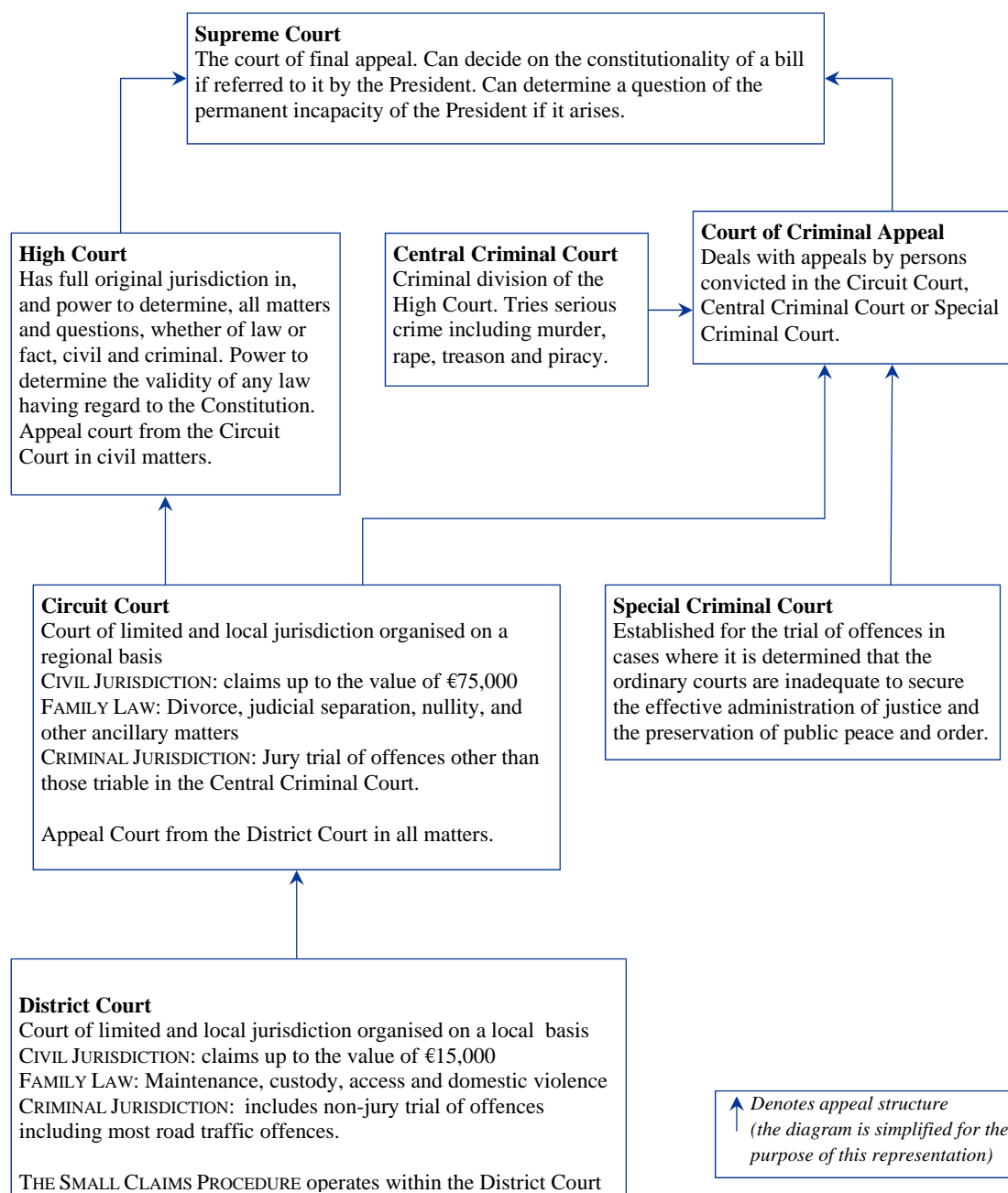
Senior Management Team

As of 31st December 2013 there were regional support offices in Monaghan, Naas, Tullamore, Cork and Castlebar. A revised regional structure reducing the number of offices to four: Naas, Dundalk, Cork and Castlebar will be implemented from 1st January 2014. (see page 11)



Regional Managers

## STRUCTURE OF THE COURTS





## CHAPTER 3 – COURT STATISTICS

The statistics in this chapter are for the period from 1st January 2013 to 31st December 2013. They are presented by reference to criminal and civil law across the four court jurisdictions (Supreme Court, High Court, Circuit Court and District Court). In some instances statistics for 2012 and previous years are provided for comparison purposes.

The statistics refer to the major areas of work of the courts. Additional statistics are available on the website of the Service [www.courts.ie](http://www.courts.ie).

The classification and categorisation used by the Service to produce the statistics in this chapter may differ from those of other agencies such as An Garda Síochána, the Director of Public Prosecutions, Injuries Board Ireland, the Office of the Director of Corporate Enforcement and the Health Service Executive.

### COURT STATISTICS: AT A GLANCE

Court	Matters	Court	Matters
<b>Supreme Court</b>	<b>558</b>	<b>Circuit Court</b>	
		Civil	46,622
<b>Court of Criminal Appeal</b>	<b>279</b>	Criminal	13,992
		<b>Total</b>	<b>60,614</b>
<b>High Court</b>		<b>District Court</b>	
Civil	36,006	Civil	163,022
Criminal	4,225	Criminal	325,317
<b>Total</b>	<b>40,231</b>	<b>Total</b>	<b>488,339</b>
<b>Special Criminal Court</b>	<b>48</b>		

**Total all jurisdictions 590,069**

### COURT STATISTICS: HIGHLIGHTS

#### CRIMINAL CASES

- 279 appeals lodged in Court of Criminal Appeal – a 19% decrease on 2012
- 244 appeals disposed of by the Court of Criminal Appeal – a 41% increase on 2012
- 125 defendants before Central Criminal Court – a 5% decrease on 2012
- 298 European Arrest Warrant applications in High Court – a 13% decrease on 2012
- 32% of offences in Circuit Criminal Court relate to fraud/theft/robbery with 16% relating to drugs offences
- 58% of orders in summary cases disposed of in District Court relate to road traffic offences
- 14,008 orders in respect of drug offences in District Court – a 12% decrease on 2012
- 40,823 orders in respect of public order and assault offences in District Court – a 15% decrease on 2012
- 11,329 orders in respect of drink driving offences – a 10% decrease on 2012

#### CIVIL CASES

- 558 appeals lodged in the Supreme Court – an 8% decrease on 2012
- 249 appeals disposed of in the Supreme Court – a 23% increase on 2012
- 18,066 personal injury actions issued in the High Court and Circuit Court – a 7% increase on 2012
- 170 applications to wind up companies in the High Court – a 37% decrease on 2012
- 67 new bankruptcies in the High Court – a 91% increase on 2012
- 471 orders for possession made – a 45% decrease for the High Court and a 41% increase for the Circuit Court on 2012
- 25,208 summary judgments marked for recovery of debt across all jurisdictions – a 16% decrease on 2012

- 9,602 execution orders issued in High Court and Circuit Court - a 2% increase for the High Court and a 21% decrease for the Circuit Court on 2012
- 5,879 judgments registered across all jurisdictions – an 8% decrease on 2012
- 1,317 applications for judicial separation – a 2% increase on 2012 – majority by wives (80% in High Court; 71% in Circuit Court)
- 3,609 applications for divorce – a 4% increase on 2012 – majority by wives (55% in High Court; 55% in Circuit Court)
- 13,275 applications under the domestic violence legislation – a 5% increase on 2012
- 831 applications for renewal of publican licences – a 13% increase on 2012
- 641 applications for restaurant certificates in District Court – a 15% increase on 2012.

## COURT STATISTICS: OVERVIEW

### The Supreme Court

There were 558 new appeals lodged, an 8% decrease on the 605 filed in 2012. The percentage of appeals filed by personal litigants decreased to 23% from 26% in 2012.

Appeals disposals of by the court increased by 23% from 202 in 2012 to 249. In addition, 46 appeals were withdrawn by letter to the Supreme Court Office. Appeals against final orders in chancery cases increased by 46% from 39 in 2012 to 57 in 2013 and in judicial review cases by 16% from 61 in 2012 to 71 in 2013. There were decreases in appeals in summary judgment cases (50%), commercial cases (36%), and personal injury cases (24%). The court delivered 76 judgments as compared to 114 in 2012.

### Criminal business

The courts dealt with 342,180 criminal matters in 2013. There were 244 appeals disposed of in the Court of Criminal Appeal; 1,693 offences dealt with in the Central Criminal Court; 48 offences dealt with in the Special Criminal Court; 9,300 offences dealt with in the Circuit Court; and 325,317 offences dealt with in the District Court. There were 5,578 appeals from the District Court disposed of in the Circuit Court.

In addition, there were 339 orders made in *habeas corpus* and 1,224 orders made in European Arrest Warrant cases in the High Court, 1,708 orders in bail cases and 13,107 offences sent forward for trial to higher courts from the District Court.

### Court of Criminal Appeal

Appeals lodged in the Court of Criminal Appeal decreased by 19% from 346 in 2012 to 279. The majority (202 or 72%) were against sentence only. There were 36 appeals (13%) against conviction and sentence with 40 (14%) against conviction only.

Appeals disposed of by the Court increased by 41% from 173 in 2012 to 244 in 2013. Over 71% (173) related to Circuit Court cases with 35 relating to Central Criminal Court cases. The Director of Public Prosecutions appealed 24 cases on grounds of undue leniency in the original sentence.

### Central Criminal Court / High Court

The court dealt with a total of 1,693 offences and 125 defendants in 72 jury trials.

#### *Murder/manslaughter*

There were 28 murder offences and 10 manslaughter offences. Pleas of guilty were entered in respect of twelve offences and 26 went to trial. One defendant was found not guilty by reason of insanity, two were acquitted, and the remainder were convicted. There were 18 convictions for the offence of murder and 4 convictions for manslaughter.

#### *Sexual assault*

There were 567 rape offences and 923 indecent/sexual assault offences before the court. Guilty pleas were entered in respect of 160 of these offences with 556 going to trial. There were acquittals in respect of 301 offences and *nolle prosequi* entered in respect of 376. There were convictions in respect of 35 rape offences and 130 indecent/sexual assault offences.



*European Arrest Warrant applications*

There was a decrease in applications in European Arrest Warrants cases in the High Court with 298 applications made, a 13% decrease on the 342 applications made in 2012. There were 1,224 orders made, a 2% decrease on the 1,246 orders made in 2012.

*Bail*

Only the High Court has jurisdiction to deal with bail applications where a person is charged with murder. Applications may also be made to the High Court to vary the terms of a bail order made by a District Court judge. The High Court made 1,708 orders in bail applications, a slight decrease on the 1,748 such orders made in 2012.

In addition, €3.37million in bail lodgments was received in the District Court compared with €3.15million in 2012.

*Special Criminal Court*

There were 7 trials in the Special Criminal Court – a decrease from 10 in 2012 – involving 23 defendants, a decrease on the 30 in 2012.

Of the 23 defendants, 13 were convicted – eight pleaded guilty with five found guilty by the court. The most common offence was possession of firearms/ammunition/explosive substance or membership of an illegal organisation, with causing serious harm and murder accounting for the other offences.

*Circuit Court*

There were 9,300 offences dealt with in the Circuit Court involving 3,212 defendants and 886 trials. Theft and robbery remained the largest category of offence with 2,999 offences dealt with. There were 1,488 drug offences and 1,220 assault offences. Appeals from the District Court decreased by 11% - from 5,268 in 2012 to 4,692. Appeals disposed of decreased by 13% from 6,397 in 2012 to 5,578.

*District Court*

There were 347,998 orders made in respect of offences in the District Court, a 13% decrease on the 400,911 in 2012. A further 13,107 offences were sent forward for trial to higher courts, an 8% decrease on the 14,317 in 2012. Orders made in respect of summary offences disposed of decreased by 14% from 332,085 to 284,949. Indictable offences dealt with summarily decreased by 8% to 63,049 from 68,826 in 2012.

Orders made in respect of offences under the road traffic legislation continued to be the highest category accounting for 58% of orders made in respect of summary offences. There were 3,886 orders made in respect of dangerous driving offences, a decrease of 15% on the 4,557 orders in 2012 and of 22% on the 4,961 in 2011. There were 11,329 orders made in respect of drink driving offences, a decrease of 10% on the 12,636 orders in 2012 and of 39% on the 18,669 in 2011.

Orders made in respect of drugs offences decreased by 12% to 14,008 from 15,858 in 2012. There were 40,823 orders made in respect of public order and assault offences a decrease of 15% on the 48,284 orders in 2012.

*Juvenile crime*

Orders made in respect of offences before the Children Court decreased by 7% to 5,365 from 5,769 in 2012 with 2,402 of all offences struck out or taken into consideration with other offences. One hundred and eighteen offences were returned to a higher court for trial.

*Civil**Cases issued*

There were 174,409 civil cases issued in 2013 – 26,422 in the High Court, 37,808 in the Circuit Court, and 110,179 in the District Court - a 3% decrease on the 180,287 cases issued in 2012.

*Personal injury*

There were 18,066 personal injury suits filed – 9,561 (including medical negligence) in the High Court, a 9% increase on the 8,791 in 2012, and 8,505 in the Circuit Court, a 5% increase on the 8,073 in 2012.

### ***Commercial list***

There were 169 new cases admitted to the High Court Commercial List, a 21% decrease on the 215 admitted in 2012. There were 167 cases disposed of, a 39% decrease on the 274 disposed of in 2012. By the end of the year, 1,988 cases had been admitted to the list and 1,882 disposed of since the inception of the list in 2004. The average time for disposal was unchanged at 20 weeks, with 25% of all cases being disposed of/concluded in less than 3 weeks, and 90% of all cases being disposed of in less than 51 weeks.

### ***Chancery/Equity***

In the High Court, cases based on equitable relief including injunctions, company law matters, specific performance or rescission of contracts, administration of estates of deceased persons or trust actions are dealt with in the chancery list. Similar cases in the Circuit Court are called equity actions.

In 2013, the High Court made orders in or disposed of 2,043 chancery actions, a 3% decrease on the 2,107 cases in 2012. In the Circuit Court there were 1,327 equity cases, a 10% increase on the 1,210 in 2012.

### ***Possession and mortgage suit cases***

Possession cases include all cases in which the plaintiff is seeking possession of lands and/or premises including family homes. Applications for possession may also form part of mortgage suits. These are 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.

There were 332 cases for the recovery of possession of lands and/or premises in the High Court in 2013 – an increase of 23% on the 270 cases in 2012. Orders for possession were made in 108 cases, a 45% decrease on the 198 cases in 2012. In the Circuit Court there were 363 orders for possession compared with 258 in 2012, a 41% increase.

There were 62 declaratory well charging orders made in mortgage suit cases, a 7% increase on the 58 made in 2012 though applications received decreased by 19% from 48 to 39.

Ejectment proceedings may be brought in the Circuit Court or District Court for possession resulting from matters including non-payment of rent or overholding. There were 1,900 applications for ejectment in the District Court, a 6% increase on the 1,794 in 2012.

### ***Breach of contract and recovery of debt***

In the Circuit Court, breach of contract (which includes recovery of debt) continued to be the main cause of action accounting for 16,330 (43%) of cases. In the High Court, claims for the recovery of debt (summary summonses) decreased by 5%, from 5,921 (including revenue claims) in 2012 to 5,621 (including revenue claims).

Judgments were marked in the High Court in 2,963 cases (2,675 in default of appearance and on foot of orders of the Master of the High Court, and 288 on foot of orders of the High Court). In the other jurisdictions there was a decrease of 19% in judgment marked in the Circuit Court (to 9,103 from 11,293 in 2012) and a decrease of 16% in the District Court (to 13,142 from 15,717 in 2012).

### ***Enforcement of judgments***

#### ***Execution orders***

There were 9,602 execution orders issued in the High Court and Circuit Court – 3,473 in the High Court (a 2% increase on 2012) and 6,129 in the Circuit Court (a 21% decrease on 2012).

#### ***Committal and instalment orders***

Committal orders for non payment of debts increased by 21% from 1,921 in 2012 to 2,335. Summonses for attendance by a debtor decreased by 23% to 10,349 from 13,447 in 2012 while instalment orders decreased by 22% from 10,068 to 7,882.

#### ***Registration of judgments***

Judgments obtained in the District Court, Circuit Court and High Court can be registered in the High Court. There were 5,879 judgments registered in 2013, an 8% decrease on the 6,360 in 2012.

*Judgment mortgage certificates*

There were 2,991 judgment mortgage certificates signed in the High Court, a decrease of 3% on the 3,075 certificates signed in 2012. There were 3,282 certificates signed in the Circuit Court, a 25% decrease on the 4,375 certificates signed in 2012.

*Corporate insolvency (companies)*

There were 170 applications to the High Court for an order to wind up a company, a 37% decrease on the 269 such applications in 2012. Winding up orders were made in respect of 65 companies, a 38% decrease on the 105 orders made in 2012. Applications were made to restrict the directors of 90 companies, a 10% increase on the 82 such applications made in 2012. There were 79 restriction orders made, a decrease of 2% on the 81 such orders made in 2012. Disqualification orders were made in respect of the directors of 16 companies, an 11% decrease on the 18 orders made in 2012.

*Personal insolvency (bankruptcy)*

There was a 91% increase in bankruptcy adjudications – 67 people adjudicated bankrupt compared with 35 in 2012 and 33 in 2011. With the commencement of Part 7 of the Courts and Civil Law (Miscellaneous Provisions) Act, 2013 on 3rd December 2013 the office with responsibility for the affairs of bankrupts (the Office of the Official Assignee in Bankruptcy) transferred from the Service to the Insolvency Service of Ireland. (see also page 79 )

*Judicial review*

There were 973 applications for judicial review to the High Court in 2013, a 3% decrease on the 998 in 2012. There was a 13% decrease in asylum-related applications – 385 compared with 440 in 2012. Asylum-related applications represented 40% of all judicial review applications. Applications in asylum related cases generally seek an order quashing the decision of a body such as the Refugee Appeals Tribunal, or an injunction restraining the Minister for Justice and Equality from deporting them.

*Small claims*

Applications under the small claims procedure decreased by 37%, from 3,067 in 2012 to 1,927. The largest categories of claims related to household and electrical goods. Other categories included claims relating to building services, motor vehicles and holidays. One thousand and twenty six (1,026) applications could not be dealt with under the small claims procedure. Of the claims dealt with, small claims registrars settled 616, there were 180 decrees by default (granted where the person against whom the claim is made does not respond or take any part in the case), 228 applications not proceeded with and 698 referred to the District Court. In court, decrees were granted in 306 cases, 82 cases were dismissed and the remaining 310 were struck out or withdrawn.

*Appeals*

In addition to appeals to the Supreme Court, there were 609 appeals from the Circuit Court to the High Court and 1,475 appeals from the District Court to the Circuit Court.

*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.

*Judicial separation*

There were 1,317 applications for judicial separation in 2013 – 25 in the High Court and 1,292 in the Circuit Court - a 2% increase on 2012. The majority of applications in both jurisdictions (80% in High Court; 71% in Circuit Court) were by wives. There were 824 orders granted – 20 in the High Court and 804 in the Circuit Court.

*Divorce*

There was little change in the number of applications for divorce – 3,609 as compared to 3,482 in 2012. There were 11 applications in the High Court and 3,598 in the Circuit Court - the majority were by wives – 55% in the High Court and 55% in the Circuit Court. There were 2,949 orders granted – 25 in the High Court and 2,924 in the Circuit Court.

### ***Nullity***

There were 2 applications for nullity in the High Court and 46 in the Circuit Court – the majority by husbands. Decrees granted in the Circuit Court decreased from 19 to 9.

### ***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 the Health Service Executive (HSE) for their care. The majority of applications are made by the HSE in the District Court. There were 1,317 supervision applications, 520 emergency care order applications and 1,117 care order applications. The highest category of application was in respect of interim care orders with 6,023 applications – these applications also include applications for extensions of interim care orders.

It is important to note that 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.

### ***Child abduction***

There was a 35% increase in new applications to the High Court under the Hague Convention on Child Abduction – 50 compared to 37 in 2012, with 176 orders made.

### ***Notice/age of marriage***

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 5% decrease in applications received – 563 compared to 593 in 2012 – with 428 applications granted compared to 467 in 2012.

### ***Guardianship, custody, access***

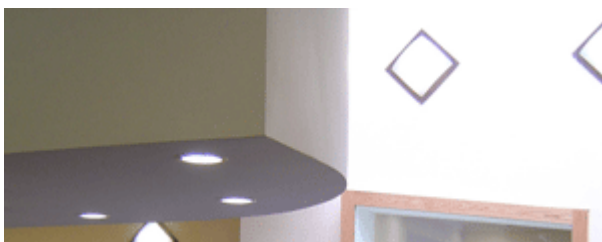
There were 2,986 applications by unmarried applicants for guardianship in the District Court, a 2% decrease on the 3,033 applications in 2012. Applications for custody (including custody and access) decreased slightly from 2,331 in 2012 to 2,300 while applications for access (only) increased by 2% from 5,609 in 2012 to 5,738.

### ***Domestic violence***

Applications to the District Court under the domestic violence legislation increased by 5% to 13,275 from 12,655 in 2012. There was a 6% increase in applications for safety orders (5,334 as compared to 5,026 in 2012) and an 8% increase in applications for protection orders (4,529 as compared to 4,192 in 2012). Applications for interim barring orders showed a slight increase (674 as compared to 648 in 2012) while applications for barring orders showed a slight decrease from 2,789 to 2,738.

### ***Licensing***

There was a 6% decrease in licensing applications dealt with by the Circuit Court, from 302 in 2012 to 284. There was a 5% decrease in licensing applications dealt with in the District Court – 52,843 compared with 55,566 in 2012. Special exemption order applications decreased from 48,363 in 2012 to 45,869. Restaurant certificate applications increased by 15%, from 556 in 2012 to 641.



## COURT STATISTICS: DETAIL

## SECTION 1: SUPREME COURT

Trends: Appeals				
Year	Received	Disposed of by the court	Withdrawn in the office	Total disposed of
<b>2013</b>	<b>558</b>	<b>249</b>	<b>46</b>	<b>295</b>
2012	605	202	53	255
2011	499	190	68	258
2010	466	233	76	309
2009	499	228	113	341

Appeals received	Against interim order		Against final order	
	2013	2012	2013	2012
Judicial review	6	22	71	61
Chancery	45	25	57	39
Summary judgment	-	-	32	64
Commercial	25	25	16	25
Personal injury	-	-	34	45
Asylum (judicial review)	4	14	20	23
Common law	21	30	-	-
Bail	-	n/a*	11	n/a
Non Jury	20	n/a	34	n/a

\* n/a = not available

Appeals disposed of	Against interim order		Against final order	
	2013	2012	2013	2012
Judicial review	3	6	38	47
Chancery	9	3	17	13
Summary judgment	-	n/a*	5	n/a
Commercial	11	5	10	17
Personal injury	-	1	28	10
Asylum (judicial review)	1	2	13	6
Common law	22	n/a	0	n/a
Bail	-	-	7	8
Non jury	5	10	6	13

\* n/a = not available

Other appeals disposed of	2013	2012
Companies Act	4	n/a*
Other	101	61

\* n/a = not available

Motions	2013	2012
Listed before the court	447	363

Trends: Appeals from appellants in person*		
Year	Received	Percentage of total
<b>2013</b>	<b>130</b>	<b>23%</b>
2012	158	26%
2011	88	18%
2010	70	15%
2009	76	15%

\* persons not legally represented

Other appeals received	2013	2012
Companies Acts	<b>9</b>	19
Other	<b>218</b>	213

Circuit Court to Supreme Court	2013	2012
Received	<b>1</b>	0
Orders made	<b>1</b>	2

Length of appeal hearing	2013	2012
One day or less	<b>112</b>	90
Two days or more	<b>16</b>	21

Cases stated appeals from High Court to Supreme Court	2013	2012
Received	<b>5</b>	1
Orders made	<b>4</b>	4

Written judgments	2013	2012
Reserved at 01/01	<b>16</b>	20
Delivered	<b>76</b>	114
Reserved at 31/12	<b>22</b>	16

Other	2013	2012
Commissioners appointed	<b>24</b>	27
Notaries Public appointed	<b>28</b>	17
Certificates of authentication issued	<b>206</b>	415
Persons called to the Inner Bar	<b>11</b>	13
Persons called to the Outer Bar	<b>163</b>	198
Declarations made by newly appointed judges	<b>13</b>	22
Extensions of service granted to County Registrars / District Judges	<b>12</b>	14

## SECTION 2: CRIMINAL

### CRIMINAL BUSINESS: OVERVIEW OF MATTERS DISPOSED OF

	Appeals	Offences	Defendants	Trials
Court of Criminal Appeal	244	n/a*	244	n/a
High Court: Central Criminal Court	n/a	1,693	125	72
Special Criminal Court	n/a	48	23	7
Circuit Criminal Court	5,578	9,300	3,212	886
District Criminal Court	n/a	325,317	139,128	n/a
<b>Total</b>	<b>5,822</b>	<b>336,358</b>	<b>142,732</b>	<b>965</b>

\* n/a = not applicable

High Court: Other	Applications	Orders made
Bail	2,055	1,708
<i>Habeas corpus</i>	179	339
European arrest warrant	298	1,224

### CRIMINAL BUSINESS: BY COURT

#### Court of Criminal Appeal

Trends: Appeals		
Year	Received	Disposed of
<b>2013</b>	<b>279</b>	<b>244</b>
2012	346	173
2011	314	290
2010	326	267
2009	324	229

2013: Appeals: Court of origin	On hand 01/01	Received	Disposed of	On hand 31/12
Circuit Criminal Court	423	233	173	483
Central Criminal Court	92	10	35	67
Special Criminal Court	16	1	6	11
Courts-Martial Appeal Court	1	0	0	1

2013: Appeals : Other				
Against sentence by Director of Public Prosecutions (undue leniency)	68	32	24	76
Against dismissal of charges by the Director of Public Prosecutions	5	1	2	4
Alleging miscarriage of justice	6	2	4	4
<b>Total</b>	<b>611</b>	<b>279</b>	<b>244</b>	<b>646</b>

Nature of appeal	On hand 01/01	Received	Disposed of	On hand 31/12
Against conviction and sentence	101	36	28	109
Against conviction only	86	40	24	102
Against sentence only	367	169	165	375
Against sentence only (undue leniency)	50	33	24	55
Against dismissal of charges	5	1	2	4
Against costs order	1	0	1	0
Against confiscation order	1	0	0	1
<b>Total</b>	<b>611</b>	<b>279</b>	<b>244</b>	<b>646</b>

Outcome of appeals against conviction and sentence	2013	2012
Refused	15	12
Conviction affirmed, sentence varied	0	3
Conviction quashed, re-trial directed	3	4
Conviction quashed, no re-trial	3	1
Conviction quashed, impose sentence <i>in lieu</i>	1	0
Appeal struck out	1	1
Appeals withdrawn, includes abandonment	6	1
<b>Total</b>	<b>29</b>	<b>22</b>

Outcome of appeals against sentence only (severity)	2013	2012
Refused	43	20
Original sentence quashed and sentence imposed <i>in lieu</i>	27	37
Appeal struck out	2	4
Appeals withdrawn	93	27
No order made	0	4
<b>Total</b>	<b>165</b>	<b>92</b>

Outcome of appeals against Costs order	2013
Refused	0
Appeals withdrawn, includes abandonment	0
Struck out	1
<b>Total</b>	<b>1</b>

Outcome of appeals against conviction only	2013	2012
Refused	18	7
Conviction quashed, re-trial directed	1	2
Conviction quashed, no re-trial	0	4
Appeal struck out	1	0
Appeals withdrawn, includes abandonment	4	3
<b>Total</b>	<b>24</b>	<b>16</b>

Outcome of appeals against sentence only (leniency)	2013	2012
Refused	6	12
Original sentence quashed and sentence imposed <i>in lieu</i>	14	17
Struck out	1	0
Appeals withdrawn, includes abandonment	3	0
<b>Total</b>	<b>24</b>	<b>29</b>

Outcome of appeals against dismissal of charges	2013
Original order quashed	2

Outcome of appeals against activation of sentence	2013
Original sentence quashed and sentence imposed <i>in lieu</i>	0



**High Court: Central Criminal Court**

The outcome of offences and defendants before the Central Criminal Court in 2013 is in the table below. Cases may involve more than one offence and more than one defendant and there may be differing results in respect of offences and defendants within one case. In previous Annual Reports only the most serious offence was included in the statistics for the Central Criminal Court.

	Murder	Manslaughter	Rape	Indecent / Sexual Assault	Assault	Other*	Total
<b>Cases disposed of</b>							
Offences	28	10	567	923	12	153	<b>1,693</b>
Defendants	-	-	-	-	-	-	<b>125</b>

**Method**

Guilty pleas	6	6**	73	87	1	23	<b>196</b>
Trials ***	22	4****	205	351	6	15	<b>603</b>
<i>Nolle prosequi</i>	-	-	106	270	5	115	<b>496</b>
Taken into consideration-non conviction*****	-	-	183	215	-	-	<b>398</b>
<b>Total</b>	<b>28</b>	<b>10</b>	<b>567</b>	<b>923</b>	<b>12</b>	<b>153</b>	<b>1,693</b>

**Outcome of trials by offence**

Convicted	18	4	35	130	5	10	<b>202</b>
Acquitted	2	-	155	146	-	2	<b>305</b>
Disagreed	1	-	15	72	-	1	<b>89</b>
Committal: not guilty by reason of insanity	1	-	-	-	-	-	<b>1</b>
Taken into consideration	-	-	-	3	1	1	<b>5</b>
Make no order	-	-	-	-	-	1	<b>1</b>
<b>Total</b>	<b>22</b>	<b>4</b>	<b>205</b>	<b>351</b>	<b>6</b>	<b>15</b>	<b>603</b>

**Penalties imposed on conviction by offence**

Community service	-	-	-	-	-	1	<b>1</b>
Detention part suspended	-	-	1	-	-	-	<b>1</b>
Sentence fully suspended	-	-	-	1	-	-	<b>1</b>
Imprisonment part suspended	1 attempted murder	6	85	27	-	5	<b>124</b>
Imprisonment	Life 23	4	22	189	6	27	<b>271</b>
<b>Total</b>	<b>24</b>	<b>10</b>	<b>108</b>	<b>217</b>	<b>6</b>	<b>33</b>	<b>398</b>

*	offences include false imprisonment, threat to kill, theft, possession of child pornography, burglary, possession of firearms.
**	in respect of four offences of murder, 4 pleas of 'Not guilty to murder but guilty of manslaughter' were entered which pleas were accepted by the Director of Public Prosecutions.
***	offences tried, involving a total of 72 trials
****	found not guilty of murder but guilty of manslaughter.
*****	offences may be taken into consideration where an offender is sentenced on other multiple offences. Taken into consideration - non conviction specifically refers to the above in circumstances where no plea was entered.



**High Court: Bail**

Applications	2013	2012	Analysis of orders made	2013	2012
Received	<b>2,055</b>	2,273	Orders made on own surety (including cash lodgment)	630	594
Orders made	<b>1,708</b>	1,748	Orders made on third party surety	335	379
			Application refused	461	465
			Bail revoked	34	67
			Application withdrawn/struck out	13	6
			Vary terms of order	168	186
			Consolidation of bail	19	16
			Bail miscellaneous	50	35
			<b>Total</b>	<b>1,710</b>	1,748

**High Court: Habeas Corpus**

Applications	2013	2012	Analysis of orders made	2013	2012
Received	<b>179</b>	144	Conditional order granted	169	112
Orders made	<b>339</b>	224	Conditional order refused	40	24
			Final order granted	92	64
			Final order refused	38	24
			<b>Total</b>	<b>339</b>	224

**High Court: European Arrest Warrants**

Applications	2013	2012	Analysis of orders made	2013	2012
Received	<b>298</b>	342	Indorse warrant	226	266
Orders made	<b>1,224</b>	1,246	Admit to bail pending determination of proceedings	159	233
			Remand in custody pending determination of proceedings	94	90
			Surrender on consent	41	49
			Surrender by order of the court	120	121
			Surrender refused	25	28
			Extradition: miscellaneous	490	374
			Extradition: outgoing	65	80
			Extradition: warrant to arrest	4	5
			<b>Total</b>	<b>1,224</b>	1,246

**Special Criminal Court**

	Trials	Defendants	Offences	Outcomes: by defendant	2013	2012
<b>2013</b>	<b>7</b>	<b>23</b>	<b>48</b>	Convicted on plea of not guilty	<b>5</b>	9
2012	10	30	61	Convicted on plea of guilty	<b>8</b>	9
2011	13	32	68	Struck out / <i>nolle prosequi</i> / acquitted	<b>10</b>	12

Sentences	
Life imprisonment	2
Imprisonment over 10 years	2
Imprisonment over 5 years to 10 years	5
Imprisonment over 3 years to 5 years	5
Other	0

Offence	Convicted
Membership of an illegal organisation	5
Possession of firearms / ammunition / explosive substance	15
Causing serious harm	4
Murder	2
Other	0

## Circuit Court

The outcomes of trials before the Circuit Court are reported by reference to defendant in respect of counties Cork, Donegal, Kerry, Longford, Limerick, Meath, Offaly, Sligo, Wexford, and Wicklow and by reference to offence in respect of counties Carlow, Cavan, Clare, Dublin, Galway, Kildare, Kilkenny, Laois, Leitrim, Louth, Mayo, Monaghan, Roscommon, Tipperary, Waterford, and Westmeath.

*Nolle prosequi* (a stay on criminal proceedings) may be entered at any time during the criminal process – at trial stage or before the case comes to trial. For the purpose of these statistics *nolle prosequi* has been excluded from the outcome of trials.

Circuit Criminal Court (outcome by defendant) *										
	Road traffic	Drugs	Sexual	Fire-arms	Larceny/fraud/robbery	Assault	Child abuse	Man-slaughter	Other **	Total

### Cases disposed of:

Offences	95	345	278	48	668	432	3	3	255	<b>2,127</b>
Defendants	60	192	52	22	344	241	3	3	162	<b>1,079</b>

### Method

Guilty pleas	54	171	33	20	302	171	2	2	113	<b>868</b>
Trials	6	8	17	1	25	41	1	1	16	<b>116</b>
<i>Nolle prosequi</i>	0	13	2	1	17	29	0	0	33	<b>95</b>
<b>Total</b>	<b>60</b>	<b>192</b>	<b>52</b>	<b>22</b>	<b>344</b>	<b>241</b>	<b>3</b>	<b>3</b>	<b>162</b>	<b>1,079</b>

### Outcome of trials by defendant:\*\*

Convicted	1	4	8	1	8	8	0	0	4	<b>34</b>
Acquitted	5	4	9	0	17	33	1	1	12	<b>82</b>
<b>Total</b>	<b>6</b>	<b>8</b>	<b>17</b>	<b>1</b>	<b>25</b>	<b>41</b>	<b>1</b>	<b>1</b>	<b>14</b>	<b>116</b>

### Penalties imposed on conviction by defendant:

Community Service	1	7	0	0	4	3	0	0	17	<b>32</b>
Suspended sentence	11	7	10	10	72	42	0	0	15	<b>167</b>
Fine	30	66	20	10	137	53	0	0	27	<b>343</b>
Imprisonment	3	28	18	2	36	28	0	3	31	<b>149</b>
Other***	0	1	3	1	11	11	0	0	5	<b>32</b>
<b>Total</b>	<b>45</b>	<b>109</b>	<b>51</b>	<b>23</b>	<b>260</b>	<b>137</b>	<b>0</b>	<b>3</b>	<b>95</b>	<b>723</b>

\* statistics relate to counties Cork, Donegal, Kerry, Longford, Limerick, Meath, Offaly, Sligo, Wexford and Wicklow

\*\* includes health & safety, common law, criminal damage, and public order

\*\*\* includes taken into consideration, struck out, forfeiture of goods/money/drugs/weapons, destruction of drugs/weapons, disqualification from driving.

Circuit Criminal Court (outcome by offence) *										
	Road traffic	Drugs	Sexual	Fire-arms	Larceny/fraud/robbery	Assault	Child abuse	Man-slaughter	Other **	Total

**Cases disposed of:**

Offences	423	1,143	691	429	2,331	788	28	7	1,333	<b>7,173</b>
Defendants										<b>2,133</b>

**Method**

Guilty pleas	182	420	192	180	1,046	444	21	4	637	<b>3,126</b>
Trials	18	36	268	44	105	119	0	2	178	<b>770</b>
<i>Nolle prosequi</i>	97	550	137	126	527	188	0	1	317	<b>1,943</b>
Other	126	137	94	79	653	37	7	0	201	<b>1,334</b>
<b>Total</b>	<b>423</b>	<b>1,143</b>	<b>691</b>	<b>429</b>	<b>2,331</b>	<b>788</b>	<b>28</b>	<b>7</b>	<b>1,333</b>	<b>7,173</b>

**Outcome of trials by offence:\***

Convicted	10	17	132	17	46	44	0	1	63	<b>330</b>
Acquitted	8	19	136	27	59	75	0	1	115	<b>440</b>
<b>Total</b>	<b>18</b>	<b>36</b>	<b>268</b>	<b>44</b>	<b>105</b>	<b>119</b>	<b>0</b>	<b>2</b>	<b>178</b>	<b>770</b>

**Penalties imposed on conviction by offence:**

Community service	3	10	6	8	46	23	0	0	21	<b>117</b>
Suspended sentence	46	196	41	54	370	205	2	0	230	<b>1,144</b>
Fine	9	1	0	0	1	3	0	0	21	<b>35</b>
Imprisonment	95	171	225	101	618	230	19	5	263	<b>1,727</b>
Bond	79	192	139	82	598	255	14	5	295	<b>1,659</b>
Other ***	182	459	171	132	529	111	11	1	291	<b>1,887</b>
<b>Total</b>	<b>414</b>	<b>1,029</b>	<b>582</b>	<b>377</b>	<b>2,162</b>	<b>827</b>	<b>46</b>	<b>11</b>	<b>1,121</b>	<b>6,569</b>

\* statistics relate to counties Carlow, Cavan, Clare, Dublin, Galway, Kildare, Kilkenny, Laois, Leitrim, Louth, Mayo, Monaghan, Roscommon, Tipperary, Waterford, and Westmeath

\*\* includes health & safety, common law, criminal damage, and public order

\*\*\* includes taken into consideration, struck out, forfeiture of goods/money/drugs/weapons, disqualification from driving.

Appeals: District Court to Circuit Court	2013	2012
Received	<b>4,692</b>	5,268
Disposed of	<b>5,578</b>	6,397

**District Court**

Cases disposed of	2013	2012
Orders made in respect of summary offences	284,949	332,085
Orders made in respect of indictable offences dealt with summarily	63,049	68,826
<b>Total</b>	<b>347,998</b>	<b>400,911</b>

Sent forward for trial	<b>13,107</b>	<b>14,317</b>
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	Road traffic	Drugs	Sexual	Theft	Public order / assault	Other*	Total
<b>Orders made:</b>							
Offences	200,786	14,008	2,092	30,823	40,823	59,466	<b>347,998</b>
Defendants	128,900	9,297	467	15,281	26,019	45,650	<b>225,614</b>
<b>Outcomes (all cases):</b>							
Dismiss	3,438	225	14	704	1,295	1,313	<b>6,989</b>
Struck out	86,951	2,784	108	5,422	9,795	19,572	<b>124,632</b>
Taken into consideration	34,600	2,317	46	6,621	9,408	7,260	<b>60,252</b>
Fine	43,694	2,339	34	2,319	6,832	18,984	<b>74,202</b>
Peace Bond	99	120	3	240	557	234	<b>1,253</b>
Disqualification	12,156	14	0	77	15	51	<b>12,313</b>
Community Service	576	403	4	716	920	330	<b>2,949</b>
Probation	2,172	1,400	38	2,536	4,080	2,510	<b>12,736</b>
Imprisonment/Detention	3,354	1,083	62	5,871	3,437	2,620	<b>16,427</b>
Other	13,746	3,323	1,783	6,317	4,484	6,592	<b>36,245</b>
<b>Total</b>	<b>200,786</b>	<b>14,008</b>	<b>2,092</b>	<b>30,823</b>	<b>40,823</b>	<b>59,466</b>	<b>347,998</b>
* includes offences such as breach of bail, litter offences, street trading and offences prosecuted by Government Departments and other State agencies such as the Health & Safety Authority							

Orders made in respect of specific road traffic offences	Dangerous driving		Drink driving		Penalty points	
	Off. *	Def. **	Off.	Def.	Off.	Def.
Dismiss	115	80	576	557	1,193	1,031
Dismiss under Probation of Offenders Act	58	36	43	40	684	627
Struck out	1,083	658	955	892	19,964	17,771
Taken into consideration	615	360	735	675	6,639	5,033
Fine	474	409	3,975	3,849	18,470	17,238
Peace Bond	10	8	17	17	35	32
Community service	32	29	63	60	280	258
Disqualification	791	588	4,376	4,186	5,868	4,964
Imprisonment / detention (including part suspended)	231	137	165	152	870	619
Imprisonment suspended	95	66	219	210	611	535
Other	382	271	205	195	4,361	4,023
<b>Total</b>	<b>3,886</b>	<b>2,642</b>	<b>11,329</b>	<b>10,833</b>	<b>58,975</b>	<b>52,131</b>
* Off. = offences.						
** Def. = defendants						

Juvenile crime: outcomes	Public order / assault		Drugs		Theft		Sexual offences		Road traffic		Other *	
	Off. <sup>#</sup>	Def. <sup>^</sup>	Off.	Def.	Off.	Def.	Off.	Def.	Off.	Def.	Off.	Def.
Dismiss	94	73	15	9	66	44	1	1	86	47	46	35
Dismiss under Probation of Offenders Act	173	116	34	23	93	70			75	37	56	50
Struck out	359	243	56	45	273	187	4	3	410	207	141	115
Taken into consideration	339	191	41	23	238	127			381	199	160	117
Fine	174	85	21	17	34	30			159	106	33	23
Peace Bond	34	24	5	3	16	15	1		8	8	16	7
Community service	29	17	7	3	17	12			7	6	7	6
Disqualification	-	-	-	-	2	2			71	67	1	1
Probation	189	112	27	18	169	97			61	41	77	62
Poor Box	10	7	2	2	7	5		1	2	1	2	2
Detention	84	61	3	3	160	83			43	25	43	32
Detention suspended / part suspended	64	44	4	3	74	52	1	1	15	15	28	19
Other**	123	88	16	15	113	74			88	52	59	52
Returned to higher court for trial	36	27	10	2	36	24	5	3	7	8	24	20
<b>Total</b>	<b>1,708</b>	<b>1,088</b>	<b>241</b>	<b>166</b>	<b>1,298</b>	<b>822</b>	<b>12</b>	<b>9</b>	<b>1,413</b>	<b>819</b>	<b>693</b>	<b>541</b>
<sup>#</sup> Off. = offences <sup>^</sup> Def. = defendants * includes various orders which may be made under Parts 8, 9 and 10 of the Children Act, 2001. ** includes taken into consideration, struck out, forfeiture of goods/money/drugs/weapons, destruction of drugs/weapons, disqualification from driving.												

Juvenile crime overview	Public order	Drugs	Theft	Sexual offences	Road traffic	Other	Total
Offences	1,708	241	1,298	12	1,413	693	<b>5,365</b>
Defendants	1,088	166	822	9	819	541	<b>3,445</b>

## SECTION 3: CIVIL

### CIVIL BUSINESS: NEW CASES ISSUED

Jurisdiction	Originating document	2013	2012
High Court	Summons, petition, originating motion	26,422	26,063
Circuit Court	Civil bill	37,808	34,993
District Court	Civil summons	110,179	119,231
<b>Total</b>		<b>174,409</b>	<b>180,287</b>

Appeals lodged	2013	2012
District Court to Circuit Court	<b>1,475</b>	1,471
Circuit Court to High Court	<b>609</b>	672

### CIVIL BUSINESS: DISPOSAL OF CASES

#### High Court:

- (i) Cases initiated by plenary summons (*e.g.* in contract, tort or equity cases) are tried on pleadings exchanged between the parties and/or on oral evidence
- (ii) Cases initiated by summary summons (*e.g.* in actions for liquidated demand) may be disposed of in the office, or, where the claim is disputed, may be tried either on oral evidence or on affidavit
- (iii) Cases initiated by special summons (*e.g.* mortgage suits and administration suits) are usually tried on affidavit
- (iv) Cases initiated by petition (*e.g.* in company liquidation and wardship cases) or originating notices of motion are usually supported by affidavit evidence.

Some types of cases (*e.g.* petitions, originating notices of motion, special summonses) are given return dates before the Master of the High Court at the time of issue. Other cases, including those commenced by plenary summons, require the parties to bring the case back before the court for hearing (called 'setting the case down for hearing'). Many cases are not proceeded with, for reasons including settlement between the parties, and may not be brought back before the court after issue. There will therefore be no order of the court indicating the outcome of the case.

#### Circuit Court:

Cases are usually initiated by civil bill (*e.g.* in contract, tort, equity, family law, tax appeal, land dispute, and landlord and tenant cases). They are generally heard on oral evidence and in some cases, on affidavit. As in the High Court many cases are not automatically listed before the court and require the parties to set them down for hearing. Likewise cases may be settled between the parties or otherwise not proceeded with after issue and are not therefore brought back before the court.

#### District Court:

Cases are usually initiated by civil summons (*e.g.* in contract, tort, family law cases). Summonses are issued by the court and a date given for hearing. Proceedings are generally heard on oral evidence. At year end the District Court Rules Committee (*see page 77*) had submitted Rules to the Minister for Justice and Equality for the introduction of a number of significant procedural changes in the initiating and processing of civil litigation in the District Court.

Details of the major areas of work in the civil courts during 2013 are provided in this chapter.



**CIVIL BUSINESS: BY CASE TYPE****1. Personal Injury**

Cases issued	2013	2012
High Court	<b>9,561*</b>	8,791
Circuit Court	<b>8,505</b>	8,073
<b>Total</b>	<b>18,066</b>	16,864

\* includes 942 medical negligence cases

Awards: Circuit Court	
Amount	Cases
€0 to €9,999	493
€10,000 to €19,999	474
€20,000 to €29,999	111
€30,000 +	31
<b>Total</b>	<b>1,109</b>

Cases disposed of (orders made)	2013	2012
High Court	<b>4,392</b>	4,342
Circuit Court	<b>3,599</b>	3,624

Awards: High Court	
Amount	Cases
€0 to €37,999	173
€38,000 to €99,999	257
€100,000 to €199,999	63
€200,000 to €999,999	70
€1m+	27
<b>Total</b>	<b>590</b>

Awards	High Court	Circuit Court*
Lowest amount awarded	€4,000	€500
Highest amount awarded	€8,500,000	€40,200
<b>Total amount awarded</b>	<b>€134,119,921</b>	<b>€13,243,153</b>

\* to persons under 18 years

**2. Commercial List**

**Types of cases** 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 cases types. Cases are only admitted to the list if one of the parties makes that application, and the judge admits the case. They are not automatically admitted to the list because of the relief sought, and can be prosecuted in the chancery or in the non-jury lists if the parties so wish.

High Court	2013	2012
On hands 01/01	<b>104</b>	163
Entered into list	<b>169</b>	215
Disposed of	<b>167</b>	274
On hands 31/12	<b>106</b>	104

Analysis of cases disposed of	2013	2012
Motion to dismiss	1	9
Settled after entry	8	57
Settled after directions hearing	24	39
Settled after hearing date set	21	34
Settled at hearing	31	51
Full hearing	81	83
Other	1	1
<b>Total</b>	<b>167</b>	274

**3. Chancery**

**Types of cases** Injunction applications, company law matters, specific performance / rescission of contracts, administration of estates of deceased persons, trust actions

High Court: Received	2013	2012	High Court Chancery	2013	2012
Specific performance	<b>232</b>	232	Orders made /	<b>2,043</b>	2,107
Injunction	<b>353</b>	359	cases disposed of		
Declaration	<b>701</b>	650			
European Communities (Cross Border Mergers) Regulations, 2008*	<b>8</b>	3			

\* S.I. No. 157 of 2008

#### 4. Equity

**Types of cases** Cases relating to disputes over ownership of land under statutory provisions including the County Officers and Courts (Ireland) Act, 1877, the Settled Land Acts, the Trustee Relief Acts and the Trustee Acts.

Circuit Court	2013	2012
Received	1,327	1,210
Orders made	506	853

#### 5. Possession, mortgage suits and ejectment

##### Possession

**Types of cases** Cases in which the plaintiff is seeking possession of lands and / premises (includes family homes).

High Court	2013	2012
Received	332	270
Orders made	108	198

Circuit Court	2013	2012
Orders made:	363	258
o Residential property	330	229
o Non-residential property	33	29

##### Mortgage suits

**Types of cases** Cases where the creditor has a mortgage on the property in which the debtor 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.

High Court	2013	2012
Received	39	48
Orders made	62	58

##### Ejectment

**Types of cases** Cases where there is claim for possession resulting from matters including non-payment of rent or overholding

District Court	2013	2012
Received	1,900	1,794

#### 6. European Order for Payment

**Nature of procedure** Procedure for cross border debt recovery, where a person or a company in one EU Member State claims to be owed a liquidated debt by a person or a company in another EU Member State

High Court	2013	2012
Received	118	189
Orders made	138	184

#### 7. Breach of contract

High Court	2013	2012	Circuit Court	2013	2012
Received (includes negligence)	2,785	2,101	Received (includes recovery of debt)	16,330	21,499
Orders made	934	954	Orders made	882	1,557

#### 8. Recovery of debt (other)

High Court	2013	2012
Summary summonses issued	4,619	4,859
Revenue summonses issued	1,002	1,062

## 9. Judgment marked in the office/summary judgment

	2013	2012
High Court	2,675	2,857
Circuit Court	9,103	11,293
District Court	13,142	15,717

### Summary judgment by order of the High Court

High Court	2013	2012
Total	288	349

## 10. Filings to assist recovery of debt

High Court	2013	2012	Circuit Court	2013	2012
Execution orders	3,473	3,412	Execution orders	6,129	7,773
Judgment mortgage certificate	2,991	3,075	Judgment mortgage certificate	3,282	4,375
Satisfaction piece	27	32	Satisfaction piece	110	66
High Court, Circuit, District judgments registered	5,879	6,360			
			District Court	2013	2012
			Summons for attendance of debtor	10,349	13,447
			Instalment orders	7,882	10,068
			Committal orders	2,335	1,921

## 11. Insolvency (Corporate)

### Examinership

#### Nature of procedure

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 High Court.

High Court	2013	2012
Applications received	31	29
Orders made:		
o Appoint interim examiner	40	23
o Appoint examiner	27	28

### Wind up company (compulsory liquidations)

#### Nature of procedure

Where a winding up order is made the company is wound up by an official liquidator who deals with the assets and liabilities of the company under the supervision of the High Court Examiner's Office

High Court	2013	2012
Applications received	170	269
Orders made:		
o Wind up company	65	105
o Settled/struck out/withdrawn	25	84
Proceeded in Examiner's Office	72	101

#### Trends:

#### Compulsory liquidations in High Court Examiner's Office

Year	2013	2012	2011	2010	2009
	72	101	106	121	111

### Restrict directors from acting as directors

#### Nature of procedure

In certain circumstances an application can be made to the High Court to have a company director restricted. 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.

High Court	2013	2012
Applications received	90	82
Orders made*:		
o Restriction order granted	79	81
o Restriction order refused	12	4
* orders may restrict a number of directors		

*Disqualify Directors*

**Nature of procedure** The High Court may disqualify a person from acting as a company director if it is satisfied that the person is guilty of fraud or is in breach of their obligations under company law. Persons can also be disqualified if the court finds that their behaviour makes them unfit to be a director.

High Court	2013	2012
Applications received	13	14
Orders made*:		
○ Disqualify directors	16	18
* each order may restrict a number of directors		

**12. Insolvency (personal)**

Trends: High Court: Bankruptcy					
Year	2013	2012	2011	2010	2009
Petitions issued	100	82	76	84	42
Adjudicated bankrupt	67	35	33	29	17

High Court: Bankruptcy	2013	2012
Summonses issued	175	165
Petitions issued	100	82
Adjudicated bankrupt	67	35

Bankruptcies discharged *	3	4
Bankruptcies annulled	0	4

\* the Civil Law (Miscellaneous Provisions) Act, 2011 provides for automatic discharge of a person from bankruptcy on the twelfth anniversary of the order of adjudication

High Court: Arrangements with Debtors	2013	2012
Petitions issued	0	--
Protection granted	0	2
Disposed of in court	25	7

	On hand 01/01	Received 01/01 to 02/12	Disposed of 01/01 to 02/12	On hand 02/12*	Received 03/12 to 31/12	Disposed of 03/12 to 31/12	On hand 31/12
Bankruptcy adjudications	133	58	3	179	9	0	188
Arrangements with debtors	28	-	25	3	0	0	3

\* Commencement of Part 7 Courts and Civil Law (Miscellaneous Provisions) Act, 2013

European Communities (Personal Insolvency) Regulations 2002	
Entries on 01/01	175
Entered during 2012	105
Entries on 31/12	280

High Court: Office of the Official Assignee: Financial overview		
	Amounts	Cases
Funds received	€ 3,145,302	100
Total payments out	€ 1,347,321	82

**13. Employment law**

**Types of cases** Enforcement of and appeals relating to decisions of the Employment Appeals Tribunal brought under legislative provision relating to matters such as unfair dismissal, payment of wages, adoption leave, parental leave and organisation of working time

Circuit Court	2013	2012
Received	358	406
Disposed of	120	277

**14. Appeals (including family law)**

Circuit Court to High Court	2013	2012	District Court to Circuit Court	2013	2012
Received	<b>609</b>	505	Received	<b>1,475</b>	1,472
Orders made	<b>405</b>	336	Orders made	<b>1,444</b>	1,371

**15. Written judgments delivered**

High Court	2013	2012
Reserved at 01/01	<b>49</b>	66
Delivered	<b>627</b>	547
Reserved at 31/12	<b>105</b>	49

**16. Regulation of professions**

High Court: Medical Council matters	2013	2012
Received	<b>18</b>	14
Orders made	<b>32</b>	25

High Court: Nurses Acts	2013	2012
Received	<b>11</b>	17
Orders made	<b>13</b>	21

High Court: Solicitors Acts	2013	2012
Received	<b>117</b>	99
Orders made	<b>249</b>	232

**17. Judicial Review – asylum related**

**Types of cases** In these cases the applicant usually asks the High Court to quash a decision of the Refugee Applications Commissioner, the Refugee Appeals Tribunal, or the Minister for Justice and Equality refusing the applicant asylum and/or directing that the applicant be deported.

High Court	2013	2012
Received	<b>385</b>	440
<b>Orders made:</b>		
Liberty to apply for judicial review granted	<b>213</b>	195
Liberty to apply for judicial review refused	<b>29</b>	40
Interim asylum related orders	<b>107</b>	105
Final orders – relief granted	<b>77</b>	29
Final orders – relief refused	<b>35</b>	41
Final orders – miscellaneous	<b>221</b>	110
Final orders – struck out (no order)	<b>350</b>	280

**18. Judicial Review – other**

**Types of cases** Judicial review applications are made where a person seeks an order in respect of the actions or decisions of certain courts, tribunals or regulatory bodies.

High Court	2013	2012
Received	<b>588</b>	558
<b>Orders made:</b>		
Liberty to apply for judicial review granted	<b>510</b>	447
Liberty to apply for judicial review refused	<b>28</b>	73
Interim orders	<b>199</b>	186
Final orders – judicial review granted	<b>224</b>	342
Final orders – judicial review refused	<b>75</b>	83
Final orders – struck out (no order)	<b>178</b>	167

## 19. Jury

High Court		
Received	2013	2012
Defamation	184	148
False imprisonment	9	10
Assault	157	210
Disposed of		
Final orders	10	9
Actions settled	15	37

## 20. Cases stated

District Court to High Court	2013	2012
Received	22	23
Orders made	16	21

Revenue (District Court) to High Court	2013	2012
Received	7	0
Orders made	2	0

Circuit Court to Supreme Court	2013	2012
Received	1	0
Orders made	1	2

Appeals from High Court to Supreme Court	2013	2012
Received	5	1
Orders made	4	4

## 21. Other

High Court: Garda Compensation Act	2013	2012
Received	166	124
Orders made	144	138

High Court: Proceeds of Crime Act	2013	2012
Received	17	26
Orders made	119	141

High Court: Master's Court	2013	2012
Orders made	2,922	3,355

## 22. Wards of Court

High Court	2013	2012
Wardship cases	2,404	2,344
Applications awaiting hearing*	68	79
Declaration orders**	321	273
Dismissed/discharged	211	182
Orders signed	1,525	1,446
Enduring Powers of Attorney registered	542	489
* cases pending with inquiry order signed at 31st December		
** adults and minors taken into wardship		

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

High Court: Wardship cases	2013	2012
Active (yearly average)	416	371
Pending	7	10
Dismissal	131	122
Sub cases	242	237

2013: Active cases: Reason admitted to Wardship	
Acquired brain injury	47
Elderly mental infirm	148
Learning or intellectual disability	112
Minor	6
Psychiatric illness	101
Residential abuse	2
<b>Total</b>	<b>416</b>



**24. Estates of deceased persons (Probate)**

Probates (and administrations with wills annexed)		
	2013	2012
High Court: Principal Registry	6,207	5,727
Circuit Court: Local registries	5,541	4,734
<b>Total</b>	<b>11,748</b>	10,461

Intestacies (no valid will)		
	2013	2012
High Court: Principal Registry	1,630	1,702
Circuit Court: Local registries	1,514	1,447
<b>Total</b>	<b>3,144</b>	3,149

**25. Taxation of costs**

High Court	2013	2012
Summonses issued	<b>1,350</b>	1,221
Certificates issued	<b>345</b>	367

Outcomes	2013	2012
Costs claimed	<b>€16,329,082</b>	€19,845,528
Costs allowed	<b>€13,289,689</b>	€13,870,202
Total fees collected	<b>€1,111,627</b>	€1,115,596
Duty on summonses (included in total fees)	<b>€350,995</b>	€310,025

**26. Small Claims Procedure**

District Court: Applications received	2013	2012
In office	<b>1,927</b>	3,067

Disposed of	2013	2012
Cases not covered by procedure	1,026	1,221
Cases not proceeded with	228	475
Decrees by default	180	213
Settled by registrar	616	740
Referred to court	698	722
<b>Total</b>	<b>2,748</b>	3,371

Adjudicated by court	2013	2012
Decrees granted	306	345
Cases dismissed	82	73
Cases struck out/withdrawn	310	304
<b>Total</b>	<b>698</b>	722

## SECTION 4: FAMILY LAW

*The High Court and the Circuit Court have concurrent jurisdiction in family law matters. However, there is a right of appeal from the Circuit Court to the High Court.*

### 1. Judicial separation, divorce, nullity

Trends: Applications received						
	Judicial separation		Divorce		Nullity	
Year	High	Circuit	High	Circuit	High	Circuit
2013	25	1,292	11	3,598	2	46
2012	21	1,269	20	3,462	0	28
2011	27	1,352	28	3,330	0	39
2010	27	1,393	24	3,357	2	39

Trends: Orders granted						
	Judicial separation		Divorce		Nullity	
Year	High	Circuit	High	Circuit	High	Circuit
2013	20	804	25	2,924	0	9
2012	18	840	24	2,868	0	19
2011	23	1,006	38	2,777	0	34
2010	25	965	20	3,093	1	16

Trends: Judicial separation: applicants				
	Wife		Husband	
Year	High	Circuit	High	Circuit
2013	20	918	5	374
2012	16	926	5	343
2011	20	1,013	7	339
2010	24	1,030	3	363

Trends: Divorce: applicants				
	Wife		Husband	
Year	High	Circuit	High	Circuit
2013	6	1,979	5	1,619
2012	8	1,840	12	1,622
2011	13	1,796	15	1,534
2010	11	1,825	13	1,532

Trends: Nullity: applicants				
	Wife		Husband	
Year	High	Circuit	High	Circuit
2013	1	19	1	27
2012	0	17	0	11
2011	0	16	0	23
2010	0	23	2	16

### 2. Maintenance

District Court: Outcome of applications made (by applicant)				
	Married		Unmarried	
	2013	2012	2013	2012
Granted	1,354	1,274	2,744	2,676
Refused	41	55	26	109
Withdrawn/struck out	410	460	690	725
<b>Total</b>	<b>1,805</b>	<b>1,789</b>	<b>3,460</b>	<b>3,510</b>

### 3. Guardianship

District Court: Unmarried applicants*	2013	2012
Granted	2,261	2,219
Refused	71	94
Withdrawn/struck out	654	720
<b>Total</b>	<b>2,986</b>	<b>3,033</b>

\* Section 6A Guardianship of Infants Act, 1964

High Court	2013	2012
Received	52	43
Orders made	517	511

### 4. Custody and access

District Court: Outcomes						
	Custody & access		Custody only		Access only	
	2013	2012	2013	2012	2013	2012
Granted	694	600	745	821	4,383	4,219
Refused	31	35	64	47	140	145
Withdrawn/struck out	165	186	601	642	1,215	1,245

Circuit Court: Outcomes						
	Judicial separation		Divorce		Nullity	
	2013	2012	2013	2012	2013	2012
Orders made	467	432	727	672	2	7

## 5. Domestic Violence

Circuit Court: Outcomes		2013	2012
Orders made:		103	119

District Court: Trends	2013	2012	2011	2010	2009
Barring order applications	2,738	2,789	2,763	2,726	2,855
Barring orders made	1,167	1,165	1,043	1,064	1,106
Protection order applications	4,529	4,192	3,403	2,926	3,134
Protection orders made*	4,142	3,849	3,085	2,672	2,867
Safety order applications	5,334	5,026	3,755	3,561	3,322
Safety orders made	2,381	2,255	1,513	1,457	1,339
Interim barring order applications	674	648	731	530	545
Interim barring orders made*	522	520	569	431	451
* Some interim barring orders were granted on foot of applications for protection orders. Likewise some protection orders were granted on foot of interim barring orders.					

## 6. Childcare

**Types of cases** Applications by the Health Service Executive (HSE) in relation to care of children, mainly applications to have children placed in the care of or under the supervision of the HSE temporarily or permanently.

District Court	
Supervision order applications	1,317
Supervision orders made	970
Care order applications (long term or final order committing to care)	1,117
Care orders made	889
Interim care order applications*	6,023
Interim care orders made*	4,993
Emergency care order applications	520
Emergency care orders made	414
* includes extension of interim care orders	

## 7. Other

High Court: Hague Luxembourg Convention (child abduction)		
	2013	2012
Cases issued	50	37

Orders made		
Assess child	12	15
Interim order	133	107
Child returned (on consent)	19	3
Child returned (court order)	3	7
Child remain (on consent)	7	19
Child remain (court order)	2	9
<b>Total</b>	<b>176</b>	<b>160</b>

High Court: Adoption		
	2013	2012
Cases issued	29	12
Orders made	23	13

Circuit Court: Section 47 Civil Registration Act, 2004*		
	2013	2012
Received	563	593
Orders granted	428	467
* Section 47 Civil Registration Act, 2004 allows the court dispense with the necessity to give three months notice of intention to marry and/or allow people under the age of eighteen to marry		

## SECTION 5: LICENSING

Circuit Court	2013	2012
Applications dealt with	<b>284</b>	302

District Court: Applications dealt with	2013	2012
Renewal of publican licences	715	735
Temporary transfer of licence	703	653
Annual dance licence	930	1,076
Temporary dance licence	213	151
Restaurant certificate	559	556
Special exemption orders	45,869	48,363
Lottery licence	1,442	1,392
Other	2,412	2,640
<b>Total</b>	<b>52,843</b>	55,566



## SECTION 6: WAITING TIMES

### Supreme Court

<b>Waiting time</b>	This is the time between the lodgment of the certificate of readiness and the hearing date. Waiting times are governed by the availability of court time, the number of priority cases and the degree of urgency necessitated by the circumstances of particular appeals. The waiting time is also affected by the fact that in addition to sittings in the Supreme Court the judges of the Supreme Court are required to sit in the Court of Criminal Appeal. The availability of court time is also dependent on the preparation time required in advance of the hearing and the time required after the hearing for judgment conferences.
<b>Priority list</b>	<p>The list is under constant review and actively managed to prioritise those appeals which necessitate an expedited hearing. The Chief Justice has a management list each Thursday at which she gives directions for the management of the hearing of appeals.</p> <p>Priority is given to Child Abduction and Enforcement of Custody Orders Act, 1991 (Hague Convention) matters and European Arrest Warrant Act 2003 matters, with appeals case managed until their hearing. Application can also be made at the management list for priority in other matters where the particular circumstances dictate, including appeals in criminal matters, that might hold up a trial, and appeals from the High Court Commercial, Family Law or Asylum lists. Hearing dates are allocated, depending on the degree of urgency and the availability of dates.</p> <p>The average waiting time in this list during 2013 was 10 months.</p>
<b>General list</b>	These appeals comprise the general waiting list. The average waiting time for appeals in this list during 2013 was 4 years.

### Court of Criminal Appeal

<b>Waiting time</b>	The time from when an appeal is entered into the court list to the date of hearing
<b>Appeals</b>	15 months

### High Court: Crime

<b>Waiting time</b>		
<b>Murder and rape trials (Central Criminal Court)</b>	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	12/13 months
<b>Bail applications</b>	The date from the issue of a notice of motion to the date the matter is first listed before the High Court	Date immediately available

### High Court: Civil

#### *Personal injury*

<b>Waiting time:</b>						
<b>Dublin</b>	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 5 weeks					
<b>Other venues:</b>	(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					
<b>Venue:</b>	Cork	Dundalk	Galway	Kilkenny / Waterford	Limerick	Sligo
<b>Waiting time</b>	23 months	5 months	4 months	9 months	7 months	5 months

*Insolvency (corporate)*

<b>Waiting time:</b>	The time from the issue of a petition to the allocation of the first return date before the High Court
<b>Nature of application:</b>	
<b>Applications to appoint examiner</b>	Date immediately available
<b>Applications to wind up company</b>	3 weeks

*Other corporate applications*

<b>Waiting time:</b>	The time from the issue of a notice of motion to the first return date before the High Court
<b>Nature of application:</b>	
<b>Restrict directors (sec 150 Companies Act 1990)</b>	4 weeks
<b>Disqualify directors (sec 160 Companies Act 1990)</b>	4 weeks

*Insolvency (personal)*

<b>Waiting time:</b>	The time from the issue of a summons/petition to the first return date before the High Court
<b>Nature of application:</b>	
<b>Application to issue summons</b>	Date immediately available
<b>Application for adjudication</b>	Date immediately available

*Commercial list (proceedings defined in Order 63A Rule 1 Rules of the Superior Courts)*

<b>Nature of application</b>	<b>Waiting time</b>	
<b>Liberty to enter list (motion)</b>	The time from the issue of a summons to the first return date before the High Court	Date immediately available
<b>Full hearing</b>	The time from the first return date to the date of the full hearing	1 week to 3 months depending on time required for hearing

*Chancery matters commenced by plenary summons or special summons (including injunction applications, company law matters, specific performance/rescission of contracts, administration of estates of deceased persons, trust actions)*

<b>Nature of application</b>	<b>Waiting time</b>	
<b>Monday motion list</b>	The time from the issue of a notice of motion to the first return date before the High Court	2 weeks
<b>Hearing of certified cases</b>	The time from when a case is certified ready for hearing to the allocation of the first date for hearing before the High Court	3 months
<b>Special summonses (Master's Court)</b>	The time from the issue of a summons to the first return date before the Master of the High Court	4 weeks
<b>Special summonses (High Court)</b>	The time from the date of transfer from the Master's Court to the first return date before the High Court	4 weeks
<b>Chancery miscellaneous (motions that require more time than they can be given in the Monday list)</b>	The time from the issue of a notice of motion to the first return date before the High Court	4 months



*Possession*

Nature of application	Waiting time	
<b>Special summons for possession</b>	The time from the issue of a summons to the first return date before the Master of the High Court	4 weeks
<b>Full hearing</b>	The time from the date of transfer from the Master's Court to the first return date before the High Court	4 weeks

*Mortgage suits*

Nature of application	Waiting time	
<b>Special summons for well charging order</b>	The time from the issue of a summons to the first return date before the Master of the High Court	4 weeks
<b>Full hearing</b>	The time from the date of transfer from the Master's Court to the first return date before the High Court	4 weeks

*European Order for Payment*

Waiting time		
	The time from receipt of application to making of order	Within 30 days (as required by Regulation 1896/2006)

*Non jury (breach of contract, professional negligence, debt collection)*

Nature of application	Waiting time	
<b>Miscellaneous (motions that require more time than they can be given in the Monday list)</b>	The time between listing in the common law list and hearing in the non jury list	3 weeks
<b>Full hearing – cases less than one week in duration</b>	The time from when a case is certified ready for hearing to the allocation of the first date for hearing before the High Court	5 months
<b>Full hearing – cases more than one week in duration</b>	As above	9 months

*Judgment marked in the office*

Waiting time	
<b>The time from the lodgment of papers in the Central Office to the marking of judgment</b>	2 weeks

*Filings to assist recovery of debt*

<b>Waiting time:</b>	The time from the lodgment of papers in the Central Office to the signing of any of the documents referred to below	
<b>Nature of application:</b>		
<b>Issue of execution order</b>	Following business day	
<b>Renewal of execution order</b>	Following business day	
<b>Issue of judgment mortgage certificate</b>	Following business day	
<b>Registration of satisfaction piece</b>	Following business day	
<b>Registration of High Court, Circuit Court, or District Court judgment</b>	Following business day	

### Appeals from the Circuit Court

Waiting time		
	The time from the lodgment of the books of appeal to the allocation of the first date for hearing before the High Court	5 months

### Regulation of Professions

Waiting time		
	The time from the issue of a petition to the first return date before the High Court	Date immediately available

### Judicial review: asylum related

Nature of application	Waiting time
Pre-leave	30 months
Post leave	4 months

### Judicial review: other

Nature of application	Waiting time
Pre-leave	Application made <i>ex parte</i> on any Monday
Post leave	2 months

### Jury (defamation; false imprisonment; assault)

Waiting time		
	The time from when a case is certified ready for hearing to the allocation of the first date for hearing before the High Court	3 months

### Cases stated

Waiting time		
	The time from filing case stated to hearing	2 months

### Garda Compensation Act

Nature of application	Waiting time	
Special summons	The time from the issue of a summons to the first return date before the Master of the High Court	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

### Proceeds of Crime Act

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

### Hepatitis C Tribunal appeals

Waiting time		
	The time filing application to first listing	Within 3 months

*Master's Court*

Nature of application	Waiting time	
<b>Special Summonses</b>	The time from the issue of a summons to the first return date before the Master	4 weeks
<b>Motions</b>	The time from the issue of a notice of motion to the first return date before the Master	4 - 5 weeks
<b>Family law cases</b>		3 weeks

*Common Law Motions*

Waiting time		
	The time from the issue of a notice of motion to the first return date before the High Court	3 weeks

*Rulings (applications to have settlements involving minors approved by the High Court)*

Waiting time		
	The time from the lodgment of papers to first listing before the High Court	1 week

**High Court : Family**

Nature of application	Waiting time
<b>Urgent applications</b>	Within 3 weeks
<b>Non-contested cases</b>	Within 3 months
<b>Contested cases</b>	Within 3 months
<b>Applications under Hague Luxembourg Convention</b>	Case must be dealt with within 6 weeks
<b>Appeals from Circuit Court</b>	Within 3 months

**Circuit Court : Crime**

Nature of matter	Waiting time
<b>Trials</b>	The time from receipt of return for trial to hearing date
<b>Sentences</b>	The time from receipt of return for trial to sentence hearing
<b>Appeals</b>	The time from receipt of District Court appeal to date of appeal hearing

**Circuit Court : Civil**

Nature of matter	Waiting time
<b>Trials</b>	The time from receipt of notice of trial to the listing for hearing
<b>Appeals</b>	The time from receipt of District Court appeal to date of appeal hearing

**Circuit Court : Family**

Nature of matter	Waiting time
<b>Cases</b>	The time from receipt of notice of trial/notice of motion to the listing for hearing
<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)								
	Criminal			Civil		Family		
	Trials	Sentences	Appeals	Trials	Appeals	Contested	Non-contested	Appeals
<b>Carlow</b>	NS *	NS	NS	2	NS	6	NS	NS
<b>Carrick on Shannon</b>	6	6	3	3-6	3-6	6	NS	NS
<b>Castlebar</b>	3-6	3-6	3-6	NS	NS	NS	NS	NS
<b>Cavan</b>	12	9	9	12-18	6-9	12	NS	NS
<b>Clonmel</b>	9-12	3-6	9-12	NS	NS	NS	NS	NS
<b>Cork</b>	NS	NS	6-9	3-6	3	3-6	NS	NS
<b>Dublin</b>	10	1-2	1	2	2	1-3	2 weeks	4
<b>Dundalk</b>	18-24	3-6	3	12	NS	3-6	NS	3-6
<b>Ennis</b>	6	3	3	6	3	6-9	NS	6
<b>Galway</b>	9-11	3	2	3-6	3-6	3	2	3
<b>Kilkenny</b>	14	4	6	NS	NS	NS	NS	NS
<b>Letterkenny</b>	6-9	3-6	NS	12-18	12	6-9	NS	6-9
<b>Limerick</b>	NS	NS	NS	3-6	NS	NS	NS	NS
<b>Longford</b>	6-9	3-6	3-6	6-9	6-9	3-6	NS	NS
<b>Monaghan</b>	12-18	6-12	3-6	6-9	3-6	NS	NS	NS
<b>Mullingar</b>	12-18	NS	NS	12-15	12-15	6-9	NS	3-6
<b>Naas</b>	12	NS	NS	6-9	NS	NS	NS	NS
<b>Portlaoise</b>	6	6	3-6	9-12	3-6	3-6	NS	3-6
<b>Roscommon</b>	3-6	NS	NS	3-6	NS	3-6	NS	NS
<b>Sligo</b>	9	6	6	3	3	3	3	3
<b>Tralee</b>	NS	NS	NS	NS	NS	NS	NS	NS
<b>Trim</b>	6-12	NS	NS	NS	NS	NS	NS	NS
<b>Tullamore</b>	6-18	3-6	NS	9-12	NS	6-12	NS	NS
<b>Waterford</b>	9-12	3-6	3	NS	NS	NS	NS	NS
<b>Wexford</b>	12-18	NS	6-12	6-12	NS	6-12	NS	3-6
<b>Wicklow</b>	12	NS	12	9	9	6	6	6

\* NS = next sitting

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

#### District Court : Crime

Waiting time	
<b>Summons:</b>	The time from receipt of summons application to scheduled date for hearing
<b>Charge sheets:</b>	Charge sheet cases are usually heard in court within a day of the person being charged by An Garda Síochána

#### District Court : Civil

Waiting time	
<b>Applications:</b>	The time from receipt of application to date of listing for hearing

#### District Court : Family

Waiting time	
<b>Applications:</b>	The time from receipt of application to date of listing for hearing

District Court: Waiting times shown in weeks (unless otherwise stated)					
Office	Criminal		Civil	Family	
	Summonses	Charge sheets	Applications	Domestic violence applications**	Maintenance / guardianship applications
<b>Athlone</b>	12-14	NS #	4-8	2	4
<b>Ballina</b>	15-20	NS	6-8	NS	NS
<b>Bray</b>	16	NS	8	1-3	3-6
<b>Carlow</b>	12	NS	8-12	12	12
<b>Carrick on Shannon</b>	12-15	NS	8-12	NS	NS
<b>Castlebar</b>	12	NS	12	NS	6
<b>Cavan</b>	16	NS	8	NS	14-18
<b>Clonakilty</b>	16	NS	2-4	2-4	2-4
<b>Clonmel</b>	12	NS	4-10	2-4	4-8
<b>Cork</b>	14	NS	6	6	16
<b>Donegal</b>	12	NS	4-6	NS	4
<b>Dublin</b>	section 49*12				
<b>Other:</b>	31	NS	9	12.5	12.5
<b>Dundalk</b>	14	NS	8-10	4-8	8-10
<b>Ennis</b>	12-15	NS	8-12	5	8-10
<b>Galway</b>	10-12	NS	16	1	3
<b>Kilkenny</b>	20-26	NS	4	2-4	4-8
<b>Letterkenny</b>	20-24	NS	16-20	5	20
<b>Limerick</b>	8-12	NS	8-10	2	4
<b>Longford</b>	12	NS	4	1	4
<b>Loughrea</b>	12	NS	4	NS	4
<b>Mallow</b>	12-15	NS	4-8	NS	NS
<b>Monaghan</b>	16	NS	8-10	NS	NS
<b>Mullingar</b>	15-16	NS	4-8	NS	4
<b>Naas</b>	12-16	NS	8	2	8
<b>Nenagh</b>	16	NS	6-8	NS	4
<b>Portlaoise</b>	14-18	NS	12-16	NS	8-10
<b>Roscommon</b>	12-15	NS	4	NS	NS
<b>Sligo</b>	13-15	NS	8-24	NS	NS
<b>Tralee</b>	14	NS	8	4	4
<b>Trim</b>	14	NS	6-8	4-8	6-8
<b>Tullamore</b>	12	NS	4	NS	4
<b>Waterford</b>	16	NS	4	6	6
<b>Wexford</b>	16	NS	8	NS	6-8
<b>Youghal</b>	12-14	NS	8-12	NS	NS

\* Drink driving prosecutions

\*\* urgent interim applications are dealt with immediately (that is on next sitting day in every District)

# NS = next sitting

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





## CHAPTER 4 – CORPORATE GOVERNANCE

### Courts Service Board

The Service is governed by a Board consisting of a Chairperson and 16 other members (*see page 23*). The term of the Board is three years. The current Board was constituted in November 2011.

The Board operates to best practice corporate governance principles in line with the Courts Service Act 1998 and where applicable the guidelines as set out in the Code of Practice for the Governance of State Bodies (CPGSB).

*The Code of Practice for the Governance of State Bodies published by the Department of Finance provides a framework for the application of best practice in corporate governance by both commercial and non-commercial bodies. It introduced a range of new obligations for State bodies and places significant emphasis on the responsibility and accountability of Board members and management.*

The Board approves the strategic plan of the Service and oversees and supports its implementation through the annual planning and budgeting cycle. The current strategic plan for the period 2011-2014 was approved by the Board in October 2011. The strategic plan was approved by the Minister for Justice and Equality and the Minister must lay it with or without amendments, before each House of the Oireachtas. (*Section 7 Courts Service Act, 1998*).

The Strategic Plan sets out the strategic direction for the Service and places continuing emphasis on the implementation of the transformation programme and ensuring value for money. The Board reviews and monitors the Plan through regular progress reports. In this regard, the Chief Executive Officer and Senior Management Team compile an annual corporate business plan to ensure a focussed approach to the implementation of the Strategic Plan and for the achievement of the objectives contained therein. The annual corporate business plan 2013 was approved by the Board in December 2012. The plan for 2014 was approved in December 2013.

The Chief Executive Officer reports regularly to the Board on the operation of the Service, the implementation of Board policy, and expenditure and budgetary matters. In addition, the Board receives progress reports on the Action Plan of the Service under the Public Service Agreement and on the implementation of the Haddington Road Agreement (which replaced the Public Service Agreement). In 2013 the Board received these reports at its meetings in January, July, October and December.

Other reports approved by the Board included the Annual Report of the Service for 2012, the Annual Budget for the Service, the Corporate Risk Register and reports on the closure of court venues. The Board also received regular reports in relation to the implementation of Risk Management in the organisation and expenditure by the Service during the year.

The Board held six meetings during 2013 with an overall attendance of 81% at the meetings.

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.

### Governance Framework

Corporate governance continues to be a priority for the Service.

The Courts Service Act, 1998 (as amended) is the legislative basis for the establishment of the Service. A framework document approved by the Board defines the governance framework for the Service, the functions of the Board, the Service, the Chief Executive, and committees of the Board, and outlines their levels of authority and delegation arrangements. The document also defines policy statements on major areas of activity and the need for a strong internal control environment. It also outlines the communication strategy between the Service, the Minister for Justice and Equality and the media.

The Board has also adopted Standing Orders setting out its operating procedures. The Audit Committee of the Service meets best practice requirements in terms of membership, terms of reference and operation and reports annually to the Board.

As part of the Code of Practice for Governance of State Bodies, the Chief Executive, in his capacity as Board member and Accounting Officer, provides an Annual Report in relation to the organisation's system of internal financial controls. In this regard the Chief Executive Officer furnishes an Annual Report to the Minister for Justice and Equality confirming compliance across a range of headings. The Service complies with the Code of Practice and in particular affirms compliance with:

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

### **Chief Executive Officer**

The Courts Service Act, 1998 provides that the Chief Executive Officer is the Accounting Officer for the Service and clearly defines the accountability framework in which the Service operates. This is supported by the governance framework and corporate governance arrangements within the Service.

The Service is accountable to the Minister for Justice and Equality, and through the Minister, to the Government. It is also accountable through the Chief Executive Officer as Accounting Officer to the Oireachtas under the Committee of Public Accounts of Dáil Éireann, and other committees of the Oireachtas. The Service must submit an annual Report and such other information as the Minister may require. (*Section 8 of the Courts Service Act, 1998*).

The Chief Executive Officer as Accounting Officer is responsible for the implementation of policies approved by the Board, and the day-to-day management of the staff, administration and business of the Service. As Accounting Officer he is also responsible for the signing of the Annual Appropriation Account (*see page 67*) together with a Statement of Internal Financial Controls providing assurance on the internal financial control environment operating within the Service.

The Chief Executive Officer, supported by the Senior Management Team, prepares an annual budget for approval by both the Finance Committee and the Board. He complies with the functions required to be performed by him, with regular updates provided to the Board, the Finance Committee, and other Committees of the Board in regard to the management of the Service, implementation of policy, progress on the strategic plan and the modernisation agenda of the Service.

### **Appropriation Account**

The Appropriation Account is the annual financial account of the Service and is furnished to the Comptroller and Auditor General on or before 31st March each year. It is compiled on foot of approved estimates by the Oireachtas and is prepared by the Accounting Officer. For the purposes of the Appropriation Account the Chief Executive Officer is the Accounting Officer to whom the Minister for Finance has assigned responsibility, in accordance with section 22 of the Exchequer and Audit Department Act 1866, to prepare the annual account for the vote under his charge. An extract from the Appropriation Account 2013 submitted to the Comptroller and Auditor General is on page 67.

### **Internal Financial Control**

The Chief Executive Officer signs a Statement of Internal Financial Control (SIFC) for the purpose of the Appropriation Account. The SIFC addresses the internal control environment within the Service with particular regard to the financial control environment, the framework of administration, management reporting and internal control. It includes a statement of compliance with procurement guidelines and with circulars relating to the mandatory use of framework agreements and contracts.

Breaches of controls, in particular instances of fraud or irregularity, must be brought to the attention of the Comptroller and Auditor General in accordance with public financial procedures. The Service made a nil return in respect of such incidences in 2013. The Service has a policy statement on prevention and detection of fraud with all cases irrespective of value being reported to the Resource Management Directorate, the Senior Management Team, and the Audit Committee.

## Budget Management

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

## Audit Committee

The role of the Audit Committee is fundamental to ensuring that the Service operates according to good governance, accounting and auditing standards, and adopts appropriate risk management arrangements. The Committee's terms of reference were revised and updated in 2013 to bring them into line with best practice and guidance.

The Committee focuses primarily on assisting the Board and the Chief Executive Officer fulfil their duties by providing an independent and objective review of the financial reporting and budgeting process, financial and operational risks (including overall risk management), effectiveness of internal controls and risk management, effectiveness of internal and external audit functions, adequacy of governance procedures, and value for money issues.

The Committee, which includes persons with significant business expertise and experience within the public, semi-state and private sectors, met four times during the year. The Audit Committee is supported by the Internal Audit function and reports annually to the Board. The membership of the Committee is on page 24.

## Internal Audit Function

Internal Audit is an independent appraisal function charged with reviewing operations across all areas of the Service, as a service to the Board, the Audit Committee and to all levels of management. 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 Committee. All audit reports are submitted directly to the Chief Executive Officer and to the Audit Committee who also receive periodic reports showing progress against the plan. The Unit completed 23 audits during the year.

An external quality assessment of the Service's Internal Audit Unit was carried out by the Institute of Internal Auditors (IIA) in October 2013, in accordance with international best practice and standards (which require a quality review of internal audit to be carried out at least every five years). The assessment found that the Internal Audit Unit operates to a high standard, is independent and objective, is well respected by management and conforms to the IIA's auditing standards and code of ethics.

## Risk Management

The risk management framework and policy of the Service is approved by the Board. It provides for a planned and systematic approach to identifying and managing a range of risk categories: financial, service delivery, infrastructure (buildings and ICT), people, compliance and governance, health and safety, and projects. Under the CPGSB, a Chief Risk Officer has been appointed. The Officer is a member of the Senior Management Team and reports directly to the Audit Committee and the Board.

A Corporate Risk Register is reviewed regularly by the Chief Executive Officer, Senior Management Team, Audit Committee and the Board. The Register is linked to the annual business planning process and is a key document in enabling the Service deal with challenges and risks. It sets out the major risks facing the Service together with the existing controls, planned actions to mitigate the risks identified, and identifies owners and target dates for completion. It also provides the context through which Heads of Directorates prepare their own risk registers.

The embedding of risk management across the organisation is an ongoing process. Risks are identified at corporate and business unit level and managed accordingly by assigning responsibility to the relevant directorate and office manager. Further progress continued to be made during 2013 to refresh the approach of the Service to the operations of risk management including alignment with the annual plan of the Internal Audit Unit.

## Procurement

Responsibility for procurement is devolved to each Head of Directorate. The Procurement Officer of the Service provides support on all procurement issues with roles and responsibilities prepared for relevant budget holders. The devolved nature of procurement in the Service requires that directorates and regional offices play a significant role in the procurement process. Roles and responsibilities have been compiled for budget holders as required.

Training was provided during 2013 to promote and increase awareness of obligations in the procurement area. As part of governance arrangements regular updates on procurements are provided to the Senior Management Team with all new contracts reported to the Board on a quarterly basis. The Service liaises and cooperates with the Office of Government Procurement to avail of centrally procured goods and services contracts and ensure value for money. For example, a service to manage printing requirements in the Department of Justice and Equality, the Financial Shared Services Centre and agencies, including the Service, commenced in 2013. The service, being implemented through a contract with a specialist print company, has resulted in savings by centralising the supply and management of printers and photocopiers.

Non-compliance with procurement regulations is reported to the Comptroller and Auditor General in accordance with Circular 40/02: Public Procurement Guidelines. The matter is also referred to in the Annual Appropriation Account in the Statement of Internal Financial Control. There were 10 such instances in 2013 compared with 10 instances in 2012.

## Performance budgeting

The Service continues to comply with the performance budgeting format introduced in 2012. This new format identifies key outputs, context and impact indicators for the Service. The performance budgeting targets for the Service for 2013 are set out in the Revised Estimates Volume for 2013. (*see page 10*).



## CHAPTER 5 – ANNUAL FINANCIAL STATEMENTS

### FINANCIAL HIGHLIGHTS

Voted Funds	2013 €'000	2012 €'000
Current Expenditure:		
Pay	49,012	49,188
Non-Pay	27,298	28,707
PPP	20,240	22,437
<b>Total Current</b>	<b>96,550</b>	<b>100,332</b>
Capital Expenditure	8,097	7,365
Income	46,838	48,541
<b>Net Expenditure</b>	<b>€ 57,809</b>	<b>€59,156</b>

Court Funds	2013	2012
Funds managed on behalf of court, minors and other beneficiaries at 30/9/2013	€1.293 billion	€1.188 billion

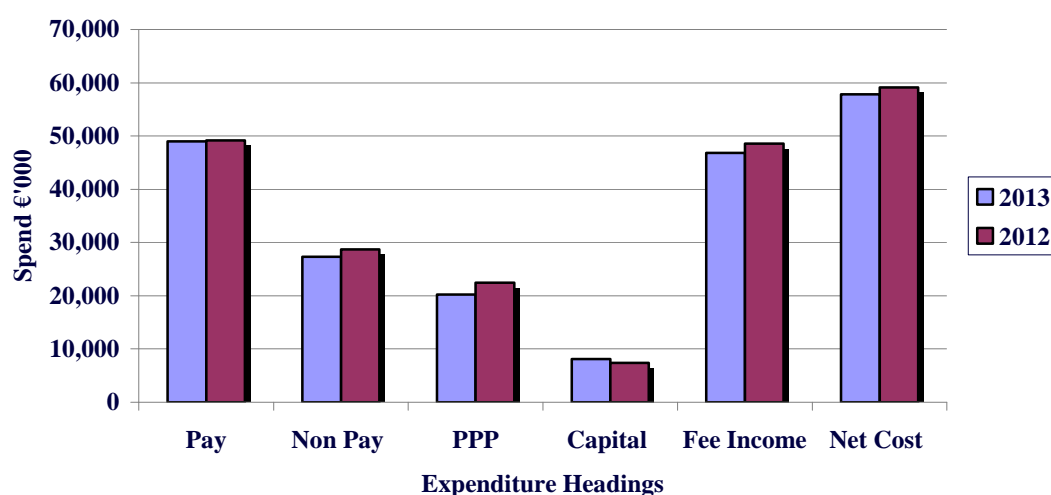
Financial Operations	2013 €'000	2012 €'000
Fines Collected	13,754	14,177
Family law receipts	18,786	19,744
Bail Receipted	3,375	3,150
Court fees collected (and retained)*	42,165	43,720
Poor box receipted	1,995	1,903
Civil court and small claims receipts	659	463
<b>Total</b>	<b>80,734</b>	<b>83,157</b>
* excludes miscellaneous income and the pension levy		

### Voted funds

The fifth consecutive year of budgetary cuts represented a major challenge for the Service. Notwithstanding the difficulties, a balanced budget was achieved through ongoing monitoring and management of expenditure and income across all headings. This approach ensured that, to the greatest extent possible, best value was achieved from the funding available and core court operations were supported effectively.

The net cost of running the Service in 2013 was €57.809m compared with €59.156m in 2012. Total current expenditure (including payroll and PPP unitary payment for the Criminal Courts of Justice) was €96.55m compared with €100.3m in 2012, capital expenditure was €8.1m compared with €7.3m in 2012 and total income (including court fees receipts, miscellaneous income and pension levy) was €46.8m compared with €48.5m in 2012.

Funding for the Service is supplemented by courts fees receipts, miscellaneous income and a pension levy. *Diagram 1* contains an expenditure analysis for 2013 by category.

**Diagram 1. : Expenditure / Income Analysis 2013 v 2012**

### Court Fees

Court fees are charged in respect of legal documents lodged and services provided in court offices.

The Service also collects fees on behalf of the Revenue Commissioners and the Property Registration Authority. The fees collected on behalf of the Revenue Commissioners include excise duties on certain licensing applications. The Property Registration Authority fees relate to access to documents held locally in court offices.

New fees orders - Supreme Court and High Court (Fees) Order 2013 (S.I. No. 239 of 2013), Circuit Court (Fees) Order 2013 (S.I. No. 240 of 2013) and District Court (Fees) Order 2013 (S.I. No. 241 of 2013) – came into force on 10th July 2013.

A further fees order, Supreme Court and High Court (Fees) (No.2) Order 2013, came into force on 3rd December 2013 (S.I. No. 466 of 2013) to coincide with the commencement of Part 7 of the Courts and Civil Law (Miscellaneous Provisions) Act, 2013 providing for the transfer of the Office of the Official Assignee in Bankruptcy from the Service to the Insolvency Service of Ireland. The fees payable to the Office of the Official Assignee in Bankruptcy became payable to the Insolvency Service of Ireland in accordance with the said fees order from 3rd December 2013.

There was a decrease in certain fee income generating activity, particularly in relation to applications for special exemption licences.

Court fees	2013 (000's)	2012 (000's)
Retained by the Courts Service *	42,165	43,720
Revenue Commissioners	5,456	5,946
Property Registration Authority	2	3
<b>Total</b>	<b>47,623</b>	<b>49,669</b>
* Note – relates to court fees only.		



**EXTRACT FROM APPROPRIATION ACCOUNT 2013****EXPENDITURE AND INCOME**

	<b>2013</b> <b>€'000</b>	<b>2012</b> <b>€'000</b>
<b>Current Expenditure</b>		
Salaries and wages	49,012	49,188
Travel and subsistence	2,881	2,719
Staff and judicial training	332	331
Stenography and other fees	3,120	3,591
Legal services	513	538
Postal services	1,199	1,030
Telecommunications	1,277	1,472
Office equipment and materials	460	542
Courthouse maintenance	7,359	7,290
Heat, light and fuel costs	3,041	2,832
Furniture and fittings	118	106
Leases	5,082	5,699
Consultancy ( non I.T related)	67	192
Incidental/ miscellaneous costs	1,849	2,365
PPP – unitary payment	20,240	22,437
<b>Total Current Expenditure</b>	<b>96,550</b>	<b>100,332</b>
<b>Capital Expenditure</b>		
Computer and telecommunications systems	5,592	5,056
Courthouses and other buildings	2,505	2,309
<b>Total Capital Expenditure</b>	<b>8,097</b>	<b>7,365</b>
<b>Total Gross Expenditure</b>	<b>104,647</b>	<b>107,697</b>
<b>Income (Appropriations - in -Aid)</b>		
Fees	42,165	43,720
Miscellaneous	1,809	1,892
Pension levy	2,864	2,929
<b>Total Income</b>	<b>46,838</b>	<b>48,541</b>
<b>Total Net Expenditure</b>	<b>57,809</b>	<b>59,156</b>

Note: These figures for 2013 are provisional and subject to audit by the Comptroller and Auditor General.



## EXTRACT FROM APPROPRIATION ACCOUNT 2013

### STATEMENT BY ACCOUNTING OFFICER ON INTERNAL FINANCIAL CONTROL

#### Responsibility for System of Internal Financial Control

As Accounting Officer, I acknowledge my responsibility for ensuring that an effective system of internal financial control is maintained and operated by the Courts Service. This responsibility is exercised in the context of the resources available to me and my other obligations as Chief Executive Officer. Also, any system of internal financial control can provide only reasonable and not absolute assurance that assets are safeguarded, transactions authorised and properly recorded, and that material errors or irregularities are either prevented or would be detected in a timely manner. Maintaining the system of internal financial controls is a continuous process and the system and its effectiveness are kept under ongoing review.

#### Financial Control Environment

I confirm that a control environment containing the following elements is in place:

- financial responsibilities have been assigned at management level with corresponding accountability
- reporting arrangements have been established at all levels where responsibility for financial management has been assigned
- formal procedures have been established for reporting significant control failures and ensuring appropriate corrective action

#### Administrative Controls and Management Reporting

I confirm that a framework of administrative procedures and regular management reporting is in place including segregation of duties and a system of delegation and accountability and, in particular, that

- there is an appropriate budgeting system with an annual budget which is kept under review by senior management
- there are regular reviews by senior management of periodic and annual financial reports which indicate financial performance against forecasts
- a risk management system operates within the Courts Service
- there are systems aimed at ensuring the security of the ICT systems
- there are appropriate capital investment control guidelines and formal project management disciplines

The Courts Service is compliant with all relevant guidelines regarding procurement with the exception of 10 contracts to the value of €1,536,458. These contracts were extended beyond the original contract date without competitive procurement and an independent review was not obtained in advance of expenditure as required under Circular 40/02. The details of these contracts have been reported to the C&AG and there are now contracts in place, or in the process of being put in place, for 7 of the items referred to above. Of the remaining 3 items, the Courts Service is proactively taking steps to ensure that contracts are in place for these services in 2014.

#### Audit Committee

I can confirm that the Courts Service has an Audit Committee. The Committee is a sub-committee of the Board of the Courts Service. The role of the Committee is to oversee, advise and support the Board and the Chief Executive Officer/Accounting Officer by reviewing the comprehensiveness of assurances on a range of matters including the integrity of internal financial controls. The Audit Committee operates under an approved written charter and submits an annual report to the Courts Service Board. It also reviews and approves the Internal Audit annual work programme.

#### Internal Audit

I confirm that the Courts Service has an internal audit function with appropriately trained personnel, which operates in accordance with a written charter which I have approved. Its work is informed by analysis of the financial risks to which the Service is exposed and its annual internal audit plans, approved by me, are based on this analysis. These plans aim to cover the key controls on a rolling basis over a reasonable period. The internal audit function is reviewed periodically by me and by the Audit Committee. I have put procedures in place to ensure that the reports of the internal audit function are followed up.

Signed:



Brendan Ryan  
Accounting Officer  
31st March 2014

Note: This statement is subject to final review and 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 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 (or other Government) time limits. 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 is paid to suppliers in respect of invoices not paid within 30 days of receipt.

Late payments		
Interest amount €	Compensation amount €	Total €
466.79	1,620.00	2,086.79

Prompt Payment Quarterly Returns by Government Departments 2013 Agency: Courts Service				
Quarter ended	% of overall total value paid within 30 days	Value of payments within 30 days	% no. of payments within 30 days	No. of payments within 30 days
March	97	€8,556,370	90	2,848
June	99	€12,523,350	96	2,826
September	99	€9,840,589	99	2,420
December	100	€13,731,345	99	2,677

*15 day payment requirement*

The Government reduced the payment period by State bodies to their suppliers from 30 to 15 days with effect from July 2011. The Service makes every effort, consistent with proper financial procedures, to ensure that all suppliers are paid within this timeframe. The table below shows the performance with regard to the 15 day payment requirement in 2013:

Prompt Payment Quarterly Returns by Government Departments 2013 Agency: Courts Service				
Quarter ended	% 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
March	80	€7,073,169	62	1,971
June	90	€11,331,153	67	1,968
September	92	€9,135,447	77	1,913
December	93	€12,830,300	87	2,367

## COURT FUNDS

The courts have a custodial role in relation to funds lodged in court following the making of court orders or in compliance with legislative requirements. The funds principally relate to wards of court, minors (persons under 18 years), and lodgments by parties to court proceedings. Funds lodged in court are managed by the Office of the Accountant of the Courts of Justice (the Accountant's Office).

### Details of funds

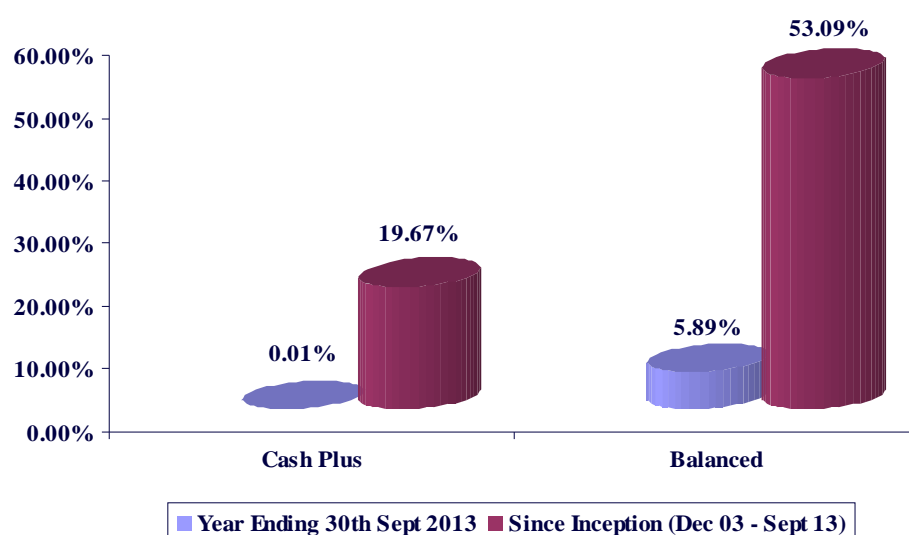
Funds managed by the Accountant's Office were €1.293 billion at the end of the financial year to 30th September 2013, an increase of €105 million on 2012. The increase was attributable to a net increase in investment performance of €20 million (€23 million in 2012) and a net decrease in capital transactions of €85 million (*i.e.* excess of disbursements over receipts).

Court Funds		
	2013	2012
Funds managed on behalf of court, minors and other beneficiaries (30/9/2013)	€1.293 billion	€1.188 billion

During the year to 30th September 2013 the Service continued to invest all funds, for which it has responsibility, on a prudent basis. In many cases the overriding investment objective was capital preservation, particularly for minors, while in other cases the objective was to seek a higher return in cases where income generation was a requirement. In the prevailing volatile and uncertain market conditions and with the ongoing concerns over risks within the Eurozone, the Service sought to ensure that court funds were adequately diversified and prudently invested. While volatility in financial markets continues, the Service continued to take a risk-averse approach to the investment of funds during the year, with a high proportion of funds being invested in cash.

Court funds have exhibited overall strong cumulative investment performance since the current investment arrangements were established in December 2003. *See table 1*

**TABLE 1 – SPECTRUM FUND INVESTMENT PERFORMANCE (NET OF FEES)**



### Management of funds

The Investment Committee, chaired by the President of the High Court, continued to monitor the investment performance of court funds and related matters and the Service continued to retain the services of independent investment advisors, fund managers and custodians.

In addition, the annual financial statements for the Accountant's Office continued to be externally audited. The financial statements for the year ending 30th September 2013 were signed off by the Accountant of the Courts of Justice and the President of the High Court and audited by Grant Thornton in December.

The auditors issued a clean audit opinion. The statements will be formally considered by the Audit Committee in March 2014 before being filed with the Minister for Justice and Equality, and the Minister for Public Expenditure and Reform. Extracts are on pages 71 to 73.

The management of court funds is also subject to audit by the Internal Audit Unit of the Service. As part of the risk management policy and framework implemented by the Service the management of court funds is subject to regular monitoring and review to ensure that all major risks are adequately managed.

## THE OFFICE OF THE ACCOUNTANT OF THE COURTS OF JUSTICE

### EXTRACT FROM THE AUDITED FINANCIAL STATEMENTS AS AT 30TH SEPTEMBER 2013

#### STATEMENT OF ASSETS AND LIABILITIES AT 30TH SEPTEMBER 2013

	30/9/2013 €	30/9/2012 €
<b>INVESTMENT ASSETS</b>		
Investments	1,271,780,807	1,175,917,662
<b>CURRENT ASSETS</b>		
Debtors	12,410,315	10,809,458
Bank	10,026,894	2,952,425
<b>TOTAL CURRENT ASSETS</b>	22,437,209	13,761,883
<b>CURRENT LIABILITIES</b>		
Creditors	(690,770)	(900,105)
<b>TOTAL CURRENT LIABILITIES</b>	(690,770)	(900,105)
<b>NET CURRENT ASSETS</b>	21,746,439	12,861,778
<b>TOTAL NET ASSETS</b>	<b>1,293,527,246</b>	1,188,779,440
<b>Represented by:</b>		
Funds held for beneficiaries	1,293,527,246	1,188,779,440

The financial statements were approved by the Accountant on 18th December 2013.

**THE OFFICE OF THE ACCOUNTANT OF THE COURTS OF JUSTICE**

**EXTRACT FROM THE AUDITED FINANCIAL STATEMENTS AS AT 30TH SEPTEMBER 2013**

**STATEMENT OF OPERATIONS  
FOR THE YEAR ENDED 30 SEPTEMBER 2013**

	<b>30/9/2013</b>	<b>30/9/2012</b>
	<b>€</b>	<b>€</b>
<b>NET REALISED AND UNREALISED GAINS</b>		
Net realised gains on investments disposed of during the year	6,706,512	9,706,748
Net change in unrealised gains on investments	15,475,183	15,294,712
Net losses realised on transfers of assets	(107,193)	(396,415)
	<u><u>22,074,502</u></u>	<u><u>24,605,045</u></u>
<b>NET REALISED AND CHANGE IN UNREALISED GAINS</b>		
Investment income	327,022	276,399
	<u><u>22,401,524</u></u>	<u><u>24,881,444</u></u>
Expenses	(2,023,576)	(1,897,508)
	<u><u>20,377,948</u></u>	<u><u>22,983,936</u></u>
<b>INCREASE IN NET ASSETS FROM OPERATIONS</b>		

The financial statements were approved by the Accountant on 18th December 2013.

## THE OFFICE OF THE ACCOUNTANT OF THE COURTS OF JUSTICE

## EXTRACT FROM THE AUDITED FINANCIAL STATEMENTS AS AT 30TH SEPTEMBER 2013

STATEMENT OF CHANGES IN NET ASSETS  
FOR THE YEAR ENDED 30 SEPTEMBER 2013

	30/9/2013 €	30/9/2012 €
<b>INCREASE IN NET ASSETS RESULTING FROM OPERATIONS</b>		
Investment income less expenses	(1,696,554)	(1,621,109)
Net realised gains on investments	6,706,512	9,706,748
Net change in unrealised gains on investments	15,475,183	15,294,712
Net losses realised on transfers of assets	(107,193)	(396,415)
<b>INCREASE IN NET ASSETS FROM OPERATIONS</b>	<b>20,377,948</b>	<b>22,983,936</b>
<b>CAPITAL TRANSACTIONS</b>		
Receipts	566,174,586	955,132,733
Disbursements	(481,804,728)	(967,857,265)
<b>INCREASE/(DECREASE) IN NET ASSETS FROM CAPITAL TRANSACTIONS</b>	<b>84,369,858</b>	<b>(12,724,532)</b>
Increase in net assets	104,747,806	10,259,404
Net assets at beginning of year	1,188,779,440	1,178,520,036
<b>NET ASSETS AT END OF YEAR</b>	<b>1,293,527,246</b>	<b>1,188,779,440</b>

The Report and Financial Statements are available on the website of the Service at [www.courts.ie](http://www.courts.ie).

## COURTS ACCOUNTS OFFICE

The Courts Accounts Office operates as a shared services centre for the processing of all District Court financial transactions for fines, family law, bail, court fees, poor box and civil small claims. In 2013 there were 572,222 receipts and payments transactions with a value of €172.5m, compared with 576,227 transactions valued at €178.6m in 2012.

### Fines

The Service manages and receipts fines imposed by the courts. Court fines received are transferred to the Exchequer and a number of other government departments and agencies.

Court fines collected and transferred		
	2013 (€'000's)	2012 (€'000's)
Exchequer (motor fines)	6,807	7,626
Exchequer (general) *	4,879	4,144
Revenue Commissioners	1,761	2,175
Department of Communications, Energy and Natural Resources	972	36
Department of Agriculture, Fisheries and Food	210	196
<b>Total</b>	<b>13,754</b>	<b>14,177</b>
* Included in this figure is monies transferred to the Exchequer in relation to unclaimed bail monies over 3 years old of €452k for 2013 and €469k for 2012		

Court fines collection rate		
	2013	2012
% fines collection rate	76%	82
% fines paid on-line (% volume)	32%	29

### Family law

The Service processes family law payment for both maintenance debtors and creditors.

Family law: Receipts and Payments				
	2013		2012	
	€'000	Volume	€'000	Volume
Receipts	€18,786	224,298	€19,744	227,251
Payments	€18,795	218,083	€19,801	220,612

The Service continues to encourage users to avail of electronic funds transfer (EFT) as the preferred method of payment with 93% of family law maintenance creditors paid by EFT in 2013, and 71% of family law maintenance debtors making payment by standing order.

Family Law: Electronic Funds Transfer		
	2013	2012
% family law paid via electronic funds transfer (% volume)	93%	93%
% family law received via electronic funds transfer	71%	68%

### Poor Box

The court may direct that money be paid into the court poor box *in lieu* of, or in conjunction with, another penalty. Payments can be made via the Service for onward payment to a charity as directed by the court.

	Receipts €	Payments €
District Court and combined court offices	1,9; 6,944	1,989,397



## CHAPTER 6 – REPORTS OF THE COURTS RULES COMMITTEES

### SUPERIOR COURTS RULES COMMITTEE

The Superior Courts Rules Committee was established by section 67 of the Courts of Justice Act 1936. Under section 68 of the 1936 Act the power to make, annul or alter rules of court is exercisable by the Committee with the concurrence of the Minister for Justice and Equality.

#### MEMBERSHIP OF THE COMMITTEE AT YEAR ENDING 31ST DECEMBER 2013

The Chief Justice, the Hon. Mrs Justice Susan Denham (Chairperson)

The President of the High Court, the Hon. Mr Justice Nicholas Kearns (Vice Chairman)

The Hon. Mr Justice Donal O'Donnell, judge of the Supreme Court

The Hon. Mr Justice William McKechnie, judge of the Supreme Court

The Hon. Mr Justice John Edwards, judge of the High Court

The Hon. Mr Justice Anthony Barr, judge of the High Court

The Master of the High Court, Mr Edmund W. Honohan S.C.

Mr. Paul McGarry S.C., nominated by the Council of the Bar of Ireland

Mr. Gerard Meehan 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. Michael Kavanagh, Solicitor, nominated by the Council of the Law Society of Ireland

Mr. Noel Rubotham, Director of Reform and Development, Courts Service, to whom membership has been delegated by the Chief Executive Officer of the Courts Service under section 30(2) of the Courts Service Act 1998

Ms. Mary Cummins, Office of the Chief State Solicitor – appointed to act in place of the Attorney General under section 36(4) of the Courts and Court Officers Act 2002

Mr. John Mahon, Registrar of the Supreme Court

*Secretary:* Ms. Liz Hughes, Directorate of Reform and Development, Courts Service

*Drafting Services:* Mr. Sean Barton of McCann FitzGerald solicitors

The Chief Justice paid tribute to the Hon. Ms Justice Elizabeth Dunne who stood down from the Committee on her elevation to the Supreme Court. The term of office of Mr. Patrick Groarke, nominee of the Council of the Law Society of Ireland came to a conclusion in May 2013. The Committee recorded its appreciation of the sterling contribution made by Mr. Groarke to the Committee during his 15 years as a member.

The Committee met on 5 occasions during 2013. The following rules of the Superior Courts were signed by the Minister for Justice and Equality between the 1st January 2013 and the 31st December 2013:-

S.I. No.	Title	Date signed by Committee	Operative date
101 of 2013	RSC (Order 123) 2013	24th January 2013	8th April 2013
116 of 2013	RSC (Order 72A) 2013	18th October 2012	15th April 2013
117 of 2013	RSC (International Criminal Court Act 2006) 2013	12th July 2012	15th April 2013
307 of 2013	RSC (Lugano Convention, Maintenance and Service) 2013	18th October 2012	26th August 2013
316 of 2013	RSC (Personal Insolvency) 2013	23rd July 2013	9th August 2013
395 of 2013	RSC (Winding-Up of Companies: Forms) 2013	8th March 2012	11th November 2013
396 of 2013	RSC (Payments into Court) 2012	24th January 2013	11th November 2013
461 of 2013	RSC (Bankruptcy) 2013	24th October 2013	3rd December 2013

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

Title	Date signed by Committee
RSC (Courts and Civil Law (Miscellaneous Provisions) Act 2013) 2013	24th October 2013
RSC (Provision of Transcripts of Sentencing Hearings) 2013	24th October 2013
RSC (Case Stated) 2013	24th October 2013
RSC (Service or delivery by post) 2013	24th October 2013

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

- Draft Rules of the Superior Courts (Chancery and Non-Jury Actions: Pre-trial procedures)
- Draft Rules of the Superior Courts (Conduct of Trials)
- Draft Rules of the Superior Courts (Bail hearings)

Liz Hughes  
Secretary

### CIRCUIT COURT RULES COMMITTEE

The rule-making authority for the Circuit Court is the Circuit Court Rules Committee established under section 69 of the Courts of Justice Act 1936. The remit of the Committee is fixed partly by section 66 of The Courts of Justice Act 1924 which empowers it to annul or alter rules and make new rules with the concurrence of the Minister for Justice and Equality, including rules for regulating the sessions, vacations and circuits of the Circuit Judges and the practice, pleading and procedure generally (including liability of parties as to costs and also the entering-up of judgement and granting of summary judgement in appropriate cases) of the Circuit Court and the use of the national language therein amongst other things.

### MEMBERSHIP OF THE COMMITTEE AT YEAR ENDING 31ST DECEMBER 2013

The Hon. Mr. Justice Raymond Groarke President of the Circuit Court (Chairman)

Her Honour Judge Alison Lindsay, Judge of the Circuit Court

His Honour Judge Tony Hunt, Judge of the Circuit Court

Ms. Dervla Browne S.C., nominated by the Council of the Bar of Ireland

Mr. David Dodd B.L., nominated by the Council of the Bar of Ireland

Mr. Gerard J. Doherty, Solicitor, nominated by the Law Society of Ireland

Ms. Fiona Duffy Coady, Solicitor, nominated by the Law Society of Ireland

Mr. Ronan Boylan, 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. Noel Rubotham, Director of Reform and Development, Courts Service, to whom membership has been delegated by the Chief Executive Officer of the Courts Service under section 30(2) of the Courts Service Act 1998

[Vacancy], County Registrar, Dublin

Ms. Patricia Casey, County Registrar, Carlow, 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:* Ms. Liz Hughes, Directorate of Reform and Development, Courts Service

*Drafting Services:* Mr. Sean Barton of McCann Fitzgerald solicitors

The Committee met on 5 occasions in 2013. The following rules of the Circuit Court were signed by the Minister for Justice and Equality between the 1st January 2013 and the 31st December 2013:

S.I. No.	Title	Date signed by Committee	Operative date
100 of 2013	Circuit Court Rules (Recording of Proceedings) 2013	4th February 2013	23rd March 2013
302 of 2013	Circuit Court Rules (Taking of Evidence for EU Courts) 2013	13th May 2013	26th July 2013
317 of 2013	Circuit Court Rules (Personal Insolvency) 2013	29th July 2013	9th August 2013

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

- Circuit Court Rules (Lugano Convention and Maintenance Regulation) 2013
- Circuit Court Rules (Registered Post) 2013
- Circuit Court Rules (Provision of Transcripts of Sentencing Hearings) 2013

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

- Circuit Court Rules (Sex Offenders Act 2001) 2013

Liz Hughes  
Secretary

## DISTRICT COURT RULES COMMITTEE

The rule making authority for the District Court is the District Court Rules Committee established under section 71 of the Courts of Justice Act, 1936. The Committee may annul or alter rules and make new rules with the concurrence of the Minister for Justice and Equality.

### MEMBERSHIP OF THE COMMITTEE AT YEAR ENDING 31ST DECEMBER 2013

The President of the District Court, Her Honour Judge Rosemary Horgan (Chairperson)

Judge Mary Devins, Judge of the District Court

Judge Brian Sheridan, Judge of the District Court

Judge Conal Gibbons, Judge of the District Court

Judge Anne Watkin, Judge of the District Court

Ms. Fiona Twomey, Solicitor, nominated by the Law Society of Ireland

Ms. Shalom Binchy, Solicitor, nominated by the Law Society of Ireland

Mr Mark Harty, S.C., nominated by the Council of the Bar of Ireland

Mr. Roy Pearson, Chief State Solicitor's Office, appointed to act in place of the Attorney General under section 36(4) of the Courts and Court Officers Act, 2002

Mr. Noel A. Doherty, Directorate of Reform and Development, Courts Service, to whom membership has been delegated by the Chief Executive Officer under section 30(2) of the Courts Service Act, 1998

Ms. Michelle Johnston, Deputy Chief Clerk, Dublin Metropolitan District Court

*Secretary:* Ms. Liz Hughes, Directorate of Reform and Development, Courts Service

*Drafting Services:* Mr. Sean Barton of McCann Fitzgerald Solicitors

The Committee met on 8 occasions during 2013. The following rules of the District Court were signed by the Minister for Justice and Equality between the 1st January 2013 and the 31st December 2013:

S.I. No.	Title	Date signed by Committee	Operative date
99 of 2013	District Court (Recording of Proceedings) Rules 2013	28th February 2013	8th April 2013
306 of 2013	District Court (Enforcement of Maintenance Orders) Rules 2013	28th February 2013	26th August 2013
311 of 2013	District Court (Maintenance and Lugano Convention) Rules 2013	10th December 2012	26th August 2013

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

- District Court (Civil Procedure) Rules 2013

Liz Hughes  
Secretary



## CHAPTER 7 – LEGISLATIVE PROVISIONS

Legislative provisions with particular significance for the operation of the courts in 2013 included:

### **Courts and Civil Law (Miscellaneous Provisions) Act, 2013**

This Act was signed into law on 24th July 2013. The Act, *inter alia*,

- (a) makes provision for the reporting of family law matters and child care matters subject to certain restrictions\*
- (b) extends the threshold of the Circuit Court to €75,000, except in personal injury proceedings where the threshold is extended to €60,000\*
- (c) extends the threshold of the District Court to €15,000\* and
- (d) makes amendments to the Personal Insolvency Act 2012 (*commenced 31st July 2013*) in respect of the personal insolvency remedies and to the Bankruptcy Act 1988 (*commenced 3rd December 2013*).

### **Companies (Miscellaneous Provisions) Act, 2013**

This Act was signed into law on 24th December 2013. The Act, *inter alia*,

- (a) amends the Companies (Amendment) Act 1990 to confer jurisdiction on the Circuit Court in examinerships subject to certain criteria being met
- (b) amends certain sections of the Companies (Amendment) Act 1986 and section 128 of the Companies Act 1963
- (c) makes further provision about the duties and powers of designated officers in circumstances where search warrants have been issued under section 20 of the Companies Act 1990
- (d) amends the Company Law Enforcement Act 2001
- (e) amends certain sections of the Personal Insolvency Act 2012, and
- (f) amends certain sections of the Bankruptcy Act 1988.

### **Fines (Payment and Recovery) Bill, 2013**

The Fines Act 2010 made provision for the payment of fines by instalment and for a range of sanctions to be imposed as an alternative to imprisonment where a fine remained unpaid. These included the appointment of receivers and the making of community service orders.

The main purpose of the 2013 Bill is to include provisions for attachment of earnings as a means of recovering unpaid fines. The Bill also amends the instalment payment provisions in the 2010 Act and streamlines its other provisions. A number of changes, mainly administrative, are also being made.

### **Assisted Decision-Making Capacities Bill, 2013**

The purpose of the Bill is to reform the law and to provide a modern statutory framework that supports decision-making by adults and enables them to retain the greatest amount of autonomy possible in situations where they lack, or may shortly lack, capacity.

The Bill changes the existing law on capacity, shifting from the current all or nothing status approach to a flexible functional one, whereby capacity is assessed on an issue- and time-specific basis. The Bill replaces the wards of court system with a statutory framework to assist persons in exercising their decision-making capacity.

*Details of Statutory Instruments enacting Court Rules are in Chapter 6*

\* relevant sections of Act not commenced as of 31st December 2013



## CHAPTER 8 – ADDITIONAL INFORMATION

### Contacting offices of the Service

Contact details for the main offices of the Service are on the website [www.courts.ie](http://www.courts.ie).

Details may also be obtained from the Information Office, Courts Service, Phoenix House, 15/24 Phoenix Street North, Smithfield, Dublin 7. Telephone: 01-8886459.

### Eircom telephone directories

Telephone numbers for the main offices of the Service are in the green pages section of the Eircom telephone directories and online in eircom PhonebookOnline ([www.eircomphonebook.ie](http://www.eircomphonebook.ie)) and [www.goldenpages.ie](http://www.goldenpages.ie).

### Other information

The Legal Diary with details of cases listed in the Supreme Court, the Court of Criminal Appeal, the High Court (including the Central Criminal Court) and the Circuit Court is on the website. Annual reports of the Service together with strategic plans, customer service action plan, customer charter and other publications are on the website.

A Guide to the Courts Service published in compliance with the Freedom of Information Act is on the website. The Guide contains a general description of the structures of the Service, its functions, the services it provides to the public and how to access them together with a general description of the classes of records held. It also sets out the rules, procedures, guidelines and interpretations used by the Service.

### Website

The website can be accessed at [www.courts.ie](http://www.courts.ie). Users of mobile devices can access the provincial Legal Diary *via* [m.courts.ie](http://m.courts.ie).

### Solicitors

Matheson, solicitors,  
70 Sir John Rogerson's Quay,  
Dublin 2.

McCann FitzGerald, solicitors,  
Riverside One,  
Sir John Rogerson's Quay,  
Dublin 2.

### Auditors

The Office of the Comptroller and Auditor General,  
Treasury Block,  
Lower Yard,  
Dublin Castle,  
Dublin 2.  
(*Appropriation Accounts*)

Grant Thornton,  
Chartered Accountants,  
24-26 City Quay,  
Dublin 2  
(*Financial Statements of the Office of the Accountant of the Courts of Justice*).







*An tSeirbhís Chúirteanna*  
*Courts Service*

**The Courts Service**  
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