

Chapter 5

Court Statistics

Court Statistics

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Court Statistics

Introduction

The drive to improve the range and quality of statistical material available on the work of the courts and court offices continued in 2004. The Service remains committed to seeking out the best methods of extracting statistical reports from the many information technology systems now operating in court offices around the country. Work continued during the year on the development of an electronic reporting facility for this purpose. The first reports using this new facility will be available in mid 2005.

Statistics in this Chapter are for the period from January 1st 2004 to December 31st 2004. They are listed by reference to specific categories of law: criminal, civil, family and licensing.

Short descriptions of the jurisdiction of the courts and the nature of the work carried out in a number of administrative offices are also provided. In some instances, statistical material for the year 2003 is provided for comparison purposes. Details of the procedure for obtaining a date for hearing together with information about the average length of time taken for cases to be allocated a date for hearing are also provided. The glossary of terms on page 157 is intended to explain many of the terms used in the course of court proceedings.

LAW TERMS 2004

Hilary: January 12th to April 2nd

Easter: April 19th to May 27th

Trinity: June 9th to July 31st

Michaelmas: October 4th to December 21st



Court Statistics

Section 1

Supreme Court

Court Statistics

Section 1: Supreme Court

The Supreme Court is the court of final appeal with power to hear appeals from all decisions of the High Court and appeals from the Court of Criminal Appeal if that court or the Attorney General certifies that the decision involves a legal point of exceptional public interest. It has other powers under the Constitution including power to give a ruling on a question of law submitted to it by the Circuit Court.

	Appeals lodged	Appeals dealt with
2004	531	*722
2003	440	304

* 432 of these appeals were disposed of in the review of uncertified appeals list.

OUTCOME OF APPEALS DEALT WITH

	2004	2003
Appeal dismissed, High Court order affirmed	144	148
Appeal allowed, High Court order discharged	62	64
Allow appeal, High Court order varied	14	12
Appeal struck out by consent	46	31
Liberty to re-enter granted	0	0
Remit to High Court	0	0
Answer questions	2	4
Appeal withdrawn by consent	20	43
Refer to Europe under Article 243 EU Treaty	1	1
No jurisdiction	1	1
Other	0	0
TOTAL	290	304

JUDGMENTS

	2004	2003
Reserved judgments outstanding at 01/01	11	26
Judgments reserved	80	78
Judgments delivered	72	93
Reserved judgments outstanding at 31/12	19	11

FIXING DATES FOR HEARING

Dates are assigned by the Registrar when the case has been certified as ready. The Chief Justice case manages the list to ascertain if the requirements of the Court's practice directions have been complied with. This ensures that all appeals are ready for hearing and court time is not wasted.

WAITING TIMES

10 months from the assignment of a date to the hearing date.

Section 2

Criminal

Court Statistics

Section 2: Criminal

COURT OF CRIMINAL APPEAL

The Court of Criminal Appeal hears appeals by persons convicted on indictment in the Circuit Criminal Court and in the Central Criminal Court where the appellant obtains a certificate from the trial judge that the case is a fit one for an appeal, or, where such certificate is refused, where the Court of Criminal Appeal itself, on appeal from such refusal, grants leave to appeal. The Court also hears appeals by the Director of Public Prosecutions (DPP) under section 2 of the Criminal Justice Act, 1993 and applications under section 2 of the Criminal Procedure Act, 1993.

APPEALS BY REFERENCE TO TRIAL COURT

Court	On hands 01/01	New appeals lodged	Disposed of	On hands 31/12
Circuit Criminal Court	191	169	187	173
Central Criminal Court	70	55	47	78
Special Criminal Court	15	9	7	17
Courts-Martial Appeal Court	3	1	4	0
Appeals by DPP	31	21	20	32
Criminal Procedure Act Appeals	3	2	1	4
Total	313	257	266	304

APPEALS BY REFERENCE TO TYPE OF APPEAL

	On hands 01/01	New appeals lodged	Disposed of	On hands 31/12
Conviction and sentence	68	50	45	73
Conviction only	81	44	57	68
Sentence only	164	163	164	163
Total	313	257	266	304

HIGH COURT (BAIL)

Persons granted bail in the District Court may apply to the High Court to vary the conditions of bail. If the District Court refuses bail, application may be made to the High Court. A person charged with murder can only apply to the High Court for bail.

	2004	2003
Applications made	2,862	2,183
Applications granted on own surety	365	471
Applications granted on third party surety	430	525
Applications refused	310	284
Applications refused under Bail Act, 1997	29	26
Applications withdrawn	201	194
Applications struck out	369	388
Orders varied	109	104

CENTRAL CRIMINAL COURT

The High Court exercising its criminal jurisdiction is known as the Central Criminal Court. It consists of a judge or judges of the High Court nominated from time to time by the President of the High Court. The court sits at such times and in such places as the President may decide.

Although the Central Criminal Court has full jurisdiction in all types of offences, in practice it only deals with offences where it has exclusive jurisdiction. The court deals mainly with murder, rape and serious sexual assault cases, but also has the jurisdiction in respect of piracy and treason. It also has jurisdiction under the Competition Act, 2002.

Traditionally, the Central Criminal Court sat exclusively in Dublin. In 2004, the court sat in Limerick for 49 days between February and August, in Sligo for 11 days in October and November and in Ennis for 12 days in December.

Court Statistics

Section 2: Criminal

MURDER CASES

MURDER CASES: 1996 TO 2004

	Received	Disposed of	Other
1996	25	23	0
1997	28	19	0
1998	29	20	0
1999	33	29	0
2000	42	33	1
2001	31	32	1
2002	55	48	4
2003	39	58	1
2004	28	59	4
Total	310	321	11

ANALYSIS OF MURDER / MANSLAUGHTER CASES DISPOSED OF

	2004	2003
Persons convicted of murder	23	28
Persons convicted of offences other than murder	24	17
Persons convicted of attempted murder or other related offence	0	1
Persons found not guilty by reason of insanity	2	3
Persons acquitted	7	6
Accused deceased	0	0
Other (including nolle prosequi)	3	3
Total	59	58

SENTENCES IMPOSED IN MURDER/ MANSLAUGHTER CASES

	2004	2003
Life imprisonment	23	30
More than 10 years	9	6
More than 5 years, less than 10 years	12	5
More than 2 years, less than 5 years	2	5
Other	2	2
Not guilty by reason of insanity	2	3

PLEAS / JURY TRIALS

	2004	2003
Pleas	19	14
Jury trials	40	43

MURDER CASES OUTSTANDING AT 31/12

41

RAPE AND SEXUAL ASSAULT CASES

RAPE CASES: 1996 TO 2004

	Received	Disposed of
1996	48	48
1997	72	51
1998	130	86
1999	130	98
2000	113	94
2001	92	98
2002	82	93
2003	52	100
2004	40	72
Total	759	740

Court Statistics

Section 2: Criminal

ANALYSIS OF RAPE CASES DISPOSED OF

	2004	2003
Persons convicted of rape	10	12
Persons convicted of rape and other offences	17	31
Persons convicted of other sexual offences	9	18
Persons acquitted	16	19
Other (including nolle prosequi)	20	20
Total	72	100

SENTENCES IMPOSED IN RAPE AND SEXUAL ASSAULT CASES

	2004	2003
Life	2	2
More than 10 years	8	7
More than 5 years, less than 10 years	14	28
Less than 5 years	7	16
Other	7	8

PLEAS / JURY TRIALS

	2004	2003
Pleas	23	40
Jury trials	37	44

RAPE CASES OUTSTANDING AT 31/12

	2004	2003
	89	103

SPECIAL CRIMINAL COURT

The Special Criminal Court hears criminal cases directed to be tried in the Special Criminal Court by certificate of the Director of Public Prosecutions. Since 1998, the Court has dealt with 116 cases involving some 194 people.

DEALT WITH 1998 - 2004

Year	Cases	Persons
1998	21	37
1999	14	18
2000	26	36
2001	18	32
2002	13	22
2003	9	19
2004	15	30
Total	116	194

In 2004, 15 trials involving 30 accused persons were held in the Special Criminal Court. 10 persons entered guilty pleas and 13 were convicted having pleaded not guilty.

	2004	2003
On hands 01/01	48	30
New cases	8	27
Disposed of	15	9
Outstanding 31/12	41	48

	Trials	People	Convicted on plea of not guilty	Convicted on plea of guilty	Struck out nolle prosequi / acquitted
2004	15	30	13	10	7
2003	9	19	7	6	6

Court Statistics

Section 2: Criminal

CIRCUIT COURT

The Circuit Criminal Court has jurisdiction to deal with all indictable offences with the exceptions of murder, rape, aggravated sexual assault, treason, piracy and related offences. Most serious crimes, with the above exceptions, are tried in the Circuit Criminal Court. Cases may be tried by the judge in the circuit where the offence was committed or where the accused resides. However, in Circuit Criminal Courts outside Dublin, the trial judge may, on application by the prosecution or the defence and if satisfied that it would be unjust not to do so, transfer a trial to the Dublin Circuit Criminal Court. Criminal cases dealt with by the Circuit Criminal Courts commence in the District Court and are sent forward to the Circuit Criminal Court for trial or sentencing.

OUTCOME OF JURY TRIALS

	Accused convicted	Accused acquitted
2004	151	204
2003	161	129

ANALYSIS OF CRIMINAL BUSINESS

	Jury trials	Guilty plea	Nolle prosequi	Change to guilty plea
2004	355	1,465	115	183
2003	319	1,634	123	249

TRIAL AND JURORS SELECTED

	Circuit Court	Central Criminal Court
Jury trials dealt with	355*	77
Estimated number of jurors	4,260	924

* Does not include cases where plea of not guilty changed to guilty plea.

DISTRICT COURT APPEALS

The Circuit Court deals with criminal appeals from the District Court by way of re-hearing.

	Received	Dealt with
2004	6,382	6,743
2003	11,624	10,931

Court Statistics

Section 2: Criminal

DISTRICT COURT

The District Court exercising its criminal jurisdiction deals with four particular types of offences:

- **Summary offences** (these are offences for which there is no right of trial by jury). This makes up the bulk of the criminal work of the District Court. These offences are exclusively statutory in origin
- **Indictable offences dealt with summarily** with the consent of the accused and the Director of Public Prosecutions (DPP) and the judge being of the opinion that the facts constitute a minor offence
- **Indictable offences (other than certain offences including rape, aggravated sexual assault, murder, treason and piracy)** where the accused pleads guilty and the DPP consents, and the judge accepts the guilty plea
- **Indictable offences not tried summarily**

The District Court also processes and deals with applications for bail.

CASES DEALT WITH

	2004	2003
Summary cases	312,152	327,677
Indictable cases dealt with summarily	45,645	47,267

SUMMARY CASES

	2004	2003
Road traffic offences	213,063	236,315
Other summary offences	99,089	91,362

OUTCOMES: SUMMARY OFFENCES

	2004	2003
Imprisonment/Detention*	10,240	10,432
Fines**	85,111	100,475
Community service	1,166	1,840
***Other	215,635	214,930
TOTAL	312,152	327,677

INDICTABLE CASES DEALT WITH SUMMARILY

	2004	2003
Imprisonment/Detention*	7,755	7,448
Fines**	5,167	5,812
Community Service	860	1,043
***Other	31,863	32,964
TOTAL	45,645	47,267

* Maximum sentence that can be imposed by the District Court in respect of any offence is 12 months. The cumulative duration in respect of consecutive sentences cannot exceed two years.

** The maximum fine the District Court can impose depends on the offence. In general, the maximum fine which the District Court can impose in respect of any one offence is €1,904.61

*** Other: probation, peace bond, strike out, adjourn generally, taken into consideration and dismiss

Court Statistics

Section 2: Criminal

The statistics on *pages 91 to 97* have been extracted from the Criminal Case Management System. Statistics are provided for Dublin and Limerick District Court only.

The system was rolled out to all other District Court offices during 2004 (*see page 40*). Enhanced statistical information will be available from these offices from 2005.

*CASES OF A SEXUAL NATURE DEALT WITH IN DUBLIN

Court determination	Summary offences	Offenders	Indictable Offences dealt with summarily	Offenders
Community service order	1	1	0	0
Detention	0	0	0	0
Detention suspended	0	0	0	0
Dismiss	7	7	108	103
Fines	2	2	26	26
Imprisonment	0	0	4	4
Imprisonment - suspended	1	1	1	1
Peace bond	0	0	2	2
Poor box	1	1	59	59
Probation	2	2	15	9
Struck out	12	12	60	51
Taken into consideration	6	6	42	20
Withdrawn	0	0	0	0
Total	32	32	317	275
Sexual offences returned for trial				216
Persons returned for trial on sexual charges				32

* Figures include Dun Laoghaire, Swords, Richmond, Chancery St, Children Court and exclude Kilmainham and Tallaght

CASES OF A SEXUAL NATURE DEALT WITH IN LIMERICK

Court determination	Summary offences	Offenders	Indictable Offences dealt with summarily	Offenders
Community service order	0	0	0	0
Detention	0	0	0	0
Detention suspended	0	0	0	0
Dismiss	1	1	0	0
Fines	1	1	0	0
Imprisonment	0	0	0	0
Imprisonment - suspended	0	0	1	1
Peace bond	0	0	1	1
Poor box	0	0	0	0
Probation	0	0	0	0
Struck out	1	1	4	3
Taken into consideration	2	2	2	1
Withdrawn	0	0	1	1
Total	5	5	9	7
Sexual offences returned for trial				9
Persons returned for trial on sexual charges				4

Court Statistics

Section 2: Criminal

*ALL ROAD TRAFFIC OFFENCES DEALT WITH IN DUBLIN

Court determination	Summary offences	Offenders	Indictable offences dealt with summarily	Offenders
Adjourn generally	17	6	0	0
Community service order	79	62	16	13
Detention	165	122	116	100
Detention suspended	14	12	9	9
Dismiss	4,669	2,523	58	57
Fines	17,867	12,811	30	29
Imprisonment	654	483	78	75
Imprisonment suspended	227	196	25	23
Peace bond	72	40	14	14
Poor box	94	94	4	4
Probation	405	106	95	72
Struck out	37,911	14,600	246	236
Taken into consideration	12,723	3,505	119	92
Withdrawn	563	236	25	25
Reduced charge	51	51	0	0
Total	75,511	34,847	835	749
Road traffic offences returned for trial				168
Persons returned for trial on road traffic offences				130

ALL ROAD TRAFFIC OFFENCES DEALT WITH IN LIMERICK

	Summary offences	Offenders	Indictable offences dealt with summarily	Offenders
Community Service Order	21	7	1	1
Detention	3	3	4	3
Detention suspended	0	0	1	1
Dismiss	258	159	8	6
Fines	3,431	2,931	1	1
Imprisonment	139	93	12	12
Imprisonment suspended	47	40	3	3
Peace Bond	0	0	0	0
Poor Box	1	1	0	0
Probation	14	4	3	3
Struck Out	6,590	5,316	17	15
Taken into consideration	2,324	526	16	11
Withdrawn	204	99	1	1
Reduced charge	74	74	0	0
Total	13,106	9,253	67	57
Road traffic offences returned for trial				6
Persons returned for trial on road traffic offences				5

* Figures include Dun Laoghaire, Swords, Richmond, Chancery St, Children Court and exclude Kilmainham and Tallaght

Court Statistics

Section 2: Criminal

*SPECIFIC ROAD TRAFFIC OFFENCES DEALT WITH IN DUBLIN

Court determination	Dangerous driving		Drink driving		Parking offences		Unauthorised takings of motor vehicles	
	Summary Offences	Offenders	Summary Offences	Offenders	Summary Offences	Offenders	Indictable Offences Dealt With Summarily	Offenders
Community service order	0	0	2	2	0	0	8	8
Detention	18	12	3	3	0	0	69	61
Detention suspended	1	1	0	0	0	0	5	5
Dismiss	35	32	215	215	50	32	31	30
Fines	95	88	999	985	627	618	14	14
Imprisonment	24	19	30	29	0	0	62	39
Imprisonment suspended	4	3	16	15	0	0	23	22
Peace bond	0	0	3	3	0	0	4	4
Poor box	2	2	1	1	2	2	0	0
Probation	7	6	7	5	1	1	59	48
Struck out	201	133	269	265	1,345	1,318	126	122
Taken into consideration	51	45	94	89	57	30	76	64
Withdrawn	10	7	21	20	19	19	21	20
Reduced charge	30	30	1	1	0	0	0	0
Total	478	378	1,661	1,633	2,101	2,020	498	437

* Figures include Dun Laoghaire, Swords, Richmond, Chancery St, Children Court and exclude Kilmainham and Tallaght

Court Statistics

Section 2: Criminal

SPECIFIC ROAD TRAFFIC OFFENCES DEALT WITH IN LIMERICK

Court determination	Dangerous driving		Drink driving		Parking offences		Unauthorised takings of motor vehicles	
	Summary Offences	Offenders	Summary Offences	Offenders	Summary Offences	Offenders	Indictable Offences Dealt With Summarily	Offenders
Community service order	2	2	0	0	0	0	1	1
Detention	1	1	0	0	0	0	4	3
Detention suspended	0	0	0	0	0	0	0	0
Dismiss	3	3	26	25	20	20	4	4
Fines	26	19	278	276	1,053	1,051	1	1
Imprisonment	27	23	11	11	0	0	8	8
Imprisonment suspended	2	2	1	1	0	0	2	2
Peace Bond	0	0	0	0	0	0	0	0
Poor Box	0	0	0	0	0	0	0	0
Probation	0	0	0	0	0	0	3	3
Struck out	33	32	41	41	3,444	3,442	12	12
Taken into consideration	29	24	50	46	5	5	11	8
Withdrawn	12	11	5	5	3	3	1	1
Reduced charge	36	36	0	0	0	0	0	0
Total	171	153	412	405	4,525	4,521	47	43

Court Statistics

Section 2: Criminal

*ASSAULT/PUBLIC ORDER OFFENCES DEALT WITH IN DUBLIN

Court determination	Summary offences	Offenders	Indictable offences dealt with summarily	Offenders
Community service order	124	98	1	1
Detention	133	95	3	3
Detention suspended	16	6	1	1
Dismiss	2,243	1,820	2	2
Fines	1,173	1,023	1	1
Imprisonment	499	322	2	2
Imprisonment suspended	191	161	1	1
Peace bond	270	219	1	1
Poor box	705	702	0	0
Probation	467	266	0	0
Struck out	2,385	1,816	23	22
Taken into consideration	1,797	1,059	3	2
Withdrawn	153	131	0	0
Total	10,156	7,718	38	36

ASSAULT/PUBLIC ORDER OFFENCES DEALT WITH IN LIMERICK

Court determination	Summary offences	Offenders	Indictable offences dealt with summarily	Offenders
Community service order	42	28	0	0
Detention	10	9	0	0
Detention suspended	0	0	0	0
Dismiss	153	105	6	6
Fines	186	166	0	0
Imprisonment	93	73	0	0
Imprisonment suspended	72	70	0	0
Peace bond	12	10	0	0
Poor box	0	0	0	0
Probation	29	18	0	0
Struck out	643	472	8	8
Taken into consideration	341	197	1	1
Withdrawn	97	65	1	1
Total	1,678	1,213	16	16

* Figures include Dun Laoghaire, Swords, Richmond, Chancery St, Children Court and exclude Kilmainham and Tallaght

Court Statistics

Section 2: Criminal

*DRUGS OFFENCES DEALT WITH IN DUBLIN

Court determination	Summary offences	Offenders	Indictable Offences dealt with summarily	Offenders
Community service order	2	2	19	14
Detention	7	7	12	12
Detention - suspended	1	1	7	7
Dismiss	35	32	200	159
Fines	15	14	157	149
Imprisonment	21	19	89	69
Imprisonment - suspended	6	6	52	43
Peace bond	6	6	41	30
Poor box	6	6	33	33
Probation	13	13	128	74
Struck out	46	44	465	341
Taken into consideration	29	26	247	132
Withdrawn	4	4	36	28
Total	191	180	1,486	1,091
Drug offences returned for trial				563
Persons returned for trial on drug offences				201

DRUGS OFFENCES DEALT WITH IN LIMERICK

Court determination	Summary offences	Offenders	Indictable offences dealt with summarily	Offenders
Community service order	0	0	1	1
Detention	0	0	0	0
Detention - suspended	0	0	0	0
Dismiss	0	0	11	11
Fines	3	3	85	85
Imprisonment	0	0	17	17
Imprisonment - suspended	0	0	7	6
Peace bond	0	0	0	0
Poor box	0	0	0	0
Probation	0	0	23	16
Struck out	1	1	93	84
Taken into consideration	5	5	75	44
Withdrawn	0	0	5	4
Total	9	9	317	268
Drug offences returned for trial				32
Persons returned for trial on drug offences				11

* Figures include Dun Laoghaire, Swords, Richmond, Chancery St, Children Court and exclude Kilmainham and Tallaght

Court Statistics

Section 2: Criminal

*LARCENY CASES DEALT WITH IN DUBLIN

Court determination	Indictable offences dealt with summarily	Offenders
Community service order	62	58
Detention	120	90
Detention - suspended	6	6
Dismiss	1,336	1,147
Fines	454	417
Imprisonment	853	514
Imprisonment - suspended	210	178
Peace bond	149	117
Poor box	347	346
Probation	559	275
Struck out	2,039	1,447
Taken into consideration	1,000	427
Withdrawn	117	89
Total	7,252	5,111
Larceny offences returned for trial		484
Persons returned for trial on larceny offences		146

LARCENY CASES DEALT WITH IN LIMERICK

Court determination	Indictable offences dealt with summarily	Offenders
Community service order	14	3
Detention	19	16
Detention - suspended	0	0
Dismiss	147	126
Fines	30	29
Imprisonment	77	58
Imprisonment - suspended	99	48
Peace bond	0	0
Poor box	0	0
Probation	46	21
Struck out	101	83
Taken into consideration	138	72
Withdrawn	4	3
Total	675	459
Larceny offences returned for trial		6
Persons returned for trial on larceny offences		5

* Figures include Dun Laoghaire, Swords, Richmond, Chancery St, Children Court and exclude Kilmainham and Tallaght

Court Statistics

Section 2: Criminal

JUVENILE CRIME

The District Court is known as the Children Court when dealing with accused persons under the age of 18. In most provincial locations, the Children Court is held in conjunction with the normal sittings of the District Court. However, Children Court cases are heard at designated times, usually either before or after the other business of the District Court and are heard in the presence of the parties involved and the media only. In Dublin, these cases are dealt with in the Children Court building in Smithfield. There are dedicated children court sittings in Waterford, Limerick and Cork and Galway. The Children Court can deal with all charges against children, except those that by reason of their gravity or other special circumstances the District Judge does not consider fit to deal with.

APPLICATIONS FOR COMMITTAL TO SPECIAL SCHOOLS COUNTRYWIDE

Determination	2004	2003
Juveniles committed to Industrial Schools	8	18
Juveniles committed to Reformatory schools	12	25
Applications for committal struck out/refused	2	32
Total	22	75

DUBLIN METROPOLITAN DISTRICT COURT ONLY

NUMBER OF CHILDREN BROUGHT BEFORE THE CHILDREN COURT

Court Determination	Children whose date of birth is 1992*	Children whose date of birth is 1991*	Children whose date of birth is 1990*	Children whose date of birth is 1989*	Children whose date of birth is 1988*	Children whose date of birth is 1987*	Children whose date of birth is 1986*	Totals
Strike Out	2	4	11	25	85	138	161	426
No Order	1	0	3	4	27	27	35	97
Probation	1	0	4	13	44	65	63	190
Withdrawn	1	0	4	5	20	13	18	61
Dismiss	0	3	10	14	55	89	121	292
Detention	0	2	2	8	43	67	100	222
Children Returned to Higher Court for Trial	0	0	0	4	15	26	20	65
Fine	0	0	1	0	16	39	41	97
Peace Bond	0	0	1	4	15	31	45	96
Community Service Order	0	0	0	0	1	3	6	10
Poor Box	0	0	0	0	4	12	21	37
Total Number of Children	5	9	36	77	325	510	631	1,593

* the system records date of birth not age of child.

Court Statistics

Section 2: Criminal

FIXING DATES FOR HEARING:

COURT OF CRIMINAL APPEAL

Dates for hearing of appeals are allocated at a list to fix dates held once a term. The Court also operates a case-management list which provides a useful forum for applications for priority, interlocutory applications and for the management of the preparation of documentation in appeals estimated to take more than a day. Conviction appeals estimated to take more than a day are processed in the case-management list. When certified as ready, the Chief Justice, in consultation with the President of the High Court, usually specially convenes a court during the following legal term.

HIGH COURT (BAIL)

Applicants select dates by way of notice of motion issued in the Central Office.

CENTRAL CRIMINAL COURT

Cases are returned to the next or present sitting of the Court and placed in a list to fix dates. In addition, the list is called over during the court term and cases are allocated dates, usually several months in advance.

SPECIAL CRIMINAL COURT

The accused is charged before the Court and remanded pending the preparation of a book of evidence. Cases are not assigned dates for hearing until the book of evidence has been served.

CIRCUIT COURT

Dublin

Cases are returned to the present or next sitting of the Dublin Circuit Criminal Court. At the beginning of each week, a call over list is presided over by a judge and the trials and pleas identified. The judge assigns the trials to different courts and deals with the pleas. Cases not ready to proceed are adjourned.

Provincial

All new criminal cases are returned to the next sitting of the Circuit Court. On the first day of the sitting the judge establishes which cases are ready to go ahead and allocates dates for hearing. Cases not ready for hearing are adjourned to the next session.

DISTRICT COURT

Dublin

- Computerised Summonses

Computerised summonses are allocated by the court office to a specific court on the next available date

- Manual Summonses

Manual summonses are allocated by the court office to a specific court on the next available date

- Charge sheets

New charge sheets are brought directly to the appropriate court by An Garda Síochána where they are immediately included in the court list

Court Statistics

Section 2: Criminal

Provincial

- Computerised Summonses (Cork and Limerick only)

Summonses are allocated by the court offices to a specific court on the next available date

- Manual Summonses (all provincial offices)

S.I. No. 5 of 1961 (as amended) sets out the dates, times and venues of court sittings in provincial court areas. An Garda Síochána or the prosecution select the court venue and date. Summonses which have been served are included in the court list for the return date on the summons.

Charge sheets

New charge sheets are brought directly to the appropriate court by An Garda Síochána where they are immediately included in the court list.

AVERAGE WAITING TIMES:

COURT OF CRIMINAL APPEAL

Sentence appeals: 4 - 6 months

Conviction cases: 8 - 10 months

HIGH COURT (BAIL)

Applications received are listed for the following Monday.

CENTRAL CRIMINAL COURT

11-12 months.

SPECIAL CRIMINAL COURT

4 months

CIRCUIT COURT

Waiting times are listed in Appendix IV.

DISTRICT COURT

Waiting times are listed in Appendix V.

Section 3
Civil

Court Statistics

Section 3: Civil

HIGH COURT

The High Court has full jurisdiction in and power to determine all matters and questions whether of law or fact, civil or criminal. Its jurisdiction also extends to the question of the validity of any law having regard to the provisions of the Constitution. The High Court also acts as an appeal court from the Circuit Court in civil matters. It has power to review the decisions of certain tribunals. It may also give rulings on questions of law submitted by the District Court.

CASES INITIATED IN THE CENTRAL OFFICE

Plenary Summons	2004	2003
Admiralty	9	27
Assault	166	172
Breach of contract	526	592
Conversion	6	5
Chancery declaration	713	805
Defamation	29	49
False imprisonment	20	6
Forfeiture	4	2
Injunction	408	399
Libel	86	130
Malicious prosecution	2	1
Negligence	1,456	1,519
Nuisance	3	12
Personal injury	15,293	11,245
Fatal action	106	105
Probate action	12	19
Rescission	12	16
Slander	18	11
Specific performance	224	192
Trespass	21	17
Wardship	2	1
Miscellaneous	826	919
Total	19,942	16,244

	2004	2003
Revenue Summons	766	979
Summary Summons	1,668	1,543

Court Statistics

Section 3: Civil

Special Summons	2004	2003
Arbitration Act	24	22
Charities Acts	2	0
Garda compensation	120	59
Mortgage suit	70	70
Partition Acts	5	2
Possession	164	265
Return of documents	6	5
Succession	54	65
Social Welfare Act	1	0
Trade Marks Act, 1996	4	2
Trustees Act	11	8
Vendor & purchaser	7	10
Miscellaneous	53	24
Total	521	566

OVERVIEW OF SUMMONSES ISSUED

Summons type	2004	2003
Revenue	766	979
Plenary	19,942	16,244
Special	521	566
Summary	1,668	1,543
Total	22,897	19,332

Companies Matters	2004	2003
Examinership	4	11
Winding Up Petition	104	83
Restore to Register Petition	201	254
Section 72 Cos Act, 1963*	6	7
Section 73 Cos Act, 1963	1	5
Section 106 Cos Act, 1963	2	8
Section 122 Cos Act, 1963	0	4
Section 135 Cos Act, 1963	1	1
Section 150 (excludes applications initiated in the Examiners Office**)	103	165
Section 160 Cos Act, 1990	16	1
Section 201 Cos Act, 1963	2	2
Section 205 Petition	18	21
Section 245 Cos Act, 1963	0	3
Section 251 Cos Act, 1963	3	5
Section 280 Cos Act, 1963	10	8
Section 310 Cos Act, 1963	1	0
Section 316 Cos Act, 1963	1	0
Section 371 Cos Act, 1963	4	16
Section 178 Cos Act, 1990	0	1
Section 204 Cos Act, 1963	0	2
Section 257 Cos Act, 1963	0	1
Section 290 Cos Act, 1963	0	1
Section 58 Cos Act, 1990	4	4
Assurance Companies Act, 1909	0	4
Miscellaneous companies matters	12	4
Total	493	611

* "Cos Act" denotes Companies Act

** Analysis of Section 150 applications in the Examiners Office are on page 113.

Court Statistics

Section 3: Civil

Miscellaneous Common Law Applications	2004	2003
Fire Services Act	0	1
Freedom of Information Act	7	2
Section 160 Planning	9	35
Transfer of sentenced persons	11	12
Water Pollution Acts	1	0
Section 12 PIAB Act	1	n/a
Miscellaneous	29	33
Total	58	83

Other Proceedings	2004	2003
Appeals from the Hepatitis C Compensation Tribunal	45	93
Foreign judgments	39	47
Foreign tribunal evidence	4	9
Intended action applications	77	96
Extension of time under Immigration Act	0	5
European Arrest Warrant	31	0
Extradition	19	34

Pre-Hearing Activity	2004	2003
Affidavits	32,581	28,115
Appearance	17,299	15,461
Discontinuance	1,880	1,377
Master's motions	5,462	5,742
Notice to Attorney General	2	1
Notice of intention to proceed	2,297	1,992
Notice of change of solicitor	2,656	2,517
Court motions	11,470	11,505
Notice to produce	1,803	2,125
Notice to trustees	57	31
Setting down for trial	7,388	8,088
Third party notice	247	270
Withdraw a case from the list by letters	255	345
Submissions	305	203
Others	7,148	11,081
Total	90,850	88,853

CHANCERY

Interim orders granted (includes interim family law orders)	
Orders in Examinerships	20
Miscellaneous Companies Act applications	132
Examiners orders	366
Interim injunction	140
Interlocutory injunction	140
Miscellaneous interim chancery orders	485
Total	1,283

Court Statistics

Section 3: Civil

Final orders granted	
Chancery:settled	151
Chancery hearing: final orders	69
Restoration of company to Register	213
Reduction of share capital	4
Wind up company	40
Order for possession of property	113
Well charging order	70
Total	660

NON-JURY (EXCLUDING FAMILY LAW AND JUDICIAL REVIEW)

Year	On hands 01/01	Received	Disposed	On hands 31/12
2004	180	262	210	232
2003	117	311	248	180

JUDICIAL REVIEW (EXCLUDING ASYLUM LIST) CASES INITIATED

Case type	2004	2003
Certiorari	662	520
Certiorari, Mandamus & Declaration	1	0
Mandamus	212	182
Prohibition	89	98
Miscellaneous (including extension of time)	241	185
Total	1,205	985

JUDICIAL REVIEW

Interim orders granted	
Leave to apply granted	321
Leave to apply refused	209
Interim planning	10
Other interim orders	578
Total	1,118

Final orders granted	
Declaration	15
Injunction	19
Mandamus	8
Planning	28
Prohibition	16
Refusal	104
Strike out	76
Certiorari	86
Total	352

JUDICIAL REVIEW (ASYLUM)

Year	Cases disposed of
2004	1,381
2003	723

ANALYSIS OF CASES DISPOSED OF

	Adjourned	Judgment reserved	Orders
2004	893	11	477
2003	502	21	200

Court Statistics

Section 3: Civil

JURY LIST

Year	On hands 01/01	Received	Disposed of	On hands 31/12
2004	45	51	44	52
2003	62	54	71	45

Analysis of cases disposed of

Full hearing	3
Settled/withdrawn by letter	41

Number of days at hearing

1 day	2
2 days	1

COMMERCIAL COURT

Admitted to the list	43
Refused entry to the list	3
Full hearings	6
Written judgments delivered	7
Disposed of	27

Analysis of cases disposed of

Judgment after full hearing	5
Dismissed	5
Settled between parties	17

APPEALS FROM THE CIRCUIT COURT – APPEALS LODGED (INCLUDING APPLICATIONS FOR EXTENSION OF TIME TO APPEAL)

2004	462
2003	476

CASES TRANSFERRED FROM THE CIRCUIT COURT

2004	706
2003	1,899

PERSONAL AND FATAL INJURIES

Dublin	2004	2003
On hands 01/01	4,366	6,125
Received	5,815	11,936
Disposed of	4,284	13,695
On hands 31/12	5,897	4,366

PERSONAL AND FATAL INJURIES: PROVINCIAL VENUES

Dundalk	2004	2003
On hands 01/01	500	517
Received	428	547
Disposed of	429	564
On hands 31/12	499	500

Galway	2004	2003
On hands 01/01	511	750
Received	584	702
Disposed of	642	941
On hands 31/12	453	511

Cork	2004	2003
On hands 01/01	753	1,111
Received	667	711
Disposed of	841	1,069
On hands 31/12	579	753

Court Statistics

Section 3: Civil

Limerick	2004	2003
On hands 01/01	762	1,033
Received	845	817
Disposed of	945	1,088
On hands 31/12	662	762

Sligo	2004	2003
On hands 01/01	163	230
Received	336	370
Disposed of	244	437
On hands 31/12	255	163

Waterford	2004	2003
On hands 01/01	242	397
Received	230	351
Disposed of	224	506
On hands 31/12	248	242

Kilkenny	2004	2003
On hands 01/01	68	134
Received	143	166
Disposed of	98	232
On hands 31/12	113	68

TOTAL PERSONAL AND FATAL INJURIES CASES

	2004	2003
On hands 01/01	7,365	10,297
Received	9,009	15,600
Disposed of	7,707	18,532*
On hands 31/12	8,667	7,365

* This figure includes cases where the Notice of Trial was struck out as the case was reached in the list and was not ready to proceed. A new Notice of Trial could be served once the case was ready for hearing.

Court Statistics

Section 3: Civil

Awards were made in 492 personal injury cases in the High Court in 2004. Judgment was either on consent or followed a hearing or disclosed terms of consent.

ANALYSIS OF AWARDS MADE

Amount	Number of Cases
€0 to €37,999	187
€38,000 to €99,999	197
€100,000 to €199,999	42
€200,000 to €999,999	47
€1m +	19

	Highest award	Lowest award
2004	€4.55 million	€1,000
2003	€4.50 million	€5,000

PERSONAL INJURIES SITTINGS OUTSIDE DUBLIN: GENERAL

Cork	9 weeks each year (4 sessions)
Limerick	8 weeks each year (4 sessions)
Galway	8 weeks each year (4 sessions)
Dundalk	6 weeks each year (2 sessions)
Waterford	4 weeks each year (2 sessions)
Sligo	4 weeks each year (2 sessions)
Kilkenny	2 weeks each year (1 session)

PERSONAL AND FATAL INJURIES ACTIONS OUTSIDE DUBLIN

Hilary

CORK	Monday 12th January (3 weeks)
GALWAY	Monday 2nd February (2 weeks)
LIMERICK	Monday 16th February (2 weeks)
WATERFORD	Monday 1st March (2 weeks)
CORK	Monday 22nd March (2 weeks)

Easter

LIMERICK	Monday 19th April (2 weeks)
SLIGO	Monday 19th April (2 weeks)
GALWAY	Monday 3rd May (2 weeks)
DUNDALK	Monday 3rd May (3 weeks)

Trinity

ENNIS (At LIMERICK)	Monday 14th June (2 weeks)
GALWAY	Monday 28th June (2 weeks)
WATERFORD	Monday 28th June (2 weeks)
CORK	Monday 12th July (2 weeks)

Michaelmas

CORK	Monday 4th October (2 weeks)
LIMERICK	Monday 18th October (2 weeks)
GALWAY	Monday 18th October (2 weeks)
SLIGO	Monday 1st November (2 weeks)
KILKENNY	Monday 15th November (2 weeks)
DUNDALK	Monday 29th December (3 weeks)

Court Statistics

Section 3: Civil

COMMON LAW

Interim Orders	
Criminal Assets Bureau matters	58
Stay Circuit Court order	8
Contempt of court	8
Amend pleadings	103
Order directing disclosure of reports	119
Discovery	132
Extension of time appearance /defence	984
Assessment of damages	348
Directing replies to particulars	623
Remit to Circuit Court	130
Renew summons	270
Security for costs	15
Order for service outside jurisdiction	33
Solicitor coming off record	184
Substituted service	132
Liberty to issue & serve third party notice	263
Strike out	1,504
Miscellaneous	2,253
Total	7,167

Final Orders	
Circuit Court appeal	243
Garda compensation	88
Hepatitis C Compensation Tribunal appeals	52
Non Jury final orders	72
Transfer of sentenced persons	6
Miscellaneous	430
TOTAL	891

WRITTEN JUDGMENTS DELIVERED

2004	400
2003	322

MASTER'S COURT

	2004	2003
Special Summons	2,462	2,652
Motions for judgment	2,872	2,376
Motions on notice	8,738	9,090
Ex parte applications	811	837
Examination of company directors/judgment debtors	43	72
Total	14,926	15,027

Orders Granted

Join co-defendant	125
Discovery	1,538
Adopt from Circuit Court	694
Dismiss plaintiff's claim for want of prosecution	101
Enforce foreign judgment	40
Liberty to enter final judgment	309
Payment out of Minor's funds	112
Remit to Circuit Court	124
Strike out motion	1,037
Renew summons	59
Miscellaneous	1,358
Total	5,497

Court Statistics

Section 3: Civil

OTHER CENTRAL OFFICE ACTIVITIES:

	2004	2003
Judgments registered		
High Court:	407	335
Circuit Court:	1,591	980
District Court:	3,277	2,205
Total:	5,275	3,520
Deeds poll registered	575	409
Subpoenas issued	5,997	5,867
Applications for service in Ireland under the Hague Convention	83	117
Judgment mortgage affidavits filed	367	308
Lis pendens registered	182	146
Powers of attorney enrolled	28	26
Judgments in default of appearance marked	722	736
Judgments marked in pursuance of an order	190	187
Execution orders issued	1,040	1,021

OFFICE OF THE GENERAL SOLICITOR FOR MINORS AND WARDS OF COURT

The General Solicitor for Minors and Wards of Court is employed by the President of the High Court to act as committee to the estate in certain wardship matters, as guardian of the funds in certain minor matters and as 'friend of the court' in certain other cases concerning the rights of persons with a mental incapacity.

	2004	2003
Wardship cases	458	421
Sub cases	108	87

FUNDS HELD

At December 31st 2004, the balance in the Committee Account (on behalf of Wards and Minors) amounted to €842,713.63

OFFICE OF WARDS OF COURT

The Office of Wards of Court is responsible for the supervision of the affairs of persons taken into the wardship of the High Court. The purpose of wardship is to afford protection to the person and property of individuals who, whether by reason of mental capacity or infancy, are deemed by the court to be incapable of managing their affairs for themselves.

	2004	2003
Wardship cases	2,019	2,765
Applications awaiting hearing	439	1,125
Total	2,458	3,880
Inquiry orders	268	209
Declaration orders	226	204
Declaration orders (minors)	18	14
Dismissal orders	109	136
Orders (other)	460	1,005
Enduring powers of attorney registered	130	99

Court Statistics

Section 3: Civil

PROBATE OFFICE

The main functions of the Probate Office of the High Court are the admission of wills to proof, the issuing of grants of probate and administration, the preservation of probate records for inspection, the provision of certified copies of probate documents and the processing of court applications to the judge assigned to deal with probate matters.

There are 14 local probate offices called District Probate Registries located in Circuit Court offices around the country.

PRINCIPAL REGISTRY:

Probates (and administrations with wills annexed)	5,244
Intestacies	1,867
Personal applicants (included in above)	1,354
Caveats	464
Appearances	44
Other forms of proceedings: citations	24
Warnings	61

PROBATES AND ADMINISTRATIONS GRANTED

On foot of court action	84
In the Registry without decree or order of the court	7,111
Revocation of probate or administration	27

FEES GENERATED BY OFFICE 2004

Total amount of fees received	€1,806,384
Fees on personal applications	*€474,059

* included in total figure

LOCAL REGISTRIES

Castlebar	2004	2003
Probates (and administrations with wills annexed)	362	340
Intestacies	163	151

Cavan	2004	2003
Probates (and administrations with wills annexed)	161	103
Intestacies	70	73

Clonmel	2004	2003
Probates (and administrations with wills annexed)	412	418
Intestacies	155	126

Cork	2004	2003
Probates (and administrations with wills annexed)	1,158	1,072
Intestacies	343	357

Dundalk	2004	2003
Probates (and administrations with wills annexed)	339	247
Intestacies	125	110

Court Statistics

Section 3: Civil

Galway	2004	2003
Probates (and administrations with wills annexed)	623	586
Intestacies	248	245

Kilkenny	2004	2003
Probates (and administrations with wills annexed)	363	347
Intestacies	124	134

Letterkenny	2004	2003
Probates (and administrations with wills annexed)	188	144
Intestacies	105	106

Limerick	2004	2003
Probates (and administrations with wills annexed)	678	647
Intestacies	201	248

Mullingar	2004	2003
Probates (and administrations with wills annexed)	266	260
Intestacies	91	108

Sligo	2004	2003
Probates (and administrations with wills annexed)	263	228
Intestacies	133	104

Tralee	2004	2003
Probates (and administrations with wills annexed)	410	386
Intestacies	187	169

Waterford	2004	2003
Probates (and administrations with wills annexed)	287	280
Intestacies	98	70

Wexford	2004	2003
Probates (and administrations with wills annexed)	298	226
Intestacies	122	112

Court Statistics

Section 3: Civil

EXAMINERS OFFICE

The Examiner's Office assists the High Court in chancery and company law matters following the making of an order by the court, by dealing with accounts and inquiries, settling lists of creditors, arranging sales of properties, countersigning payments and investments and processing applications for the court.

Nature of proceedings	On hands 01/01	Received	Disposed of	On hands 31/12
Company liquidations	538	34	26	546
Mortgage suits	1,016	16	5	1,027
Administration suits/next of kin/other	362	0	0	362
Total	1,916	50	31	1,935

APPLICATIONS UNDER SECTION 150 COMPANIES ACT, 1990

Directors investigated	Directors restricted	Directors not restricted	Outstanding issues
98	41	48	9

The Examiner also has a role in bankruptcy which includes the processing of applications and acting as Registrar to the Bankruptcy Court.

	2004	2003
Summonses filed	10	8
Summonses granted	6	6
Petitions for adjudication filed	16	14
Adjudications	5	5
Arrangement petitions filed	0	0
Orders in aid applied for	0	0
Orders in aid made	0	0

OFFICE OF THE OFFICIAL ASSIGNEE IN BANKRUPTCY

The Official Assignee in Bankruptcy is primarily concerned with the affairs of persons who have been adjudicated bankrupt by order of the High Court. It is the function of the Official Assignee to realise the assets of a bankrupt and, having discharged costs, fees and expenses incurred in the bankruptcy, together with preferential payments, to pay a dividend to the ordinary creditors admitted in the bankruptcy.

On hands 01/01	494
New adjudications	5
Discharged	4
Annulled	1
New arrangements	1
On hands 31/12	495

Court Statistics

Section 3: Civil

OFFICE OF THE TAXING MASTER

The function of the Taxing Master is to provide an independent and impartial assessment of legal costs incurred by a person or company involved in litigation. Costs may be taxed following a court order, an arbitration hearing, acceptance of a lodgment in court, order of a tribunal, award of the Oireachtas, registration of a judgment as a mortgage or on demand by a client.

	2004	2003
Bills certified	560	519
Items certified	74,211	55,736
Costs claimed	€67,693,019	€33,014,989
Costs allowed	€48,866,382	€25,759,931
Fees (duty)	€3,264,009.14	€1,204,340.60
Duty on summonses	€73,140.00	€22,578.00

OFFICE OF THE ACCOUNTANT OF THE COURTS OF JUSTICE

The Accountant of the Courts of Justice is responsible for the receipt, custody, investment and payment out of monies required to be lodged in court either by direction of the High Court or the Supreme Court, by statute or by Rules of Court. The Accountant also has custody of insurance bonds required to be entered into by all licensed auctioneers.

The Report and Financial Statements of the Office of the Accountant of the Courts of Justice are available from the Office of the Accountant of the Courts of Justice, Phoenix House, 15/24 Phoenix Street North, Smithfield, Dublin 7. Telephone: 01-888 6211 and on the website of the Service www.courts.ie

Extracts are on *page 143*.

Court Statistics

Section 3: Civil

CIRCUIT COURT

The civil jurisdiction of the Circuit Court is a limited one unless all the parties to an action consent to unlimited jurisdiction. The general limits of Circuit Court civil jurisdiction are:

- actions in contract and tort where the claim does not exceed €38,092.14
- probate matters and suits for the administration of estates, where the rateable valuation does not exceed €253.95
- equity cases, where the rateable valuation does not exceed €253.95 or damages do not exceed €38,092.14
- ejectment actions or applications for new tenancies (fixing of rent etc.) where the rateable valuation of the property does not exceed €253.95
- actions founded on hire purchase and credit sale agreements, where the hire purchase price of the goods or, as the case may be, the amount of the claim does not exceed €38,092.14

CIVIL BUSINESS DEALT WITH

	Notices of Trial	Motions	Civil appeals	Liquor licences granted
2004	13,012	24,032	498	441
2003	12,206	26,333	586	521

NOTICE OF TRIALS

	2004	2003
Settled	5,138	5,556
Dealt with by county registrar	904	419
Dealt with by court	6,970	5,772
Adjourned with liberty to re-enter	179	459

MOTIONS

	2004	2003
Dealt with by county registrars	15,741	16,122
Dealt with by court	8,291	5,502

JUDGMENTS MARKED IN THE OFFICE

2004	8,312
2003	7,370

Court Statistics

Section 3: Civil

CIVIL BILLS ISSUED

Circuit court office	2004	2003
CARLOW	616	475
CARRICK-ON-SHANNON	176	177
CASTLEBAR	860	936
CAVAN	391	390
CLONMEL	1,403	1,307
CORK	4,411	5,092
DUBLIN	13,531	14,334
DUNDALK	1,316	1,407
ENNIS	812	789
GALWAY	1,916	1,821
KILKENNY	546	581
LETTERKENNY	2,016	1,128
LIMERICK	2,898	2,187
LONGFORD	302	332
MONAGHAN	465	368
MULLINGAR	436	627
NAAS	1,408	1,604
PORTLAOISE	329	444
ROSCOMMON	385	357
SLIGO	421	462
TRALEE	955	1,074
TRIM	1,252	1,579
TULLAMORE	440	443
WATERFORD	1,069	1,026
WEXFORD	727	924
WICKLOW	1,097	1,317
TOTAL	40,178	41,181

PERSONAL INJURY

AWARDS MADE BY THE COURT OR SETTLEMENTS RULED

Circuit court office	Number of cases
CARLOW	3
CARRICK-ON-SHANNON	3
CASTLEBAR	50
CAVAN	9
CLONMEL	54
CORK	199
DUBLIN	356
DUNDALK	116
ENNIS	33
GALWAY	63
KILKENNY	6
LETTERKENNY	11
LIMERICK	37
LONGFORD	3
MONAGHAN	17
MULLINGAR	12
NAAS	22
PORTLAOISE	11
ROSCOMMON	3
SLIGO	6
TRALEE	38
TRIM	28
TULLAMORE	11
WATERFORD	14
WEXFORD	44
WICKLOW	33
TOTAL	1,182

Court Statistics

Section 3: Civil

DUBLIN CIRCUIT COURT

ANALYSIS OF AWARDS MADE

Amount	Number of cases
€0 to €9,999	173
€10,000 to €19,999	140
€20,000 to €29,999	38
€30,000 +	5

	Highest award	Lowest award
2004	€33,202.00	€1,000.00
2003	€73,358.00	€535.00

PROVINCIAL CIRCUIT COURTS

ANALYSIS OF AWARDS MADE

Amount	Number of cases
€0 to €9,999	317
€10,000 to €19,999	326
€20,000 to €29,999	141
€30,000 +	42

	Highest award	Lowest award
2004	€130,000.00	€500.00
2003	€71,330.94	€500.00

DISTRICT COURT

The civil jurisdiction of the District Court is as follows:

- in contract, claims which do not exceed €6,348.69
- in actions relating to hire-purchase and credit sales agreements, claims where the hire-purchase price of the goods or the amount of the agreement do not exceed €6,348.69

- in relation to tort (except slander, libel, sedition, slander of title, malicious prosecution and false imprisonment), claims which do not exceed €6,348.69
- in ejectment proceedings for non-payment of rent or overholding in any class of tenancy, claims where the annual rent does not exceed €6,348.69
- in actions for wrongful detention of goods, claims where the value of the goods does not exceed €6,348.69.

APPLICATIONS DEALT WITH

	2004	2003
Ejectment proceedings	71	297
Summary judgment	30,138	42,478
Small claims	2,779	3,097
Ordinary civil process	7,261	6,904
Summonses of a civil nature	7,343	6,611
Examination orders	6,306	9,352
Instalment orders	11,240	11,974
Committal orders	5,859	6,108
Foreign judgment	304	5
Other	368	730
Total	71,669	87,556

SMALL CLAIMS PROCEDURE

The Small Claims procedure is designed to deal with consumer claims for up to €1,269.74 speedily, inexpensively and without the need to engage a solicitor. A small claim can be brought by an individual who has purchased goods or services for private use from someone selling them in the course of a business.

Court Statistics

Section 3: Civil

TYPE OF APPLICATIONS RECEIVED

	2004	2003
Holidays	360	388
Professional services	44	52
Dry cleaners	105	161
Building	116	97
Damage to private property	131	160
Key money	553	588
Electrical goods	196	208
Audio/computer	163	147
Clothing	85	119
Shoes	47	63
Furniture	133	157
Carpets/flooring	79	79
Doors/roofs	128	115
Cars	235	216
Other	632	686
Total	3,007	3,236

CLAIMS DEALT WITH

	2004	2003
Not covered by procedure	105	30
Not proceeded with	307	355
Decrees by default	321	380
Settled by Registrar	1,331	1,511
Referred to court	715	821
Total	2,779	3,097

CASES ADJUDICATED BY COURT

	2004	2003
Decrees granted	371	510
Dismissed	126	125
Struck out/withdrawn	218	186
Total	715	821

APPLICATIONS UNDER SECTION 107 AND SECTION 108 OF THE ENVIRONMENTAL PROTECTION ACT, 1992 SECTION 107

	2004	2003
Applications received	24	1
Successful applications	23	1

SECTION 108

	2004	2003
Applications received	81	40
Successful applications	29	37

Court Statistics

Section 3: Civil

FIXING DATES FOR HEARING

HIGH COURT

GENERAL

When cases are ready for hearing, they are set down for trial and given a list number. A list to fix dates is held each legal term in respect of most lists. Cases are not transferred to the list to fix dates until they are certified by counsel as ready for trial. Most certified cases are given dates for hearing in the following legal term. On selected dates throughout the year, cases which have been set down for trial but which have not been certified by counsel as ready for trial are called over in court to ascertain the current position.

Many cases are settled by the parties and do not proceed to full hearing. These cases are removed from the list of cases set down for trial or certified as ready for hearing by consent of the parties. Section 10 (3) of the Courts (Supplemental Provisions) Act, 1961, as amended, states that it is the function of the President of the High Court to arrange the distribution and allocation of the business of the High Court. Lists are prepared by senior court registrars called list registrars, with cases being listed in chronological order. The date on which cases are entered in the lists depends on the category of case.

With the exception of the Circuit Appeals List, responsibility for the allocation of dates is delegated by the President of the High Court to the individual judges having management of the various lists. In cases of urgency where an early hearing is requested and no available dates remain, the parties may apply to the President who will endeavour to assign judges to hear the case depending on the availability of extra judges and the urgency of the cases.

NON-JURY AND CHANCERY

Non-jury and chancery list cases are not transferred to the list to fix dates until certified as ready for hearing. Certified cases are then listed chronologically (in accordance with the date of filing of the certificate of readiness) in the next list to fix dates. Certain cases at the top of the list may be given priority by the list judge where a date may previously have been assigned but the case failed to get a hearing due to the unavailability of a judge. Lists to fix dates are held at

the end of each term and most cases ready to proceed are assigned one the following term.

JUDICIAL REVIEW (EXCLUDING ASYLUM)

Motions for judicial review are not transferred to the list to fix dates until the list judge is satisfied that all pre-hearing directions have been complied with. The list to fix dates is held at the end of each term to fix dates for the following term.

JURY

Actions set down for trial are automatically entered in the next list to fix dates according to the setting down date. As there is generally a high number of settlements and applications for adjournments in this list, virtually all cases seeking a date obtain one in the following term.

JUDICIAL REVIEW (ASYLUM)

Cases are assigned dates by the list judge.

MASTER'S COURT

Notices of motion and special summonses are allocated return dates for the Masters Court at the time of issue.

APPEALS FROM THE CIRCUIT COURT

Circuit appeals are heard on Monday of each week. Dates are not assigned until books of appeal are lodged in the Central Office. The next available hearing date is then assigned by the list registrar. Application is made to the President to assign an extra judge to hear appeals which are expected to last a number of days.

Court Statistics

Section 3: Civil

PERSONAL AND FATAL INJURIES

Dublin List

Once a case is set down, the parties may immediately apply for a hearing date 3 weeks from the date of application.

Venues outside Dublin

The High Court sits at Cork, Galway, Limerick, Waterford, Sligo/Letterkenny, Kilkenny and Dundalk to hear personal and fatal injury actions. Cases are listed in chronological order once set down. Applications to fix the list of cases for hearing are heard by the list judge 3 weeks in advance of the sittings. Cases that are not ready for hearing are adjourned.

CIRCUIT COURT

Dublin

Cases which are ready to proceed are allocated the next available date by the court office.

Provincial

All new cases are returned for hearing to the next sitting of the Circuit Court. Prior to the commencement of each term, the County Registrar either calls over a list of cases or contacts the parties to establish which cases are going ahead. Cases ready for hearing are placed in the list for the court and cases not ready for hearing are adjourned to the next session.

DISTRICT COURT

Dublin

The return date assigned allows time for such matters as service of the civil process

Provincial

Applicants select the date and cases are listed before the court on the date selected

AVERAGE WAITING TIMES:

HIGH COURT

COMMERCIAL COURT

From listing of Motion to entering Commercial List	1 week
From entry into list to allocation of trial date	5 weeks
From entry into list to conclusion of action	6 weeks
of which :	
Cases settled	4 weeks
Cases heard by Court	9 weeks

CHANCERY

At the list to fix dates in December 2004, all cases which had been set down and certified by counsel as ready for trial in each of the chancery lists to fix dates were allocated dates from January 2005 to March 2005. Cases which were not assigned dates were directed to be listed in the list to fix dates in March 2005.

NON-JURY

At the list to fix dates in December 2004, dates were allocated to 73 out of the 328 cases which had been certified as ready at the time. The dates allocated were from January 2005 to March 2005. The remainder of cases in the list were adjourned to the top of the list to fix dates in March 2005.

JUDICIAL REVIEW (EXCLUDING ASYLUM)

At the list to fix dates in December 2004, dates were allocated from January 2005 to March 2005. The remainder of cases in the list were adjourned to the top of the list to fix dates in March 2005.

JUDICIAL REVIEW (ASYLUM)

Motions are listed for hearing on a date approximately within 5 weeks of coming into the list.

Court Statistics

Section 3: Civil

JURY

At the list to fix dates in October 2004, cases ready for hearing were allocated to dates in November. Cases not allocated dates were adjourned to the list to fix dates in February 2005.

APPEALS FROM THE CIRCUIT COURT

6-8 weeks from the date of lodgment of books of appeal

PERSONAL AND FATAL INJURIES

Dublin List

There are no delays in this list and the speed with which a case obtains a hearing date is a matter for the parties. Long cases such as medical negligence actions which can last a number of weeks may require that a date be specially fixed by the judge.

The date assigned will depend on availability but generally a date will be assigned within 3 weeks of the application being made.

Venues outside Dublin

The only significant delay is in the Cork list where cases can take 3¹/₂ years to be reached. In the Dundalk, Kilkenny, Galway, Waterford and Sligo/Letterkenny lists, cases that are ready to proceed will usually be heard within 9 months of setting down. In Limerick cases are usually heard within 2 years of setting down.

MASTER'S COURT

Return dates allocated for notices of motion and special summonses are approximately 3 weeks after the date of issue.

CENTRAL OFFICE

Processing of applications for judgment and execution orders	3 weeks where no query raised or from discharge of query if raised
Enrolment of miscellaneous deeds e.g. Deed Poll	1 week
Requests for copy documents	3 days
Certification of documents by Registrar of Central Office (e.g. judgment mortgage affidavits)	1 week

OFFICE OF WARDS OF COURT

From acceptance of application papers to listing before court	2 weeks from receipt of completed documentation
For preparation of dismissal or discharge order from date of filing application	10 weeks
For authorisation of payments	2-3 days from date of request where there are no queries or from resolution of queries
For registration of an enduring power of attorney	1 week where no query raised or from discharge of query, if raised.

Court Statistics

Section 3: Civil

TAXING MASTERS OFFICE

Summons to tax costs to date for hearing: 6-7 weeks

PROBATE OFFICE

PRINCIPAL REGISTRY

Application by solicitor for grant	5-6 weeks
Application by personal applicant for grant	9-10 weeks

DISTRICT PROBATE REGISTRIES

	2004	2003
Castlebar	2 weeks	4 weeks
Cavan	2 weeks	2 weeks
Clonmel	2 weeks	1-2 weeks
Cork	3 weeks	3 weeks
Dundalk	2 weeks	2 weeks
Galway	6 weeks	10-12 weeks
Kilkenny	2 weeks	2-3 weeks
Letterkenny	8 weeks	8 weeks
Limerick	4-6 weeks	8-10 weeks
Mullingar	2 weeks	1 week
Sligo	5-7 days	1- 1 ¹ / ₂ weeks
Tralee	7-10 days	2-3 weeks
Waterford	2 weeks	4-6 weeks
Wexford	7 days	2 weeks

CIRCUIT COURT

Dublin

Judgment marked in the office: less than one month

Callers to counter: less than 10 minutes to be served and no more than half and hour

Signed orders: available within 1-2 weeks of court hearing

Trial date: one week of lodging Notice of Trial

Notice of Motion before Court - next day if requested

Notice of Motion before County Registrar - 2 weeks

Trials (over half day) - 5 months

Trials (under half day) - 2-3 months

District Court Appeals - hearing dates: 5 months
- listing dates: 3 weeks

99% of trials are reached on the day

Waiting times for all cases in the Circuit Court are in Appendix IV.

DISTRICT COURT

Waiting times for all cases in the District Court are in Appendix V.

Section 4

Family Law

Court Statistics

Section 4: Family Law

Proceedings in family law are heard *in camera* and are as informal as is practicable.

The High and Circuit Court have concurrent jurisdiction in the area of family law. A notable exception is where a question arises as to the constitutionality of legislation or other law. This may only be heard in the High Court or the Supreme Court (on appeal). Family law proceedings include judicial separation, divorce, nullity and appeals from lower courts together with additional orders, such as custody, access, maintenance and barring orders.

Applications for protection and barring orders, though usually made to the District Court, may be made directly to the Circuit Court. Applications under section 33 of the Family Law Act, 1995 to dispense with the necessity to give three months notice of intention to marry and/or allow people under the age of eighteen years to marry are also dealt with by the Circuit Court.

The District Court deals with applications arising from incidents of domestic violence together with custody, access and maintenance applications.

DIVORCE, JUDICIAL SEPARATION AND NULLITY

CHANGING TRENDS: APPLICATIONS RECEIVED

Year	Divorce		Judicial separation		Nullity	
	High	Circuit	High	Circuit	High	Circuit
2000	39	3,339	76	1,592	8	84
2001	31	3,459	76	1,845	8	109
2002	33	3,912	59	1,871	2	52
2003	42	3,733	53	1,802	1	92
2004	34	3,880	48	1,654	0	51

CHANGING TRENDS: ORDERS GRANTED

Year	Divorce		Judicial separation		Nullity	
	High	Circuit	High	Circuit	High	Circuit
2000	30	2,710	27	998	5	47
2001	20	2,817	27	1,018	4	59
2002	20	2,571	28	940	1	40
2003	41	2,929	26	1,206	4	33
2004	42	3,305	42	1,126	5	20

APPLICATIONS RECEIVED

	2004		2003	
	High	Circuit	High	Circuit
Divorce	34	3,880	42	3,733
Judicial separation	48	1,654	53	1,802
Nullity	0	51	1	92

ORDERS GRANTED

	2004		2003	
	High	Circuit	High	Circuit
Divorce	42	3,305	41	2,929
Judicial separation	42	1,126	26	1,206
Nullity	5	20	4	33

Court Statistics

Section 4: Family Law

HIGH COURT

OTHER FAMILY LAW CASES INITIATED

Case type	2004	2003
Adoption	9	12
Appeals from the Circuit Court	62	94
Hague/Luxembourg Convention (child abduction)	27	34
Family Law Act 1995	3	2
Guardianship of infants	4	5
Total	105	147

OTHER FAMILY LAW ORDERS GRANTED

Case type	2004	2003
Adoption order	12	10
Circuit appeal: final order	37	27
Hague/Luxembourg Convention (child abduction): final order	31	14
Miscellaneous: final family orders	41	45
Interim miscellaneous	210	218
Total	331	314

CIRCUIT COURT *(see also Appendix III)*

APPLICATIONS RECEIVED

	2004	2003
Divorce	3,880	3,733
Judicial separation	1,654	1,802
Nullity	51	92
Section 33	882	893
Family law appeals	494	412

APPLICATIONS DEALT WITH IN 2004

	Granted	Refused	Withdrawn, struck out/Adjourned generally
Divorce	3,305	7	25
Judicial separation	1,216	6	33
Nullity	20	3	1
Section 33	761	20	17

APPLICATIONS DEALT WITH IN 2003

	Granted	Refused	Withdrawn, struck out/Adjourned generally
Divorce	2,929	5	40
Judicial separation	1,206	4	82
Nullity	33	10	4
Section 33	837	30	0

Court Statistics

Section 4: Family Law

DISTRICT COURT

2004 DOMESTIC VIOLENCE ACT, 1996

	Applications	Granted	Refused	Withdrawn /struck out
Barring orders	3,210	1,295	109	1,806
Safety orders	2,611	987	83	1,541
Protection orders	3,054	2,810	113	131
Interim barring orders	698	604	40	54

PROTECTION ORDER APPLICATIONS DEALT WITH (BY STATUS OF APPLICANT) 2004

	Granted	Interim barring in lieu	Refused	Withdrawn / struck out
Spouse	1,589	0	59	81
Common law	843	0	30	36
Parent	330	0	16	9
Other	48	0	8	5
Health Board	0	0	0	0
Total	2,810	0	113	131

SAFETY ORDER APPLICATIONS DEALT WITH (BY STATUS OF APPLICANT) 2004

	Granted	Refused	Withdrawn /struck out
Spouse	552	63	872
Common law	316	17	419
Parent	96	1	181
Other	23	2	69
Health Board	0	0	0
Total	987	83	1,541

2003 DOMESTIC VIOLENCE ACT, 1996

	Applications	Granted	Refused	Withdrawn /struck out
Barring orders	3,586	1,575	161	1,850
Safety orders	2,557	1,180	113	1,336
Protection orders	3,109	2,814	79	205
Interim barring orders	629	531	30	68

* 11 Interim barring orders granted in lieu of protection orders.

PROTECTION ORDER APPLICATIONS DEALT WITH (BY STATUS OF APPLICANT) 2003

	Granted	Interim barring in lieu	Refused	Withdrawn / struck out
Spouse	1,618	11	49	119
Common law	872	0	19	56
Parent	290	0	4	22
Other	32	0	7	8
Health Board	2	0	0	0
Total	2,814	11	79	205

SAFETY ORDER APPLICATIONS DEALT WITH (BY STATUS OF APPLICANT) 2003

	Granted	Refused	Withdrawn /struck out
Spouse	670	50	812
Common law	314	30	357
Parent	105	30	130
Other	19	3	37
Health Board	0	0	0
Total	1,108	113	1,336

Court Statistics

Section 4: Family Law

BARRING ORDER APPLICATIONS DEALT WITH (BY STATUS OF APPLICANT) 2004

	Granted	Refused	Withdrawn /struck out
Spouse	751	73	1,030
Common law	371	27	523
Parent	172	8	253
Other	1	1	0
Health Board	0	0	0
Total	1,295	109	1,806

INTERIM BARRING ORDER APPLICATIONS DEALT WITH (BY STATUS OF APPLICANT) 2004

	Granted	Refused	Withdrawn /struck out
Spouse	307	23	29
Common law	195	10	18
Parent	100	7	7
Other	2	0	0
Health Board	0	0	0
Total	604	40	54

BARRING ORDER APPLICATIONS DEALT WITH (BY STATUS OF APPLICANT) 2003

	Granted	Refused	Withdrawn /struck out
Spouse	936	96	1,089
Common law	425	28	542
Parent	209	37	214
Other	2	0	3
Health Board	3	0	2
Total	1,575	161	1,850

INTERIM BARRING ORDER APPLICATIONS DEALT WITH (BY STATUS OF APPLICANT) 2003

	Granted	Refused	Withdrawn /struck out
Spouse	312	20	31
Common law	125	7	28
Parent	94	3	9
Other	0	0	0
Health Board	0	0	0
Total	531	30	68

Court Statistics

Section 4: Family Law

CHANGING TRENDS

	1998	1999	2000	2001	2002	2003	2004
Barring order applications	4,792	4,668	4,908	4,470	4,067	3,586	3,210
Barring orders granted	2,004	2,219	2,319	2,067	1,740	1,575	1,295
Protection order applications	4,409	3,619	4,381	4,263	3,677	3,109	3,054
Protection orders granted	3,474	3,390	3,467	3,711	3,248	2,814	2,810
Safety order applications	1,779	2,039	2,336	2,903	2,814	2,557	2,611
Safety orders granted	837	970	988	1,232	1,187	1,108	987
Interim barring order applications	733	1,120	506	1,159	852	629	698
Interim barring orders granted	677	1,002	415	1,007	706	531	604

* 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

Court Statistics

Section 4: Family Law

GUARDIANSHIP OF CHILDREN

APPLICATIONS FOR CUSTODY AND ACCESS 2004

	Applications dealt with	Granted	Refused	Withdrawn /struck out
Custody & access	715	455	35	225
Custody only	792	450	34	308
Access only	2,758	2,003	111	644
Total	4,265	2,908	180	1,177

MAINTENANCE 2004

	Applications dealt with	Granted	Refused	Withdrawn /struck out
Maintenance applications (married)	1,574	1,044	49	481
Maintenance applications (unmarried)	2,307	1,666	46	595
Maintenance Act 1994 applications	10	5	1	4
Maintenance Foreign Jurisdictions Act, 1974	47	26	3	18
Total	3,938	2,741	99	1,098

APPLICATIONS FOR GUARDIANSHIP 2004

	Applications dealt with	Granted	Refused	Withdrawn /struck out
Non-marital fathers Section 6(a)	1,237	862	38	337

APPLICATIONS FOR CUSTODY AND ACCESS 2003

	Applications dealt with	Granted	Refused	Withdrawn /struck out
Custody & access	820	516	55	249
Custody only	690	408	35	247
Access only	2,837	2,110	72	655
Total	4,347	3,034	162	1,151

MAINTENANCE 2003

	Applications dealt with	Granted	Refused	Withdrawn /struck out
Married & unmarried	4,635	3,172	149	1,314
Maintenance Act 1994 applications	5	4	0	1
Maintenance Foreign Jurisdictions Act, 1974	43	39	1	3
Total	4,683	3,215	150	1,318

APPLICATIONS FOR GUARDIANSHIP 2003

	Applications dealt with	Granted	Refused	Withdrawn /struck out
Non-marital fathers Section 6(a)	1,276	960	39	277

Court Statistics

Section 4: Family Law

SUPERVISION AND CARE ORDERS

A supervision order authorises a health board to visit a child periodically to satisfy itself as to the welfare of the child. It also enables the health board to give advice regarding that welfare.

A care order places a child in the care of a health board until he or she reaches the age of eighteen or a shorter period as determined by the court.

	Orders granted
Supervision orders	273
Full Care orders	411

FIXING DATES FOR HEARING

HIGH COURT

Cases ready for hearing are included in a weekly list to fix dates.

CIRCUIT COURT

Dublin

Cases which are ready to proceed are allocated the next available date by the court office.

Provincial

All new cases are returned for hearing to the next sitting of the Circuit Court. Prior to the commencement of each term, the County Registrar either calls over a list of cases or contacts the parties to establish which cases are going ahead. Cases ready for hearing are placed in the list for the court and cases not ready for hearing are adjourned to the next session.

DISTRICT COURT

Dublin

Emergency applications are dealt with immediately. In relation to all other applications, the court assigns the next available date

Provincial

Emergency applications are dealt with immediately. In relation to all other applications, the solicitors/applicants select the date and cases are listed before the court List on the date selected.

WAITING TIMES:

HIGH COURT

At the list to fix dates in December 2004, all cases ready to proceed were allocated dates from January 2005 to March 2005.

CIRCUIT COURT

Waiting times for all cases are in Appendix IV

DISTRICT COURT

Waiting times for all cases are in Appendix V

Section 5
Licensing

Court Statistics

Section 5: Licensing

CIRCUIT COURT

Applications for the creation of new licences such as pubs, hotels, special restaurant certificates, club certificates and the extension of existing licenses under the intoxicating liquor laws are dealt with by the Circuit Court.

LIQUOR LICENCES GRANTED

	Pub	Hotel	Special rest. certificate	Club	Total
2004	352	48	29	17	441
2003	395	56	47	23	521

DISTRICT COURT

LICENSING APPLICATIONS DEALT WITH

	2004	2003
Renewal of publican licences	1,647	1,458
Temporary transfer of licence	1,070	1,151
Annual dance licence	1,355	1,758
Temporary dance licence	395	322
Restaurant certificate	832	1,300
Special exemption orders	89,716	86,178
Lottery licence	1,290	1,363
Other	8,519	8,389
Total	104,824	101,919

Section 6

Court Fees and Fines

Court Statistics

Section 6: Court Fees and Fines

COURT FEES

People using the courts must pay fees for many of the operations relating to civil matters carried out by each of the court offices. For example, if a person wishes to lodge documents, a fee is often payable. Court fees are fixed by the Minister for Justice, Equality & Law Reform with the agreement of the Minister for Finance. Since the beginning of 2003, these fees are retained by the Service and included in the Appropriation-in-Aid of the Service which contributes to the operating costs provided by the Oireachtas.

The Service also collects a range of fees on behalf of the Land Registry and the Revenue Commissioners. The Land Registry fees are in relation to the access to Land Registry documents held locally in court offices. The fees collected on behalf of the Revenue Commissioners are excise duties due on certain applications to court and to the provision of copies of some of these documents. This is mainly in relation to licensing cases *e.g.* an application for a special licence.

FEES COLLECTED AND TRANSFERRED

	2004 (€000s)	2003 (€000s)
Revenue Commissioners	10,241	9,892
Retained by the Service	21,876	20,254
Land Registry	76	68
Total	32,193	30,214

Details of court fees are available on the Service's website (www.courts.ie)

FINES

One of the penalties open to the courts when hearing cases is the imposition of a fine. When a fine is imposed, the Service collects the fine from the offender. In many cases, these fines are collected by the Service on behalf of the other Government agencies or public bodies *e.g.* fisheries fines are transferred to the Department of Communications, Marine & Natural Resources.

	2004 (€000s)	2003 (€000s)
Exchequer (Motor Fines)	8,810	8,741
Revenue Commissioners	1,434	1,693
Department of Communications, Marine & Natural Resources	242	517
Exchequer	4,885	5,028
Total	15,371	15,979

Reports of the Rules Committees

This section contains reports from the Rules Committees of the various court jurisdictions for 2004.

Superior Courts Rules Committee

The Superior Courts Rules Committee was established by Section 67 of the Courts of Justice Act, 1936 and reconstituted by Section 15 of the Courts of Justice Act, 1953. 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, Equality & Law Reform.

- Ms. Maeve Kane, Registrar of the Supreme Court, is the secretary to the Committee
- Mr. Sean Barton, solicitor, McCann Fitzgerald Solicitors, is the draughtsman for the Committee

The Committee met on eight occasions during 2004.

MEMBERSHIP OF THE COMMITTEE AT YEAR ENDING 31ST DECEMBER 2004:

- The Chief Justice, the Hon. Mr. Justice John L. Murray (Chairman)
- The President of the High Court, the Hon. Mr. Justice Joseph Finnegan (Vice Chairman)
- The Hon. Mr. Justice Adrian Hardiman, Judge of the Supreme Court
- The Hon. Mr. Justice Brian McCracken, Judge of the Supreme Court
- The Hon. Mr. Justice Richard Johnson, Judge of the High Court
- The Hon. Mr. Justice Liam McKechnie, Judge of the High Court
- The Master of the High Court, Mr. Edmund W. Honohan S.C.
- Mr. Michael Cush S.C., nominated by the Council of the Bar of Ireland
- Mr. Tony Hunt B.L., nominated by the Council of the Bar of Ireland
- Mr. Patrick Groarke, solicitor, nominated by the Council of the Law Society of Ireland
- Mr. Patrick O'Connor, solicitor, nominated by the Council of the Law Society of Ireland
- Mr. Matthew Feely, Office of the Attorney General – appointed to act in place of the Attorney General under Section 36(4) of the Courts and Court Officers Act, 2002
- Mr. Noel Rubotham, Courts Service, to whom membership has been delegated by the Chief Executive Officer under Section 30(2) of the Courts Service Act, 1998

Superior Courts Rules Committee

The following rules were signed by the Committee during 2004:-

Order number	Title	Date signed by Committee	S.I. number
Order 130	RSC (Order 130 (Amendment) Rules), 2004	29th January 2004	471 of 2004
Order 60A	RSC (Right of Attorney General and Human Rights Commission to notice of proceedings involving Declaration of Incompatibility Issue Rules), 2004	4th March 2004	211 of 2004
Order 118	RSC (Amendment to Order 118), 2004	22nd April 2004 (" 23rd" in SI)	253 of 2004
Orders 4, 22, 41,52	RSC (Personal Injuries Assessment Board Act 2003), 2004	15th July 2004	517 of 2004
Order 53	RSC (Solicitors Acts 1954 to 2002), 2004	15th July 2004	701 of 2004
Orders 58 & 97	RSC (Elections)	17th November 2004	Observations received – rules to be revised
Order 98	RSC (European Arrest Warrant Act 2003 and Extradition Acts 1965 to 2001), 2005	17th November 2004	53 of 2005
Orders 4, 5, 11A, 11B, 11C,11D,12, 13A, 19, 29, 42A, 121, 121A, 121B	RSC (Jurisdiction, Recognition, Enforcement and Service of Proceedings), 2004	17th November 2004	Observations received – rules to be revised
Order 85	RSC (Order 85), 2004	17th November 2004	767 of 2004
Order 63B	RSC (Competition Proceedings)	15th December 2004	Awaited
Orders 52,53 and 125	RSC (EC(Lawyers Establishment) Regulations 2003 as amended), 2005	15th December 2004	15 of 2005

Superior Courts Rules Committee

During the year the Committee also considered the Government White Paper 'Regulating Better', the right to representation in the Court of Criminal Appeal of an accused's former solicitor, the Interim Report of the Committee on Videoconferencing, the Company Law Enforcement Act, 2001 and draft rules providing for applications under Section 73 of the Mental Health Act, 2001.

At year end draft rules in respect of the Civil Liability and Courts Act, 2004 and Order 22 RSC were under consideration by the Committee.

Maeve Kane

Secretary

Circuit Court Rules Committee

THE TERMS OF REFERENCE FOR THE COMMITTEE ARE:

- To consider legislative changes at domestic and EU level and to amend Circuit Court Rules on practice and procedure to take account of such changes, where appropriate
- To review and update as necessary the consolidated Circuit Court Rules, 2001
- To consider issues relevant to the Rules raised by members of the Committee and other parties having an interest in the practice and procedure of the Circuit Court.

MEMBERSHIP OF THE COMMITTEE AT YEAR ENDING 31ST DECEMBER 2004

- The Hon. Mr. Justice Esmond Smyth, President of the Circuit Court
- Her Honour Judge Elizabeth Dunne, judge of the Circuit Court
- Mr. Patrick Hunt, S.C., nominated by the Council of the Bar of Ireland
- Mr. Fergal Foley, B.L., nominated by the Council of the Bar of Ireland
- Mr. Gerard J. Doherty, solicitor, nominated by the Law Society of Ireland
- Mr. Joseph T. Deane, solicitor, nominated by the Law Society of Ireland
- Ms. Faye Breen, B.L., nominated by the Attorney General – appointed to act in place of the Attorney General under Section 36(4) of the Courts and Court Officers Act, 2002
- Mr. Noel Rubotham, Courts Service, to whom membership has been delegated by the Chief Executive Officer under section 30(2) of the Courts Service Act, 1998
- Ms. Susan Ryan, County Registrar, Dublin is Secretary to the Committee
- Ms. Nuala Jackson, B.L., is draughtsperson to the Committee

The Committee met on nine occasions during 2004 when the following matters were attended to:

- The practice and procedure in respect of applications under Section 39 of the Criminal Justice Act, 1994 (*i.e.* applications regarding the forfeiture of cash under the Act) were reviewed in considerable detail by the Committee. Rules were drafted and signed off by the Committee.
- A draft composite amendment to the Circuit Court Rules, 2001 received further consideration, in particular at a meeting of the Committee on 8th September 2004, when the draft was scrutinised by the members. The final draft was subsequently sent to the Department of Justice, Equality & Law Reform for comment.
- The Committee prioritised consideration of the Personal Injuries Assessment Board Act, 2003. Rules were drafted, considered and signed off at a meeting of the Committee on 30th June, 2004.
- The Rules Committee noted, with approval, a proposal to have one Secretary serve the three Rules Committees *i.e.* the Superior Court Rules Committee, the Circuit Court Rules Committee and the District Court Rules Committee.
- Consideration was given to the Courts and Civil Liability Act, 2004 and at its meeting on 14th December 2004 it was decided that a sub committee would review the legislation early in 2005 with a view to drafting rules for the Committee to consider.
- The Residential Tenancies Act, 2004 was also considered at the meeting on 14th December 2004 when it was decided that Ms. Nuala Jackson, B.L., (drafting Counsel to the Committee) and the Secretary would meet with representatives of the Residential Tenancies Board and report.
- Ms. Faye Breen, B.L., was welcomed by the Committee to her first meeting on 14th December 2004. She replaced Mr. Edmund Carroll as nominee of the Attorney General. The Committee acknowledged the valuable contribution made by Mr. Carroll as the Attorney General's nominee.

Circuit Court Rules Committee

- Consideration was also given to the need to draft rules to give effect to centralisation of the investment of minor's funds. Rules in this regard were drafted and were under consideration as of 31st December 2004.
- During the course of the year, the Committee gave due consideration to submissions, reports and correspondence received from practitioners and other stakeholders in the practice and procedure of the Circuit Court.

RULES RELATING TO THE FOLLOWING WERE IMPLEMENTED IN 2004:

- Circuit Court Rules (Section 39 Criminal Justice Act, 1994), 2004 **(S.I. No. 448 of 2004)**
- Circuit Court Rules (Personal Injuries Assessment Board Act, 2003), 2004 **(S.I. 542 of 2004)**
- Circuit Court Rules (Protection of Employees (Part Time Work) Act, 2001), 2004 **(S.I. No. 721 of 2004)**
- Circuit Court Rules (Equal Status Act, 2000), 2004 **(S.I. No. 879 of 2004)**
- Circuit Court Rules (Employment Equality Act, 1998), 2004 **(S.I. No. 880 of 2004)**
- Circuit Court Rules (Jurisdiction and Recognition and Enforcement of Judgments in Matrimonial Matters), 2004 **(S.I. No. 881 of 2004)**
- Circuit Court Rules (Jurisdiction and Recognition and Enforcement of Judgments in Civil or Commercial Matters), 2004 **(S.I. No. 882 of 2004)**
- Circuit Court Rules (Service in Member States of Judicial and Extra-Judicial Documents in Civil or Commercial Matters), 2004 **(S.I. No. 883 of 2004)**

Susan Ryan

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, Equality & Law Reform.

MEMBERSHIP OF THE COMMITTEE AT YEAR ENDING 31ST DECEMBER, 2004:

- The President of the District Court, His Honour Judge Peter A. Smithwick (Chairman)
- Judge Uinsin MacGruairc, Judge of the District Court
- Judge Mary Devins, Judge of the District Court
- Judge John P. Brophy, Judge of the District Court
- Judge Thomas E. O'Donnell, Judge of the District Court
- Mr. Hugh O'Neill, Solicitor, nominated by the Law Society of Ireland
- Mr. Sean McMullin, Solicitor, nominated by the Law Society of Ireland
- Mr Damien Colgan, B.L., nominated by the Council of the Bar of Ireland
- Mr. David Kelly, Advisory Counsel, 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 under Section 30(2) of the Courts Service Act, 1998
- Liz Hughes, Deputy Chief Clerk, Dublin Metropolitan District Court is the Secretary to the Committee
- Mr. Sean Barton, solicitor, McCann Fitzgerald Solicitors, is the draughtsman for the Committee

The Committee met on six occasions during 2004 and considered and passed a number of Rules. The following Rules of the District Court were signed by the Minister for Justice, Equality and Law Reform between the 1st January 2004 and the 31st December 2004:

- S.I. No. 411 of 2004 District Court (Intellectual Property) Rules, 2004
- S.I. No. 526 of 2004 District Court (Personal Injuries Assessment Board Act 2003) Rules, 2004
- S.I. No. 534 of 2004 District Court (Railway Infrastructure) Rules, 2004
- S.I. No. 535 of 2004 District Court (Estreatment of Recognisances) Rules, 2004
- S.I. No. 539 of 2004 District Court (Children) Rules, 2004
- S.I. No. 586 of 2004 District Court (Taxes Consolidation Act 1997)(Amendment) Rules, 2004
- S.I. No. 666 of 2004 District Court (Children)(No. 2) Rules, 2004
- S.I. No. 700 of 2004 District Court (Food Safety) Rules, 2004

The rules below were signed by the Committee during 2004 and were awaiting the concurrence of the Minister for Justice, Equality and Law Reform:

- District Court (Intoxicating Liquor) Rules
- District Court (Refugee Act) Rules
- District Court (European Arrest Warrant) Rules
- District Court (Appeals to Circuit Court) Rules
- District Court (Summonses) Rules

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

- Children Act ,2001
- Mental Health Act, 2001
- Taxi Regulation Act, 2003
- Civil Liability and Courts Act, 2004
- Residential Tenancies Act, 2004

Liz Hughes

Secretary



Financial Statements

Office of the Accountant of the Courts of Justice

Financial Statements

Extracts from the Report and Financial Statements of the Office of the Accountant of the Courts of Justice for the year ended 30th September 2004 are included in this Report.

The Financial Statements are the first to comply with best accounting practice. This represents the culmination of a major modernisation programme that has been taking place in recent years in which best practice in relation to all aspects of the management and investment of court funds has been the overriding objective.

The Report and Financial Statements are available from the Office of the Accountant of the Courts of Justice, Phoenix House, 15/24 Phoenix Street North, Smithfield, Dublin 7, telephone: 01-888 6211 and on the website of the Service www.courts.ie

Office of the Accountant of the Courts of Justice

Extract from Report and Financial Statements for the year ended 30th September 2004

Statement of Assets and Liabilities

AS AT 30 SEPTEMBER

	Notes	2004 €	2003 €
INVESTMENT ASSETS			
Investments	4	749,852,358	699,489,595
CURRENT ASSETS			
Debtors	5	5,907,298	7,581,527
Bank		-	2,821,429
TOTAL ASSETS		755,759,656	709,892,551
CURRENT LIABILITIES			
Creditors	6	40,086	273
Bank	6	427,065	-
TOTAL LIABILITIES		467,151	273
NET CURRENT ASSETS		5,440,147	10,402,683
TOTAL NET ASSETS		755,292,505	709,892,278

Represented by:

Funds held for beneficiaries at year end	7	755,292,505	709,892,278
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SEE ACCOMPANYING NOTES TO FINANCIAL STATEMENTS

Office of the Accountant of the Courts of Justice

Extract from Report and Financial Statements for the year ended 30th September 2004

Statement of Operations

FOR THE YEAR ENDED 30 SEPTEMBER

	Notes	2004 €
INVESTMENT INCOME	9	10,095,729
EXPENSES	10	(3,200,754)
NET INVESTMENT GAIN		6,894,975
 NET REALISED AND UNREALISED GAINS		
Net realised gain on investments disposed of during the year		2,821,002
Net change in unrealised gain on investments		18,243,496
Gains realised on transfer out during the year		55,179
NET REALISED AND UNREALISED GAINS		21,119,677
INCREASE IN NET ASSETS FROM OPERATIONS		28,014,652

SEE ACCOMPANYING NOTES TO FINANCIAL STATEMENTS

Office of the Accountant of the Courts of Justice

Extract from Report and Financial Statements for the year ended 30th September 2004

Statement of Changes in Net Assets

FOR THE YEAR ENDED 30 SEPTEMBER

	2004 €
INCREASE IN NET ASSETS RESULTING FROM OPERATIONS	
Net investment gain	6,894,975
Net realised gain on investments	2,821,002
Net unrealised gain on investments	18,298,675
NET INCREASE IN NET ASSETS FROM OPERATIONS	28,014,652
CAPITAL TRANSACTIONS	
Payments in	154,620,676
Disbursements	(137,235,102)
NET INCREASE IN NET ASSETS FROM CAPITAL TRANSACTIONS	17,385,574
Increase in net assets in the year	45,400,226
Net assets at beginning of year	709,892,278
NET ASSETS AT END OF YEAR	755,292,504

SEE ACCOMPANYING NOTES TO FINANCIAL STATEMENTS

Office of the Accountant of the Courts of Justice

Extract from Report and Financial Statements for the year ended 30th September 2004

Notes to the Financial Statements

FOR THE YEAR ENDED 30 SEPTEMBER 2004

1. GENERAL – LEGAL STATUS

The Fund is managed in a fiduciary capacity on behalf of beneficiaries by the Accountant of the Courts of Justice. The main primary and subordinate legislation governing the receipt, management and investment of Court controlled funds is as follows:

- Court Officers Act, 1926
- The Trustee (Authorised Investments) Act, 1958 and the Trustee (Authorised Investments) orders made thereunder.
- The Rules of the Superior Courts.

2. ACCOUNTING POLICIES

(a) Basis of preparation

These financial statements have been prepared in accordance with accounting standards generally accepted in Ireland. Comparative figures for the previous year are not presented in the Statement of Operations and the Statement of Changes in Net Assets, as the required information is not readily available. This arises as a result of the major changes in systems completed in the year under review.

(b) Valuation of Investments

Listed investments and unitised funds are valued at their bid price where they are quoted on a recognised stock exchange. Insurance policies are valued at their surrender value as confirmed independently by the insurance companies. Other investments are valued at their deposit value including interest accrued at year-end.

(c) Income

Interest and dividend income is recorded on the accrual basis.

(d) Realised gains and losses

Investment transactions are recorded on a trade date basis. Realised gains or losses on sales of trading securities are calculated on a first in, first out basis. Realised gains or losses on sales of units of the Spectrum Fund are calculated on an average basis. Realised and unrealised gains or losses on investments are recorded in the statement of operations.

(e) Expenses

Expenses are accounted for on an accruals basis. Expenses are charged to the statement of operations, except for expenses incurred on the acquisition of an investment, which are included in the cost of that investment.

Office of the Accountant of the Courts of Justice

Extract from Report and Financial Statements for the year ended 30th September 2004

3. FEES AND EXPENSES

3.1 Court Fees:

Significant resources are deployed, particularly in the Accountants Office and the Office of Wards of Court, in managing the affairs of persons who are wards of court and minors. In recent years significant investment has been made in modernising the arrangements for the management and investment of court funds held on behalf of wards of court and minors to bring them into line with best practice. As a contribution towards the costs of these operations court fees are applied to various transactions associated with the management and processing of court funds by the Accountants Office. These charges are approved by the Minister for Justice, Equality and Law Reform and the Minister for Finance and are contained in the Supreme and High Court Fees Orders. Charges amounting to €1.36m have been deducted as a result of transactions processed in the Accountant's Office during the year ended 30th September 2004. Charges amounting to €0.663m arose in respect of court percentages which are charged on funds held on behalf of Wards of Court. The amount charged in relation to court percentages in the period ended 30th September 2004 included an amount of €0.559m which represented the collection of arrears of these charges for the period from 1996 to 2002.

3.2 Investment Management Fees:

A scale of investment management fees were agreed with Bank of Ireland Asset Management and State Street Global Advisors and incorporated in the Investment Management Agreement.

The average investment management fee on each of the funds in 2004 was as follows:

Cash Plus:	0.17% Net Asset Value calculated weekly
Bond Plus:	0.13% Net Asset Value calculated weekly
Balanced:	0.25% Net Asset Value calculated weekly
Growth:	0.25% Net Asset Value calculated weekly

3.3 Administration and Custodian Fees:

These are transactional fees charged by JP Morgan

The administration and custodian fee on each of the funds in 2004 was as follows:

Cash Plus:	0.03% Anti-Dilution Levy calculated weekly
Bond Plus:	0.11% Anti-Dilution Levy calculated weekly
Balanced:	0.15% Anti-Dilution Levy calculated weekly
Growth:	0.20% Anti-Dilution Levy calculated weekly

Office of the Accountant of the Courts of Justice

Extract from Report and Financial Statements for the year ended 30th September 2004

4. INVESTMENTS

	2004
	€
Euro Equity	105,802,014
Euro Bond	131,746,973
Euro Cash	211,511,545
Non-Euro Equity	57,464,868
Non-Euro Bond	606,756
Managed Funds	48,598,327
Deposit Accounts	191,735,938
Insurance Policies	1,385,937
PORTFOLIO OF INVESTMENTS	749,852,358

5. DEBTORS

	2004	2003
	€	€
Court amounts awarded not yet received	5,907,298	7,581,527

6. CURRENT LIABILITIES

	2004	2003
	€	€
Exit tax payable	40,086	-
Bank overdraft (i)	427,065	-
Court fees	-	273
	467,151	273

(i) Bank overdraft arises when unrepresented cheques are taken into account.

7. FUNDS HELD FOR THIRD PARTIES

	2004
	€
Amounts held for wards of court	508,329,936
Amounts held for minors	149,672,829
Amounts held for pending further order cases	28,073,158
Amounts held for charitable bequests	25,389,530
Amounts held for lodgements with defence	19,636,097
Other	24,190,955
	755,292,505

Office of the Accountant of the Courts of Justice

Extract from Report and Financial Statements for the year ended 30th September 2004

8. INVESTMENT RISKS

Investment Risks

The investments managed by the Accountant's Office are managed by appointed professional managers adopting agreed investment strategies. Risk is inherent in any investment strategy, and the principal risks relevant to these strategies are as follows;

Market Price Risk

Market price risk arises mainly from uncertainty about future prices of financial instruments held. It represents the potential loss which might be suffered through holding market positions in the face of price movements. The investments held are subject to normal market fluctuations and the risks inherent in investment in international securities markets. The investment managers consider the asset allocation of the funds in order to minimise the risk associated with particular countries or industry sectors whilst continuing to follow the investment objectives.

Credit Risk

Foreign exchange, futures and other transactions involve counterparty credit risk and will expose the funds to unanticipated losses to the extent that counterparties are unable or unwilling to fulfil their contractual obligations. Available contractual remedies could be inadequate to the extent that the collateral or other assets available are insufficient to satisfy the obligations of the counterparty.

Foreign Currency Risk

A proportion of the funds are invested in financial assets denominated in currencies other than the Euro (refer note 4). Adverse movements in currency exchange rates can result in a decrease in return and a loss of capital.

9. INVESTMENT INCOME

	2004
	€
Deposit interest	4,533,395
Dividends	1,881,006
Shares in lieu of dividends	483,766
Interest on other investments	3,180,993
Other	16,569
Total	10,095,729

Office of the Accountant of the Courts of Justice

Extract from Report and Financial Statements for the year ended 30th September 2004

10. EXPENSES

	2004
	€
Court fees (see Note 3.1 on pg 149)	2,027,251
Investment management fee (see Note 3.2 on pg 149)	421,121
Administration and custodian fees (see Note 3.3 on pg 149)	313,388
Miscellaneous managed funds fees (i)	305,797
Taxes	78,048
Brokers' fee	54,611
Bank charges	538
Total	3,200,754

(i) These fees include transaction charges, audit fees, safekeeping fees, other professional fees, trustee fees and bank interest.

11. OTHER INCOME

Other income is represented by, inter alia, shares in lieu of dividends, interest on other investments and tax refunds.

12. POST BALANCE SHEET EVENTS

There were no material post balance sheet events, which would require revision of the figures in the financial statements.

Expenditure and Income

	2004 € '000	2003 € '000
Current Expenditure		
Salaries and Wages	45,289	40,534
Travel and Subsistence	3,967	3,308
Staff and judicial training	879	798
Stenography and other fees	2,573	2,493
Legal services	463	375
Postal services	900	898
Telecommunications	1,428	1,460
Office equipment and materials	1,086	1,869
Courthouse maintenance	6,249	5,665
Heat, light and fuel costs	1,669	1,554
Furniture and fittings	381	203
Leases	4,695	6,216
Consultancy (Non I.T related)	156	360
Incorporated Council of Law Reporting of Ireland	20	41
Incidental/ miscellaneous costs	1,992	1,714
Total Current Expenditure	71,747	67,488
Telecommunications systems	40	2
Computer systems	7,538	6,480
Courthouses and other buildings	17,101	18,841
Total Capital Expenditure	24,679	25,323
Total Expenditure	96,426	92,811
Income (Appropriations - in - Aid)		
Fees	22,787	20,654
Miscellaneous	869	914
Total Income	23,656	21,568
Net Expenditure	72,770	71,243

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

Prompt Payment of Accounts Act 1997

The following information is provided in accordance with the Act within the guidelines issued by the Department of Enterprise, Trade & Employment.

The Service has procedures in place to ensure that all invoices are paid within the time limits identified on these invoices or, if no time limit is specified, within the statutory time limit. While the procedures have been designed to ensure compliance with the Act, they only provide reasonable and not absolute assurance against material non compliance with the Act.

These procedures operate in the financial period under review and, in the case of late payments, the relevant suppliers were notified and the interest due was paid to them.

In accordance with the Prompt Payments of Account Act. 1997, the following information is provided in respect of the financial period ending December 31st 2004:

(a) Payment Practices

The Service makes payment to suppliers in accordance with the terms specified on the respective invoices or the conditions specified in individual contracts, if appropriate. Since 2002, the standard terms are 30 days.

(b) Late payments

Invoice Amount	No. of Invoices	Amount of Interest paid €
Under €317	71	595
Over €317	615	21,789
Total	686	22,384

(c) Overall percentage of late payments to total payments and total interest paid.

The overall percentage of late payments to total payments was 11%.

The total amount of interest paid with respect to late payments was €22,384.

Poor Box Receipts

POOR BOX RECEIPTS THROUGH COURT OFFICES 2004

	Opening Balance at 01/01 €	Receipts €	Payments €	Balance on Hand at 31/12 €
High Court	Nil	Nil	Nil	Nil
Circuit Court	12,346.26	11,659.34	11,350.00	12,655.60
District Court	210,246.84	916,672.18	1,000,430.98	126,488.04
Total	*222,593.10	928,331.52	1,011,780.98	139,143.64

* The opening balance at 01/01/04 was €13,602.05 more than the closing balance in the Annual Report for 2003 due to revised details provided by court offices.

POOR BOX RECEIPTS THROUGH COURT OFFICES 2003

	Opening Balance at 01/01 €	Receipts €	Payments €	Balance on Hand at 31/12 €
High Court	Nil	Nil	Nil	Nil
Circuit Court	14,137.81	2,700.00	4,491.55	12,346.26
District Court	197,084.52	997,886.14	998,325.87	196,644.79
Total	* 211,222.33	1,000,586.14	1,002,817.42	208,991.05

* The opening balance at 01/01/03 was €13,471.10 less than the closing balance in the Annual Report for 2002 due to revised details provided by court offices



Glossary of Terms

Glossary of Terms

Administration suit - a form of proceeding taken in order to establish who is entitled to share in the estate (that is the property) of a deceased person and/or to have the estate administered by the court where questions arise in respect of the estate

Affidavit - a written statement made on oath

Appeal - a proceeding taken by a party to a case 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

Average waiting time - the time between the court offices being notified that a case is ready to proceed to hearing/trial and the actual date for hearing/trial

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

Bill of Sale - a document transferring or mortgaging of an interest in movable property

Care Order - an order placing a child in the care of the health board until he or she reaches the age of eighteen or a shorter period as determined by the court

Caveat - a written notice to the court requesting that nothing be done regarding the estate of a deceased person without notice to the party who entered the caveat or his/her solicitor

Certified List - a list of cases which have been certified by counsel as being ready for hearing

Civil Bill - a document used to start a case in the Circuit Court. It gives details of the parties to the case and details of the claim that is being made

Claim - the assertion of a right. Taking a case against someone is a way of making a claim

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

Courts-Martial Appeal Court - the name applied to the Court of Criminal Appeal when hearing appeals from courts martial (military tribunals for the trial of members of the defence forces on active service)

Deed Poll: a deed completed by one party only, often used to declare an intention to change a surname

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

Deponent - the person who swears an affidavit

Emergency care order - an order placing a child under the care of the health board for a maximum period of eight days if the court is of the opinion that there is a serious risk to the health or welfare of a child.

Enduring Power of Attorney - a document providing for the management of a person's affairs in the event of their becoming mentally incapacitated

Ex officio - by virtue of his/her office

Ex parte - without notice to the other side of an action

In camera - a court hearing to which the public is not admitted

Indictment - a formal document setting out certain kinds of charges against an accused person or 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 board

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

Lis Pendens – *Action pending* – the registration of an action against an owner of land

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

Original actions - actions begun in the court of hearing (as opposed to cases appealed from a lower court)

Plaintiff - a person who brings a legal action against another

Plenary Summons: document used to begin certain civil proceedings (e.g. claims for non-specific damages, libel, nuisance) in the High Court where pleadings and oral evidence are required

Power of Attorney - a deed by which one person allows another to represent him, or act in his place either generally or for specified purposes

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 of 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.

Seat Office - part of the Probate Office in Dublin where applications by solicitors for grants of probate and administration are processed.

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 (that is, not oral evidence)

Subpoena - an order issued in an action requiring a person to be present at a specified place and time for a specified purpose under penalty

Subpoena ad testificandum – an order to attend and give evidence

Subpoena duces tecum – an order to attend and produce certain specified documents

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 needing 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 authorising a health board to visit a child periodically to satisfy itself as to the child's welfare and enabling the health board to give advice regarding the child's welfare



Additional Information

Contacting offices of the Service

Contact details for the main offices of the Service are published on the website. Details may also be obtained from the Information Office, Courts Service, Phoenix House, 15/24 Phoenix Street North, Smithfield, Dublin 7. Telephone: 01-8886000.

eircom telephone directories

Telephone numbers for the main offices of the Service are contained in the green pages section of the current eircom telephone directories.

Other information

Details of court cases at hearing in the High Court in Dublin and Cork are displayed on electronic boards in the Four Courts in Dublin and in the courthouse in Washington Street, Cork.

The *Legal Diary* providing details of cases for hearing in the Supreme Court, the Court of Criminal Appeal, the High Court (including the Central Criminal Court) and the Circuit Court (Dublin and Dundalk) is published on the website.

The Annual Reports of the Service for the years 2000, 2001, 2002 and 2003 together with the Strategic Plans, Customer Service Action Plan, Customer Charter and other publications including those referred to on pages 54 and 55 of this Report are published on the website.

Copies of all publications are available from the Information Office.

Website

The website can be accessed at www.courts.ie

Solicitors

McCann Fitzgerald,
Solicitors,
2 Harbourmaster Place,
International Financial Services Centre,
Dublin 1.

Auditors

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

Deloitte & Touche
Chartered Accountants
Deloitte & Touche House
Earlsfort Terrace
Dublin 2
(Financial Statements of the Office of the Accountant
of the Courts of Justice)

Appendices

Appendix I

Population of each Province, County and City and actual and percentage change, 1996 and 2002

PROVINCE, COUNTY OR CITY	1996 PERSONS	2002 PERSONS	2002 MALES	2002 FEMALES	ACTUAL CHANGE 1996-2002	PERCENTAGE CHANGE 1996-2002
Leinster	1,924,702	2,105,579	1,038,015	1,067,564	180,877	9.4
Carlow	41,616	46,014	23,403	22,611	4,398	10.6
Dublin	1,058,264	1,122,821	544,075	578,746	64,557	6.1
<i>of which</i>						
Dublin City	481,854	495,781	237,813	257,968	13,927	2.9
Dún Laoghaire -Rathdown	189,999	191,792	91,337	100,455	1,793	0.9
Fingal	167,683	196,413	97,409	99,004	28,730	17.1
South Dublin	218,728	238,835	117,516	121,319	20,107	9.2
Kildare	134,992	163,944	82,735	81,209	28,952	21.4
Kilkenny	75,336	80,339	40,540	39,799	5,003	6.6
Laoighis	52,945	58,774	30,131	28,643	5,829	11.0
Longford	30,166	31,068	15,794	15,274	902	3.0
Louth	92,166	101,821	50,489	51,332	9,655	10.5
Meath	109,732	134,005	67,733	66,272	24,273	22.1
Offaly	59,117	63,663	32,185	31,478	4,546	7.7
Westmeath	63,314	71,858	35,960	35,898	8,544	13.5
Wexford	104,371	116,596	58,170	58,426	12,225	11.7
Wicklow	102,683	114,676	56,800	57,876	11,993	11.7
Munster	1,033,903	1,100,614	550,118	550,496	66,711	6.5
Clare	94,006	103,277	52,063	51,214	9,271	9.9
Cork	420,510	447,829	222,317	225,512	27,319	6.5
<i>of which</i>						
Cork City	127,187	123,062	59,263	63,799	-4,125	-3.2
Cork County	293,323	324,767	163,054	161,713	31,444	10.7
Kerry	126,130	132,527	66,572	65,955	6,397	5.1
Limerick	165,042	175,304	87,631	87,673	10,262	6.2
<i>of which</i>						
Limerick City	52,039	54,023	26,128	27,895	1,984	3.8
Limerick County	113,003	121,281	61,503	59,778	8,278	7.3
Tipperary North	58,021	61,010	30,864	30,146	2,989	5.2
Tipperary South	75,514	79,121	39,999	39,122	3,607	4.8
Waterford	94,680	101,546	50,672	50,874	6,866	7.3
<i>of which</i>						
Waterford City	42,540	44,594	21,782	22,812	2,054	4.8
Waterford County	52,140	56,952	28,890	28,062	4,812	9.2
Connacht	433,231	464,296	233,194	231,102	31,065	7.2
Galway	188,854	209,077	104,367	104,710	20,223	10.7
<i>of which</i>						
Galway City	57,241	65,832	31,015	34,817	8,591	15.0
Galway County	131,613	143,245	73,352	69,893	11,632	8.8
Leitrim	25,057	25,799	13,324	12,475	742	3.0
Mayo	111,524	117,446	59,149	58,297	5,922	5.3
Roscommon	51,975	53,774	27,583	26,191	1,799	3.5
Sligo	55,821	58,200	28,771	29,429	2,379	4.3
Ulster (part of)	234,251	246,714	124,837	121,877	12,463	5.3
Cavan	52,944	56,546	29,015	27,531	3,602	6.8
Donegal	129,994	137,575	69,016	68,559	7,581	5.8
Monaghan	51,313	52,593	26,806	25,787	1,280	2.5
State	3,626,087	3,917,203	1,946,164	1,971,039	291,116	8.0

SOURCE: CENTRAL STATISTICS OFFICE

Appendix II

Circuit Court: Countrywide

CIRCUIT COURT OFFICE	CRIMINAL		CIVIL				FAMILY LAW				HIGH COURT APPEALS			
	CRIMINAL BUSINESS DEALT WITH	DISTRICT COURT APPEALS HEARD	CIVIL TRIALS DEALT WITH	MOTIONS DEALT WITH	DISTRICT COURT CIVIL APPEALS HEARD	LIQUOR LICENCES GRANTED	JUDICIAL SEPARATION GRANTED	DIVORCE GRANTED	NULLITY GRANTED	SECTION 33 APPEALS GRANTED	DISTRICT COURT FAMILY LAW APPEALS HEARD	CRIMINAL APPEALS	CIVIL APPEALS	FAMILY LAW APPEALS
CARLOW	11	82	88	411	10	11	3	37	1	29	0	3	3	1
CARRICK-ON-SHANNON	16	57	57	125	2	7	4	18	1	8	1	0	3	2
CASTLEBAR	43	89	191	574	2	27	20	46	1	13	1	0	1	3
CAVAN	32	57	68	180	1	18	10	27	0	13	2	0	13	0
CLONMEL	39	219	444	826	21	20	21	96	1	31	11	0	31	2
CORK	235	891	2473	2794	133	48	92	269	5	40	48	0	120	16
DUBLIN	1,139	1,943	4,641	10,234	142	85	598	1,464	5	268	127	N/A	N/A	N/A
DUNDALK	94	119	437	915	0	8	35	100	0	26	38	6	20	2
ENNIS	28	184	183	635	17	9	23	79	0	18	0	0	9	4
GALWAY	61	251	330	1624	15	24	27	33	0	25	66	0	35	0
KILKENNY	21	74	159	267	1	10	14	45	1	11	4	1	9	2
LETTERKENNY	46	125	673	665	10	22	21	74	0	34	12	0	5	2
LIMERICK	101	1,003	902	944	34	22	70	176	4	34	18	6	16	0
LONGFORD	8	40	66	193	5	9	10	19	0	6	6	0	1	1
MONAGHAN	20	73	111	184	6	10	15	21	0	16	2	0	1	1
MULLINGAR	21	68	161	304	6	11	22	64	0	16	8	0	14	5
NAAS	53	612	238	657	16	19	39	114	1	19	24	6	10	3
PORTLAOISE	17	77	88	243	4	10	7	31	0	19	10	3	1	0
ROSCOMMON	12	49	128	282	6	3	11	22	1	5	2	0	20	3
SLIGO	57	35	115	94	4	5	9	50	0	16	0	2	7	3
TRALEE	53	172	218	619	21	30	32	72	0	18	27	3	13	1
TRIM	33	52	458	643	9	15	40	78	3	26	13	0	13	4
TULLAMORE	9	189	58	130	3	6	6	47	0	12	1	0	4	0
WATERFORD	49	41	178	772	11	13	38	122	0	35	2	7	68	7
WEXFORD	24	137	237	64	6	16	28	118	0	0	30	0	29	10
WICKLOW	67	104	244	577	13	4	21	83	0	23	13	0	6	3
TOTAL	2,289	6,743	12,946	24,956	498	462	1,216	3,305	24	761	466	34	281	51

Appendix III

Circuit Court: Family Law

CIRCUIT COURT	DIVORCE APPLICATIONS				JUDICIAL SEPARATION APPLICATIONS				NULLITY APPLICATIONS				SECTION 33 APPLICATIONS			APPEALS	
	RECEIVED	GRANTED	REFUSED	WD/SO ADJ GEN	RECEIVED	GRANTED	REFUSED	WD/SO	RECEIVED	GRANTED	REFUSED	WD/SO	RECEIVED	GRANTED	REFUSED	RECEIVED	DEALT WITH
CARLOW	58	37	0	0	18	3	0	0	1	1	0	0	29	29	0	0	0
CARRICK-ON -SHANNON	16	18	0	0	4	4	0	0	3	1	0	0	9	8	0	1	1
CASTLEBAR	68	46	0	0	42	20	0	0	2	1	0	0	17	13	0	1	1
CAVAN	33	27	0	0	22	10	0	0	0	0	0	0	20	13	0	2	2
CLONMEL	145	96	0	0	49	21	0	2	1	1	0	0	31	31	0	10	11
CORK	521	269	0	5	252	92	3	2	9	5	2	0	77	40	1	67	48
DUBLIN	1,466	1,464	2	0	600	598	2	0	13	1	0	0	292	268	5	178	127
DUNDALK	130	100	0	0	57	35	0	0	2	0	0	0	27	26	1	28	38
ENNIS	98	79	0	0	18	23	0	0	1	0	0	0	18	18	0	1	0
GALWAY	71	33	0	0	35	27	1	0	6	0	0	0	26	25	1	66	66
KILKENNY	51	45	0	8	26	14	0	2	2	1	0	0	11	11	0	2	4
LETTERKENNY	78	74	0	2	38	21	0	0	0	0	0	0	34	34	0	15	12
LIMERICK	158	176	0	7	103	70	0	3	4	4	0	1	46	34	1	15	18
LONGFORD	13	19	0	0	5	10	0	5	0	0	1	0	6	6	0	6	6
MONAGHAN	37	21	2	0	24	15	0	5	0	0	0	0	22	16	0	3	2
MULLINGAR	70	64	0	1	24	22	0	8	0	0	0	0	19	16	3	7	8
NAAS	145	114	0	0	58	39	0	0	2	1	0	0	39	19	0	18	24
PORTLAOISE	40	31	1	0	11	7	0	1	0	0	0	0	19	19	0	10	14
ROSCOMMON	22	22	0	0	17	11	0	0	2	1	0	0	7	5	2	1	2
SLIGO	51	50	0	0	21	9	0	0	0	0	0	0	16	16	1	3	0
TRALEE	105	72	0	0	48	32	0	1	2	0	0	0	19	18	1	18	27
TRIM	110	78	0	0	71	40	0	1	1	3	0	0	27	26	0	12	13
TULLAMORE	44	47	0	0	11	6	0	1	0	0	0	0	12	12	0	4	1
WATERFORD	122	122	2	0	37	38	0	0	0	0	0	0	36	35	1	5	2
WEXFORD	117	118	0	0	30	28	0	0	0	0	0	0	0	0	0	4	30
WICKLOW	111	83	0	2	33	21	0	2	0	0	0	0	23	23	0	17	13
TOTAL	3,880	3,305	7	25	1,654	1,216	6	33	51	20	3	1	882	761	17	494	470

Appendix IV

Circuit Court: Average Waiting Times

CIRCUIT COURT	CRIMINAL		CIVIL		FAMILY LAW			
	CASES	APPEALS	CASES	APPEALS	JUDICIAL SEPARATION	DIVORCE	NULLITY	APPEALS
CARLOW	3-6 months	6 months	6 months	6 months	6 months	6 months	6 months	6 months
CARRICK-ON-SHANNON	Next session	Next session	6 months	3 months	Next session	Next session	Next session	Next session
CASTLEBAR	Next session	Next session	Next session	Next session	Next session	Next session	Next session	Next session
CAVAN	6 months	6 months	6 months	6 months	6 months	6 months	6 months	6 months
CLONMEL	Next session	Next session	Next session	Next session	6 months	Next session	Next session	Next session
CORK	4-6 months	4-6 months	12-18 months	9 months	6 months	6 months	6 months	4-6 months
DUBLIN	1 month	1 month	1 month	1 month	Consent - 6 weeks Contested - 3 months	Consent - 6 weeks Contested - 3 months	Consent - 6 weeks Contested - 3 months	3 months
DUNDALK	Next session	Next session	9 months	6 months	Next session	Next session	Next session	Next session
ENNIS	6 months	6 months	4 months	4 months	4 months	4 months	4 months	4 months
GALWAY	Next session	Next session	Next session	Next session	Next session	Next session	Next session	Next session
KILKENNY	20 months	20 months	24 months	24 months	Next session	Next session	Next session	Next session
LETTERKENNY	6 months	3 months	9-12 months	9-12 months	6 months	3 months	Next session	3 months
LIMERICK	6 months	3 months	12 months	3 months	Next session	Next session	Next session	Next session
LONGFORD	Next session	Next session	6-12 months	Next session	6 months	Next session	Next session	Next session
MONAGHAN	6 months	6 months	6 months	Next session	6 months	6 months	Next session	3 months
MULLINGAR	3-6 months	Next session	3-6 months	3-6 months	Next session	Next session	Next session	Next session
NAAS	6 months	3 months	6 months	6 months	3 months	3 months	3 months	3 months
PORTLAOISE	6 months	Next session	9-12 months	Next session	Consent-Next session Contested 2-3 months	Consent-Next session Contested 2-3 months	Consent-Next session Contested 2-3 months	Next session
ROSCOMMON	Next session	Next session	Next session	3 months	3 months	3 months	Next session	Next session
SLIGO	6 months	2 months	6 months	2 months	6 months	6 months	6 months	6 months
TRALEE	24 months	Next session	24 months	24 months	3-6 months	3-6 months	Next session	3-6 months
TRIM	Next session	Next session	Next session	Next session	Next session	Next session	Next session	Next session
TULLAMORE	Next session	Next session	12 months	Next session	Next session	Next session	Next session	Next session
WATERFORD	24 months	24 months	24 months	18 months	6 months	6 months	6 months	6 months
WEXFORD	Next session	6-9 months	18-24 months	6-12 months	1-2 years	1-2 years	No cases (no delay)	Next session
WICKLOW	6 months	6 months	6 months	6 months	Consent - Next Session Contested - 6 months	Consent - Next Session Contested - 6 months	Consent - Next Session Contested - 6 months	3-6 months

The term **next session** means that the case will be dealt with at the next court sittings in the venue concerned. While cases may be listed for hearing for a particular sitting, unusual circumstances, for example a long criminal trial, may lead to the adjournment of other listed cases to the following session. The duration of, and time between, court sittings will vary from circuit to circuit, but in general the Circuit Court sits every two to four months in provincial venues. In Dublin there are daily sittings throughout each term.

Appendix V

District Court: Average Waiting Times

CRIMINAL CASES

Dublin Metropolitan District Court

6 months from the date a person is charged / date of receipt of application for a summons to hearing date

Provincial District Courts

Cork

4 months from the date a person is charged/ date of receipt of application for a summons to hearing date

Other Provincial District Courts

Generally no delay in cases receiving hearing dates. Of course, not all cases can be dealt with immediately. For example, a case where there is a number of witnesses or in which there may be complex issues to consider may not go ahead on the day on which the case first comes for hearing. If such cases cannot be dealt with, Judges will set special sittings. In Donegal, Wicklow, Wexford and Kildare the average waiting time is three to six months.

FAMILY LAW CASES

Dublin District Court

9 weeks from the date of issue of the summons to the date of hearing of application

Provincial District Courts

Cork

7 weeks from date of issue of the summons to initial date for hearing

Other Provincial District Courts

In general, there is no delay in hearing family law cases in the provincial district courts as cases are listed for the next sitting in the District Court Area.

CIVIL CASES

Dublin Metropolitan District Court

6 weeks from date of issue of summons to initial date for hearing

Provincial District Courts

Cork

7 weeks from date of issue of summons to initial date for hearing

Other Provincial District Courts

Generally no delay. Outside Dublin and Cork City civil cases tend to be dealt with by way of special sittings and this can lead to some delays in completing same.