

A young boy with short brown hair is looking out of a window. The window has a metal frame and a small latch. Outside the window, a street scene is visible, including a car and a building with a red door. The image has a blue and yellow color scheme.

Annual Report 2002

Tuarascáil Bhliantúil



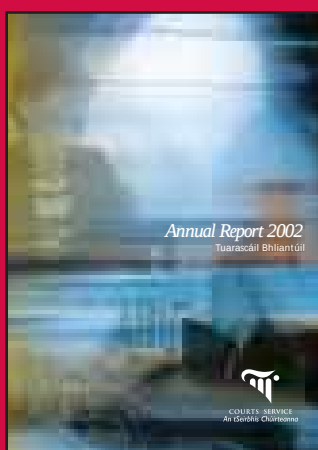
COURTS SERVICE
An tSeirbhís Chúirteanna



COURTS SERVICE
An tSeirbhís Chúirteanna

Mission Statement:

TO MANAGE THE COURTS, SUPPORT THE
JUDICIARY AND PROVIDE A HIGH QUALITY
AND PROFESSIONAL SERVICE TO ALL USERS OF
THE COURTS



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Welcome from the
Chief Justice

It is a pleasure for me to welcome you to the third Annual Report of the Courts Service. These reports increasingly give us an insight into the remarkable modernisation of, and structural enhancement to, the courts' administrative system which we have seen in recent years.



Welcome from the Chief Justice



They also allow the reader explore and absorb a myriad of facts and statistics about our courts – information which is valuable to the citizen in appreciating the role of the third branch of Government. The actual number of matters dealt with at every level of the courts is still an astonishing revelation even in this, the third such Report.

It is not only the volume that is noteworthy, but also the widespread nature of the work across every area of law and covering every facet of civic, commercial, community and criminal activity. It is a tribute to the judiciary and court staff that amidst all this diversity they manage to keep matters moving, heard and dealt with.

I would like to extend my thanks to the Board of the Courts Service and to its Chairperson, Mrs. Justice Susan Denham for another year filled with much work and success. The year-on-year effort is making a great difference to all who use our courts. Further thanks are due to my colleagues on the Bench, to the Chief Executive Officer and staff of the Courts Service and to all in the legal community who offer such support to the Service in its work and who are available to me as a support in my work as Chief Justice.

I look forward to a continuance of this great work in the year ahead and commend this Report to all as a tangible example of the Courts Service meeting its mandate of providing information to the public on the operation and processes of the courts system.

A handwritten signature in black ink, which appears to read 'Ronan Keane'. The signature is written in a cursive, flowing style.

Ronan Keane

Chief Justice of Ireland

Foreword

by the Chairperson of the Board

It is only possible in this Report to give a small insight into the immense volume of work undertaken by, and the sea change brought about by, the staff and management of the Service.



Foreword by the Chairperson of the Board



Founded three years ago, the Service was charged with a set of mandates designed to ensure that court users had improved and modern court facilities and buildings, that the judiciary were better supported in their role, and that information and statistics would be provided to the public on the operation of the courts.

The first thing that may strike you about this Report is the extent of the statistical information. This numerical record of activity, effort and outcomes is a huge improvement on the dearth of information in the past. It is a source of knowledge not just for academics, the law professions and agencies, and the media but it is also of great value to any citizen who has an interest in the operation of our civic society and the third branch of Government.

In previous Annual Reports, we have outlined extensively the environment in which we operate. We have charted the operation of the courts' system and outlined the great efforts made in relation to the courts capital programmes in the areas of court buildings and information technology. Updates on these areas and the major strides made in each are included in this Report. In these areas, we have achieved a great deal and have attracted attention, praise and awards for the works undertaken.

The Service is also very aware of the challenges that changes outside the courts have upon our operations. Changes in legislation such as the Courts and Court Officers Act, 2002 and the State Authorities (Public Private Partnership) Act, 2002 are both examples which make us question, explore and re-arrange the way we operate, plan and make provision for the deployment of resources and personnel.

Also, the changing demographics of our society as well as the increased level of ethnic diversity pose opportunities and challenges for us. Where should we site new courthouses? Do we have enough interpreters on our panel? These questions are examples of the thinking which now goes into the operation of the courts. Strategic and forward planning has replaced simple reaction as the mainstay of our operations.

As the country changes, so too must our approach. In this regard, the Service established in early 2002 a working group to examine the jurisdiction of the

courts. This group has worked tirelessly throughout the year and is due to report on the criminal jurisdiction of the courts in mid-2003.

In 2002, we undertook to establish a pilot commercial court with the emphasis on the use of electronic means of submitting papers and of communicating. If Ireland is to maintain itself as a first world economy, it must have a first world court system and a modern means of settlement for commercial disputes. This project seeks to enhance Ireland as a centre in which to conduct modern commercial transactions and business relationships.

The Service made significant strides in ensuring that our governance practices meet fully the requirements of Government regulations and guidelines. The Board approved a governance framework document – fully consistent with applicable legislation – during the year. Following this, a number of measures were taken including the establishment of an audit committee, the development of an internal audit charter and the production of a number of policy statements by our Finance Directorate. The Service will continue to make progress in this regard in 2003.

I use the above as examples of both on-going renewal and the sense of modernisation which are typical of the overall work of the Service in providing for the management of our courts. We have come a long way in just three years. But we are not complacent and continue to plan and strategise for future improvements and initiatives.

Our service is unique, involving the judiciary, the staff, the legal professions, the representatives of commerce, court users and the trade unions. We are attracting a great deal of attention from jurisdictions around the world. We have received many visits from judges, Ministers for Justice and senior court officials from many countries who come to observe and learn from our efforts. In making such international contacts, we are conscious of how much we can learn from others but also how far we have come.

I would like to thank the Minister for Justice, Equality & Law Reform and all his officials for their continued support and encouragement as we go about our ever-increasing workload. The Chief Executive Officer of the Service and all the directors and staff – who work in decentralised court buildings in every county in the State – are due great praise together with our appreciation for their innovation and effort not only dealing with our important work in the courts but also in helping to create a Service which is dynamic and which has achieved so many successes.



Susan Denham

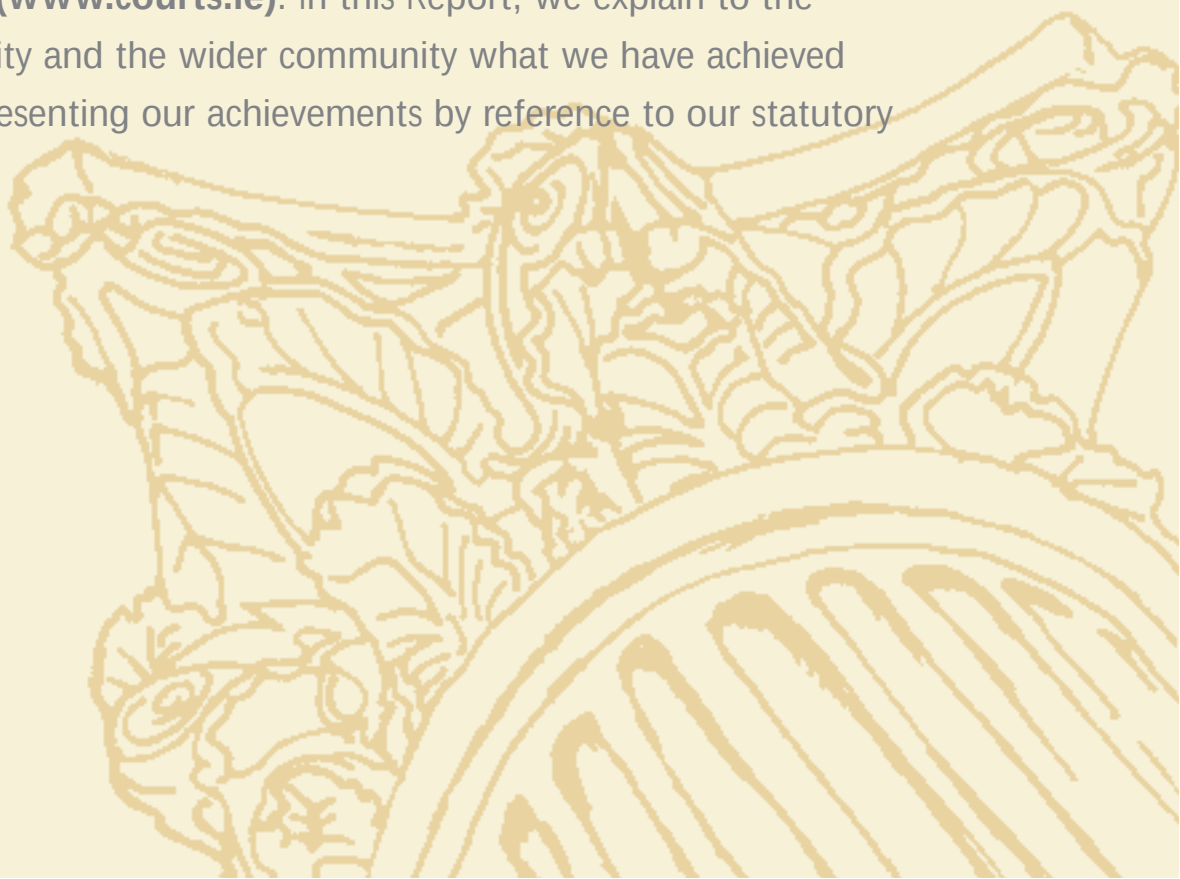
*Chairperson, Courts Service Board and
Judge of the Supreme Court*



Introduction

by the Chief Executive Officer

I am very pleased to introduce the third Annual Report for the Courts Service. This Report covers the calendar year 2002 and reflects the volume of activity dealt with by court offices. It also reflects the progress made in implementing the targets and objectives set out in our first Strategic Plan and in other major policy documents including our five year information technology strategy document (“eCourts”) and our seven year building programme. Copies of this Report can be accessed on our website (**www.courts.ie**). In this Report, we explain to the justice community and the wider community what we have achieved during 2002, presenting our achievements by reference to our statutory mandates.



Introduction by the Chief Executive Officer



In relation to the development of our staff, we have expanded our training budget and have in place a performance management system and yearly personal and unit business plans. Staff have short term aims and longer term objectives with the support and training needed to achieve them. We have produced a comprehensive staff handbook in which the information required for new staff to familiarise themselves with the workings, operations and organisation of the Service, is contained. This is a further investment in the process of treating our staff as our best resource, so that they can be a real resource for the public.

During 2002, we prepared our second strategic plan. Our first strategic plan contained 127 objectives and I am pleased to be able to report that every one of these has either been accomplished or significantly advanced.

We prepared the first ever customer service action plan in 2002 based on the principles of quality customer service. In the Service, this requires that emphasis is placed on the privacy and dignity of all court users. We need to adopt qualities such as timeliness and courtesy, informing and consulting with court users and providing them with feedback.

Since our establishment, a total of twenty-five courthouses have been refurbished. These include, amongst others, award winning works completed at Trim and Sligo. A major reconstruction of Limerick and Dundalk courthouses was completed in 2002. Major maintenance and upgrading programmes have also been undertaken at a further twenty-four venues. The complete refurbishment of Castlebar and Ennis courthouses commenced during the year. In total we have invested over €100 million in court buildings since 1999 which has seen improvements to almost one hundred venues and offices.

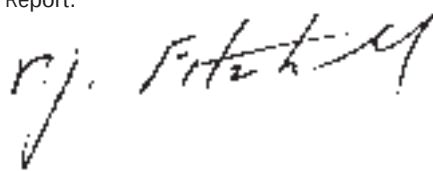
We have established seven small regional offices and human resource functions, building project management and maintenance, caretaking, consultation with court users and day-to-day administration have been devolved to these offices.

In the area of information technology, we have made further improvements, building on the framework and infrastructure put in place in the previous two years. In the developments section of this Report, you will see the levels of effort and investment which have brought computers live into our courtrooms for the first time ever and enabled us to communicate and interface with the professions and the public electronically. I look forward to the day in the near future when the electronic filing of court documents is a reality. We are committed to playing our part in bringing about eGovernment and eCourts in the coming years.

One of our mandates is to support the Judiciary. The Judicial Studies Institute and our Judicial Support Unit have worked tirelessly in this regard and have organised seminars, workshops, a judicial newsletter and a learned journal for the benefit of judges in each court jurisdiction. Day-to-day support is also provided in terms of improved staffing and access to research tools and facilities. The provision of new library facilities was well under way by the end of the year. I would like to thank the Judiciary for its continued support for the Service and especially those who are members of the Board, our many committees or who lend us their expertise in various areas.

I would like to thank the Chief Justice, the Chairperson and members of the Board for their continued support and guidance. I would also like to thank the Secretary General of the Department of Justice, Equality & Law Reform and his staff and the Secretary General of the Department of Finance and his staff for the very considerable assistance they continue to provide to us. I would also like to thank the Judiciary, the Bar Council, the Law Society, the legal profession generally, An Garda Síochána, the Prison Service, the Probation Service, Victim Support and the many other user groups who use our courts on a daily basis, for their interest in our programme of reform and development and for their continued support and assistance. The Local Authorities and the Office of Public Works have been of great assistance to us, especially with our building programme.

Most of all I would like to acknowledge the huge contribution made by staff in all of our offices. It would simply have not been possible to achieve all we have achieved without their wholehearted co-operation and willingness to embrace change while at the same time ensuring that the day-to-day work of our court offices continued uninterrupted. Our staff have demonstrated a willingness to embrace change which is second to none. A committed staff, imaginative use of resources and a unified, strategic approach to projects have brought about our successes. I especially thank Ms. Helen Priestley and the staff of the Information Office for their efforts in compiling and publishing this Report.



P.J Fitzpatrick

Chief Executive Officer



Chapter One

Structures and Environment



Chapter One

Structures and Environment

The Courts Service was established as an independent corporate body on the 9th November 1999 with the following functions:

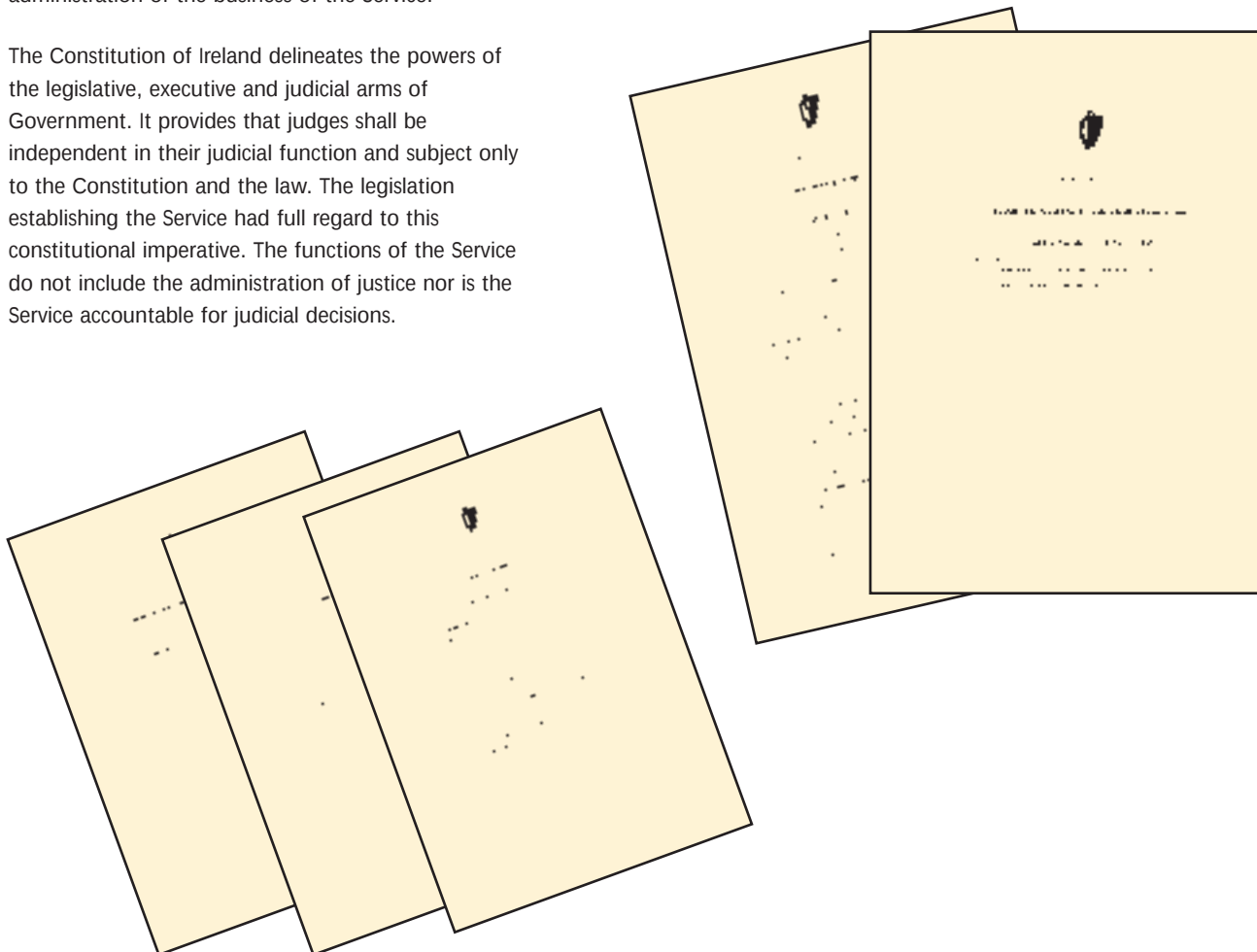
- ★ To manage the courts
- ★ To provide support services for judges
- ★ To provide information on the courts system to the public
- ★ To provide, manage and maintain court buildings
- ★ To provide facilities for users of the courts

The Service is governed by a Board consisting of a Chairperson and 16 other members. The function of the Board is to consider and determine policy in relation to the Service, and to oversee the implementation of that policy by the Chief Executive Officer. The Chief Executive Officer is the accounting officer for the Service and has responsibility for the management and control of the staff as well as the day-to-day administration of the business of the Service.

The Constitution of Ireland delineates the powers of the legislative, executive and judicial arms of Government. It provides that judges shall be independent in their judicial function and subject only to the Constitution and the law. The legislation establishing the Service had full regard to this constitutional imperative. The functions of the Service do not include the administration of justice nor is the Service accountable for judicial decisions.

Summary Profile of the Service - 2002

Number of staff:	1,030.5
Number of judges:	119
Budget (Gross):	€87million
Volume of court funds managed by the Service:	€800million
Volume of fines, fees, family law, bail etc collected/disbursed by the Service:	€69million



Chapter One

Structures and Environment

The Board of the Courts Service

The first Board of the Service completed its three year term of office in November 2002.



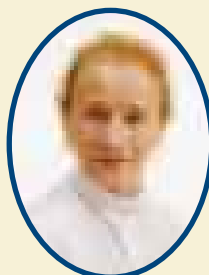
The Hon. Mrs. Justice
Susan Denham,
Chairperson, Judge of the
Supreme Court
Nominated by the Chief Justice



The Hon. Mr. Justice
Joseph Finnegan
*President of the High
Court*



The Hon. Mr. Justice
John Murray, Judge of
the Supreme Court
*Elected by the ordinary
judges of the Supreme Court*



The Hon. Mrs. Justice
Catherine McGuinness,
Judge of the Supreme
Court
*Nominated by the Chief Justice
in respect of her experience or
expertise in a specific area of
court business*



The Hon. Mr. Justice
John Quirke, Judge of
the High Court*
*Elected by the ordinary
judges of the High Court*



The Hon. Mr. Justice
Esmond Smyth
*President of the Circuit
Court*



His Honour Judge
Patrick Moran,
Judge of the Circuit Court †
*Elected by the ordinary judges of
the Circuit Court*



His Honour Judge
Peter Smithwick
*President of the District
Court*



Judge **David Anderson**,
Judge of the District
Court Δ
*Elected by the ordinary
judges of the District Court*



Mr. **P.J. Fitzpatrick**,
Chief Executive Officer



Mr. **Conor Maguire**,
Chairman of the Bar
Council □
*Nominated by the Chairman of
the Council of the Bar of Ireland*



Mr. **Gerard F. Griffin**,
Solicitor •
*Nominated by the President
of the Law Society of Ireland*



Ms. **Brenda Amond**,
Carlow Circuit Court
Office ▼
*Elected by the staff of the
Service*



Mr. **Michael Mellett**,
Deputy Secretary
General, Department of
Justice, Equality & Law
Reform
*An officer of the Minister
nominated by the Minister*



Ms. **Olive Braiden**
*Nominated by the Minister
to represent consumers of
the services provided by the
courts*



Ms. **Paula Carey**
*Nominated by the Irish
Congress of Trade Unions*



Mr. **Gerry McCaughey**,
Chief Executive, Century
Homes ○
*Nominated by the Minister
for relevant knowledge and
experience in commerce,
finance or administration*

- * replaced The Hon. Mr. Justice Peter Kelly
- † replaced His Honour Judge Seán O'Leary
- Δ replaced Judge William Early
- replaced Mr. Rory Brady, S.C.
- replaced Mr. Patrick O'Connor, Solicitor
- ▼ replaced Ms. Elisha D'Arcy
- replaced Ms. Elizabeth O'Neill

Chapter One

Structures and Environment

Committees of the Board

The Board of the Service can authorise a Committee of the Board or the Chief Executive Officer to perform many of its functions or powers. During 2002, the following Committees dealt with a range of issues:

Finance Committee

The Hon. Mrs. Justice Susan Denham, Chairperson
 The Hon. Mr. Justice Joseph Finnegan
 The Hon. Mr. Justice Esmond Smyth
 Judge David Anderson
 Mr. Michael Mellet
 Mr. Gerry McCaughey
 Mr. P.J. Fitzpatrick.

Judicial Support Committee

The Hon. Mr. Justice John Murray, Chairperson
 The Hon. Mr. Justice Nicholas Kearns
 His Honour Judge Desmond Hogan
 Judge David Anderson
 Mr. Brendan Ryan.

Building Committee

The Hon. Mr. Justice John Quirke, Chairperson
 The Hon. Mr. Justice Iarfhlaith O'Neill
 His Honour Judge Patrick Moran
 His Honour Judge Michael White
 Judge David Anderson
 Mr. Michael Durack S.C. (nominee of Mr. Conor Maguire S.C.)
 Mr. Gerard Griffin
 Mr. Gerry McCaughey
 Ms. Olive Braiden
 Mr. Jim McCormack
 Mr. Shay Kirk

Family Law Court Development Committee

The Hon. Mrs Justice Catherine McGuinness, Chairperson
 Her Honour Judge Jacqueline Linnane
 His Honour Judge Peter Smithwick
 Ms. Olive Braiden
 Mr. David Bergin
 Ms. Brenda Amond
 Mr. Conor Maguire S.C. or nominee
 Ms. Nuala McLoughlin
 Mr. Diarmaid MacDiarmada

District Court Committee

His Honour Judge Peter Smithwick, Chairperson
 Judge David Anderson
 Mr. Gerard Griffin or nominee
 Ms. Paula Carey
 Mr. Diarmaid MacDiarmada

Audit Committee

The Hon. Mrs. Justice Susan Denham, Chairperson
 The Hon. Mr. Justice Joseph Finnegan
 Mr. Tom O'Higgins (external chartered accountant)
 Mr. Gerry McCaughey

Chapter One
Structures and Environment

Courts Service - Organisational Chart



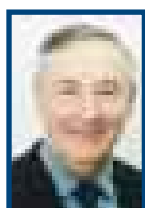
P.J. Fitzpatrick
Chief Executive
Officer



Nuala McLoughlin
Chief Registrar,
Director of
Operations
Supreme & High
Court



Diarmaid MacDiarmada
Director of
Operations,
Circuit and
District Court



Jim McCormack
Director of
Estates &
Buildings



Sean Quigley
Director of
Finance



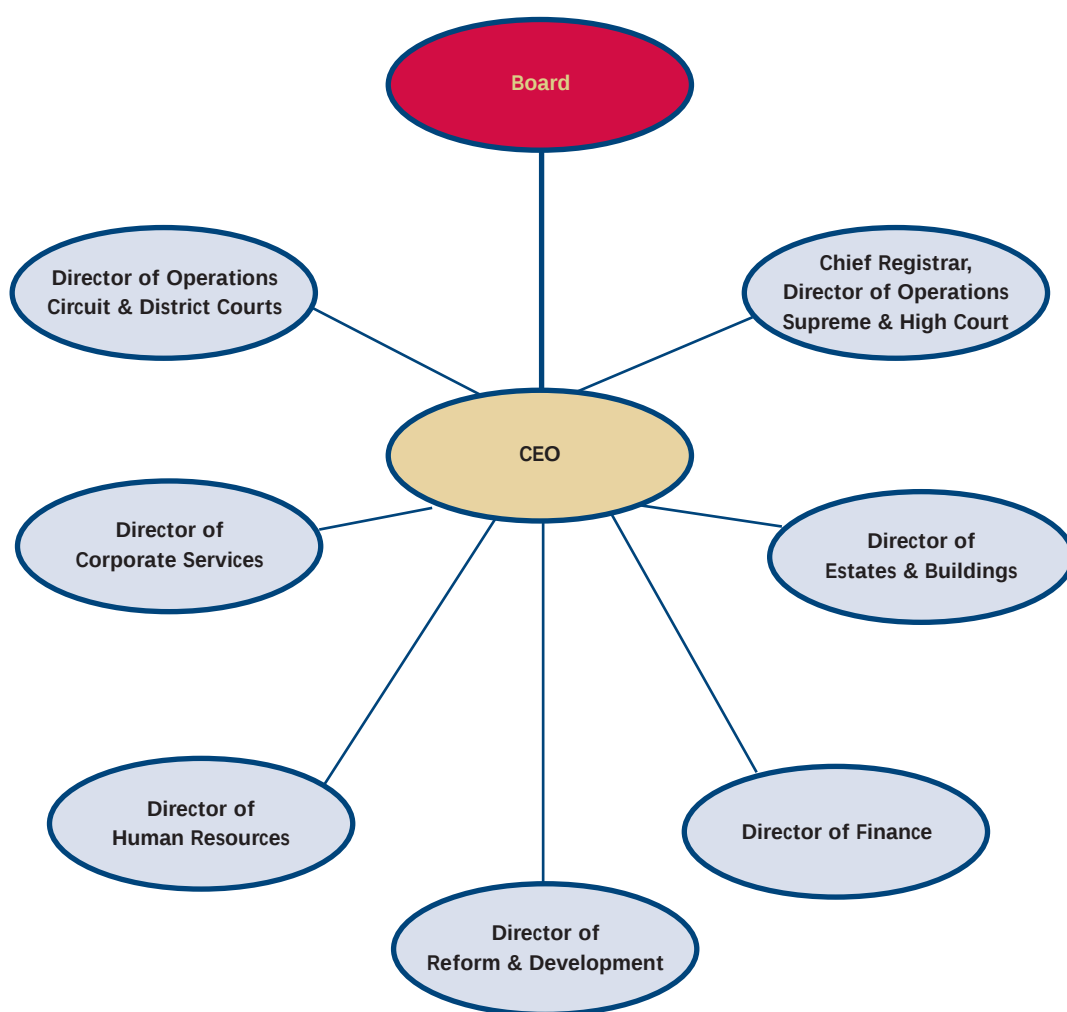
Brendan Ryan
Director of
Corporate
Services



Moling Ryan
Director of
Human Resources



Noel Rubotham
Director of Reform
& Development



Organisational/Management Structure

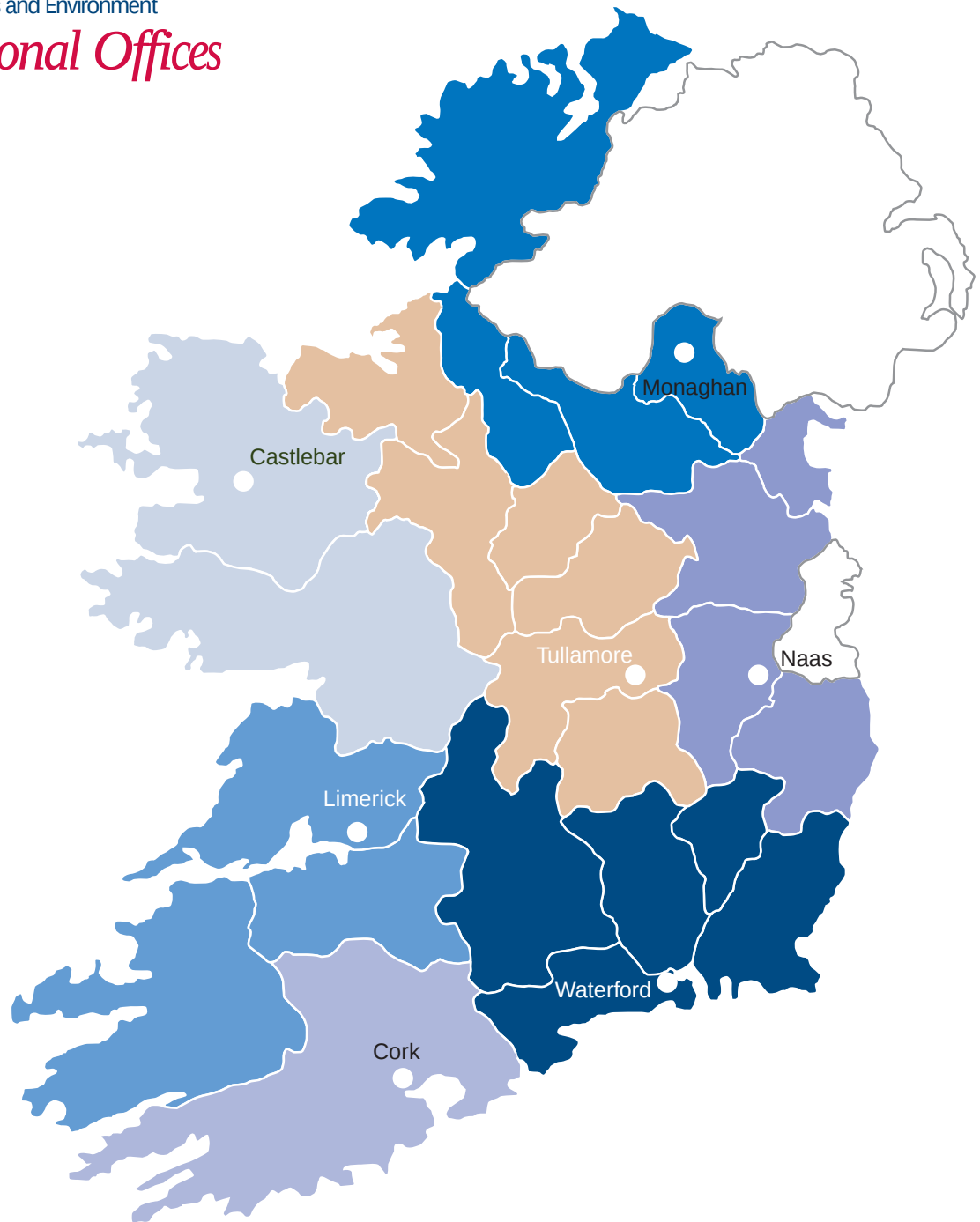
The Senior Management Team comprises the Chief Executive Officer and seven Directors: Chief Registrar and Director of Operations for the Supreme & High Court, Director of Operations for the Circuit & District Court, Director of Estates & Buildings, Director of Finance, Director of Corporate Services, Director of Human Resources and Director of Reform & Development.

Regional Office Structure:

There are regional offices in seven locations outside Dublin: Monaghan, Naas, Tullamore, Waterford, Cork, Limerick and Castlebar. The remit of the regional offices is based on the regions of the Circuit Court: Northern, Eastern, Midland, South-Eastern, Cork, South-Western and Western.

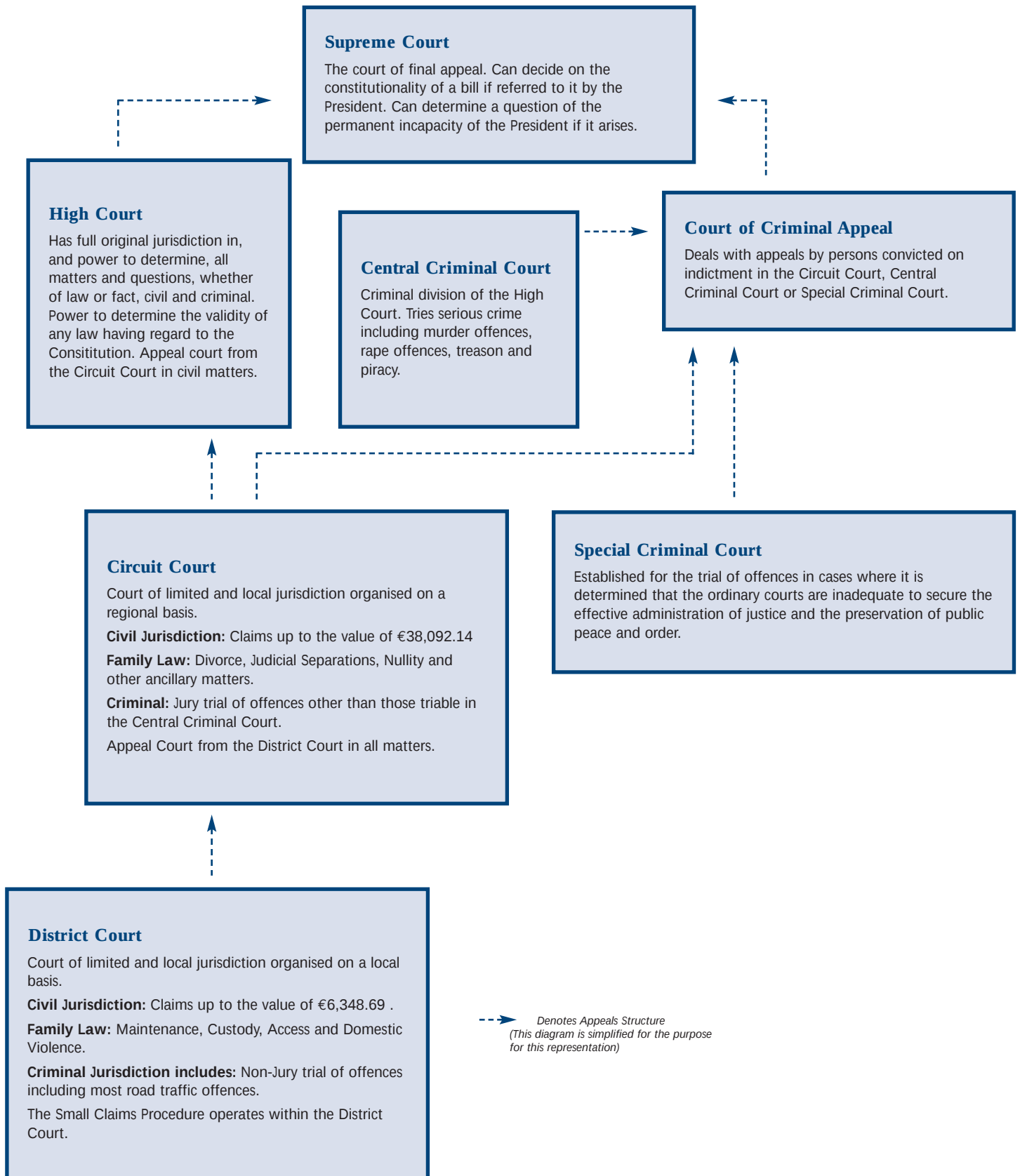
Chapter One

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Regional Offices**Northern Region:****Office location** – Monaghan**Counties in region** – Monaghan, Cavan, Leitrim, Donegal**Eastern Region:****Office location** – Naas, Co. Kildare**Counties in region** – Kildare, Meath, Wicklow, Louth**Midland Region:****Office location** – Tullamore, Co. Offaly**Counties in region** – Offaly, Laois, Longford, Sligo, Roscommon, Westmeath**South-Eastern Region:****Office location** – Waterford**Counties in region** – Waterford, Wexford, Tipperary, Kilkenny, Carlow**Cork Region:****Office location** – Cork**Counties in region** – Cork**South Western Region:****Office location** – Limerick**Counties in region** – Limerick, Clare, Kerry,**Western Region:****Office location** – Castlebar, Co. Mayo**Counties in region** – Mayo, Galway,

Chapter One

Structures and Environment

Structure of the Courts

Chapter One

Structures and Environment

Environment**Government policy**

Government policy continues to shape the environment in which the Service operates. Many of the major objectives of the Programme for Government prepared in June 2002 underline initiatives already underway in the Service. These include the delivery of major capital programmes, reform of the courts system, consultation with victims of crime, the establishment of regional structures and the development of online Government services (eGovernment).

Where matters relating to the work of the courts are of particular public interest, the Service continues to work to resolve such issues as are relevant to the management of the courts. An example of this in 2002 was in the area of personal injury litigation where concerns have been raised in the wider community about the effectiveness of the practice and procedures adopted. The Programme for Government of June 2002 included a number of proposals for changes in civil law with special emphasis on greater expedition in the disposal of civil litigation. The Service responded, in the first instance by nominating the senior registrar in charge of the personal injuries list in the High Court to represent the Service on the inter-departmental implementation group which considered this area and which completed its work in 2002. The Government

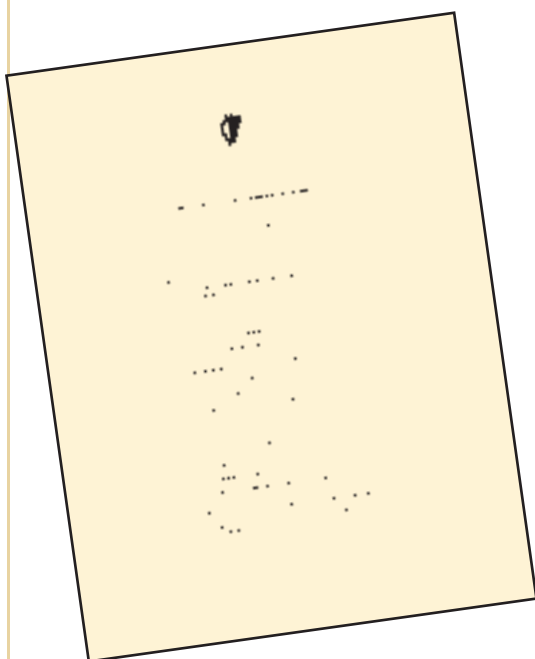
has since established the Interim Personal Injuries Assessment Board to provide an alternative to litigation for personal injuries claims. Since its establishment, the Service has provided statistical and other information required by the Board. In addition, the Service continues to assist the Committee on Court Practice and Procedure in its examination of the processing of personal injury litigation by the courts and in the formulation of possible new procedural models for this area of litigation.

The Service is represented on a committee established in late 2002 by the Minister for Justice, Equality & Law Reform to examine the possibility of accused persons giving evidence by video link in respect of cases where such persons are being held on remand.

Legislative changes

A number of enactments in 2002 highlighted how legislative provisions affect the work of the courts. Increases in the judicial compliment introduced by the Courts and Court Officers Act, 2002 will, among other benefits, enable additional cases to be brought before the court but also bring attendant administrative work for court offices. The Act provided for the appointment of solicitors to positions as judges of the higher courts and the appointment of two additional judges to the High Court and two additional judges to the District Court*. In addition, the Act introduced significant changes to the Bail Act, 1997 which will considerably reduce the administrative work associated with the implementation of that Act and dealt with a number of administrative matters relating to the Service. The Act also contains a provision improving efficiency in the processing of bankruptcy matters by increasing the amount of costs the Official Assignee in Bankruptcy can allow, thus avoiding the need for practitioners to proceed to taxation. The quasi judicial powers of County Registrars were extended under the Act with effect from October 1st 2002. These additional powers are administrative in nature and relate to functions previously performed by judges of the Circuit Court.

* Three additional judges of the Circuit Court appointed under the provisions of the Act were assigned to the Planning Tribunal.



Chapter One

Structures and Environment

The Domestic Violence (Amendment) Act, 2002 enacted on December 19th, 2002 amends the Domestic Violence Act, 1996 and makes new provisions in relation to interim barring orders granted without notice. Several parts of the Children Act, 2001 were brought into operation with the signing of a commencement order in April 2002. Many such legislative enactments have significant implications for court offices which the Service must anticipate and plan for, particularly by providing training to appraise staff of necessary procedural adjustments.

The Government decision to proceed with the introduction of a penalty points system for motoring offences with effect from October 2002 required the introduction of an interim system by the Service pending implementation of information technology systems within An Garda Síochána, the Department of the Environment & Local Government and the Service.

Continuing to implement the Strategic Management Initiative

The Service recognises that a key determinant of national well-being, competitiveness and social inclusion is the further development of a public service which is:

- ★ quality driven, performance and results driven
- ★ achieves value for money
- ★ is focused on the needs of its customers
- ★ is accountable
- ★ responds flexibly and rapidly to change and
- ★ promotes equal opportunities.

The Service continues to promote the objectives of the Strategic Management Initiative by developing programmes designed to improve services for the public and provide an improved workplace environment for staff. An example of this is in the area of Quality Customer Service, recognised by the Service as a key factor in delivering real and visible change to the public in terms of a more flexible and responsive approach to service delivery. The first Customer Service Action Plan, published at the end of the year, reflects the aspirations of the Working Group on a Courts Commission when

they envisaged a “world class” Courts Service. The core component parts of the plan are based on the twelve principles of Quality Customer Service, namely:

- ★ *quality service standards*
- ★ *equality/diversity*
- ★ *physical access*
- ★ *information*
- ★ *timelines and courtesy*
- ★ *complaints*
- ★ *appeals*
- ★ *consultation and evaluation*
- ★ *choice*
- ★ *official languages equality*
- ★ *better co-ordination*
- ★ *internal customer*

In a State with ever increasing complexities and diversities, there are many challenges for those who provide public services. The staff of the Service continue to demonstrate a commendable flexibility in this regard. The new Customer Service Action Plan will lend a structure to an inherent energy which provides a multitude of services to citizens and non-citizens alike.

The fundamental principles that underpin all the operations of the Service

- *providing the highest quality service to the judges and to the public*
- *providing a prompt and effective service which is responsive to the needs of users*
- *making provision for public accountability and ensuring value for money*
- *working towards developing and enhancing public trust and confidence*

Chapter One

Structures and Environment

**Changes in society**

Changes in society including demographic shifts and ethnic composition continue to impact on the work on the Service. An example of this can be seen in the increased demand for interpreting services. Between 1999 and 2001, there was an increase of over 200% in the amount expended by the Service on interpreting services. The main contributory factor is the volume of people coming before the courts who do not have English as their first language.

Interpreters Fees

1999	€95,146
2000	€130,829
2001	€294,344
2002	€461,000

Budgetary considerations

Since the establishment of the Service in 1999, there has been substantial additional funding provided to the Service to address a number of problems highlighted by the Working Group on a Courts Commission. These included the need for a major capital building programme to upgrade the quality of many of our courthouses and the need for a major information technology programme to apply the latest technology to the operation of the courts.

The Service was included as a State Authority in the schedule of Public Bodies covered by the State Authorities (Public Private Partnership Arrangements) Act, 2002. The inclusion of the Service within this legislation was a necessary factor in order to progress financing projects by way of Public Private Partnerships.

Reform

The Courts Service and Reform: a new Directorate

The Service continued with its programme of reform and development during 2002. A new **Directorate of Reform & Development** was established in March. The tasks of the Directorate involve co-ordination of initiatives of the Service for changes in legislation on courts administration, the modernisation and simplification of court rules and terminology and improvement of practice and procedures in court offices. To assist in these objectives, the Director of Reform & Development will represent the Chief Executive on the court rules committees for the various jurisdictions. A significant aspect of the modernisation brief will comprise assessment of implications of information technology and eGovernment initiatives for court rules and practices.

Reform Initiatives

During the year, a number of reform and modernisation initiatives in the area of court procedure, preparing draft rules in the area of management of funds under the court control and commercial litigation, and overseeing a review of wardship law and procedure were initiated, including:

★ *Court funds*

Rules of court to facilitate the move to computerised management of court controlled funds, and the introduction of a new investment policy were prepared (*see page 39 for further details*)

★ *Commercial litigation*

The formulation of proposals for procedural rules for the new High Court Commercial Court by a committee chaired by a judge of the High Court (*see page 45 for further details*)

★ *Wardship litigation*

A review of wardship law, practice and procedure

Commercial matters

The Committee on Court Practice and Procedure recommended that Ireland should establish a Commercial Court. The Report and its recommendations will further assist the Service's programme of reform and development, including the plan to enable business and citizens transact with courts and court offices electronically as envisaged in the five year information technology strategy document called "eCourts", prepared by the Service in 2001. The Report, titled "The Courts of eGovernment – Meeting the Challenge – a Commercial Court in Ireland – Establishing Connections to Domestic and International Arbitration Centres" is available on the Service web site (www.courts.ie)

The establishment of a Commercial Court along the lines recommended by the Committee is a matter which received considerable attention from the Service and the President of the High Court during 2002. The project is aimed at using case management, electronic communication and dedicated staff and judges to establish a court which will provide for the needs of a country which seeks to become a commercial digital hub. It will also facilitate the development of Arbitration and Mediation Centres around the Four Courts. (*see also page 39*)

The Working Group on the Jurisdiction of the Courts

Since its establishment, the Directorate of Reform & Development has provided administrative and research support to the Working Group on the Jurisdiction of the Courts, which commenced deliberation of the first module within its terms of reference, the criminal jurisdiction of the courts, in January 2002. The Working Group commissioned extensive statistical research and inquiry exercises in respect of the courts' criminal caseload during the year.

The Directorate organised a series of seminars for the Working Group and, in November 2002, a major conference: *The Criminal Jurisdiction of the Courts: Looking to the Future*, attended by a wide range of participants in the administration of criminal justice from Ireland and abroad. The First Report of the Working Group will be published in mid-2003.

Chapter One

Structures and Environment

Interest from abroad and from other Government Departments

Enquires from abroad in the new systems being developed by the Service continued apace during 2002. Considerable interest was expressed during the year by other Government Departments in the success of the partnership arrangements of the Service, the manner in which the Performance Management and Development System (PMDS) was introduced and implemented, the programme for training staff and the manner in which work sharing schemes were introduced.

The second meeting of the four Court Services in the United Kingdom and Ireland was hosted by the Service in October. The Chief Executives and senior staff of the Courts Services of Ireland, England & Wales, Scotland and Northern Ireland used the occasion to exchange views, ideas and best practice in the area of the management and administration of courts.

**Corporate Governance**

Efforts continued during 2002 to ensure that governance arrangements operating within the Service adhere to best practice. The Service is committed to complying with the relevant sections of the Code of

Practice for the Governance of State Bodies. A governance framework document fully consistent with applicable legislation including the Courts and Court Officers Act, 2002 and containing detailed reporting and communication arrangements was approved by the Board during the year. The Service will continue to take steps in 2003 to ensure full compliance with the recommendations contained in the Report of the Working Group on the Accountability of Secretaries General and Accounting Officers, which was approved by the Government in December 2002. The Report deals with the following:

- ★ management information framework/financial management system
- ★ internal financial controls
- ★ internal audit
- ★ audit committees
- ★ risk assessment and management

Significant progress has been made in implementing the recommendations made in the Report. A new financial management system will come into operation in 2003; all internal financial controls are being reviewed and updated, where necessary with new policy statements; the Board has established an Audit Committee – membership of which includes external expertise - that will come into operation early in 2003; the internal audit function will be reviewed during 2003 and work will also commence on risk analysis. In addition, the Service is represented by the Director of Finance on the Steering Group established at the direction of the Minister for Finance in 2002 to co-ordinate and monitor the implementation of the recommendations made in the Report.

Other developments included the audit of the Annual Financial Statement of the Accountant of the Courts of Justice by PriceWaterhouseCoopers, Chartered Accountants (see page 129).

Key Achievements

Highlights of the first three years of the Service:

- ★ *the establishment of the new organisation*
- ★ *unified staff structures at both central and regional levels*
- ★ *major investment in training, particularly training to support initiatives in the financial, information technology and performance management areas*
- ★ *major progress in implementing information technology systems including local area and wide area networks, email and desktop computers*
- ★ *modernisation of arrangements for the management, audit and investment of court funds*
- ★ *considerable increase in capital funding reflected in the large number of building and maintenance projects completed over the period*
- ★ *improved service to the judiciary*
- ★ *improved quality of information to those doing business with the courts, both electronically and on a personal basis.*





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MANDATE 1

Managing the courts

The Service was established to manage the courts and support the judiciary in the administration of justice. Since its establishment, the Service has been engaged in a major programme of reform and modernisation to improve the support services and resources available to the courts and to provide systems and technologies to facilitate the efficient and effective disposal of court business. A major initiative in this regard continues to be the development of information technology systems. During 2002, the Service continued with the development of such systems including court management systems, financial management systems and management information systems to support the operation of the courts and provide essential statistical and management information.

The single most important function of the Service continues to be the management of the day-to-day work of the courts and court offices. The Service is

committed to providing the very highest quality service in this area and during 2002 continued to emphasise the importance of providing a service which is professional, consistent and sensitive to the expectations of all who use the courts. Notwithstanding the impact of the number and variety of change initiatives on the work of court offices, staff ensured that the core business of the Service was delivered in an efficient manner throughout the year. The drive to maintain the highest quality standards for the many users of the courts, as well as for the staff of the Service, will continue to be afforded a high priority in 2003. The Service will continue to take account of differing needs while ensuring that there is appropriate consultation with all interested parties.

Regional structures

The Working Group on a Courts Commission recommended that centralised arrangements should be decentralised. Such a move, consistent with current Government policy, enables the Service to arrange for the devolution of tasks more suitable to be dealt with at local or regional level. During 2002, the assignment of tasks to the regional offices continued on a phased basis. The offices continue to take on elements of work which previously resided centrally in Dublin or work



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which was not being undertaken in any structured or consistent fashion. During 2002, responsibility for areas such as training and certain human resource matters were successfully devolved. The process will continue during 2003.

The benefits associated with the move to a regional structure include that not only will functions be performed more efficiently and effectively at a regional level, but also the fact that it allows for a more strategic approach to the work of the Circuit and District Court offices; gives increased emphasis on accountability and responsibility; is better for local staff in terms of career; and allows for more meaningful on-going contact and consultation with user groups such as solicitors and other interest/support groups.

Performance Management

The new Performance Management and Development System (PMDS) being implemented right through the Public Service is the broad term describing the structure and process by which an individual's work performance, career and development needs are managed.

Organisations are implementing the system over a period of three years. Phase 2 training in the Service, consisting of two days training for all staff, was completed during the year and involved a total of one hundred and twelve workshops at twenty different locations. A number of unique elements were part of the training, including: the PMDS trainers were all staff of the Service; fully designed and printed leaders' and participants' guides specifically structured for the Service were used; audio tapes and a video were specially commissioned for use in the training; and support for visually impaired staff was provided with active support for staff in the implementation phase. The process used by the Service has received very favourable comment across the Civil Service.

Staff handbook

During 2002, a handbook for all staff of the Service was produced. The purpose of the handbook is to inform all staff of the procedures and policies relating to the human resource function and to provide them

Staff training in the Probate Office

Weekly training sessions of an hour's duration were held throughout 2002. Individual members of staff presented papers to the office on specific topics. The presentation exercise developed other skills in addition to providing legal training. Particular attention and time was devoted to the Seat Office where a knowledge of probate law must be combined with a knowledge of the application of the Rules of the Superior Courts. Probate problems encountered by office staff were presented for discussion, enabling staff to apply the formal training they received at training sessions to real problems which face practitioners in the area of probate law.

Staff training in the Dublin Metropolitan District Court

A structured programme for training court registrars assigned to the criminal courts of the Dublin Metropolitan District Court was piloted in 2002. Training was provided in both courtroom and classroom environments to ensure that registrars received full instruction on court practice and procedures in advance of taking up court duties.

with information on conditions of service, opportunities for development, support services and their individual responsibilities as employees. The project is unique in the Irish Civil Service and is being used by a number of other organisations to develop similar publications.

Training

The Training Unit of the Service supports continuous organisational and personal staff development. During 2002, over €700,000 was spent on staff training and development. Training provided during the year included:

- ★ performance management and development
- ★ management training
- ★ training for court messengers
- ★ a major programme of information technology training right across the organisation
- ★ judicial information technology training
- ★ accounting training
- ★ written communications

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In addition to general office and management training the Service facilitates on-the-job training for staff, particularly in court offices where the nature of the work requires a particular knowledge of court rules and practice. Examples of the new approach to staff training can be found in the Probate Office of the High Court and in the Dublin Metropolitan District Court (see *panel on page 29*).

Reviewing practices and processes in court offices

A shared electronic diary was introduced into the Supreme Court office in 2002. It is in everyday use and allows for improved co-ordination between all offices of the Supreme Court including the Court of Criminal Appeal, Office of the Chief Justice, Supreme Court judges, Supreme Court judicial secretaries and the Supreme Court office, together with more efficient and effective access to information.

All Supreme Court judgments delivered since January 2001 were made available in electronic format on request during 2002 and all judgments are circulated by e-mail in addition to hard copy. The circulation of judgments in hard copy has been reduced by 40% and it is planned to reduce this further during 2003. This has resulted in a significant decrease in cost, through both the reduction in the amount of photocopying necessary and the amount of time spent circulating hard copies.

Work on the development of a case management system for the Office of the Court of Criminal Appeal was completed in 2002. All new appeals lodged since July 2002 are entered and processed electronically, with the system designed to issue standard form letters and notices in respect of cases pending before the court. These standard form notices and requests are used to communicate electronically with other offices including the Circuit Criminal Court, the Central Criminal Court and the Chief Stenographer. Efforts will continue during 2003 to extend this facility to circuit court offices around the country.

Work was completed during the year on the electronic availability of practice and procedure manuals for High Court registrars. This assists in the training of new staff

and disseminates best practice among experienced staff. Similar work is now under way in the respect of the manuals, practice notes and directions used by the Probate Office, the Office of the General Solicitor for Minors and Wards of Court and the High Court Examiner's Office.

An office manager was appointed in the High Court Central Office to provide administrative support to the Registrar of the Central Office. The manager co-ordinated the temporary re-location of the staff of the office during the extensive reconstruction work which was undertaken in the east wing of the Four Courts during 2002 (see *page 57*) and the return to its refurbished accommodation without any interruption in service to users of the office.

New Strategic Plan

The new Strategic Plan 2002-2005 was approved by the Board of the Service in early November. The Plan was developed following an extensive consultation process with staff, judiciary and key stakeholders. The Plan reviews the considerable progress made in implementing the one hundred and twenty-seven strategies set out in the first Strategic Plan and seeks to build on its strengths by setting ambitious targets under each of the five mandates of the Service.

Partnership process

The partnership process which was established following *Partnership 2000* had a key role in a number of areas during 2002 including:

- ★ overseeing the production of the new Strategic Plan
- ★ developing the new Customer Service Action Plan
- ★ exceptional performance awards
- ★ health and safety
- ★ training and development
- ★ work experience policy

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The manner in which partnership operates in the Service and its impact on various initiatives has been acknowledged across the Public Service to such an extent that at the end of the year the Service was chosen by the National Council for Partnership and Progress as reflecting some of the more positive aspects of how partnership should work at an organisational level.

A review of the process was conducted in the latter part of 2002 and it is expected to move forward a number of new developments in the area during 2003, including the setting up of regional partnership committees.

Work Experience

A policy on work experience in the Service was devised during the year following an extensive consultation process.

Customer Service

The provision of an excellent customer service to the public was specifically identified as a primary objective of the *Strategic Management Initiative (SMI)* in the Civil Service. Quality customer service is also emphasised in the *Programme for Prosperity and Fairness*. The Customer Service Committee of the Central Partnership Committee of the Service was tasked in 2002 with preparing a customer service strategy and promoting the importance of customer service throughout the organisation. The Committee, comprising staff from all levels of the Service, met on several occasions during the year and actively engaged in an information gathering exercise that included benchmarking best practices in other organisations, meeting people who have an expertise in the field and inviting submissions from staff and court users. The result was the development of the first ever Customer Service Action Plan for the Service. The Plan, published at the end of 2002, further advances the aims of the SMI by focusing on the needs of the users of the courts and ensuring that staff are familiar with best practice across the entire Public Service. The implementation of the seventy-three distinct objectives in the Plan will be a major focus for 2003.

The Service is fully committed to playing its full part in implementing the programme for eGovernment. Information technology has the potential to transform the courts and to modernise, standardise and simplify the procedures, practices, rules and terminology used in our courts and court offices. It offers a democracy of access to information. It brings the court office to your desktop and the court diary to your home. Whether you live in Dingle, Dublin, Dundalk or Donegal you will be able to access the courts and their information.

Mrs. Justice Susan Denham, Chairperson of the Board



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Information Technology

During the year, the Service continued its programme of implementing the key strategies defined in the five year information technology strategic plan titled “eCourts”, published in February 2001.

During 2002, the Service continued to implement new technologies, initiatives and systems across the organisation, specifically designed to enhance the Service’s ability to provide an improved level of customer service and, at the same time, place the organisation at the forefront in the development of a modern court system. The implementation of the Strategic Plan continues to represent a major challenge for the Service and, during the year, significant progress was made in the deployment of a modern communications infrastructure which will provide the underlying platform for the delivery of a range of business, eGovernment and customer-focused initiatives in the future.

Internal Communication

Publications such as *Courts Service News* and *The Directorate Bulletin* continued to keep judges, staff and users informed of developments within and affecting the Service during the year.



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“Project Gateway”

The deployment of a comprehensive, secure and flexible local and wide area network infrastructure to office locations nationwide was completed on schedule during the year. In addition, the infrastructure in many offices in Dublin was significantly upgraded to reflect technological developments generally. The deployment of this infrastructure has, for the first time, provided all staff and members of the judiciary with access to modern office productivity tools to facilitate their daily work activity. The Service now has one of the most modern communication platforms available and leaves the organisation ideally placed to deploy a range of new initiatives and services.

At the end of the year, a staff group was considering the business benefits for the Service in implementing the project. An immediate benefit is the greater ease of electronic communication, both with internal and external customers. There are other possible benefits, such as a common file/folder structure and ultimately, standardisation of work practices and procedures. The report of the staff group will be available in early 2003.

Recognising achievements to deliver eGovernment

The Service was one of three public bodies nominated for an award in 2002 by the Irish Internet Association for their contribution to the development of eGovernment. The other nominees were the Revenue Commissioners and the Department of An Taoiseach. For the Service, the nomination represented recognition of the progress made in the information technology area in a very short period of time.

Information technology networks – facilitating a myriad of benefits for the Service

The completion of the implementation of the networks will facilitate the continued roll-out of the criminal case management system which has already been implemented in Dublin and Limerick, the new courts accounting system which at year-end was being piloted in Limerick, Galway and Roscommon and the new funds management system which will be implemented in the Office of the Accountant of the Courts of Justice in Dublin in mid-2003. It will also greatly facilitate the roll-out of the civil and criminal case management systems which were first developed for the circuit courts in Dublin. Already circuit court offices in Dundalk, Clonmel, Naas, Tullamore, Trim and Wicklow have implemented these systems. Systems have also been installed in the Office of Wards of Court, the High Court Examiner's Office, the Office of the Court of Criminal Appeal, the Office of the Supreme Court and new systems will be put in place in 2003 in the Office of the General Solicitor for Minors and Wards of Court and the Dublin District Court licensing office. In addition, new document management systems have been implemented in the Office of the Judicial Studies Institute and the Information Office.

The importance of the completion of this major upgrade to the Service cannot be underestimated. It is an important milestone in a five year strategic plan to implement the latest information technology across the courts system. The overall objective is to greatly improve the administrative processing of cases in all court offices throughout the State and equip staff in offices with the administrative and technological tools to provide an enhanced level of service to all court users. The completion of the e-mail platform across seventy court offices is an essential building block in the overall goal of delivering the multi-million euro eCourts initiative.

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Interim Case Management Systems

The panel on page 33 highlights the progress achieved in relation to the deployment of case management systems to many court offices around the country. These systems are designed to meet specific requirements in court offices pending the implementation of the strategic systems outlined in “eCourts”. Work commenced in 2002 on the development of an intranet facility for the Service.

While the paperless court may be some time away, the Service is installing the latest technology which will begin to change the public perception of the courts system

An example of the practical benefits of the development of information technology systems can be found in the Circuit Criminal Court where a system operational since August 2002 facilitates the transition of the listing of cases from the Chief State Prosecution Solicitor to the Service. It assists in the re-scheduling of court dates, allocation of bill numbers and provides case record details. The system was made available towards the end of the year to all five Circuit Criminal Court courtrooms and is used for information purposes by the judge and for data entry purposes by the court registrar. In addition, the Circuit Court Civil Office system was implemented in Dundalk and Clonmel Circuit Court offices and plans are well advanced to commence implementation to all circuit court offices throughout the country.

Developing the capacity of the Service to supply services electronically

The five year information technology strategic plan (“eCourts”) details the future basis for electronic service delivery by the Service based on three dimensions: Business-to-Consumer, Business-to-Business and Business-in-Business. During the year, the Service commenced work on the specification of requirements for the development of a pilot system for the Small Claims procedure. This will provide the facility for the

consumer to lodge claims electronically with the court office.

The Service also commenced work during 2002 on the development of enhancements to the criminal case management system to facilitate the implementation of a fully automated penalty points system by the end of 2003. At year end, consultations were continuing with the Department of Transport and An Garda Síochána in relation to the specification of all the requirements associated with the introduction of a fully automated penalty points system. From the perspective of the Service, four separate work streams are required:

- ★ modification of the criminal case management system to facilitate penalty points
- ★ roll-out of the criminal case management system to all District Court offices throughout the country
- ★ development of an electronic interface to facilitate the transfer of data between An Garda Síochána’s “Fine on the Spot” system and the criminal case management system
- ★ development of an interface between the criminal case management system and the Department of the Environment & Local Government Driver Licence system to facilitate the transfer of details of convictions to which penalty points refer.

Improving information on bail

The amount of management information regarding the administration of the bail system is improving all the time. The development of computer systems which have to date been implemented in the Dublin District Courts and in the Limerick District Court will considerably improve the availability of management information about activities in the courts generally. Estreatments not at present included in the system will be included in the next set of enhancements to this system which will be rolled-out to other District Court offices throughout the country in 2003.

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Improving matters incrementally

While major developments and improvements have been achieved in the area of information technology, the Service has also achieved considerable success by effecting a series of small improvements which do not, if considered in isolation, lead to major change but do have the effect of empowering people while boosting commitment and showing progress in a range of areas. Examples of these improvements during 2002 can be seen by the effectiveness of the introduction of computers into several Dublin courtrooms and the availability of the Legal Diary via the Internet.

Legal Diary

The Service commenced production of the Legal Diary without external assistance in October 2002. Prior to that date the Diary had been produced commercially. Commercial difficulties with the printing company meant that an alternative for the publication of the Diary had to be sourced at very short notice and the opportunity was taken to produce the Diary in-house on a pilot basis. A new workflow was put in place to ensure continuity of service. The re-design, production and distribution by e-mail in-house of the Legal Diary in a very short time frame following 150 years of commercial production in broadsheet form represented a very significant commitment and effort by staff of the Service. In addition, production was only possible because of the high level of information technology skills, systems and support now available within the Service. This project is an illustration of the benefits of a unified Service in that it was made possible by collaboration and co-operation between different sections within the organisation. It reflects the talent, flexibility, professionalism and commitment of the staff.

Computers in the courtroom

Technology in the courtroom became a reality for the Dublin Metropolitan District Court during the year. A court clerk is assigned to enter data for the court registrar on to a computer located in the courtroom. Court orders are drafted in court and are immediately available for signing by the District Judge, eliminating any delay in processing decisions of the court.

The provision of computers in several criminal courts in the Circuit Court improved efficiency in the processing of cases as a result of the transfer of data in respect of on-going criminal cases on to the new management system and the recording of case results in court.

Work continued during the year on the introduction on a pilot basis in the Supreme Court of electronic filing and the electronic display of documents in the courtroom. An extensive consultation process commenced in 2002 will continue in 2003 through a working group established for this purpose.



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Expenditure on information technology

The chart below details the principal areas of expenditure in relation to information technology during 2002:



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Financial Management

Management of court funds

The Service, on behalf of the courts, is responsible for administering some €800m of funds held on trust by the courts. These funds primarily refer to the assets of persons who are Wards of Court and Minors who have been awarded damages by the courts. Over the course of 2002, significant progress was made in modernising this operation. This modernisation process included the establishment of governance arrangements including an investment committee, the agreement of standard investment strategies that meet the requirements of individual beneficiaries and the appointment of investment advisors and fund managers. By year end, these arrangements were in place and the Service will implement a new computerised funds accounting system during 2003. By the end of 2003, the manual ledgers in the Office of the Accountant of the Courts of Justice will be consigned to the archives and a new computerised system will be in operation, automating many thousands of manual processes. The Rules of the Superior Courts dealing with court funds were reviewed during the year and amendments proposed to facilitate the new investment arrangements and the introduction of computerisation. Proposals seeking amendments to tax legislation to be included in the Finance Bill, 2003 were agreed with the Revenue Commissioners and the Department of Finance. The year 2002 also saw the completion of the second annual audit of the financial statement of the Accountant of the Courts of Justice by independent auditors PriceWaterHouse Coopers. An extract from the annual financial statement is included on page 129.

Courts Accounting

During 2002, excellent progress was made in implementing the AGRESSO financial system in four pilot sites. These were in Limerick and Cork District Court offices for family law maintenance payments, Roscommon Circuit Court office for Minor investments and the Finance Directorate in Dublin. It is planned to roll-out the system to more court offices during 2003.

The Service also processes the payment of fines, bail and court fees together with contributions to the Poor Box. At the end of 2002, plans were at an advanced stage for the automation of these processes. The Service intends to substantially re-structure the way the payment of fines and court fees are administered. In the case of fines, this will see the introduction of significant business process change and re-structuring, leading to improved utilisation of resources together with the introduction of a range of payment methods including credit card, Internet and billpay via banks and post offices. A by-product of this change should see an improvement in the collection rate for fines.

During 2002, all court fees were reviewed and proposed increases were submitted to the Minister for Justice, Equality & Law Reform. In many cases, fees had not been reviewed at regular intervals and had not kept pace with inflation. The extra income generated from this review was included in the estimates allocation for 2003 for the Service and will enable progress to continue on a range of information technology projects and support courthouse refurbishment.



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Dormant Accounts

Court funds, primarily those relating to persons who are Wards of Court or Minors, may be classified as *dormant* if there have been no transactions on them for a period of 15 years. Legislation in the form of the Funds of Suitors Act, 1984 was passed to deal with such dormant accounts. By the end of 2002, approximately €9.5 million in dormant funds had accumulated in the High Court. During the year, the Service, in conjunction with the Department of Justice, Equality & Law Reform, put forward proposals for new legislation to deal with these dormant funds.

General Financial Management

The quality of financial management information improved considerably during 2002, with expenditure monitored closely. The Service received approval for a supplementary estimate to release additional appropriation-in-aid which was used to defray increasing costs in areas such as stenography and courthouse maintenance. In June 2002, work commenced on the implementation of a new financial management system. This project involves the Department of Justice, Equality & Law Reform, An Garda Síochána and the Prison Service and will be established around a shared service centre in Killarney, Co. Kerry. It will be operative in the Service from June 2003. Significantly improved financial management information will be available from this system which will support improved value-for-money and devolved budgeting.

*The euro Changeover*

The euro changeover had a major impact on the operations of the Service. It affected every court office involved in such matters as cash transactions, accounting procedures and the management and investment of courts funds. It also had implications for information technology systems; some primary and secondary legislation; fees orders; rules of court; court orders; payments to suppliers and staff; banking; and communications and training.

To prepare for the euro changeover, the Service established a euro Changeover Action Group. The Group's objectives were to ensure that all relevant operations were euro compliant on or before December 31st, 2001; that staff were made aware of the implications and provided with appropriate training and that the customers of the Service were made aware of the plans. A euro Changeover Action Plan covering all areas affected by the euro was prepared and implemented. As a result of the degree of planning put in place by the Service, there was a smooth changeover to the euro on January 1st, 2002.

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Supporting the Rules Committees in updating and modernising rules of court

The programme of modernisation of business processes and the introduction of information technology which the Service has embarked upon involves changes to the Rules of Court. Staff of the Service continue to assist in the process of effecting necessary changes to the Rules. Examples of this during the year included:

- ★ the formulation by the Director of Reform & Development, in conjunction with the Finance Directorate and the Office of the Accountant of the Courts of Justice, of comprehensive proposals for consideration by the Superior Court Rules Committee. The proposals in the area of courts accounting and funds management are intended to facilitate both electronic record-keeping and transactions and the new fund management and investment programme.
- ★ An amendment to Order 77, Rule 21 of the Rules of the Superior Courts drafted by the Registrar of Wards of Court for consideration by the Superior Court Rules Committee. The amendment will enable the Registrar give authority for lodgment of funds in wardship matters.

The President of the High Court established a Working Group in 2002 to advance the establishment of a pilot Commercial Court in the High Court. Active judicial case management will be a key feature of the new court as will the electronic display of documents. The President also designated a judge of the High Court to manage the court with support from a number of judges experienced in the commercial law area. Proposals for a procedural regime for a new Commercial Court including the matter of Rules were considered by the Directorate of Reform & Development during the year in conjunction with the judiciary and the relevant court offices.

Continuing the development of the Small Claims Procedure

In 2002, staff of the Service reviewed the material available to the public on the Small Claims procedure. Following this review, a leaflet on the Small Claims Procedure designed to provide a clear understanding of the procedures and issues involved in the process was published. The leaflet, titled "A Guide to Small Claims", is available on the website of the Service.



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Variation orders made in 2002

TITLE	S.I. NUMBER	PURPOSE OF VARIATION ORDER	DATE ORDER BECAME EFFECTIVE
District Court Districts and Areas (Amendment) and Variation of Days (Portlaoise, Abbeyleigh and Mountrath) Order, 2001	543/2001	Amalgamation of Abbeyleigh and Mountrath with Portlaoise (District No.15). Change in days of sittings of Portlaoise District Court	1st January 2002
District Court Districts and Areas (Amendment) and Variation of Hours (District 15) Order, 2002	544/2002	Change in times of sittings in District No.15 to 10.30 a.m.	1st January 2002
District Court Districts and Areas (Amendment) and Variation of Hours (Ballybay, Carrickmacross and Castleblaney) Order, 2002	40/2002	Change in times of sittings in District No.6 to 10.30 a.m.	1st March 2002
District Court Districts and Areas (Amendment) and Variation of Days (Naas and Newbridge) Order, 2002	216/2002	Amalgamation of Newbridge with Naas (District No.16)	1st June 2002
District Court Districts and Areas (Amendment) (Cork City and Clonakilty August sittings) Order, 2002	314/2002	Provides for a change in the District Court sittings each August in Clonakilty to 3.00 p.m., Cork City to 10.30 a.m. each Monday, Wednesday and Friday	1st August 2002
District Court Areas (Amendment) (Castlebar August Sittings) Order, 2002	398/2002	Provides for the holding of District Court sittings each August for District No. 3 in Castlebar.	1st August 2002
District Court Districts and Areas (Amendment) and Variation of Days (Carlow) Order, 2002	448/2002	Additional scheduled sitting on the third Monday of each month of Carlow District Court (District No.15)	1st October 2002
District Court Districts and Areas (Amendment) (Moate and Athlone) Order, 2002	521/2002	Amalgamation of Moate with Athlone (District No.8)	1st December 2002

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Reviewing existing District Court Districts and Areas

A number of amendments to District Court areas and variations of sitting days were made during the year for the increased efficiency and management of the business of the courts around the country. Details of the variation orders made in 2002 are on page 40:

Initiatives in respect of family law matters

The Service continued to develop a number of initiatives in the area of family law during the year including:

Dedicated days for family law

★ High Court

The High Court hears family law cases separately to other civil cases and there is a separate dedicated family law list. A full time court registrar is assigned to the family law list. Generally, the Family Law Court sits separately in Áras Uí Dhálaigh which has better facilities and a degree of privacy available to practitioners and litigants not available in the Four Courts. The President of the High Court assigns judges to the management of the family law list and the hearing of family law cases on a rotating basis.

★ Circuit Court

In the Circuit Court, family law cases are dealt with on separate days to the rest of the court business. In Dublin, the President of the Circuit Court assigns judges to the hearing of family law cases for periods which can extend up to one or two years.

★ District Court

In the case of the District Court, family law cases traditionally have been dealt with at the end or beginning of the ordinary list. Considerable progress has been made in separating family law cases from the rest of the work of the courts and in that regard, in Dublin and Cork, District Court

judges are assigned on a full-time basis to family law courts and deal exclusively with such cases. In fifteen District Courts, dedicated days have been allocated to family law (see page 42).

In three districts, the family law cases are dealt with in the larger centres such as county towns. This means that they can be dealt with at venues with more appropriate facilities and with dedicated days. Emergency and urgent cases can still be dealt with at the smaller venues as the need arises.

Recording and reporting of family law judgments

The Working Group on a Courts Commission recommended that the Service, when established, should seek to progress by way of a pilot project, the recording and reporting by a qualified legal practitioner of judgments in family law cases in the Circuit and District family law courts. Following extensive consultation, a pilot project was devised and a recorder engaged for a twelve month period from April 2001. There were three separate elements within the project:

- ★ The recording and reporting of Circuit Family Court and District Family Court judgments
- ★ The production of general information regarding family law
- ★ The provision of more meaningful statistics regarding family law

During 2002, the Service continued to produce information bulletins and to produce more meaningful statistics regarding family law. During the early stages of the project, an issue emerged regarding the legal right of the recorder to be present in family law courts, even when the consent of the parties was obtained. The Board sought an opinion from senior counsel on the issue. The view of senior counsel was that, as legislature stands, neither the consent of judges nor consent of parties to the action is sufficient to allow a recorder to be present at family law cases.

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District Court areas with sittings dedicated to family law

District Court number	Venue	Number of family law sittings
3	Ballina	One sitting each month
15	Carlow	One sitting each month
3	Castlebar	One sitting each month*
21	Clonmel	One sitting each month*
20	Cobh	One sitting each month
19	Cork	Two sittings each week
6	Drogheda	One sitting each month
	Dublin	Daily
6	Dundalk	One sitting each month
12	Ennis	One sitting each month
20	Fermoy	One sitting each month
7	Galway	One sitting each month
13	Kilmallock	One sitting each month
1	Letterkenny	One sitting each month
14	Limerick	One sitting each week
13	Listowel	One sitting each month
20	Mallow	One sitting each month
20	Midleton	One sitting each month
20	Mitchelstown	One sitting each month
9	Mullingar	One sitting each month
16	Naas	One sitting each month*
13	Newcastlewest	One sitting each month
15	Portlaoise	One sitting each month
13	Rathkeale	One sitting each month
2	Sligo	One sitting each month
10	Trim	One sitting each month
9	Tullamore	One sitting each month
22	Waterford	One sitting each month
3	Westport	One sitting each month*
23	Wexford	One sitting each month*

* in certain venues, while the day is not entirely dedicated to family matters, the day is arranged so that family lists are heard separately

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A purpose-designed family law centre for all family law courts in Dublin

In Dublin, plans have been prepared and planning permission is being sought for a dedicated family law centre for the High, Circuit and District Family Law Courts, and associated facilities, on Ormond Quay on a site adjacent to the Four Courts. In July 2002, the Circuit Family Law Courts were re-located from Riverbank on Merchant's Quay to Phoenix Street, Smithfield. The facilities at Phoenix Street will be used pending the completion of the Family Law Centre on Ormond Quay and include: 3 courtrooms, 10 consultation rooms, a room for the use of legal practitioners and office accommodation for the staff of the Circuit Court Family Law Office.

Facilities for children

Practitioners in the child care area have pointed to the undesirability of having cases involving child care issues dealt with in the same court as cases involving criminal charges against young people. Plans were at an advanced stage at the end of the year to transfer the hearing of child care cases in Dublin out of the Children's Court which also deals with criminal cases against persons under 17 years. The hearing of child care cases will be transferred in 2003 from the Children's Court to the District Family Law Court in Dolphin House pending the construction of a dedicated facility to deal with child care cases as part of the development of the family law centre on Ormond Quay referred to above.

In addition to the facilities already mentioned, the new centre will also provide child minding facilities for the parents of children involved in consultations or hearings in family law proceedings.

Pilot Drug Court Programme

A pilot drug court programme commenced in the Dublin District Court in January 2001 for an eighteen month period for persons who had committed non-violent drug related offences. Dublin's north inner city was the area selected for the project because of the extent of the problem of drug misuse and the

availability of treatment in the area. The Drug Court was based in the north inner city at the Richmond Courthouse in North Brunswick Street, Dublin. The profile of the Drug Court participants remained relatively unchanged throughout the course of its operation – the majority being male, in their mid-to-late twenties, unemployed and having left school at an early age.

Suitable candidates were identified in the courts in Chancery Street and transferred to the Drug Court for final assessment as to suitability. The judge assigned to the Drug Court was assisted by a team consisting of a liaison nurse, two probation officers, two members of An Garda Síochána, an educational co-ordinator and the Drug Court co-ordinator. Sittings of the Court were preceded by review meetings between the judge and the Drug Court Team.

At the end of 2002, a total of ninety persons had been referred to the Drug Court. Of that number, thirty-seven were assessed as being ineligible and referred back to the District Court for sentencing. A further three were being assessed as to suitability for the programme. Of the fifty who participated, fourteen were terminated from the programme and referred back to the District Court for sentencing.

The Pilot Drug Court Programme was evaluated by external evaluators at the end of the eighteen month period in July 2002. The evaluators recommended that the pilot be extended and that the geographical area be extended to include Dublin 7. The Board of the Service agreed in principle on the recommendations contained in the Report. The Minister for Justice, Equality & Law Reform approved the extension of the pilot programme to the Dublin 7 area.

A graduation ceremony for four successful participants in the Drug Court Pilot Programme was held in December 2002. A special sitting of the District Court was held to mark the occasion which was attended by the Chairperson of the Board of the Service. This brought to five the number of successful participants from the programme.

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Overview of the Pilot Drug Court Programme as at December 2002:

- ★ 90 persons referred to the Drug Court from the Dublin District Courts sitting in Chancery Street
- ★ 50 persons proceeded to become participants by the end of the project
- ★ 37 offenders assessed as ineligible and referred back to the original District Court for sentencing
- ★ Of the participants that entered, 14 were terminated from the programme and also sent back to the District Court for sentencing
- ★ 5 graduated from the programme

Developing a policy on bi-lingualism

The use of Irish continues to be of considerable relevance and importance to the everyday workings of the courts in Ireland. The daily use of the Irish language is still strongly embedded in Gaeltacht areas such as Connemara. Citizens wishing to exercise their right to conduct court proceedings in Irish can benefit from a range of initiatives which the Service continued to develop in 2002. These include new training initiatives for staff, provision of commonly used forms in Irish and the provision of a range of information through Irish, both in printed form and on the website of the Service (www.courts.ie).



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MANDATE 2

Provide support services for the judges

The total number of serving judges in all four court jurisdictions - Supreme Court, High Court, Circuit Court and District Court - as of December 31st 2002 was 119.

The Irish judiciary

JURISDICTION	LEGISLATIVE POSITION	NUMBER SERVING
Supreme Court	8 including the Chief Justice	8
High Court	28 including the President *	27
Circuit Court	31 including the President	31
District Court	53 including the President	53
Total	120	119

* 28 when the President of the Law Reform Commission is a High Court Judge, as is currently the case

Supporting the work of the Rules Committees

Staff of the Service continue to assist in the process of effecting changes to the Rules of Court. Examples during 2002 included the formulation by the Directorate of Reform & Development, in conjunction with the Finance Directorate and the Office of the Accountant of the Courts of Justice, of comprehensive proposals for consideration by the Superior Court Rules Committee. The proposals in the area of courts accounting and funds management are intended to facilitate both electronic record-keeping and transactions and the new fund management and investment programme. In addition, an amendment to Order 77, Rule 21 of the Rules of the Superior Courts was drafted by the Registrar of Wards of Court for consideration by the Superior Court Rules Committee. The amendment will enable the Registrar give authority for lodgment of funds in wardship matters.

The President of the High Court established a working group in 2002 to advance the establishment of a pilot Commercial Court in the High Court. Active judicial case management will be a key feature of the new court as will the electronic display of documents. The President also designated a judge of the High Court to manage the court with support from a number of judges experienced in the commercial law area. Proposals for a procedural regime for a new Commercial Court including the matter of Rules were considered by the Directorate of Reform & Development during the year in conjunction with the judiciary and the relevant court offices. The Service also assisted with additional developments including the assignment of an experienced senior registrar who will manage and act as registrar to the pilot court.

Improved library and research facilities for the judiciary

The Service continues to provide a library and information service for the judiciary of all courts and for the judicial research assistants. Resources include reference works, textbooks, indices and digests, periodicals, law reports, legislation, Oireachtas debates, official publications, and some non-law material. They are available in both hard copy and electronic formats.

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In 2002, a professionally qualified assistant librarian was appointed. This post has particular responsibility for the automation of the library, which in turn will benefit efficiency, stock control and services. Much emphasis was placed on training staff during the year. In particular, staff were given a thorough understanding of the complex new copyright regulations governing libraries.

During the year, the final stages of planning a new library were completed and the library re-located to more spacious quarters in Áras Uí Dhálaigh beside the Four Courts where the library collection was completely re-organised. The new library will provide better access to the collection and improved research facilities. Throughout the period, the regular library service was maintained as a result of careful record keeping and assistance provided by other libraries, in particular the Law Library and Trinity College, Dublin.

Developing effective working relationships and communications systems between the judiciary and the staff of the Service

The judiciary and the staff of the Service continue to pursue complementary goals, and effective communication is essential for successful working. In 2002, the Service established a small group of registrars and officials to evaluate and improve administrative procedures in relation to the processing and distribution of written judgments. The Report of this group will be available in 2003 and will be submitted to the judiciary.

Improved secretarial and research facilities to the judiciary

During the year, the Scrivenery Office in the High Court was re-structured. Some staff were assigned to a new High Court Secretarial Unit, established to provide typing and other secretarial service for judges of the High Court. Others were assigned to provide administrative support for High Court registrars, particularly those managing very large court lists. A small group comprising three High Court judges and the Chief Registrar was established to monitor the operation of the new arrangements.

Reducing waiting times

Staff of the Service continued to support initiatives by the judiciary aimed at reducing waiting times in courts where such waiting times exist. The following are examples of such initiatives in 2002:

★ Supreme Court

Among the initiatives taken during the year was a decision to dispense with lists to fix dates. Dates for hearings are now allocated by the Supreme Court Registrar when cases are certified as ready for hearing. This new arrangement has been a contributory factor in reducing waiting times. As of December 2002, the waiting time for an appeal to be listed for hearing was less than three months.

The change in the listing system has allowed for a greater flexibility and has enabled some cases, particularly the shorter ones, to be accommodated at comparatively short notice when a date becomes available due to settlement or withdrawal of an appeal.

★ Court of Criminal Appeal

Active case management of the list was undertaken by the court which, in addition to the usual Monday lists, sat for a total of twenty-four extra days in 2002. An innovation during the year, was that for four of those days, two divisions of the court sat in an effort to maximise the number of appeals heard.

Courts were also specially convened to hear a four day appeal in a conviction case and also for a case under the Criminal Procedure Act, 1993 which was at hearing for eighteen days. Priority cases were also accommodated where the court was of the view that an urgent hearing was required. Any additional court time becoming available due to adjournments or withdrawal of appeals was also utilised to best effect.

★ Probate Office

At the beginning of 2002, the time for issue of Grants of Probate was 7-8 weeks from the date papers were lodged. Personal applicants were waiting approximately 8-10 weeks for an

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appointment to see a probate official. By the end of 2002, the waiting time had been reduced to 4 weeks for the issue of Grants of Probate. The time for appointments for personal applicants was reduced to 4 weeks by August 2002 but had risen to 10 weeks by December 2002. It is anticipated that the waiting time will be reduced to 4-6 weeks by June 2003.

★ **Dublin Metropolitan District Court**

Court 51, which traditionally dealt with parking fines as the need arose, was made available on a full-time basis, providing an additional 15 days per month for dealing with fines.

Improving statistics

Enhancements to the case management system operating in the Central Office of the High Court were completed during the year and are intended to improve the range of statistical and management information available. The enhancements will enable statistics, concerning the rate at which cases are processed and orders made, to be extracted from the system. The improved information will be available from January 2003.

Supporting the work of the Judicial Studies Institute

The Judicial Studies Institute was established in 1996 to oversee expenditure and planning for judicial training following a formal commitment in legislation to provide Government funding for judicial training. The Board of the Judicial Studies Institute consists of the Chief Justice and the Presidents of the High, Circuit and District Courts together with one ordinary judge from each court jurisdiction.

Judicial training is a matter for the judiciary which is, under the Constitution, independent in the exercise of its judicial function. The Service provides funding for such training and has made significant funds available to the Judicial Studies Institute for this purpose. This funding has been increased greatly in recent years -

from €63,486 in 1998 to €368,000 in 2002. The Institute has put in place a comprehensive programme of training for judges. Conferences for each court jurisdiction, together with a national conference, were organised during 2002 by the support staff to the Institute. Support was also provided for judges attending seminars and conferences abroad.

Judicial procedural manuals, called Bench Books, were made available by the support staff to each judge appointed during 2002. The publication of a Judicial Studies Newsletter and Judicial Studies Journal, compiled by the support staff for circulation amongst the judiciary, continued throughout the year.

Judicial Support Unit

The Service continued to provide assistance to the judiciary on a range of issues during 2002 and to provide administrative support to the Judicial Appointments Advisory Board and the Judicial Studies Institute. There were sixteen appointments to judicial office in 2002.

The Judicial Support Unit, a dedicated unit within the Corporate Services Directorate, continued to co-ordinate the support services and act as liaison between the judiciary and other staff during 2002. Among the initiatives developed by the Unit during the year was the introduction of presentations by senior staff of the Service to judges on appointment on the range of support services available. The Unit also expanded its role in the co-ordination of programmes of events for the many foreign judicial delegations who visit the Irish courts.

Examples of this initiative during the year included the organisation of a programme for a visit to the Irish courts by a delegation of Cypriot Supreme Court judges which took place in the context of their country's candidature for entry to the European Union and programmes for visits by delegations of judges and officials from a variety of other locations including Latvia, Texas, Norway, Perth (Australia) and Nottingham (England).

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Judges' Intranet Project

During the year, a major upgrade of the Judges' Intranet was completed as part of the Service's information technology "Gateway" project (referred to on page 32). In addition, the facilities available to judges were further enhanced through the provision of access to additional web-enabled legal databases for legal research and business purposes.

Information technology developments in the Supreme Court

A centralised diary system was introduced in the Supreme Court in March 2002. At year-end, work was on-going on the final phase of a project relating to collaborative working, with a prototype developed for piloting purposes.

Technology in the courtroom

The Supreme Court was selected as representing an ideal location for the introduction, on a pilot basis, of electronic filing and the real time use of technology in the courtroom. An extensive consultation process on this project commenced in 2002 through a working group which includes representatives of the Supreme Court judges, the Bar Council of Ireland, the Law Society of Ireland, the Office of the Attorney General, the Office of the Director of Public Prosecutions and various offices of the Service. At year-end, progress had been made for the introduction of electronic filing of documents and a specification and design for the electronic display of documents in the courtroom was being considered by the working group.

Judicial IT Training

A training needs analysis began in June 2002 with members of the judiciary requested to identify their information technology training requirements. A range of topics was identified and the Service made arrangements to provide the necessary training in Dublin and at designated locations around the country. A training video to assist with the training was

Judicial case management – the High Court Chancery 1 List

An example of judicial case management during 2002 was evident from the High Court Chancery 1 List. The court gave directions in cases, usually involving commercial or employment issues, as to the delivery of pleadings and discovery and the cases were adjourned to a fixed date to review progress. Once all directions had been complied with and there were no outstanding discovery issues, a trial date was fixed in advance of the list to fix dates. The judge - concerned that any cases which failed to get a hearing on the assigned date would not fail to do so subsequently - assigned a priority listing in the following list to fix dates. The registrar tracked such cases and consulted with the principal registrar should the next hearing date appear to be in jeopardy.

A system of removing applications from the list after a specified number of applications for adjournments served to avoid clogging up the court list with adjourned applications. The registrar recorded the number of adjournments and published that number after the title of the case in the Legal Diary. After a specified number of adjournments, the application was taken out of the list with liberty to re-enter it in the future when the parties are ready to proceed.

produced and each member of the judiciary was provided with a set of guides to provide comprehensive information on the software used by the Service.

Supporting judicial case management

Computers were introduced into a number of courtrooms during the year. In the Dublin Metropolitan District Court, the introduction of computers into three courtrooms in the Bridewell and the assignment of second member of staff to the court allowed for the production of all orders electronically during court proceedings. This ensures that there are no arrears or backlogs in producing court documents such as

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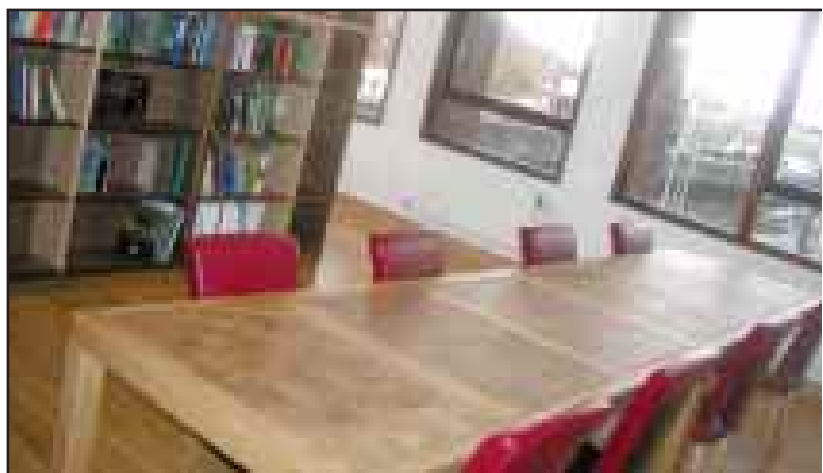
warrants and orders. Computers were also made available to the judges and court registrars in the five Circuit Criminal Courts in Dublin in association with the commencement of the interim criminal case management system.

Supporting the judiciary by providing regular training for court staff

Training sessions were delivered in many court offices during the year to clarify the effect of relevant new legislation and explain its impact on the work of the offices. An example of this was in the Office of Wards of Court where training was provided for staff on matters relating to jurisdiction, legislation, processing of applications and enduring powers of attorney. A seminar was conducted in the Office of the General Solicitor for Minors and Wards of Court in relation to conveyancing practice and capital taxation. In the Probate Office, in-house training modules for staff on matters such as succession and testamentary law continued to be a feature of the training programme. In 2003, this training will be provided to the staff of the fourteen District Probate Registries.

Share with members of the judiciary the core mission and values of the Service

During 2002, the Service continued to brief the judiciary on relevant matters pertaining to the core mission and values of the Service at seminars and meetings attended by senior staff. In addition, members of the judiciary continue to sit on several consultative and advisory committees of the Service and remain active participants in the development of the values and mission of the Service.



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MANDATE 3

Provide information on the courts system to the public

The Service acknowledges that people who go to court deserve to be treated with dignity whether they are litigants, defendants, witnesses or professionals whose services are required. Too often, people unused to the business of the courts find the experience bewildering and intimidating. Tangible evidence of the commitment of the Service to reduce the trauma of attending court can be found in the comprehensive programme underway to explain many of the operations of the courts system to the public. This programme, in operation since the establishment of the Service, continued apace throughout 2002.

The public interacts with the Service in a variety of guises: as parties to actions or cases; as witnesses or victims; as professionals; as people or firms availing of the services provided by the Service; through State Bodies; as public representatives; through the media or representative groups

By making information available in both electronic and hard copy form, and by improving the display and method of distribution of material, the Service succeeded in reaching an increased number of people during the year with an ever expanding range of material. Contacts with many of the organisations involved in providing support for those involved in the legal process were improved and extended, with staff of the Service making a number of presentations to outline the work of the courts and court offices to several such organisations.

The publication of material on the website of the Service continued throughout the year, reducing the need for legal practitioners and members of the public to attend at court offices to obtain routine information while providing a wealth of information on a range of topics.

Publications

Publications of the Service increased in range and number during the year. Several publications were re-printed as a result of considerable demand. The publications are aimed at every level, from the classroom to the Law Library, including much needed statistical information on a range of matters including family law.

★ Courts Service News

The Service places great emphasis on the importance of developing communication channels to transmit information internally and externally. The Newsletter, *Courts Service News*, continues to inform staff, the judiciary, the legal profession and the many other users of the courts about latest initiatives and developments. A reader survey was used to gauge satisfaction as well as gather suggestions for additional features. The survey, which will be conducted on an annual basis will complement other methods currently employed to gather input, such as a discussion forum. This informal representative staff group met on two occasions during the year and provided excellent input to the editorial process.

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New publications in 2002 included the following:

★ ***Courts Service Directory 2002***

The Directory aimed to provide frequently requested information, at a glance, about the courts and court offices. It was intended to complement several other publications including the Service's listings in the éircom Phone Book, the IPA Directory and the Law Directory.

★ ***Family Law Information Bulletins***

Frequently asked questions relating to the matter of domestic violence were answered in the third and fourth issues of the Family Law Information Bulletins. The Bulletins explain what constitutes domestic violence in the legal context and provide information about support and advice services available.

★ ***Statistics Bulletins***

These Bulletins aim to provide historic and current statistical data on the operation of the courts in Ireland and are intended to complement material published in the Annual Reports. The first in the series, published in December 2002, provided information in respect of the applications for judicial separation, divorce and nullity made to the Irish courts in the years 1997 to 2001.

★ ***"Glencairn – a place in legal history"***

This booklet is the first in a planned "*Heritage Series*" that will explore the rich and varied heritage and historical legacy attached to the courts. The leaflet charts the connection between some interesting legal events and characters linked to a period residence in the Dublin hills, including Mr. Justice James Murphy who died in 1901 and Boss Croker, a man of some notoriety in the early years of the 20th century.

★ ***A Guide to Small Claims***

A leaflet outlining the procedure to be followed in the prosecution of a claim in the District Court for the recovery of a consumer debt not exceeding €1,269.74.

★ ***"Visiting the Four Courts"***

A range of practical information for the would-be visitor is featured in this leaflet including details of tours, together with useful material to read in advance of a visit.

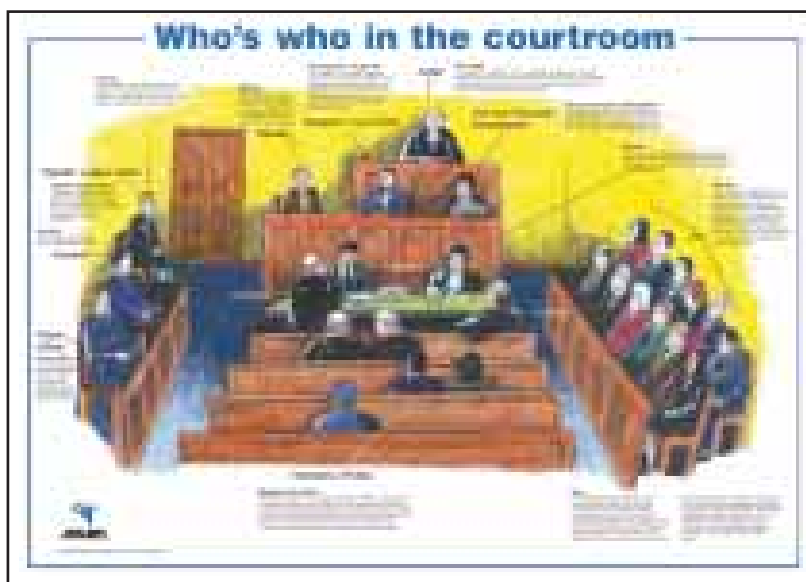
★ ***Courthouse brochures***

Brochures to acknowledge the official opening of courthouses in Sligo, Carlow, Arva, Carrickmacross, Portlaoise and Kilrush combined details of refurbishment work and historical data with high quality colour photographs featuring interior and exterior views of the completed projects.

★ ***"Explaining the courts"***

Produced in co-operation with the Law Society of Ireland and the Bar Council of Ireland, this short booklet is aimed at members of the public who have to go to court whether as jurors, witnesses or litigants. Written in a basic style, it explains how the Irish court system operates and includes an illustration of the inside of a courtroom.

The Service had discussions with other agencies involved in the justice system during the year with a view to co-operating in the production of additional publications to explain additional aspects of the operation of our courts system. Examples of potential publications on foot of these discussions include a publication outlining the operation of the criminal justice system and publications dealing with family law matters.



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School Tour Programme

The Service continued to develop its School Tour Programme in 2002 as part of its policy to explain the workings of the courts system to the public. The programme affords the students an opportunity to visit the courts on a pre-arranged guided tour which includes the provision of information packs and an opportunity to discuss the operations of the courts with a practising barrister. While members of the public are, of course, entitled to attend court sittings any day (with some exceptions), the introduction of a more structured approach is intended to make the visits more interesting and educational. School tour programmes are in operation in the Four Courts in Dublin and in several venues around the country.

Organised visits to the Four Courts: January 2002 - December 2002		
Number of Schools/Colleges	Number of Tours	Number of students
98*	120	2654 plus 200 teachers
* 33 schools/colleges were Dublin-based, accounting for 900 students. The remainder were provincial schools, European and American colleges.		

Mock Trial Competition

The Service was pleased to support the National Mock Trial Competition which continues to be the largest transition year team competition in the country. Students from forty schools participated in the 2002 event with each team consisting of sixteen students and the final taking place before judges of the Supreme and Circuit Courts in the Four Courts in April. Additional to the main competition was a Legal Reporter Competition where competitors composed reports for publication in newspapers and a Television Reporter Competition where competitors produced summaries of cases in front of a television camera.

Statistics

The Service continued to work during the year to improve the range and quality of statistics available on the work of the courts and court offices in Ireland. The identification of requirements across all court jurisdictions in the areas of civil, criminal and family law remained a major priority. These requirements will be incorporated into the development of information technology systems. By year-end, significant progress had been made in progressing arrangements for improving the quality and timeliness of statistical information. Civil case management systems are being implemented in the Circuit Court offices throughout the country in tandem with the roll-out of a criminal case management system in District Court offices. Enhancements to the computer system in the High Court Central Office in 2002 will allow for the production of improved statistics electronically with effect from January 2003. In addition to improving the range and quality of the statistical material, it will also remove the necessity for court offices to compile such statistics manually - a very time consuming exercise which places great demands on busy offices. During 2003, work will continue on a review of the data entry procedures in court offices with a view to improving the range of information available. In addition, a report writing facility will be installed and a number of staff will be trained in its usage, thus allowing the Service extract information should detailed requests for information be received, without the necessity to engage external consultancy to obtain such information.



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The Service embarked on a project during the year to publish statistical data to illustrate trends in family law over the years. The total number of applications for divorce, judicial separation and nullity made in the Circuit Court, High Court and Supreme Court in the years 1997 to 2001 together with their outcomes were published in the first bulletin of a series of statistics bulletins. It is intended to publish additional bulletins including one containing data relating to applications under the domestic violence legislation in 2003.

Website statistics

Month	Number of Visits
December 2000	9,000
December 2001	15,000
December 2002	26,000

Updating the website

The general programme of website development progressed very well during the year. A new network infrastructure is facilitating the strategy of devolved ownership for certain website content and will be the model for new sections on the site.

Work continued during the year to re-structure and re-design the website. The work is on course for completion in mid-2003. Of particular interest on the new site will be the delivery of a Supreme Court judgments database containing judgments of the Supreme Court since January 2001. A selection of court forms was made available in downloadable form on the site during 2002 and it is intended to extend the range during 2003. The availability of the Legal Diary on the site assumed added significance during the year, with the demise of the printers of the hard copy version and the decision of the Service to proceed to produce the Legal Diary entirely in-house and post it to the website every afternoon in MSWord and PDF formats. The availability of information on court sittings the day before scheduled court sittings has greatly enhanced

the ability of judges, staff, legal professionals and court users generally to organise their working day and plan for court hearings often weeks in advance (*see page 35 for further details*).

The steady increase in the number of visitors is testament to the positive impact of the website on users of the courts including legal practitioners and the public generally. The site now contains over 4,000 pages of content.

Facilitating effective communication between the Service and the media

The Service acknowledges the increasing public interest in the working of the courts and legal affairs in general. For most people, the media (via journalists) is the principal source of information on these subjects. With this in mind, the Service established a media relations service to act as a single reference point for an ever proliferating media throughout the country. This service, used by media in all its forms, received, researched and answered approximately 2,000 queries in 2002.

During the year, the Media Relations Service continued to develop contacts with the colleges who teach journalism and provided a number of seminars and tutorials about reporting on the courts.

Information about the courts is important, as we do not live in a city-state where every citizen can attend public court. The role of the media in disseminating court-created news is a vital element in our courts remaining relevant and being accepted.



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Requests dealt with under the Freedom of Information Act, 1997 during 2001

<i>Access granted/part granted</i>	9
<i>Refused/records restricted</i>	17
<i>Handled outside the Act/withdrawn</i>	26
<i>Transferred</i>	2
<i>Being dealt with by Internal Reviewer at 31/12</i>	1
Total number of requests	55

Requests dealt with under the Freedom of Information Act, 1997 during 2002

<i>Access granted/part granted</i>	11
<i>Refused/records restricted</i>	10
<i>Handled outside the Act/withdrawn</i>	59
<i>Transferred</i>	0
* Total number of requests	80

* Includes 2 internal review applications

The Freedom of Information Act, 1997

The Freedom of Information Act, 1997 allows public access to information held by public bodies which is not routinely available through other sources. Access to information under the Act is subject to certain exemptions and involves specific procedures and time limits. During the year, the Service completed work on the preparation of a guide in accordance with the requirements of Sections 15 and 16 of the Act. The guide, which will be available in early 2003, will facilitate access to records held by the Service by outlining the structure and functions of the Service, details of the service provided and information on the classes of records held.

Some of the records currently held by the Service are routinely available to the public at present, e.g. schedules of court sittings, the Legal Diary etc. Such information will continue to be available routinely without the need to make a formal request under the Act. In addition, in most cases courts are open to the public who are entitled to enter, see and listen to justice being administered. This is a right which is exercised by many people every day in courts all over the country.

Accessing information without recourse to the legislation

The Service provides access by the public to information where possible and where it is entitled to do so outside of the Freedom of Information Act. Such access is provided in court and administrative offices of the Service. All applications under the Freedom of Information Act are examined to ensure that, where possible, access is provided outside of the Act and the Freedom of Information Officer liaises with court staff regularly on this matter. Full training on the application of the Act is provided to all staff of the Service dealing with requests for information under the Act. In addition, the matter of access to court documents generally is being reviewed by the Service.

Publications in Irish

A large amount of information about the Service is available in Irish including An Plean Straitéise 2000-2003 (Strategic Plan 2000-2003), An Tuarascáil Bhliantúil 2000 and 2001 (Annual Report 2000 and 2001) and An tSeirbhís Chúirteanna (The Courts Service), a leaflet describing the role and functions of the Service. These and other material in Irish is available on the website of the Service (www.courts.ie). Arrangements were made during the year to have court forms available in Irish. The publication of legislation and court rules in Irish has been undertaken by the Department of Justice, Equality & Law Reform.

MANDATE 4: Provide, manage and maintain court buildings

Very significant progress has been made by the Service since its establishment in progressing a major building/refurbishment programme throughout the country. A total of twenty-five court buildings have been totally refurbished, a further twenty-four have been substantially upgraded and eighty have had substantial maintenance improvements carried out to them. The priority to date has been on the major county towns where most court sittings take place and where the majority of offices are located. Typically, the cost of refurbishing a county town courthouse is in the order of €12-15 million.

Building projects form an integral and necessary function of the Service. A large proportion of the court buildings are of historical and architectural significance. By ensuring that these buildings are maintained or restored to an exceptionally high standard, the Service contributes in no small way to the preservation of the heritage of Ireland while at the same time providing modern and comfortable facilities for court users.

In the past three years, over €100 million has been invested in the improvement of courthouses around the country. A total of twenty-five court buildings have been totally refurbished including, amongst others, award-winning works completed in Trim and Sligo courthouses. Substantial upgradings have been carried out at some twenty-four courthouses and eighty others have had substantial maintenance improvements carried out to them.

In 2003, the Service will spend almost €20million on the refurbishment of court facilities and work will commence on a €25m project to restore the magnificent courthouse in Washington St., Cork. This will be the largest investment in a court building in the history of the State.

Building and refurbishment programme

During 2002, progress continued to be made on the implementation of the Capital Building Programme 2002-2008, titled "Building for the Future". The programme prioritised the refurbishing of most of the buildings in county towns where the High, Circuit and District Courts sit and where Circuit and District Court offices are located. The majority of court buildings in county towns have been refurbished since the establishment of the Service, with work underway at the end of 2002 in Castlebar, Ennis, Tubbercurry (Sligo), Navan and Dundalk. Work will commence in 2003 in Cork - the project will be the largest investment in a court building in the history of the State and the biggest renovation of a court building since the rebuilding of the Four Courts following the Civil War in the 1920s. Plans for the refurbishment of courthouses in Longford, Nenagh and Tullamore are well advanced while additional work will be carried out in Tralee, Monaghan, Waterford and Letterkenny. The remaining county towns earmarked for major refurbishment work are Wicklow, Wexford, Roscommon, Kilkenny and Mullingar.

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The building programme is sufficiently flexible to allow the Service avail of opportunities for joint developments with local authorities and other State agencies such as in Tubbercurry (Sligo) where court sittings are held only on one or two days per month.



Other work carried out during the year

★ Four Courts complex

A major programme of works was undertaken in the Four Courts complex to improve the facilities available to judges, members of the public, the legal profession and the staff working in the court offices. A total of seven judges' chambers were upgraded with improvement works carried out to a number of courtrooms. Major refurbishment work was undertaken to upgrade the east wing to provide a more customer-focused Central Office of the High Court and improved office accommodation for staff. A new judges' library was provided in newly refurbished accommodation in Áras Uí Dhálaigh. See further details in the panel on page 57.

Dedicated accommodation was provided for the Judicial Secretariat Unit of the High Court and the Central Office Support Unit on the first floor of Áras Uí Dhálaigh.



Chapter Two

Implementing our Mandates

Details of work carried out on the Four Courts complex in 2002:★ *Judges' Library*

A new library completed to the highest standard was provided in Áras Uí Dhálaigh to greatly improve the service available to judges. Accommodation was provided for the judicial researchers who assist the judges adjacent to the new library.

★ *East Wing*

The east wing of the Four Courts was completely refurbished to provide a modern public Central Office for the High Court and offices for High Court Registrars. The Central Office now occupies the entire ground floor of the east wing with registrars accommodated on the first and second floors. The works also included the construction of a new fire escape stairs, re-wiring to provide for modern lighting and computer systems, new judges' chambers, a new jury room and adjustments to courtroom 29 in the Four Courts.

★ *Lift in the Four Courts*

A new lift was installed in the centre of the Four Courts building adjacent to the Information Desk.

★ *High Court Judicial Secretarial Unit*

Separate dedicated accommodation was provided in Áras Uí Dhálaigh for the staff of this unit.

★ *Judges' chambers*

Upgrading works were carried out on seven chambers.

Courtrooms

Improvements were carried out to courtrooms 15 and 16. The benches in courtrooms 44, 45 and 46 in the Bridewell District courts were re-designed to accommodate computers. All five Circuit Criminal courtrooms were equipped with a computer and flat screen monitor for both judge and registrar to make the new computer case tracking system available to the courts.

Developing criteria to assist prioritising projects

Discussions took place during the year with the Department of Finance regarding the possibility of funding some of the major building projects of the Service by way of public private partnerships. Many of these projects contained in the seven year building programme of the Service are suitable for public private partnership schemes particularly those which will be on greenfield sites.

Procedures have been put in place with the Office of Public Works for regular meetings in relation to the various issues relating to court buildings. Meetings were held regularly during 2002 with their property management section, project management section and architectural services section. Consultations continued with each local authority informing them of the new arrangements that are in place in relation to the provision of maintenance of courthouses.

Vesting of courthouses

The Courts Service Act, 1998 provides a mechanism whereby court accommodation currently in the ownership of local authorities or of the Office of Public Works may be transferred by order of the Minister for Justice, Equality & Law Reform to the Service. The Service initially identified seventy-eight buildings to be vested in the Service.

In 2002, details of five buildings were submitted to the Department of Justice, Equality & Law Reform together with vesting orders and certificates. These were forwarded to the Chief State Solicitor by the Department for final approval. The Service anticipates that the vesting orders and certificates will be signed by the Minister for Justice, Equality & Law Reform in 2003. Following this, the vesting of buildings process will commence and it is anticipated that some eighty buildings will be vested in the Service in the course of 2003.

Chapter Two

Implementing our Mandates

Assigning responsibility for maintenance of individual courts and offices to regional offices

The programme of devolving responsibility for maintenance works to the regional offices of the Service commenced in 2002. It is intended to assign budgetary responsibility for such works during 2003. During the year, maintenance works were carried out at many venues around the country including Ballinrobe, Ballinasloe, Derrynea, Clonmel, Gort, Cobh, Cashel, Elphin, Strokestown, Swords, Bruff and in the Four Courts. Regional offices were provided in Cork, Limerick, Waterford, Castlebar, Naas, Monaghan and Tullamore.

Two facilities management companies were engaged by the Office of Public Works on behalf of the Service to maintain all mechanical and electrical equipment in court buildings throughout the country in 2002. At year-end, the necessary arrangements were being put in place to enable the Service to avail of the services of these companies.

Official re-openings

There were official re-openings of courthouses in 2002 by the Minister for Justice, Equality & Law Reform following refurbishment at the following venues:

- ★ Sligo Courthouse
- ★ Carlow Courthouse
- ★ Arva Courthouse (Cavan)
- ★ Carrickmacross Courthouse (Monaghan)
- ★ Portlaoise Courthouse
- ★ Kilrush Courthouse (Clare)

Awards for refurbished courthouses

The quality and extent of the refurbishment work carried out on Sligo and Trim was acknowledged in the form of a number of significant awards in 2002. Among the awards was a first prize in the restoration category of the Irish Joinery Awards 2002, awarded to

the architects on the Sligo courthouse project. This award, for innovative use of timber in modern design in Ireland, impressed the judging panel with the integration of refurbishment and new work in a conservation project.

In the furniture category of the Irish Joinery Awards, the winner was Trim courthouse for the joinery and furniture of the law courts, public counters and courtroom entrances. The contemporary design of the new extension is different from, but complementary to, the existing 1810 courthouse. The furniture helps link the new extension to the old building by the simple use of solid oak and brushed stainless steel.



Chapter Two

Implementing our Mandates

MANDATE 5: Provide facilities for users of the courts

The views of the many people who use the courts every day are very important to the Service and a valued part of the drive to provide facilities that are responsive and suitable to the needs of all court users. To that end, users continue to be consulted in respect of all building projects in line with the protocol on consultation developed by the Service. Many court buildings are protected structures forming an important part of the heritage of the country. The Service is ever mindful of the need to combine the needs of the modern court user with the need to retain and preserve architectural features of particular interest and value.

Access for disabled users

Dublin

The Office of Public Works engaged a consultant to carry out an audit of access for the disabled in the Four Courts complex in Dublin. Three areas were identified for immediate attention and work commenced during 2002 to improve access as follows:

★ Custody Courts, Bridewell

A ramp to provide wheelchair access was provided at the rear of this building. Disabled toilets were provided and the existing public toilets were renovated. The excavation works to accommodate a platform lift were completed and the lift installed at the end of the year.

The Service is working towards the delivery of 21st Century standards in a traditional environment where modern office and management tools operate alongside centuries of law. Improvements in court facilities are increasingly providing dignified conditions which respect the individual citizen.

★ Chancery Place, Courts 24, 25 and 26

A lift to all floors was installed in the building in 2002. At year-end, work was continuing on the construction of an access ramp at the front of the building and a disabled toilet on the first floor. This work will be completed by June 2003.

★ East Wing

An access ramp was being constructed at year-end and will be completed by June 2003.

Other areas

The Service is continuing with its programme to improve access for disabled users throughout the country as part of the Capital Building Programme. Disabled access was provided during the year as part of the refurbishment works at Sligo, Arva, Limerick, Borrisokane, Kilrush, Carlow, Circuit Family Law Courts (Smithfield, Dublin) and Castlerea Remand Court.



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Implementing our Mandates



Facilities for family law

A central aim of the building programme of the Service is to provide family law facilities in all refurbished buildings. These facilities are now available in a significant number of venues around the country including Trim, Mallow, Buncrana, Galway, Naas, Letterkenny, Sligo, Dundalk and Limerick. Projects which commenced towards the end of 2002 in Ennis and Castlebar include the provision of similar facilities while projects in Cork and Longford will contain similar provisions during 2003. All projects involving the larger venues, which are either in the course of construction or planning will include these facilities. In Dublin, the Circuit Family Law Courts and Office were relocated from premises in Riverbank to Smithfield in July 2002 where proper facilities are now provided pending the completion of the Family Law Centre on Ormond Quay (referred to on page 43).

Court building programme - an overview of 2002:

Capital Building Programme

(a) Refurbishment works completed

Venue	Cost(€)
Arva	0.32million
Limerick Circuit	9.02million
Sligo	7.87million
Borrisokane	0.38million
Kilrush	1.1million
Smithfield (Circuit Family Court)	1.62million
Carlow (Phase 2)	1.54million
Castlerea (Remand Court)	0.50million
Four Courts (East Wing)	1.46million
Four Courts (Judges' Library)	0.56million

(b) On-going works as at December 2002

Venue:	Dundalk courthouse
Status:	Construction underway and on target for completion by January 2003
Projected cost (€):	10.67million
Venue:	Tubbercurry courthouse
Status:	Construction underway and on target for completion by January 2003
Projected cost (€):	0.30million
Venue:	Castlebar courthouse
Status:	Construction commenced in June 2002 and scheduled for completion by end of December 2003
Projected cost (€):	12million

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Venue: Ennis courthouse

Status: Construction commenced in August 2002 and is scheduled for completion by end of December 2003

Projected cost (€): 8.57million

Venue: Navan

Status: Fit-out of rented accommodation

Projected cost (€): 0.60million

(c) Projects at advanced stage of planning:

- ★ LongfordNenagh
- ★ Tullamore
- ★ Swinford
- ★ Cork (Washington Street)
- ★ Dublin (Family Law Centre, Ormond Quay)
- ★ Clifden
- ★ Bray
- ★ Ballyshannon
- ★ Castleisland – joint development with Kerry County Council
- ★ Lismore
- ★ Fermoy
- ★ Thurles
- ★ Newcastlewest

(d) Project where planning commenced during 2002:

- ★ Killarney
- ★ Kilkenny
- ★ Navan
- ★ Drogheda
- ★ Belmullet (joint development with Mayo County Council and Údarás na Gaeltachta)
- ★ Monaghan
- ★ Mullingar
- ★ Youghal
- ★ Newcastle West
- ★ Carrick on Suir

(e) Awards:

- ★ Sligo Courthouse :
Winner RIAI Irish Architecture Award 2002
- ★ Sligo Courthouse :
First prize in the Irish Joinery Awards 2002 in the Restoration Category
- ★ Trim Courthouse :
First prize in the Irish Joinery Awards in 2002 in the Furniture Category. Winner of Plan Expo Opus Building Award in 2001 in the over £2.5m category



Chapter Three

Court Statistics



Chapter Three
Court Statistics

The Service has embarked on an ambitious programme to improve the range and quality of statistical material available on the work of the courts and court offices. In 2002, new information technology systems enabled many court offices move from producing material using manual systems to modern electronic systems. The process of extracting data from manual systems has imposed a considerable burden on court offices over the years. While the Service acknowledges that shortcomings in the range of material available persist, the development programme underway will provide incremental improvements in the short to medium term and major improvements in the long term.

This Chapter provides details on the work of the courts and court offices for the period from January 1st 2002 to December 31st 2002. 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 2001 is provided for comparison purposes.

Details of the procedure for obtaining a date for a hearing together with information about the length of time taken for cases to come to a hearing are also provided. The glossary of terms on *page 132* is intended to explain many of the terms used in the course of court proceedings and referred to throughout this Report.

LAW TERMS 2002

Hilary:	January 11th to March 22nd
Easter:	April 8th to May 16th
Trinity:	May 29th to July 31st
Michaelmas:	October 7th to December 20th

Summary of the volume of business dealt with by the courts in 2002:

- ★ 597 cases disposed of by the Supreme Court (including the Court of Criminal Appeal)
- ★ 11,228 cases disposed of in the High Court
- ★ 96,299 items of pre-trial activity in the High Court
- ★ 56,433 cases disposed of in the Circuit Court
- ★ 615,058 cases disposed of in the District Court
- ★ €800m managed on behalf of Minors and Wards of Court

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.

The number of appeals lodged in the Supreme Court in 2002 increased by 15% compared to 2001 while the number of appeals disposed of (including those withdrawn by consent) increased by 30%.

	Appeals lodged	Appeals dealt with
2002	415	324
2001	361	243

Chapter Three
Court Statistics

OUTCOME OF APPEALS DEALT WITH:

	2002	2001
Appeals dismissed, High Court order affirmed	127	107
Appeal allowed, High Court order discharged	44	70
Allow appeal, vary High Court order	4	6
Appeal struck out by consent	48	28
Liberty to re-enter granted	0	2
Remit to High Court	2	2
Questions answered	0	1
Appeals withdrawn by consent	99	18
Other	0	9
TOTAL	324	243

JUDGMENTS

	2002	2001
Reserved judgments outstanding at 01/01	12	9
Total reserved judgments	103	107
Total judgments delivered	89	104
Reserved judgments outstanding at 31/12	26	12

FIXING DATES FOR HEARING:

During the course of the year, the procedure for fixing dates for hearing of appeals was changed. Lists to fix dates are no longer held. When an appeal is certified as ready for hearing, it is allocated a hearing date by the Registrar. If a priority hearing is required, an application can be made to the court for priority.

WAITING TIMES:

As of December 31st 2002, all appeals which had been certified as ready for hearing had been allocated a hearing date not later than the Hilary Term 2003.

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	Cases on hands 01/01	New appeals lodged	Cases heard	Cases on hands 31/12
Circuit Criminal Court	298	180	194	284
Central Criminal Court	89	30	43	76
Special Criminal Court	26	4	13	17
Courts-Martial Appeal Court	2	0	1	1
Appeals by DPP	22	23	22	23
Total	437	237	273	401

APPEALS BY REFERENCE TO TYPE OF APPEAL

Court	Cases on hands 01/01	New appeals lodged	Cases heard	Cases on hands 31/12
Conviction and sentence	87	26	38	75
Conviction only	85	33	37	81
Sentence only	265	178	198	245
Total	437	237	273	401

FIXING DATES FOR HEARING:

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 the necessary documentation in lengthy appeals (estimated to take more than a day).

WAITING TIMES:

Hearing of sentence appeals: 9 – 12 months

Conviction cases: 15 months

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 and give rulings on questions of law submitted by the District Court.

CASES INITIATED IN THE CENTRAL OFFICE OF THE HIGH COURT

	2002	2001
SPECIAL SUMMONS		
Arbitration Act	23	20
Charities Act	2	4
Extradition Act	5	7
Housing Acts 1996	0	3
Garda compensation	190	214
Mortgage suit	70	66
Partition Act	1	4
Possession	159	314
Return of documents	16	1
Succession Act	58	53
Social Welfare Act	9	3
Trade Marks Act 1996	3	
Trustees Act	17	12
Vendor & purchaser	7	11
Miscellaneous	72	-
Total	632	712

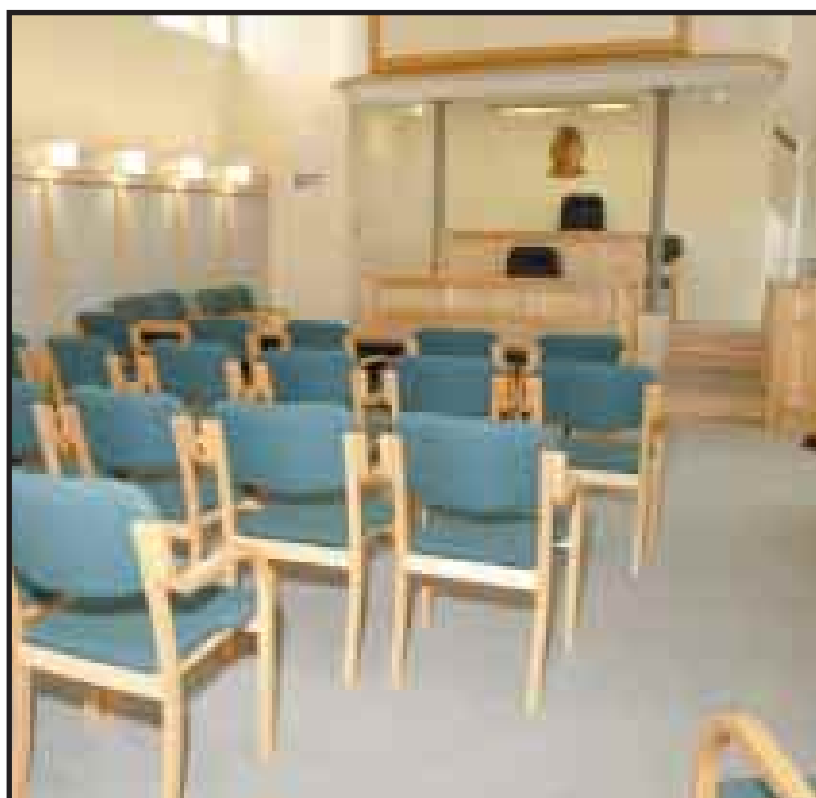
	2002	2001
Revenue Summons	914	698
Summary Summons	1,298	1,161

CASES INITIATED IN THE CENTRAL OFFICE OF THE HIGH COURT

PLENARY SUMMONS	2002	2001
Admiralty	8	6
Assault	311	1,218
Breach of contract	505	915
Conversion	7	6
Chancery declaration	1745	608
Defamation	27	36
False imprisonment	17	10
Forfeiture	5	1
Injunction	368	409
Libel	148	159
Malicious prosecution	-	14
Negligence	1,601	2,193
Nuisance	6	16
Personal injury	10,641	12,335
Fatal action	-	98
Probate action	47	28
Rescission	13	20
Slander	20	19
Specific performance	197	184
Trespass	11	16
Wardship	1	2
Miscellaneous	811	738
Total	16,489	19,031

OVERVIEW OF SUMMONSES ISSUED

Summons type	2002	2001
Revenue	914	698
Plenary	16,489	19,031
Special	632	712
Summary	1,298	1,161
Total	19,333	21,602



COMPANIES MATTERS

	2002	2001
Examinership	-	9
Winding Up Petition	94	89
Restore to Register Petition	315	312
Section 72 Cos Act, 1963*	4	4
Section 73 Cos Act, 1963	1	1
Section 106 Cos Act, 1963	19	13
Section 122 Cos Act, 1963	7	2
Section 135 Cos Act, 1963	2	2
Section 150 (excludes applications initiated in the Examiners Office*)	4	2
Section 160** Cos Act, 1990	6	2
Section 201 Cos Act, 1963	6	
Section 202 Cos Act, 1963	1	
Section 205 Petition	25	21
Section 213 Cos Act, 1963	-	2
Section 222 Cos Act, 1963	-	2
Section 245 Cos Act, 1963	2	1
Section 251 Cos Act, 1963	2	7
Section 280 Cos Act, 1963	10	11
Section 286 Cos Act, 1963	-	2
Section 297 Cos Act, 1963	-	2
Section 310 Cos Act, 1963	1	1
Section 316 Cos Act, 1963	1	2
Section 322 Cos Act, 1963	-	-
Miscellaneous Cos Act	-	6
Total	500	493

* "Cos Act" denotes Companies Act

*Details of Section 150 initiated in the Examiners Office are on page 87

MISCELLANEOUS COMMON LAW APPLICATIONS

	2002	2001
Fire Services Act	1	
Freedom of Information Act	10	3
Section 27	51	116
Transfer of sentenced persons	4	9
Water Pollution Acts	0	2
Miscellaneous	40	25
Total	106	155

OTHER PROCEEDINGS

	2002	2001
Appeals from the Hepatitis C Compensation Tribunal	131	8
Foreign judgments	53	57
Foreign tribunal evidence	4	8
Intended action applications	92	156
Extension of time under Immigration Act	12	45

PRE-HEARING ACTIVITY

	2002	2001
Affidavits	30,787	28,596
Appearance	19,982	18,897
Discontinuance	1,206	1,121
Master's motions	5,674	4,786
Notice to Attorney General	5	5
Notice of intention to proceed	2,273	1,969
Notice of change of solicitor	2,935	2,287
Court motions	11,537	10,333
Notice to produce	2,190	2,077
Notice to trustees	35	22
Setting down for trial	8,280	7,827
Third party notice	165	174
Withdraw a case from the list by letters	468	554
Others	5,381	3,743
Total	96,299	82,391

FIXING DATES FOR HEARING – 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 cases which are certified as ready for trial 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**(EXCLUDING FAMILY LAW AND JUDICIAL REVIEW)**

Cases on hands at 1/1/02	Cases set down 1/1/02 to 31/12/02	Cases disposed of 1/1/02 to 31/12/02	Cases on hands at 31/12/02
221	275	369	117

NON-JURY**(EXCLUDING FAMILY LAW AND JUDICIAL REVIEW)**

Cases on hands at 1/8/00	Cases set down 1/8/00 to 31/7/01	Cases disposed of 1/8/00 to 31/7/01	Cases on hands at 31/7/01
148	269	273	144*

* 56 were uncertified cases

FIXING DATES FOR HEARING:**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.

WAITING TIMES: CHANCERY

At the list to fix dates in December 2002, all cases in each of the chancery lists to fix dates were allocated dates from January 2003 to March 2003. Cases which were not assigned dates were directed to be listed in the list to fix dates in the Hilary Term 2003.

WAITING TIMES: NON JURY

At the list to fix dates in December 2002, dates were allocated to 70% of cases which had been certified as ready at that time. The dates allocated were from January to March 2003. The remainder of cases in the list were adjourned to the top of the list to fix dates in Hilary Term 2003.

JUDICIAL REVIEW (ASYLUM)

Period	No. of cases listed	Struck out	Adjourned generally	Cases disposed of		
				Adjourned	Judgment reserved	Orders
2002	542	13	9	208	50	262

FIXING DATES FOR HEARING:

Cases are assigned dates by the list judge.

WAITING TIMES:

Motions are listed for hearing on a date approximately within 8 weeks of coming into the list.

JUDICIAL REVIEW (EXCLUDING ASYLUM LIST) CASES INITIATED

Case type	2002	2001
Certiorari	433	497
Certiorari, Mandamus & Declaration	3	3
Mandamus	173	190
Prohibition	73	78
Miscellaneous (including extension of time)	73	112
Total	755	880

FIXING DATES FOR HEARING:

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.

WAITING TIMES:

At the list to fix dates in December 2002, dates were allocated to 126 of the 180 cases in the list representing approximately 66% of the cases in the list. The dates allocated were from January to March 2003. The remainder of cases in the list were adjourned to the top of the list to fix dates in Hilary Term 2003.

FAMILY LAW CASES INITIATED:

Case type	2002	2001
Adoption	30	11
Child abduction	26	29
Divorce	33	31
Family Law Act 1995	1	4
Guardianship of infants	7	6
Judicial separation	59	76
Maintenance of spouses & children	1	1
Nullity	2	8
Total	159	201

FAMILY LAW ORDERS GRANTED

Case type	2002	2001
Divorce	20	20
Judicial separation	28	27
Nullity	1	4
Total	49	51

FIXING DATES FOR HEARING:

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

WAITING TIMES:

3 months where the Master of the High Court deems the case ready for hearing. Parties can obtain an earlier date by applying to be included in a separate list to avail of dates where a case listed for hearing settles or adjourns.

JURY LIST

Year	Cases on hands at 01/01	New cases set down	Cases disposed of	Cases on hands at 31/12
2002	70	54	62	62
2001	39	83	52	70

NUMBER OF DAYS AT HEARING

1 day	1
3 days	1
4 days	1
5 days	1

OUTCOME OF CASES DISPOSED OF 01/01 TO 31/12

Full hearing	4*
Settled/withdrawn by letter:	56

* jury discharged in 2 cases on the first day of hearing.

FIXING DATES FOR HEARING:

Actions set down for trial are automatically entered in the next list to fix dates according to the setting down date. As there are 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.

WAITING TIMES:

At the list to fix dates in October 2002, dates were allocated for all cases which had been called on as ready for hearing. The dates allocated in October 2002 were for November 2002.



BAIL

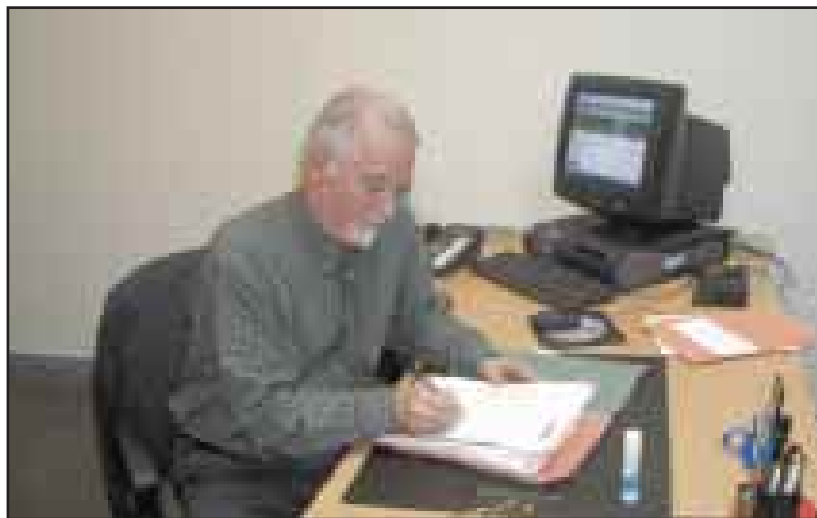
	2002	2001
Applications made	2,690	3,634
Applications granted on own surety	561	675
Applications granted on third party surety	567	670
Applications refused	345	266
Applications refused under Bail Act, 1997	16	26
Applications withdrawn	346	342
Applications struck out	498	530
Orders varied	185	116

FIXING DATES FOR HEARING:

Dates are selected by the applicants by way of notice of motion issued out of the Central Office.

WAITING TIMES:

A motion list is heard by the court each Monday during term. Applications received are listed for the following Monday.



MASTERS COURT

	2002	2001
Special Summons	2,635	3,245
Motions for judgment - on notice	2,289 8,538	1,943 7,664
Ex-parte applications	610	676
Examination of company directors/judgment debtors	34	17
Total	14,106	13,545

FIXING DATES FOR HEARING:

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

WAITING TIMES:

Return dates allocated for notices of motion and special summonses are approximately 6 - 8 weeks after the date of issue.

APPEALS FROM THE CIRCUIT COURT – APPEALS LODGED

2002	453
2001	593

CASES TRANSFERRED FROM THE CIRCUIT COURT

2002	913
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FIXING DATES FOR HEARING:

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.

WAITING TIMES:

4 weeks from the date of lodgment of books of appeal

**PERSONAL AND FATAL INJURIES:
DUBLIN**

	2002	2001
On hand at 01/01	6,814	7,612
New cases received	4,134	4,892
Cases disposed of	4,823	5,690
Outstanding as of 31/12	6,125	6,814

PROVINCIAL VENUES

Dundalk	2002	2001
On hand at 01/01	537	485
New cases received	462	550
Cases disposed of	482	498
Outstanding as of 31/12	517	537

Galway	2002	2001
On hand at 01/01	566	603
New cases received	658	548
Cases disposed of	474	585
Outstanding as of 31/12	750	566

Cork	2002	2001
On hand at 01/01	1,134	1,473
New cases received	690	707
Cases disposed of	713	1,046
Outstanding as of 31/12	1,111	1,134

PROVINCIAL VENUES (continued)

Limerick	2002	2001
On hand at 01/01	848	770
New cases received	760	762
Cases disposed of	575	684
Outstanding as of 31/12	1,033	848

Sligo	2002	2001
On hand at 01/01	287	256
New cases received	269	343
Cases disposed of	326	312
Outstanding as of 31/12	230	287

Waterford	2002	2001
On hand at 01/01	388	403
New cases received	332	333
Cases disposed of	323	348
Outstanding as of 31/12	230	388

Kilkenny	2002	2001
On hand at 01/01	170	142
New cases received	121	188
Cases disposed of	157	160
Outstanding as of 31/12	134	170

TOTAL PERSONAL AND FATAL INJURIES CASES

	2002	2001
On hands 01/01	10,744	11,744
New cases received	7,426	8,323
Cases disposed of	7,873	9,323
On hands 31/12	10,297	10,744

There were a total of 160 personal injury cases in the High Court in the period October 2002 to December 2002 where judgment was given for a liquidated sum, either on consent or following hearing or disclosed terms of consent. Awards were made in 153 cases, while 5 cases were dismissed. In the remaining 2 cases, 1 was struck out and the other case was withdrawn.

RANGE OF AMOUNTS AWARDED:

€0 to €37,999	51 cases (34%)
€38,000 to €99,999	69 cases (45%)
€100,000 to €199,999	17 cases (11%)
€200,000 to €999,999	14 cases (9%)
€1m +	2 cases (1%)

The lowest amount awarded in the High Court cases was €4,177 while the highest amount was €3.75 million.

PERSONAL INJURIES SITTINGS OUTSIDE DUBLIN: GENERAL

- Cork - 9 weeks each year (4 sessions)
- Limerick - 8 weeks each year (4 sessions)
- Galway - 6 weeks each year (3 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 14th January (3 weeks)
GALWAY	Monday 4th February (2 weeks)
LIMERICK	Monday 18th February (2 weeks)
WATERFORD	Monday 4th March (2 weeks)

Easter

CORK	Monday 8th April (2 weeks)
LIMERICK	Monday 22nd April (2 weeks)
SLIGO	Monday 22nd April (2 weeks)

Trinity

DUNDALK	Tuesday 4th June (3 weeks)
LIMERICK (ENNIS)	
At LIMERICK	Monday 17th June (2 weeks)
GALWAY	Monday 24th June (2 weeks)
WATERFORD	Monday 1st July (2 weeks)
CORK	Monday 8th July (2 weeks)

Michaelmas

CORK	Monday 7th October (2 weeks)
LIMERICK	Monday 21st October (2 weeks)
GALWAY	Monday 21st October (2 weeks)
SLIGO	Monday 4th November (2 weeks)
KILKENNY	Monday 18th November (2 weeks)
DUNDALK	Monday 2nd December (3 weeks)

FIXING DATES FOR HEARING:
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.

WAITING TIMES:
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 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 3 - 6 months of setting down. In Limerick, cases are usually heard within 12 months of setting down.

ORDERS GRANTED:

	2002	2001
Masters' orders	4,785	4,498
Divorce	20	20
Nullity	1	4
Judicial separation	28	27
Personal injury settlement orders	4,075	3,841
Supreme Court final orders	166	141
Supreme Court interim orders	50	44
Judicial review final orders	235	265
Judicial review interim orders	1,066	756
Chancery interim orders (includes interim family law orders & injunctions)	1,420	1,347
Chancery final orders	446	627
Common law interim orders	5,925	3,874
Common law final orders	656	1,205
Stateside interim orders	224	173
Stateside final orders (inclusive of bail applications)	1,701	210
Miscellaneous	3,111	4,845
Total	23,909	21,877

HIGH COURT - NUMBER OF WRITTEN JUDGMENTS DELIVERED:

	2002	2001
	334	215

OTHER CENTRAL OFFICE ACTIVITIES:

	2002	2001
Judgments registered	2,489	2,437
High Court:	188	158
Circuit Court:	690	708
District Court:	1,611	1,571
Deeds poll registered	279	375
Subpoenas issued	5,869	5,628
Applications for service in Ireland under the Hague Convention	70	276
Judgment mortgage affidavits filed	177	174
Lis pendens registered	123	70
Powers of attorney enrolled	30	38
Judgments in default of appearance marked	484	386
Judgments marked in pursuance of an order	170	107
Execution orders issued	723	562

WAITING TIMES:

	2002
Processing of applications for judgment and execution orders:	1 week
1 week where no query raised or from discharge of query if raised:	1 week
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

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 of the High Court may decide. The Central Criminal Court has traditionally sat exclusively in Dublin. In 2003, it is planned to hold sittings in Limerick.

Although it 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 jurisdiction in piracy and treason cases. From 2002, it has dealt with criminal trials under the Competition Act.

Since the mid-1990s, there has been a marked increase in the number of cases, especially rape charges, coming before the Central Criminal Court. For example, in 1996, the number of rape cases returned for trial was 48. In 2002, 82 rape cases were returned for trial and 93 cases were dealt with.

In 1996, 73 cases were received by the Central Criminal Court and a total of 71 cases was dealt with. In 2002, the Central Criminal Court received 137 cases and dealt with 144. This figure includes 19 orders sending cases forward from the District Court to the Central Criminal Court which were quashed and remitted to the District Court.

In 2002, 53 cases were dealt with on plea of guilty and there were 58 full jury trials. In 5 cases, nolle prosequi was entered by the prosecution. There was a total of 13 acquittals.

There were 3 convictions for criminal contempt relating to witnesses in trials.

Murder cases

55 murder cases were received in 2002 and 48 cases were dealt with in that year (including 7 orders sending

accused persons forward for trial from the District Court to the Central Criminal Court which were quashed). There was a total of 38 convictions including guilty pleas. There were 18 murder convictions and 20 convictions on manslaughter and other charges.

Excluding accused persons who changed their pleas to guilty, there were 28 murder trials in 2002. Those trials resulted in 16 murder convictions and a further 11 persons were convicted of manslaughter or other offences. In one case, there was no agreement by the jury. There were no acquittals.

MURDER CASES DEALT WITH

	2002	2001
Outstanding at 01/01	62	64
Cases received	55	31
Cases disposed of	48	32
Other	4	1
Outstanding at 31/12	65	62

NUMBER OF MURDER CASES DEALT WITH 1996 TO 2002

	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
Total	243	204	6

RESULTS OF MURDER/ MANSLAUGHTER CASES DEALT WITH

	2002	2001
Persons convicted of murder	15	13
Persons convicted of other offences instead of murder	11	0
Persons charged with murder or for whom another plea was accepted	9	11
Persons convicted of attempted murder or other related offences	0	1
Persons found not guilty by reason of insanity	3	0
Persons acquitted	0	3
Accused deceased	1	0
Other, including nolle prosequi	2	5
Total	41	33

SENTENCES IMPOSED IN MURDER/ MANSLAUGHTER CASES

	2002	2001
Life imprisonment	15	13
>10yrs	4	3
>5yrs<10yrs	8	10
>2yrs <5yrs	5	1
Other	3	3
Acquittals	0	3
Not guilty by reason of insanity	3	0

PLEAS/ JURY TRIALS

	2002	2001
Pleas	11	7
Jury trials	28	23

Rape cases:

82 rape and sexual assault cases were received in 2002 and 93 such cases were dealt with (including 12 orders sending accused persons forward for trial from the District Court to the Central Criminal Court which were quashed). 58 persons were convicted of rape or other sexual offences in the Central Criminal Court. In 3 cases, the jury failed to agree. 13 persons were acquitted.

RAPE CASES DEALT WITH

	2002	2001
Outstanding at 01/01	162	168
Cases received	82	92
Cases disposed of	93	98
Outstanding at 31/12	151	162

OUTCOMES OF RAPE CASES DEALT WITH

	2002	2001
Persons convicted of rape	13	22
Persons convicted of rape and other offences	24	25
Persons convicted of other sexual offences	21	22
Persons acquitted	13	14
Other	10	15
Total	81	98

SENTENCES IMPOSED IN RAPE CASES

	2002	2001
Life	1	0
>10yrs	5	6
>5yrs <10yrs	24	31
>2yrs<5yrs	22	27
<2yrs	5	9
Other	1	1
Acquittals	13	14
Nolle prosequi	4	7
Deceased	2	3

PLEAS/ JURY TRIALS

	2002	2001
Pleas	42	50
Jury trials	30	36

**RAPE CASES DEALT WITH
1996 TO 2002**

	Received	Disposed of
1996	48	48
1997	72	51
1998	130	86
1999	130	98
2000	113	94
2001	92	98
2002	82	93
Total	667	568

FIXING DATES FOR HEARING:

Cases are returned to the next or present sitting of the Central Criminal Court and placed in a list to fix dates. Periodically throughout the court terms, the list is called over and cases are allocated dates normally several months in advance.

WAITING TIMES:

From return for trial to date
of first court hearing: 18 months

In order to deal with the increase in the number of cases coming before the Central Criminal Court, the number of Central Criminal Courts was increased to four in 2002.

It is planned to hold extra sittings of the Central Criminal Court in September 2003 to deal with rape cases.

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 92 cases involving some 145 people.

CASES DEALT WITH 1998 - 2002

Year	Number of cases	Number of persons
1998	21	37
1999	14	18
2000	26	36
2001	18	32
2002	13	22
Total	92	145

In 2002, 13 trials involving 22 accused persons were held in the Special Criminal Court. 9 persons entered guilty pleas and 11 were convicted having pleaded not guilty. The remaining 2 persons before the court were found not guilty.

	2002	2001
On hands as of 01/01	16	21
New cases	27	13
Cases disposed of	13	18
Outstanding at 31/12	30	16

OUTCOME OF CASES DEALT WITH

	Total number of trials	Total number of people	Number convicted on plea of not guilty	Number convicted on pleas of guilty	Number struck out/ nolle prosequi	Other
2002	13	22	10	9	3	0
2001	18	32	7	22	3	0

FIXING DATES FOR HEARING:

Where cases are directed to be heard before the 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.

WAITING TIMES:

In December 2002, the waiting time for a hearing in the Special Criminal Court was approximately 10 months.

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.

Waiting Times

2002

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	1 week from date of request where there are no queries or from resolution of queries
For registration of an enduring power of attorney	2 weeks where no query is raised or from discharge of query, if raised

	2002	2001
Wardship cases	2,669	2,640
Applications awaiting hearing	1,193	1,075
Total	3,862	3,715
Inquiry orders	150	163
Declaration orders	114	191
Declaration orders (minors)	5	8
Dismissal orders	103	176
Discharge orders (minors)	11	10
Orders (other)	633	660
Enduring powers of attorney registered	85	72



OFFICE OF THE GENERAL SOLICITOR
FOR MINORS AND WARDS OF COURT

The General Solicitor for Minors and Wards of Courts 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.

	2002	2001
Wardship cases	408	527
Sub cases	107	102

FUNDS HELD:

At December 31st 2002, the balance in the Committee Account (on behalf of Wards and Minors) amounted to €765,510.15.

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.

	2002	2001
Probates (and administrations with wills annexed)	6,029	6,339
Intestacies	1,987	2,125
Personal applicants (included in above)	1,047	1,140
Caveats	493	454
Appearances	39	42
Court applications	167	162
Other forms of proceedings: citations	14	34
Warnings	59	68



**PROBATES AND
ADMINISTRATIONS GRANTED**

	2002	2001
On hearing of causes	1	3
On motion before the judge	61	57
In the Registry without decree or order of the judge	7,954	8,404
Revocation of probate or administration	28	20

FEES GENERATED BY OFFICE 2002

Total amount received -	€1,309,699
Fees on personal applications	*€255,697

* included in total figure

WAITING TIMES:**PRINCIPAL REGISTRY**

Application by solicitor for grant	4-6 weeks
Application by personal applicant for grant	8-10 weeks

DISTRICT PROBATE REGISTRIES -

	2002	2001
Castlebar	3 weeks	3-4 weeks
Cavan	2 weeks	7-10 days
Clonmel	10 days	8 weeks
Cork	5 weeks	4 weeks
Dundalk	4-5 weeks	4 weeks
Galway	2-3 weeks	3-6 weeks
Kilkenny	3-4 weeks	2-3 weeks
Letterkenny	2 weeks	8 weeks
Limerick	3 weeks	3-4 weeks
Mullingar	1-2 weeks	1 week
Sligo	1-2 weeks	1 week
Tralee	1 week	3-4 days
Waterford	2 weeks	2 weeks
Wexford	2 weeks	2-3 weeks

LOCAL REGISTRIES

Castlebar

	2002	2001
Probates (and administrations with wills annexed)	406	441
Intestacies	182	217

Cavan

	2002	2001
Probates (and administrations with wills annexed)	138	152
Intestacies	67	78

Clonmel

	2002	2001
Probates (and administrations with wills annexed)	462	458
Intestacies	156	167

Cork

	2002	2001
Probates (and administrations with wills annexed)	1,023	1,076
Intestacies	321	327

Dundalk

	2002 (incomplete)	(Jan 2001 to Mar 2001)
Probates (and administrations with wills annexed)	113	65
Intestacies	21	21

Galway

	2002	2001
Probates (and administrations with wills annexed)	640	571
Intestacies	243	209

Kilkenny

	2002	2001
Probates (and administrations with wills annexed)	318	336
Intestacies	109	159

Letterkenny

	2002	2001
Probates (and administrations with wills annexed)	134	76
Intestacies	73	63

Limerick

	2002	2001
Probates (and administrations with wills annexed)	665	685
Intestacies	333	280

Mullingar

	2002	2001
Probates (and administrations with wills annexed)	278	271
Intestacies	90	139

Sligo

	2002	2001
Probates (and administrations with wills annexed)	211	264
Intestacies	92	113

Tralee

	2002	2001
Probates (and administrations with wills annexed)	389	387
Intestacies	208	176

Waterford

	2002	2001
Probates (and administrations with wills annexed)	194	291
Intestacies	66	86

Wexford

	2002	2001
Probates (and administrations with wills annexed)	240	323
Intestacies	105	103

EXAMINER'S 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.

APPLICATIONS UNDER SECTION 150 COMPANIES ACT, 1990

No. of Directors investigated	56
No. of Directors restricted	19
No. of Directors not restricted	37

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

BANKRUPTCY STATISTICS:

	2002	2001
Summonses filed	7	12
Summonses granted	7	12
Petitions for adjudication filed	14	21
Adjudications	4	5
Arrangement petitions filed	0	1
Orders in aid applied for	1	2
Orders in aid made	1	2

Nature of proceedings

	Cases pending 1/1	New cases lodged	Cases disposed of	Cases pending 31/12
Company liquidations	603	33	20	616
Mortgage suits	1,023	16	26	1,013
Administration suits/ next of kin/ other	364	0	2	362
Total	1,990	49	48	1,991

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.

	2002	2001
Cases on-going at 01/01	492	493
New adjudications	4	6
Cases discharged	2	7
Cases on-going at 31/12	494	492

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.

	2002	2001
Bills certified	446	455
Items certified	44,944	57,609
Costs claimed	€20,805,517.72	€37,099,669.97
Costs allowed	€16,014,523.54	€26,824,982.03
Fees (duty)	€687,135.02	€1,212,637.96
Summonses	€17,805.00	€12,788.80

WAITING TIMES:

Summons to tax costs to date for hearing: 6 - 8 weeks.

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. An audited Statement of Account in respect of the Accountant's Office for the year ended September 30th 2002, prepared in accordance with Order 77, Rule 96 of the Rules of the Superior Courts, is included as part of the Financial Statements on *page 123*.

THE CIRCUIT COURT

The Circuit Court is a court of limited and local jurisdiction. The business of the court can be divided into four categories: criminal, civil, family and licensing.

A list of all Circuit Court offices and their volume of business is in Appendix I

TOTAL CIRCUIT COURT BUSINESS

	Criminal	Civil	Family	Licensing
2002	13,035	37,991	4,928	479
	23%	67%	9%	1%
2001	13,695	40,527	5,518	542
	23%	67%	9%	1%

The general limits of the Circuit Court's 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 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.

Criminal

In criminal matters, the Circuit Criminal Court has jurisdiction to deal with all indictable offences with the exception 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. Criminal cases dealt with by the Circuit Criminal Court commence in the District Court and are sent forward to the Circuit Criminal Court for trial or sentencing.

ANALYSIS OF CRIMINAL BUSINESS

	Jury trials	Guilty pleas	Nolle prosequi	Change to guilty plea
2002	338	1887	159	92

Criminal Trials

In 2002, 2,372 cases were sent forward for trial from the District Court to the Circuit Criminal Courts. In the same period, 2,476 criminal cases were dealt with at circuit level. Of the persons who came before the Circuit Criminal Courts, 1,887 were dealt with on a guilty plea.

Jury Trials

There was a total of 430 jury trials dealt with in 2002. 184 persons were convicted and sentenced and in a further 35 cases the matter was adjourned for sentencing. There were 119 acquittals. 52 offenders who changed their plea to guilty were sentenced in the Circuit Criminal Courts. Excluding persons who changed their pleas from not guilty to guilty, 338 jury trials were completed in the Circuit Criminal Courts in 2002. There were 58 trials in the Central Criminal Court. Therefore it is estimated that 4,752 jurors served on criminal juries last year.

OUTCOME OF JURY TRIALS

	accused convicted	accused acquitted
2002	184	119

Jury selection

TRIALS AND JURORS SELECTED

Number of jury trials dealt with by Circuit Courts*	338
Estimated number of jurors	4,056
Number of jury trials dealt with by Central Criminal Court	58
Estimated number of jurors	696
Overall estimated number of jurors who served on juries	4,752

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

District Court Appeals

The Circuit Court deals with appeals in criminal cases from the District Court by way of full re-hearing. The District Court dealt with 418,735 cases in 2002. In the same period, the Circuit Court received 11,666 appeals from the District Court and dealt with 11,652 appeals.

APPEALS FROM THE DISTRICT COURT

	Received	Dealt with
2002		
Criminal	10,561	10,559
Family law	439	357
Civil	666	736
2001		
Criminal	11,052	10,851
Family law	483	331
Civil	716	642

CIVIL BUSINESS DEALT WITH

	Notices of Trial	Motions	Civil appeals	Liquor licences granted
2002	14,151	23,104	736	479
2001	15,645	24,240	642	542

Civil

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

Civil proceedings in the Circuit Court commence with the issue of a civil bill. The table below shows that 42,384 civil bills were issued by Circuit Court offices in 2002.

In 2002, 14,151 civil trials were dealt with in circuit courts. Of these, 7,538 were settled, 245 were disposed of by the county registrar and 6,044 were ruled on by the court. 324 were adjourned generally with liberty to re-enter.

NOTICES OF TRIAL

	2002	2001
Number settled	7538	7,647
Dealt with by county registrar	245	743
Dealt with by court	6044	6,741
Adjourned with liberty to re-enter	324	514

MOTIONS

	2002	2001
Settled	1,456	4,631
Dealt with by county registrars	13,771	12,198
Dealt with by court	7,559	6,623
Adjourned with liberty to re-enter	318	788

Notices of Motion

Notices of motion and trial are lodged in the Circuit Court Office for listing. Motions are mostly preliminary applications relating to a case e.g., applications for discovery, to add another person to an action, amendment of pleadings etc. Since the Courts and Court Officers Act, 1995, county registrars have jurisdiction to deal with certain motions. The majority of motions are now dealt with by the county registrar and generally, the judge need only deal with infant settlements and interim applications in family and equity matters.

The Courts and Court Officers Act, 2002 extended the jurisdiction of county registrars to deal with motions with effect from October 1st 2002. Additional powers include orders for transfer of proceedings, orders entering judgement for unliquidated amounts in certain circumstances and orders for recovery or possession where no appearance is entered or no defence delivered.

In 2002, 23,104 motions were disposed of. Of these, 1,456 were settled by the parties, 13,771 were dealt with by county registrars and 7,559 were heard in court. A further 318 were adjourned generally with liberty to re-enter.

Judgments marked in the office

Many cases involving claims for liquidated sums where no defence/appearance is entered by the defendant are dealt with in the circuit court offices without the need for a court hearing. Over 6,500 cases were dealt with in this way in 2002.

CIVIL BILLS

Circuit court office	Civil Bills issued
CARLOW	453
CARRICK-ON-SHANNON	192
CASTLEBAR	942
CAVAN	409
CLONMEL	1,506
CORK	5,151
DUBLIN	15,032
DUNDALK	1,439
ENNIS	855
GALWAY	1,992
KILKENNY	735
LETTERKENNY	1,270
LIMERICK	2,303
LONGFORD	343
MONAGHAN	368
MULLINGAR	689
NAAS	1,438
PORTLAOISE	428
ROSCOMMON	410
SLIGO	508
TRALEE	991
TRIM	1,283
TULLAMORE	469
WATERFORD	1,151
WEXFORD	900
WICKLOW	1,127
TOTAL	42,384

**PERSONAL INJURY CASES HEARD BY
THE CIRCUIT COURT IN THE PERIOD
OCTOBER TO DECEMBER 2002**

Circuit court office	Cases heard
CARLOW	7
CARRICK-ON-SHANNON	1
CASTLEBAR	12
CAVAN	7
CLONMEL	37
CORK	94
DUBLIN	78
DUNDALK	62
ENNIS	10
GALWAY	20
KILKENNY	1
LETTERKENNY	2
LIMERICK	29
LONGFORD	1
MONAGHAN	11
MULLINGAR	1
NAAS	3
PORTLAOISE	0
ROSCOMMON	1
SLIGO	3
TRALEE	18
TRIM	0
TULLAMORE	1
WATERFORD	7
WEXFORD	11
WICKLOW	17
TOTAL	434

In relation to the Circuit Court in Dublin, a total of 78 personal injury cases was heard in the period October 2002 to December 2002, with awards made in all of the cases. The lowest amount awarded was €1,452.56, the highest being €36,886. The total amount awarded in all cases was €1,068,527.83.

RANGE OF AWARDS: DUBLIN CIRCUIT COURT ONLY

€0 to €9,999	125 cases (35%)
€10,000 to €19,999	143 cases (40%)
€20,000 +	88 cases (25%)

In the provincial circuit courts, a total of 356 personal injury cases was heard in the period October 2002 to December 2002, with awards made in all of the cases listed. The lowest amount awarded was €500.00, the highest being €42,481.40. The total amount awarded in all cases was €5,008,350.40.

RANGE OF AWARDS: PROVINCIAL CIRCUIT COURTS ONLY

€0 to €9,999	29 cases (37%)
€10,000 to €19,999	31 cases (40%)
€20,000 +	18 cases (23%)

In relation to all Circuit Courts, a total of 434 personal injury cases was heard in the period October 2002 to December 2002, with awards made in all of the cases listed. The lowest amount awarded was €500.00, the highest being €42,481.40.

RANGE OF AWARDS: ALL CIRCUIT COURTS

€0 to €9,999	154 cases (36%)
€10,000 to €19,999	174 cases (40%)
€20,000 +	106 cases (24%)

Family Law

The Circuit Court has concurrent jurisdiction with the High Court to hear applications for divorce, judicial separation and nullity. In hearing such cases, the Circuit Court has jurisdiction to make ancillary orders, such as custody and access orders, maintenance and barring orders. Applications for protection and barring orders may also be made directly to the Circuit Court, although the vast majority of those cases are taken in the District Courts.

Divorce applications

3,912 divorce applications were received in the Circuit Courts in 2002 compared with 3,459 applications in 2001. 2,571 divorces were granted and 2 were refused. Of the applications granted, 958 of the applicants were male and 1,613 female.

Judicial separations

1,871 applications for judicial separation were received in the Circuit Courts in 2002. Of the 940 judicial separations granted, 211 were to male applicants with 729 to female applicants.

Nullity

52 nullity applications were dealt with by the Circuit Courts of which 40 were granted, 5 were refused and 3 were withdrawn or struck out.

Section 33 applications

Applications under Section 33 of the Family Law Act, 1995 to dispense with the necessity to give 3 months notice of intention to marry and/or allow people under the age of 18 years to marry are also dealt with by the Circuit Court. In 2002, a total of 936 applications were dealt with by the circuit courts, of which 910 were granted.

CHANGING TRENDS: ORDERS GRANTED

	Divorce	Judicial separation	Nullity
1997*	93	1,431	3
1998*	1,408	920	23
1999*	2,315	967	34
2000	2,710	998	47
2001	2,817	1,018	59
2002	2,571	940	40

* year ending on 31/7

APPLICATIONS DEALT WITH IN 2002

	Granted	Refused	Withdrawn, struck out
Divorce	2,571	2	27
Judicial separation	940	1	46
Nullity	40	5	3
Section 33	910	26	

APPLICATIONS DEALT WITH IN 2001

	Granted	Refused	Withdrawn, struck out
Divorce	2,817	1	47
Judicial separation	1,018	1	52
Nullity	59	1	2
Section 33	1,160	29	0

APPLICATIONS RECEIVED

	2002	2001
Divorce	3,912	3,459
Judicial separation	1,871	1,845
Nullity	52	109
Section 33	936	1,210
Family law appeals	439	483

MALE/ FEMALE APPLICANTS (ESTIMATED)

2002	Judicial separation	Divorce
Male applicants	211	958
Female applicants	729	1,613

MALE/ FEMALE APPLICANTS (ESTIMATED)

2001	Judicial separation	Divorce
Male applicants	184	1,069
Female applicants	834	1,748

Licensing

A total of 479 licences were granted in 2002, of which 369 were pub licences and 55 were hotel licences.

LIQUOR LICENCES GRANTED

	Pub	Hotel	Special restaurant certificate	Club	Total
2002	369	55	38	17	479
2001	399	66	54	23	542

FIXING DATES FOR HEARING:

Dublin Circuit

Civil

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

Criminal

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 himself/herself. Cases not ready to proceed are adjourned.

Provincial Circuits

Civil

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.

Criminal

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.

WAITING TIMES:

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

DISTRICT COURT

The District Court is a court of limited and local jurisdiction. The business of the court can be divided into four categories: criminal, civil, family and licensing.

CASES DEALT WITH		
	2002	2001
Criminal business	418,735	450,105
Family law business	23,316	25,123
Civil business	76,629	79,533
Licensing business	96,378	93,145
Total	615,058	647,906

CHANGING TRENDS: APPLICATIONS DEALT WITH				
	Criminal	Family law	Civil	Licensing
1996*	459,118	17,256	109,947	80,243
1997*	462,669	21,045	87,970	82,738
1998*	514,346	20,932	87,133	86,494
1999*	497,660	21,231	81,615	92,334
2000	446,705	23,329	79,240	93,867
2001	450,105	25,123	79,533	93,145
2002	418,735	23,316	76,629	96,378

* year ending on 31/7

Applications Under Section 107 and 108 of the Environmental Protection Act, 1992

SECTION 107		
	2002	2001
Applications received	0	3
Successful applications	0	2

SECTION 108		
	2002	2001
Applications received	57	62
Successful applications	33	29

Civil

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, seduction, 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.

CIVIL APPLICATIONS DEALT WITH

	2002	2001
Ejectment proceedings	179	106
Summary judgment	33,476	33,363
Small claims	3,020	3,081
Ordinary civil process	7,600	10,084
Summonses of a civil nature	6,880	9,699
Examination orders	8,422	7,943
Instalment orders	10,430	9,385
Committal orders	5,788	5,782
Foreign judgment	42	9
Total	75,837	79,452

FIXING DATES FOR HEARING :**Dublin District Court***Civil*

- Ordinary cases

Applicant is given a return date to allow time for such matters as service of the civil process

-Summary judgment cases

Dates are assigned by the court office.

-Family law cases

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

Provincial Districts

-New cases

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

-Family law cases

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

Waiting times for all cases in the District Court are in Appendix IV

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.

The table below outlines the type of Small Claims applications received and how they were dealt with for the years 2001 and 2002.

	2002	2001
Holidays	400	484
Professional services	60	150
Dry Cleaners	134	178
Building	164	145
Damage to Private Property	119	126
Key Money	376	356
Electrical Goods	166	207
Audio/Computer	160	169
Clothing	156	125
Shoes	67	50
Furniture	257	218
Carpets/Flooring	91	95
Doors/Roofs	102	142
Cars	205	210
Other	798	612
Total	3,255	3,267

CLAIMS DEALT WITH		
	2002	2001
Cases not covered by procedure	37	32
Cases not proceeded with	355	283
Decrees by default	386	432
Settled by registrar	1,375	1,453
Referred to court	867	879
Total	3,020	3,079

CASES ADJUDICATED BY COURT		
	2002	2001
Decrees granted	463	444
Cases dismissed	115	118
Cases struck out/withdrawn	289	317
Total	867	879

Criminal

FIXING DATES FOR HEARING:

Dublin District Court

Criminal

- Computerised Summonses

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

- Manual Summonses

Manual summonses are allocated to a specific court by the court office 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

Provincial Districts

- Computerised Summonses (Cork and Limerick only)

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

- Manual Summonses (all provincial offices)

S.I. No. 5, 1961, 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.

CASES DEALT WITH

	2002	2001
Summary cases	363,756	386,075
Indictable cases dealt with summarily	43,100	50,431

SUMMARY CASES

	2002	2001
Road traffic cases	265,449	301,148
Other summary offences	98,307	84,927



OUTCOMES: SUMMARY OFFENCES

	2002	2001
Imprisonment/ Detention*	10,936	12,171
Fines**	110,192	111,817
Community service	2,693	3,286
Other***	239,935	258,801
TOTAL	363,756	386,075

- * 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

INDICTABLE CASES DEALT WITH SUMMARILY

	2002	2001
Imprisonment/ Detention*	6,865	7,373
Fines**	4,109	5,275
Community Service	1,221	1,553
Other***	30,905	36,230
TOTAL	43,100	50,431

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

.Correction:

In the Annual Report 2001, the figure for Community Service Orders was overstated by 1,439, while the figure in the category titled “Other” was understated by 1,439 leaving the overall total unaffected. The correct figures are included above.

Bail Act, 1997

Year	Number of bails received	Amount received €
2002	11,278	4,359,923
2001	19,139	4,969,138

**BAIL LODGED - DUBLIN
METROPOLITAN DISTRICT ONLY**

	Amount lodged €	Re-lodged €	Interest €	Transfer to fines €	Forfeit €	To poor box €	Invested €	Actual refund €	On hands €
March 2002	382,859.68	45,283.34	14.97	11,305.00	10,420.00	1,050.00	75,800.34	247,313.50	82,269.15
June 2002	360,205.55	30,500.00	20.00	8,943.33	21,899.08	100.00	53,250.00	179,815.26	126,717.88
September 2002	340,916.67	10,000.00	2.01	4,813	7,285.13	480.00	54,409.34	195,799.63	88,131.58
December 2002	481,458.18	95,550.00	7.59	7030.00	7,912.16	100.00	163,583.00	257,060.79	141,329.82
TOTAL	1,565,440.08	181,333.34	44.57	32,091.33	47,516.37	1,730.00	347,042.68	879,989.18	438,448.43

SUMMARY OF LODGMENTS

Amounts lodged	No. of items	% of total items	Amount €
< or equal to €1	258	5%	253.40
€1 to under €5	252	5%	900.87
€5 to under €10	279	5%	2,736.35
€10 to under €20	177	3%	3,349.50
€20 to under €50	993	19%	39,890.84
€50 to under €100	1,054	20%	101,108.33
€100 to under €500	1,747	34%	462,547.72
€500 to under €1,000	266	5%	216,404.05
€1,000 to under €5,000	152	3%	359,780.47
€5,000 and over	31	1%	378,468.55



The statistics on pages 102 to 108 have been extracted from the Criminal Case Management System. At the end of 2002, the system had been implemented in the Dublin Metropolitan District Court and Limerick District Court:

*SEXUAL OFFENCES DEALT WITH IN DUBLIN		
Court Determination	2002	2001
Adjourn Generally	0	2
Community Service Order	0	1
Charges Dismissed	13	25
Probation Order	93	118
Fined	36	28
Imprisonment	15	7
Peace Bond	3	2
Poor Box	53	60
Charges Taken into Consideration	33	26
Charges Struck Out	57	64
Persons returned for trial	34	29
Charges withdrawn	2	0
No order made	1	0
Total	340	362
* Figures include Dun Laoghaire, Swords, Richmond and Chancery St. and exclude Kilmainham, Tallaght and the Children's Court		

SEXUAL OFFENCES DEALT WITH IN LIMERICK		
Court Determination	2002	2001
Adjourn Generally	0	2
Community Service Order	0	0
Charges Dismissed	0	0
Probation Order	1	2
Fined	2	1
Imprisonment	0	1
Peace Bond	0	0
Poor Box	0	0
Charges Taken into Consideration	1	3
Charges Struck Out	6	3
Persons returned for trial	6	4
Charges withdrawn	0	1
No order made	0	0
Total	16	17

***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	5	5	4	4	0	0	16	16
Detention	11	11	3	3	0	0	52	49
Detention-suspended	0	0	0	0	0	0	7	7
Dismiss	35	35	205	205	25	25	15	15
Fines	115	115	1,362	1,362	2,733	2,723	19	19
Imprisonment	40	29	56	53	0	0	63	53
Imprisonment suspended	4	4	12	12	0	0	15	15
Peace Bond	0	0	3	3	0	0	1	1
Poor Box	1	1	3	5	3	3	1	1
Probation	5	5	5	5	79	79	16	16
Struck Out	158	123	218	218	4,584	4,577	126	112
Charges taken into Consideration	38	48	113	113	26	26	30	29
Withdrawn	11	11	11	11	27	27	6	6
Total	423	387	1,995	1,992	7,477	7,460	367	339

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

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	5	5	4	4	0	0	16	16
Detention	0	0	0	0	0	0	8	6
Detention-suspended	0	0	0	0	0	0	1	1
Dismiss	3	3	9	9	4	4	0	0
Fines	62	59	241	232	1,348	1,001	2	2
Imprisonment	44	28	16	16	0	0	21	18
Imprisonment suspended	1	1	2	2	0	0	4	4
Peace Bond	0	0	0	0	0	0	0	0
Poor Box	0	0	0	0	0	0	0	0
Probation	1	1	0	0	20	20	2	2
Struck Out	56	56	27	27	4,198	2,919	16	12
Charges taken into Consideration	35	28	29	29	6	3	17	12
Withdrawn	8	8	6	6	8	8	3	3
Total	210	184	330	321	5,584	3,955	74	60

***ASSAULT/PUBLIC ORDER OFFENCES
DEALT WITH IN DUBLIN**

Court Determination	Summary offences	Offenders	Indictable offences dealt with summarily	Offenders
Community Service Order	93	77	0	0
Detention	65	50	0	0
Detention - suspended	10	10	1	1
Dismiss	431	347	2	2
Fines	1,197	1,043	14	14
Imprisonment	466	339	3	3
Imprisonment - suspended	253	220	1	1
Peace Bond	138	127	2	2
Poor Box	423	421	0	0
Probation	1,860	1,483	7	7
Struck Out	2,213	1,788	25	21
Charges Taken into consideration	1,662	1,131	3	3
Withdrawn	131	110	2	2
Total	8,942	7,146	60	56

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

**ASSAULT/PUBLIC ORDER OFFENCES
DEALT WITH IN LIMERICK**

Court Determination	Summary offences	Offenders	Indictable offences dealt with summarily	Offenders
Community Service Order	16	14	0	0
Detention	5	3	0	0
Detention - suspended	6	6	0	0
Dismiss	39	31	0	0
Fines	190	166	0	0
Imprisonment	94	70	0	0
Imprisonment - suspended	54	53	3	3
Peace Bond	16	16	0	0
Poor Box	0	0	0	0
Probation	33	26	0	0
Struck Out	632	472	11	10
Charges Taken into consideration	314	184	3	2
Withdrawn	57	43	3	3
Total	1,456	1,084	20	18

***DRUGS OFFENCES DEALT WITH IN DUBLIN**

Court Determination	Summary offences	Offenders	Indictable offences dealt with summarily	Offenders
Community Service Order	5	5	18	15
Detention	7	7	10	9
Detention - suspended	0	0	1	1
Dismiss	18	15	57	48
Fines	24	24	208	201
Imprisonment	22	21	59	51
Imprisonment - suspended	17	14	43	41
Peace Bond	3	3	25	24
Poor Box	1	1	16	16
Probation	77	54	160	137
Struck Out	128	91	457	355
Charges Taken into consideration	58	44	160	90
Withdrawn	3	3	21	18
Total	363	282	1,235	1,006

Drug offences returned for trial: 470

Persons returned for trial on drug offences: 191

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

DRUGS OFFENCES DEALT WITH IN LIMERICK

Court Determination	Summary offences	Offenders	Indictable offences dealt with summarily	Offenders
Community Service Order	1	1	2	2
Detention	0	0	2	2
Detention - suspended	0	0	0	0
Dismiss	0	0	2	2
Fines	5	5	51	48
Imprisonment	1	1	8	8
Imprisonment - suspended	1	1	5	5
Peace Bond	0	0	6	5
Poor Box	0	0	0	0
Probation	0	0	12	10
Struck Out	3	3	46	32
Charges Taken into consideration	5	5	20	16
Withdrawn	0	0	2	2
Total	16	16	159	122

Drug offences returned for trial: 30

Persons returned for trial on drug offences: 12

***ALL ROAD TRAFFIC OFFENCES
DEALT WITH IN DUBLIN**

Court Determination	Summary offences	Offenders	Indictable offences dealt with summarily	Offenders
Community Service Order	68	54	25	25
Detention	250	189	77	71
Detention - suspended	20	14	11	11
Dismiss	5,756	2,517	27	23
Fines	24,846	18,445	24	24
Imprisonment	986	778	74	62
Imprisonment - suspended	183	153	29	29
Peace Bond	35	12	1	1
Poor Box	104	104	2	2
Probation	2,036	1,285	32	30
Struck Out	48,808	20,411	174	154
Charges Taken into Consideration	13,736	4,080	75	68
Withdrawn	291	152	13	13
Total	97,119	48,194	564	512

Road traffic offences returned for trial: 118

Persons returned for trial on road traffic offences:
98

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

**ALL ROAD TRAFFIC OFFENCES
DEALT WITH IN LIMERICK**

Court Determination	Summary offences	Offenders	Indictable offences dealt with summarily	Offenders
Community Service Order	9	6	0	0
Detention	4	3	10	7
Detention- suspended	0	0	1	1
Dismiss	207	96	0	0
Fines	4,802	3,520	2	2
Imprisonment	166	88	14	10
Imprisonment- suspended	23	22	8	8
Peace Bond	4	3	1	1
Poor Box	0	0	0	0
Probation	142	40	3	3
Struck Out	8,164	4,638	23	19
Charges taken into consideration	1,764	409	22	17
Withdrawn	311	220	4	4
Total	15,596	9,045	88	72

Road traffic offences returned for trial: 20

Persons returned for trial on road
traffic offences: 11

*LARCENY CASES DEALT WITH IN DUBLIN

Court Determination	Indictable Offences Dealt With Summarily	Offenders
Community Service Order	95	88
Detention	73	53
Detention-suspended	13	13
Dismiss	304	189
Fines	364	334
Imprisonment	907	478
Imprisonment-suspended	267	214
Peace Bond	43	39
Poor Box	100	100
Probation	1,199	863
Struck Out	2,796	1,842
Charges Taken into Consideration	684	331
Withdrawn	78	56
Total	6,923	4,600

Larceny offences returned for trial: 191

Persons returned for trial on larceny offences: 100

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

LARCENY CASES DEALT WITH IN LIMERICK

Court Determination	Indictable Offences Dealt With Summarily	Offenders
Community Service Order	6	6
Detention	12	7
Detention-suspended	2	2
Dismiss	3	3
Fines	16	15
Imprisonment	85	55
Imprisonment-suspended	30	30
Peace Bond	2	2
Poor Box	0	0
Probation	77	67
Struck Out	178	125
Charges taken into consideration	165	57
Withdrawn	7	5
Total	583	374

Larceny offences returned for trial: 2

Persons returned for trial on larceny offences: 2

Children

Until April 30th 2002, accused persons under the age of 17 years were dealt with by the children's courts. The Children Act, 2001, parts of which were commenced on May 1st 2002, raised this age to 18 years. The District Court is known as the Children's Court when dealing with accused persons under the age of 18.

In most provincial locations, the Children's Court is held in conjunction with the normal sittings of the District Court. However, Children's 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's Court building in Smithfield. There are dedicated children's court sittings in Waterford, Limerick and Cork. From January 2003, there will be dedicated children's court sittings in Galway. The children's 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.

For improvements in facilities for children involved in the court process generally, see page 43

APPLICATIONS FOR COMMITTAL TO SPECIAL SCHOOLS

Court Determination	2002	2001
Juveniles committed to Industrial Schools	30	78
Juveniles committed to Reformatory schools	17	42
Applications for committal struck out/refused	6	18*
Total	53	138*

*Correction:

In the Annual Report for 2001, the figures for the number of applications for committal which were struck out or refused were incorrectly given as 174. This occurred because the number of offences were counted, rather than the number of children who were the subject of applications for committal.

Family Law

Domestic Violence

The Domestic Violence Act, 1996 provides for the granting of protection, safety, barring and interim barring orders in the District Court. In 2002, the overall number of applications dealt with decreased from 12,795 in the previous year to 11,435. Orders were granted in 6,906 cases, 394 applications were refused and 4,135 cases were either withdrawn or struck out.



DOMESTIC VIOLENCE ACT, 1996
2002

	Applications	Granted	Refused	Withdrawn/ Struck Out
Barring orders	4,067	1,740	155	2,172
Safety orders	2,814	1,187	94	1,533
Protection orders	3,677	3,248	94	335
Interim barring orders	852	706	51	95

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

DOMESTIC VIOLENCE ACT, 1996
2001

	Applications	Granted	Refused	Withdrawn/ Struck Out
Barring orders	4,470	2,067	216	2,187
Safety orders	2,903	1,232	104	1,567
Protection orders	4,263	3,711	107	401
Interim barring orders	1,159	1,007	36	116

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

PROTECTION ORDER APPLICATIONS
DEALT WITH (BY STATUS OF
APPLICANT) 2002

	Granted	Interim barring in Lieu	Refused	Withdrawn/ struck out
Spouse	1,883		60	194
Common law	936		25	95
Parent	368		6	39
Other	50		3	1
Health board	11		0	6
Total	3,248	25	94	335

PROTECTION ORDER APPLICATIONS
DEALT WITH (BY STATUS OF
APPLICANT) 2001

	Granted	Interim barring in Lieu	Refused	Withdrawn/ struck out
Spouse	2,257		76	226
Common law	1,032		22	96
Parent	367		6	64
Other	54		3	13
Health board	1		0	2
Total	3,711	44	107	401

**SAFETY ORDER APPLICATIONS DEALT
WITH (BY STATUS OF APPLICANT) 2002**

	Granted	Refused	Withdrawn/ Struck Out
Spouse	652	41	938
Common law	363	34	369
Parent	139	17	193
Other	20	0	31
Health board	13	2	2
Total	1,187	94	1,533

**SAFETY ORDER APPLICATIONS DEALT
WITH (BY STATUS OF APPLICANT) 2001**

	Granted	Refused	Withdrawn/ Struck Out
Spouse	794	63	951
Common law	313	18	396
Parent	107	7	188
Other	18	16	32
Health board	0	0	0
Total	1,232	104	1,567

**INTERIM BARRING ORDER APPLICATIONS
DEALT WITH (BY STATUS OF APPLICANT)
2002**

	Granted	Refused	Withdrawn/ Struck Out
Spouse	405	36	61
Common law	180	11	29
Parent	118	4	5
Other	3	0	0
Health board	0	0	0
Total	706	51	95

**INTERIM BARRING ORDER APPLICATIONS
DEALT WITH (BY STATUS OF APPLICANT)
2001**

	Granted	Refused	Withdrawn/ Struck Out
Spouse	558	22	79
Common law	246	13	25
Parent	200	1	10
Other	0	0	2
Health board	3	0	0
Total	1,007	36	116

**BARRING ORDER APPLICATIONS DEALT
WITH (BY STATUS OF APPLICANT) 2002**

	Granted	Refused	Withdrawn/ Struck Out
Spouse	1,014	105	1,360
Common law	487	28	538
Parent	222	22	270
Other	17	0	4
Health board	0	0	0
Total	1,740	155	2,172

**BARRING ORDER APPLICATIONS DEALT
WITH (BY STATUS OF APPLICANT) 2001**

	Granted	Refused	Withdrawn/ Struck Out
Spouse	1,285	168	1,416
Common law	500	32	534
Parent	270	16	228
Other	10	0	9
Health board	2	0	0
Total	2,067	216	2,187

CHANGING TRENDS

	1995	1996	1997	1998	1999	2000	2001	2002
Barring order applications	4,448	5,120	5,217	4,792	4,668	4,908	4,470	4,067
Barring order granted	1,891	2,059	2,145	2,004	2,219	2,319	2,067	1,740
Protection order applications	3,107	3,716	4,352	4,409	3,619	4,381	4,263	3,677
Protection order granted	2,982	3,521	3,781	3,474	3,390	3,467	3,711	3,248
Safety order applications		272	1,792	1,779	2,039	2,336	2,903	2,814
Safety order granted		188	739	837	970	988	1,232	1,187
Interim barring order applications		174	589	733	1,120	506	1,159	852
Interim barring order granted		170	543	677	1,002	415	1,007	706

* 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.

Guardianship of Children**APPLICATIONS FOR CUSTODY AND ACCESS 2002**

	Applications dealt with	Granted	Refused	Withdrawn/ struck out
Custody & access	727	491	23	213
Custody only	625	400	35	190
Access only	2,572	1,971	76	525
Non-marital fathers				
Section 6(a)	1,059	812	38	209
Total	4,983	3,674	172	1,137

APPLICATIONS FOR CUSTODY AND ACCESS 2001

	Applications dealt with	Granted	Refused	Withdrawn/ struck out
Custody & access	731	528	28	175
Custody only	617	390	38	189
Access only	2,441	1,860	91	490
Non-marital fathers				
Section 6(a)	1,016	785	37	194
Total	4,805	3,563	194	1,048

MAINTENANCE 2002

	Applications dealt with	Granted	Refused	Withdrawn/ struck out
Married & unmarried	3,541	2,455	99	987
Maintenance Act 1994 applications	12	11	0	1
Maintenance Foreign Jurisdictions Act 1974	31	19	2	10
Total	3,584	2,485	101	998

MAINTENANCE 2001

	Applications dealt with	Granted	Refused	Withdrawn/ struck out
Married & unmarried	3,508	2,489	114	905
Maintenance Act 1994 applications	11	10	0	1
Maintenance Foreign Jurisdictions Act 1974	51	33	5	13
Total	3,570	2,532	119	919

Licensing

The District Court also has wide powers in relation to liquor and lottery licensing. The largest percentage of licensing applications are in respect of special exemption orders.

LICENSING APPLICATIONS DEALT WITH

	2002	2001
Renewal of Publican Licences	1,340	2,262
Temporary Transfer of Licence	1,124	1,027
Annual Dance Licence	1,127	1,538
Temporary Dance Licence	366	458
Restaurant Certificate	896	1,201
Special Exemption Orders	81,933	75,498
Lottery Licence	1,218	1,343
Other	8,374	9,818
Total	96,378	93,145



Court Fees

The courts generate a range of income in relation to its operations. One of these income sources is fees. Court fees are prescribed by the Minister for Justice, Equality & Law Reform with the agreement of the Minister for Finance. Fees must be paid by persons using the courts for many of the operations carried out by each of the court offices. For example, if a person wishes to lodge documents, a fee is often payable. The funds generated by these services are paid to the Exchequer with a small amount being retained by the Service.

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 revenue fees are, in reality, a duty collected on applications to court and to the provision of copies of some of these documents which fall to be paid to the Revenue Commissioners. This is mainly in licensing cases e.g. an application for a special licence.

At the end of 2002, draft fees orders proposing increases to the fees charged in all court jurisdictions had been submitted to the Department of Justice, Equality & Law Reform.

It is anticipated the new fees orders will be signed by the Minister for Justice, Equality & Law Reform in March 2003.

FEES COLLECTED AND TRANSFERRED:

	2002 (€000's)	2001 (€000's)
Revenue Commissioners	9,342	7,828
Exchequer	23,673	10,691
Land Registry	127	100
Total	33,142	18,619

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 the Marine and Natural Resources. The Service retains fines imposed for certain offences and these are included in the Appropriations-in-Aid of the Service which contributes to the operating costs provided by the Oireachtas.

FINES COLLECTED AND TRANSFERRED:

	2002 (€000's)	2001 (€000's)
Exchequer (Motor Fines)	8,140	6,132
Revenue Commissioners	1,530	1,101
Department of Communications, Marine and Natural Resources	227	274
Retained by the Service	5,126	3,039
Total	15,023	10,546

Chapter Four

Our Staff



Chapter Four Our Staff

One of the core values of the Service continues to be that our staff are our greatest resource. The aspiration to develop a world class Courts Service will not be achieved by the development of strategic and business plans alone. It requires the dedication and commitment of staff engaged in a myriad of activities in court and support offices throughout the country. The capability of the organisation to deliver on various plans and other initiatives depends on the continued dedication of our staff and leads to an improved internal strength that deserves much praise and acknowledgement.

Supporting Our Staff

The many initiatives introduced by the Service by way of supporting staff highlight the importance of staff participation and serve, in some way, to reflect the vital role they play in the organisation. These initiatives include the following:

Performance Management and Development

Reference has been made earlier in this Report to the success of the Performance Management and Development System, the structure and process by which an individual's work performance, career and development needs are managed. The training process for the development of this system is being carried out in three phases, with phases 1 and 2 having been completed by the end of 2002.

Safety, Health and Welfare

The safety, health and welfare of the staff of the Service are safeguarded by an adherence to established safety standards which conform to the requirements of the Safety, Health and Welfare at Work Act, 1998.





Dignity at work

The policy statement “A Positive Working Environment” informs the issue of dignity at work in the Service. During the year, twelve officials of the Service were trained as investigators to allow them undertake investigations into allegations of bullying and harassment.

Family Friendly Supports

Consistent with other public service bodies and Government policy, the Service has a range of family friendly supports in place. These include flexitime, maternity, paternity, parental and adoptive leave as well as term time and work sharing. Over 170 staff currently avail of a range of work sharing patterns.

Exceptional Performance Awards

In 2002, a small group representative of all grades was set up under the partnership process with a remit to review the operation of the Exceptional Performance Award Scheme. Following consideration by the main partnership committee, a policy on exceptional awards was produced and circulated to staff.

Travel Pass Scheme

The scheme introduced in January 2002 allows staff makes savings on expenditure in relation to bus and rail travel.

Third Level Programme

The Institute of Public Administration (IPA) prepared a Report in 2002 on the feasibility of a third level programme for staff of the Service. The Report considered the educational needs of the Service and proposed a structure for an accredited educational programme which would build on the extensive training programme currently in place. It looks at initiatives in other jurisdictions and identifies the general content of a programme which would provide a knowledge of legal principles, structures and procedures and general management skills to enable participants fulfil their role in the Service and manage and steer change for the future. At year-end, the Report was being examined closely to assess the best way to proceed with this venture, the introduction of which would represent a major initiative for the Service and for the public service generally in Ireland.

Training

Information technology training was high on the list of training needs identified by our staff during the year. A popular choice was the European Computer Driving Licence (ECDL). The Service provided ECDL training in all regions with up to one hundred and twenty-eight staff completing the training outside Dublin. In Dublin, a pilot ECDL project was initiated using a CD-Rom rather than direct delivery. The project will be evaluated during 2003.



Flexible Working Arrangements

The Service has been to the fore in putting in place flexible working arrangements for staff which have been favourably complimented by union and staff interests. This area will be further developed during 2003.

Courts Service Choir

The Courts Service Choir performed to great acclaim at several events in 2002 including the conference dinner of the World Association of Women Judges, a Mass at the commencement of the new legal year and the conference dinner of the Courts Services of Ireland, Scotland and England and Wales. A busy schedule for 2003 will see the choir perform at a function to commemorate the 25th anniversary of the death of Cearbhall Ó'Dhálaigh, a former Chief Justice and former President of Ireland and at a function in Áras an Úachtaráin.

Functions for retired members of staff

The contribution made by former staff to the success of the courts over the years remains a high priority for the Service. Retired staff who worked in the courts and in the courts administration section of the Department of Justice, Equality & Law Reform prior to the establishment of the Service, were invited to social events during the year. This afforded them an opportunity to meet with current staff and to revisit old times with former colleagues and friends. At many events, they were joined by retired members of the judiciary.

Sporting Achievements

A successful business model places much emphasis on the benefits of good team play. The Service acknowledges the talents and skills displayed by many of our staff in the sporting arena that are regularly transferred to great effect to the workplace. Sporting excellence is achieved by many of our staff, an example during 2002 being the appointment of one of our staff as the first female referee in Ireland and England to be awarded a FIFA referee's badge.

Social Club

A social club organised by a dedicated group of staff in Dublin organised events during the year to afford staff and their friends the opportunity to meet in a relaxed atmosphere away from the office. Table quizzes, golf competitions, a snooker competition and a barbeque were some of the year's successful events. The club intends in 2003 to provide associate membership to retired members of staff.

Reports of the Rules Committees



Reports of the Rules Committees

This section contains reports from the Rules Committees of the various court jurisdictions for 2002.

The Court and Court Officers Act, 2002 enacted on 10th April 2002 provided for the appointment of the Attorney General, or his nominee, to the Rules Committees of the courts. It also provided for the Chief Justice, the President of the High Court, the President of the Circuit Court and the President of the District Court to be represented on the Rules Committees by a nominee.

Superior Courts Rules Committee

The power to make, annul or alter rules of court is exercisable by the Superior Courts Rules Committee with the concurrence of the Minister for Justice, Equality & Law Reform. The Committee was established by section 67 of the Courts of Justice Act, 1936 and re-constituted by section 15 of the Courts of Justice Act, 1953.

Members of the Committee at 31st December 2002:

- ★ the Chief Justice, the Hon. Mr. **Ronan Keane** (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. **Edmond W. Honohan** S.C.
- ★ Mr. **Paul Sreenan** S.C., nominated by the Council of the Bar of Ireland

- ★ Mr. **Anthony Hunt** B.L., nominated by the Council of the Bar of Ireland
- ★ Mr. **Patrick Groarke**, Solicitor, nominated by the Law Society of Ireland
- ★ Mr. **Patrick O'Connor**, Solicitor, nominated by 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 – nominated by the Chief Executive Officer
- ★ Mr. **John Dalton**, Registrar of the Supreme Court is the Secretary to the Committee

The Committee met on three occasions during 2002 and discussed the following topics:

- ★ Council Regulations 1347/00, 1348/00 and 44/01
- ★ Extradition (European Union Conventions) Act, 2001
- ★ Amendments to Order 27
- ★ Courts-Martial Appeal Court Rules
- ★ Unclaimed Life Assurance Policies Bill, 2002
- ★ Proceeds of Crime Act, 1996
- ★ Company Law Enforcement Act, 2001
- ★ Aviation Regulations Act, 2001
- ★ Solicitors (Amendment) Act, 2002

Reports of the Rules Committees

The following rule was drafted by the Committee and signed by the Minister for Justice, Equality & Law Reform in 2002:

- ★ S.I. No. 208 of 2002 - Rules of the Superior Courts (No. 1) (Remuneration of Committees of Wards of Court, 2002)

John Dalton,
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.

The members of the Committee at 31st December, 2002:

- ★ President of the Circuit Court, the Hon. Mr. Justice **Esmond Smyth** (Chairman)
- ★ His Honour Judge **Carroll Moran**, judge 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
- ★ Mr. **Edmund Carroll**, appointed to act in place of the Attorney General under section 36(4) of the Courts and Court Officers Act, 2002
- ★ Mr. **P.J. Fitzpatrick**, Chief Executive of the Courts Service
- ★ Ms. **Susan Ryan**, County Registrar, Dublin is the Secretary to the Committee.

The Committee met on ten occasions during 2002 with continued consideration given to Employment Equality Legislation and various EU Regulations. In addition, the Committee considered the following topics:

- ★ Commercial Court and its implications, if any, for the Circuit Court
- ★ Children Act, 2001 and whether rules are required in respect of same
- ★ Valuation Act, 2001 and its implications on the existing jurisdiction of the Circuit Court in matters concerning property
- ★ Housing (Private Rented Sector) Bill, 2002 and its implications for the Circuit Court
- ★ Review of Circuit Court Rules, 2001 and in particular
 1. Applications under O. 53 and the procedures for restoring companies to the register
 2. O. 50 r.1 (a) on the filing of caveats in probate matters

The Committee also gave due consideration to the recommendations of Motor Insurance Advisory Board and the Personal Injuries Assessment Board.

The Chairman presented a submission to the Committee on court practice and procedure.

The Circuit Court Rules 2001 are the subject of on-going review by the Committee.

Susan Ryan,
Secretary

District Court Rules Committee

The rule making authority for the District Court is the District Court Rules Committee with the concurrence of the Minister for Justice, Equality & Law Reform.

Members of the Committee at 31st December, 2002:

- ★ 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 F. Garavan**, judge of the District Court
- ★ Judge **John P. Brophy**, judge of the District Court
- ★ Mr. **Hugh O'Neill**, Solicitor, nominated by the Law Society of Ireland
- ★ **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. **Finbarr O'Malley**, Advisory Counsel, appointed to act in place of the Attorney General under section 36(4) of the Courts and Court Officers Act, 2002
- ★ Mr. **P.J. Fitzpatrick**, Chief Executive of the Courts Service

- ★ Ms. **Liz Hughes**, Deputy Chief Clerk, Dublin Metropolitan District Court, is the Secretary to the Committee.

The Committee met on five occasions during 2002 and considered and passed a number of Rules. The following Rules of the District Court were signed by the Minister for Justice, Equality & Law Reform between 1st January 2002 and 31st December 2002:

- ★ S.I. No. 206 of 2002 District Court (Sex Offenders) Rules, 2002
- ★ S.I. No. 207 of 2002 District Court (Company Law Enforcement) Rules, 2002

Rules under consideration by the Committee at year-end:

- ★ Taxes Consolidation Act, 1997
- ★ Children Act, 2001
- ★ Terms of Employment (Information) Act, 1994
- ★ Criminal Justice Act, 1994
- ★ Domestic Violence (Amendment Act), 2002

Martina Jackson,
Acting Secretary

Financial Statements



Expenditure and Income Data for the year 2002

	2002 €'000	2001 €'000
Current Expenditure		
Salaries and wages	37,776	34,349
Travel and subsistence	3,171	2,633
Staff and judicial training	1,015	776
Stenography and other fees	2,311	1,663
Legal services	515	198
Postal services	841	716
Telecommunications	1,698	1,296
Office equipment and materials	1,236	1,157
Courthouse maintenance	4,397	3,899
Heat, light and fuel costs	1,133	1,180
Furniture and fittings	1,107	866
Leases	5,155	6,653
Consultancy	275	254
Incorporated Council of Law Reporting of Ireland	41	30
Incidental / miscellaneous costs	1,928	1,897
Total Current Expenditure	62,599	57,567
Capital Expenditure		
Telecommunications Systems	399	0
Computer systems	8,467	7,287
Courthouses and other buildings	19,352	19,365
Total Capital Expenditure	28,218	26,652
Total Gross Expenditure	90,817	84,219
Income (Appropriations-in-Aid)		
Fines	5,126	3,859
Fees and miscellaneous	1,100	1,051
Total Income	6,226	4,910
Net Expenditure	84,591	79,309

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

Statement of Compliance - Prompt Payment of Accounts Act, 1997

The Service undertakes to comply with the Prompt Payment of Accounts Act, 1997. In accordance with the Act and guidelines issued by the Department of Enterprise, Trade & Employment, the following information is provided:

Procedures established to ensure compliance with the Act

The Service has procedures in place to ensure that all invoices received are paid within the time limits specified on the invoices or the statutory time limit if no period is specified. While the procedures are designed to ensure compliance with the Act, they can only provide reasonable and not absolute assurance against material non-compliance with the Act. These procedures operated in the financial period under review and in the case of late payments, the relevant suppliers were notified and interest was paid to them.

In accordance with the Prompt Payments of Accounts Act, 1997, the following information is provided for the financial period ending 31st December, 2002:

(a) Payment Practices

The Service makes payments to suppliers in accordance with the terms stated on invoices or terms specified in individual contracts if appropriate. During 2002, the standard terms were reduced from 45 days to 30 days, as of August 2002.

(b) Late Payments

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

The overall percentage of late payments to total payments was 2.7%.

The total amount of interest paid with respect to late payments was € 7,398.

Invoice amount	Amount of interest paid
Under €317	€5,845
Over € 317	€1,553
Total	€7,398

Poor Box Receipts

POOR BOX RECEIPTS THROUGH COURT OFFICES 2002

	Opening balance at 01/01 €	Receipts €	Payments €	Balance on hand at 31/12 €
High Court	Nil	Nil	Nil	Nil
Circuit Court	30,192.55	34,581.99	44,681.73	20,092.81
District Court	182,028.33	899,876.13	877,371.06	204,600.62
Total	*212,220.88	934,458.12	922,052.79	224,693.43

* The opening balance at 01/01/02 was €9,211.12 less than the closing balance in the Annual Report for 2001 due to revised details provided by court offices

POOR BOX RECEIPTS THROUGH COURT OFFICES 2001

	Opening balance at 01/01 €	Receipts €	Payments €	Balance on hand at 31/12 €
High Court	Nil	Nil	Nil	Nil
Circuit Court	37,165.00	15,402.00	22,874.00	29,693.00
District Court	117,032.00	733,114.00	658,406.00	191,739.00
Total	*154,197.00	748,516.00	681,280.00	221,432.00

* The opening balance at 01/01/01 was €3,098 more than the closing balance in the Annual Report for 2000 due to revised details provided by court offices

Office of the Accountant of the Courts of Justice

Annual Statement of Account Report of the Accountant of the Courts of Justice

Statement of responsibilities

The Accountant of the Courts of Justice is responsible for the preparation of the Statement of Account for the year ended 30th September 2002, in accordance with the Rules of the Superior Courts, Order 77, Rule 96. The basis of preparation and the accounting policies are set out on *page 131*.

Management of court funds

Virtually all of the records and systems used to support the management and investment of court funds are manual. Such manual systems have serious limitations when dealing with large volumes of transactions across thousands of individual accounts. The audit that has been performed on the Statement of Account for the year ended 30th September 2002 is only the second independent audit of these funds; the first was carried out last year.

Plans are at an advanced stage for the introduction of a wide range of changes that will see the modernisation of activities of the Accountant's Office and the management of court funds in general. During 2002, the following developments have taken place:

- (a) In January 2002 the recommendations contained in the report prepared by Mercer Investment Consulting on the management of court funds was approved by the Board of the Courts Service;
- (b) In April 2002, the Investment Committee recommended by Mercer held its first meeting and has had several meetings during the year, which is indicative of the level of activity that has been taking place;
- (c) In June 2002, PricewaterhouseCoopers Consulting completed a detailed business improvement review on all aspects of the administration of court funds;

- (d) In July 2002, a project team commenced work on implementing the AGRESSO financial system in the Accountant's Office. Excellent progress has been made and is expected that the new system will go into operation in April 2003;
- (e) On 1st August 2002, following a competitive tendering process, Mercer Investment Consulting was appointed as investment advisor to the Courts Service for a two year period;
- (f) On 31st August 2002, a notice was issued to the Official Journal of the EU seeking expressions of interest in the provision of fund management services to the Courts Service. This selection process is now nearing its conclusion and it is expected that a decision will be made early in 2003 as to who will be appointed;
- (g) Plans are in hand for the establishment of a new Central Funds Office which will have responsibility for the management and investment of all court funds;
- (h) Draft changes to Order 77 of the Superior Court Rules have been prepared to facilitate the introduction of technology, electronic transactions and new business processes;
- (i) A proposal submitted to the Department of Finance for an amendment to the Trustee (Authorised Investment) Order, which would facilitate more efficient and effective management and investment of court funds, has been accepted and a new order has just been signed by the Minister for Finance.

As can be seen from the above, a huge amount of progress has been made in the last year and we are well on course to have the Accountant's Office fully automated during the course of the year ending 30th September 2003.

Accounting records

The Rules of the Superior Courts, Order 77, Rule 96, require that a statement of account should be produced annually, detailing total funds received into court and total payments out of court. The statement is

extracted from the books of account. Currently, the books of account are manual records and involved in excess of 24,000 documents in the year ended 30th September 2002, handwritten by staff and, in turn, handwritten into ledgers. As an interim measure, the various registers in the Accountant's Office have been mapped on to Lotus Approach databases, thereby providing summarised data in respect of cash receipts, non-cash receipts, (such as insurance policies), Form 9s (lodgments with defence), equities and other investments and payments.

The Service has commenced implementation of a modern computerised financial system which will be put in place in April 2003 and will overcome the limitations identified below in the current manual accounting system. The manual system has a number of inherent limitations including:

- ★ bank reconciliations are prepared without the use of specialised reconciliation software;
- ★ valuations in respect of non-cash receipts (such as insurance policies), Form 9s (lodgments with defence), equities and other investments are not readily available;
- ★ summarised data in respect of interest earned is not available. Interest is recorded in the year-end account valuations and the closing valuations are shown in the Statement of Account. It is not, however, possible to readily identify the actual amount received and paid out by the Service due to limitations in the manual accounting system. There are in excess of 6,750 individual interest-earning accounts.

With the exception of the identification of the amount of deposit interest received and paid by the Accountant during the year, all information on total receipts and payments was available for audit. The auditors have drawn attention to this exception in their audit report. The new arrangements due to be put in place during 2003 will address this issue in the future.

Through a combination of the introduction of a modern computerised financial system and the application of a new approach to the investment of court funds, the year 2003 will see major changes to the way in which court funds are managed and invested.



Sean Quigley

Accountant of the Courts of Justice

13th January 2003

Audit Report to the Accountant of the Courts of Justice

We have audited the Statement of Account of the Accountant of the Courts of Justice on page 130.

Respective responsibilities of the Accountant of the Courts of Justice and auditors

The Accountant of the Courts of Justice is responsible for preparing the Statement of Account in accordance with the Rules of Superior Courts, Order 77, Rule 96. Our responsibilities, as auditors, are set out in our letter of engagement dated 26th November 2001.

We report to you our opinion as to whether the Statement of Account gives a true and fair view of the funds held by the Accountant of the Courts of Justice at 30th September 2002 and has been properly prepared in accordance with the Rules of the Superior Courts, Order 77, Rule 96. We state whether we have obtained all the information and explanations we consider necessary for the purpose of our review and whether the Statement of Account is in agreement with the books and records.

Basis of opinion

We conducted our audit in accordance with our letter of engagement dated 26th November 2001. Our audit included an examination, on a test basis, of evidence relevant to the amounts and disclosures in the Statement of Account. It also includes an assessment of whether the accounting policies are consistently applied and adequately disclosed.

We planned our audit so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient evidence to give reasonable assurance that the Statement of Account is free from material misstatement, whether caused by fraud or other irregularity or error. However, information in relation to deposit interest received and applied by financial institutions to deposit accounts was not available due to limitations in the manual accounting system. There are in excess of 6,750 individual interest earning deposit accounts. As a result, the amount of interest earned on the deposit accounts

is not disclosed in the Statement of Account and related notes. Confirmation of balances on deposit accounts at 30th September 2002 was obtained by the Accountant of the Courts of Justice and these balances have been included in the Statement of Account.

Qualified Opinion

Except for the disclosure of the amount of interest received into the deposit accounts during the year, in our opinion, the Statement of Account prepared by the Accountant of the Courts of Justice for the year ended 30th September 2002 has been properly prepared in accordance with the Rules of the Superior Courts, Order 77, Rule 96.

With the exception alone of the disclosure of the amount of deposit interest received into the deposit accounts during the year:

- ★ we have obtained all the information and explanations we consider necessary for the purposes of our review.
- ★ the Statement of Account of the Accountant of the Courts of Justice for the year ended 30th September 2002 is in agreement with the books and records.

The Statement of Account gives a true and fair view of the funds held by the Accountant of the Courts of Justice at 30th September 2002.

PRICEWATERHOUSECOOPERS 

PricewaterhouseCoopers
21st January 2003

Financial Statements

*Office of the Accountant of the Courts of Justice***Statement of account for the year ended 30th September 2002
in accordance with Order 77, Rule 96 of the Superior Court Rules**

	2002	2001
	€'000	€'000
Current Account		
Opening Balance 1st October 2001	2,193	2,589
Receipts Lodged in Court	104,655	86,091
Receipts from Sale of Investments	166,328	151,350
Purchase of Investments	(168,664)	(128,334)
Payments from Court	(100,274)	(109,503)
Closing Balance 30th September 2002	4,238	2,193
Non-Cash Balances		
Deposit Funds	386,236	349,959
Managed Funds	246,288	221,431
Government Funds	1,356	2,207
Insurance Policies	1,345	928
Equities	70,015	66,972
Total Non-Cash Balances	705,240	641,497
Total Funds	709,478	643,690



Signed: **Sean Quigley**
Accountant of the Courts of Justice

Date: 13th January 2003

Notes to Statement of Account year ended 30th September 2002

Accounting Policies

Accounting convention

The Statement of Account is prepared under the receipts and payments basis, modified by the inclusion of investments at market value. Receipts and payments are only recognised to the extent that they have been presented and cleared in the bank.

Payments from court as disclosed in the Statement of Account do not include cheques drawn and despatched, but as yet unrepresented in the bank. At the year-end, the value of these cheques amounted to €3,290,691 (€2,530,290*). Of this amount, €190,371 (€99,117*) related to investment purchases which were not included in the investment balances disclosed in the Statement of Account at the year-end. Of the total cheques outstanding at the year-end, €1,879,628 (€1,197,202*) were outstanding less than one month – the remaining were outstanding more than one month and are therefore past their one month expiry date.

Valuation of investments

Listed investments 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 the year-end.

Lodgments with defence

Lodgments with Defence (Form 9 receipts) are lodged directly to deposit accounts and therefore do not flow through the cash account as a receipt into court or a payment out of court unless they are cashed and repaid. Lodgments with Defence received during the year amounted to €9,071,722 (€14,613,942*). Of this amount €6,186,809 (€9,641,629*) remained in court at the end of the year and were included in the non-cash balances at their relevant year-end valuations. The remaining amounts received were cashed and paid out at a value of €2,892,109 (€5,369,791*).

Non-cash balances

Non-cash receipts are included directly in the appropriate non-cash balances and therefore do not flow through the cash account as a receipt into court or a payment out of court unless they are cashed and repaid. The valuation of non-cash items received into court during the year ended 30th September 2002 amounted to €5,016,570 (€4,589,364*). Of this amount €2,302,162 (€3,673,136*) remained in court at the end of the year and was included in the non-cash balances at the relevant year-end valuations.

The remainder of the non-cash receipts were either transferred out of court without being liquidated €2,526,303 (€364,659*), liquidated and paid out of court 2002 nil (€104,990*) or liquidated and re-invested into court €230,419 (€196,652*). The valuation of non-cash receipts relating to prior years but transferred out without being liquidated in the current year was €7,767,205 (€3,240,115*)

* Denotes 2001 figure

Deposit Interest Earned

Deposit interest earned is lodged directly to deposit fund accounts by the financial institutions and therefore does not flow through the cash account as a receipt into court or a payment out of court unless the deposit is cashed and repaid. It is not possible to quantify the amount of deposit interest earned for the year, and the analysis between that included in deposit funds at the year end and that cashed and paid out during the year.

Glossary of Terms

TERM	MEANING
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	the formal step taken by a defendant to a Circuit or High Court action after being served with a summons by way of indicating an intention 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
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
Defendant	a person against whom an action is brought; a person charged with a criminal offence
Emergency care order	an order placing a child under the care of the health 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
Estreatment	forfeiture of a guarantee
Ex-officio	by virtue of his/her office
In camera	a court hearing to which the public is not admitted
Indictable offence	an offence which, if committed by an adult, is triable on indictment
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
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

TERM	MEANING
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
Mortgage suit	a form of proceeding to recover a debt by forcing a sale of property available to the holder of security on that property (usually 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/she will do
Original actions	actions commenced 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 commence certain civil proceedings (e.g. claims for un-liquidated 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 further violence or threats of violence
Revenue summons	a form of Summary Summons, to be 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 further violence or threats of violence. 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 commence certain civil proceedings (e.g. equity claims, mortgage enforcement, administration of trusts) in the High Court to be heard on affidavit
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	to attend and give evidence
Subpoena duces tecum	to attend and produce certain specified documents
Summary judgment	judgment for a claim in respect of a debt or liquidated monetary demand which is undefended where the judgment is given to the Plaintiff against the Defendant in a court office without the need to bring the claim to court.
Summary summons	document used to commence certain civil proceedings (e.g. claims for liquidated sums, recovery of possession) 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: 01-8886462.

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 useful information

Details of court cases at hearing in the High Court in Dublin are displayed daily on the electronic board at the Information Desk off the Round Hall in the Four Courts.

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

The Annual Reports of the Service for the years 2000 and 2001 together with other publications including those referred to on pages 50 and 51 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 Service Centre,
Dublin 1.

Auditors

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

PriceWaterhouseCoopers,
Wilton Place,
Dublin 2.
(Annual Statement of Account, Office of the
Accountant of the Courts of Justice)

Appendices



Appendix I

Circuit Court: countrywide

CIRCUIT COURT	CRIMINAL CASES		CIVIL CASES		FAMILY LAW CASES						HIGH COURT APPEALS			
	CRIMINAL BUSINESS DEALT WITH	DISTRICT COURT APPEALS HEARD	CIVIL TRIALS DEALT WITH	MOTIONS HEARD	DISTRICT CT CIVIL APPEALS HEARD	LIQUOR LICENCES GRANTED	JUDICIAL SEP. GRANTED	DIVORCE GRANTED	NULLITY GRANTED	SECTION 33 APPEALS GRANTED	DIS CT FAMILY LAW APPEALS HEARD	CRIMINAL APPEALS	CIVIL APPEALS	FAMILY LAW APPEALS
CARLOW	18	78	140	211	6	6	5	21	0	24	3	0	7	0
CARRICK-ON-SHANNON	1	34	64	162	1	9	1	9	0	4	1	0	5	1
CASTLEBAR	22	105	273	550	10	7	22	46	1	15	2	0	4	2
CAVAN	1	56	196	217	21	21	6	20	0	11	3	0	5	0
CLONMEL	44	222	579	775	23	15	24	68	1	36	8	0	27	4
CORK	261	1,020	2,658	4,278	273	49	116	312	4	103	14	0	6	0
DUBLIN	1,201	5,980	4,770	6,690	120	81	290	951	18	319	166			
DUNDALK	137	117	561	966	0	11	26	52	3	28	16	5	25	5
ENNIS	50	216	286	668	11	16	20	49	1	17	0	9	9	6
GALWAY	39	174	210	1,155	69	24	37	31	3	11	0	0	62	19
KILKENNY	27	101	214	429	15	17	40	61	0	20	4	0	21	1
LETTERKENNY	43	115	193	962	7	27	29	76	2	37	6	0	25	8
LIMERICK	88	841	1,323	1,080	36	33	36	139	0	55	26	11	44	3
LONGFORD	21	35	65	210	3	5	10	23	1	6	4	1	1	2
MONAGHAN	16	70	120	269	6	5	20	29	1	18	9	0	1	2
MULLINGAR	31	69	173	274	8	10	17	77	1	10	8	1	37	4
NAAS	67	490	406	664	18	15	32	93	1	43	17	4	7	2
PORTLAOISE	18	67	83	227	5	16	7	21	0	19	5	0	2	0
ROSCOMMON	10	59	140	206	12	7	15	31	0	3	11	0	20	2
SLIGO	36	33	241	400	8	2	24	32	0	15	1	2	11	3
TRALEE	96	215	327	583	20	34	28	42	1	14	24	6	6	1
TRIM	71	87	329	678	41	16	39	63	1	29	11	0	12	2
TULLAMORE	42	134	73	131	0	9	10	38	0	9	0	0	14	1
WATERFORD	50	92	147	464	16	6	34	86	0	20	0	0	0	0
WEXFORD	27	88	270	258	4	15	28	106	1	26	10	0	11	4
WICKLOW	59	61	310	597	3	23	24	95	0	18	8	0	0	0
TOTAL	2,476	10,559	14,151	23,104	736	479	940	2,571	40	910	357	39	362	72

Appendix II

Circuit Court Statistics: Family Law

CIRCUIT COURT	DIVORCE CASES				JUDICIAL SEPARATION CASES				NULLITY CASES				SECTION 33 CASES			APPEALS	
	REC'D	GRANTED	REFUSED	WD / SO	REC'D	GRANTED	REFUSED	WD/SO	REC'D	GRANTED	REFUSED	WD/ SO	REC'D	GRANTED	REFUSED	RECEIVED	DEALT WITH
CARLOW	27	21	0	0	19	5	0	0	0	0	0	0	38	24	2	3	3
CARRICK ON SHANNON	14	9	0	0	8	1	0	0	0	0	0	0	3	4	0	2	1
CASTLEBAR	46	46	0	3	37	22	0	6	3	1	0	0	14	15	0	4	2
CAVAN	30	20	0	0	19	6	0	0	0	0	0	0	17	11	0	3	3
CLONMEL	94	68	0	0	38	24	0	0	1	1	0	0	52	36	0	7	8
CORK	809	312	0	2	486	116	0	10	17	4	1	0	97	103	1	30	14
DUBLIN	1,585	951	1	0	545	290	0	1	20	18	2	0	324	319	5	211	166
DUNDALK	67	52	0	0	67	26	0	1	3	3	0	0	31	28	2	25	16
ENNIS	78	49	0	0	30	20	0	0	0	1	0	0	17	17	0	2	0
GALWAY	19	31	0	0	35	37	0	0	3	3	0	0	11	11	0	0	0
KILKENNY	57	61	0	2	22	40	0	6	0	0	0	0	24	20	1	4	4
LETTERKENNY	70	76	0	0	45	29	0	2	0	2	0	0	26	37	0	11	6
LIMERICK	138	139	0	1	62	36	0	3	0	0	0	0	58	55	3	22	26
LONGFORD	17	23	1	1	14	10	0	0	0	1	0	0	7	6	0	3	4
MONAGHAN	29	29	0	0	27	20	0	1	0	1	0	0	18	18	0	11	9
MULLINGAR	64	77	0	0	30	17	0	2	1	1	0	0	12	10	2	8	8
NAAS	100	93	0	0	72	32	0	0	0	1	0	1	45	43	2	17	17
PORTLAOISE	41	21	0	0	13	7	0	0	0	0	0	0	21	19	2	10	5
ROSCOMMON	53	31	0	0	34	15	0	0	1	0	0	1	4	3	0	0	11
SLIGO	38	32	0	0	31	24	0	0	0	0	0	0	17	15	1	1	1
TRALEE	86	42	0	0	48	28	1	1	1	1	0	0	15	14	1	37	24
TRIM	61	63	0	0	63	39	0	0	1	1	0	0	26	29	1	12	11
TULLAMORE	30	38	0	1	11	10	0	3	0	0	0	0	11	9	2	0	0
WATERFORD	138	86	0	0	46	34	0	0	0	0	0	0	21	20	1	0	0
WEXFORD	112	106	0	14	41	28	0	0	0	1	1	0	26	26	0	6	10
WICKLOW	109	95	0	3	28	24	0	10	1	0	1	1	24	18	0	10	8
TOTAL	3,912	2,571	2	27	1,871	940	1	46	52	40	5	3	959	910	26	439	357

Appendix III

Circuit Court: Average Waiting Times

CIRCUIT COURT	CRIMINAL CASES		CIVIL CASES		FAMILY LAW CASES			
	CASES	APPEALS	CASES	APPEALS	JUDICIAL SEPARATION	DIVORCE	NULLITY	APPEALS
CARLOW	6 months	Next session	Next session	Next session	Next session	Next session	Next session	Next session
CARRICK								
ON-SHANNON	Next session	Next session	3 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	Next session	Next session	6 months	6 months	Next session	Next session	Next session	6 months
CLONMEL	Next session	Next session	Next session	Next session	Next session	Next session	Next session	Next session
CORK	8 months	3 months	18-24 months	12 months	12 months	12 months	12 months	12 months
DUBLIN	1 month	6-8 weeks	1 month Longer cases - 4 months	6-8 weeks	Consent- 1 month Contested- 3 months	Consent- 1 month Contested- 3 months	Consent- 1 month Contested- 3 months	6 weeks
DUNDALK	Next session	Next session	6 months	Next session	Next session	Next session	Next session	Next session
ENNIS	Next session	Next session	6 months	6 months	6 months	6 months	6 months	6 months
GALWAY	Next session	Next session	Next session	Next session	Next session	Next session	Next session	Next session
KILKENNY	6 months	3 months	12 months	6 months	6 months	6 months	6 months	6 months
LETTERKENNY	6 months	3 months	9-12 months	9-12 months	6 months	3 months	3 months	3 months
LIMERICK	6 months	Next session	12 months	12 months	Next session	Next session	Next session	Next session
LONGFORD	Next session	Next session	6-9 months	Next session	Next session	Next session	Next session	Next session
MONAGHAN	Next session	Next session	12-24 months	Next session	Next session	Next session	Next session	Next session
MULLINGAR	Next session	Next session	3-6 months	3-6 months	Next session	Next session	Next session	Next session
NAAS	6 months	3 months	6-12 months	6-12 months	3-6months	3-6months	6months	3 months
PORTLAOISE	Next session	Next session	6 months	Next session	Next session	Next session	Next session	Next session
ROSCOMMON	Next session	Next session	3 months	3 months	12 months	12 months	12 months	Next session
SLIGO	6 months	2-3 months	12 months	6 months	6 months	6 months	6 months	6 months
TRALEE	6 months	Next session	8 months	8 months	8 months	8 months	Next session	8 months
TRIM	Next session	Next session	Next session	Next session	Next session	Next session	Next session	Next session
TULLAMORE	Next session	Next session	Next session	Next session	Next session	Next session	Next session	Next session
WATERFORD	Next session	Next session	9 months	9 months	9 months	9 months	Next session	9 months
WEXFORD	Next session	Next session	18 months	6 months	Consent- Next session Contested- 9-12 months	Consent- Next session Contested- 9-12 months	Consent- Next session Contested- 9-12 months	Next session
WICKLOW	Next session	Next session	6 months	6 months	3 months	3 months	Next session	3 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 IV

District Court: Average Waiting Times

Criminal

Dublin Metropolitan District Court

Custody Courts Chancery Street

5½ months from date person charged is brought before the court to date of first court appearance

Summons Courts

5½ months from date of receipt of application for a summons to date of first court appearance

Kilmainham

Charge Sheets

5 - 6 months from date person charged is brought before the court to date of first court appearance

Tallaght

Charge Sheets

3 months from date person charged is brought before the court to date of first court appearance

Summonses

5½ months from date of receipt of application for a summons to date of first court appearance

Swords

Charge Sheets

5 months from date person charged is brought before the court to date of first court appearance

Summonses

5½ months from date of receipt of application for a summons to date of first court appearance

Dun Laoghaire

Charge Sheets

5 months from date person charged is brought before the court to date of first court appearance

Summonses

5½ months from date of receipt of application for a summons to date of first court appearance

Provincial District Courts

Cork

Charge Sheets

2½ months from date person charged is brought before the court to date of first court appearance

Summonses

2½ months from date of receipt of application for a summons to date of first court appearance

Other Provincial District Courts

Charge Sheets and Summonses

Next sitting. Where cases cannot be heard in scheduled sittings, the court will fix special settings

Family

Dublin Metropolitan District Court

Safety/barring order applications

13 weeks from the date of issue of a summons to initial date for hearing

No longer than 8 working days from grant of interim barring order to full hearing (Domestic Violence (Amendment) Act, 2002)

Provincial District Courts

Cork

Safety/barring order applications

1 month from date of issue of a summons to initial date for hearing

No longer than 8 working days from grant of interim barring order to full hearing (Domestic Violence (Amendment) Act, 2002)

Other Provincial District Courts

Safety/barring order applications

Next Sitting

No longer than 8 working days from grant of interim
barring order to full hearing (Domestic Violence
(Amendment) Act, 2002)

Civil***Dublin Metropolitan District Courts***

6-8 weeks from the date of issue of summons to initial
date for hearing

Provincial District Courts***Cork***

2¹/₂ months from date of issue of summons to initial
date for hearing

Other Provincial District Courts

Next sitting. Hearings are usually dealt with by way of
special sittings



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An tSeirbhís Chúirteanna

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