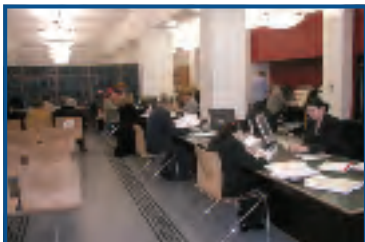
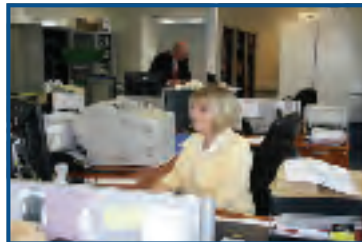
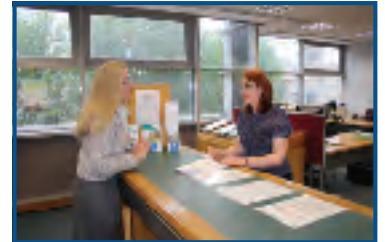




An tSeirbhís Chúirteanna
Courts Service



TUARASCÁIL BHLIANTÚIL
ANNUAL REPORT
2010
www.courts.ie

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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Message from the Chief Justice and Chairperson of the Board

The year 2010 posed major challenges to the functioning and effectiveness of the Courts Service due to budgetary constraints arising from the current economic climate.

Many of these challenges have been successfully met by the identification and implementation of complex and innovative solutions. In doing so the management and personnel of the Courts Service have responded to all of the challenges of 2010 with the same versatility and acumen they have demonstrated since its establishment. The result has been that in a period of increased demand on services and reduced resources, both human and financial, the Courts Service has succeeded in fully maintaining its core functions and in providing the services essential to support the administration of justice. This is a testament to the quality and commitment of staff at all levels and also to the judiciary who have proposed, advised on and implemented many of the changes and initiatives required in the current situation.

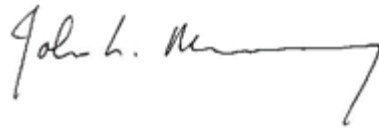
The preparation and continuing implementation of the Service's Action Plan under the Public Service Agreement has been a key element in maintaining public services in these difficult circumstances. One example of the core initiatives which have contributed to meeting the challenges referred to has been the progress made towards establishing unified court offices in county towns during the past year. It is initiatives such as this, along with identifying procedural improvements, which will allow for the maintenance of activity in each county with fewer staff, at least on the basis of the current limited budget.

Key indicators of the continued efforts and success of the Courts Service were shown in the results of a survey which showed a score of over 70% in satisfaction from court users and, with the assistance of the judiciary, in the reduction of waiting times for many types of cases and for professional applications for the probate of wills. Much of this has been brought about by extra sittings and the deployment of over 80% of the Courts Service staff to frontline, court operational duty. In short, notwithstanding the problems faced by the Courts Service during 2010 it has effectively succeeded in providing "more for less".

The future will pose even greater challenges for the Courts Service and thus for the administration of justice throughout the country. Since 2008 the cost to the Exchequer of operating the Courts Service has been reduced by €30.5m taking both pay and non pay elements into account. Notwithstanding this it has been possible to maintain core services for reasons referred to in general terms above. The Courts Service has limited discretionary expenditure and it is inevitable that further reductions of resources, financial or human, will have adverse implications, potentially of serious dimensions, on the functioning of the courts and on ensuring access by citizens to them, even at current levels. This will of course not affect the commitment of the Courts Service, as already demonstrated, to continue and develop cost saving initiatives that will have the minimum impact possible on the delivery of core services and in particular in maintaining court sittings at their current level.

The administration of justice is a key pillar in the structure of any democratic State, which is the reason why its role and functions are carefully inscribed in their constitutions, as it is in ours. That role is essential to the protection of the fundamental human rights of citizens and thus the stability and well being of society. A properly functioning judicial system to the highest professional standards is also essential, as World Bank reports have pointed out, to the effective functioning and development of national economies. Since its establishment in November 1999 the management and personnel of the Courts Service, often working under great pressure (especially in current times), have demonstrated versatility, professionalism and enormous commitment in fulfilling the objectives of the Courts Service of supporting the administration of justice and the working of the courts. The evident success of the Courts Service as an independent statutory body with a public service remit was not achieved by routine every day efforts but through the kind of commitment of its management and personnel to which I have just referred, a sense of duty, public duty, as well as pride in the public importance of the work. This is an aspect of the public service too readily ignored by too many.

On behalf of the Board, and on my own behalf, I wish to express our full appreciation and acknowledgement of the achievements of the CEO, Mr. Brendan Ryan, his management team and all the personnel of the Courts Service in 2010. Also on behalf of the Board I would like to express its appreciation and acknowledgement of the valuable contribution and support which members of the judiciary have freely given to the programme and initiatives of the Courts Service. Finally I would like to express the thanks of the Board to the Department of Justice and Law Reform, the legal profession and other services, including voluntary services, who have assisted and supported in important ways the Courts Service in the carrying out of its mandate.

A handwritten signature in dark ink, appearing to read 'John L. Murray', with a long horizontal stroke extending to the right.

John L. Murray



Introduction by the Chief Executive Officer

In what was a remarkably challenging year for any public service, the Courts Service continued to deliver a commendable service notwithstanding ongoing reductions in staff numbers, further significant reductions in the budget allocation and an increased workload.

We were uniquely prepared to respond to the requirements of the Public Service ('Croke Park') Agreement through work already underway via our efficiency review 'Transforming Administration and Structure of the Courts', an in-depth analysis of how we approach our work. The single most obvious change to be introduced following our review will be the operation of unified, single court offices in each county town – negating the need to duplicate services across court jurisdictions. By the end of 2010 planning for the introduction of pilot unified offices was well under way. At the same time we were streamlining court office procedures via a pilot initiative in Cavan.

Efficiencies through technology and change

The investment in information and communications technology in the years to 2010 meant we had systems in place we could continue to develop in a year when it proved difficult to develop new systems. Video conferencing facilities are now available in 25 courtrooms across the country – lessening the need for some defendants to be transported from prison and witnesses to travel long distances. Discussions are ongoing with the Irish Prison Service to increase the usage of these facilities and to maximise savings to the public purse. Likewise the digital audio recording of court proceedings has introduced great efficiencies in 159 courtrooms around the country.

The electronic transfer of information between the Courts Service and An Garda Síochána has reduced the administration associated with the old manual methods by 75% and freed up hours equal to approximately 105 full time equivalent staff – 100 equivalent posts in An Garda Síochána and five posts in the Courts Service. This has helped us absorb the 9% reduction in staff numbers over the past two years, and the increase in court business of approximately 40% on 2006 figures.

Efficiencies come in many forms, not least in the direct provision of information about the courts to legal professions and the public. There were over 2.5 million visits to our website (www.courts.ie) during the year by those seeking information on a range of matters including court lists and judgments, paying fines, making small claims or searching for details of High Court cases. In 2010 such online provision was expanded to a qualitative overview of sentences in the criminal courts with the launch of the Irish Sentencing Information System. This was a first attempt at providing an insight into the circumstances and responses to crime in the courts.

Likewise we are reducing our environmental footprint and cost base by co-locating the storage of secure data with the Revenue Commissioners.

We have also transferred court business from underused venues into nearby courts. Eleven such transfers took place in 2010, saving on upkeep and maintenance, freeing up judicial time to hear more cases in one location and creating extra sitting days for discreet issues such as family law or children cases.

Improving our building stock

The reduction in funding meant that by year end planning for the implementation of our Capital Building Programme for 2011 had to be curtailed. However we completed two major refurbishment projects in Kilkenny and Monaghan and other projects in Gorey and Kilmallock in 2010.

An ever busier environment

A 43% increase in European Arrest Warrants applications, 60% increase in matters before the Special Criminal Court, and a 29% increase in rape cases before the Central Criminal court indicate that the courts remain extremely busy. Yet it was good to note that murder cases reduced by almost a third, and drink driving cases by 13%. Debt and business cases remained a feature of increased work loads in 2010 – not just in terms of numbers but in terms of complexity.

The positive response of the courts to these changing times has been as a result of the co-operation of many, not least that which exists between the judiciary and Courts Service staff. I also acknowledge the efforts of County Registrars who by their increased work on motions lists and case progression facilitated an increase in the time available for the judiciary to hear cases.

I wish to sincerely thank the staff of the Courts Service for rallying to the call for change, efficiencies and streamlining of procedures. That they continue to do so during the ongoing challenges facing the Courts Service is a tribute to their public service ethos.

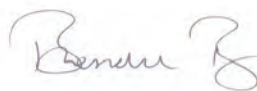
I acknowledge also our colleagues in the justice, voluntary and legal community who have shown commendable flexibility in their responses to the changes we have proposed.

The Board of the Service has continuously supported our ambitious change programme. I am grateful to the Board, and in particular the Chairman, Mr. Justice John L. Murray, Chief Justice, for their unwavering commitment to best practice and public service.

The Department of Justice and Law Reform has continued to be a source of valuable support and assistance in the past year. I thank the Secretary General, Mr. Sean Aylward, and his colleagues for their ongoing professional courtesy and friendship.

I hope that the changes we have made, and will continue to make throughout the coming years, will embed best delivery practice into our operations, will be seen to be the best possible use of scarce public monies, and will ensure our service and commitment to public value continues into the future.

I commend this Report to you as a source of much information of how we are progressing, and why we must continue to do so.



Brendan Ryan

Chapter 1

About the Courts Service



About the Courts Service

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

The Board of the Service consists of a Chairperson and 16 members. Its functions are to consider and determine policy in relation to the Service and to oversee the implementation of that policy by the Chief Executive Officer.

The Board of the Courts Service



The Hon. Mr. **Justice John L. Murray**, Chairperson, Chief Justice



The Hon. Mr. **Justice Nial Fennelly**, elected by the judges of the Supreme Court



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



The Hon. Mr. **Justice Kevin Feeney**, elected by the judges of the High Court



The Hon. Mr. **Justice Matthew Deery**, President of the Circuit Court



His Hon. **Judge Michael White**, elected by the judges of the Circuit Court



Her Hon. **Judge Miriam Malone**, President of the District Court



Judge Gerard Haughton, elected by the judges, other than the President, of the District Court



The Hon. Mr. **Justice Iarfhlaith O'Neill**, nominated by the Chief Justice in respect of his experience or expertise in a specific area of court business



Mr. Brendan Ryan, Chief Executive Officer, Courts Service



Mr. Eoghan Fitzsimons, S.C., nominated by the Council of the Bar of Ireland



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



Mr. Brian Leonard, elected by the staff of the Service



Mr. Noel Waters, an officer of the Minister, nominated by the Minister



Ms. Mary Southwell, nominated by the Minister to represent consumers of the services provided by the courts



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



Mr. Liam Farrell, nominated by the Minister for relevant knowledge and experience in commerce, finance or administration

Standing Committees of the Board

The Finance Committee

The Hon. Mr. Justice John L. Murray – *Chairperson*

The Hon. Mr. Justice Nicholas Kearns

The Hon. Mr. Justice Kevin Feeney

The Hon. Mr. Justice Matthew Deery

Her Honour Judge Miriam Malone

Mr. Brendan Ryan

Mr. Noel Waters

The Audit Committee

Mr. Tom O'Higgins, *external member* – *Chairperson*

Mr. Noel Waters

His Honour Judge Ray Fullam, judge of the Circuit Court

Judge Cormac Dunne, judge of the District Court

Mr. Jim Farrell - *external member*

The Building Committee

The Hon. Mr. Justice Iarflaith O'Neill – *Chairperson*

His Honour Judge Michael White

His Honour Judge Gerard Griffin, judge of the Circuit Court

Judge Catherine Murphy, judge of the District Court

Mr. Brendan Ryan

Mr. Brian Leonard

Mr. Liam Berney

Mr. Liam Farrell

Mr. Paul Burns, Head of Infrastructure Services, Courts Service

Mr. Fergal Foley, The Bar Council of Ireland

Mr. Stuart Gilhooly, The Law Society of Ireland

Mr. Michael Haugh, Office of Public Works

The Family Law Court Development Committee

His Honour Judge Michael White – *Chairperson*

The Hon. Mr. Justice Henry Abbott, judge of the High Court

Her Honour Judge Mary Faherty, judge of the Circuit Court

Judge Gerard Haughton

Ms. Mary Southwell

Ms. Nuala McLoughlin, Head of Supreme & High Courts Operations, Courts Service

Mr. John Coyle, Head of Circuit & District Courts Operations, Courts Service

Ms. Catherine Forde, The Bar Council of Ireland

Ms. Hilary Coveney, The Law Society of Ireland*

*replaced Mr. David Bergin in May 2010

Board Committee to address specific issue

The Irish Sentencing Information Systems (ISIS) Committee

The Hon. Mrs. Justice Susan Denham, judge of the Supreme Court – *Chairperson*

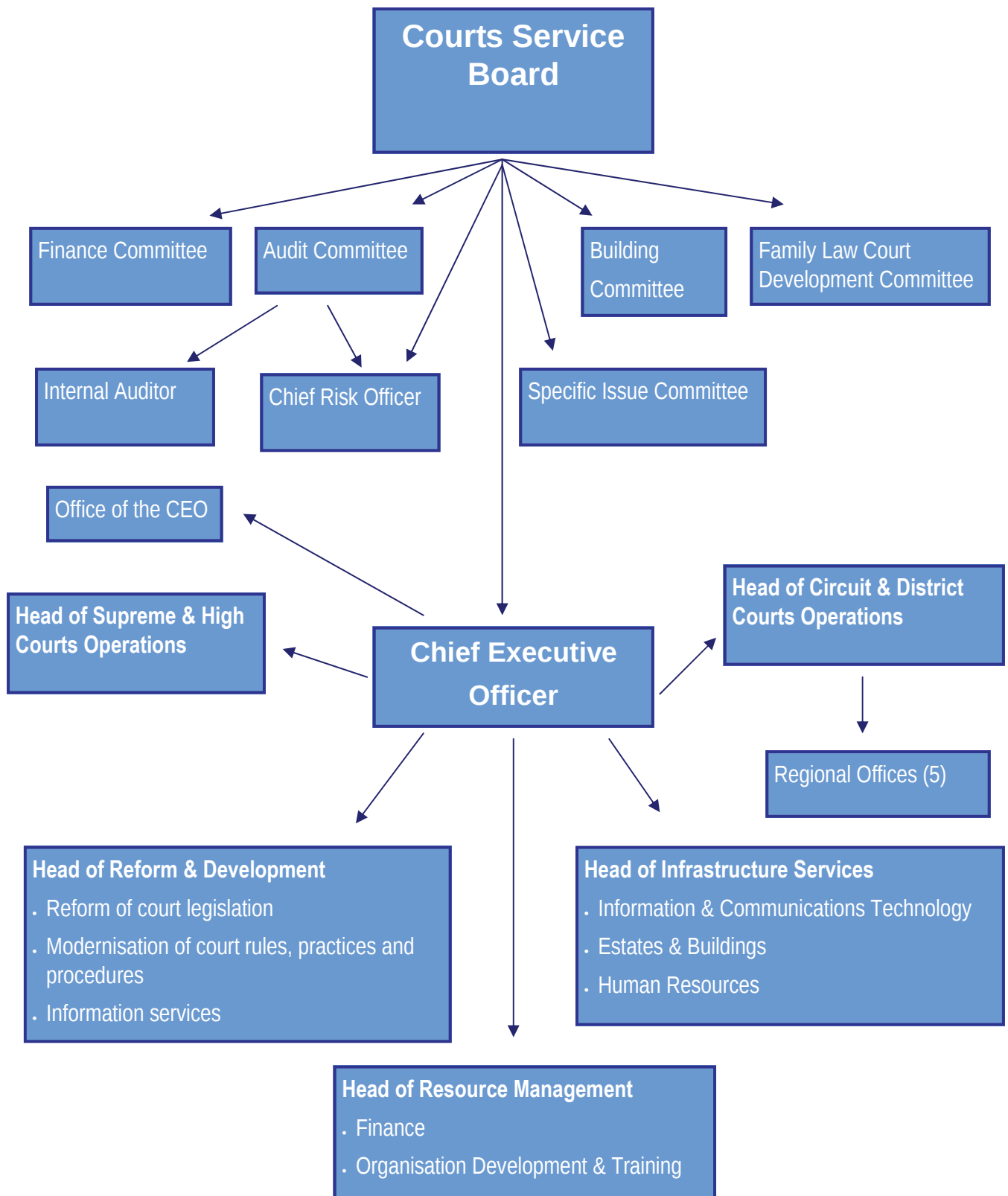
The Hon. Mr. Justice Michael Peart, judge of the High Court

The Hon. Mr. Justice Esmond Smyth, judge of the Circuit Court

Her Honour Judge Miriam Malone

Professor Thomas O'Malley, Faculty of Law NUI, Galway

Organisational Structure



Chief Executive Officer and Senior Management Team

The Chief Executive Officer is responsible for the implementation of policies approved by the Board, the day-to-day management of the staff, administration and business of the Service and is also the Accounting Officer for the Service. (see also page 88)

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



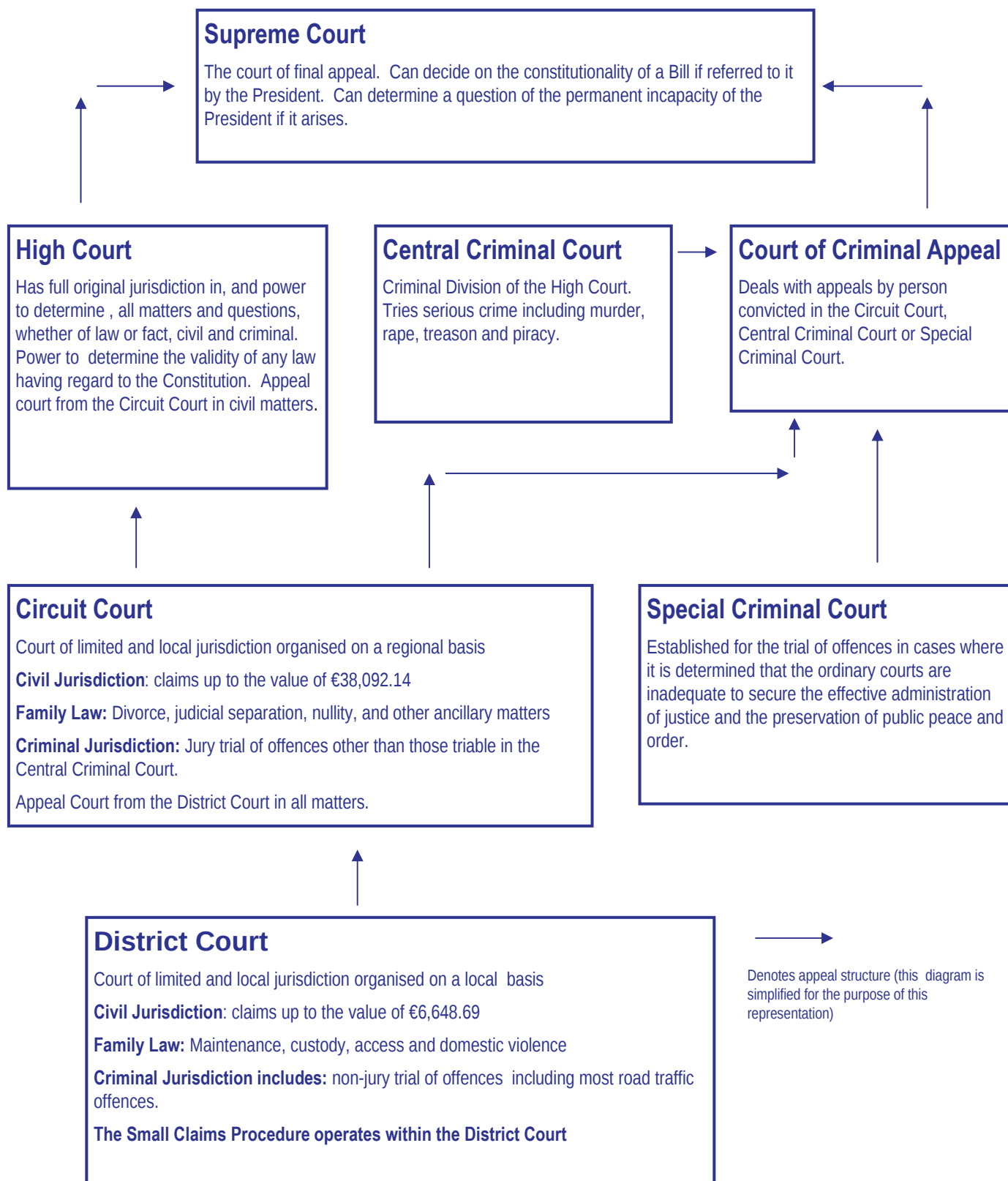
Regional Support Offices

There are regional support offices in Castlebar, Cork, Monaghan, Naas and Tullamore.

Funding and staffing of the Service 2010

Funding provided by the State	€149 million
Budget:	
Revenue	€106 million
Capital	€ 43 million
Staff	990
Funds managed in a trustee capacity	€1.137 billion
Fees collected	€47.3million
Fines collected	€22.8 million
Offices nationwide	80

Structure of the Courts



Chapter 2

Our Achievements



Our Achievements

The Service operates in a rapidly changing environment. Major challenges including restricted public finances and reducing staff numbers make it incumbent on the Service to respond in a way which safeguards the public's right to access efficient court services. In this regard the Service completed a major efficiency review in 2010 titled 'Transforming Administration and Structure of the Courts' (TASC). The review, which followed a commitment in the Strategic Plan 2009-2011, proposed solutions to the challenges facing the Service to enable it become a more effective and efficient organisation. It reflects the goals in the Strategic Plan and informed the Action Plan of the Service under the Public Service Agreement.

Key performance indicators were used in 2010 to further illustrate the achievement of targets and the discharge of the goals in the Strategic Plan. This is an ongoing process and will be further developed during 2011. Key areas where performance was measured during 2010 are highlighted throughout this Chapter.

The Public Service or 'Croke Park' Agreement is a commitment by public servants and their managers to work together to change the way the Public Service does its business so that both its cost and the number of people working in the Public Service can fall significantly, while continuing to meet the need for services and improve the experience of service users.

Goal 1: Serving court users

The reduction in resources, staff and financial, posed major challenges not least in the drive to deliver the best service for court users. The Service continued its efforts to ensure that core court services were protected and a high level of service maintained during the year.

Developing a unified multi-jurisdictional office structure

A key change initiative identified in the TASC review and in the Public Service Agreement Action Plan is the need to create a single court office in each county town – unified to support the operations of both Circuit and District Courts. This would also reduce the number of single stand alone District Court offices and venues.

Single unified offices in each county town will form the basis of the future service delivery model for the administration of the courts. They will facilitate a more efficient use of staff and buildings and provide the Service with a more efficient method of allocating resources. During 2010 offices at Naas, Monaghan and Ennis were identified as test offices for the first phase of a 'Unified Office' project which will commence in mid 2011.

“In the current reduced funding environment, if services are to be maintained and improved, our structures, operations, processes, utilisation of technology and deployment of resources must be as effective and efficient as possible”. CEO Brendan Ryan

To complement the Unified Office project an initiative in the District and Circuit offices in Cavan identified procedural enhancements to simplify and standardise business processes.

Criminal Courts of Justice

The Criminal Courts of Justice became fully operational in January 2010. The co-operation between staff of the Service and other stakeholders, including the judiciary, Bar Council of Ireland, the Law Society of Ireland, An Garda Síochána, the Probation Service and the Director of Public Prosecutions, resulted in the relocation of court business to the new facility without disruption to court sittings.

An office combining the offices of the Court of Criminal Appeal, Central Criminal Court, Special Criminal Court, Dublin Circuit Criminal Court and offices of Dublin Metropolitan District Court was introduced in early 2010 following the opening of the Criminal Courts of Justice.

Customer Service Satisfaction Survey

The Service conducted an on-line customer satisfaction survey in July 2010. The results indicated that 71% of respondents rate the Service positively.

User Groups

User groups continued to assist the Service to maintain a customer centred approach to service delivery. They provide a forum for those intimately involved in the courts system to give views and suggestions in respect of a variety of matters including facilities, procedure and the operation of policy and initiatives.

During 2010 user groups continued to be representative of organisations and others who use the courts or court offices regularly. These included the Bar Council of Ireland, the Law Society of Ireland, the Dublin Solicitors' Bar Association, the Family Lawyers' Association, the Office of the Director of Corporate Enforcement, the Consultative Committee of Accounting Bodies in Ireland, the Institute of Chartered Accountants in Ireland, the Prison Service, An Garda Síochána, the Probation & Welfare Service, the Legal Aid Board, the Office of the Director of Public Prosecutions, the Chief Prosecution Solicitor's Office, the Chief State Solicitor's Office, law agencies, groups supporting victims and other groups.

Four Dublin based user groups met at least three times each during 2010. These groups represent users of the civil and family courts generally in addition to users of more specific areas such as insolvency. A group comprising organisations using the Criminal Courts of Justice met four times in 2010.

Representative groups organised on a regional basis continued to be chaired by the regional managers of the Service. Meetings were held once or twice during the year with additional meetings convened to address specific issues. In some regions groups representing victims attended the representative group meetings. In others, separate meetings were held to address issues affecting victims.

A survey conducted as part of the customer service satisfaction survey disclosed that 93% of members were willing to continue participating in user groups.

Support for victims and litigants

The Service continued to liaise with groups providing support for victims in court buildings around the country. Many court venues have dedicated rooms and facilities for victims of crime or vulnerable witnesses. The Service also continued to liaise with organisations providing support for litigants particularly in the area of family law.

Customer Complaints

There were 20 formal customer complaints during 2010. Thirteen concerned administrative matters which were dealt with through the customer complaints procedure. The remainder related to matters outside the remit of the Service.

Accessibility

The Service dealt with queries from three court users with disabilities.

Support for family law litigants

The Service assisted the Family Mediation Service of the Family Support Agency and the Legal Aid Board to develop a pilot mediation service for family law litigants during the year. The service will be available in Dublin District Court Family Law Office in Dolphin House for an initial period of 12 months from early 2011.

Probate

A joint initiative between the High Court Probate Office and the Revenue Commissioners following the enactment of the Finance Act, 2010 introduced a more efficient and streamlined procedure for processing Grants of Representation in respect of a deceased person's estate. The agencies organised information seminars for legal professionals on the new procedure throughout the country during the year.

Wards of Court Conference

The Service hosted the Biennial Conference of the Guardianship and Wardship Jurisdictions of the United Kingdom and of Ireland in September 2010. Presentations were given on a range of topics including Article 12 of the Convention on the Rights of Persons with Disabilities and its optional protocol and the Report of the Working Group on Medical Negligence Litigation and Periodic Payment Orders.

Drug Treatment Court

The Service assisted in a review of the operation of the Drug Treatment Court published by the Department of Justice and Law Reform in May 2010. The Service continued to expand and improve the operation of the Court in accordance with the twelve key recommendations of the review.

Re-organisation of District Court Districts

The review of District Court Districts continued to be an ongoing process in light of developments in relation to matters such as venues, buildings and the requirements of court users. The process ensures that the courts operate where facilities are most suitable and that best value for money is achieved from the estate of courthouses.

Venues were closed in Bailieborough, Ballinamore, Ballinrobe, Castleblayney, Coachford, Cobh, Cootehill, Easkey, Kanturk, Kildare and Mitchelstown during the year.

Optimising the use of courtroom technology

The Service continued to improve the technology available in courtrooms around the country during the year. This included video link, video display, video conferencing, and digital audio recording.

Courtroom Technology Group

A Courtroom Technology Working Group was established to develop proposals for the greater use of technology in the courtroom including digital audio recording, the recording of information electronically in criminal and civil courts, video conferencing and video link equipment, and evidence display and presentation systems. The first report of the group, on the subject of digital audio recording, will be available in early 2011.

“We are looking towards a situation where technology is more readily in use in courtrooms, where judges, staff and court users are encouraged to make use of the equipment to the fullest extent possible and where the use of technology is seen as one of the essential competencies of a court registrar.” CEO Brendan Ryan

Video viewing facilities

Video viewing facilities allow for viewing of evidence including recordings of interviews in Garda stations and security footage. By year end facilities had been installed in 19 courtrooms in Dublin including Blanchardstown, Cloverhill, Criminal Courts of Justice, Dolphin House, Four Courts, and Richmond. They were also available in Bray, Castlebar, Cavan, Cork, Dundalk, Galway, Kilkenny, Letterkenny, Limerick, Monaghan, Naas, Nenagh, Tralee, Trim and Tullamore.

Video conferencing facilities

Video conferencing eliminates the need for witnesses to attend before the court in person. This is of particular benefit when witnesses are abroad and where evidence is being taken from vulnerable (including underage) witnesses. It leads to considerable cost savings particularly in respect of expert witnesses.

The programme to roll out video conferencing facilities to courtrooms throughout the country continued in 2010. While the completion of the project was affected by a reduction in funding, facilities were in place at year end in 25 courtrooms in the following locations: Castlebar, Cavan, Cloverhill, Cork, Criminal Courts of Justice, Dundalk, Four Courts, Galway, Kilkenny, Letterkenny, Limerick, Monaghan, Nenagh and Tullamore.

The use of video conferencing during the year included the taking of evidence from persons in Ireland relating to cases being heard in other European Union jurisdictions in accordance with the Criminal Justice (Mutual Assistance) Act, 2008.

Benefits of video conferencing

- **Saves costs to parties**
- **Reduces costs of transferring prisoners to court**
- **Saves time for witnesses by not having to attend at courthouses**
- **Expert witnesses available sooner than might otherwise have been the case, facilitating earlier trial dates**

Video conferencing between the Service and the Prison Service

A Working Group comprising representatives from the Service and the Prison Service continued to examine the potential for the use of technology between the two agencies.

Video conferencing between Limerick District Court and Limerick Prison was used a number of times each month during 2010. At year end plans were at an advanced stage to introduce video conferencing between Cloverhill District Court and Cloverhill Prison.

Digital Audio Recording

Digital audio recording has effectively replaced stenography in the production of court transcripts. By year end digital audio recording facilities had been installed in 159 courtrooms in Dublin and around the country. The final phase of the project – the installation of facilities in the remaining 75 non-networked District Court venues – will be piloted in Castlereagh and Strokestown in early 2011.

Interpretation services

The Service continued to provide interpreters to facilitate access to justice for those for whom English is not their first language using a single service provider during the year. Interpretation services were provided in over 10,000 cases, in 63 languages and in virtually every court venue. A procurement exercise commenced at the end of the year to improve the efficiency and cost effectiveness of the service by providing regional contracts in place of a single national service provider.

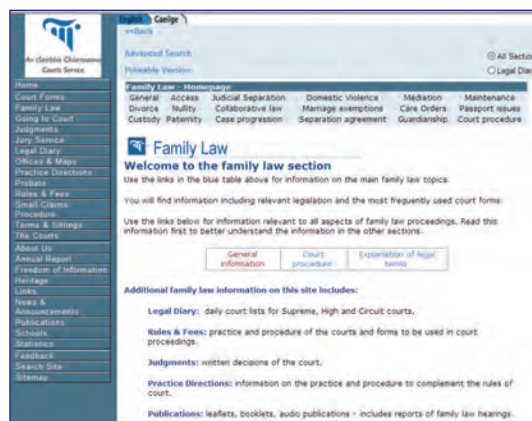
Providing information on the courts system to the public

The Service continued to engage with the public to provide information on a range of topics and in a variety of formats during the year.

Website

The website continued to provide an important platform for the provision of information to all court users. Visits to the site continued to increase with almost 2.5 million recorded to the end of the year.

Improved information on family law included a range of court forms which can be filled in on screen, downloaded and lodged in court offices, and procedural guides on topics including judicial separation and divorce. Written judgments of the Supreme Court, Court of Criminal Appeal and High Court continued to provide free 24/7 online access to major decisions of the courts. Other online services included details of court hearings (*the Legal Diary*), information on High Court cases (*High Court Search*), and facilities to pay fines (*Online Fine Payment*) and make Small Claims (*Small Claims Online*).



Social Networking Media

The Service took advantage of the increasing popularity of social media by using Facebook to provide news of initiatives and events during the year.

Outreach

The commitment to encouraging the public to learn about the court system continued with a variety of groups from Ireland and abroad availing of the Outreach Programme during the year. With the opening of the Criminal Courts of Justice in January 2010 the Service could facilitate an increased number of visitors in a modern, comfortable environment. Groups included over 2,000 second and third level students, and community and special interest groups.



The Criminal Courts of Justice and other court buildings around the country were made available to second and third level students for mock trial and other competitions with a legal theme.

The Service facilitated visits primarily from second level schools to court buildings around the country including Castlebar, Cork, Clonakilty, Clonmel, Ennis, Galway, Limerick, Loughrea, Killarney, Mallow, Naas, Nenagh, Sligo, Tralee, Trim, Waterford and Youghal. Two schools visited the Drug Treatment Court.

The Service joined with Dublin City Council, the Office of Public Works and the Royal Institute of the Architects of Ireland to host an open day in October 2010. Over 1,500 people availed of the opportunity to visit the Four Courts and the Criminal Courts of Justice and to discuss the courts system with members of the judiciary and staff of the Service.

Cork Courthouse was opened to the public in August as part of National Heritage Week, an EU initiative to build awareness and educate people about our heritage and encourage conservation and preservation. The architecturally acclaimed building was visited by some 400 people on the day.

Members of the Kildare Bar Association joined staff of Naas District Court office and the local judge of the District Court for a workshop on practice and procedure in November 2010. Staff presented information about their work, the importance of correct paper work and the implications of non compliance with court rules.

Media

The Service continued to provide a dedicated Media Relations Service in 2010. This is a single point of reference and source of information for local, national and international media including television, radio, internet and print. An average of 55 queries were dealt with every day covering a broad range of court related issues with over 95% dealt with on the day of receipt.

Feedback

The Service encouraged feedback on the quality of its information service. Surveys were undertaken with visiting groups and via the website during the year with comments and suggestions used to improve initiatives including the School Visit Programme, the Outreach Programme and the Website Development Programme.

Other information

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

Material was provided for responses to 56 parliamentary questions tabled by members of the Oireachtas. The Service dealt with 384 letters/representations from other government departments, TDs, Senators and members of the public.

The Service received and dealt with 22 formal requests under the Freedom of Information Acts. In addition, 82 further written requests were dealt with outside of the Act with further queries dealt with by telephone or email. Many of the queries related to information contained in court records not covered by the Freedom of Information legislation.

The Freedom of Information Officer continued to participate in the Public Service Users Network, a group of Freedom of Information officers in public service bodies.

Freedom of Information Acts requests

Carried forward from 2009	1
Received	22

Outcome of requests	
Access granted/part granted	17
Refused	2
Transferred/withdrawn	2
Carried forward to 2011	2

Data Protection

The Service dealt with 21 requests under the Data Protection legislation during the year.

Goal 2: Supporting the judiciary

Support for the judiciary in the discharge of their judicial functions is a central part of the work of the Service. Resources continued to be allocated in support of judicial initiatives in matters including rationalisation of procedures, case management and the implementation of procedural solutions for the progression of cases through the courts (*see page 37*).

The Service also continued to resource the courts with skilled and trained staff, and provided administrative and research support for the judiciary during the year. Facilities continued to be provided in other areas including information and communications technology, and buildings (*see pages 35 and 38*).

Judges at 31 December 2010		
	Allowed by legislation	Serving
Supreme Court	8	8
High Court	37	37
Circuit Court	38	38
District Court	64	64
Total	147	147

Judges assigned to non-court functions		
	High	Circuit
Tribunals:		
Mahon		3
Moriarty	1	
Residential Institutions Redress Board		1
Dublin Archdiocese Commission of Inquiry		1
Total	1	5

Key Performance Indicator: Reducing Waiting Times

Activity	2010 performance	2011 target
<i>High Court: Default judgments for liquidated claims</i>	(average) 9 weeks	6 weeks
<i>High Court: Solicitors applications for Grants of Probate/Administration</i>	(average) 7 weeks	4 weeks

Reducing waiting times

With the opening of the Criminal Courts of Justice 12 courtrooms in the Four Courts complex became available for civil sittings of the High Court. This allowed the President of the High Court to continue to reduce waiting times by offering early trial dates in all lists without requiring the use of provincial courthouses.

Family law sittings in Dublin District Court were also increased during the year following the opening of the Criminal Courts of Justice. An additional family law court (an increase from two to three) and an additional child care court (an increase from one to two) were provided in Dolphin House leading to a significant impact on waiting times for both types of court business (see page 84).

Increase in sitting days

The Service continued to support initiatives by the judiciary to increase the number of sitting days during the year.

High Court

During September 2010 the President of the High Court scheduled additional sittings to reduce the waiting time for asylum related cases where leave to apply for judicial review had been granted. The waiting time for these cases was reduced from 12 months to six months following this initiative (see page 81).

Circuit Court

Additional judges were assigned by the President of the Circuit Court to deal with criminal cases in venues including Carrick on Shannon, Castlebar, Clonmel, Donegal, Dundalk, Letterkenny, Longford, Mullingar, Naas, Roscommon, Tralee, Tullamore and Waterford.

District Court

The President of the District Court scheduled additional sittings in Dublin in August and September with the support of staff of the Circuit Court and High Court to further reduce waiting times.

Circuit Court Review Committee

The Service is represented on a committee to review Circuits and make recommendations as to revisions so that county town venues are used to maximum advantage. The Committee is also reviewing sitting days in each Circuit to ensure optimum use of available time to minimise delays in hearings. The Committee, which includes the President of the Circuit Court and two other judges of the Circuit Court, commenced with a review of the Eastern and South Eastern Circuits in 2010.

Irish Sentencing Information Systems Committee

The Service provided assistance to a steering committee established by the Board to provide information on sentencing decisions. The committee developed a database and website called ISIS (Irish Sentencing Information System) which was launched in July.

Administrative support

The Service continued to provide ongoing support for the judiciary through its Judicial Support Unit. The support includes the provision of a protocol service when judges attend State functions and events and the facilitation of visits by delegations from abroad. During 2010 the Unit facilitated visitors from countries including Africa, Canada, Estonia, Germany, Lithuania, Morocco, the Netherlands, Norway, Slovakia, Slovenia, Taiwan, the United Kingdom and the United States.

The judiciary were invited to participate in a survey during the year to assess the level of satisfaction with the administrative support provided by the Service and to invite judicial input into the development of a new Strategic Plan. The responses received were being evaluated at the end of the year.

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

The Rules Committees Support Unit of the Service continued to provide administrative support, research and drafting resources for the three courts rules committees during the year (see page 101).

Library and research facilities

The Judges' Library continued its service to the judges and to the staff of the Service during the year. Subscriptions were maintained to the core journals, law reports, legislation and text books, and online subscriptions.

In addition to a broad range of quality online electronic sources, the Library holds a considerable hard copy collection of textbooks, periodicals, reference works, law reports and unreported judgments, legislation, indexes and digests, Oireachtas debates and official publications. Items not held within the collection are obtained on inter-library loan or from document supply services. Readers avail of the service on the premises, through email communications, by telephone and fax, and by using electronic subscriptions directly.

Staff of the library provided training and assistance in the use of various information resources for readers, including a number of library induction tours during the year. Library personnel availed of opportunities for continuing professional development (CPD) and training to keep abreast of trends and best practices.

Support for the Chief Justice

The Executive Legal Officer (ELO) continued to provide legal and administrative support to the Chief Justice during the year. The duties of the ELO include legal research, organisational responsibility for the Chief Justice's itinerary and liaison with national and international State bodies, courts and organisations.

Judicial fellows

Judicial fellows continued to provide support to judges of the High Court comparable to that provided for judges of the Federal Courts of the United States and Australia, and the European Courts in Luxembourg and Strasbourg. They are assigned by the President of the High Court to a particular area of court business and work alongside an individual judge. In 2010 judicial fellows supported judges in the asylum, chancery, commercial, competition and judicial review lists. A key element of the fellow's role is in the provision of assistance with the drafting of written judgments.

Judicial researchers

The Judicial Research Office continued to assist the judiciary of all courts. Researchers also compiled an annual digest of reported and unreported judgments for District Court judges, up-dated and expanded bench books for all jurisdictions, proof read judgments for judges of the Supreme Court and High Court, and provided assistance to judges of all jurisdictions with conference papers and other articles.

Accommodation, technological, financial and human resource support

The Service continued to provide modern accommodation for all court users through the Capital Building Programme (see page 38). All new and refurbished courthouses include accommodation and other facilities for judges. This includes buildings completed during the year in Gorey, Kilkenny, Kilmallock, and Monaghan.

Judges are provided with laptop/tablet computers allowing them secure remote access to the network of the Service and blackberry devices allowing them remote access to e-mail. Judges' chambers are equipped with desktop personal computers. Digital dictation software is provided to High Court and Supreme Court judges and their secretaries with voice recognition software available to a number of judges.

During the year the Service provided ongoing computer support and training for the judiciary including European Computer Driving Licence training.



Goal 3: Developing our staff

Staff of the Service provide a range of services and administrative support to the judiciary, the public and court users. They are located in a network of some 80 offices of which 68 are located outside Dublin. The majority of staff (56%) are in the Dublin offices with 80% of all staff involved directly in court operational areas.

The Service continued to engage with staff during 2010 as unprecedented levels of change impacted the working environment. Staff involvement was a central feature of the Unified Office project (see page 23). By the end of the year 49 staff from 39 offices had taken part in the planning phase of the project.

Employment Control Framework – reducing numbers

The Employment Control Framework of the Department of Finance required the Service to meet an authorised staffing level of 1,002 by the end of 2010 as part of the Government's drive to bring about a permanent, structural reduction in the number of staff in the public service. At year end the Service had 990 staff.

Workforce Strategy

The Service produced its first Workforce Strategy during the year. The Strategy, developed following consultation and engagement with staff at all levels, provides a framework to enable the Service meet the challenges of a changing environment and implement the goals set out in the Strategic Plan.

The Workforce Strategy supports the achievement of the corporate objectives of the Service by assigning the right people to the right job at the right time; providing our people with the training they need to carry out their tasks; enabling their development; and providing structures, policies and procedures for managers to effectively lead and manage.

Staff attitude survey

The results of a staff attitude survey undertaken by the Public Appointments Service on behalf of the Service were made available in early 2010 and provided data on a range of matters including performance management, training and development, leadership, management style, communications and the Service as a place to work. The results were used in the development of the Workforce Strategy during the year.

Staff relations

The Service continued to engage with the staff trade unions through the Conciliation and Arbitration process to deal with a range of staff issues during the year.

Partnership

The partnership process is a formal participative and consultative process involving representatives of management, unions and staff. The process is an important means of disseminating information and of consulting staff. It is also an important forum for developing policies and mechanisms to deal with and implement change.

The Central Partnership Committee chaired by the Chief Executive Officer met three times during 2010 to address issues of interest and concern to the Service (including staff issues).

The involvement of staff at all grades in partnership sub-committees on matters such as performance management and development and customer service continued to be particularly constructive. The partnership process was used as part of the implementation plan for the transfer of court business to the Criminal Courts of Justice and in the implementation of the Public Service Agreement Action Plan during 2010.

Regional Partnership Committees continued to meet at least twice during the year affording staff and management the opportunity to deal with a range of local issues.

Key Performance Indicator: Absenteeism

Activity	2010 performance	2011 target
Percentage of days lost through sick leave	3.95%	3.5%

Performance Management and Development

The Service continued to operate a system of performance management and development which includes the completion of a role profile and two performance reviews – an interim review in June and an annual review at the end of the year. In 2010 a role profile was agreed for 98% of staff.

Staff support

The Service continued to provide an Employee Assistance Service (EAS) in 2010. The EAS is an in-house counselling, information, support and referral service for all staff. The Employee Assistance Officer is an accredited psychotherapist and group therapist who provides support to staff and also consults with and provides support to managers dealing with sensitive staff welfare issues.

At year end, 3.1% of staff had a disability as defined in the Disability Act, 2005. The Disability Officer of the Service provides information and advice regarding disability matters, and assistance and support to staff with disabilities, their colleagues and supervisors.

The Service continued to adhere to 'A Positive Working Environment' the Civil Service policy on Anti-Harassment, Sexual Harassment and Bullying in 2010. Designated persons were available to provide information to members of staff who had concerns about being bullied or harassed, or being accused of bullying or harassment.

Health and Safety

The Service remained committed to providing a healthy and safe working environment where the welfare of staff is protected and valued and which meets the requirements of the Safety, Health and Welfare at Work Act, 2005. The Service continued to maintain a Corporate Safety Statement in accordance with the Act. The Safety Monitoring Committee considered a variety of matters relating to health and safety across the organisation during the year.

Work/Life Balance

The Service continued to offer staff a range of flexible working arrangements including flexi-time during the year. One hundred and eighty eight (188) staff availed of work share arrangements with 64 staff availing of the shorter working year scheme.

Goal 4: Optimising the use of technology

The changing financial environment impacted on the implementation of the information and communications technology (ICT) strategy during 2010. In particular the reduction in financial resources for ICT development curtailed the investment in and progress of several major projects. However the ICT systems developed in the nine years to 2009 continued to underpin the operation and management of the courts and facilitated continuing improvements in the delivery of services to court users. In addition the Public Service Agreement Action Plan identified optimising the use of technology as a key change initiative and an important factor in the more efficient use of staff resources.

Communications infrastructure

An upgrade in the Wide Area Network (WAN) which links locations around the country to a data centre in Dublin improved the ICT service to individual court offices particularly in respect of response times on desktops and systems during the year.

The WAN upgrade facilitated a pilot project to replace the existing telephony system with a VoIP (Voice over IP) system in three locations (Kilkenny, Monaghan and Cork). The Service will replace the system at various Dublin locations by mid 2011 with full implementation across the country to be completed in 2012.

An exercise to move the central ICT data centre of the Service to the Revenue Commissioner's purpose built data centre commenced towards the end of the year. The move, which is consistent with Government policy on increasing use of shared ICT services, will be completed in early 2011.

Case Management Systems

A system for the combined court office in the Criminal Courts of Justice in Dublin was completed during the year. It provides a single integrated case management system for cases and court lists in the Circuit, Central and Special Criminal Courts and the Court of Criminal Appeal. It will be rolled out to regional court offices during 2011 as part of the Unified Office project.

A project to modernise the technology underlying the Criminal Case Management System commenced during the year. The new technology will facilitate shorter development and testing timescales in the future.

The standardisation of processes relating to civil and family law cases in all jurisdictions was completed in 2010 as an important precursor to the introduction of a civil case management system. The first module of the system will facilitate the online processing of summary proceedings for liquidated debt. Users will be able to initiate proceedings, monitor progress, apply for judgment in default of appearance and receive judgment online. This system will form a key element of a centralised office to manage the processing of summary proceedings across all jurisdictions. During 2010 the Service developed a Proof of Concept (POC) for the new system with the development of the POC into a fully operational system a key objective for 2011.

Integrated service across the criminal justice system

The Criminal Justice Interoperability Project (CJIP) continued to deliver considerable savings in 2010 and to provide a creative and innovative solution to a previously labour intensive administrative process.

The project, a partnership between the Service and An Garda Síochána, facilitates the electronic exchange of data between both agencies. At the end of 2010 CJIP was supporting all business between An Garda Síochána and the District Court nationally. This includes summons applications made by An Garda Síochána to the District Court and all subsequent court documentation including schedules, outcomes, bails and warrants. In 2010, over two million messages were exchanged.

CJIP – eGovernment in action

CJIP has transformed the exchange of information between An Garda Síochána and the Service. It has eliminated 75% of the administrative steps and replaced a paper based information exchange with an integrated electronic information exchange. CJIP has reduced data entry requirements for both agencies by over 105 full time equivalents (100 staff of An Garda Síochána and five staff of the Service).

The CJIP project was shortlisted in the 'Cross Agency' category of the Irish eGovernment awards in 2010. The winners will be announced in March 2011.

Goal 5: Procedural Reform

The Service, through its Reform and Development Directorate and its representation on the courts rules committees, continued to develop initiatives with the judiciary for the reform and development of court practice and procedure. They included rationalisation of procedures, case management and the implementation of procedural solutions for the progression of cases through the courts.

Procedural reform

Court rules prepared in support of procedural reform initiatives during the year included rules to:

- facilitate the operation of the Land and Conveyancing Law Reform Act, 2009 in all three first instance jurisdictions
- facilitate Alternative Dispute Resolution in the High Court
- facilitate the new enforcement procedure in the District Court for failure to make payments on foot of instalment orders
- extend to County Registrars the power to require the production and exchange of estimates and costs incurred in proceedings before the Circuit Court.

Reports of the Rules Committees

The reports of the rules committees for 2010 are in Chapter 7 of this Report.

Legislative reform

Assessing the implications of proposed legislation for court operations

The Service continued to review the content of and provide input to proposed legislation including schemes of bill, bills, draft statutory instruments and draft legal instruments of the European Union to ascertain whether provisions affect court operations or impact on or require new court procedures.

Many of the court rules prepared in support of procedural reform initiatives are a product of the monitoring of legislation by the Service. Bills or schemes being considered at the end of 2010 included the Mental Capacity Bill, the Civil Law (Miscellaneous Provisions) Bill, Legal Costs Bill, Criminal Justice (Forensic Evidence & DNA Database System) Bill, Criminal Justice (Miscellaneous Provisions) Bill, Property Services (Regulation) Bill, Company Law Consolidation and Reform Bill, Criminal Justice Bill, Scheme of Trusts Bill and Judicial Council Bill.

Preparing proposals for modernising legislation on court operations

During 2010 the Service provided material for inclusion in courts legislation including a number of heads of bill for inclusion in the Civil Law (Miscellaneous Provisions) Bill.

Participation in initiatives relevant to reform of the administration of justice

The Service continued to participate and be represented on a number of working groups and bodies concerned with reform of aspects of the administration of justice including the Company Law Review Group, Legal Costs Working Group, Law Reform Commission, European Commission for the Efficiency of Justice, and Working Group on Medical Negligence and Periodic Payments.

Goal 6: Providing court accommodation and facilities

Capital Building Programme

The implementation of the Capital Building Programme continues to be overseen by the Building Committee (see page 14). Several projects were completed during the year. However the reduction in the allocation of financial resources for capital development began to impact the planning for project delivery for 2011 and beyond.

Projects completed during 2010

Two courthouse projects were completed in 2010 in **Kilkenny** and **Monaghan**.

Construction of a new courthouse in **Gorey** as part of a joint development with Wexford County Council was also completed. The official opening of **Kilmallock** courthouse as part of a joint development with Limerick County Council took place in July. At year end the fit out of new combined office accommodation for the Circuit and District Courts in **Tralee** had commenced.

By the end of 2010 the Service had refurbished 43 court venues, constructed 12 new courthouses (including the Criminal Courts of Justice) and upgraded many smaller venues under the Capital Building Programme.



Planning during 2010

Project planning and consultations with court users to provide refurbished accommodation in **Waterford** and a new courthouse for **Wexford** continued during the year. The courthouse project in **Mullingar** was brought to tender stage. The reduced capital allocation for 2011 means that these projects will not proceed beyond tender stage during 2011.

Projects in construction at end of 2010

There were no new county town building projects in construction at the end of 2010.



Works in Four Courts and other courts in Dublin region

Works undertaken in the Four Courts during the year included the upgrading of office and conference facilities. The installation of security scanning equipment facilitated the re-opening of the main door of the Four Courts to the public. Remedial works were carried out on other Dublin courthouses with two video booths provided at Cloverhill Courthouse to enable practitioners consult with their clients in Cloverhill Prison.

Public Private Partnerships

Criminal Courts of Justice

The President of Ireland officially opened the Criminal Courts of Justice in January 2010. The ten storey over basement building comprises over 23,000 square metres of accommodation and includes 22 courtrooms, judicial and staff facilities, and a jury reception area for up to 300 jurors with dining facilities on site. There is cell capacity in a secure facility for over 100 defendants in custody. Victims are provided with a support suite and there are dedicated facilities for vulnerable and child witnesses. There are also facilities for the media. Organisations including the Law Society of Ireland, An Garda Síochána, the Probation Service and the Director of Public Prosecutions have accommodation within the building. The Bar Council of Ireland has accommodation and facilities for 200 barristers.

The project was delivered by means of a public private partnership. A management company operates the building providing a range of services including maintenance, security, jury minding, catering, and cleaning.

Other Public Private Partnership projects

The Service proposed the bundling of projects in **Cork District Court, Letterkenny, and Limerick Criminal Courts** into one Public Private Partnership project. A business case for this proposal was submitted to the Department of Justice and Law Reform.

Awards

The Service achieved the status of 'Ability Company' in the 'Environmental Accessibility' category of the O2 Ability Awards 2010. The award followed an assessment of the Service on a range of factors including policies relating to disability, accessibility and organisational commitment, and an examination of the Criminal Courts of Justice.

The Criminal Courts of Justice won the 'Public Choice' and 'Most Accessible Public Building' awards at the annual Royal Institute of the Architects of Ireland (RIAI) awards in 2010. It was also a winner in the OPUS Architecture and Construction awards.

The Civic Precinct Project in Kilmallock won the 'Best Public Building' award at the RIAI awards. The Service co-operated with Limerick County Council in the development of the civic precinct which houses a courtroom, branch library and the local area office for Council.

Civil Court Complex

The Service continued to develop its plan to redevelop the Four Courts as a civil courts complex during 2010.



Goal 7 : Managing performance

The effective management of financial and non-financial resources is critical to ensure the effective operation of the courts, the discharge of statutory functions and the delivery of value for money by the Service.

Performance Standards

As mentioned on page 22 the Service used key performance indicators (KPIs) to further illustrate the achievement of targets and the discharge of Strategic Plan goals in 2010. The Service will continue to develop the KPI process during 2011 as a method of introducing more transparency to the measurement of targets and goals at both corporate and business unit level.

The Annual Output Statement is one of the means by which the Service as a public service organisation demonstrates transparency and accountability. It also allows for enhanced Dáil scrutiny of the estimates process.

Annual Output Statement

The Service published an Annual Output Statement setting out the major outputs to be achieved in 2010 on foot of the funding provision in the annual estimates process.

The key outputs for 2010 were (i) the introduction, with the approval of the Superior Court Rules Committee and the Minister for Justice and Law Reform, of new orders on dispute resolution to the Rules of the Superior Courts, (ii) the expansion of case progression including the review of the implementation of family law procedures, and (iii) the TASC review.

The key outputs achieved were as follows:

Output	Achievement
Introduction, with the approval of the Superior Courts Rules Committee and the Minister for Justice and Law Reform, of new orders on dispute resolution to the Rules of the Superior Courts (RSC).	RSC (Arbitration) effective from 17 th August 2010
The expansion of case progression including the review of the implementation of family law procedures.	Circuit Court Rules (Case Progression) effective from 1 st January 2010; RSC (Mediation and Conciliation) effective from 16 th November 2010.
The TASC review (see page 22)	Review undertaken

Courts Accounting System

The Courts Accounts Office (CAO) system operates as a shared services centre for the financial transactions generated by District Court offices. It manages the processing of over one million financial transactions annually associated with family law, fines, fees, bail and poor box. The CAO encourages users to avail of advancements in technology, including electronic funds transfers and the online fines payment facility, to improve service delivery.

During 2010 the CAO processed over 220,000 family law maintenance receipts of which an average of 64% were paid by standing order. The office processed over 210,000 family law maintenance payments of which 88% were paid by electronic funds transfer directly into the maintenance creditor's bank account.

Key Performance Indicator: Online Business Usage

<i>Activity</i>	<i>2010 performance</i>	<i>2011 target</i>
<i>Fines Paid Online</i>	21%	30%

The payment of fines using the *Online Fine Payment* facility and the improvements in the collection process including the issue of fines reminder notices continued to improve the effectiveness of fines recovery.

In 2010, 14,520 customers paid over €4 million in fines using the online payment facility. This resulted in an overall online payment rate of 21%.

The payment compliance rate improved with 68,032 fines paid representing over €20.8 million. The average fines compliance rate for 2010 was 71%.

Managing Energy Usage

The main energy users in the Service are courthouse buildings and office accommodation. The Service occupies over 100 buildings throughout the country. Some are used infrequently (once or twice per month), others are shared with other organisations (e.g. local authorities) while others are rented on court days. It is accordingly not feasible to provide precise figures in relation to all buildings occupied by the Service. In 2010, the Service consumed 21,323 MWh of energy consisting of 11,740 MWh of electricity and 9,583 MWh of fossil fuels.

Actions undertaken in 2010

The Service undertook a range of initiatives to improve energy performance including:

- Energy efficient lighting and advanced lighting controls were installed at offices in the Four Courts.
- The pipe work for the heating system in the basement of the Gandon Building of the Four Courts was renewed
- Energy assessments were carried in courthouses in Bray, Castlebar, Cavan, Cork (Anglesea Street and Washington Street), Dundalk, Tullamore, Sligo and Trim and in all of the buildings within the Four Courts Complex including the Gandon Building, the Public Records Office, Chancery Place and Chancery Street
- An energy assessment was undertaken at the central ICT data centre of the Service.

Actions planned for 2011

The Service intends to further improve energy performance as follows:

- Achieve a 3% energy saving
- Move the central ICT data centre to the data centre of the Revenue Commissioners (see page 35)
- Establish 'energy teams' at offices with 20 or more staff
- Extend the Office of Public Works 'Optimising Power at Work' scheme to six additional locations.

Management of court funds

Court Funds

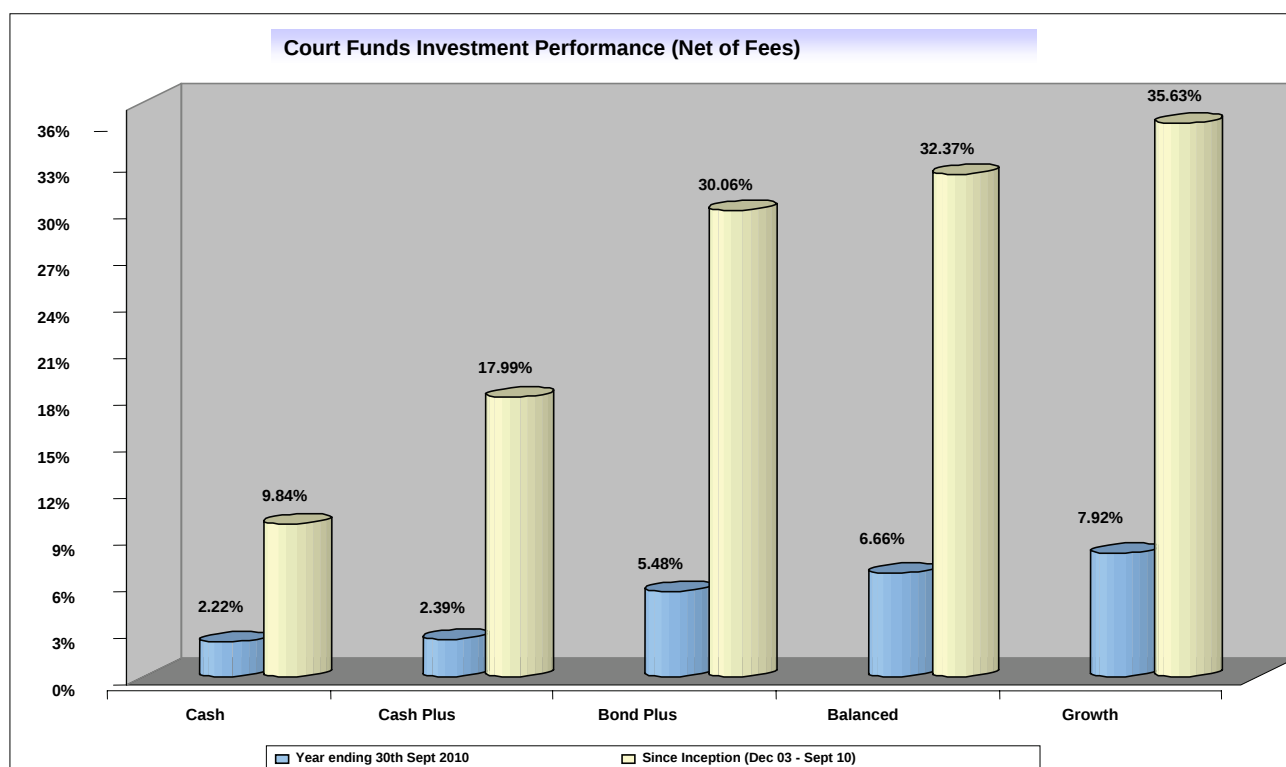
The courts have a custodial role in relation to funds lodged in court following the making of court orders or in compliance with legislative requirements. The funds principally relate to Wards of Court, Minors (persons under 18 years), and lodgments by parties to court proceedings. Funds lodged in court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

Assets managed by the Accountant's Office were €1.137 billion at the end of the financial year to September 2010, an increase of €84 million on 2009. The increase was attributable to an increase in capital transactions of €56 million (i.e. excess receipts over disbursements) and a net increase from investment activities of €28 million. The Service operates a conservative investment policy with the vast majority held in cash based assets and bonds.

The various funds have shown returns of between 10% and 35% over the seven years from 2003 despite turbulence in the international markets. In particular, investment returns for court funds in the financial year to September 2010 ranged from 2.22% for the Cash Fund to 7.92% for the Growth Fund.

The Investment Committee, chaired by the President of High Court, continues to monitor the investment performance of court funds and related matters. The management of court funds is subject to regular monitoring and review to ensure that all major risks are adequately managed.

The Annual Financial Statements for the Accountant's Office were audited by Deloitte & Touche, who provided an unqualified audit report. The Statements were considered by the Audit Committee in December and submitted to the Minister for Finance and the Minister for Justice, Equality and Law Reform. *Extracts are on pages 95 to 97.*



Chapter 3

The Year in Focus



Introduction

This chapter contains a summary of the work of the courts and highlights increases and decreases in some areas. Statistics on the work of the courts together with some trends are in Chapter 4.

In the criminal courts, there were increases in cases relating to rape, European Arrest Warrants, and serious drug offences. Cases relating to murder decreased as did assault and road traffic cases.

In the civil courts, there were increases in bankruptcy adjudications, claims for the recovery of debt, claims for damages for personal injuries and applications for judicial review. There was a decrease in cases admitted to the High Court Commercial List and in cases under the Companies Acts generally.

In the family courts, applications for judicial separation, divorce and nullity decreased while applications for guardianship, custody and access increased.

Highlights of 2010

Criminal cases

- *36 murder cases in Central Criminal Court – a 32% decrease on 2009*
- *63 rape cases in Central Criminal Court – a 29% increase on 2009*
- *457 European Arrest Warrant applications in High Court – a 43% increase on 2009*
- *16 trials in Special Criminal Court – a 60% increase on 2009*
- *1,186 drug offences dealt with in Circuit Criminal Court – a 24% increase on 2009*
- *34 sentences of 10 years or more imposed in Circuit Criminal Court - mostly for drugs offences*
- *236 sentences of between five and ten years imposed in Circuit Criminal Court - almost half for drugs offences*
- *Over 1,000 sentences of between two and five years imposed in Circuit Criminal Court - 26% for theft and robbery offences, 23% for drug offences*
- *73% of summary cases disposed of in District Court related to road traffic offences*
- *13% decrease in drink driving offences in District Court*

Civil cases

- o 116 orders made in High Court to wind up companies – a 9% decrease on 2009
- o Applications made in High Court to restrict the directors of 69 companies – a 6% increase on 2009
- o 29 new bankruptcies in High Court – a 71% increase on 2009
- o 293 new cases admitted to Commercial List in High Court – a 21% decrease on 2009
- o 326 orders for possession made in High Court – an 11% increase on 2009
- o 306 orders for possession made in Circuit Court – virtually unchanged from 2009
- o 6,103 claims for recovery of debt in High Court – an 8% increase on 2009
- o 27,629 cases for breach of contract and recovery of debt in Circuit Court – a 3% decrease on 2009
- o 2,792 judgments for recovery of debt in High Court – a 25% increase on 2009
- o Over 2,800 committal orders for non payment of debt in District Court
- o 1,581 applications for judicial review in High Court – a 20% increase on 2009- 59% of applications relate to asylum
- o 1,420 applications for judicial separation – a 13% decrease on 2009 – majority by wives (89% in High Court; 74% in Circuit Court)
- o 3,381 applications for divorce – a 9% decrease on 2009 – majority by husbands in High Court (54%) and by wives in Circuit Court (54%)
- o 41 applications for nullity – a 25% decrease on 2009 – all by husbands in High Court; majority (61%) by wives in Circuit Court
- o 1,380 applications for custody in District Court – a 44% increase on 2009
- o 32 hotel licences granted – a decrease of 52% on 2009

The Supreme Court

There were 309 Supreme Court appeals disposed of in 2010 - 233 by the Court and 76 withdrawn by letter to the Supreme Court Office. This compares with 341 in 2009 – 228 by the Court and 113 withdrawn by letter. Of the 466 appeals lodged, 15% were by appellants in person.

Criminal

Criminal business

The courts dealt with over 500,000 criminal matters in 2010. There were 267 appeals disposed of in the Court of Criminal Appeal (a 17% increase on the 229 disposed of in 2009); 110 cases in the Central Criminal Court (108 in 2009); 16 cases in the Special Criminal Court (10 in 2009); 4,103 cases in the Circuit Court (a 37% increase on the 2,985 in 2009); and 498,672 offences in the District Court (a 4% decrease on the 521,058 in 2009).

In addition, there were 1,338 orders made in habeas corpus and European Arrest Warrant cases in the High Court and 12,475 offences sent forward for trial to higher courts from the District Court.

The Court of Criminal Appeal

Appeals lodged in the Court of Criminal Appeal increased to 326 from 324 in 2009. The majority (238 or 73%) were against sentence only. There were 49 appeals (15%) against conviction and sentence with 27 (8%) against conviction only.

The Court disposed of 267 appeals compared with 229 in 2009. More than 64% (171) related to Circuit Court cases with 31 relating to Central Criminal Court cases. There were 97 appeals refused and 48 withdrawn.

The Director of Public Prosecutions appealed 54 cases on grounds of undue leniency in the original sentence.

Central Criminal Court / High Court

There were 110 cases returned for trial to the Central Criminal Court compared with 108 in 2009.

Murder

The Court received 36 new cases and disposed of 41. This compares to 53 new cases with 49 disposed of in 2009. Pleas of guilty were entered in 12 cases while 28 went to trial. Of the 28 trials, two defendants were found not guilty by reason of insanity, two were acquitted and the remainder were convicted. There were 16 convictions for murder and 20 convictions for offences other than murder e.g. manslaughter. Sixteen life sentences were imposed with a further five sentences for periods of more than 10 years.

Rape

There were 63 new rape cases received, an increase of 29% on the 49 cases received in 2009. Thirty five guilty pleas were entered with 38 cases going before a jury. Two life sentences were imposed with fourteen sentences of more than 12 years and thirteen sentences of between five and twelve years.

European Arrest Warrant applications

There was an increase in applications for European Arrest Warrants in the High Court with 457 applications made, a 43% increase in the 320 applications made in 2009. There were 1,130 orders made, an increase of 75% on the 644 in 2009.

Bail

Only the High Court has jurisdiction to deal with bail applications where a person is charged with murder. Applications may also be made to the High Court to vary the terms of a bail order made by a District Court Judge. In 2010 the High Court made 447 orders refusing bail, a 32% increase on the 339 such orders made in 2009.

Special Criminal Court

There were 16 trials in the Special Criminal Court – an increase from 10 in 2009 although the number of accused persons before the Court decreased - from 31 to 21.

Of the 21 accused, 17 were convicted - 10 pleaded guilty with the other seven found guilty by the Court. The most common offence was membership of an unlawful organisation with possession of firearms, ammunition or an explosive substance, false imprisonment and violent disorder accounting for the other offences

Circuit Court

New cases received decreased to 3,236 from 3,302 in 2009. There was a 37% increase in cases disposed of - from 2,985 in 2009 to 4,103 in 2010.

Theft and robbery remained the largest category of offence with 1,558 offences dealt with, a reduction on the 1,586 in 2009. Drug offences increased by 24% from 954 in 2009 to 1,186. Assault offences decreased by 26% from 1,151 in 2009 to 853.

There were 34 sentences of 10 years or more imposed, mostly for drug offences. There were 236 sentences of between five and ten years imposed – almost half for drug offences. More than 1,000 sentences of between two and five years were imposed – 26% for theft and robbery offences with a further 23% for drug offences. Almost 1,200 suspended sentences were imposed. The majority of criminal trials were disposed of in five days or less.

Appeals

Appeals from the District Court to the Circuit Court in criminal cases decreased by 8% - from 6,002 in 2009 to 5,521. Appeals disposed of increased by 6% from 5,643 in 2009 to 5,991.

District Court

There were 498,672 offences dealt with compared to 521,058 in 2009 – a decrease of 4%. A further 12,475 offences were sent forward for trial to higher courts, an increase of 6% on the 11,772 in 2009.

Summary offences disposed of decreased by 5% from 451,280 to 428,472. Indictable offences dealt with summarily increased to 70,200 from 69,778 in 2009.

Road traffic offences decreased in 2009 – 313,565 offences (a decrease of 6% from 333,161 in 2009) – accounting for 73% of all summary offences disposed of. There were 5,362 dangerous driving offences, involving 3,691 defendants a decrease of 6% on the 5,704 offences in 2009. Drink driving offences decreased by 13% to 21,153 from 24,467 in 2009.

Drugs offences decreased by 4% to 16,939 from 17,620 in 2009. The number of people prosecuted for drug offences also decreased, from 11,993 in 2009 to 11,707.

Offences involving public order and assault remained the second largest category of offence. There were 63,550 offences involving 39,156 defendants a decrease of 2% on the 64,748 offences involving 39,599 defendants in 2009.

Of the offences disposed of 34% were struck out. Defendants fined decreased by 13% from 73,508 in 2009 to 63,620 while defendants imprisoned or detained increased by 5% to 12,979 compared with 12,411 in 2009.

Juvenile crime

Offences before the Children Court increased by 9% to 9,162 from 8,428 in 2009. There were 3,221 defendants prosecuted as compared to 3,222 in 2009. Almost half of all offences were struck out or taken into consideration with other offences.

Civil

Cases issued

There were 156,790 civil cases issued in 2010 – 27,125 in the High Court (compared to 27,465 in 2009); 43,587 in the Circuit Court (compared to 44,266 in 2009); and 85,988 in the District Court (compared to 81,141 in 2009). There was a 3% increase overall on the 152,872 civil cases issued in 2009.

Personal injury

There were 14,635 personal injury suits filed – 7,068 in the High Court (little change from the 7,099 in 2009) and 7,567 in the Circuit Court (an 8% increase on the 6,999 in 2009).

Companies Acts (including restriction of directors and appointment of examiners)

There were 272 applications to the High Court for an order to wind up a company, an 18% decrease on the 331 such applications in 2009. Winding up orders were made in respect of 116 companies, a 9% decrease on 2009. Applications were made to restrict the directors of 69 companies, a 6% increase on 2009. Restriction orders were made in respect of directors of 97 companies, a 5% decrease on the 102 such orders made in 2009. Applications were made to disqualify the directors of 8 companies, a decrease on the 13 applications made in 2009. Disqualification orders were made in respect of the directors of five companies, a decrease on the 13 such orders made in 2009.

Bankruptcy

Bankruptcy applications continued to increase. There were 84 applications (petitions) for adjudication compared with 42 in 2009. There were 29 adjudications made, compared with 17 in 2009 and 8 in 2008. At year end, the Office of the Official Assignee in Bankruptcy had a caseload of 474 bankruptcies and 36 arranging debtors.

Commercial List

There were 293 new cases admitted to the Commercial List, a decrease of 21% on the 373 admitted in 2009. There were 258 cases disposed of. By the end of 2010, 1,355 cases had been admitted to the list and 1,129 disposed of. The average time for disposal remained at 21 weeks, with 25% of all cases being disposed of/concluded in less than 4 weeks, and 90% of all cases being disposed of in less than 49 weeks.

Breach of contract

In the Circuit Court, breach of contract was the main cause of action accounting for 27,629 (63%) of cases compared to 28,394 (64%) in 2009.

Possession summonses and orders

While new cases for the recovery of possession of lands or premises in the High Court decreased from 985 in 2009 to 583 in 2010, orders for possession increased by 11% from 293 in 2009 to 326. There were 306 orders for possession in the Circuit Court compared with 304 in 2009. In the District Court ejectment proceedings increased by 76% from 890 in 2009 to 1,564.

Recovery of debt

In the High Court, claims for the recovery of debt (summary summonses) continued to increase, with 6,103 new cases in 2010, an increase of 8% on the 5,653 in 2009. Just over 50% of all cases admitted to the Commercial List commenced as a liquidated demand on a summary summons.

The increase in proceedings for recovery of debt was once again matched by an increase in the number of undefended judgments. Judgment was marked in the Central Office in 2,204 undefended cases (default judgment), an increase of 17% on the 1,884 in 2009. There were 588 judgments in defended cases for the recovery of debt (on foot of Master's orders) a 69% increase on the 347 in 2009.

Judgment was marked in Circuit Court offices in 17,009 cases, a 25% increase on the 13,613 in 2009. Summary judgments in the District Court increased from 29,285 in 2009 to 29,771.

Enforcement of judgments

High Court

The High Court issued 3,207 execution orders in 2010, a 28% increase on the 2,514 in 2009. Registrations remained high although the 5,473 judgments registered was a 3% decrease on the 5,661 in 2009. There were 2,533 judgment mortgage certificates dealt with, an increase of 128% on the 1,108 certificates and affidavits dealt with in 2009.

Circuit Court

Execution orders lodged increased by 10% from 9,655 in 2009 to 10,597. There were 3,961 judgment mortgage certificates dealt with, a 65% increase on the 2,396 certificates and affidavits dealt with in 2009.

District Court

Committal orders for non payment of debts increased by 2% from 2,761 in 2009 to 2,818. Summonses for attendance by a debtor increased by 1% to 13,229 (13,067 in 2009) while instalment orders increased by 2% from 9,523 to 9,676.

Small claims

Applications under the Small Claims procedure increased from 3,633 in 2009 to 3,947, with 50% lodged online.

The largest category of claims related to motor vehicles (416), followed by electrical goods (391). Other categories included mobile phones (226), audio/hi-fi equipment (218), non-legal professional services (186) and holidays (183).

There were 3,940 claims dealt with, an increase of 23% on the 3,191 in 2009. Applications which could not be dealt with under the Small Claims procedure increased to 1,323 from 776 in 2009. Applications referred to the District Court increased to 731 from 584 in 2009 accounting for 19% of claims finalised.

Small Claims registrars settled 32% of claims – 1,251 compared with 1,200 in 2009. Decrees by default - granted where the person against whom the claim is made does not respond or take any part in the case – increased by 23% to 345 from 281 in 2009. Applications not proceeded with decreased by 17% to 290 from 350 in 2009.

Decrees were granted in 322 (44%) of the 731 cases referred to the District Court. Seventy seven cases (11%) were dismissed with the remaining 332 (45%) struck out or withdrawn.

Judicial review

There were 1,581 applications to the High Court for judicial review in 2010, a 20% increase on the 1,317 in 2009. There was a 25% increase in asylum-related applications - 936 compared with 749 in 2009. Asylum-related applications represented 59% of all judicial review applications.

Family law

Judicial separation

There were 1,420 applications for judicial separation in 2010, a 13% decrease on 2009. There were 27 applications in the High Court (35 in 2009) and 1,393 in the Circuit Court (1,592 in 2009). The majority of applications in both jurisdictions were by wives – 24 (89%) in the High Court and 1,030 (74%) in the Circuit Court. There were 990 orders granted – 25 in the High Court and 965 in the Circuit Court.

Divorce

There were 3,381 applications for divorce in 2010, a 9% reduction on 2009. There were 24 applications in the High Court (33 in 2009) and 3,357 in the Circuit Court (3,683 in 2009). The majority of applications in the High Court were by husbands – 13 (54%) while the majority in the Circuit Court were by wives - 1,825 (54%). There were 3,113 orders granted - 20 in the High Court and 3,093 in the Circuit Court.

Nullity

Applications for nullity decreased by 25% from 55 to 41. There were two applications in the High Court (both made by husbands) and 39 in the Circuit Court (23 or 60% by wives). There were 17 orders granted – one in the High Court and 16 in the Circuit Court.

Appeals in family law

There were 145 appeals from the Circuit Court to the High Court, a 4% decrease on the 152 in 2009. There were 968 appeals from the District Court to the Circuit Court, a 17% increase on the 827 appeals in 2009.

Supervision and care orders

The courts deal with applications for orders in respect of the care or supervision of minors, or on behalf of minors concerning the arrangements made by the Health Service Executive (HSE) for their care. The majority of applications are made by the HSE in the District Court.

Supervision orders increased by 16% to 731 from 627 in 2009 while care orders increased by 11% to 1,046 from 941 in 2009.

Child abduction

There were 41 applications to the High Court under the Hague Convention on Child Abduction compared to 45 in 2009, with 148 orders made.

Notice/age of marriage

The Circuit Court can exempt persons wishing to marry from the requirement to give three months notice to the Registrar of Marriages. It can also exempt persons from the age requirements for marriage. There were 602 applications received compared to 664 in 2009 with 441 applications granted compared to 516 in 2009.

Guardianship, custody, access

Applications to the District Court for custody and access increased by 15% to 7,221 from 6,281 in 2009. Applications for custody only increased by 44% to 1,380 from 957 in 2009. Applications for access only increased by 10% to 4,784 from 4,348 in 2009. Applications for custody and access increased to 1,057 from 976 in 2009. Applications for guardianship by unmarried fathers increased by 13% to 2,783 from 2,463 in 2009.

Domestic Violence

Applications to the District Court under the domestic violence legislation decreased to 9,945 from 10,033 in 2009.

There was a 7% increase in applications for safety orders (3,561 compared to 3,322 in 2009). Applications for interim barring orders showed little change – 530 compared to 545 in 2009. Applications for barring orders decreased by 5% (to 2,726 from 2,855 in 2009) while applications for protection orders decreased by 7% (to 2,926 from 3,134 in 2009).

Orders granted decreased to 5,660 from 5,783 in 2009. There were 2,672 protection orders - down by 7% from 2,867 in 2009. Safety orders increased by 9% from 1,339 in 2009 to 1,457. Interim barring orders decreased by 4% from 451 in 2009 to 431 while barring orders decreased by 4% from 1,106 in 2009 to 1,064.

Spouses remained the primary applicants for relief representing 56% of applicants for barring orders, 57% of applicants for interim barring orders, 52% of applicants for safety orders and 53% of applicants for protection orders.

Licensing

Circuit Court

Applications decreased to 387 from 388 in 2009 while licences granted increased by 7%, to 312 from 292 in 2009. Pub licence applications increased by 3%, to 244 from 237 in 2009 while licences granted increased by 7%, to 206 from 192 in 2009. There were 33 restaurant licences granted compared with 34 in 2009. The 43% decrease in hotel licences granted in 2009 was followed by a 52% increase in 2010, to 32 from 21 in 2009.

District Court

There was a 3% decrease in applications to renew pub licences (988 compared to 1,019 in 2009) and a 25% decrease in applications for restaurant certificates (765 compared to 1,018 in 2009). Applications for special exemption orders increased to 64,878 from 64,011 in 2009. Lottery licences increased by 11% to 1,552 from 1,394 in 2009.

Chapter 4

Court Statistics



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Introduction

The statistics in this Chapter are for the period from 1 January 2010 to 31 December 2010. They are presented by reference to specific categories of law: criminal, civil (including family) and licensing. In some instances statistics for 2009 and previous years are provided for comparison purposes. A focus on the work of the courts in 2010 is contained in Chapter 3.

The statistics provide information about the major areas of work of the courts. Additional information and further statistics providing more detailed analysis are available on the website of the Service (www.courts.ie).

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

LAW TERMS 2010	
HILARY	11 January to 26 March
EASTER	12 April to 20 May
TRINITY	2 June to 31 July
MICHAELMAS	4 October to 21 December

A glossary of terms is contained in Chapter 8.

Section 1: Supreme Court

Trends: Appeals 2002 –2010

	Received	Disposed of by the court	Withdrawn in the office by letter	Total disposed of
2010	466	233	76	309
2009	499	228	113	341
2008	443	229	105	334
2007	373	229	47	276
2006	484	202	35	237
2005	446	211	33	244
2004	531	725*	76	801
2003	440	261	50	311
2002	415	222	99	321

* 432 of these appeals were disposed of in a review of uncertified appeals list

Outcome of appeals disposed of by the court

	2010	2009
Appeal dismissed: High Court order affirmed	122	100
Appeal allowed: High Court order set aside	18	35
Appeal allowed: High Court order varied	22	27
Appeal struck out certified and uncertified	66	65
Cases stated determined	1	0
Referred to Europe	2	1
No jurisdiction	2	0
	233	228

Judgments

	2010	2009
Judgments reserved	86	96
Appeals/motions disposed of by	89	98
Individual judgments delivered	76	98

Trends: Appeals from appellants in person*

	Total Received	Received from appellants in person	Percentage of total
2010	466	70	15%
2009	499	76	15%
2008	443	71	16%
2007	373	49	13.1%
2006	484	57	11.78%
2005	446	30	6.73%
2004	531	37	6.97%
2003	440	32	7.27%
2002	415	45	10.84%

* persons not legally represented

Length of appeal

	2010	2009
One day or less	207	181
Two days or more	26	27

Other documents filed

	2010	2009
Commissioners appointed	13	23
Notaries public appointed	25	18
Certificates of authentication issued	1,559	6,129
Called to the Inner Bar	16	20
Called to the Outer Bar	206	125
Declarations made by newly appointed judges	8	5
Extensions of time granted to County Registrars/District Judges	12	5

Section 2: Criminal

Criminal Business: Overview

Cases disposed of	2010	2009
Court of Criminal Appeal (cases)	267	229
Central Criminal Court (cases)	110	108
Special Criminal Court (cases)	16	10
Circuit Court (cases)	4,103	2,985
District Court (offences)	498,672	521,058

Court of Criminal Appeal

	On hand 01/01	Received	Disposed of	On hand 31/12
Appeals from Circuit Criminal Court	216	215	171	260
Appeals from Central Criminal Court	57	47	31	73
Appeals from Special Criminal Court	10	4	5	9
Appeals from Courts Martial Appeal Court	1	2	0	3
Appeals against sentence by the DPP (undue leniency)	67	54	57	64
Appeals against dismissal of charges by the DPP	1	2	1	2
Appeals alleging miscarriage of justice	3	2	2	3
Total	355	326	267	414

Nature of Appeal	On hand 01/01	Received	Disposed of	On hand 31/12
Against conviction and sentence	65	49	31	83
Against conviction only	53	27	24	56
Against sentence only	233	238	210	261
Against dismissal of charges	1	2	1	2
Refusal to restore driving licence	1	0	1	0
Against costs order/confiscation order	2	10	0	12
Total	355	326	267	414

Outcome of appeals against conviction and sentence	2010	2009
Refused	19	12
Conviction affirmed, sentence varied	6	2
Conviction quashed, re-trial directed	1	5
Conviction quashed, (no re-trial)	0	0
Appeal struck out	1	0
Adjourned generally with liberty to re-enter	1	0
Liberty to withdraw granted	0	1
Applicant abandoned appeal	0	2
Total	28	22

Outcome of appeals against sentence	2010	2009
Refused	27	13
Original sentence quashed and sentence	27	15
Struck out	2	2
Liberty to withdraw granted	1	1
Total	57	31

Appeals withdrawn in the office	2010	2009
	48	51

Outcome of appeals against conviction only	2010	2009
Refused	12	22
Conviction quashed, re-trial directed	6	0
Conviction quashed, re-trial directed and	0	0
Conviction quashed, (no re-trial)	2	2
Conviction quashed, Section 9 certificate	0	1
Appeal struck out	0	0
Adjourned generally with liberty to re-enter	0	0
Liberty to withdraw granted	1	0
Applicant abandoned appeal	0	1
Total	21	26

Trends: Appeals received and disposed of 2002 –2010		
	Received	Disposed of
2010	326	267
2009	324	229
2008	305	279
2007	267	232
2006	244	329
2005	257	290
2004	257	266
2003	257	347
2002	237	273

Outcome of appeals against sentence only (severity)	2010	2009
Refused	39	43
Liberty to withdraw granted	20	12
Original sentence quashed and sentence	53	46
Appeal struck out	1	0
Adjourned generally with liberty to re-enter	0	0
Applicant abandoned appeal	0	48
Total	113	149

High Court: Central Criminal Court

Murder

Trends: 2002—2010		
	Received	Disposed of
2010	36	41
2009	53	49
2008	51	35
2007	39	44
2006	33	52
2005	35	42
2004	28	59
2003	39	58
2002	55	48

Cases disposed of	2010	2009
Convicted of murder	16	18
Convicted of offences other than murder	20	22
Found not guilty by reason of insanity	2	3
Acquitted	2	1
Other	1	5
Total	41	49

Sentences imposed	2010	2009
Life imprisonment	16	19
Over ten years	5	4
Over five to ten years	11	11
Over three to five years	2	2
Other	3	14
Not guilty by reason of insanity	2	3

Pleas/Jury Trials	2010	2009
Guilty pleas	12	15
Jury trials	28	31

Rape and Sexual Assault

Trends: 2002—2010		
	Received	Disposed of
2010	63	69
2009	49	52
2008	78	72
2007	73	76
2006	58	61
2005	44	75
2004	40	72
2003	52	100
2002	82	93

Cases disposed of	2010	2009
Convicted of rape	5	12
Convicted of rape and other offences	32	11
Convicted of other sexual offences	8	6
Acquitted	16	12
Other	8	11
Total	69	52

Sentences imposed	2010	2009
Life	2	3
Over 12 years	14	5
Over five years to 12 years	13	13
Up to five years	10	8
Other*	6	23

* Includes suspended sentences, bench warrants

Pleas/Jury Trials	2010	2009
Guilty pleas	35	18
Jury trials	38	25

Competition Act

Received	Cases disposed of
1	0

High Court

Only the High Court has jurisdiction to deal with bail applications where a person is charged with murder. An application may also be made to vary the terms of a bail order made by a District Court judge.

Bail	2010	2009
Orders made on own surety	533	527
Orders made on own surety and cash lodgement	93	159
Orders made on third party surety	443	401
Refused	447	339
Revoked	75	55
Withdrawn	10	9
Struck out	9	13

Habeas Corpus	2010	2009
Cases issued	150	139
Orders made	208	210

European Arrest Warrants	2010	2009
Cases issued	457	320
Orders made	1,130	644

Special Criminal Court

Trends: Analysis of cases 2002—2010					
	Trials	Accused persons	Convicted on plea of not guilty	Convicted on plea of guilty	Struck out/ Nolle prosequi
2010	16	21	7	10	4
2009	10	31	10	17	4
2008	10	22	6	10	6
2007	7	10	3	7	0
2006	10	16	12	0	4
2005	6	21	10	11	0
2004	15	30	13	10	7
2003	9	19	7	6	6
2002	13	22	10	9	3

Offence	Convicted
Membership of unlawful organisation	7
Possession of firearms	2
Possession of ammunition	2
Possession of an explosive substance	2
False imprisonment	2
Violent disorder	2

Circuit Court

	Road Traffic	Drug Offences	Sexual Offences	Firearms Offences	Theft/ Fraud/ Robbery	Assault	Child Abuse	Manslaughter	Other	Total
Cases disposed of										
Offences	362	1,186	505	806	1,558	853	16	38	1,004	6,428
Defendants	187	813	164	634	910	441	3	9	555	3,716
Guilty pleas	151	767	84	577	795	323	2	7	466	3,172
Trials	36	46	80	57	115	118	1	2	89	544

Outcome of trials										
Convicted	20	14	14	17	28	22	0	2	19	136
Acquitted	9	14	42	18	33	55	1	0	19	191
Nolle Prosequi	7	18	24	22	54	41	0	0	51	217

Sentences (all cases)										
Community Service	10	53	2	29	51	19	0	0	28	192
Suspended sentence	35	292	42	186	258	148	0	0	236	1,197
Fine	16	7	3	9	20	8	0	0	47	110
Imprisonment up to 2 years	55	88	19	137	206	58	1	0	60	624
Over 2 years to 5 years	55	232	32	229	263	93	0	5	103	1,012
Over 5 years to 10 years	4	106	6	38	36	16	0	2	28	236
Over 10 years	0	20	1	5	2	1	0	1	4	34
Other	10	28	24	5	37	46	1	1	38	191

District Court

	2010	2009
Summary offences disposed of	428,472	451,280
Indictable offences dealt with summarily	70,200	69,778
Total	498,672	521,058
Sent forward for trial	12,475	11,772

Nature of cases disposed of	2010	2009
Public Order/Assault	63,550	64,748
Drugs	16,939	17,620
Theft	32,275	31,711
Road traffic offences	313,565	333,161
Sexual offences	1,815	1,352
Other*	70,528	72,466
Total	498,672	521,058

* Other includes offences such as breach of bail, litter offences, street trading and offences prosecuted by Government Departments and other State agencies such as the Health and Safety Authority.

Sentences	Public order/Assault		Drugs		Theft		Sexual offences		All Road Traffic	
	offences	defendants	offences	defendants	offences	defendants	offences	defendants	offences	defendants
Imprisonment/ Detention	6,331	4,390	1,588	1,210	7,301	3,523	76	62	5,139	3,794
Fines	11,622	7,846	3,249	2,831	2,675	2,298	82	77	62,079	50,568
Community Service/ Probation/ Dismiss Under Probation of Offenders Act	7,941	4,880	2,107	1,688	3,600	2,238	62	42	6,498	4,391
Struck out	13,801	9,122	3,834	2,858	5,613	3,556	141	67	145,212	70,248
Dismiss	1,767	1,311	310	253	596	436	16	16	7,136	4,966
Taken into Consideration **	13,999	5,651	2,460	1,143	6,135	2,245	36	28	53,626	20,699
Other	6,401	4,570	2,997	1,389	5,223	2,294	1,384	223	33,058	25,438
Peace Bond	1,688	1,386	394	335	1,132	856	18	18	817	665
Total	63,550	39,156	16,939	11,707	32,275	17,346	1,815	533	313,565	180,769

Specific road traffic	Dangerous Driving		Drink Driving		Unauthorised taking of motor vehicles	
	offences	defendants	offences	defendants	offences	defendants
Community Service Order	47	32	81	78	27	24
Probation/ Dismiss under Probation of Offenders Act	101	61	149	132	84	71
Dismiss	177	126	776	755	35	34
Fines	802	712	7,804	7,509	58	55
Imprisonment/Detention Imprisonment/Detention part suspended	392	228	591	485	278	214
Imprisonment suspended	140	93	349	326	83	71
Peace Bond	61	43	140	134	46	40
Struck out	1,290	774	1,285	1,207	250	227
Taken into consideration **	712	410	996	930	205	175
Disqualification	1,136	856	8,651	8,141	221	177
Other	504	356	331	313	214	176
Total	5,362	3,691	21,153	20,010	1,501	1,264

** The Criminal Justice Act, 1951 section 8 provides that where a person, on being convicted of an offence, admits himself guilty of any other offence and asks to have it taken into consideration in awarding punishment, the Court may take it into consideration accordingly. If the Court takes an offence into consideration, a note of that fact is made and filed with the record of the sentence, and the accused cannot be prosecuted for that offence, unless his conviction is reversed on appeal.

Appeals

District Court to Circuit Court		2010
Received		5,521
Disposed of		5,991

Juvenile Crime

	Offences	Defendants
Community Service	36	22
Detention	478	221
Detention part suspended	27	9
Detention suspended	255	135
Dismiss	412	159
Dismiss on probation	514	280
Disqualified	260	126
Fine	536	276
Other	58	10
Order community sanction	2	2
No order	218	121
Peace Bond	247	118
Poor Box	6	4
Probation order	1,294	327
Strike out	2,557	799
Taken into consideration	2,006	505
Returned to a higher court for trial	256	107
Totals	9,162	3,221

Section 3: Civil

Civil Business: Overview

Cases issued

	2010	2009
High Court	27,215	27,465
Circuit Court	43,587	44,266
District Court	85,988	81,141
Total	156,790	152,872

Cases disposed of

High Court	2010	2009
Orders made	29,607	28,782
Settled	5,250	5,656

Circuit Court	2010	2009
Settled (consent decree)	4,465	4,237
Dealt with by court	3,204	5,898

Documents filed in court offices (including summonses, petitions and motions)

High Court	2010	2009
	152,294	139,783

Written judgments

High Court	2010	2009
Reserved 01/01	106	85
Delivered	479	579
Reserved at 31/12	29	106

Personal Injury

High Court

Cases issued	2010	2009
Personal Injury Summonses	7,068	7,099
Medical Negligence	671	529

Listed for hearing	2010	2009
On hand 01/01	5,596	7,200
Received	5,761	5,558
Disposed of (including cases settled prior to hearing)	5,560	7,162
On hand 31/12	5,797	5,596

Outcome of cases disposed of

Orders made	4,191
Withdrawn/struck out	1,369

High Court

Awards were made or approved in 392 personal injury cases. The lowest amount awarded was €3,000 the highest € 5,100,000. The total amount awarded in all cases was €85,966,928.

Amount	Cases
€0 to €37,999	99
€38,000 to €99,999	160
€100,000 to €199,999	57
€200,000 to €999,999	59
€1m+	17
Total	392

Circuit Court

	2010	2009
Cases issued	7,567	6,999
Notice of trials disposed of	4,016	3,148

Outcome of notice of trials disposed of	
Settled	2,669
Dealt with by court	1,347

Awards were made or approved in 980 personal injury cases involving persons under 18 years. The lowest amount awarded was €500, the highest €45,000. The total amount awarded in all cases was €12,409,412.

Amount	Cases
€0 to €9,999	422
€10,000 to €19,999	398
€20,000 to €29,999	123
€30,000+	37
Total	980

Commercial Matters

Restore company to register

High Court	2010	2009
Received	127	167
Orders made/cases disposed of	135	172

Examinership

High Court	2010	2009
Received	22	40
Orders made:		
Appoint Interim Examiner	22	36
Appoint Examiner	18	43

Wind up company (Liquidations)

High Court	2010	2009
Received	272	331
Orders made	116	128
Proceeded in the Examiners Office	121	111

Trends	2010	2009	2008	2007	2006
	121	111	56	15	4

Restrict Directors

High Court	2010	2009
Received	69	65
Orders made*		
Restriction order granted	97	102
Restriction order refused	5	16

*each order may restrict a number of directors

Disqualify Directors

High Court	2010	2009
Received	8	13
Orders made* for the disqualification of director refusing the disqualification of directors	5 1	13 8

*each order may disqualify a number of directors

Bankruptcy

High Court: Bankruptcy	2010	2009
Petitions filed	84	42
Adjudications	29	17
Discharged	4	15
Annulled	2	1

High Court: Arrangements with debtors	2010	2009
Petitions filed	11	8
Protection granted	10	7
Disposed of in court	5	1

	On hand 01/01	Received	Disposed of	On Hand 31/12
Bankruptcies	451	29	6	474
Arrangements with debtors	31	10	5	36

Trends	2010	2009	2008	2007	2006
Petitions filed	84	42	17	30	13
Adjudications	29	17	8	4	9

European Communities (Personal Insolvency) Regulations 2002	
Entries on 01/01	32
Entered during 2010	14
Entries on 31/12	46

High Court: Office of the Official Assignee		
Financial overview		
2010		
	Amounts	Cases
Funds received	€2,382,317.43	39
Total payments out	€1,355,293.58	106

Commercial List

High Court	2010	2009
On hand 01/01	203	132
Entered into list	293	373
Disposed of	258	304
On hand 31/12	238	203

Analysis of cases disposed of	2010	2009
Motion to dismiss	0	8
Settled after entry	25	15
Settled after directions hearing	39	55
Settled after hearing date set	46	42
Settled after pre-hearing conference	0	0
Settled at hearing	36	32
Full hearing	111	129
Other	1	23

Chancery

High Court	2010	2009
Specific Performance	303	562
Injunction	328	418
Declaration	539	448
Listed for hearing	776	739
Orders made/cases disposed of	1,903	1,780

Mortgage Suit

High Court	2010	2009
Received	81	76
Orders made	39	36
Disposed of (Examiners Office)	13	15

Possession

High Court	2010	2009
Received	583	985
Orders made	326	293

Circuit Court	2010	2009
Orders made	306	304

District Court: Ejectment	2010	2009
Received	1,564	890

Equity

Circuit Court	2010	2009
Received	1,650	2,040
Disposed of	1,153	975

Breach of contract

High Court	2010	2009
Received (includes negligence)	1,811	1,594
Orders made	754	535

Circuit Court	2010	2009
Received (includes recovery of debt)	27,629	28,394
Cases disposed of	1,326	1,880

Employment Law

Circuit Court	2010	2009
Received	207	368
Disposed of	123	183

Summary judgment (recovery of debt)

High Court	2010	2009
Summary Summonses	6,103	5,653
Revenue Summonses	1,350	1,409

European Order for Payment

High Court	2010
Received	106

Filings to assist recovery of debt

High Court	2010	2009
Execution orders	3,207	2,514
Renew execution order	101	69
Default judgment	2,204	1,884
Judgment mortgage affidavit*	n/a	1,058
Judgment mortgage certificate	2,533	50
Judgment on foot of Master's Order	588	347
Satisfaction pieces	37	48
Registered High, Circuit and District Court judgments	5,473	5,661

*no longer required since 1st December 2009—replaced by judgment mortgage certificate

Circuit Court	2010	2009
Orders for possession	306	304
Execution orders	10,597	9,655
Judgment mortgage affidavit	3,961	2,396
Satisfaction piece	103	140
Judgment marked in the office	17,009	13,613

District Court	2010	2009
Summary judgment	29,771	29,285
Summons for attendance of debtor	13,229	13,067
Instalment orders	9,676	9,523
Committal orders	2,818	2,761

Appeals

Dublin Circuit Civil Court to the High Court	2010	2009
Received	371	473
Orders made	351	328

District Court to Circuit Court	2010	2009
Received	451	482
Orders made	488	463

Regulation of professions

High Court

Medical Council matters	2010	2009
Received	21	16
Orders made	12	23

Nurses Acts	2010	2009
Received	18	21
Orders made	26	26

Solicitors Acts	2010	2009
Received	99	105
Orders made	253	214

Judicial Review

High Court

Asylum*	2010	2009
Received	936	749
Orders made	765	1,319

*includes all judicial review applications brought under legislative provision relating to asylum, immigration and refugees. Respondents include the Office of the Refugee Applications Commissioner, the Refugee Appeals Tribunal and the Minister for Justice and Law Reform.

Certiorari	2010	2009
Received	471	357
Orders made	128	130

Certiorari and declaration	2010	2009
Received	35	27
Orders made	5	7

Injunction	2010	2009
Received	18	18
Orders made	1	7

Mandamus	2010	2009
Received	63	70
Orders made	3	9

Planning	2010	2009
Received	16	38
Orders made	20	17

Prohibition	2010	2009
Received	41	57
Orders made	8	13

Public Procurement	2010	2009
Received	1	1
Orders made	0	0

Jury

High Court

Received	2010	2009
Defamation	90	127
False imprisonment	11	10
Assault	138	142

Disposed of	2010	2009
Final Orders	17	13
Actions settled	42	39

Cases Stated

District Court to High Court	2010	2009
Received	18	31
Orders made	21	25

Revenue (District Court) to High Court	2010	2009
Received	0	0
Orders made	1	1

Circuit Court to Supreme Court	2010	2009
Received	2	3
Orders made	2	0

Cases stated appeals from High Court to Supreme Court	2010	2009
Received	7	5
Orders made	4	0

Other

High Court

Garda Compensation	2010	2009
Received	146	325
Orders made	186	235

Hepatitis C appeals	2010	2009
Received	14	20
Orders made	14	9

Criminal Assets Bureau	2010	2009
Received	16	26
Orders made	106	117

Masters Court	2010	2009
Orders made	4,763	4,011

Wards of Court

	2010	2009
Wardship cases	2,493	2,367
Applications awaiting hearing	68*	53

* number of cases pending with inquiry order signed at 31 December

	2010	2009	2008
Declaration Orders*	297	258	212
Dismissal/Discharge orders	171	201	182

* number of adults and minors taken into wardship

Enduring Powers of Attorney Registered	2010	2009
	351	288

General Solicitor for Minors and Wards of Court

	2010	2009
Wardship cases	493	490
Sub cases	245	326

Reasons person admitted to wardship	2010	2009
Acquired brain injury	53	52
Elderly Mental Infirm	163	155
Learning or Intellectual Disability	115	111
Minor	8	8
Pending cases	7	9
Psychiatric illness	145	153
Residential abuse	2	2
Total	493	490

Estate of deceased persons (Probate)

High Court (Probate)	2010	2009
Cases issued	32	26

Probates (and administration with wills annexed)	2010	2009
High Court: Principal Registry	5,825	5,531
Circuit Court: Local Registries	5,801	5,912
Total	11,626	11,443

Intestacies (no valid will)	2010	2009
High Court: Principal Registry	1,645	1,712
Circuit Court: Local Registries	1,995	2,242
Total	3,640	3,954

Taxation of Costs

High Court	2010
Summonses issued	1,891
Certificates issued	842

High Court	2010	2009
Cost claimed	€66,674,740.73	€62,945,537
Cost allowed	€45,658,240.67	€45,141,854
Total fees collected	€2,766,445	€2,652,557
Duty on summonses (included in total fees)	€430,750	€452,750

Small Claims Procedure

District Court: Applications received	2010	2009
Holidays	183	142
Professional services	186	265
Dry cleaners	97	97
Building	91	78
Damage to private property	228	212
Key money	80	87
Electrical goods	391	361
Audio/Computer	218	192
Clothing	91	98
Shoes	50	51
Furniture	376	343
Carpets/flooring	49	54
Doors/roofs	151	135
Cars	416	359
Mobile phones	226	185
Other	1,114	974
Total	3,947	3,633

Disposed of	2010	2009
Cases not covered by procedure	1,323	776
Cases not proceeded with	290	350
Decrees by default	345	281
Settled by Registrar	1,251	1,200
Referred to court	731	584
Total	3,940	3,191

Adjudicated by court	2010	2009
Decrees granted	322	265
Cases dismissed	77	75
Cases struck out/withdrawn	332	244
Total	731	584

Section 4: Family Law

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

Judicial Separation, Divorce and Nullity

Trends: Applications received						
	Judicial Separation		Divorce		Nullity	
	High	Circuit	High	Circuit	High	Circuit
2010	27	1,393	24	3,357	2	39
2009	35	1,592	33	3,683	0	55
2008	42	1,966	43	4,214	0	61
2007	52	1,689	28	4,081	0	60
2006	50	1,789	39	3,986	1	60
2005	49	1,658	30	4,096	1	50
2004	48	1,654	34	3,880	0	51
2003	53	1,802	42	3,733	1	92
2002	59	1,871	33	3,912	2	52

Trends: Orders granted						
	Judicial Separation		Divorce		Nullity	
	High	Circuit	High	Circuit	High	Circuit
2010	25	965	20	3,093	1	16
2009	20	1,080	39	3,302	1	19
2008	45	1,180	42	3,588	0	48
2007	18	1,167	26	3,658	1	27
2006	27	1,072	47	3,420	0	25
2005	23	950	20	3,391	6	37
2004	42	1,216	42	3,305	5	20
2003	26	1,206	41	2,929	4	33
2002	28	940	20	2,571	1	40

Judicial Separation

	Commenced by wife	Commenced by husband
High Court	24	3
Circuit Court	1,030	363

Divorce

	Commenced by wife	Commenced by husband
High Court	11	13
Circuit Court	1,825	1,532

Nullity

	Commenced by wife	Commenced by husband
High Court	0	2
Circuit Court	23	16

Cases Disposed of

High Court	Judicial Separation	Divorce	Circuit Court Appeals
Settled prior to hearing	2	2	-
Settled during hearing	3	4	-
Full hearing	20	15	145

Circuit Court	Judicial Separation	Divorce	Nullity	District Court appeals
Settled out of court	78	274	1	25
Settled in court	250	886	1	79
Full hearing	273	789	12	161

Circuit Court :Orders made	Judicial Separation	Divorce	Nullity
Pension adjustment	494	1,270	2
Transfer of family home	453	525	3
Sale of family home	180	209	1
Residence in family home	265	235	0
Other property order	235	307	0
Extinguish succession rights	939	2,841	5

Maintenance

Circuit Court: Orders made	Judicial Separation	Divorce
Periodic payment to spouse	234	332
Periodic payment to child	389	597
Lump sum payment to spouse	194	328
Lump sum payment to child	16	44

District Court: Married Applicants	2010	2009
Granted	1,229	1,157
Refused	59	64
Withdrawn/struck out	407	450

District Court: Unmarried Applicants	2010	2009
Granted	2,413	2,205
Refused	73	97
Withdrawn/struck out	655	645

Guardianship

High Court	2010	2009
Received	32	25
Orders made	176	135

District Court: Unmarried applicants (Section 6(a) Guardianship of Infants Act, 1964)	2010	2009
Granted	2,072	1,861
Refused	68	81
Withdrawn/Struck out	643	521
Total	2,783	2,463

Custody & Access

Circuit Court	Judicial Separation	Divorce	Nullity
Orders made	508	705	4

District Court: Custody and Access	2010	2009
Granted	760	687
Refused	46	46
Withdrawn/Struck out	251	243
Total	1,057	976

District Court: Custody only	2010	2009
Granted	767	566
Refused	39	36
Withdrawn/Struck out	574	355
Total	1,380	957

District Court: Access only	2010	2009
Granted	3,697	3,330
Refused	92	157
Withdrawn/Struck out	995	861
Total	4,784	4,348

High Court

Adoption	2010	2009
Cases issued	5	5
Orders made	4	1

Hague Luxembourg Convention (child abduction)	2010	2009
Cases issued	41	45
Orders made	148	128

Appeals from the Circuit Court	2010	2009
Cases issued	145	152
Orders made	83	91

Circuit Court

Section 47 Civil Registration Act, 2004*	2010	2009
Received	602	664
Orders granted	441	516

* Section 47 Civil Registration Act, 2004 allows the court dispense with the necessity to give three months notice of intention to marry and/or allow people under the age of eighteen to marry.

Appeals from the District Court	2010	2009
Received	968	827
Orders made	618	538

Domestic Violence

Circuit Court

	2010	2009
Orders made	170	163

District Court

Trends: 2002—2009									
	2010	2009	2008	2007	2006	2005	2004	2003	2002
Barring Order applications	2,726	2,855	3,096	3,355	3,132	3,183	3,210	3,586	4,067
Barring orders granted	1,064	1,106	1,251	1,420	1,357	1,265	1,295	1,575	1,740
Protection order applications	2,926	3,134	3,354	3,794	3,137	2,850	3,054	3,109	3,677
Protection orders granted	2,672	2,867	2,960	3,235	2,845	2,622	2,810	2,814	3,248
Safety order applications	3,561	3,322	3,328	3,553	3,050	2,866	2,611	2,557	2,814
Safety orders granted	1,457	1,339	1,502	1,556	1,221	1,037	987	1,108	1,187
Interim barring order applications*	530	545	623	692	605	622	69	629	852
Interim barring orders granted	431	451	445	586	544	550	604	531	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.

Barring orders	2010	2009
Granted	1,064	1,106
Refused	88	89
Withdrawn/Struck out	1,574	1,660

Barring orders: applicants	2010	2009
Spouse	1,515	1,594
Common law partner	842	861
Parent	360	392
Health Service Executive	5	6
Other	4	2

District Court

Interim Barring orders	2010	2009
Granted	431	451
Refused	38	56
Withdrawn/Struck out	61	38

Interim Barring orders: applicants	2010	2009
Spouse	302	240
Common law partner	150	271
Parent	72	28
Health Service Executive	2	2
Other	4	4

Safety orders	2010	2009
Granted	1,457	1,339
Refused	80	116
Withdrawn/Struck out	2,024	1,867

Safety orders: applicants	2010	2009
Spouse	1,836	1,776
Common law partner	1,195	1,037
Parent	460	436
Health Service Executive	39	70
Other	1	3

Protection orders	2010	2009
Granted	2,672	2,867
Refused	134	120
Withdrawn/Struck out	115	147

Protection orders : applicants	2010	2009
Spouse	1,552	1,247
Common law partner	1,004	1,584
Parent	321	262
Health Service Executive	45	4
Other	4	37

Childcare

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

	2010	2009
Supervision orders granted	731	627
Care orders granted	1,046	941

The court may also grant interim care orders.

Section 5: Licensing

Circuit Court

	Applications 2010	Granted 2010		Applications 2009	Granted 2009
Pub	244	206		237	192
Hotel	41	32		45	21
Restaurant	48	33		37	34
Club	14	16		17	12
District Court appeals	19	11		21	8
Other	21	14		31	25
Total	387	312		388	292

District Court

Applications dealt with	2010	2009
Renewal of pub licences	988	1,019
Temporary transfer of licence	813	955
Annual dance licence	1,233	1,503
Temporary dance licence	274	314
Restaurant certificate	765	1,018
Special exemption orders	64,878	64,011
Lottery licence	1,552	1,394
Other	8,427	8,533
Total	78,930	78,747

Section 6: Waiting Times

Supreme Court

Waiting time is the time between the lodgment of the certificate of readiness and the hearing date.

Priority cases: Cases where hearing are sought on the grounds of urgency. Hearing dates are allocated depending on the degree of urgency and the available of dates. Applications for expedited hearings in urgent matters can be made to the Chief Justice in open court each Thursday.

Ordinary appeals: These cases comprise the ordinary waiting list. The waiting time at the end of December 2010 was 37 months.

Court of Criminal Appeal

Waiting time is the time from the issue of a Notice of Appeal to the time the matter is first listed before the Court of Criminal Appeal.

Conviction cases	12 months
Sentence appeals	9 months

High Court: Crime

Waiting time is:

- (a) in the case of murder and rape trials, the time from the first listing of the case before the Central Criminal Court on return for trial from the District Court to the trial date
- (b) in the case of bail applications, the date from the issue of a Notice of Motion to the date the matter is first listed before the High Court

Murder and rape trials	10—11 months
Bail	Date immediately available

High Court: Civil

Waiting time is the time from when a case is reading for listing/hearing to the allocation of the first date for hearing before the High Court.

Personal Injury	
Cork	24 months
Dublin	6 weeks
Dundalk	New cases all offered dates in next sittings
Galway	New cases all offered dates in next sittings
Kilkenny	New cases all offered dates in next sittings
Limerick	20 months
Sligo	New cases all offered dates in next sittings
Waterford	12 months

Asylum	
Pre-leave	23 months
Post-leave	6 months

Chancery	
Monday motions list	3 weeks
Certified cases	All cases in list to fix dates offered date for following term
Special summonses	All cases in list to fix dates offered date for following term
Miscellaneous (motions that require more time than they can be given in the Monday list)	All cases in list to fix dates offered date for following term

Other commercial	
Commercial List	Date immediately available
Competition List	2 weeks
Restrict Directors	4 weeks

Family	
Cases for hearing	3 months (Urgent cases dealt with within 2 weeks)
Hague Luxembourg Convention	Cases are dealt with within 6 weeks as required by Convention

Non jury	
Monday list	2 weeks
Certified cases	All cases in list to fix dates offered date for following term
Miscellaneous (motions that require more time that they can be given in the Monday List)	All cases in list to fix dates offered date for following term

Other	
Criminal Assets Bureau	Date immediately available
Common Law Motions	11 weeks
Garda compensation	6 weeks
Circuit Court appeals	3 weeks
Hepatitis C Tribunal appeals	Within 3 months
Jury list	9 months (priority given to wardship applications)
Judicial Review	All cases in list to fix dates offered date for following term
Master's List	8 weeks (3 weeks for family law cases)
Rulings	1 week

Circuit Court

Criminal:

Trials—waiting time is the time from receipt of return for trial to the hearing date

Sentence—waiting time is the time from receipt of return for trial to the sentence hearing

Civil:

Trials—waiting time is the time from receipt of notice of trial to the listing for hearing

Family Law:

Waiting time is the time from receipt of notice of trial/notice of motion to the listing for hearing

Appeals:

Waiting time is the time from receipt of a District Court Appeal to the date of the appeal hearing

All waiting times shown in months								
	CRIMINAL			CIVIL		FAMILY LAW		
	Trials	Sentences	Appeals	Trials	Appeals	Contested	Non— contested	Appeals
Carlow	11	9	12	10	Next sitting	7	Next sitting	7
Carrick on Shannon	9	6	3	6	6	6	Next sitting	Next sitting
Castlebar	3-6	3-6	3-6	Next sitting	Next sitting	Next sitting	Next sitting	Next sitting
Cavan	9	9	9	18-24	6-9	12	Next sitting	Next sitting
Clonmel	30	6	18-24	6-9	6-9	12-15	Next sitting	Next sitting
Cork	Next sitting	Next sitting	6-12	6-9	9-12	3-6	Next sitting	3-6
Dublin	6-7	3-4	2	5 weeks	5 weeks	1-2	1	4
Dundalk	12	3-6	9-12	18	9	9	3	6
Ennis	3-6	Next sitting	3	6	6	6	Next sitting	Next sitting
Galway	3-6	3	2-3	3-4	3-4	3	2	3
Kilkenny	18	6	12	18	18	6	Next sitting	Next sitting
Letterkenny	9-12	9-12	6	12	12	18	Next sitting	Next sitting
Limerick	3-6	6-9	3	9	6	Next sitting	Next sitting	Next sitting
Longford	3-6	3	3	12	6-9	9-12	Next sitting	3-6
Monaghan	4	6-12	4	4	Next sitting	Next sitting	Next sitting	Next sitting
Mullingar	12-18	3-6	3-6	15	12-15	15	Next sitting	3-6
Naas	18	12	24	36	12	24	9	9
Portlaoise	6	6	3-6	18	3	12-18	3	3-6
Roscommon	3-6	3-6	3	9-12	3-6	12	Next sitting	3-6
Sligo	4	3	4	6	6	6	Next sitting	6
Tralee	3	3	3	3-6	3-6	3	3	3
Trim	12-18	6	6	6-24	3	12-18	6	3
Tullamore	1-4	3-9	1-4	8-12	1-4	6-12	Next sitting	Next sitting
Waterford	18-24	6-12	6-12	12-18	Next sitting	9-12	Next sitting	Next sitting
Wexford	12-14	4-6	12-15	26-32	6	27-30	Next sitting	6-10
Wicklow	12	6	12	12	9	9	6	9

District Court

Criminal:

Time from receipt of summons application to scheduled date for hearing

Civil:

Time from receipt of application to date of listing for hearing

Family Law:

Time from receipt of application to scheduled date for hearing

All waiting times shown in weeks					
	CRIMINAL		CIVIL	FAMILY LAW	
	Summonses	Charge Sheets	Applications	Domestic Violence Applications	Maintenance
Athlone	12-14	Next sitting	8	2	4
Ballina	10-12	Next sitting	6-8	Next sitting	Next sitting
Ballinasloe	12-15	Next sitting	8	1	4
Bray	14	Next sitting	8	1-3	3-6
Carlow	12	Next sitting	8-12	4	4-8
Carrick on Shannon	8-12	Next sitting	8-12	Next sitting	Next sitting
Castlebar	12	Next sitting	16	Next sitting	6
Cavan	16	Next sitting	8	Next sitting	8
Clonakilty	12	Next sitting	Next sitting	Next sitting	Next sitting
Clonmel	12	Next sitting	4-8	4-8	8-12
Cork	14	Next sitting	6	10-12	10-12
Derrynea	14-16	Next sitting	4-6	Next sitting	3
Donegal	10-14	Next sitting	8	4	4-6
Drogheda	13	Next sitting	8	Next sitting	4
Dundalk	14	Next sitting	4	1	3
Ennis	12-15	Next sitting	8-12	2	4
Galway	10-12	Next sitting	4	1	3
Kilkenny	20-26	Next sitting	4	2-4	4-8
Killarney	12	Next sitting	6-8	Next sitting	4-6
Letterkenny	16-20	Next sitting	8	4	8
Limerick	12	Next sitting	8-10	3-5	6-8

All waiting times shown in weeks					
	CRIMINAL		CIVIL	FAMILY LAW	
	Summonses	Charge Sheets	Applications	Domestic Violence	Maintenance
Listowel	12	Next sitting	4	4	4
Longford	12	Next sitting	4	1	4
Loughrea	12	Next sitting	8	Next sitting	Next sitting
Mallow	12	Next sitting	3-4	Next sitting	Next sitting
Monaghan	12-15	Next sitting	8-10	Next sitting	Next sitting
Mullingar	15-16	Next sitting	8-12	1	4
Naas	14-18	Next sitting	8	2	8
Nenagh	16-20	Next sitting	12	Next sitting	Next sitting
Portlaoise	14-18	Next sitting	12	Next sitting	4-8
Roscommon	12-15	Next sitting	4	Next sitting	Next sitting
Sligo	12	Next sitting	8	2	4
Tralee	12	Next sitting	8	4	4
Trim	14	Next sitting	8-12	4-8	4
Tullamore	12	Next sitting	4	Next sitting	4
Waterford	16	Next sitting	10	8	8
Wexford	12	Next sitting	40	Next sitting	4
Youghal	14	Next sitting	12	8	8
Dublin Section 49 **	13				
Dublin Other	14	Next sitting	35	7	7

** section 49 refers to drink driving prosecutions

Chapter 5

Corporate Governance



This Chapter describes key elements of corporate governance in the Service including how it complies with the Code of Practice for the Governance of State Bodies (CPGSB) published by the Department of Finance in June 2009. The CPGSB provides a framework for the application of best practice in corporate governance by both commercial and non-commercial bodies.

Governance Framework

Robust governance arrangements are in place throughout the Service at organisational and Board level. They operate via the Courts Service Act, 1998 (as amended), the Governance Framework document (which defines the functions of the Board, the Service, the Chief Executive Officer and Committees of the Board), the Board Standing Orders, the terms of reference and accountability of committees (in particular the Audit Committee), policy statements on major areas of activity and a strong internal control environment.

The governance arrangements in place prior to the publication of the CPGSB were found to require no significant adjustment following a review undertaken in 2009 to assess the level of compliance by the Service with the CPGSB. The review indicated that while the governance arrangements in place complied with the Code the Service should implement the additional requirements identified in the review through the existing governance framework. Measures were put in place to ensure compliance with the additional requirements during 2010.

Courts Service Board

The Board considers and determines policy in relation to the Service, and oversees the implementation of that policy by the Chief Executive Officer. The Board approves the Strategic Plan of the Service and oversees and supports its implementation through the annual planning and budgeting cycle. It receives regular reports on the operation of the Service, the implementation of Board policy and expenditure and other budgetary matters.

The Board also evaluates the performance of the Service and the achievement of the targets set out in the Strategic Plan through regular progress reports. In December, the Board considered the second progress report for 2010 and was satisfied that, notwithstanding the difficult economic climate, significant progress was made during the year on the implementation of the goals in the Plan.

The Board held four scheduled meetings and one special meeting in 2010. There was an overall attendance of 90% at the meetings. Non judicial members of the Board (with the exception of the Chief Executive Officer) receive an annual fee of €11,970 together with travel and subsistence expenses at rates sanctioned by the Department of Finance.

Chief Executive Officer

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

The Chief Executive Officer is supported by the Senior Management Team.

Accountability

The Service is accountable to the Minister for Justice and Law Reform and through the Minister to the Government.

As Accounting Officer the Chief Executive Officer signs the annual Appropriation Account and a Statement of Internal Financial Controls (which is included with the Account). The Statement (see page 93) addresses the internal control environment within the Service with particular regard to financial control, the framework of administration, and management reporting. The Chief Executive Officer also attends Public Accounts Committee and other Oireachtas Committee meetings as required.

The Appropriation Account is the annual published financial accounts of the Service furnished to the Comptroller and Auditor General on or before 31st March each year. The Chief Executive Officer is the 'Accounting Officer' for the purposes of the Appropriation Account and the person the Minister for Finance has assigned in accordance with section 22 of the Exchequer and Audit Department Act, 1866 to prepare the annual account for the vote under his charge. Extracts from the Appropriation Account 2010 are on pages 92 and 93.

Independently audited financial statements dealing with court funds held in trust by the courts, are submitted to the Minister for Finance and the Minister for Justice and Law Reform in accordance with the Rules of the Superior Courts every year.

Financial Controls

The Service operates a range of internal control measures to support the achievement of its strategic policies and objectives while safeguarding the public funds and assets for which it is responsible. The system is designed to ensure that all known risks are managed but cannot ensure the elimination of all risks. It can therefore only provide reasonable and not absolute assurance of effectiveness.

The system of internal financial control and its effectiveness are kept under ongoing review. Financial responsibilities are assigned at management level with corresponding accountability. Responsibility for financial management is assigned and formal procedures exist for reporting significant control failures and ensuring appropriate corrective action. (See *statement on Internal Financial Controls on page 93*).

Risk Management

The risk management framework and policy of the Service is approved by the Board. It provides for a planned and systematic approach to identifying and responding to the wide range of strategic, operational, reputational and financial risks which prevent the achievement of objectives. A Chief Risk Officer was appointed in 2010 and reports directly to the Audit Committee and the Board.

Audit Committee

The Audit Committee (*see page 14*) oversees and advises the Board and the Chief Executive Officer on matters relating to financial and operational risks, internal controls, internal and external audit functions, and value for money issues. The Committee, which includes persons with significant business expertise and experience within the public, semi state and private sectors, met four times during the year.

Internal Audit Function

The Internal Audit Unit operates in accordance with a charter approved by the Board and an internal audit charter approved by the Chief Executive Officer and the Audit Committee. The annual audit plan is informed by an analysis of risks to which the Service is exposed. The internal audit function is reviewed periodically by the Chief Executive Officer and the Audit Committee.

The Unit is assisted by external service providers who are engaged as required to provide expertise in specialised areas including information and communications technology, and risk management. The Unit completed 23 audits during the year. All reports are submitted directly to the Chief Executive Officer and to the Audit Committee. The Audit Committee reports annually to the Board.

Annual Output Statement

The Annual Output Statement sets out the major outputs to be achieved by the Service on foot of the funding provided in the annual Estimates process. It is one of the means by which the Service as a public service organisation demonstrates transparency and accountability. It also allows for enhanced Dáil scrutiny of the estimates process.

Details of the Annual Output Statement 2010 are on *page 40*.

Procurement

The Service has a comprehensive procurement policy to ensure that all procurements are conducted honestly, fairly and in a manner which secures best value for money while complying with national and European Union regulations.



Chapter 6

Annual Financial Statements



Extract from Appropriation Account 2010

Expenditure and Income

	2010 € '000	2009 € '000
Current Expenditure		
Salaries and Wages	51,834	58,181
Travel and Subsistence	2,941	3,954
Staff and judicial training	458	469
Stenography and other fees	4,923	6,041
Legal services	697	1,010
Postal services	1,287	1,359
Telecommunications	1,526	1,426
Office equipment and materials	847	951
Courthouse maintenance	8,565	10,348
Heat, light and fuel costs	2,598	2,161
Furniture and fittings	204	361
Leases	5,213	7,436
Consultancy (Non I.T related)	212	102
Incorporated Council of Law Reporting for Ireland	0	0
Incidental/ miscellaneous costs	3,167	3,213
Value for Money & Policy Review	0	-
PPP – Unitary Payment	21,279	0
Total Current Expenditure	105,751	97,012
Capital Expenditure		
Telecommunications systems	12	45
Computer systems	7,678	8,288
Courthouses and other buildings	17,272	20,427
PPP – VAT Payment	17,882	0
Total Capital Expenditure	42,844	28,760
Total Expenditure	148,595	125,772
Income (Appropriations - in -Aid)		
Fees	46,025	47,429
Miscellaneous	1,328	1,234
Pension Levy	3,094	2,695
Total Income	50,447	51,358
Net Expenditure	98,148	74,414

Note : These figures for 2010 are provisional and subject to audit by the Comptroller and Auditor General (C&AG).

Extract from Appropriation Account 2010

Statement by Accounting Officer on Internal Financial Controls

Responsibility for system of Internal Financial Control

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

The position in regard to the financial control environment, the framework of administrative procedures, management reporting and internal audit is as follows:

Financial Control Environment

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

- financial responsibilities have been assigned at management level with corresponding accountability
- reporting arrangements have been established at all levels where responsibility for financial management has been assigned
- formal procedures have been established for reporting significant control failures and ensuring appropriate corrective action
- there is an audit committee to advise me in discharging my responsibility for the internal financial control system

Administrative Controls and Management Reporting

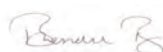
I confirm that a framework of administrative procedures and regular management reporting is in place including segregation of duties and a system of delegation and accountability and, in particular, that

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

Internal Audit

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

Signed:



Brendan Ryan
Accounting Officer
31st March 2011

Court Fees and Fines

Fees

The information in the table across represents:

- (i) amounts received in respect of legal documents lodged and services provided in court offices
- (ii) fees collected by the Service on behalf of the Revenue Commissioners and the Property Registration Authority.

The fees collected on behalf of the Revenue Commissioners include excise duties on certain applications to court. This is mainly in relation to licensing (for example, applications for hotel and pub licences). The Property Registration Authority fees relate to access to documents held locally in court offices.

	2010 (€000's)	2009 (€000's)
Retained by the Service	47,353	49,000
Revenue Commissioners	7,286	7,771
Property Registration Authority	10	48
Total	54,649	56,819

Fines

The Service is responsible for collecting fines imposed by the courts. These are transferred to the Exchequer and government departments and agencies.

	2010 (€000's)	2009 (€000's)
Exchequer (motor fines)	11,372	15,665
Revenue Commissioners	1,863	2,473
Dept. of Communications, Marine and Natural Resources	277	195
Exchequer	9,315	8,507
Total	22,827	26,840

Office of the Account of the Courts of Justice

Extract from the Audited Financial Statements as at 30th September 2010

STATEMENT OF ASSETS AND LIABILITIES AT 30 SEPTEMBER 2010

	30/9/2010	30/9/2009
	€	€
INVESTMENT ASSETS		
Investments	1,122,846,654	1,035,531,238
CURRENT ASSETS		
Debtors	11,594,769	18,047,633
Bank	3,192,979	416,595
TOTAL CURRENT ASSETS	14,787,748	18,464,228
CURRENT LIABILITIES		
Creditors	(646,029)	(486,243)
TOTAL LIABILITIES	(646,029)	(486,243)
NET CURRENT ASSETS	14,141,719	17,977,985
TOTAL NET ASSETS	1,136,988,373	1,053,509,223
Represented by:		
Funds held for beneficiaries	1,136,988,373	1,053,509,223

The financial statements were approved by the Accountant on 13 December 2010.

Office of the Account of the Courts of Justice

Extract from the Audited Financial Statements as at 30th September 2010

STATEMENT OF OPERATIONS FOR THE YEAR ENDED 30 SEPTEMBER 2010

	30/09/2010 €	30/09/09 €
NET REALISED AND UNREALISED GAINS		
Net realised gains on investments disposed of during the year	7,252,749	3,244,912
Net change in unrealised gains on investments	20,081,168	14,117,285
Net losses realised on transfers of assets	(845,381)	(208,919)
NET REALISED AND CHANGE IN UNREALISED GAINS	26,488,536	17,153,278
Investment income	2,468,735	2,139,042
	28,957,271	19,292,320
Expenses	(1,400,045)	(1,376,765)
INCREASE IN NET ASSETS FROM OPERATIONS	27,557,226	17,915,555

The financial statements were approved by the Accountant on 13 December 2010.

Office of the Account of the Courts of Justice

Extract from the Audited Financial Statements as at 30th September 2010

STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED 30 SEPTEMBER 2010

	30/9/2010	30/9/2009
	€	€
INCREASE IN NET ASSETS RESULTING FROM OPERATIONS		
Investment income less expenses	1,068,691	762,277
Net realised gains on investments	7,252,749	3,244,912
Net change in unrealised gains on investments	20,081,168	14,117,285
Net losses realised on transfers of assets	(845,381)	(208,919)
INCREASE IN NET ASSETS FROM OPERATIONS	27,557,227	17,915,555
CAPITAL TRANSACTIONS		
Receipts	230,825,502	194,371,464
Disbursements	(174,903,579)	(191,801,028)
INCREASE IN NET ASSETS FROM CAPITAL TRANSACTIONS	55,921,923	2,570,436
Increase in net assets	83,479,150	20,485,991
Net assets at beginning of year	1,053,509,223	1,033,023,232
NET ASSETS AT END OF YEAR	1,136,988,373	1,053,509,223

The Report and Financial Statements are available from the Office of the Accountant of the Courts of Justice, Phoenix House, 15/24 Phoenix Street North, Dublin 7 and on the website of the Service at www.courts.ie.

Poor Box Receipts through Court Offices 2010

	Opening balance at 01/01/2010	Receipts	Payments	Closing balance at 31/12/2010
High Court	Nil	Nil	Nil	Nil
Circuit Court	11,804	1,950	7,500	**6,267
District Court	687,678	1,689,222	1,692,942	683,958
Total	699,482*	1,691,172	1,700,442	690,225

The opening balance at 01/01/2010 is €94,145.71 less than the closing balance in the Annual Report 2009 due to revised information from local offices during the changeover to CAS.

**The closing balance for the Circuit Court includes €12.41 interest accrued by a local office.

Prompt Payment of Accounts Act, 1997

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

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

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

In accordance with the Prompt Payments of Account Act, 1997, the following information is provided in respect of the financial period ending December 31st 2010:

(a) Payment Practices

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

(b) Late payments

Invoice amount	No. of invoices	Amount of interest paid in €
Under €100	235	3,175.27
Over €100	4	472.86
Total	239	3,648.13

Chapter 7

Reports of the Courts Rules Committees



Superior Courts Rules Committee

The Superior Courts Rules Committee was established by Section 67 of the Courts of Justice Act, 1936 and reconstituted by Section 15 of the Courts of Justice Act, 1953. Under Section 68 of the 1936 Act the power to make, annul or alter rules of court is exercisable by the Committee with the concurrence of the Minister for Justice and Law Reform.

Membership of the Committee at year ending 31 December 2010:

- The Chief Justice, the Hon. Mr. Justice John L. Murray (Chairman)
- The President of the High Court, the Hon. Mr. Justice Nicholas Kearns (Vice Chairman)
- The Hon. Mr. Justice Joseph Finnegan, judge of the Supreme Court
- The Hon. Mr. Justice Donal O'Donnell, judge of the Supreme Court
- The Hon. Miss Justice Elizabeth Dunne, judge of the High Court
- The Hon. Mr. Justice John Edwards, judge of the High Court
- The Master of the High Court, Mr. Edmund W. Honohan S.C.
- Mr. Paul McGarry S.C., nominated by the Bar Council of Ireland
- Ms. Sasha Gayer B.L., nominated by the Bar Council 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. Noel Rubotham, Head of Reform and Development, Courts Service, to whom membership has been delegated by the Chief Executive Officer of the Courts Service under Section 30(2) of the Courts Service Act 1998
- Ms. Mary Cummins, Office of the Chief State Solicitor – appointed to act in place of the Attorney General under Section 36(4) of the Courts and Court Officers Act 2002
- Ms. Geraldine Manners, Registrar of the Supreme Court

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

Drafting Services: Mr. Sean Barton, solicitor, McCann FitzGerald Solicitors

The Chief Justice paid tribute to a number of members standing down from the Committee during the year; the Hon. Mr. Justice Adrian Hardiman on the expiry of his second term on the Committee; the Hon. Mr. Justice William MacKechnie on his elevation to the Supreme Court, Mr. Lyndon MacCann S.C. on the expiry of his five year term and Ms. Maeve Kane, Registrar of the Supreme Court and former Secretary to the Committee on her retirement from the Courts Service.

The Committee met on five occasions during 2010. The following rules of the Superior Courts were signed by the Minister for Justice and Law Reform between 1 January 2010 and 31 December 2010:-

S.I. Number	Title	Signed by Committee	Effective from
54 of 2010	RSC (Criminal Justice (Mutual Assistance) Act 2008), 2009	21 October 2009	16 April 2010
149 of 2010	RSC (Land and Conveyancing Law Reform Act 2009), 2009	3 December 2009	10 May 2010
208 of 2010	RSC (Order 75), 2009	3 December 2009	9 June 2010
209 of 2010	RSC (Trial), 2009	3 December 2009	10 June 2010
361 of 2010	RSC (Arbitration), 2010	17 June 2010	17 August 2010
420 of 2010	RSC (Review of the Award of Public Contracts), 2010	17 June 2010	8 September 2010
502 of 2010	RSC (Mediation and Conciliation), 2010	15 July 2010	16 November 2010
503 of 2010	RSC (Derivative Actions), 2010	17 June 2010	16 November 2010

At year end the following Rules signed by the Committee have not as of the date of this report been the subject of concurrence :-

Title

- o RSC (Costs of Judgment in Default of Appearance), 2008
- o RSC (Lodgment of Documents), 2009
- o RSC (Civil Partnership and Cohabitation), 2010
- o RSC (Examiner), 2010

Liz Hughes

Secretary

Circuit Court Rules Committee

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

Membership of the Committee at year ending 31st December, 2010:

- The Hon. Mr. Justice Matthew Deery President of the Circuit Court (Chairman)
- Her Honour Judge Alison Lindsay, judge of the Circuit Court
- His Honour Judge Tony Hunt, judge of the Circuit Court
- Mr. Shane Murphy S.C., nominated by the Bar Council of Ireland
- Mr. Fergal Foley B.L., nominated by the Bar Council 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. Ronan Boylan, Office of the Chief State Solicitor – appointed to act in place of the Attorney General under Section 36(4) of the Courts and Court Officers Act 2002
- Mr. Noel Rubotham, Head of Reform and Development, Courts Service, to whom membership has been delegated by the Chief Executive Officer of the Courts Service under Section 30(2) of the Courts Service Act 1998
- Ms. Susan Ryan, County Registrar, Dublin
- Ms. Patricia Casey, County Registrar, Carlow, nominated by the Chief Executive Officer of the Courts Service under Section 69(4)(d) of the Courts of Justice Act, 1936 as amended.

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

Drafting Services: Mr. Sean Barton, solicitor, McCann FitzGerald Solicitors

The Committee met on two occasions in 2010. The following Rules of the Circuit Court were signed by the Minister for Justice and Law Reform between 1 January 2010 and 31 December 2010:

S.I. Number	Title	Signed by Committee	Effective from
82 of 2010	Circuit Court Rules (Criminal Justice (Mutual Assistance) Act 2008), 2009	10 November 2009	23 March 2010
155 of 2010	Circuit Court Rules (Land and Conveyancing Law Reform Act 2009) 2009	8 December 2009	13 May 2010
444 of 2010	Circuit Court Rules (Costs) 2010	8 June 2010	10 October 2010
445 of 2010	Circuit Court Rules (Miscellaneous) 2010	8 June 2010	12 September 2010
446 of 2010	Circuit Court Rules (Pensions Ombudsman) 2010	8 June 2010	10 October 2010

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

- o Circuit Court Rules (Discovery), 2010
- o Circuit Court Rules (Hague Convention), 2010

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

- o Circuit Court Rules (Civil Partnership and Cohabitation)

Liz Hughes

Secretary

District Court Rules Committee

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

Membership of the Committee at year ending 31st December, 2010:

- The President of the District Court, Her Honour Judge Miriam Malone (Chairperson)
- Judge Mary Devins, judge of the District Court
- Judge Thomas E. O'Donnell, judge of the District Court
- Judge Brian Sheridan, judge of the District Court
- Judge David Riordan, judge of the District Court
- Ms. Fiona Twomey, solicitor, nominated by the Law Society of Ireland
- Ms. Shalom Binchy, solicitor, nominated by the Law Society of Ireland
- Mr. Joe Jeffers, B.L., nominated by the Bar Council of Ireland
- Mr. Roy Pearson, Chief State Solicitor's Office, appointed to act in place of the Attorney General under section 36(4) of the Courts and Court Officers Act, 2002
- Mr. Noel A. Doherty, Directorate of Reform and Development, Courts Service, to whom membership has been delegated by the Chief Executive Officer under Section 30(2) of the Courts Service Act, 1998
- Ms. Michelle Johnston, Deputy Chief Clerk, Dublin Metropolitan District Court

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

Drafting services: Mr. Sean Barton, solicitor, McCann FitzGerald Solicitors

The Committee met on five occasions during 2010. The following Rules of the District Court were signed by the Minister for Justice and Law Reform between the 1st January 2010 and the 31st December 2010:

S.I. Number	Title	Signed by Committee	Effective from
33 of 2010	District Court (Criminal Justice (Amendment) Act 2009) Rules 2009	16 November 2009	1 March 2010
94 of 2010	District Court (Criminal Justice (Mutual Assistance) Act 2008) Rules 2009	11 May 2009	5 April 2010
129 of 2010	District Court (Enforcement of Court Orders) Rules 2009	14 December 2009	8 April 2010
162 of 2010	District Court (Land and Conveyancing Law Reform Act 2009) Rules 2009	14 December 2009	17 May 2010
260 of 2010	District Court (Criminal Justice (Miscellaneous Provisions) Act 2009) Rules 2009	14 December 2009	1 July 2010
314 of 2010	District Court (Criminal Justice (Surveillance) Act 2009) Rules 2010	25 January 2010	22 July 2010
325 of 2010	District Court (Enforcement of Maintenance) Rules 2009	14 December 2009	8 July 2010
360 of 2010	District Court (Criminal Justice (Surveillance) Act 2009)(No. 2) Rules 2010	12 July 2010	22 July 2010
421 of 2010	District Court (Intellectual Property) Rules 2010	19 April 2010	29 September 2010
557 of 2010	District Court (Summonses) Rules 2010	18 October 2010	23 December 2010

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

- o District Court (Criminal Justice (Money Laundering and Terrorist Financing) Act 2010) Rules, 2010
- o District Court (Hague Convention 1996) Rules, 2010
- o District Court (Intoxicating Liquor) Rules, 2010
- o District Court (Criminal Justice (Psychoactive Substances) Act 2010) Rules, 2010

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

- o District Court (Criminal Procedure Act 2010) Rules, 2010
- o District Court (Fines) Rules, 2010
- o District Court (Civil Partnership and Cohabitation) Rules, 2010

Liz Hughes
Secretary

Chapter 8

Glossary of Terms



Affidavit - a written statement made on oath

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

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

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 Service Executive 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 certified by counsel as being ready for hearing

Civil Bill - a document used to start a case in the Circuit Court, it gives details of the parties to the case and details of the claim being made

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 name

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

Defendant - a person against whom an action is brought; a person charged with a criminal offence

Deponent - the person who swears an affidavit

Emergency care order - an order placing a child under the care of the Health Service Executive for a maximum period of eight days if the court considers that there is a serious risk to the health or welfare of a child

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

Ex officio - by virtue of his/her office

Ex parte - without informing the other side of an intention to apply to court

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

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

Indictable offence - an offence which, if committed by an adult, is triable on indictment

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

Interim barring order - an immediate order requiring a violent person to leave the family home, pending the hearing of an application for a barring order

Interim care order - an order, granted when an application for a care order has been or is about to be made, requiring that the child named in the order be placed in the care of the Health Service Executive

Intestate - dying without making a valid will

Judicial review - a legal remedy available in situations where a body or tribunal has acted in excess of legal authority or contrary to its duty

Judicial separation - a decree granted by the court relieving spouses to a marriage of the obligation to cohabit

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

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

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

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

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

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

Original actions - actions 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 begin certain civil proceedings (e.g. claims for non-specific damages, libel, nuisance) in the High Court where pleadings and oral evidence are required

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

Protection order - an interim order, granted when an application for a safety/barring order has been made, prohibiting a person from committing further acts of violence or threatening violence

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

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

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

Special exemption order - an order allowing a licensee to sell alcohol outside the normal licensing hours subject to certain conditions

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

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

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

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

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



Chapter 9

Additional Information



Contacting offices of the Service

Contact details for the main offices of the Service are on the website www.courts.ie .

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

Eircom telephone directories

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

Other information

Information about court hearings is displayed on electronic boards in the Four Courts and Criminal Courts of Justice in Dublin and in the courthouses in Washington Street, Cork and Ennis.

The *Legal Diary* with details of cases listed in the Supreme Court, the Court of Criminal Appeal, the High Court (including the Central Criminal Court) and the Circuit Court is on the website.

Annual reports of the Service together with strategic plans, customer service action plan, customer charter and other publications are on the website

Website

The website can be accessed at www.courts.ie .

Solicitors

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

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

Auditors

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

Deloitte & Touche
Chartered Accountants
Deloitte & Touche House
Earlsfort Terrace
Dublin 2

(*Financial Statements of the Office of the Accountant of the Courts of Justice*).