

Protocol on the use of Courts Service property for non-court purposes

1. Introduction

The Courts Service operates in a wide range of buildings across the country, many of which are owned by the Courts Service, but others are still in the ownership of local authorities or are leased. In some cases there is shared occupancy of the buildings, for example with local authorities. Some buildings are used daily whereas others may only be used one day a month.

Many court buildings are of architectural or historical note and requests may be made for their use for non-court purposes, such as for historical tours, or for filming. There can also be demands from bodies to use the facilities in the buildings for a wide variety of purposes, such as to stage theatrical productions or to perform book launches.

The primary function of Courts Service buildings is for court related purposes. Court buildings are public buildings and they are often buildings of significance in the local area. It is reasonable for people to expect that they will be made available for use by public bodies and by the local community for appropriate purposes.

Allowing non-court use of the buildings is in the interests of maintaining good relations with the community. It also helps in informing people about the workings of the courts and allows people to become familiar with court facilities.

In this context, the purpose of this protocol is to give guidance to those making decisions on requests for non-court use of buildings. The protocol does not apply where the Courts Service has invited, or agreed to invite, a body to use court facilities for purposes considered appropriate by the Service.

2. General principles

There are general principles which must be taken into account in deciding whether to allow a court building to be used for a non-court purpose. These are as follows.

1. Allowing the use of the court building should not interfere with the operation of the courts or the administration of court business.
2. The use made of the buildings should not in any way undermine or have a negative effect on, or on the public perception of, the impartiality or dignity of the courts
3. The use of the building should not result in additional expense for the Courts Service or for the State.

There will be a formal application process for the use of buildings for non-court process and decisions on such applications will be made by the Regional Manager or in Dublin by the Head of the Estates and Buildings Unit.

Where the Courts Service is not the owner of the property, it may also on occasion be necessary to inform the owner of the property of, or seek permission for, the proposed use. Where a court building is jointly occupied, the other occupier should be informed of the proposed use.

3. Appropriate and inappropriate uses

It is not intended to provide an exhaustive list of uses which are deemed appropriate or inappropriate. Individual applications will have to be considered on their merits, based on the general principles set out in section 2 above. Examples of appropriate and inappropriate uses are set out below

Appropriate uses

Hearings of state adjudicative bodies, such as Coroners Courts, the Labour Court, or the Employment Appeals Tribunal,

Historical or architectural tours,

Legal or academic debates,

Filming of premises when courts are not sitting, without court users or members of the public present, for news and documentary purposes,

Certain public performances, such as dramas or musical presentations.

Inappropriate uses

Party political events of any sort,

Public events which could give rise to controversy, such as public demonstrations or protest meetings,

Religious services,

Filming when courts are sitting or when court users or members of the public are present,

Public performances or the filming of performances which could undermine the public perception of the impartiality or the dignity of the courts.

4. Use by other State bodies

The Courts Service will facilitate the use of its facilities by other State bodies, in particular by State adjudicative bodies, such as Coroners Courts, the Labour Court, or the Employment Appeals Tribunal. This will be subject to such use not interfering with Court business. There will be no charge imposed for such use, though any additional costs to the Courts Service arising from such use (such as additional cleaning, extra attendance of staff out of normal working hours) should be borne by the body concerned.

5. Procedures for applications

A standard form, set out in appendix 1 is to be used for all applications to use Court Service property for non-court purposes. Persons wishing to use Court Service property will complete the form and provide details of the proposed use. They are also required to agree to pay the costs associated with the use and to certify that they fulfil conditions, including those as regards insurance and safety.

6. Grant of permission

The permission, if granted, will be in the form of a revocable licence, the template for which is appendix 2.

7. Record of application

Each Regional Office and the Estates and Buildings Unit will keep a record of all applications received.

In Dublin, permissions granted for the use of the Four Courts or of the Criminal Courts of Justice will be notified in advance to the Chief Executive Officer and the Chief Justice.

8. Costs and payment

In the case of non-commercial public bodies there will no charge for the use of the facilities, but any additional costs incurred by the Courts Service in providing the facilities (such as additional cleaning, extra attendance of staff out of normal working hours) would be recoupable.

The same will apply in the case of community or voluntary bodies.

In the case of commercial bodies, a fixed fee per day or part thereof will apply, plus any additional costs incurred by the Courts Service. The daily rate to apply will be €1,000 per day for the use of the Four Courts or the CCJ and €500 per day for the use of other court buildings.

Where filming is undertaken for news/ background/ stock footage purposes by news broadcasters, the fee can be waived.

The Regional Manager or, in Dublin, the Head of the Estates and Buildings Unit may, depending on the circumstances of the applicant, reduce the fee or, in exceptional circumstances, waive it.

Infrastructure Services Directorate

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